



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

**MINUTES**

**of the**

**ORDINARY COUNCIL MEETING**

**held at the**

**COUNCIL CHAMBERS, JURIE BAY**

**on**

**THURSDAY 22 FEBRUARY 2018**

**COMMENCING AT 4.02PM**

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

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<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 22 FEBRUARY 2018</b>
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## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

### 1.1 DECLARATION OF OPENING

The Chief Executive Officer declared the meeting open at 4.02pm and welcomed those present.

### 1.2 DISCLAIMER READING

The disclaimer was read aloud as there were 18 members of the public present.

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

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

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

### Members

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

### Staff

Mr S Clayton	(Acting Chief Executive Officer)
Mr G Yandle	(Executive Manager Infrastructure)
Mr D Chidlow	(Executive Manager Development Services)
Ms R Headland	(Council Secretary & PA)
Mr R Mackay	(Planning Officer)
Ms J Rouse	(Executive Secretary)
Mr T O’Gorman	(Community Services Coordinator / Club Development Officer)

### Apologies

Councillor D Slyns

### Approved Leave of Absence

Nil

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**Observers**

Gesina Webb, Geoff Webb, Colin Adams, Susanne Adams, Wilfred Wimmmler, Renate Wimmmler, Anna O'Dowd, Graham Leeson, Kingley Lewis, Brett McCallum, Sally McCallum, Alan Katnich, Lorraine Katnich, John Nicholas, David Jackson, Ross Bell, I Forrester, Mike Sheppard

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

Nil

**4 PUBLIC QUESTION TIME**

Mr Wimmmler asked what was happening with the continuing smell of chook manure?

*The Executive Manager of Development Services responded by saying that Shire staff were to meet with staff from the Department Primary Industries and Regional Development (Agriculture Department) and the Department Water Environment Regulation next week to discuss actions to be taken and ways forward to resolve the issues surrounding the odour complaints. He also advised that the matter had been raised with Shane Love MLA seeking action from the State Environmental Agencies to address the issues.*

Mr Wimmmler asked if there was a change of land use for spreading of poultry manure which would require planning approval?

*The Executive Manager Development Services responded by saying that there was no requirement under the Local Planning Scheme for farmers to seek a change of land use or development application for the spread of fertiliser on paddocks. The issue is the odour from the type of material spread and odour, not the land use being "farming". There is also no requirement for approval of the Health Department for the spread of fertiliser. There are requirements for the stockpiling in excess of 1000 tonnes per year of untreated poultry manure that are governed by Environmental Agencies and these are the issues that will be discussed with state government agencies next week.*

**5 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**6 CONFIRMATION OF MINUTES****6.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD 25 JANUARY 2018****COUNCIL DECISION**

**Moved Cr Shanhun, seconded Cr McGlew**

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 22 FEBRUARY 2018**

**That the minutes of the Ordinary Meeting of Council held 25 January 2018 be confirmed.**

**CARRIED 8 / 0**

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

Nil

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

Nil

## 9 REPORTS OF COMMITTEES AND OFFICERS

### 9.1 CORPORATE & COMMUNITY SERVICES

#### 9.1.1 JURIEN SPORT AND RECREATION CENTRE STORAGE SHED

Location: Jurien Sport & Recreation Centre  
 Applicant: Jurien Sport & Recreation Centre  
 Folder Path: Business Classification Scheme / Grants and Subsidies / Applications / Community Groups  
 Disclosure of Interest: Nil  
 Date: 6 February 2018  
 Author: Tony O’Gorman, Club Development Officer

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

Signature of Senior Officer: 

#### PROPOSAL

For Council to Support the Jurien Sport and Recreation Centre with a Community Sport and Recreation Facilities Fund (CSRFF) application for the construction of storage shed adjacent to the outdoor netball courts to house equipment for the Turquoise Coast Netball Association, Jurien Bay Football / Hockey Club and the Jurien Sport and Recreation Centre.

#### BACKGROUND

The Jurien Sport and Recreation Centre accommodate a range of sports activities from football, netball, badminton, volleyball, squash and basketball. The centre also hosts special events like the Easter Fest, private functions, and dance and fitness classes.

Storage at the centre has been an issue for some time and this proposal will provide storage for those sports and activities that take part outside of the centre. The proposal is to locate the storage to the north of the current external multipurpose courts.

The shed size is proposed to be 18 metres by 6 metres split into three separate lockable areas. An additional lean-to 3 metres wide to be constructed on the multipurpose courts side of the storage shed.

The football / hockey club will be able to store their bulky equipment in this storage area thus freeing up internal storage space and clearing some of those bulky items from the home change room.

The netball association will also be able to store their bulky items adjacent to the courts. Crash protectors can be removed from the upright poles following each game and stored in the new shed. All other items will be removed from the internal storage space at the Sport and Recreation Centre.

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The additional lean-to will provide shelter to spectators and officials during netball / basketball games. Currently there are two small shelters on each side of the courts to accommodate time and score keepers.

The internal storage can then be utilised to accommodate some of the equipment that other groups that use the facility require. The centre has recently been unable to accommodate additional groups due to the lack of storage in the building.

The Jurien Sport and Recreation Centre purchased two trailer mounted portable toilets with assistance from the shire in 2017 and currently store these trailers at the Shire depot. This storage facility will enable the toilets to be stored under cover at the Sport and Recreation Centre rather than on Shire property. The new shed will provide storage for additional equipment used by the sports using the external facilities.

#### COMMENT

The Jurien Sport and Recreation Centre have over the past three years embarked on an improvement and inclusion programme. The aim is to make the centre the go to place for sports and recreation activities in Jurien Bay and surrounds.

The Committee has made many improvements with the aid of grants from the Shire and other sources to upgrade the facilities. A new sound system has been installed, the stadium floor has been relined and sealed, window treatments have been replaced carpets have been cleaned regularly and recently a commercial dishwasher has been installed in the kitchen.

The centre now hosts badminton junior and senior, dance, and senior's fitness. A number of events have used the centre including weddings, funerals, performing arts and return to Jurien Bay events.

This additional storage will enable the centre to attract more users and provide internal storage space for those users.

The Club has applied to the Department of Sport and Recreation, Community Sport and Recreation Facilities Fund (CSRFF) for a one third contribution to this project. A one third contribution of \$16,666 will be required from the Shire and the final third will be provided by the Sports and Recreation Centre as per the Shire of Dandaragan Policy 6.6 Sport and Recreation Funding.

The Shire of Dandaragan Sport and Recreation Capital Work Fund provide for a contribution of up to one third of a project cost where funds have been sourced from Community Sport and Recreation Facilities Fund (CSRFF) or any other source.

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Where no other funds are sourced a contribution up to fifty percent of the total project may be funded from the Shire of Dandaragan Sport and Recreation Facilities Fund.

