



## NOTICE OF AN ORDINARY COUNCIL MEETING

Dear Council Member,

The next Ordinary Meeting of the Dandaragan Shire Council will be held on **Thursday 18 December 2014** at the **Council Chambers Jurien Bay** commencing at **5.00pm**.

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

*The format for the day is as follows:*

- |               |  |
|---------------|--|
| <b>1.30pm</b> | <b>Agenda Briefing Session</b>   |
| <b>2.30pm</b> | <b>Councillor Discussion Session</b>   |
| <b>3.00pm</b> | <b>Young Citizen and Citizen of the Year evaluation of applications</b>  |
| <b>4.00pm</b> | <b>Council Forum</b> <ul style="list-style-type: none"><li>▪ <b>Funding Application – Sandy Cape</b></li></ul> |
| <b>5.00pm</b> | <b>Ordinary Meeting of Council</b>   |
| <b>6.00pm</b> | <b>Public Forum</b>  |
| <b>6.30pm</b> | <b>Councillor Christmas Dinner</b>   |

A handwritten signature in blue ink, appearing to read "Tony Nottle".

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

9 December 2014



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

**AGENDA AND BUSINESS PAPERS**

for the

**ORDINARY COUNCIL MEETING**

to be held

**AT THE COUNCIL CHAMBERS, JURIE BAY**

on

**THURSDAY 18 DECEMBER 2014**

**COMMENCING AT 5.00PM**

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

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**1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS****1.1 DECLARATION OF OPENING****1.2 DISCLAIMER READING**

*“No responsibility whatsoever is implied or accepted by the Shire of Dandaragan for any act, omission or statement or intimation occurring during this meeting.*

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

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

Councillor W Gibson	(President)
Councillor K McGlew	(Deputy President)
Councillor L Short	
Councillor J Kulisa	
Councillor D Kent	
Councillor T Bailey	
Councillor M Sheppard	
Councillor L Holmes	
Councillor D Slyns	

**Staff**

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

**Apologies****Approved Leave of Absence****3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****Paul Robb – Cervantes Resident**

Does the Shire have a position or policy regarding fracking within the Shire?

*The Chief Executive Officer advised that there was no Shire Policy regarding fracking at this time.*

What measures has the Shire undertaken to assess the growing concerns regarding the impacts of proposed fracking within the Shire?

*The Shire will continue to monitor the situation in conjunction with the relevant State Departments and interest groups.*

Will the Shire undertake to adopt and accept a policy of not supporting fracking within the Shire until a guarantee is given that there be no impact to the groundwater in our Shire? This is to support our neighbouring Shires of Coorow and Carnamah who have adopted similar policies.

*At this point in time Council has not resolved to formulate a position or policy regarding fracking within the Shire.*

### **Tony Lambert – Cervantes Resident**

Council may be aware that owing to government and industry avoidance of public consultation township communities are compelled to undertake this essential process themselves via self-conducted surveys. Accordingly we ask for and on the record that if these local surveys unambiguously confirm unified opposition to fracking; will Council honour its constitutionally mandated obligation to represent the express direction from the community majority to oppose this industry with every means at its disposal.

*Council will continue to monitor the situation. While Council is aware that the issue of fracking is topical and a concern to some residents in the Shire, there is no evidence that supports that this is the view of the community majority of residents and ratepayers within the Shire.*

Is Council aware of the 7 – 9% failure rate of drilling wells occurring during the first year of operation? All drilling wells without exception inevitably fail in the fullness of time. The industry deliberately obscures the perpetual flaw by disingenuously espousing the initial strength of reinforced steel and concrete linings, but championing new well-integrity is a calculated distraction since gas will unfailingly migrate upward through the massively extended fissures regardless. In addition the global upsurge of fracking-induced seismic-triggering presents the unacceptable risk of snapping drill wells like straws. If drill wells are put into place a meckering scale event disrupting the tight geology of Dandaragan would irretrievably and permanently pollute all water reserves.

*Council is not aware of the 7 – 9% failure rate outlined in the question or the source of the said failure rate. The remainder of the above is a statement/opinion.*

Has Council taken into consideration the monstrous downstream effect of massive rumbling trucks conveying noxious gas payloads 24 hours per day, 7 days a week without relief year in year out? This is greatly exacerbated by the appalling noise and dreadful smells from power and processing plants (this aspect alone has wiped out tourism industries all around the globe – usually the first casualty since no one wants to visit the wastelands of toxic gasfields) – or investigated the known lethal effects of evaporation ponds poisoning the air and



land over vast distances.

*No. Council is aware that transport requirements of a relatively isolated region require freight movements. Council is aware that evaporation ponds are used for a variety of treatments.*

Is Council aware of the great many non-polluting free energy and propulsion technologies unlawfully suppressed by criminal influences of the fossil fuel industry?

*No. Council is aware of alternate energy supply options.*

### **Ron Snook – Jurien Bay Resident**

What is Council's position, as to the prospect of conventional and unconventional gas extraction within the Shire's boundaries, and does the Council intend to canvas the electors in regard to this matter?

*At this point in time Council has not resolved to formulate a position or policy regarding fracking within the Shire. The Shire will continue to monitor the situation in conjunction with the relevant State Departments and interest groups.*

### **Carol Pietersen – Jurien Bay Resident**

What strategy has the Shire evolved to deal with the possibility of our groundwater becoming polluted and unusable by the gas fracking process as gas occurred in other places?

*The Shire of Dandaragan has no jurisdiction in relation to the legislative controls or approvals process with an exploration license, the fracking process or potential impacts of this process regarding groundwater controls.*

*The Department of Water is responsible for the management of safe guarding public drinking water sources, while the Department of Health provides assessments of water quality in water supplies to safeguard human health. The Environmental Protection Authority is responsible for the environmental impact assessments for any proposals likely to have significant environmental impacts.*

What research was undertaken by the Shire to ensure the toxic mining waste currently being deposited in the Jurien Bay Landfill area does not, at any time now or in the future, leach out into our groundwater supply?

*The Chief Executive Officer confirmed that no such waste is being disposed of in the Jurien Bay Landfill area. However, the Jurien Bay Landfill site is licensed to accept category II or III waste, so it could effectively legally accept waste in this category already. This would be however, something that would be presented to Council prior to any approval being given.*

**Tony Lambert – Cervantes Resident**

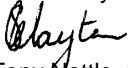

Tony will be doing a video to post on social media and asked if in future he could record such meetings for this purpose?

*The Chief Executive Officer advised that our Standing Order Local Law (8.5.1) did not allow us to record or video any Ordinary Meetings of Council without written permission of the Council.*

**4 PUBLIC QUESTION TIME****5 APPLICATIONS FOR LEAVE OF ABSENCE****6 CONFIRMATION OF MINUTES****6.1 MINUTES OF THE ORDINARY MEETING HELD 27 NOVEMBER 2014****7 NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION, AND COUNCIL APPOINTED DELEGATES REPORTS****8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS****9 REPORTS OF COMMITTEES AND OFFICERS**

## 9.1 FINANCE

### 9.1.1 ACCOUNTS FOR PAYMENT – NOVEMBER 2014

Location: Shire of Dandaragan  
 Applicant: N/A  
 Folder Path: Business Classification Scheme / Financial Management / Creditors / Expenditure  
 Disclosure of Interest: None  
 Date: 03 December 2014  
 Author: Scott Clayton, Executive Manager Corporate & Community Services  
 Signature of Author:   
 Senior Officer: Tony Nottle, Chief Executive Officer  
 Signature of Senior Officer: 

#### PROPOSAL

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

#### BACKGROUND

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

#### COMMENT

The cheque, electronic funds transfer (EFT) and direct debit payments for November 2014 totalled \$ 1,681,876.40 for the Municipal Fund.

#### CONSULTATION

- Chief Executive Officer

#### STATUTORY ENVIRONMENT

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

#### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

#### FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

#### STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

#### ATTACHMENTS

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

- Cheque, EFT and direct debit listings for November 2014 (Doc Id: 43613)

**(Marked 9.1.1)**



#### VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION**

**That the Municipal Fund cheque and EFT listing for the period ending 30 November 2014 totalling \$1,681,876.40 for the Municipal Fund be accepted.**

## 9.1.2 FINANCIAL STATEMENTS – MONTHLY REPORTING FOR THE PERIOD ENDING 30 NOVEMBER 2014

Location: Shire of Dandaragan  
 Applicant: N/A  
 Folder: Business Classification Scheme / Financial Management / Financial Reporting / Periodic Reports  
 Disclosure of Interest: None  
 Date: 9 December 2014  
 Author: Scott Clayton, Executive Manager Corporate and Community Services  
 Signature of Author:   
 Senior Officer: Tony Nottle, Chief Executive Officer  
 Signature of Senior Officer: 

### PROPOSAL

To table and adopt the monthly financial statements for the period ending 30 November 2014.

### BACKGROUND

As part of the Local Government Act 1995 and Financial Management Regulations (1996), monthly financial statements are required to be presented to Council. Circulated are the monthly financial statements for the period ending 30 November 2014.

### COMMENT

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

#### 1. Net Current Assets

Council's Net Current Assets [ie surplus / (deficit)] position as at the 30 November 2014 was \$5,010,806. The composition of this equates to Current Assets minus Current Liabilities less Cash Assets that have restrictions on their use placed on them, in this case Reserves, Restricted Assets and Trust. The current position indicates that Council can easily meet its short-term liquidity or solvency.

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

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

#### 2. Material Variances

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

*Governance*

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

*Other Economic Services*

Income is at 121% of Y-T-D budget and is due to more than expected income from staff housing rent and the diesel fuel rebate.

Expenditure is at 225% of Y-T-D budget and is due on cost allocations for overheads, plant operation costs and plant depreciation costs.

Should Councillors wish to raise any issues relating to the 30 November 2014 financial statements, please do not hesitate to contact the Executive Manager Corporate and Community Services prior to the Council Meeting in order that research can be undertaken and details provided either at the time of the query or at the meeting.

CONSULTATION

- Chief Executive Officer

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Financial statements for the period ending 30 November 2014 (Doc Id: 43459)

**(Marked 9.1.2)**

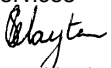

VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION**

**That the monthly financial statements for the period ending 30 November 2014 be adopted.**

### 9.1.3 AUDIT COMMITTEE MINUTES

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Audit / Internal
Disclosure of Interest:	Nil
Date:	12 December 2014
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Author:	

#### PROPOSAL

To receive the Audit Committee Meeting Minutes (unconfirmed) held on 11 December 2014.

#### BACKGROUND

The Local Government Act (1995) requires Council to establish an Audit Committee to assist Council to fulfil corporate governance, stewardship, leadership and control responsibilities in relation to the Shire's financial reporting and audit responsibilities.

Due to the small number of audit committee meetings held during the year there is a significant delay between the audit meetings and the subsequent confirmation of the minutes of that meeting at the following audit committee meeting and hence, a further delay in presentation to Council of the minutes for adoption.

Therefore, it is considered more appropriate to present the unconfirmed minutes to Council for receipt. Should any issue arise at the adoption of these minutes at the following audit committee meeting varying the accuracy of the unconfirmed minutes, these changes will be presented to Council at the following Council meeting.

#### COMMENT

The purpose of the Audit Committee Meeting held 11 December 2014 was to consider the annual financial statements inclusive of the audit report for the year ended 30 June 2014 and the review of systems and procedure.

#### STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

#### ATTACHMENTS

Circulated with the agenda are the following item(s) relevant to this report:

- Minutes of the Audit Committee Meeting (unconfirmed) held on 11 December 2014 (Doc Id: 43621)
- Management Report for year ended 30 June 2014 (Doc Id: 43262).
- Annual Financial Statements (inclusive of Audit Report) for the

- year ended 30 June 2014 (Doc Id: 43263)
  - Report – Review of Certain Systems and Procedures (Doc Id: 43297).
  - Tables and matrix used to review certain systems and procedures (Doc Id: 43302)
- (Marked 9.1.3)**

**VOTING REQUIREMENT**

Simple majority


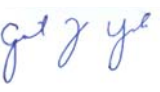
**OFFICER RECOMMENDATION**

**That the minutes of the Audit Committee Meeting held on 11 December 2014 be received.**



## 9.2 INFRASTRUCTURE

### 9.2.1 ROADWISE COMMITTEE NOVEMBER 2014 MINUTES

Location:	N/A
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Community Relations / Meetings / RoadWise Committee
Disclosure of Interest:	Nil
Date:	2 December 2014
Author:	James Morrison, Engineering Technical Officer
Signature of Author:	
Senior Officer:	Garrick Yandle, Executive Manager Infrastructure
Signature of Senior Officer:	

#### PROPOSAL

To receive the minutes of the Shire of Dandaragan RoadWise Committee meeting held 24 November 2014.

#### BACKGROUND

RoadWise Committees are formed through partnerships to address road safety issues at a community level throughout the State. Committees provide a forum where local issues are discussed and the group can develop and deliver community based road safety campaigns. These committees enhance the local coordination of road safety activities. They encourage the idea of shared responsibility on roads and the intervention from all spheres within society including each and every individual.

The establishment of a Council endorsed RoadWise Committee was approved at the October 2014 Council Meeting, to support the implementation of Towards Zero Road Safety Strategy and to define the role of that Committee.

#### COMMENT

For council to endorse the Shire of Dandaragan RoadWise Committee, election of office bearers and the Terms of Reference (TOR) were required to be established. The following are the outcomes of the meeting:

##### *Election of office bearers:*

*Kaye McGlew, being the Elected Member, was nominated as Chairperson*

*CARRIED 4 / 0*

*Marissa Yeo, from WA Country Health Service, was nominated as Secretary.*

*CARRIED 4 / 0*

##### *Terms of Reference (TOR) review:*

*The draft TOR were reviewed and agreed on by the committee.*

CONSULTATION

Not applicable

STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item

POLICY IMPLICATIONS

There are no policy implications relevant to this item

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Shire of Dandaragan RoadWise Committee Meeting minutes (Doc Id: 42783)
- Shire of Dandaragan RoadWise Committee Terms of Reference (Doc Id: 42787)

***(Marked 9.2.1)***

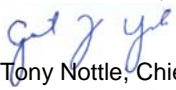

VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION**

**That Council receive the minutes of the Shire of Dandaragan RoadWise Committee meeting held 24 November 2014.**

**9.2.2 LIGHT VEHICLE CHANGEOVER BUDGET AMENDMENT**

Location: Jurien Bay  
 Applicant: Executive Manager Infrastructure  
 Folder Path: Business Classification scheme / Plant and Equipment Stores / Acquisition / Purchasing  
 Disclosure of Interest: Nil  
 Date: 11 December 2014  
 Author: Garrick Yandle, Executive Manager Infrastructure  
 Signature of Author:   
 Senior Officer: Tony Nottle, Chief Executive Officer  
 Signature of Senior Officer: 

**PROPOSAL**

For Council to consider a budget amendment with regard to the changeover of the CEO and DCEO vehicles. The changeover of both vehicles has been budgeted for in the 2014/15 budget, however upon receipt of quotes in November 2014 the Executive Manager Infrastructure proposes an alternative changeover scenario to that outlined in the budget.