There is a possibility that due to high demand for CSRFF funding that this project may not be successful in attracting funds. Should this occur the Shire of Dandaragan Sport and Recreation Capital Works fund could contribute up to 50% of the project cost up to a maximum of \$50,000 according to Policy 6.6 Sport and Recreation Funding.

Two quotes have been sought with costs ranging from \$51,140 to \$52,258.

#### CONSULTATION

- Jurien Sport and Recreation Centre Committee
- Turquoise Coast Netball Association
- Jurien Bay Football Club
- Department for Sport and Recreation (Jennifer Collins)

#### STATUTORY ENVIRONMENT

There are no statutory implications for this item

#### POLICY IMPLICATIONS

Policy 6.6 Sport and Recreation Funding - Sporting and Recreational Capital Works Fund

#### FINANCIAL IMPLICATIONS

Council is being asked to authorise expenditure from the Sporting and Recreation Facilities Capital Works fund of up to \$25,000 to a maximum of \$37,500

#### Budget CSRFF funded:

Cost of project	\$51,140
Shire Funding	\$17,046
CSRFF Funding	\$17,046
Jurien Sport and Recreation Centre Funding	\$17,046

#### Budget non CSRFF funded:

Cost of Project	\$51,140
Shire funding	\$25,570
Jurien Sport and Recreation Centre	\$25,570

#### STRATEGIC IMPLICATIONS

2016 - 2026 Strategic Community Plan

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<i>Goal 2: Healthy Safe and Active Community</i>	
Objective	How the Shire will contribute
2.4 Provide Recreation and Community Facilities and Activities	d) Plan for future Recreation needs, including feasibility in accordance with the Major Recreation Facilities Fund and review of cycle ways and dual use paths.

ATTACHMENTS

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

- Sport and Recreation Capital Works Policy 6.6 (Doc Id: 96583)
- P & L for 2016 / 2017 (Doc Id: 106408)
- Balance Sheet 2016/2017 (Doc Id 106406)
- Quote Fair Dinkum Sheds Nu Steel (Doc Id: 106400)
- Quote Jurien Building Ranbuild (Doc Id: 105748)

**(Marked 9.1.1)**

VOTING REQUIREMENT

Absolute Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Gibson, seconded Cr Scharf**

**1. That the Council support the Jurien Sport and Recreation Centre, Community Sport and Recreation Facilities Fund (CSRFF) application to construct a storage shed adjacent to the outdoor netball courts and authorise a budget amendment to:**

- i. provide up to \$17,046 one third contribution if the CSRFF grant application is successful and;**
- ii. provide up to \$25,570 fifty per cent contribution to the Jurien Sport and Recreation Centre for construction of an 18m x 6m Storage shed at the Jurien Sport and Recreation Centre if the CSRFF application is not successful, to be sourced from the Sport and Recreation Capital Works Fund.**

**CARRIED BY ABSOLUTE MAJORITY 8 / 0**

**9.1.2 FINANCIAL STATEMENTS - MONTHLY REPORTING FOR THE PERIOD ENDING 31 JANUARY 2018**

Location:	Shire of Dandaragan
Applicant:	N/A
Folder:	Business Classification Scheme / Financial Management / Financial Reporting / Periodic Reports
Disclosure of Interest:	None
Date:	13 February 2018
Author:	Scott Clayton, Acting Chief Executive Officer
Signature of Author:	

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PROPOSAL

To table and adopt the monthly financial statements for the period ending 31 January 2018.

BACKGROUND

As part of the Local Government Act 1995 and Financial Management Regulations (1996), monthly financial statements are required to be presented to Council. Circulated are the monthly financial statements for the period ending 31 January 2018.

COMMENT

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

1. Net Current Assets

Council's Net Current Assets [i.e. surplus / (deficit)] position as at the 31 January 2018 was \$5,907,601. The composition of this equates to Current Assets minus Current Liabilities less Cash Assets that have restrictions on their use placed on them, in this case Reserves and Restricted Assets. The current position indicates that Council can easily meet its short-term liquidity or solvency.

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

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

2. Material Variances

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

Note 14 of the attached report details any significant variances.

Should Councillors wish to raise any issues relating to the 31 January 2018 financial statements, please do not hesitate to contact the Acting Chief Executive Officer 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

Nil

STATUTORY ENVIRONMENT

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

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POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

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

ATTACHMENTS

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

- Financial statements for the period ending 31 January 2018 (106516)  
**(Marked 9.1.2)**

VOTING REQUIREMENT

Simple Majority

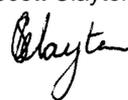
**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Shanhun, seconded Cr Richardson**

**That the monthly financial statements for the period 31 January 2018 be adopted.**

**CARRIED 8 / 0**

**9.1.3 ACCOUNTS FOR PAYMENT – JANUARY 2018**

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Creditors / Expenditure
Disclosure of Interest:	None
Date:	13 February 2018
Senior Officer:	Scott Clayton, Acting Chief Executive Officer
Signature of Author:	
Signature of Senior Officer:	

PROPOSAL

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

BACKGROUND

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

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COMMENT

The cheque, electronic funds transfer (EFT) and direct debit payments for January 2018 totalled \$849,821.16 for the Municipal Fund.

Should Councillors wish to raise any issues relating to the January 2018 Accounts for payment, please do not hesitate to contact the Acting Chief Executive Officer 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

Nil

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

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

ATTACHMENTS

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

- Cheque, EFT and direct debit listings for January 2018 (Doc Id: 106524)  
**(Marked 9.1.3)**

VOTING REQUIREMENT

Simple Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

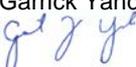
**Moved Cr Eyre, seconded Cr McGlew**

**That the Municipal Fund cheque and EFT listing for the period ending 31 January 2018 totalling \$849,821.16 the Municipal Fund be accepted.**

**CARRIED 8 / 0**

## 9.2 INFRASTRUCTURE SERVICES

### 9.2.1 JURIEN BAY INFILL SEWER PROJECT STAGE 1 – DISPOSAL OF ASSET

Location:	Jurien Bay
Applicant:	Executive Manager Infrastructure
Folder Path:	Business Classification / Council Properties / Acquisition and Disposal / Disposal
Disclosure of Interest:	None
Date:	12 February 2018
Author:	Garrick Yandle, Executive Manager Infrastructure
Signature of Author:	
Senior Officer:	Scott Clayton, Acting Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

For Council to consider the transfer of the Jurien Bay Infill Sewer Assets from Stages 1A, 1B and 1C to the Water Corporation and to authorise the Chief Executive Officer to undertake the disposal process under section 3.58 of the Local Government Act 1995.

#### BACKGROUND

The Jurien Bay Infill Sewer Project Stage 1 construction was undertaken from 2015 to 2017. This included the completion of the following components:

- Stage 1A – Wastewater Pumping Station and Pressure Main.
- Stage 1B – Infill Sewer Reticulation Stage 1 (Civic and Health Precincts)
- Stage 1C – Infill Sewer Reticulation (additional specific portions of Stages 3 (Cook Street) and 4 (Bashford Street) )

The project was designed and constructed to Water Corporation Standards in accordance with their *Developer Constructed Headworks Process* as (doc ID: 96513). The following outlines the process undertaken under this arrangement as part of the project delivery.

The situation arises where it is both practical and efficient for land developers to construct headworks assets on behalf of the Water Corporation. The process by which these assets are delivered is known as the *Developer Constructed Headworks Asset Process*.

A prerequisite for entering this process is that the project required must be within the current 5 year Capital Investment Program (CIP) managed by the Water Corporation.

Subject to acceptance by the Corporation, the developer may elect to fully fund the design and construction of an asset that is not on the Corporation's 5 year Capital Investment Program (CIP). In this case the developer will be required to sign a *Developer Funded and Constructed Works Scoping Agreement* (DFCWSA) and a *Developer Funded and Constructed Works Agreement* (DFCWA).

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The Shire's project was a combination of works listed on the Corporations 5 year CIP and works not listed on the CIP. The Shire was responsible for funding majority of the project, however Water Corporation did contribute funding towards specific components of the project.

Where an approach is made to the Water Corporation to develop land that requires headworks asset(s), a written request from the developer (the Shire) must be made to the Corporation's *Development Services Branch*. *Development Services* will review the information provided by the developer to ensure that the information supplied satisfies the Water Corporation's planning requirements. The review will develop considerations and inputs required for inclusion into the *Project Information Pack for the Scoping Report*.

Following this review the Shire was required to work through a number of planning, design and approval phases, these included:

- Scoping Report
- Engineering Summary Report (ESR)

Subject to meeting relevant prerequisites, Water Corporation's *Development Services* then prepared documentation that outlined that the ESR and external approvals had been accepted, allowing the developer to proceed to Detailed Design.

During design phase the Water Corporation provided Detailed Design requirements and Contract Administration requirements that identified the work to be undertaken by the accepted consulting engineer during the detailed design and construction stages of the process. The Shire was required to produce the final design documentation in accordance with the Detailed Design requirements (drawings and specifications) for review and acceptance by both the developer and Water Corporation

Following approval of this process, the Shire of Dandaragan and Water Corporation entered into the following agreements which set the terms and conditions upon which the Water Corporation agreed to allow works to be done:

- Developer Constructed Works Agreement
  - Stage 1A - Pump Station and Pressure Main (doc ID: 96506)
- Customer Funded Works Agreement
  - Stage 1B - Infill Sewer (Doc Id: 96505)
  - Stage 1C – Infill Sewer (Doc Id: 96504)

Once construction was completed a final inspection of the works was arranged with the Water Corporation's Asset Delivery Representative (ADR) to identify any outstanding defects. All major defects were to be resolved before takeover can occur. The developer's designer provided the Water Corporation with all

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agreed deliverables including but not limited to: commissioning reports, operations and maintenance manuals, material data sheets, as constructed drawings and the project closeout report.

This constituted Project Practical Completion (PPC) and the Water Corporation takeover of the works. The defects liability period was assumed to begin at PPC. The developer was then be given a period of time to resolve any minor defects with the asset. Upon resolving the minor defects, the asset will then be transferred to the relevant Water Corporation client (Asset Transfer).

#### COMMENT

The book value of the constructed asset is determined to be \$5,313,356.50 (exclusive of GST) which consisted of the following key components.

- Planning, Design and Ancillaries.
- Stage 1A – Wastewater Pumping Station and Pressure Main.
- Stage 1B – Infill Sewer Reticulation Stage 1 (Civic and Health Precincts).
- Stage 1C – Infill Sewer Reticulation (additional specific portions of Stages 3 (Cook Street) and 4 (Bashford Street)).

Inspection, commissioning, practical completion sign and associated handover of the assets was undertaken by Water Corporation in-conjunction with representatives from the Shire for the following stages of the project

Stage 1A – 27/05/2016

Stage 1B – 02/12/2015

Stage 1C – 21/03/2017

Since the practical completion and handover of assets, Water Corporation has taken over responsibility for the operation and maintenance of the associated assets.

This process formalises the transfer of assets from the Shire of Dandaragan's asset register to the Water Corporation as part of the CFWA and DCWA documentation.

#### CONSULTATION

- Chief Executive Officer
- Executive Manager Corporate and Community Services
- Water Corporation
- Project Superintendent – Cardno
- Department of Local Government, Sport, Recreation and Cultural Industries

#### STATUTORY ENVIRONMENT

If Council considers disposing of the property it can only do this in accordance with Section 3.58(3) of the Local Government Act which states:

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- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
- (a) *it gives local public notice of the proposed disposition —*
    - (i) *describing the property concerned; and*
    - (ii) *giving details of the proposed disposition; and*
    - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
- and*
- (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

When the Shire advertises the disposition of property, it will be required to publish (in accordance with Section 3.58(4) of the Local Government Act 1995:

- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) *the names of all other parties concerned; and*
  - (b) *the consideration to be received by the local government for the disposition; and*
  - (c) *the market value of the disposition —*
    - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
    - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

Provided Council carries out the advertising requirements in accordance with this section of the Local Government Act 1995.

Further advice received from the Department of Local Government, Recreation, Sport and Cultural Industries indicates that as “it is not land that the Shire is disposing of, but an asset in the form of a pumping station facility, pumps, plant and irrigation and piping equipment which does not include any land. It is considered that unless the Shire is disposing of the property in the performance of a function that it has undertaken under any written law i.e. If the Shire is performing a function in providing the sewerage plant and equipment under the Health Act or Planning and Development Act or some other written legislation, then the exemption under section 3.58(5)(c) could apply in this instance.”

As Council has previously endorsed and approved the CFWA this obliges Council under “other written legislation” that we do not require a valuation or advertising of the disposal, particularly as it is being disposed of to a State Government entity.

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POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

In accordance with the DCWA and the CFWA the asset will be transferred from the Shire of Dandaragan to Water Corporation for nil consideration.

The Shire of Dandaragan's asset register will be amended accordingly with the Jurien Bay Infill Sewer Stage 1 assets with a value of \$5,313,536.50 (exclusive of GST) to be removed from the asset register.