**BACKGROUND**

The 2014/15 Council Budget identified both the CEO and the DCEO's vehicles for changeover. The Council also allocated \$15,000 for the lease of a vehicle for the Club Development Officer in the 2014/15 Budget. The changeover budget was based upon indicative quotes from Lewis Motors Moora, as part of the budget development process in May 2014 as follows:

Driver	CEO	DCEO
Registration Number	DN000	DN001
Plant Number	PLV221	PLV223
Vehicle Type	2011 Toyota Prado Wagon	2011 Holden Caprice Sedan
Estimated Purchase Price	\$61,0000	\$50,000
Estimated Trade	\$38,000	\$20,000
Estimate Changeover	\$23,000	\$30,000
Total Changeover	\$53,000	

During the changeover process in November 2014 the following quotes were received:

Driver	CEO	DCEO
Registration Number	DN000	DN001
Plant Number	PLV221	PLV223
Vehicle Type	2014 Toyota Prado Wagon	2014 Holden Caprice Sedan
Purchase Price	\$63,719.08	\$50,125.90
Trade	\$35,000.00	\$13,000.00
Changeover	\$28,719.08	\$37,125.90
Total Changeover	\$65,844.98	
Changeover Difference to Budget	\$12,844.98	

### COMMENT

Due to the difference between the November 2014 quoted changeover value and the May 2014 budget estimate changeover figure of \$12,844.98, the Executive Manager Infrastructure is seeking endorsement for an alternative outcome with regard to the changeover of these two vehicles. The key difference with the changeover prices is a less than expected trade for the 2011 Holden Caprice, which the Shire deems to be a reasonable vehicle and not worth trading for \$13,000.

The alternative has been discussed with the Executive Management Team and is proposed as follows:

- The Shire purchases a new vehicle outright for the CEO (2014 Toyota Prado GXL Wagon) for \$63,719.08.
- The CEO's existing vehicle (2011 Toyota Prado GXL Wagon) is passed on to the DCEO.
- The DCEO's existing vehicle (2011 Holden Caprice Sedan) be retained as a pool vehicle, for use primarily by the Club Development Officer, plus Councillors requirements and also staff training needs.
- The Shire would require an additional \$10,719 from Plant Reserve over and above the current budget.
- In 2015/16 the Shire would then trade the 2011 Prado and consider alternative options for a new DCEO vehicle.

Driver	CEO	DCEO
Registration Number	DN000	DN001
Plant Number	PLV221	PLV223
Vehicle Type	2014 Toyota Prado Wagon	2011 Toyota Prado Wagon
Purchase Price	\$63,719.08	-
Trade	-	-
Changeover	-	-
Total Changeover	\$63,719.00	
Changeover Difference to Budget	\$10,719.00	

### CONSULTATION

- Executive Management Team

### STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

### POLICY IMPLICATIONS

Shire of Dandaragan Purchasing Policy and Tender Guide 1.15.

### FINANCIAL IMPLICATIONS

The Shire would require an additional \$10,719 from Plant Reserve over and above the current budget for the outright purchase of a 2014 Toyota Prado GXL Wagon for the CEO.

Details as follows:

**AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 18 DECEMBER 2014**

Driver	CEO
Registration Number	DN000
Plant Number	PLV221
Vehicle Type	2014 Toyota Prado Wagon
Purchase Price	\$63,719.08
Trade	-
Changeover	-
Total Changeover	\$63,719.00
Changeover Difference to Budget	\$10,719.00

**STRATEGIC IMPLICATIONS**

There are no strategic implications relevant to this item.

**ATTACHMENTS**

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

- 20141126 Lewis Motors Prado and Caprice Quotes (Doc Id: 43620)

***(Marked 9.2.2)***

**VOTING REQUIREMENT**

Absolute majority

**OFFICER RECOMMENDATION**

**That Council authorise:**

- 1. a budget amendment to transfer \$10,719.00 from Plant Reserve to the Municipal Fund for the outright purchase of a 2014 Toyota Prado GXL Wagon for the CEO;**
- 2. the retention of the 2011 Toyota Prado Wagon and this transferred from the CEO to the DECO; and**
- 3. the retention of the 2011 Holden Caprice Sedan, currently used by the DCEO, for use as a pool car for Councillor and staff use.**

### 9.3 ADMINISTRATION

#### 9.3.1 APPOINTMENT OF FIRE CONTROL OFFICERS – MR DOUG WASLEY AND MR ADAM PEACOCK

Location:	Shire of Dandaragan
Applicant:	Fire Control Officers
Folder Path:	Business Classification Scheme / Emergency Services / Meetings / Bushfire Council
Disclosure of Interest:	None
Date:	1 December 2014
Author:	Matthew Dadd, Community Emergency Services Coordinator
Signature of Author:	
Senior Officer:	Tony Nottle, Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

That Council consider appointing Mr Doug Wasley and Mr Adam Peacock to the position of Fire Control Officers under the *Bush Fires Act 1954 Section 38.(1)* following the General Meeting for Fire Control Officers held 11 November 2014.

#### BACKGROUND

At the recent General Meeting of Fire Control Officers held 11 November 2014, Mr Doug Wasley and Mr Adam Peacock were nominated and elected to the position of Fire Control Officers.

#### COMMENT

The Community Emergency Services Coordinator supports the decision to appoint Mr Doug Wasley and Mr Adam Peacock to the position of Fire Control Officers. This will continue to provide coverage of Fire Control Officers across the Shire of Dandaragan.

#### CONSULTATION

- Fire Control Officers
- Community Emergency Services Coordinator

#### STATUTORY ENVIRONMENT

*Bush Fires Act 1954 Section 38.(1)*

#### **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.

#### POLICY IMPLICATIONS

As per Shire of Dandaragan Policy 3.1: Bush Fire Control Officer

Appointments

FINANCIAL IMPLICATIONS

Council will be responsible for the costs associated with advertising.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Minutes from the General Meeting of Fire Control Officers held 11 November 2014 (Doc Id:42916)

***(Marked 9.3.1)***


VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION**

**That Council appoint Mr Doug Wasley and Mr Adam Peacock to the position of Fire Control Officer.**

### 9.3.2 LOCAL GOVERNMENT REGIONAL ALLIANCE

Location: N/A  
 Applicant: N/A  
 Folder Path: Business Classification Scheme / Governance / Government Relation / Local and Region Liaison  
 Disclosure of Interest: Nil  
 Date: 12 August 2014  
 Author: Tony Nottle, Chief Executive Officer  
 Signature of Author: 

#### PROPOSAL

For Council to consider the establishment of a Regional Alliance with the Shires of Gingin and Chittering for the purposes of working together to target potential funding and to lobby for the provision of services for the Region.

#### BACKGROUND

On the 6 November 2014 the Chief Executive Officer and the President met with representatives from the Shires of Gingin, Chittering and the Wheatbelt Development Commission (WDC) to discuss the possibility of forming a partnership whereby all three Local Governments can work together and target potential funding to undertake growth planning in a social and economic form.

Council also discussed this further at its forum held on the 27 November 2014.

#### COMMENT

Recent planning by the Wheatbelt Development Commission (Draft Wheatbelt Blueprint, Central Coast and Central Midlands Sub-regional Economic Plans, Aged Care Planning, Growth Planning) has identified common issues across the Shires of Chittering, Dandaragan and Gingin. These issues include, but are not limited to:

1. Significant economic and population growth and growth in private investment as Perth's Northern corridor expands:
2. Lack of services and infrastructure to accommodate this growth in areas such as:
  - Health;
  - Education;
  - Aged Care;
  - Waste Management;
  - Employment;
  - Land assembly, including power, water and telecommunications; and
  - Transport.

In the current tight fiscal environment at a local, state and federal level, new ways of working are required to deliver on the promise of these high growth areas and minimise 'growth pain'.

At the round table meeting, it was the agreed position of the group that a united approach to address issues would lead to better



outcomes. To this end, the group recommended that an Alliance between the three local governments be formed. CEOs would meet monthly, with Presidents joining the group quarterly or at point of need.

The purpose of this group would be to advocate for improved planning and investment that addresses high growth and agree in principle to priority issues across the three Shires. Another purpose of the group would be to work closely with the WDC and attract funding opportunities through the Blueprint document to develop a series of Industry Prospectus documents such as Intensive Agriculture and Transport. Such prospectus documents would form the platform to attract funding to develop and deliver the outcomes required for our growing local government areas.

It would be fair to make the assumption that almost 100% of the growth in the northern corridor outside of the metropolitan area will be within the Shires of Chittering, Dandaragan and Gingin.

Council discussed this at its forum held on the 27 November 2014 where some issues surrounding Local Government reform and prioritisation of projects were discussed. Considering the current political environment, a regional approach would be advantageous. The recent launch of the Regional Investment Blueprint (WDC) and the announcement of the "Growing our South" fund from Regional Development Minister Terry Redman indicate that the timing of the establishment of the Alliance would be beneficial.

The Shire of Dandaragan currently operates in an ad-hoc regional approach with the Shire of Gingin for regional projects. The Shire of Dandaragan had previously discussed the merits of being a member of a regional grouping with the Shires of Moora, Chittering Dalwallinu and Wongan Ballidu in 2004, however Council opted not to join the group based on its belief that there were less compatible interests with the other members.

It is still recommended that Council continue to investigate further partnership options, in addition to the Chittering, Dandaragan and Gingin Alliance.

#### CONSULTATION

- Council via Council Forum
- Wheatbelt Development Commission
- Shire of Chittering
- Shire of Gingin

#### STATUTORY ENVIRONMENT

The Alliance will be a voluntary organisation with no statutory powers or legal ability to act on behalf of the Shire. It is more than likely that any agreement will be established via a memorandum of

understanding between all parties.

#### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

#### FINANCIAL IMPLICATIONS

While there are no known financial implications at this time, specific business plans would be developed for each project the Alliance may decide to be involved with. These business plans will be presented to each Council for the individual consideration and approval.

#### STRATEGIC IMPLICATIONS

The forming of an Alliance will enable the Shire to focus on certain aspects of Council's strategic vision with the added strength of a united front from member Councils.

The group would work closely with the WDC and Government to attract funding and resources to our area.

#### ATTACHMENTS

Nil

#### VOTING REQUIREMENT

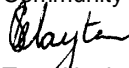

Simple majority

#### **OFFICER RECOMMENDATION**

**That Council**

- 1. support the establishment of a Regional Alliance with the Shires of Chittering and Gingin to advocate for strategic services and projects for the Region.**
- 2. Request the Chief Executive Officer to liaise with the Shires of Chittering and Gingin to establish an appropriate memorandum of understanding to form the Alliance.**

### 9.3.3 ANNUAL REPORT AND AUDITORS REPORT

Location: Shire of Dandaragan  
 Applicant: N / A  
 Folder: Business Classification Scheme / Financial Management / Financial Reporting / Periodic Reports  
 Disclosure of Interest: None  
 Date: 9 December 2014  
 Author: Scott Clayton, Executive Manager Corporate & Community Services  
 Signature of Author:   
 Senior Officer: Tony Nottle, Chief Executive Officer  
 Signature of Senior Officer: 

#### PROPOSAL

To accept the Annual Report for 2013 / 2014 including the Auditors Report for the Shire of Dandaragan and to receive the Auditors Management Letter.

#### BACKGROUND

The *Local Government Act (1995)* requires a local government to prepare an annual report for each financial year.

#### COMMENT

The Shire of Dandaragan finished 2013 / 2014 with a surplus of \$1,145,560. The majority of this surplus is as a result of unspent grants and incomplete capital works project. Therefore, this surplus does not constitute a surplus of funds after all requirements have been met in the true definition of a surplus, rather reflects outstanding commitments that were reprogrammed into the 2014/2015 budget.

Details of the financial income for 2013 / 2014 include:

- A total of \$5,174,625 in rate income was raised. By 30 June 2014, 94% of rates had been collected.
- A total of \$1,882,297 in grants was secured.

#### *Audit Report*

There were no adverse findings in the audit report and the financial position as at 30 June 2014 is represented fairly.

There are no instances where the Council did not comply with the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*.

The Management Report states that no significant matters need to be brought to the attention of Council.

The auditor has requested that the Management Letter is considered by all Council members and signed by the President and Chief Executive Officer.

#### CONSULTATION

Nil

STATUTORY ENVIRONMENT

Section 5.53 and 5.54 of the *Local Government Act 1995* requires preparation and acceptance of the annual report.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Annual Report 2013 / 2014 (Doc Id: 40877)
- Annual Financial Statements 2013 / 2014 (Doc Id: 43263)  
(*please see attachments 9.1.3 for this document*)
- Auditors Report 2013 / 2014 (Doc Id: 43261)
- Management Report 2013 / 2014 (Doc Id: 43262) (*please see attachments 9.1.3 for this document*)

**(Marked 9.3.3)**

VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION 1**

**That the Shire of Dandaragan's Annual Report 2013 / 2014, inclusive of the Auditors Report 2013 / 2014 be accepted.**

**OFFICER RECOMMENDATION 2**



**That the Management Letter be received.**

**OFFICER RECOMMENDATION 3**

**That the Annual General Electors Meeting for the 2013 / 2014 financial year to be held in Badgingarra on Thursday 22 January 2015 is to commence at 7.00pm.**

## 9.4 TOWN PLANNING

### 9.4.1 PLANNING APPROVAL – PROPOSED OUTBUILDING (SHED) – LOT 725 HAMELIN AVENUE, JURIEN BAY

Location:	Lot 725 Hamelin Avenue, Jurien Bay
Applicant:	Richard Allan
Folder Path:	Development Services App / Development Application / 2014 / 75
Disclosure of Interest:	None
Date:	3 December 2014
Author:	Barbara Macaulay, Planning Officer
Signature of Author:	
Senior Officer:	David Chidlow, Manager of Planning
Signature of Senior Officer:	

#### PROPOSAL

The applicant seeks planning approval for an outbuilding with a wall height that exceeds the permitted height within 750mm of the boundary.

#### BACKGROUND

The proponent has submitted a proposal to construct a shed measuring 8m x 9m (72m<sup>2</sup>). The proposal originally had a wall height of 3.6m and a ridge height of 4.378m however after discussion with Shire Officers the applicant has reduced the wall height to 3.4m to reduce the visual impact to neighbouring properties. Reducing the wall height to 3.4m will also reduce the ridge height to within the permitted ridge height required in accordance with the Council's Local Planning Policy 8.6 – Outbuildings 'Residential Areas' (the Policy). The subject lot is located in Beachridge Estate, Jurien Bay.

The applicant is seeking the following variations:

1. The permitted wall height within 750mm of the rear boundary.

In accordance with the Council's Policy where a parapet/ boundary wall is proposed within 750mm of a boundary a maximum wall height of 3m and length of 9m will apply. The proposal has a wall height of 3.4m.