STRATEGIC IMPLICATIONS

2016– 2016 Strategic Community Plan

<i>Goal 1: Great Place for Residential and Business Development</i>	
Objectives	How the Shire will contribute
1.3: Ensure timely provision of essential and strategic infrastructure	i) Advocate for improved infill sewage (design and installation) for Jurien Bay and surrounds
<i>Goal 5: Proactive and Leading Local Government</i>	
Objectives	How the Shire will contribute
5.2: High performing administration	b) Provide robust financial management and guardianship of the community's assets c) Compliance in all legislative requirements and functions
<i>Goal 5: Proactive and Leading Local Government</i>	
BUSINESS AS USUAL	1 (k) Sewerage (advocacy) and controlled waste. 5 (f) Asset Management

ATTACHMENTS

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

- Water Corporation - Developer Constructed Headworks Process Guide (Doc Id: 96513)
- 20140917 DCWA Jurien Bay Infill Sewer Stage 1A (Doc Id: 96506)
- 20140415 CFWA Jurien Bay Infill Sewer Stage 1 B (Doc Id: 96505)
- 20160822 CFWA Jurien Bay Infill Sewer Stage 1C (Doc Id: 96504)

**(Marked 9.2.1)**

VOTING REQUIREMENT

Absolute Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

Moved Cr Gibson, seconded Cr Shanhun

That Council authorise the CEO to facilitate the disposal of Jurien Bay Infill Sewer Stage 1 Asset with a book value of \$5,313,536.50 (exclusive of GST) to Water Corporation for a nil consideration in accordance with the Developer Constructed Works Agreement and the Customer Funded Works Agreement signed with Water Corporation, as per Section 3.58 of the Local Government Act 1995.

**CARRIED BY ABSOLUTE MAJORITY 8 / 0**

### 9.3 GOVERNANCE & ADMINISTRATION

#### 9.3.1 GIFTED ASSET – TURQUOISE WAY PATH

Location:	Shire of Dandaragan
Applicant:	N / A
Folder Path:	Business Classification Scheme / Council Properties / Acquisition & Disposal / Gifted Asset
Disclosure of Interest:	Nil
Date:	12 February 2018
Author:	Scott Clavton, Acting Chief Executive Officer
Signature of Author:	

#### PROPOSAL

To formally receive the 7.74km Turquoise Way path extension and associated other infrastructure into the Shire of Dandaragan's asset register as an asset received below fair value.

#### BACKGROUND

At the Ordinary Council Meeting held 24 March 2016, Council agreed to apply for and subsequently received a \$100,000 Lotterywest grant as a component of the estimated \$1,904,400 Turquoise Coast Trail extension from Beachridge Estate along the coast to Hill River.

The project was administered and undertaken by the Jurien Bay Chamber of Commerce. However, the proposed path was entirely contained on Council vested reserves and easements in the control of the Shire.

As a result, once complete the path and its associated infrastructure would become an asset of the Shire of Dandaragan.

#### COMMENT

The path itself reached practical completion on 6 May 2017, however, additional works required prior to handover to the Shire of Dandaragan including, but not limited to;

- Line Marking
- Bollards
- Fencing
- Bike racks

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- Shelters had not yet been completed.

Final invoices for all outstanding items were paid 14 September 2017.

For the purpose of adding the new asset to the Shire of Dandaragan's asset register, the 14 September is considered to official date of possession.

#### CONSULTATION

Nil

#### STATUTORY ENVIRONMENT

The acquisition of an asset not included in the Annual Budget is generally controlled by Section 6.8 of the Local Government Act 1995 titled "Expenditure from municipal fund not included in annual budget". However, in the instance of the asset being acquired for no consideration, this section does not apply.

There are no other sections of the Local Government Act 1995 or its subsidiary legislation that specifically govern the treatment of gifted assets.

Local Government (Financial Management) Regulations 1996 Part 2 Regulation 5A states;

5A. Local governments to comply with AAS

*Subject to regulation 4, the annual budget, annual financial report and other financial reports of a local government must comply with the AAS.*

AASB 116 paragraph 15 states;

*15 An item of property, plant and equipment that qualifies for recognition as an asset shall be measured at its cost.*

*Aus 15.1 Notwithstanding paragraph 15, in respect of not-for-profit entities, where an asset is acquired at no cost, or for a nominal cost, the cost is its fair value as at the date of acquisition.*

#### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

#### FINANCIAL IMPLICATIONS

To recognise the gifted asset in the accounts of the Shire of Dandaragan the following journal entries are required;

Debit – Asset / s

Credit - Asset Received below fair value (income account).

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Given that the infrastructure assets class is scheduled for revaluation at 30 June 2018, and that the asset was effectively new at acquisition it is considered that actual cost approximates fair value.

### STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 1 Great Place for Residential and Business Development</i>	
Objectives	How the Shire will contribute
1.3 Ensure timely provision of essential and strategic infrastructure	b) Provide and manage footpaths, cycleways, walkways and trails for connectivity and recreation
1.5 Facilitate population and visitor attraction and growth to expand and diversify the regional economy	a) Tourism and marketing with a focus on promotion and product development based on natural assets in partnership with the Department of Parks and Wildlife

### ATTACHMENTS

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

- Schedule of Payments (Doc Id: 106510)  
**(Marked 9.3.1)**

### VOTING REQUIREMENT

Simple Majority

### OFFICER RECOMMENDATION / COUNCIL DECISION

**Moved Cr Eyre, seconded Cr Clarke**

**That, effective 14 September 2017, Council in accordance with AASB116:**

- 1. receive the gifted asset of the 7.74km of Turquoise Way path extension commencing the South Western boundary of Beachridge Estate through to Hill River and associated other infrastructure, and;**
- 2. recognise;**
  - a) an infrastructure asset – Footpath to the value of \$1,639,981.88, and;**
  - b) signage as an infrastructure – other asset to the value of \$36,258.70, and;**
  - c) shelters as an infrastructure – parks and reserves asset to the value of \$79,928.21, and;**
  - d) point markers as an infrastructure – other asset to the value of \$12,892.96, and;**
  - e) fencing as an infrastructure – other asset to the value of \$7,920.00, and;**
  - f) bollards as an infrastructure – other asset to the value of \$8,715.00, and;**
  - g) bike racks as an infrastructure – other asset to the value of \$8,168.40, and;**
  - h) seating as an infrastructure – parks and reserves asset to the value of \$12,656.00, and;**

- i) picnic setting as an infrastructure – parks and reserves asset to the value of \$10,162.70, and;  
 3. recognise an income entry to an account entitled “Asset Received below fair value” of \$1,816,683.85.

CARRIED 8 / 0

## 9.4 DEVELOPMENT SERVICES

### 9.4.1 DRAFT LOCAL PLANNING POLICY 8.13 – HOLIDAY HOMES

Location:	Jurien Bay & Cervantes
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Land Use and Planning / Planning / Planning Policies
Disclosure of Interest:	Nil
Date:	11 January 2018
Author:	Rory Mackay, Planning Officer
Signature of Author:	
Senior Officer:	David Chidlow, Executive Manager of Development Services
Signature of Senior Officer:	

#### PROPOSAL

This report relates to a draft Local Planning Policy which provides direction and guidance on the appropriate location, scale and use of single dwellings, grouped dwellings or multiple dwellings for “holiday homes” and “holiday homes (large)” in residential zoned areas of Jurien Bay and Cervantes.

In summary the policy objectives are:

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

A copy of draft Local Planning Policy 8.13 - Holiday Homes is provided as an attachment to this report.

### BACKGROUND

With the growing trend of short stay commercial holiday home accommodation in tourist areas Australia wide it has been a long term goal of the Shire to draft and adopt a Local Planning Policy to provide greater regulation of the topic.

Strategic guidance for the creation of such a policy is given by the Shire's *Local Tourism Planning Strategy* adopted in 2012, the WAPC's *Planning Bulletin 99: Holiday Homes Guidelines* released in 2009 and WALGA's *Short-term Rental Accommodation and the Sharing Economy Discussion Paper* released in 2017. These documents formed the basis of in-depth research into Holiday Home regulation by Australian Local Governments. The key issues of this study compatible to the Shire are reflected in the draft policy.

One of the major contemporary concerns with holiday homes is the introduction and use of peer to peer online organisations such as Airbnb and Stayz. These platforms do not own the properties listed on their internet sites; rather they simply connect customers and providers, facilitating the financial transaction between the two parties virtually. As a result, many of the listings on these platforms have been located in residential buildings and neighbourhoods that have not traditionally contained short-term rental accommodation. To aid regulation, some of these organisations require users listing a property to agree to certain codes of conduct, but this is not consistent across the board. Furthermore, these online platforms do not generally require users to provide any evidence that they obtained any necessary approvals to list a property for short-term accommodation purposes. With this in mind, due diligence will need to be taken in identifying, contacting and notifying all current holiday home operators from the variety of sources of the future adoption of this policy to ensure full regulation of the target audience.

### COMMENT

Council should consider that it is preferable to support the use of houses for holiday accommodation subject to specific controls as the benefits outweigh the dis-benefits. This policy will be useful in offering clarity and guidance through the prescription of standards for holiday home operators in residential zoned land of Jurien Bay and Cervantes. In summary these standards include:

- I. Preferred locations of holiday homes as per the *Local Tourism Planning Strategy*.
- II. Limiting the maximum number of people to be accommodated in a holiday home to six and twelve in a holiday home (large).
- III. Ensuring a minimum of 2 on-site car parking bays for a holiday home and a minimum of 3 on-site car parking bays for a holiday home (large), with additional space allocated for trailer parking.
- IV. Requirement of a management plan which will include:

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- a) the number of bedrooms proposed to be used at any time for short stay accommodation;
- b) the maximum number of occupants to be accommodated at any time in the Holiday Home;
- c) the name, address and contact details of a nominated 24 hour contactable local manager/caretaker within the vicinity of the property;
- d) a Code of Conduct that outlines occupant rules;
- e) a Complaints Management Procedure;
- f) a Registers of Tenants, made available to the shire on request; and
- g) details of cleaning and waste management.
  - ii. Requirement of a fire and emergency plan.
  - iii. Creation of a holiday homes register by the Shire.
  - iv. Noncompliance and cancellation procedures.
  - v. Voluntary accreditation of holiday home operators.

It is viewed that such a policy will prove beneficial in informing applicants of the requirements to be met prior to the lodgement of a planning application and ongoing management post approval. Similarly, the process will be streamlined through clear delegation to staff to approve the application based on full compliance with the policy standards.

#### CONSULTATION

In accordance with Local Planning Scheme No.7 the Council as a minimum is required to advertise the draft Policy at least once per week for two consecutive weeks in a local newspaper requesting submissions be lodged within a period of no less than 21 days.

#### STATUTORY ENVIRONMENT

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

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

#### POLICY IMPLICATIONS

As outlined above.

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FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 5: Proactive and Leading Local Government</i>	
Objectives	How the Shire will contribute
Business as usual	g) Policies and Procedures

The draft policy will assist in the procedural and governance aspects of the Shire's development control responsibilities. Generally and for the most part local planning policies are formulated within the legal framework prescribed by legislation and aligned with the strategic direction as set by the Council. These policies aim at prescribing minimum standards acceptable to the Council in consideration of community sentiment for various types of development and land use. Additionally, these policies also aid in providing a foundation for delegation to be set in order to assist in streamlining the approval processes and establishing relative levels of compliance.

ATTACHMENTS

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

- Draft Local Planning Policy 8.13 Holiday Homes (Doc Id: 106756)

**(Marked 9.4.1)**

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council pursuant to the Shire of Dandaragan Local Planning Scheme No.7 adopt for the purpose of advertising draft Local Planning Policy 8.13 – Holiday Homes as provided as an attachment to this report, and proceed to publish a notice twice in the local newspapers seeking public comment for a minimum period of 21 days.

COUNCIL DECISION

**Moved Cr Shanhun, seconded Cr McGlew**

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

**CARRIED 8 / 0**

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*The Officers Recommendation was not adopted for the following reason: Council felt that the period for public comment of 21 days did not allow enough time for property owners not residing within town to comment and felt that by changing to 35 days would allow owners a more realistic timeframe to respond.*

#### **9.4.2 CARPENTER BEEF PTY LTD – APPLICATION FOR RENEWAL OF PLANNING APPROVAL – JOANNA PLAINS PEAKER PROJECT**

Location:	Lot 3907 Brand Highway, Cataby
Applicant:	Carpenter Beef Pty Ltd
Folder Path:	Business Classification Scheme / Energy Supply & Telecommunications / Design & Construction / Wind Power
Disclosure of Interest:	None
Date:	30 January 2018
Author:	Rory Mackay, Planning Officer
Signature of Author:	
Senior Officer:	David Chidlow, Executive Manager of Development Services
Signature of Senior Officer:	

#### **PROPOSAL**

The proponent is seeking renewal of planning approval for the establishment of the Joanna Plains Peaker Project on Lot 3907 Brand Highway, Cataby.