In accordance with Table 2a of the Residential Design Codes (R-Codes) a wall with a height of 3.4m and a length of 9m or less is to be setback 1m. The proposal is for a nil setback to the side and rear boundary. The proponent has given the following justification for the variation:

*RE the application to erect a shed 9M x 8M at 33 Hamelin Ave Jurien Bay. Please advise Council that I would consider a wall height of 3.4 metres if this would help the application, I would then have a door opening height of 2.8 metres which is the bare minimum to fit my caravan under. Colour for the shed is Surf Mist to blend with surrounding fence. Roller doors will be Ocean Blue to*

*match panels on house. The rear fence is 2.1 metres above the height of the rear adjoining block and the side fence is approximately 2.0 metres above the adjoining block. This would help the visual amenity for neighbouring properties.*

#### COMMENT

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

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

Further to the R-Codes Design Principles the proposal needs to be considered against the Design Guidelines for Beachridge Estate which state:

*Zero lot line construction will not be permitted by the Shire for sheds or outbuildings, unless constructed in materials and colours to match the corresponding components of the residence*

Thus the three issues to be considered are:

1. Does the proposal detract from the Streetscape?
2. Does the proposal affect the visual amenity of neighbouring properties?
3. Does the proposal match the existing residence?

The proposal is recommended for approval based on the following reasons:

1. The shed is setback towards the rear of the property and there is no alternative location;
2. the colours of the shed will blend with the surrounding fence and house;
3. the existing fence is over height thus lessening the visual impact on neighbours and the proposal is located in a more densely developed residential area;
4. The proposed wall length and ridge height complies with Council Policy
5. There has been no objection from neighbours.

#### CONSULTATION

Notice of the proposed development was advertised to adjoining and potentially impacted neighbouring landowners. The advertising period was 26 November and closed on the 12 December 2014.

At the time of writing this report, no objections have been received. Any submissions received by the end of the advertising period will be forwarded to Councillor's by email.

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Residential Design Codes

POLICY IMPLICATIONS

- Local Planning Policy 8.6 – Outbuildings ‘Residential Areas’

**Outbuildings**

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

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

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

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Location Plan (Doc Id: 43025)
  - Site Plan (Doc Id: 43021)
  - Outbuilding Plan (Doc Id: 43020)
- (Marked 9.4.1)**

#### VOTING REQUIREMENT

Simple majority

#### **OFFICER RECOMMENDATION**

That Council grant planning approval for the proposed Outbuilding (shed) in accordance with the attached approved plans date stamped 5 November 2014 on Lot 725 Hamelin Avenue, Jurien Bay subject to:

1. All development shall be in accordance with the attached plans date stamped 5 November 2014 subject to any modifications required as a consequence of any conditions of this approval and shall not be altered without the prior written approval of the local government;
2. The roof and wall material being of non reflective nature and colour;
3. The storm water run-off on the property to be managed on site or directed to a suitable disposal system to the satisfaction of the Shire's Manager of Building Services;



#### **ADVICE NOTES:**

- Note 1:** The applicant be advised this is planning approval only and not a building permit. A building permit must be obtained for this development;
- Note 2:** If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
- Note 3:** Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.
- Note 4:** The applicant be advised that this approval has been granted special dispensation for reduced setback by Council due to site constraints and the height of existing fencing.
- Note 5:** The applicant be advised that "should you be aggrieved by this decision, or any conditions imposed, there is a Right of Review under the Planning and Development Act 2005. An application for Review must be submitted in accordance with Part XIV of the Planning and Development Act within 28 days of the date of this decision to:

The State Administrative Tribunal  
GPO Box U1991  
PERTH WA 6845"



### 9.4.2 PLANNING APPROVAL – PROPOSED OUTBUILDING – LOT 202 ELIZABETH WAY, JURIE BAY

Location:	Lot 202 Elizabeth Way, Jurie Bay
Applicant:	L Murdock on behalf of K Marwick
Folder Path:	Development Services App / Development Application / 2014 / 80
Disclosure of Interest:	None
Date:	4 December 2014
Author:	David Chidlow, Manager of Planning
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

The applicant seeks planning approval for a proposed shed on the side boundary inside the fence line.

#### BACKGROUND

The proponent has submitted a proposal to construct a shed measuring 4.07m x 10.91m (44.4m<sup>2</sup>). The proposal has a wall height of 3.85m and is proposed to be setback 0.3m from the side boundary. The subject lot is located in the residential area of Jurie Bay.

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

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

In accordance with the Council's Policy where a parapet/ boundary wall is proposed within 750mm of a boundary a maximum wall height of 3m and length of 9m will apply. The total length of the proposal inside the side boundary is 10.91m exceeding the Policy requirements of a maximum length of 9m. The proposed wall height is 3.85m also exceeding the permitted height of 3m.

#### COMMENT

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

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

It is noted that the State Administrative Tribunal upheld a recent Council decision to refuse an outbuilding similar to this application. (DR 171 of 2104).

CONSULTATION

Notice of the proposed development was advertised to neighbouring landowners who could be potentially impacted. One letter of no objection was received from the immediately affected neighbour.

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Residential Design Codes

POLICY IMPLICATIONS

- Local Planning Policy 8.6 – Outbuildings ‘Residential Areas’

**Outbuildings**

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

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

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

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Location Plan (Doc Id: 43448)
- Development Application (Doc Id: 43440)

**(Marked 9.4.2)**

VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION**

**That Council refuse planning approval for the proposed Outbuilding in accordance with the attached approved plans date stamped 5 November 2014 on Lot 202 Elizabeth Way, Jurien Bay for the following reasons:**



- 1. the proposed development does not comply with Tables 2a and 2b of the Residential Design Codes of the Shire of Dandaragan Local Planning Scheme No.7 in that the proposal does not conform to the setback provisions of the Codes;**
- 2. the proposed development does not comply with the deemed to comply requirements of 5.4.3 C.3 iii, iv & v of the Residential Design Codes of the Shire of Dandaragan Local Planning Scheme No.7 in that the proposal does not meet wall height and ridge height provisions of the Codes;**
- 3. the proposed development does not comply with Local Planning Policy 8.6 - Outbuildings 'Residential Areas' for maintaining minimum rear/side setbacks and is over height;**
- 4. the proposed development detracts from the visual amenity of residents and neighbouring properties; and**
- 5. the proposed development does not comply with orderly and proper planning for the locality.**

**ADVICE NOTES:**

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

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

### 9.4.3 PLANNING APPROVAL – PROPOSED OUTBUILDING – LOT 512 APIUM WAY, JURIEN BAY

Location: Lot 512 Apium Way, Jurien Bay  
 Applicant: L Murdock on behalf of P Ciccone  
 Folder Path: Development Services App / Development Application / 2014 / 88  
 Disclosure of Interest: None  
 Date: 4 December 2014  
 Author: David Chidlow, Manager of Planning  
 Signature of Author:   
 Senior Officer: Ian Rennie, Deputy Chief Executive Officer  
 Signature of Senior Officer: 

#### PROPOSAL

The applicant seeks planning approval for a proposed outbuilding 1.1 m from the side boundary inside the fence line.

#### BACKGROUND

The proponent has submitted a proposal to construct a shed measuring 6.92m x 11.5m (79.58m<sup>2</sup>). The proposal has a wall height of 3.6m. The subject lot is located in the residential area of Jurien Bay.

In accordance with the Council's Local Planning Policy 8.6 – Outbuildings 'Residential Areas' (the Policy), all outbuildings are to otherwise maintain a minimum rear / side setback in accordance with the Residential Design Codes Tables 2a and 2b. Any variation to these setback requirements will require the submission of a Planning Application with adjoining property owner comment for a Council decision

The required setback is 1.1m for the rear boundary (wall length less than 9m) and 1.5m for the side boundary (wall length greater than 9m).

The applicant is proposing a 1.0m setback for the rear boundary and 1.1m setback for the side boundary.

The reason submitted for the variation is that due to the location of the existing dwelling and driveway is that the outbuilding needs to be as close to the side boundary as possible to enable manoeuvring a boat and caravan safely into the structure.

#### COMMENT

The proposal exceeds the height and length of an outbuilding with a boundary wall permitted by the Council's Policy. The Council at its discretion can approve variations to the Policy. The proposal complies with the provisions of the Outbuilding Policy except for a reduced setback and overheight ridge of 4.528m being 0.028m above the required height of 4.5m.

The application originally submitted plans showing nil setbacks along the side and rear boundaries and a draft report prepared

recommending refusal. After further discussing the proposal with the builder and owners, the plans were amended to show a 1.0m rear setback and 1.1m side boundary setback as these were considered to be the maximum setbacks possible to enable manoeuvring vehicles into the outbuilding.

The proposed extension complies with all other aspects of the outbuilding policy.

### CONSULTATION

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

At the time of writing this report, no objections have been received. Any submissions received by the end of the advertising period will be forwarded to Councillors by email.

### STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Residential Design Codes

### POLICY IMPLICATIONS

- Local Planning Policy 8.6 – Outbuildings ‘Residential Areas

### **Outbuildings**

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

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

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

2. When giving consideration to an application for an outbuilding, the Shire of Dandaragan shall have regard to the performance criterion contained in Design Principles of Clause 5.4.3 of the Residential Design Codes, namely that outbuildings do not detract from the streetscape or the amenity of residents or neighbouring properties.
3. All outbuildings are to otherwise maintain a minimum rear / side setback in accordance with the Residential Design Codes Tables 2a and 2b. Any variation to these setback requirements

will require the submission of a Planning Application with adjoining property owner comment for a Council decision.

4. Where a parapet/boundary wall is proposed (ie a wall within 750mm of a boundary), a maximum wall height of 3.0m and length of 9m will apply. Any variation to this requires comment from the affected adjoining property owner/s for a Council decision

#### FINANCIAL IMPLICATIONS

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

#### STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

#### ATTACHMENTS

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

- Location Plan (Doc Id: 43445)
- Aerial Photograph (Doc Id: 43446)
- Development Application (Doc Id: 43562)
- Site Plan (Doc Id: 43557)

***(Marked 9.4.3)***

#### VOTING REQUIREMENT

Simple majority

#### **OFFICER RECOMMENDATION**

**That Council grant planning approval for the proposed Outbuilding (shed) in accordance with the attached approved plans date stamped 24 November 2014 on Lot 512 Apium Way, Jurien Bay subject to:**

1. All development shall be in accordance with the attached plans date stamped 24 November 2014 subject to any modifications required as a consequence of any conditions of this approval and shall not be altered without the prior written approval of the local government;
2. The roof and wall material being of non reflective nature and colour; and
3. The storm water run-off on the property to be managed on site or directed to a suitable disposal system to the satisfaction of the Shire's Manager of Building Services.

#### **ADVICE NOTES:**

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

**Note 2:** If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval

after the date of the determination, the approval shall lapse and be of no further effect.



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

**Note 4:** The applicant be advised that this approval has been granted special dispensation by Council for reduced setbacks from side and rear boundaries due to the minor nature of the amended setbacks and as there is no alternative variation given the site conditions.

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

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

#### 9.4.4 PLANNING APPROVAL – PROPOSED EXTENSION TO OUTBUILDING (GARAGE) – LOT 124 COUBROUGH PLACE, JURIE BAY

Location:	Lot 124 Coubrough Place, Jurien Bay
Applicant:	Northlea Homes on behalf of B.L.Beer
Folder Path:	Development Services App / Development Application / 2014 / 84
Disclosure of Interest:	None
Date:	4 December 2014
Author:	David Chidlow, Manager of Planning
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

The applicant seeks planning approval for an extension to an existing outbuilding with a proposed nil setback on the rear boundary and reduced side setback.

#### BACKGROUND

The proponent has an existing outbuilding measuring 10.79m x 8.63 (93m<sup>2</sup>). The proposal is to increase the floor area by 13.5m<sup>2</sup>. The total area of outbuilding proposed is 106.5m<sup>2</sup>. The lot size is 1302m<sup>2</sup>.

In accordance with the Council's Local Planning Policy 8.6 – Outbuildings 'Residential Areas' (the Policy) and the Residential Design Codes the maximum permitted area of an outbuilding is 80m<sup>2</sup>, or 10% of the site area, whichever is the lesser.

The applicant is seeking approval for an extension to the outbuilding which will result in a total outbuilding area of 106.5m<sup>2</sup>. It is noted that the lot size is 1302m<sup>2</sup> for which 10% of the site area would permit an outbuilding up to 130m<sup>2</sup>.

The proposed extension complies with all other aspects of the outbuilding policy including setbacks and height requirements.

#### COMMENT

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

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

The proposed addition is not a significant addition and will be lesser in bulk and scale than the existing structure. Whilst the policy states that the lesser of 80m<sup>2</sup> or 10% of the site area (130m<sup>2</sup>) given that the lot is large and that the addition is minor, there is scope for Council to consider a variation.



The adjoining landowners have submitted letters of no objection to the proposal.

The proposal is recommended for approval.

### CONSULTATION

Landowners of adjoining properties have submitted letters of no objection.

### STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Residential Design Codes

### POLICY IMPLICATIONS

- Local Planning Policy 8.6 – Outbuildings ‘Residential Areas’

### **Outbuildings**

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

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

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

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Location plan (Doc Id: 43592)
- Development Application (Doc Id: 43593)

**(Marked 9.4.4)**

VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION**

That Council grant planning approval for the proposed additions to Outbuilding (garage) in accordance with the attached approved plans date stamped 17 November 2014 on Lot 124 Coubrough Place, Jurien Bay subject to:

1. All development shall be in accordance with the attached plans date stamped 17 November 2014 subject to any modifications required as a consequence of any conditions of this approval and shall not be altered without the prior written approval of the local government;
2. The roof and wall material being of non reflective nature and colour;
3. The storm water run-off on the property to be managed on site or directed to a suitable disposal system to the satisfaction of the Shire's Manager of Building Services;

**ADVICE NOTES:**

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

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



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

**Note 4:** The applicant be advised that this approval has been granted special dispensation by Council for an increase in the minimum floor area due to the large size of the lot and compliance with all other aspects of the Outbuildings Policy.

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

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

#### 9.4.5 PLANNING APPROVAL – PROPOSED OUTBUILDING (GARAGE AND WORKSHOP) – LOT 273 DALTON STREET, JURIE BAY

Location: Lot 273 Dalton Street, Jurie Bay  
 Applicant: Peter Anstiss  
 Folder Path: Development Services App / Development Application / 2014 / 72  
 Disclosure of Interest: None  
 Date: 4 December 2014  
 Author: David Chidlow, Manager of Planning  
 Signature of Author:   
 Senior Officer: Ian Rennie, Deputy Chief Executive Officer  
 Signature of Senior Officer: 

##### PROPOSAL

The applicant seeks planning approval for an oversize outbuilding to replace an existing outbuilding with a proposed nil setback on the rear and side boundary.