#### **BACKGROUND**

At its meeting on the 24 November 2011, Council granted conditional planning approval to the Joanna Plains Peaker Project for a period of 2 years. The conditions of approval are as follows:

- 1. The proponents shall provide a Traffic Management Plan to Main Roads Western Australia and the Shire of Dandaragan prior to the commencement of construction. The Traffic Management Plan shall address;
 
  - Transportation of materials to the project site;
  - Obtaining the necessary written approvals / permits from Main Roads Western Australia Heavy Vehicle Operation Branch; and;
  - The transport of all divisible and indivisible loads and acquisition of necessary permits for transport of these loads.*
- 2. The proponents shall provide road signage to the specification and satisfaction of Main Roads Western Australia;*
- 3. Following the submission of the application for planning approval, if the proponent proposed changes resulting in significant additional environmental impact in the opinion of the Shire of Dandaragan, these changes shall not be undertaken without prior consultation with the Shire of Dandaragan and the Environmental Protection Authority Service Unit;*

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4. *The proponents are required to obtain a clearing permit in accordance with the provisions of the Environmental Protection (clearing of native vegetation) Regulations 2004 in the case of any proposal to clear existing remnant vegetation on the site to the satisfaction of the Department of Environment and Conservation;*
5. *The Joanna Plains Peaker Project shall comply with the Environmental Protection Authorities Guidance Statement No.3 for "Electric Power Generation";*
6. *Prior to the commencement of construction, the proponents shall commission third party noise modelling studies to demonstrate the final design complies with the relevant noise limits outlined in this approval;*
7. *The proponent shall ensure that no nesting birds of the endangered species Carnaby's Black Cockatoo are disturbed by any resulting works such as realignment of fence lines through or near mature trees;*
8. *Decommissioning of the plant and equipment on the subject land will commence within a period of 12 months from termination of operations and to be completed within a time period to the satisfaction of the Shire of Dandaragan. This will occur following submission by the proponent of a plan outlining the process of decommissioning;*
9. *Planning consent is granted for a maximum period of two years from the date of this approval during which time the development must be substantially commenced;*
10. *The proponent is advised that planning approval is not a building licence. A building licence must be formally applied for and obtained from Building Services before commencement of any site and / or development works; and*
11. *That following completion of the construction of the project, the Chief Executive Officer be authorised to request the proponent to undertake screen planting sufficient to screen the development from the Brand Highway.*

At the Council meeting held on 26 September 2013, a 2 year extension was granted for the project;

That Council:

1. *pursuant to Clause 10.5.2 of the Shire of Dandaragan Local Planning Scheme No.7 grant a two year extension to the planning approval granted 24 November 2011 for the Joanna Plains Peaker Project on Lot 3907 Brand Highway, Cataby resulting in the revised expiry date of 24 November 2015; and*
2. *that the applicant be advised the extension of time to the current planning approval does not alter the conditions of approval nor afford a right of appeal to the State Administrative Tribunal. The decision relates to the period of time upon which construction work must have substantially commenced as determined by the Council.*

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At the Council meeting held on 17 December 2015, a further 2 year extension was granted for the project;

That Council:

1. *pursuant to Clause 10.5.2 of the Shire of Dandaragan Local Planning Scheme No.7 grant a two year extension to the planning approval granted 26 September 2013 for the Joanna Plains Peaker Project on Lot 3907 Brand Highway, Cataby resulting in the revised expiry date of 18 December 2017; and*
2. *that the applicant be advised the extension of time to the current planning approval does not alter the conditions of approval nor afford a right of appeal to the State Administrative Tribunal. The decision relates to the period of time upon which construction work must have substantially commenced as determined by the Council.*

*Advice Note:*

*Council advise the applicant that a further extension of the Planning Approval will not be supported at the expiry of this approval in December 2017*

The proposal is to construct and operate a 106MW “peaking” dual fuel (diesel and gas) open cycle gas turbine power station that will efficiently supplement electricity generation during times of high electricity demand in the Mid-West Region. The project will be capable of being a standalone unit or being aligned with other wind farm projects.

The project will be located on Lot 3907 being a site characterised by gently undulating, cleared pasture lands. No native vegetation or significant habitats will be disturbed as a result of the development and construction will be carried out under best management practices.

#### COMMENT

The Shire of Dandaragan Local Planning Scheme No.7 permits Council to grant extensions to planning approval under clause 65 of the Deemed Provisions.

The proponent lodged an application after the expiry of the permit being 5 January 2018. In granting an extension it should be made clear to the proponent that the Council’s decision does not provide an avenue to change any of the current conditions of approval nor afford a right of appeal to the State Administrative Tribunal. The decision merely relates to the period of time upon which construction work must have substantially commenced, generally interpreted as ‘slab on the ground’, or in this instance could mean footings completed.

The previous planning approval extension provided advice to the applicant that future extension of planning approval would not be supported by Council. A letter attending to this matter was

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provided with the planning application, whereby Ivan Chan of Carpenter Beef stated the following:

*While we note that the Shire's letter of 21 December, 2015 advised that a further extension of the Planning Approval would not be supported, we believe the project remains a viable and the continued support of the Shire in the form of extending the Planning Approval will assist with the Company's ambition to see the project through to completion.*

*In support of our application we advise:*

1. *The Company changed ownership in 2015. The financial arrangements for the change of ownership required the Company's new owner to raise additional capital. This was not completed until 2017 and in the interim strained the financial resources of the Group. It also involved the Company in protracted legal disputes on the contract terms. All this has been resolved and the new investors who became involved in 2017 have indicated their support to the long term development of the Joanna Plains property including completion of the abattoir under construction and other agricultural activities. In addition the new investors are keen to progress renewable energy projects supported by the Gas Peaker Project.*
2. *The Company is not aware of any changes in land ownership in the vicinity of the project's location. Land immediately surrounding the project location is either owned by the Company or Iluka Resources Limited for mineral sands mining projects or Crown Land on which Tronox operates mineral sand mines.*
3. *We retained Dan Cannon of Power Assist Consulting who reviewed government legislation and regulation impacting the project development and advised there have been no changes in the past two years which would affect the project. He did note "that the State Government recently announced its intention for carry out electricity sector reforms to allow improved access to Western Power's network and improve Reserve Capacity pricing signals. The timeframe for these changes are not yet established but a final recommendation for the detailed design and implementation of these changes is due to be published by the Department of Treasury, Public Utilities Office in September 2018. These changes are expected to have a positive impact for the prospects of the Joanna Plains Peaker Project proceeding."*
4. *We also asked Dan Cannon to review when construction could commence and his report concluded:  
"Provided that development work for the project continues it is our opinion that the earliest time that construction activities could commence would be in late 2019. It must be understood, however, that continuing support for the project from the Shire of Dandaragan through the Development*

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*Approval remaining on foot will be important, and in the case of the AEMO, essential for the project to progress.”*

Lot 3907 is located on a property in the Cataby area approximately 160km north of Perth and approximately 21km west of the Dandaragan town site. The subject land is commonly known as Joanna Plains. The Joanna Plains farm is a 6950 hectare property comprising of four separate Certificates of Title. The particular Certificate of Title affected by this application is commonly referred to as “Marianas”.

The proposed development site comprises of an area of 1751 hectares, immediately west of the Brand Highway and is currently used for the grazing of cattle. This site was selected as the most suitable location because of the location of required infrastructure. The Dampier to Bunbury natural gas pipeline is located 11km from the proposed site, whilst the Parmelia gas pipeline is located less than 500m from the proposed site. A 132kV power line held by Western Power traverses the site from south-east to north-west. A 330kV easement also traverses the site and Western Power is in the process of upgrading the 132kV to 330kV as part of their Pinjar to Eneabba transmission line project.