##### BACKGROUND

The proponent has an existing dilapidated outbuilding that is being demolished and replaced with a new outbuilding measuring 13.9m x 7.99m (96m<sup>2</sup> note – the unusual shape of the structure results in smaller floor area). There is also an attached “lean to” of 6.15 m<sup>2</sup>. The proposal has a wall height of less than 3m on the rear and side boundaries.

The lot size is 809m<sup>2</sup>.

In accordance with the Council’s Local Planning Policy 8.6 – Outbuildings ‘Residential Areas’ (the Policy) and the Residential Design Codes the maximum permitted area of an outbuilding is 80m<sup>2</sup>, or 10% of the site area, whichever is the lesser.

The applicant is seeking approval for an outbuilding area of 96m<sup>2</sup>.

In addition, due to the unique design of the structure, the peak of the pitched roof is 4.53m. The existing dwelling has a ridge height of only 4m. The Policy states that the maximum ridge height is to be 4.5m or the highest point of the roof cladding of the residence whichever is lesser.

The proposed extension complies with all other aspects of the outbuilding policy including setbacks.

##### COMMENT

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

*Outbuildings that do not detract from the streetscape or the visual*

*amenity of residents or neighbouring properties.*

It is noted that surrounding lots comprise of two storey dwellings with outbuildings that are higher than 3.6m on boundaries. There is also a proposed new two storey dwelling with outbuildings on the boundaries proposed on the south west corner of the lot.

Given the surrounding land uses, the proposed structure is not out of keeping with development on the western side of the subject property. There is scope for Council to consider a variation given these circumstances.

The proposal is recommended for approval.

### CONSULTATION

Notice of the proposed development was advertised to adjoining and potentially impacted neighbouring landowners. The advertising period was 26 November and closed on the 12 December.

At the time of writing this report, no objections have been received. Any submissions received by the end of the advertising period will be forwarded to Councillors by email.

### STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Residential Design Codes

### POLICY IMPLICATIONS

- Local Planning Policy 8.6 – Outbuildings ‘Residential Areas’

### **Outbuildings**

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

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

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

2. When giving consideration to an application for an outbuilding, the Shire of Dandaragan shall have regard to the performance criterion contained in Design Principles of Clause 5.4.3 of the Residential Design Codes, namely that outbuildings do not

detract from the streetscape or the amenity of residents or neighbouring properties.

3. All outbuildings are to otherwise maintain a minimum rear / side setback in accordance with the Residential Design Codes Tables 2a and 2b. Any variation to these setback requirements will require the submission of a Planning Application with adjoining property owner comment for a Council decision.
4. Where a parapet/boundary wall is proposed (ie a wall within 750mm of a boundary), a maximum wall height of 3.0m and length of 9m will apply. Any variation to this requires comment from the affected adjoining property owner/s for a Council decision.

#### FINANCIAL IMPLICATIONS

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

#### STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

#### ATTACHMENTS

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

- Location plan (Doc Id: 43438)
- Development Application (Doc Id: 43439)

**(Marked 9.4.5)**

#### VOTING REQUIREMENT

Simple majority

#### **OFFICER RECOMMENDATION**

**That Council grant planning approval for the Outbuilding (Garage and Workshop) in accordance with the attached approved plans date stamped 30 October 2014 on Lot 273 Dalton Street, Jurien Bay subject to:**

- 1. all development shall be in accordance with the attached plans date stamped 30 October 2014 subject to any modifications required as a consequence of any conditions of this approval and shall not be altered without the prior written approval of the local government;**
- 2. the roof and wall material being of non reflective nature and colour;**
- 3. the storm water run-off on the property to be managed on site or directed to a suitable disposal system to the satisfaction of the Shire's Manager of Building Services;**



#### **ADVICE NOTES:**

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

- Note 2:** If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
- Note 3:** Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.
- Note 4:** The applicant be advised that this approval has been granted special dispensation by Council for an increase in the minimum floor area and ridge height due surrounding development and the proposed structure not being out of character for the location.
- Note 5:** The applicant be advised that “should you be aggrieved by this decision, or any conditions imposed, there is a Right of Review under the Planning and Development Act 2005. An application for Review must be submitted in accordance with Part XIV of the Planning and Development Act within 28 days of the date of this decision to:

The State Administrative Tribunal  
GPO Box U1991  
PERTH WA 6845”

### 9.4.6 PLANNING APPROVAL – PROPOSED OUTBUILDING – LOT 510 APIUM WAY, JURIE BAY

Location: Lot 510 Apium Way, Jurie Bay  
 Applicant: L Murdock on behalf of S Baker  
 Folder Path: Development Services App / Development Application / 2014 / 87  
 Disclosure of Interest: None  
 Date: 4 December 2014  
 Author: David Chidlow, Manager of Planning  
 Signature of Author:   
 Senior Officer: Ian Rennie, Deputy Chief Executive Officer  
 Signature of Senior Officer: 

#### PROPOSAL

The applicant seeks planning approval for an overheight (ridge only) outbuilding.

#### BACKGROUND

The proponent is seeking approval for an outbuilding that complies with the Outbuilding policy excepting that the ridge line is 4.528m high where Council's Local Planning Policy 8.6 – Outbuildings 'Residential Areas' (the Policy) sets a maximum height of 4.5m.

The proposed outbuilding measures 10.7m x 6.9m (74m<sup>2</sup>) with a wall height of 3.6m.

The applicant has requested the increased height to allow for sufficient height for storage of a boat and that the slope of the outbuilding ridge will match the slope of the dwelling onsite.

The proposed outbuilding complies with all other aspects of the outbuilding policy including setbacks and wall height requirements.

#### COMMENT

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

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

Given the minor nature of the variation the proposal is recommended for approval.

#### CONSULTATION

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

At the time of writing this report, no objections have been received.



**AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 18 DECEMBER 2014**

Any submissions received by the end of the advertising period will be forwarded to Councillors by email.

**STATUTORY ENVIRONMENT**

- Local Planning Scheme No 7
- Residential Design Codes

**POLICY IMPLICATIONS**

- Local Planning Policy 8.6 – Outbuildings ‘Residential Areas’

**Outbuildings**

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

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

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

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

There are no strategic implications relevant to this item.

### ATTACHMENTS

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

- Location plan (Doc Id: 43443)
- Development Application (Doc Id: 43444)

**(Marked 9.4.6)**

### VOTING REQUIREMENT

Simple majority

### **OFFICER RECOMMENDATION**

**That Council grant planning approval for the Outbuilding in accordance with the attached approved plans date stamped 24 November 2014 on Lot 510 Apium Way, Jurien Bay subject to:**

- 1. All development shall be in accordance with the attached plans date stamped 24 November 2014 subject to any modifications required as a consequence of any conditions of this approval and shall not be altered without the prior written approval of the local government;**
- 2. The roof and wall material being of non reflective nature and colour;**
- 3. The storm water run-off on the property to be managed on site or directed to a suitable disposal system to the satisfaction of the Shire's Manager of Building Services;**

### **ADVICE NOTES:**

**Note 1: The applicant be advised this is planning approval only and not a building permit. A building permit must be obtained for this development;**

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

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



**Note 4: The applicant be advised that this approval has been granted special dispensation by Council for an increase in the maximum permitted height of the ridge due to the minor nature of the amendment and compliance with all other aspects of the Outbuildings Policy.**

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

**28 days of the date of this decision to:**

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

### 9.4.7 PLANNING APPROVAL – PROPOSED OUTBUILDING (GARAGE) – LOT 840 BELLS BLVD, JURIE BAY

Location: Lot 840 Bells Blvd, Jurie Bay  
 Applicant: Swan Aussie Sheds on behalf of B&K Waters  
 Folder Path: Development Services App / Development Application / 2014 / 73  
 Disclosure of Interest: None  
 Date: 4 December 2014  
 Author: David Chidlow, Manager of Planning  
 Signature of Author:   
 Senior Officer: Ian Rennie, Deputy Chief Executive Officer  
 Signature of Senior Officer: 

#### PROPOSAL

The applicant seeks planning approval for an outbuilding with wall height of 3.6m and proposed nil setback on side boundary.

#### BACKGROUND

The proponent is seeking approval for an outbuilding measuring 9.2m x 4.5m (41.4m<sup>2</sup>) with a wall height of 3.6m and proposed nil setback along the side boundary.

The lot size is 702m<sup>2</sup>.

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

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

In accordance with the Council's Policy where a parapet/ boundary wall is proposed within 750mm of a boundary a maximum wall height of 3m and length of 9m will apply. The total length of the proposal inside the side boundary is 9.2m exceeding the Policy requirements of a maximum length of 9m. The proposed wall height is 3.6m also exceeding the permitted height of 3m.

Council has previously approved reduced side setbacks for outbuildings that are of this size. Given that the floor area is approx. half of the maximum size permitted in the residential area and that the site constraints are such that there is no other alternative, this application is supported.

The proposed extension complies with all other aspects of the outbuilding policy including height requirements.

#### COMMENT

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

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

The applicant proposes to use the outbuilding to store a large recreational boat. The site is very constrained and there is no other option to move the structure to comply with one side boundary setback of 1.5m.

The floor area of the structure is similar to others that have been approved by Council and does not negatively impact on the residential amenity of the area sufficiently to warrant a refusal.

The proposal is recommended for approval.

### CONSULTATION

Notice of the proposed development was advertised to adjoining and potentially impacted neighbouring landowners. The advertising period was 25 November and closed on the 12 December 2014.

At the time of writing this report, no objections have been received. Any submissions received by the end of the advertising period will be forwarded to Councillors by email.

### STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Residential Design Codes

### POLICY IMPLICATIONS

- Local Planning Policy 8.6 – Outbuildings ‘Residential Areas’

### **Outbuildings**

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

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

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

2. When giving consideration to an application for an outbuilding, the Shire of Dandaragan shall have regard to the performance criterion contained in Design Principles of Clause 5.4.3 of the Residential Design Codes, namely that outbuildings do not

detract from the streetscape or the amenity of residents or neighbouring properties.

3. All outbuildings are to otherwise maintain a minimum rear / side setback in accordance with the Residential Design Codes Tables 2a and 2b. Any variation to these setback requirements will require the submission of a Planning Application with adjoining property owner comment for a Council decision.
4. Where a parapet/boundary wall is proposed (ie a wall within 750mm of a boundary), a maximum wall height of 3.0m and length of 9m will apply. Any variation to this requires comment from the affected adjoining property owner/s for a Council decision

#### FINANCIAL IMPLICATIONS

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

#### STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

#### ATTACHMENTS

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

- Location plan (Doc Id: 43436)
- Development Application (Doc Id: 43437)

**(Marked 9.4.7)**

#### VOTING REQUIREMENT

Simple majority

#### **OFFICER RECOMMENDATION**

**That Council grant planning approval for the Outbuilding (Garage) in accordance with the attached approved plans date stamped 30 October 2014 on Lot 840 Bells Boulevard, Jurien Bay subject to:**

1. **all development shall be in accordance with the attached plans date stamped 30 October 2014 subject to any modifications required as a consequence of any conditions of this approval and shall not be altered without the prior written approval of the local government;**
2. **the roof and wall material being of non reflective nature and colour; and**
3. **the storm water run-off on the property to be managed on site or directed to a suitable disposal system to the satisfaction of the Shire's Manager of Building Services.**



#### **ADVICE NOTES:**

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

- Note 2:** If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
- Note 3:** Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.
- Note 4:** The applicant be advised that this approval has been granted special dispensation by Council for a reduced side boundary setback due to the lesser size of the floor area and there being no other viable alternative.
- Note 5:** The applicant be advised that “should you be aggrieved by this decision, or any conditions imposed, there is a Right of Review under the Planning and Development Act 2005. An application for Review must be submitted in accordance with Part XIV of the Planning and Development Act within 28 days of the date of this decision to:

The State Administrative Tribunal  
GPO Box U1991  
PERTH WA 6845”

### 9.4.8 PLANNING APPROVAL – PROPOSED ADDITIONAL OUTBUILDING (SHED) – LOT 63 RIVER LOOP, JURIEN BAY HEIGHTS

Location: Lot 63 River Loop, Jurien Bay Heights  
 Applicant: L Murdock on behalf of C & S Jones  
 Folder Path: Development Services App / Development Application / 2014 / 81  
 Disclosure of Interest: None  
 Date: 4 December 2014  
 Author: David Chidlow, Manager of Planning  
 Signature of Author:   
 Senior Officer: Ian Rennie, Deputy Chief Executive Officer  
 Signature of Senior Officer: 

#### PROPOSAL

The applicant seeks planning approval for an additional outbuilding of 108.57m<sup>2</sup>. There is an existing dwelling and outbuilding of 142m<sup>2</sup> making a proposed total area of 251m<sup>2</sup>.

#### BACKGROUND

The subject lot is zoned Rural Residential. The proposed shed measures 12.05m x 9.012m (108.57m<sup>2</sup>). The existing outbuilding is 142m<sup>2</sup> resulting in an aggregate floor area of 251m<sup>2</sup>. In accordance with Council Policy outbuildings with an aggregate greater than 216m<sup>2</sup> require Council approval.

#### **Outbuildings**

12. The following approval processes apply to the related area and height specifications for outbuildings in Rural Residential and Special Use-Rural Development zones:

External Cladding	Floor Area (In Aggregate)	Wall Height	Ridge Height	Neighbour Consultation	Determination by Council
Zincalume, White Colorbond and Off White Colorbond	Up to 12m <sup>2</sup>	Up to 2.4m	Up to 4.2m	Not required	Not required
Non-Reflective Material	Up to 162m <sup>2</sup>	Up to 4.0m	Up to 5.5m	Not required	Not required
	> 162m <sup>2</sup> – 216m <sup>2</sup>	> 4.0m – 4.2m	Up to 5.5m	Required	Only required if objections received from adjoining landowners
Non-Reflective Material Hill River Heights	Up to 120m <sup>2</sup>	Up to 3.6m	Up to 4.5m	Not required	Not required

13. The Council shall not approve outbuildings with a floor area greater than 300 m<sup>2</sup> in aggregate.

14. Any application for an outbuilding proposing to exceed 216m<sup>2</sup> in size and a wall/ridge height exceeding the above will need to be supported by information justifying a larger outbuilding



and evidence demonstrating to Council's satisfaction that:

- the outbuilding will be compatible with the setting;
- the amenity of the locality will not be adversely affected; and
- the height, bulk, scale, orientation and appearance of the outbuilding is acceptable in relation to development on adjoining land or on other land in the locality.

The proposed shed has a wall height of 3.6m and a ridge height of 4.88m, is located within the building envelope and complies with all other requirements of the Policy.

#### COMMENT

Council have in the past approved outbuilding in this estate of up to 300m<sup>2</sup>

The aggregate of the proposed and existing outbuilding is 251m<sup>2</sup>.

The proposed outbuilding complies with all other requirements of the policy.

It is the Officer recommendation the proposal is supported.

#### CONSULTATION

Notice of the proposed development was advertised to adjoining and potentially impacted neighbouring landowners. The advertising period was from 28 November 2014 and closed on the 12 December 2014. At the time of writing this report, no objections had been received. Should any submissions be received prior to the Council meeting, these will be forwarded by email to Councillors.

#### STATUTORY ENVIRONMENT

- Local Planning Scheme No 7

#### POLICY IMPLICATIONS

- Outbuildings and Temporary Accommodation in Rural Residential and Special Use-Rural Development Zones Policy
- 'Jurien Bay Heights' Development Guidelines

#### FINANCIAL IMPLICATIONS

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

#### STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

#### ATTACHMENTS

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

- Location Plan (Doc Id: 43434)
- Plans (Doc Id: 43435)

**(Marked 9.4.8)**

**VOTING REQUIREMENT**

Simple majority

**OFFICER RECOMMENDATION**

That Council grant planning approval for the proposed outbuilding in accordance with the attached approved plans date stamped 11 November 2014 on Lot 63 River Loop, Jurien Bay subject to:

1. all development shall be in accordance with the attached plans date stamped 11 November 2014 subject to any modifications required as a consequence of any conditions of this approval and shall not be altered without the prior written approval of the local government;
2. the roof and wall material being of non reflective nature and colour consistent with surrounding vegetation and / or predominant colours of the individual site;
3. the outbuilding not to be used for habitable purposes unless separate time limited approval has been granted for temporary accommodation in accordance with any Council Policy;
4. the outbuilding not to be used for any commercial activity; and
5. any proposed apparatus for wastewater disposal be installed so that the leach drains are a minimum of 100m from a natural permanent watercourse, water body or existing drain and that the base of the leach drains be a minimum 2m above the highest known water table or an approved aerobic treatment unit be installed.

**ADVICE NOTES:**

**Note 1:** The applicant be advised this is planning approval only and not a building permit. A building permit must be obtained for this development;

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

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



**Note 4:** The applicant be advised that “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**

**AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 18 DECEMBER 2014**

**GPO Box U1991  
PERTH WA 6845”**

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

Location: Lot 763 Middleton Blvd, Jurie Bay  
 Applicant: Bush to Beach Builders on behalf of B Crisp and J Richardson  
 Folder Path: Development Services App / Development Application / 2014 / 83  
 Disclosure of Interest: None  
 Date: 8 December 2014  
 Author: David Chidlow, Manager of Planning  
 Signature of Author:   
 Senior Officer: Ian Rennie, Deputy Chief Executive Officer  
 Signature of Senior Officer: 

#### PROPOSAL

The applicant seeks planning approval for an increased setback to a dwelling.

#### BACKGROUND

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

The Design codes state;

*The primary street setbacks are reduced to consolidate the character of the development, encouraging interaction between the public street domain and private property.*

*The setback of any structure (including a building, verandah or porch) other than a carport or garage, shall be 3.0m from the front boundary (ie. a build-to line), except that the setback to the build-to line may be increased at Shire's discretion for lots considered to have irregular shapes making the 3.0m setback impracticable.*

*Garages are to be setback 5.5m*

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

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

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

*In the guidelines of the Ardross Estate in Beachridge they specify*

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

*The main reason why my clients would not like the front of their home to be on a 3.000m setback is because they live opposite a cross road of Bremer Parade. if a vehicle happens to lose control at that intersection it has only 3.000m of breaking distance before it crashes through the front two bedrooms. With the setback being at the 5.500m this gives the car further breaking distance.*

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

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

#### COMMENT

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

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

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

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

#### CONSULTATION

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

Ardross have been consulted and have provided a response in the attachments.

At the time of writing this report, no objections have been received. Any submissions received by the end of the advertising period will be forwarded to Councillor's by email.

#### STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Residential Design Codes

POLICY IMPLICATIONS

- Beachridge Residential Design Guidelines

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Location plan (Doc Id: 43441)
- Development Application (Doc Id: 43442)
- Ardross Submission (Doc Id: 43686)

**(Marked 9.4.9)**

VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION**

**That Council grant planning approval for the dwelling setback of 5.5m in accordance with the attached approved plans date stamped 19 November 2014 on Lot 763 Middleton Blvd, Jurien Bay subject to all development shall be in accordance with the attached plans date stamped 19 November 2014 subject to any modifications required as a consequence of any conditions of this approval and shall not be altered without the prior written approval of the local government**

**ADVICE NOTES:**

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

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

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



**Note 4: The applicant be advised that this approval has been granted special dispensation by Council for an increase in the front setback of the dwelling due to the unique nature of the lot being directly opposite a T junction.**

**Note 5: The applicant be advised that “should you be aggrieved by this decision, or any conditions imposed, there is a Right of Review under the**

**Planning and Development Act 2005. An application for Review must be submitted in accordance with Part XIV of the Planning and Development Act within 28 days of the date of this decision to:**

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

### 9.4.10 SCHEME AMENDMENT NO.26 – PORTION OF LOT 9016 JURIEN BAY – RESIDENTIAL R12.5 TO R40 – FINAL ADOPTION AND SCHEDULE OF SUBMISSIONS

Location:	Lot 9016, Jurien Bay
Applicant:	MGA Town Planners on behalf of Ardross Estates Pty Ltd
Folder Path:	Business Classification Scheme / Land Use Planning / Planning / Planning Scheme / Amendment 7.26
Disclosure of Interest:	None
Date:	8 December 2014
Author:	David Chidlow, Manager of Planning
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

The purpose of this report is for Council to consider submissions to Scheme Amendment No.26 and final adoption of the amendment to rezone portion of Lot 9016 from Residential R12.5 and a 40m wide strip of the same lot currently zoned "Special Development" to a "Residential R40".

#### BACKGROUND

This Amendment affects a portion of Lot 9016 measuring approximately 3.52 ha which is currently zoned "Residential R12.5" as well as an adjacent 40m wide strip of Lot 9016 currently zoned "Special Development". It is proposed that coding of the land zoned "Residential R12.5" be changed to "R40" while the 40m wide strip of Lot 9016 down the eastern side of the "Residential" zoned land be similarly zoned "Residential" and coded "R40"

Currently, this area is not connected to deep sewerage however, service extensions are proposed. Until the land is connected to the sewerage system, any development of the land cannot occur.

#### COMMENT

The amendment area is adjacent to the Jurien Bay Town Centre. Immediately to the north is a range of "Public Purposes" reserves protecting central area public uses including the Shire of Dandaragan Council Chambers and Offices. To the north of these public uses and on the opposite side of Bashford Street lie the town centre commercial areas.

To the northeast there is the Jurien Bay District High School. Connection between the amendment area and all of these facilities is via Hamersley Street which enters the amendment area in the north-eastern corner. A wide range of central area functions are within a 450 radius of the amendment area.

This amendment proposes a R40 coding over an area of land close to the Jurien Bay Town Centre. It is intended that deep sewerage be connected to all development in the amendment



area.

A mixed density development is anticipated providing smaller, higher density dwellings to take advantage of proximity to the Town Centre as well as larger, family style lots to take advantage of proximity to the combined high/primary school.

The amendment area has been added to the Turquoise Coast development site, the subject of advice under Section 16 (j) of the Environmental Protection Act (Bulletin 1031) and an agreed Conservation Strategy.

There has been no Specially Protected (Threatened) or Priority Vegetation or Fauna identified in the amendment area.

The application was adopted for advertising at the 24 April 2014 Council Meeting. At this meeting Council resolved:

1. *in pursuance of Section 75 of the Planning and Development Act 2005 (as amended), amend Local Planning Scheme No.7 by;*
  - a. *Rezoning portion of Lot 9016 Bashford Street, Jurien Bay from the "Special Development" Zone to the "Residential (R40)" Zone.*
  - b. *Amending the Scheme Maps accordingly.*
2. *advise the applicant of its resolution and request Scheme Amendment documents be updated in accordance with requirements of the Town Planning Regulations 1967;*
3. *upon receipt of Amendment documents updated in accordance with its resolution, refer a copy of the amendment document to the Western Australian Planning Commission, and the Environmental Protection Authority pursuant to Section 81 of the Planning and Development Act 2005; and*
4. *subject to no objections being received from the Environmental Protection Authority, advertise the amendment for a period of 42 days seeking public comment pursuant to Regulation 25(2) of the Town Planning Regulations 1967 (as amended).*

Following the above process and approval from the Environmental Protection Authority, the amendment was advertised in accordance with the Planning and Development Act 2005 and a Schedule of Submissions prepared.

#### CONSULTATION

In accordance with Council's resolution, the Scheme Amendment was referred to the Environmental Protection Authority for comment, and the Western Australian Planning Commission for information.

The Environmental Protection Authority advised that Amendment No. 21 did not require environmental assessment, and further, did not provide any additional advice or recommendations on the

proposed modifications.

The Scheme Amendment was subsequently advertised for a period of 42 days in line with the Town Planning Regulations, which closed 5 September 2014.

In response a total of four submissions were received. A summary of each submission together with staff comment is provided in the attachments.

#### STATUTORY ENVIRONMENT

Amendment of a Local Planning Scheme is undertaken in accordance with the provisions of the *Planning and Development Act 2005* and *Town Planning Regulations 1967*.

#### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

#### FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item. The applicant will be required to pay the costs of advertising and preparation of the Amendment.

#### STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item as the proposal is an existing residential area and is in keeping with current planning practices.

#### ATTACHMENTS

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

- Scheme Report (Doc Id: 23600)
- Schedule of Submissions (Doc Id: 43577)

**(Marked 9.4.10)**

#### VOTING REQUIREMENT

Simple majority



#### **OFFICER RECOMMENDATION**

**That Council:**

- 1. pursuant to Regulations 17 (1) and 25 (fb) of the *Town Planning Regulations 1967* (as amended), note the submissions received and endorse the response to those submissions contained in the related Schedule of Submissions;**
- 2. under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 hereby amends the above local planning scheme by:**
  - a. rezoning portion of Lot 9016 Bashford Street, Jurien Bay from the “Special Development” Zone to the “Residential (R40)” Zone.**



### 9.4.11 SCHEME AMENDMENT NO.24 – LOT 480 HASTING STREET – TOURIST TO R40 RESIDENTIAL – FINAL ADOPTION AND SCHEDULE OF SUBMISSIONS

Location: Lot 480 Hasting Street, Jurien Bay  
 Applicant: Harley Dykstra on behalf of The Hasting Street Syndicate  
 Folder Path: Business Classification Scheme/ Land Use Planning/ Planning/ Planning Scheme/ Amendment 7.24  
 Disclosure of Interest: None  
 Date: 8 December 2014  
 Author: David Chidlow, Manager of Planning  
 Signature of Author:   
 Senior Officer: Ian Rennie, Deputy Chief Executive Officer  
 Signature of Senior Officer: 

#### PROPOSAL

The purpose of this report is for Council to consider submissions to Scheme Amendment No.24 and final adoption of the amendment to rezone Lot 480 Hasting Street from "Tourist" to "Residential R40"

#### BACKGROUND

This amendment is to rezone the subject land from "Tourist" to "Residential R40".

A Preliminary Rezoning Proposal was submitted to the Shire of Dandaragan in September 2013 to introduce the proposal and seek initial feedback from Council. The preliminary proposal was presented to a Council Forum on 9 January 2014 by the proponents.

During discussion, the Council indicated its "in principle" support for the proponent's vision to develop the site for medium density residential use. In addition, Council identified key issues which should be given consideration in further developing the proposal, including:

- The need to be sympathetic to existing built form in the surrounding area;
- Consideration to traffic management arising from any proposed Hasting Street access points;
- Further detail with respect to sewer connection; and
- Product development and identification of a primary target market.

The proposal has also been prepared in consultation with the Department of Planning, who have indicated support for the proposed R40 residential density coding.

The subject land is 8449m<sup>2</sup> in area and is generally flat and cleared of vegetation. The land is currently vacant. The site has frontage to Hasting Street along its south-western boundary and Essex Street adjacent to its south-eastern boundary.

The Local Tourism Strategy makes specific reference to Lot 480 and recommends that subject to owner's support, the site be rezoned to Residential R17.5. The applicants are seeking a higher density coding of R40.

The application was adopted for advertising at the 24 April 2014 Council Meeting. At this meeting Council resolved:

*That Council:*

1. *In pursuance of Section 75 of the Planning and Development Act 2005 (as amended), amend Local Planning Scheme No.7 by;*
  - a. *Rezoning Lot 480 Hasting Street, Jurien Bay from "Tourist" to "Residential (R40)".*
  - b. *Amending the Scheme Maps accordingly.*
2. *Advise the applicant that the Council will require a development plan that addresses the issues raised in the Design Guidelines mentioned in the Amendment Report prior to granting approval to any development application;*
3. *Advise the applicant of its resolution and request Scheme Amendment documents be updated in accordance with requirements of the Town Planning Regulations 1967;*
4. *Upon receipt of Amendment documents updated in accordance with its resolution, refer a copy of the amendment document to the Western Australian Planning Commission, and the Environmental Protection Authority pursuant to Section 81 of the Planning and Development Act 2005; and*
5. *Subject to no objections being received from the Environmental Protection Authority, advertise the amendment for a period of 42 days seeking public comment pursuant to Regulation 25(2) of the Town Planning Regulations 1967 (as amended).*

Following the above process and approval from the Environmental Protection Authority, the amendment was advertised in accordance with the Planning and Development Act 2005 and a Schedule of Submissions prepared.

Several submissions and a petition objecting to the density of the proposal have been received and are summarised in the attached Schedule of Submissions and discussed further in this report.

#### COMMENT

The rezoning will facilitate the future development of the site for medium density (R40) residential use. Strategically, the subject land is well placed to accommodate the density of development proposed, in terms of its proximity to available services and facilities within the Jurien town-site and its location adjacent to a Public Open Space.

#### SERVICING AND INFRASTRUCTURE

*Access*

The subject land has frontage to Hasting Street along its south-west boundary and Essex Street along its south-eastern boundary. Lot access arrangements would be determined as part of detailed design. However, given the lot dimensions, it is anticipated lots would be accessed via a combination of direct access to the existing public roads as well as common property access ways servicing survey-strata lots. Having regard to potential traffic management considerations raised by Council, design responses may include rear loaded access to dwellings fronting Hasting Street from common property access-ways, where practical.

*Sewer*

Consultation with the Shire of Dandaragan and Water Corporation has confirmed there is a sewer pressure main which passes the property within Hasting Street, which cannot be connected into to service the site. It is understood the nearest connection points to the gravity reticulated sewer are within Bower Street, or alternatively to an existing pump station located approximately 120m north-west of the subject land. The subject land is included within the Stage 2 Sewer infill area for the Jurien Townsite, however, it is understood Stage 2 has not yet been funded.

Further details pertaining to servicing the site with reticulated sewer, including preliminary sewer design, the preferred connection point and sewer route could be provided as part of a future development application, if required. It is understood sufficient capacity is available to service the development site within existing Water Corp infrastructure, and increased capacity will be provided over the next 10 - 15 years to accommodate projected growth and development within the town-site.