The site is currently used for grazing and was cleared some 20 to 30 years ago. The Joanna Plains farm is located on land zoned “Rural” under the Shire of Dandaragan Local Planning Scheme No.7. Land to the east of the site is also zoned Rural however, land to the north and south is reserved for “Public Purposes” and the land to the immediate west is reserved for “Conservation”.

The applicant advises that the following components are proposed to be used in this project:

- 2 x 60MW generators i.e. operating capacity of 106MW;
- Control room;
- Fuel oil skid;
- Gas skid;
- 18 metre exhaust stack;
- Maintenance / storage building;
- Water treatment building; and
- Fuel tanks.

It is proposed that the plant is designed and intended to be run on a remote basis. The units are capable of operating on dual fuel basis meaning the turbines can function on various fuels including bio diesel, diesel or natural gas. The units are designed as a small modular configuration that is primarily constructed offsite and prefabricated modules are transported to site and basically bolted onto the concrete slab. Each turbine can operate either independently or in sync with the other. This allows the two turbines to be progressively brought online within a short period to meet electricity demand. This means the Joanna Plains Project has the capacity to efficiently operate to a minimum output of 15MW through to a maximum output of 106MW.

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The proposed substation will occupy 10% of the total area being approximately 4000 square metres and house the outdoor switch gear and a control room fitted out with switch gear, protection, metering and communication equipment.

Access to the proposed site will be located along the northern boundary of the Mariana's paddock and is directly available from the Brand Highway via a new road of approximately 1500 metres. If necessitated, the land owner is agreeable to including the proposed access drive within a dedicated easement. The access road design and the construction will need to suit the sandy soils with possible suitable construction material located about 10 kilometres away. The proposed vehicle manoeuvring area will be constructed to a suitable standard to accommodate heavy rigid vehicles and will enable all vehicles to enter and exit the site in forward gear after performing no more than a 3 point turn. This access is the subject of a submission from Main Roads Western Australia.

General temporary facilities required for construction will include:

- Site sheds and offices;
- Ablution facilities;
- Crib room;
- Covered external area;
- Lay down areas; and
- Small car park.

Application for these temporary facilities will be the subject of a separate application for planning approval. These facilities will be removed following construction and all areas disturbed will be rehabilitated. It is anticipated that the initial construction phase would be completed within six months of onsite works commencing.

### CONSULTATION

All landowners within a 5km radius of the proposed development were advised by letter of the proposed extension of planning approval. No responses were received. As no changes in comments were received from State authorities in the previous instances of planning approval renewal, none were consulted for this renewal.

### STATUTORY ENVIRONMENT

Local Planning Scheme No 7

### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

### FINANCIAL IMPLICATIONS

The applicant has paid a sum of \$1000 for extension of the planning approval.

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STRATEGIC IMPLICATIONS

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

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

ATTACHMENTS

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

- Letter from Carpenter Beef - Request for Extension of Planning Approval (Doc Id: 105384)
- Letter from Dan Cannon of Power Assist Consulting on the status of the Joanna Plains Peaker Project (Doc Id: 105385)
- Site plan (Doc Id: 16078)
- Separation plan (Doc Id: 16080)
- Infrastructure plan (Doc Id: 16083)

**(Marked 9.4.2)**

VOTING REQUIREMENT

Simple Majority

<b>OFFICER RECOMMENDATION / COUNCIL DECISION</b>
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**Moved Cr Scharf, seconded Cr McGlew**

**That Council:**

- 1. Pursuant to Clause 65 of the Deemed Provisions of the Shire of Dandaragan Local Planning Scheme No.7 grant a three year extension to the planning approval granted 17 December 2015 for the Joanna Plains Peaker Project on Lot 3907 Brand Highway, Cataby resulting in the revised expiry date of 22 February 2021; and**
- 2. That the applicant be advised the extension of time to the current planning approval does not alter the conditions of approval nor afford a right of appeal to the State Administrative Tribunal. The decision relates to the period of time upon which construction work must have substantially commenced as determined by the Council.**

CARRIED 8 / 0

### 9.4.3 JURIEB BAY COUNTRY GOLF CLUB – SIGNAGE FOR STATE SAND GREEN CHAMPIONSHIPS

Location:	Jurien Bay
Applicant:	Jurien Bay Country Golf Club
Folder Path:	Business Classification Scheme / Laws and Enforcement / Licensing / Signs and Hoardings
Disclosure of Interest:	None
Date:	30 January 2018
Author:	Rory Mackay, Planning Officer
Signature of Author:	
Senior Officer:	David Chidlow, Executive Manager of Development Services
Signature of Senior Officer:	

#### PROPOSAL

Jurien Bay Country Golf Club is seeking approval for the erection of a sign for a period six months at both the northern town entry and a central location of Jurien Bay.

#### BACKGROUND

Jurien Bay Country Golf Club has been awarded the prestigious State Sand Green Championships, which will be held at the Club from the 9th to the 12 August 2018. The championship is a Golf WA sanctioned event with approximately 200 players on each of the four days. In addition to the players there will be an influx of supporters that will give a boost to the town during the tourist off season.

The Club is seeking approval from Council to erect signs for a period of six months at the northern town entry and a central location of Jurien Bay to advertise the event and promote the town. These signs are same design used for the event in Brookton last year, with the dimensions of 1.5m x 1m (see attachment (Doc ID: 105400)). Signs with the details for Jurien Bay are yet to be printed.

These signs are not classified as exempt signs under Schedule 5 of Local Planning Scheme No.7 and Local Planning Policy 8.6 Advertising Devices and therefore require Council approval to obtain a Signs and Hoardings Licence.

#### COMMENT

The signs will contain the following design standards listed in clause 1.1 - Design and Amenity of LPP 8.6:

- Simple and provide for instant recognition.
- Not contain any discriminatory or offensive material.
- Be structurally sound and capable of withstanding any forces to which it would be reasonably subjected to without collapsing,

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deforming or moving from the position on which it was erected or displayed.

In terms of the locations of the signs: the first will be placed near the northern entry of Jurien Bay in an area adjacent to the bushfire risk and Lions Market signs and hoardings; while the second would be placed centrally on Bashford Street opposite the end of Nineteenth Street near the existing Golf Club signage.

Placing the signs in these locations satisfies the following relevant standards of clause 1.2 – Safety of LPP 8.6:

- Not obstruct the passage of or so as to create a hazard for vehicles or pedestrians.
- Not be located such that it obscures or is likely to be confused with traffic signals or signs.