*Water*

The Water Corporation has confirmed the subject land has an existing connection to the scheme water supply.

*Power and Telecommunications*

The subject land is capable of being connected to the existing power supply infrastructure within the abutting road reserves.

*Design Guidelines*

In its consideration of a preliminary rezoning proposal for the site, Council expressed the view future development on Lot 480 should be sensitively designed to ensure it is sympathetic to existing built form and the character of the area. It is also the proponent's intention to ensure quality built form eventuates on the site such that a high benchmark is established as new development occurs in the Jurien Bay townsite.

The Residential Design Codes (R-Codes) have been developed (and recently amended) to provide a basis for the control of residential development in Western Australia. The general

objectives of the R-Codes include:

- ensuring residential design is fit for its intended purpose, responsive to the specified residential density and appropriate in the context of local amenity and place; and
- offering future residents improved housing choice and affordability.

The above objectives are delivered via design elements relating to site area, setbacks, building height, vehicle access, visual privacy, landscaping etc.

This notwithstanding, it is acknowledged there may be site or locality specific circumstances where certain design elements of the R-Codes may be augmented, or elaborated upon, to ensure local planning objectives are met. Whilst not statutorily binding, the following Design Guidelines have been prepared to inform future detailed design:

- development must be orientated to address Hasting Street and Essex Street, with major openings and the main entry to units accessible and visible via these frontages;
- units adjacent to the Public Open Space area (Weld Park) must be orientated to address the park with major openings visible via this frontage;
- visually permeable, uniform fencing shall be provided adjacent to the park;
- outdoor living areas are encouraged adjacent to the park;
- the level of development should achieve an appropriate interface with the adjoining R12.5 coded lots;
- use of a range of colours, textures and materials sympathetic to the local coastal environment shall be encouraged to reduce the appearance of building bulk and enhance streetscape character of the area;
- appropriate building articulation shall be encouraged to reduce building bulk including balconies for two storey dwellings fronting streets, eaves, overhangs and major openings.

It is noted the current zoning is “Tourist”. Under the previous Scheme 6 tourist zoning had a density R40. The current Scheme has the following objective for this zoning;

*To provide for tourism development and uses associated with tourism development, including retailing and service facilities where such facilities are an integral part of the development and are of a scale appropriate to the needs of the development.*

Any residential development under the current scheme for this lot will require a major portion (75%) to be for non-permanent accommodation.

The Scheme does not include any height restrictions or density for this zone.

Amending the zoning to "Residential" will place restrictions on the land that will be more compatible with the surrounding residential land use. Height (maximum 2 storey) and density will be greater controlled and there will be less issues relating to tourism uses in a residential zone as it is expected that many of the units will be owned and lived in by permanent residents.

Amending the zoning to residential will provide an amenity benefit to surrounding landowners. The issue at hand is the proposed density. It is argued that the design guidelines detailed above will negate most of the amenity issues raised in the schedule of submissions.

There are currently several R40 zoned lots in the Jurien Bay townsite that have been developed to a high standard.

#### CONSULTATION

In accordance with Council's resolution, the Scheme Amendment was referred to the Environmental Protection Authority for comment, and the Western Australian Planning Commission for information.

The Environmental Protection Authority advised that Amendment No. 21 did not require environmental assessment, and further, did not provide any additional advice or recommendations on the proposed modifications.

The Scheme Amendment was subsequently advertised for a period of 42 days in line with the Town Planning Regulations, which closed 5 September 2014.

In response a total of 3 submissions and 1 petition with 46 signatures were received. A summary of each submission together with staff comment is provided in the attachments.

#### STATUTORY ENVIRONMENT

Amendment of a Local Planning Scheme is undertaken in accordance with the provisions of the *Planning and Development Act 2005* and *Town Planning Regulations 1967*.

#### POLICY IMPLICATIONS

There are no Policy Implications.

#### FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item. The applicant will be required to pay the costs of advertising and preparation of the Amendment.

#### STRATEGIC IMPLICATIONS

The Local Tourism Strategy makes specific reference to Lot 480 as follows:



#### 4.1.4.3 Non –Tourism Sites

The Site assessments undertaken as a component of this Strategy in section 5.5 have identified two Tourist zoned sites which are considered to no longer meet the needs of the market, due to factors such as location, existing land use and setting. These sites have been allocated a residential density coding, further supporting their preferred use. This strategy recommends that subject to owner's support, these sites are rezoned to Residential R17.5 under Local Planning Scheme No 7.

The sites are:

- Lot 2 Casuarina Crescent, Jurien Bay
- Lot 480 Hasting Street , Jurien Bay

Whilst the Local Tourism Strategy recommends a residential density of R17.5, due to the locational attributes of the site supporting a higher and better use for the land, a rezoning to R40 is proposed.

#### ATTACHMENTS

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

- Scheme Report (Doc Id: 23601)
- Schedule of Submissions (Doc Id: 43576)
- Petition and submissions (Doc Id's: 39193, 38911, 38948)

**(Marked 9.4.11)**

#### VOTING REQUIREMENT

Simple majority



#### **OFFICER RECOMMENDATION**

**That Council:**

1. pursuant to Regulations 17 (1) and 25 (fb) of the *Town Planning Regulations 1967 (as amended)*, note the submissions received and endorse the response to those submissions contained in the related Schedule of Submissions;
2. under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 hereby amends the above local planning scheme by:
  - a. Rezoning Lot 480 Hasting Street, Jurien Bay from "Tourist" to "Residential (R40)".
  - b. Amending the Scheme Maps accordingly.
3. authorize the President and the Chief Executive Officer to execute the relevant documentation and affix the common seal pursuant to Regulations 22(1) of the *Town Planning Regulations 1967 (as amended)*;
4. forward the Schedule of Submissions and a copy of each submission to the Western Australian Planning Commission together with three copies of the Amendment documents (duly modified, signed and sealed) for

- endorsement pursuant to Regulations 22(2) of the Town Planning Regulations 1967 (as amended);
5. request the Hon Minister for Planning grant final approval to Amendment No. 24 to the Shire of Dandaragan Local Planning Scheme No.7; and
  6. inform those agencies and persons who made a submission on Amendment No. 24 to Local Planning Scheme No. 7 of its decision.

**9.4.12 PLANNING APPROVAL – RESIDENTIAL DESIGN CODE VARIATION (FILL IN EXCESS OF 0.50M AND RETAINING WALL IN EXCESS OF 0.50M WITHIN 1M OF LOT BOUNDARY) – LOT1126 CASUARINA CRESCENT, JURIE BAY**

Location:	Lot 1126 Casuarina Crescent, Jurien Bay
Applicant:	WA Country Builders on behalf of D & I Stokes
Folder Path:	Development Services App / Development Application / 2014 / 69
Disclosure of Interest:	None
Date:	8 December 2014
Author:	Barbara Macaulay, Planning Officer
Signature of Author:	
Senior Officer:	David Chidlow, Manager of Planning
Signature of Senior Officer:	

**PROPOSAL**

The applicant seeks to vary the following deemed to comply provisions of the Residential Design Codes (R-Codes)

- Clause 5.3.7 Site Works – Fill in excess of 0.50m in height is proposed within 1.00m of lot boundaries.
- Clause 5.3.8 Retaining Walls – Retaining in excess of 0.50m on a lot boundary.

**BACKGROUND**

The applicant has submitted a proposal for a single residential dwelling. The subject lot is a battle-axe lot zoned Residential with a density coding of 12.5 under the Shire of Dandaragan Local Planning Scheme No.7. In accordance with the Scheme the development is required to meet the provisions of the R-Codes. The lot is also subject to the Development Conditions for Jurien Lots 1167 to 1177 (see attachment).

The western boundary of the subject lot adjoins Reserve 28541 and the southern boundary adjoins a Right-of-Way. The land parcel to the south is zoned Tourism. The proposal is for a one story residence. The adjoining northern and eastern lots both contain two storey residences.

The applicant proposes to fill the site to be level with the highest natural ground level of the site. The northern corner is the highest point of the lot with a ground level of 10.75m and slopes downwards to a ground level of 8.86m at the north-west corner and approximately 9.37m at the east-west corner.

The finished floor level (FFL) of the proposed dwelling will be 10.70m (approximately 1m above natural ground level). The adjoining northern residence has a FFL of 11.69m and the southern residence has a FFL of 10.10m. Thus the proposed residence will be lower than the northern neighbour but higher than the southern neighbour.

Where a proposal does not meet the provisions of any Local Planning Policy or the R-Codes the decision maker is to exercise

its judgement to consider the merits of the proposal in accordance with the Design Principles of the R-Codes. The applicant is to provide justification of the proposal against the relevant Design Principles. In regards to the proposed fill the Design Principles of the R-Codes state:

- 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*

The applicant has engaged Planning Consultants 'Midwest' to provide justification against the Design Principles of the R-Codes (see attachments). In response to the proposed excess fill the applicant has provided the following justification:

*The subject site slopes from a natural ground level of 10.71m at the north eastern aspect, to 8.86m at the south western aspect, equating to 2.45m over the site. The extent of site works for the site is considered to be adequate given the slope over the land, landowner/s desire to utilise the area surrounding the dwelling and the extent of existing retaining facilitated at the southern side boundary of abutting Lot 1175. At all boundaries the maximum height of fill proposed tapers down to the existing ground level. The dwelling is proposed with a finished floor level of 10.70m, noting that additional retaining abutting the front boundary exists with a top of wall height of 10.12m. The dwelling and subsequent retaining walls have therefore been established with a finished floor level, and top of wall heights in response to existing surrounding development.*

*When considering the design of the dwelling and integration with the natural slope of the site, in conjunction with surrounding development and land uses, it may be considered that the dwelling is designed in response to existing features associated with the site.*

*However to appropriately facilitate the dwelling on the land parcel, site works and retaining are required to some extent. The dwelling is situated with a 2.00m setback to the north eastern boundary to enhance the privacy for future residents. This effectively utilises the area adjacent to the pedestrian access and public open space for the purpose of outdoor living.*

*As the subject site is a battleaxe lot, there is no adverse impact on the streetscape resulting from the extent of site works and retaining walls. The development proposed is in keeping with existing surrounding development, in terms of the height of retaining proposed and with respect to the finished floor level of both the existing and proposed dwellings.*

Given the proposed amount of fill, a stepped retaining wall is proposed for the western and southern boundary. The highest point of the retaining is 1.70m at the south-west corner and tapers down to ground level at the northern corner. Correspondingly the retaining wall tapers down to 1.36m at the south-east corner to adjoin the retaining wall of approximately .70m on Lot 1177.

To satisfy the Design Principles of the R-Codes the retaining wall must demonstrate the following:

*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 and 5.4.1.*

The following justification for the retaining wall has been provided by the applicant:

*The retaining walls proposed allow an appropriate area for use as outdoor living available for use in conjunction with the proposed dwelling. As the subject site directly abuts a pedestrian access leg which links the residential development to the east with the area of public open space to the west / north west there is no detrimental impact on the adjoining properties as a result of the retaining proposed. The area available for the integration of landscaping within the site is not to be reduced as a result of the proposed site works and retaining walls. There is no adverse impact on the amenity of affected adjoining properties. The land parcel to the south of the pedestrian access is zoned 'Tourist' under the Shire of Dandaragan's Local Planning Scheme No.7. It has been outlined above that the land to the rear of the subject site is zoned 'Parks and Recreation'. The retaining and fencing above ensure adequate privacy for future residents of the dwelling and allow the residents to appropriately utilise the area available for use within their site. Due to the orientation of the subject site there is no shadow cast within adjoining residential properties as a result of the proposed site works and subsequent retaining walls. Visual privacy is not a concern given the deemed to comply provisions of clause 5.4.1 under the Residential Design Codes for 'Visual Privacy' is not to be varied.*

*Essentially the proposed site works and subsequent retaining walls allow for relatively levelled areas for landscaping, outdoor living and the integration of the dwelling in response to the battle-axe access point, such design measures allow the site to be effectively utilised for the benefit of future residents. The variation sought is considered to be appropriate, noting it has been outlined above that dwellings fronting Casuarina Crescent exist with the integration of retaining walls at heights in excess of those that are proposed.*

### COMMENT

A copy of the proposal was advertised to surrounding neighbours and the Officer has spoken to the two adjoining neighbours so they were well aware of the details of the proposal. Two submissions were received both objecting to the proposed colorbond fence. In accordance with the Development Conditions "fences shall be masonry, in the same material as the house walls or of a material approved by Council, to match neighbours fences or to create an aesthetically pleasing contrast with the house". A site visit revealed brick fencing is a consistent development feature for the area as well as no fencing for lots adjoining Reserve 28541. The Officer has spoken to the Owners and the proposed plans have been amended to include a brick fence on the southern boundary and no fence on the western boundary.

The Officer contacted the Owner of Lot 1177 to notify the proposal would result in a residence with a FFL of approximately .60m above their residence. The Owner of Lot 1177 has no objection to the proposal given the proposed dwelling is single storey and set back from the southern boundary and will not impinge on their views from the second storey.

The issue remains the proposed height of the retaining wall and subsequent fill not respecting the natural ground level at the lot boundary however it is the Officer Recommendation dispensation is granted for the following reasons:

- The subject lot is a battle-axe lot and will not impact on the streetscape.
- The subject lot adjoins a pedestrian access leg and will provide greater privacy for the residents.
- A level lot will be easier to maintain and provide easier access for residents by eliminating the need for steps.
- The land parcel to the south is zoned Tourist and the proposed wall and fence will provide greater privacy for the residents should this area be developed in the future.
- There have been no objections from neighbours.

The proposal is recommended for approval.

### CONSULTATION

Notice of the proposed development was advertised to adjoining and potentially impacted neighbouring landowners. The advertising period was 6 November and closed on the 21 November 2014.

Two submissions were received, both objecting to the proposed fence and are included in the attachments.

### STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Residential Design Codes

POLICY IMPLICATIONS

- Development Conditions for Jurien Lot 1167 to 1177

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Location Plan (Doc Id: 43291)
- Site, Dwelling and Retaining Wall Plan (Doc Id: 43292)
- Development Conditions (Doc Id: 43295)
- Response by Midwest to the Design Principles of the R-Codes (Doc Id: 43296)
- Objection Letter (Doc Id: 43293)
- Objection Letter (Doc Id: 43294)

**(Marked 9.4.12)**

VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION**

**That Council grant planning approval for the proposed Dwelling, Retaining Wall and Fence in accordance with the attached approved plans date stamped 21 October 2014 on Lot 1176 Casuarina Crescent, Jurien Bay subject to all development being in accordance with the attached plans date stamped 21 October 2014 subject to any modifications required as a consequence of any conditions of this approval and shall not be altered without the prior written approval of the local government.**

**ADVICE NOTES:**

**Note 1: The applicant be advised this is planning approval only and not a building permit. A building permit must be obtained for this development;**

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

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

**Note 4: The applicant be advised that this approval has been granted based on the Design Principles of the Residential Design Codes and the Development**

**Conditions for Lots 1167 to 1177.**

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

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



### 9.4.13 SCHEME AMENDMENT NO.25 – SPECIAL CONTROL AREA – JURIEBAY WASTE WATER TREATMENT PLANT (WWTP) – FINAL ADOPTION

Location: Reserve 11300  
 Applicant: Water Corporation  
 Folder Path: Business Classification Scheme / Land Use Planning / Planning/ Planning Scheme / Amendment 7.25  
 Disclosure of Interest: None  
 Date: 8 December 2014  
 Author: Barbara Macaulay, Planning Officer  
 Signature of Author:   
 Senior Officer: David Chidlow, Manager of Planning  
 Signature of Senior Officer: 

#### PROPOSAL

The purpose of this report is for Council to consider for final adoption the amendment to introduce a Special Control Area (SCA) Waste Water Treatment Plant (WWTP) Odour Buffer.

#### BACKGROUND

This amendment proposes to:

- a) Introduce provisions for a Special Control Area (SCA) Wastewater Treatment Plant (WWTP) Odour Buffer to the Planning Scheme Text;
- b) Change the designation of the Jurien Bay Wastewater Treatment Plant (WWTP) on the Scheme Map from W – Water to WWTP – Wastewater Treatment Plant; and
- c) Change the Scheme Map to include the Odour Buffer Special Control Area (SCA) around the Jurien Bay WWTP designation.

The need for upgrades to increase the capacity of the Jurien Bay WWTP in several stages were identified through the Super Towns process and recognised in the Jurien Bay Growth Plan 2012. Long term future growth projections for this WWTP indicate that the plant may eventually need to be expanded to treat flows of up to 4.5ML/day. The first stage of works to increase the capacity of the WWTP to 300KL/day is now being planned. This scheme amendment is proposed in accordance with State Government policy and to ensure that there is ongoing investment security for this and future upgrades to the WWTP to enable the town of Jurien Bay to reach its growth potential.

#### *Location and Tenure*

The Jurien Bay WWTP is located approximately 2.4 kilometres east of the centre of Jurien Bay and 1.8 kilometres from the nearest residence, located to the west.

The plant is located on Reserve 11300 which is 17.04 hectares and is vested in the Water Corporation for the purposes of Waste Water Treatment Plant.

#### *Land Use and Zoning*

The site of the WWTP is reserved under Local Planning Scheme

No. 7 for Public Purposes – Water. The north west boundary of the site is bounded by the unconstructed Airport Road reserve and land zoned Industrial and other land reserved for Parks and Recreation. The land is uncleared comprising predominantly coastal heath.

The airport is located on land reserved for Public Purposes - Landing Ground and is located about 900 metres to the north west of the existing WWTP ponds. An area of land reserved and used for Public Purposes – Air Safety Marker (AS) site is located to the west.

To the south west of the site is located cleared land which is used for grazing and reserved for Public Purposes. This forms part of the old stock route. Land to the east is zoned Rural but remains uncleared and comprises low coastal heath.

A lot of around 16 hectares (Lot 9016) and owned by Ardross Estates abuts the south east edge of the site and is separated from its parent lot by the Gazetted but unconstructed road reserve for the proposed Indian Ocean Road Bypass.

Adjacent to the north east corner of the site is land reserved for Public Purposes and used for groundwater protection and supply. Located about 1.6 kilometres to the east is land zoned and used for Rural Residential purposes.

#### *Existing Plant Capacity*

The existing WWTP has a treatment capacity of 150 KL/day and serves up to 750 people. The treatment plant is nearing capacity and the upgrade is required to meet existing demands and future demands arising from sewerage infill of an existing 322 lots and new urban development. Wastewater treatment at Jurien Bay involves large facultative and maturation ponds, with natural sunlight used as the source of the energy for treatment, and a long detention time ensuring a treated wastewater which is safe for reuse or infiltration into groundwater. At present the treated wastewater evaporates or infiltrates to the ground.

#### *Expansion and Related Works*

The existing plant will be kept in operation with the new ponds and infiltration sites on adjacent land in the same site. In addition, the Corporation is planning the buffer zone for the ultimate expansion of the plant to serve long term growth in the town.

The Jurien Bay WWTP is well located and currently surrounded by a range of existing compatible land uses. The importance of expansion in its current location is likely to increase over time as demand for alternative water (i.e. recycled water) grows. It is possible that future alternative water generated by the WWTP could be used for either community purposes (e.g. townscape, public open space, golf course), industrial or commercial and / or

environmental. The viability of recycled water schemes is highly dependent on maintaining the resource close to potential users.

#### *Odour Buffer Delineation*

Scientific modelling of the odour buffer modelling has been commissioned to determine the likely extent of odours that may be experienced outside of the plant site. The modelling has been undertaken in accordance with Environmental Protection Authority (EPA) requirements.

The modelled odour buffer extends primarily over land that is either zoned Industrial or reserved for Public Purposes or Parks and Recreation. The buffer also impacts a 16 hectare area of private land to the east which is zoned Rural.

The application was adopted for advertising at the February 2014 Council Meeting. At this meeting Council resolved;

#### *OFFICER RECOMMENDATION / COUNCIL DECISION*

*Moved Cr Bailey, seconded Cr Sheppard*

*That Council:*

- 1. In pursuance of Section 75 of the Planning and Development Act 2005 (as amended), amend Local Planning Scheme No.7 by;*

#### *Scheme Map*

- 1. Changing the designation for Reserve 11300 from 'W- Water' to 'WWTP – Wastewater Treatment Plant'.*
- 2. Showing a designation for WWTP – Wastewater Treatment Plant in the Scheme Map legend.*
- 3. Showing a Wastewater Treatment Plant Special Control Area Odour Buffer on the Scheme Map legend.*
- 4. Delineating a Wastewater Treatment Plant Special Control Area Odour Buffer around the Jurien Bay Wastewater Treatment Plant on Reserve 11300.*

#### *Scheme Text*

*Inserting a new sub-section:*

#### *6.3 Wastewater Treatment Plant Odour Buffer Special Control Area*

*6.3.1 The purpose of identifying the Wastewater Treatment Plant Odour Buffer is to avoid incompatible or odour-sensitive land use or development being established within the odour buffer, and to protect the long term operation and expansion of the plant which provides an essential service to the community through the treatment, re-use and safe disposal of the town's wastewater.*

*6.3.2 Despite the land use permissibility indicated in the Scheme Zoning Table or any provisions elsewhere in the Scheme, Planning Approval is required for any proposed*

*use or development within the Wastewater Treatment Plant Buffer Special Control Area as depicted on the Scheme Map.*

*6.3.3 The Wastewater Treatment Plant and its associated infrastructure may create odour nuisance to surrounding land uses. Therefore, when determining applications for planning approval for development or land use within the Special Control Area, the Council shall:*

- Consider the compatibility of the use or development with wastewater treatment plant infrastructure having regard to potential odour and noise emissions from the wastewater treatment plant;*
  - Consider whether the use or development would have a detrimental impact on the long term operation of the wastewater treatment plant;*
  - Obtain and have regard to the advice and recommendations of the Water Corporation and the Department of Environment Regulation and any relevant policies of the Department of Environment Regulation and the Western Australian Planning Commission, including State Planning Policy 4.1 (State Industrial Buffer Policy);*
  - Not approve any application for land use or development within the buffer that are considered to be odour sensitive uses and would suffer unacceptable impacts from odour, or which by its nature may adversely impact on the continued operation of the wastewater treatment plant.”*
- 2. Advise the applicant of its resolution and request Scheme Amendment documents be updated in accordance with requirements of the Town Planning Regulations 1967.*
  - 3. Upon receipt of Amendment documents updated in accordance with its resolution, refer a copy of the amendment document to the Western Australian Planning Commission, and the Environmental Protection Authority pursuant to Section 81 of the Planning and Development Act 2005.*
  - 4. Subject to no objections being received from the Environmental Protection Authority, advertise the amendment for a period of 42 days seeking public comment pursuant to Regulation 25(2) of the Town Planning Regulations 1967 (as amended).*

Following the above process and approval from the Environmental Protection Authority, the amendment was advertised in accordance with the Planning and Development Act 2005. No submissions were received however the following advice and recommendations were provided by the Environmental Protection Authority:

*Land within and adjacent to the Special Control Area is a recommend conservation reserve in the EPA Redbook 1976-1993 and there are known occurrences of Declared Rare and Priority*

*flora (DRF) and significant fauna within close proximity. It is recommended that any proposed expansion of the WWTP be supported by a targeted search for DRF and significant fauna, undertaken in consultation with the Department of Parks and Wildlife.*

#### COMMENT

Wastewater treatment plants (WWTPs) are essential infrastructure that provide multiple health, economic, social and environmental benefits to communities and businesses. WWTPs are necessary to support sustainable urban growth and development. In addition to treating wastewater, their role is changing in many communities to that of also providing a secure source of alternative water.

The introduction of the Wastewater Treatment Odour Buffer Special Control Area (SCA) provisions to the scheme is in accordance with State Planning Policy 4.1 and is necessary to support the staged expansion of the Jurien Bay WWTP now and into the future.

Recognition of the Jurien Bay WWTP odour buffer has been provided in various planning documents included the Turquoise Coast Structure Plan and the Jurien Bay Growth Plan. The buffer will mainly impact public land that is either reserved for Public Purposes or Parks and Recreation or zoned Industrial or private land zoned Rural.

Existing land use is compatible with the odour buffer and inclusion of the odour buffer into a Special Control Area (SCA) will provide greater certainty and direction for future planning.

The proposed amendment is supported.

#### CONSULTATION

In accordance with Council's resolution, the Scheme Amendment was referred to the Environmental Protection Authority for comment, and the Western Australian Planning Commission for information.

The Environmental Protection Authority advised that Amendment No. 25 did not require environmental assessment and provided the following additional advice and recommendations:

*Land within and adjacent to the Special Control Area is a recommend conservation reserve in the EPA Redbook 1976-1993 and there are known occurrences of Declared Rare and Priority flora (DRF) and significant fauna within close proximity. It is recommended that any proposed expansion of the WWTP be supported by a targeted search for DRF and significant fauna, undertaken in consultation with the Department of Parks and Wildlife.*

The Scheme Amendment was subsequently advertised for a period of 42 days in line with the Town Planning Regulations, which closed 5 September 2014.

No submissions were received.

#### STATUTORY ENVIRONMENT

Amendment of a Local Planning Scheme is undertaken in accordance with the provisions of the *Planning and Development Act 2005* and *Town Planning Regulations 1967*.

#### POLICY IMPLICATIONS

There are no Policy Implications.

#### FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item. The applicant will be required to pay the costs of advertising and preparation of the Amendment.

#### STRATEGIC IMPLICATIONS

- Shire of Dandaragan Strategic Community Plan 2011 – 2021

5.15.1 GOAL NUMBER ONE: Strong Economic Base and Enabling Infrastructure				
OBJECTIVE 2: Ensure timely provision of essential and strategic infrastructure to ensure investment and growth for the Shire is maximised.				
STRATEGIES	LINKS	TIME FRAME	SCOPE	PARTNERS
Lobby for design and installation in-fill sewerage Jurien Bay and surrounds	SuperTowns Growth Plan Coral Coast Tourism Development Priorities	Ongoing	Jurien Bay	Water Corporation

#### ATTACHMENTS

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

- Amendment Proposal (Doc Id: 43328)  
**(Marked 9.4.13)**

#### VOTING REQUIREMENT

Simple majority



#### **OFFICER RECOMMENDATION**

**That Council:**

1. **under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 hereby amends the above local planning scheme by:**

- a) **introduce provisions for a Special Control Area (SCA) Wastewater Treatment Plant (WWTP) Odour Buffer to the Planning Scheme Text, and**
  - b) **change the designation of the Jurien Bay Wastewater Treatment Plant (WWTP) on the Scheme Map from W – Water to WWTP – Wastewater Treatment Plant, and**
  - c) **change the Scheme Map to include the Odour Buffer Special Control Area (SCA) around the Jurien Bay WWTP designation.**
2. **authorize the President and the Chief Executive Officer to execute the relevant documentation and affix the common seal pursuant to Regulations 22(1) of the Town Planning Regulations 1967 (as amended);**
  3. **forward three copies of the Amendment documents (duly modified, signed and sealed) to the Western Australian Planning Commission for endorsement pursuant to Regulations 22(2) of the Town Planning Regulations 1967 (as amended); and**
  4. **request the Hon Minister for Planning grant final approval to Amendment No.25 to the Shire of Dandaragan Local Planning Scheme No.7.**

**9.4.14 REST IN REEF PROJECT – JURIEN BAY FORESHORE**

Location: Reserve 28541 Jurien Bay Foreshore  
 Applicant: Jurien Bay Community Men's Shed  
 Folder Path: Business Classification Scheme / Parks and Reserves/Usage/Permissions  
 Disclosure of Interest: None  
 Date: 10 December 2014  
 Author: David Chidlow, Manager of Planning  
 Signature of Author:   
 Senior Officer: Ian Rennie, Deputy Chief Executive Officer  
 Signature of Senior Officer: 

**PROPOSAL**

Jurien Bay Men's Shed seeks Council support for the "Rest in Reef" project and approval to place memorial plaques on the foreshore limestone wall near the dive trail wall.

**BACKGROUND**

In 2013 the Jurien Bay Men's Shed established an artificial reef dive trail constructed of 79 specially designed and fabricated concrete Reef Balls. It is the only dive trail in Australia (to date) constructed in this manner. The Jurien Bay Artificial Reef has been now in position for over 12 months.

The Rest in Reef project allows remembrance of a person who loved the ocean and wishes that their ashes be mixed with the concrete in the construction of a Reef Ball and positioned as to become a part of the Artificial Reef that makes up the Dive trail.

Many people have had their ashes spread over the waters of Jurien Bay, the Rest in Reef Ball concept allows for a more concrete placement of the ashes. The Rest in Reef Ball will create an eco friendly habitat for marine creatures,

The applicant has made enquires to Chipper Funerals and Bowra & O'Dea Funeral Directors, both advised that there is no legal impediment to putting ashes into the ocean.

The Jurien Bay Men's Shed have a patented Mini Reel' Ball mould and would fabricate the memorial Rest in Reef Ball with 60 mpa concrete and mix the deceased ashes into the concrete. The Reef Ball would then be deployed reverentially into the ocean by boat with the family of the deceased on the shore observing the proceedings officiated by a person of the families choosing. Divers with a lift bag would then position the Rest in Reef Ball into the final position and an underwater photograph taken for the family. Because the marine growth would quickly cover the Reef Ball the balls would be anonymous with no plaque on the individual Rest in Reef Balls. A small plaque similar to the ones on the memorial benches along Turquoise Way (approx. 150mm x 50mm) would be attached to the limestone wall near the Dive Trail wall. The Dive Trail has recently been surveyed by Ian Stiles and Marine Park Manager Paul Jennings. A scale map is provided in



the attachments. As can be seen the Reef Balls in position now cover less than 20% of the area originally designated for the artificial reef Dive Trail. There is room for several hundred mini reef balls to be positioned in the future. The Men's Shed would organise the fabrication and deployment of the Rest in Reef Balls. There would be no maintenance costs in the future of the Rest in Reef Ball. The Rest in Reef would help the Men's Shed financially and it would attract tourists to Jurien Bay.

Men's Shed hope to obtain Council's written support of this project to enable us to gain permission from the Marine Parks and Reserves Authority to establish the Rest in Reef project in the Jurien Bay Marine Park. Men's Shed already has 3 Widows of past Men's Shed members who want their husbands ashes interred on the Reef

#### COMMENT

The proposal was informally discussed at a Council Forum held on 13 November 2014. Generally the idea of more reef balls (with or without human ashes) was supported. A number of concerns about the memorial plaques were raised by elected members on the day.

It is noted that there are a couple of memorial plaques placed on seats in the park. However these are inconspicuous. If several hundred rest in reef balls are placed over time, this could result in several hundred plaques on the recreation reserve wall. This will in effect turn the wall and associated area into a memorial. This may attract the placement of flowers by family members of the deceased. The Reserve is for recreation purposes and a memorial is not in keeping with the purpose of the area.

#### CONSULTATION

- Department of Parks and Wildlife
- Marine Parks and Reserve Authority

#### STATUTORY ENVIRONMENT

- Local Government Act 1995

#### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

#### FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

#### STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

#### ATTACHMENTS

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

- Letter of Application and Site Plan (Men's Shed) (Doc Id:

43555)

- Letter from DPAW (Doc Id: 42707)

**(Marked 9.4.14)**

VOTING REQUIREMENT

Simply majority

**OFFICER RECOMMENDATION**

**That Council advise the Jurien Bay Men's Shed that:**

- 1. Council supports the Rest in Reef project for placement of memorial reef balls; and**
- 2. Council does not support the placement of memorial plaques in the Foreshore Reserve or beachfront as the display of what could be several hundred memorial plaques is not in keeping with the recreational purposes of the area.**

**9.5 HEALTH****9.6 BUILDING****9.7 COUNCILLOR INFORMATION BULLETIN****9.7.1 SHIRE OF DANDARAGAN – NOVEMBER 2014 COUNCIL STATUS REPORT**

Document ID: 43706

Attached to the agenda is a copy of the Shire's status report from the Council Meeting held 27 November 2014. **(Marked 9.7.1)**

**9.7.2 SHIRE OF DANDARAGAN – EXECUTIVE MANAGER INFRASTRUCTURE REPORT – DECEMBER 2014**

Document ID: 43310

Attached to the agenda is a copy of the Shire of Dandaragan's Executive Manager Infrastructure Report for December 2014. **(Marked 9.7.2)**

**9.7.3 SHIRE OF DANDARAGAN – BUILDING STATISTICS – NOVEMBER 2014**

Document ID: 43406

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

**9.7.4 SHIRE OF DANDARAGAN – PLANNING STATISTICS – NOVEMBER 2014**

Document ID: 43418

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

**9.7.5 MEDIA RELEASE – MOORE CATCHMENT COUNCIL RECOGNISED AT REGIONAL AWARDS**

Document ID:

*"The Regional Achievement and Community Awards selected Moore Catchment Council (MCC) as a finalist in the CSBP Environment Award category this year."*

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.5)**

**9.7.6 IN MOORE WITH LOVE – SHANE LOVE MLA NEWSLETTER – NOVEMBER 2014**

Document ID:

Inside this issue:

- Regional Grants Scheme and Community Chest Fund
- Office Opening
- Gas exploration and production
- Wangaree Community Centre

- Drought Concessional Loans
- Local Government Amalgamation
- Jurien Bay Civic Centre
- Morangup Fire Shed
- Great Northern Highway Upgrade
- Wheatbelt: Expanded AvonLink Service
- In brief

**9.7.7 DEPARTMENT OF TRANSPORT – RECREATIONAL BOATING FACILITIES SCHEME ROUND 20 – CALL FOR FUNDING APPLICATIONS**

Document ID: 42706

*“The Recreational Boating Facilities Scheme (RBFS) is an established State Government grants program which helps local governments, government departments and statutory authorities to improve publicly available recreational boating infrastructure.”*

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.7)**

**9.7.8 MOORE CATCHMENT COUNCIL – ANNUAL REPORT**

Document ID: 42764

On hand is a copy of Moore Catchment Council’s Annual Report 2013 / 2014.

An electronic copy can be found on their website at [www.moorecatchment.org.au](http://www.moorecatchment.org.au)

**9.7.9 MEDIA STATEMENTS – COMMUNICATIONS PROJECT CONNECTS REGIONAL WA**

Document ID:

*“Regional Western Australia is now experiencing unprecedented mobile and internet coverage, thanks to the completion of the \$40 million Regional Mobile Telecommunications Project, made possible by the State Government’s Royalties for Regions program.”*

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

**9.7.10 SURF LIFE SAVING WESTERN AUSTRALIA – COASTAL SAFETY REPORT**

Document ID: 43132

On hand is a copy of Surf Life Saving Western Australia’s 2014 WA Coastal Safety Report which was launched on Friday 28 November 2014.

The WA Coastal Safety Report details coastal drowning death, injury data and patrol statistics for the 2013 / 2014 season (1 May 2013 to 30 April 2014). The report is produced annually to inform coastal safety stakeholders about current drowning risks, trends and provides a valuable evidence base to guide future planning for coastal safety in WA.

**9.7.11 DEPARTMENT OF COMMERCE – BUILDING COMMISSION – INSTANT START – NEW INITIATIVE ANNOUNCED**

Document ID: 42466

*“Instant Start proposes to target time delays in the housing industry by allowing builders to begin construction upon lodging a certified application for a building permit with a local government permit authority. Instant Start will require verification from a competent independent expert that both planning and building requirements have been met and is expected to be introduced from the middle of 2015.”*

**9.7.12 HON DAVID TEMPLEMAN MLA – PARLIAMENTARY QUESTIONS AND RESPONSE REGARDING AMALGAMATION**

Document ID: 42442

Attached to the agenda is a copy of questions and answers the Minister asked on 11 November 2014. **(Marked 9.7.12)**

**9.7.13 WALGA MEDIA RELEASE – RISKY ROADS SURVEY – REPORT STRENGTHENS CASE FOR ROAD FUNDS – 20 NOVEMBER 2014**

Document ID: 42549

*“The State Government needs to urgently inject funds into projects to help save lives on Western Australia’s local roads.*

*The RAC’s 2014 Risky Roads Survey, released yesterday, comes just two months after the WA Local Government Association released a ground breaking study that showed 63 per cent of accidents resulting in death and serious injury occur on local roads.”*

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

**9.7.14 WALGA – MUNICIPAL WASTE ADVISORY COUNCIL INFORMATION BULLETIN – ISSUE 201**

Document ID:

Inside this issue:

- WARR Review Released
- Switch onto TV and Computer Review
- Tidy Toodyay
- Tis the Season for Consultation
- Wealth from Waste: Resource Productivity and Innovations

**9.7.15 MEDIA STATEMENT – PREMIER ANNOUNCES CHANGES TO CABINET – MONDAY 8 DECEMBER 2014**

Document ID:

*“Premier Colin Barnett today announced changes to State Cabinet following the resignation of long-serving Minister Terry Waldron, and potential conflict of interest issues concerning Transport and Finance Minister Dean Nalder.”*

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

**9.7.16 WESTERN AUSTRALIAN PLANNING COMMISSION – APPLICATION NO.150385**

Document ID: 41468

*“The Western Australian Planning Commission has considered the application referred to and is prepared to endorse a deposited plan in accordance with the plan date-stamped 21 July 2014 once the condition(s) set out have been fulfilled.”*

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

**9.7.17 REGIONAL COASTCARE FORUM – LEDGE POINT – 21 FEBRUARY 2015**

Document ID:

Regional Coastcare Forum is a networking and information day being held on Saturday 21 February 2015 meeting at the Ledge Point Country Club at 9.30am for a 10am start.

The day will be focusing on dune rehabilitation, erosion control and plant choices in revegetation projects.

**9.7.18 WALGA – ECO-NEWS – ISSUE 11**

Document ID: 42552

Inside this issue:

- Water Week Photo Competition in Cockburn a Success
- Yellagonga Plants and Birds Tour
- Guilderton Celebration Day
- Ringtail Possums like Middle-Storey Shrubs
- Lead the Water Wise Way by Adjusting Sprinklers
- WALGA’s Local Biodiversity Program wins at PIA Awards for Planning Excellence
- Rainbow Bee-eater, Nesting and Breeding
- Street Lighting Discussion Paper – Released for Comment
- Separation Point Lookout
- Garage Sale Tail Announced as Finalist in 2014 Banksia Sustainability Awards
- Extinguishing the Risk of Bushfires with Mappt
- Marri Fungal Disease Outbreak

**9.7.19 WALGA MEDIA RELEASE – PLANNING REFORM YEARS IN THE MAKING**

Document ID: 42553

*“Local Council’s welcome the State Government’s announcement of the long awaited local planning scheme regulations.”*

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.19)**

**9.7.20 WALGA – LOCAL GOVERNMENT NEWS – ISSUE 45**

Document ID: 42629

Inside this issue:

- Reform Breakfast & Workshop
- Freight Policy Forum

- 2015 WA Local Government Convention Accommodation & Parking
- Civic Sunday Service – 23 November
- How Will You Display Your Road Ribbons?
- Release of the Draft Swan NRM Strategy
- Environmental Planning Tool (EPT) Version 4 Released
- 2014 State Biosecurity Forum
- Food Switch STARS Food Rating Website Launched
- Training

**9.7.21 DEPARTMENT OF FIRE AND EMERGENCY SERVICES – WA CYCLONE AND SOUTHERN BUSHFIRE SEASON SYNOPSIS 2014 / 2015**

Document ID: 42527

*“Last year, the Department of Fire and Emergency Services (DFES) took a new approach in its delivery of seasonal outlook information to support those involved in emergency management and response across the State.”*

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

**9.7.22 D.J & A.F JOICE – LANDING FEES & CHARGES AT JURIE BAY AIRSTRIP**

Document ID: 42529

*“We commend the Shire Council for agreeing to provide 100% concession for the 2014/15 financial year to all users of the Jurie Bay Airstrip.”*

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.22)**

**9.7.23 MAIN ROADS WESTERN AUSTRALIA – INVITATION FOR SUBMISSION, INDIAN OCEAN DRIVE PASSING LANES**

Document ID: 42571

*“Increasing traffic movement in the northern corridor has prompted the construction of several passing lanes on Indian Ocean Drive.”*

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.23)**

**9.7.24 WALGA – LOCAL GOVERNMENT NEWS – ISSUE 45**

Document ID: 42793

Inside this issue:

- Metropolitan Reform Breakfast & Workshop – Final Call
- Work Health and Safety (WHS) Bill 2014 – Open for Comment
- Parliamentary Review of Development Assessment Panels (DAPs)
- Government Response to Independent Review of the Liquor Control Act 1988
- Want to Talk Rubbish with the Experts?
- Green Army Round Two – Applications Open

- Adult Change Facilities
- Biosecurity – Call for Research and Development Funding Proposals
- Recreational Boating Facilities Scheme Now Open
- Emissions Reduction Fund Passes in the House of Representatives

**9.7.25 WESTERN AUSTRALIA NATURAL DISASTER RELIEF AND RECOVERY ARRANGEMENTS – COUNTER DISASTER OPERATIONS (CDO) ACTIVITIES**

Document ID: 42809

*“The Department of the Premier and Cabinet (DPC) as administrators of the Western Australia Natural Disaster Relief and Recovery Arrangements (WANDRRA) have received from the Commonwealth Government ‘Guideline 10 – Counter Disaster Operations (CDO)’, which clarifies the measures that it considers eligible under the CDO section.”*

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

**9.7.26 DEPARTMENT OF PARKS AND WILDLIFE – PLANNING APPLICATION – AQUATIC ADVENTURES**

Document ID: 42702

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.26)**

**9.7.27 DEPARTMENT OF TRANSPORT – RECREATIONAL BOATING FACILITIES SCHEME ROUND 20 – CALL FOR FUNDING APPLICATIONS**

Document ID: 42706

*“The Recreational Boating Facilities Scheme is an established State Government grants program which helps local governments, government departments and statutory authorities to improve publicly available recreational boating infrastructure.”*

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.27)**

**9.7.28 DEPARTMENT OF PARKS AND WILDLIFE – COMMENTS ON THE REST IN REEF PROPOSAL**

Document ID: 42707

*“The proposal looks to expand on the scope of an existing Regulation 4 Authority Permit (CE004057) issued to the Shire of Dandaragan and the Jurien Bay Progress Association after endorsement of the Marine Parks and Reserves Authority (MPRA) in August 2013.”*

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

**9.7.29 CELEBRATE WA – INVITATION TO NOMINATE AN**



## **EXCEPTIONAL INDIVIDUAL INTO THE 2015 WESTERN AUSTRALIAN OF THE YEAR AWARDS**

Document ID: 42735

2015 Western Australian of the Year Awards has officially opened for nominations.

There are seven Western Australian of the Year Award categories. The overall winner is chosen from amongst the Award categories winners.

For more information or to submit a nomination please visit the Celebrate WA website [www.celebratewa.com.au](http://www.celebratewa.com.au) and complete the online form. Nominations will be accepted until 5.00pm on Friday 27 March 2015.

Winners will be announced at the Awards Ceremony in May 2015.

### **9.7.30 NATIONAL BROADBAND NETWORK CO ROLLOUT ANNOUNCEMENT – SHIRE OF DANDARAGAN**

Document ID: 42790

*“NBN Co today announced a new rollout plan revealing the next \$240,000 homes and businesses across 48 cities, suburbs and towns in Western Australia set to receive the National Broadband Network (NBN)”*

Attached to the agenda is a copy of the above mentioned correspondence. **(Marked 9.7.30)**

### **9.7.31 JURIE BAY RATEPAYERS AND PROGRESS ASSOCIATION MEETING HELD 5 NOVEMBER 2014 – MINUTES**

Document ID: 42799

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

### **9.7.32 WALGA – MAIN ROADS ADVISORY GROUP MANAGEMENT OF STRAYING STOCK IN PASTORAL REGIONS – LOCAL GOVERNMENT REPRESENTATION**

Document ID: 43552

*“Thank you for your nomination for the position of Member on the above Group. The members of the Selection Committee were extremely encouraged by the high calibre of applicants for this vacancy which resulted in a very narrow scoring margin between applicants to decide the preferred nominee. Unfortunately, on this occasion your application was not successful.”*

**AGENDA FOR ORDINARY COUNCIL MEETING TO BE HELD THURSDAY 18 DECEMBER 2014**

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