Furthermore the signs satisfy clause 3.1 - Signage within Road Reserves outside designated tourist precincts of LPP 8.6:

*3.6.1 Council will consider approving a planning application for a sign advertising a tourist attraction, community association or not for profit organisation on properties, buildings or reserves that are not directly related to that sign outside the designated tourist precincts, in the following circumstances:*

- I. Where the proponent can satisfy Council as to the community economic and/or social merits of erecting such signage or advertising; and*
- II. Where the sign falls within the definition of 'Special Events Sign', and will be only placed on the property, buildings or reserves for the period that the special event is being run.*

Given the signs' minimal amenity impacts, contrasted to their positive tourism benefit, safe and recognisable location and short licence requirement, it is the Officer's recommendation Council approve the application for a Signs and Hoardings Licence for the required period of six months.

#### CONSULTATION

Nil

#### STATUTORY ENVIRONMENT

- Local Planning Scheme No 7

#### POLICY IMPLICATIONS

- Local Planning Policy 8.6 Advertising Devices.

#### FINANCIAL IMPLICATIONS

The applicant will be required to pay a sum of \$30 for a Signs and Hoardings Licence if approval is given by Council.

#### STRATEGIC IMPLICATIONS

2016-2026 Strategic Community Plan

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

**ATTACHMENTS**

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

- Letter from Jurien Bay Country Golf Club (Doc Id: 105400)
- Brookton 2017 Sign (Doc Id: 105400)

**(Marked 9.4.3)**

**VOTING REQUIREMENT**

Simple Majority

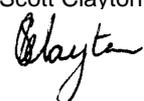
**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Gibson, seconded Cr Shanahun**

**That Council grant approval for a Signs and Hoardings Licence to the Jurien Bay Country Golf Club for a period of 6 months from 22 February 2018 to 22 August 2018.**

**CARRIED 8 / 0**

#### **9.4.4 THIRD PARTY APPEAL RIGHTS IN PLANNING – WALGA DISCUSSION PAPER**

Location:	Whole of Shire
Applicant:	N/A
Folder Path:	Business Classification Scheme / Government Relations / Local and Regional Liaison / WALGA
Disclosure of Interest:	None
Date:	6 February 2018
Author:	David Chidlow, Executive Manager Development Services
Signature of Author:	
Senior Officer:	Scott Clayton, Acting Chief Executive Officer
Signature of Senior Officer:	

**PROPOSAL**

Council to consider a preferred model for Third Party Appeal Rights in Planning in Western Australia and advise WALGA of Council's preferred model.

**BACKGROUND**

In December 2016, WALGA State Council resolved to undertake research on third party appeals around Australia and further

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consult with members regarding its current policy position. The Association prepared a discussion paper which provided background on the development of WALGA's position and a review of the arguments both for and against third party appeals which was then circulated to the Local Government sector for comment and feedback.

The submissions received on the discussion paper were collated into four options which broadly capture the range of responses in support of Third Party Appeals (see attached report for the complete list of options). Two workshops were held on 1 November 2017, and a webinar held on 9 November 2017 to review these options with members and determine a preferred model for any proposed rights. The workshops had 40 attendees (35 officers and 5 Elected members), representing 25 local governments. The attached report discusses the outcomes of this consultation process.

The purpose of the consultation was to determine members' preferred model for any proposed appeal rights. Based on the outcomes of the workshops, the Association is requesting that members consider the following as the preferred model for Third Party Appeal Rights in Planning in Western Australia:

Support the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels

Members are requested to advise their support or otherwise of this model of Third Party Appeal Rights by Council Resolution, to be returned to the Association no later than 15 March 2018. Upon receipt of the resolutions, a report will be presented to State Council for further consideration

This matter was raised in the January 2018 Council meeting from CIB Item 9.5.16 (Doc ID 102903).

#### COMMENT

The 4 options discussed in the attachment are as follows;

1. Support the introduction of Third Party Appeal Rights for decisions made by Development Assessment Panels: Under this system, third party appeals would be broadly similar to the New South Wales system whereby appeal rights are limited to uses such as major developments where the development is high impact and possibly of state significance. This would include the ability to appeal amendments to an existing approval.
2. Support the introduction of Third Party Appeal Rights for decisions where discretion has been exercised under the R-Codes, Local Planning Policies and Local Planning Schemes: Under this system, third party appeals would be broadly similar to the Tasmanian system whereby third party appeals are limited to development applications where discretion has been

- exercised. This would include the ability to appeal an amendment to an existing approval.
3. Support the introduction of Third Party Appeal Right against development approvals: Including all development application approvals made by Local Governments, JDAPs and the Perth DAP, MRA or WAPC. This would include appeal rights for affected neighbours and community groups for applications and the ability to appeal amendments to an existing approval.
  4. Support the introduction of Third Party Appeal Rights against development approvals and/or the conditions or absence of conditions of an approval: Under this system, third party appeals would be broadly similar to the Victorian system whereby the provision of third party appeal rights cover most development applications and the use of, or lack of, any conditions being imposed. This would include the ability to appeal an amendment to an existing approval.
  5. Other - as a range of options were provided by members, any alternate versions to the above, or combination of the above could be proposed, including maintaining WALGA's current policy position of not supporting Third Party Appeal Rights.

The following is taken from the draft discussion paper on the pros and cons of third party appeals (summarised).

### **Arguments for Third Party Appeals**

**Legitimate interest** – A strong argument is made that neighbouring landowners, occupiers and members of the community often have a very legitimate interest in whether development occurs and the form of that development.

**Improved participation and decision making** – It is often noted that planning is a communicative process which needs to embrace the public in meaningful ways. Third party appeals would have the potential to increase avenues for public engagement with planning, and may deliver better planning decisions as an empowered public, with increased opportunities for participation, can result in improved planning outcomes.

**Improved consultation** – Third party appeal rights may encourage developers to deal with the local community in a more engaging manner and places pressure to concede or improve design elements where appropriate and reasonable to do so.

**Improved transparency** – Applicant appeals are a means by which decision-making can be checked and provide property owners a recourse to an independent review body as a safeguard against inconsistent decisions.

### **Arguments against Third Party Appeals**

**Legitimate interest and third party appeals** – Many authors note that the traditional view of appeal rights holds that the only parties with a direct interest in a development application are the applicant

and the responsible authority; meaning property owners are the only ones who should have the right to appeal over their land and that they should be able to use their property with minimal external interference. Therefore, Third Party Appeal Rights, if not clearly defined, may allow individuals to take part in planning decisions in which they have no direct interest. This can lead to opposition on non-planning grounds, rather than because of an issue with the merit or substance of the proposal.

Loss of representation – This arguments states that the appeals process shifts decision making for development applications away from Local Government and therefore away from the locally elected representation.

Current planning processes provide opportunities to participate – A strong argument against Third Party Appeal Rights is that proactive public engagement, participation and collaboration in policy formation and strategic planning is preferable as these processes focus on higher order engagement which leads to better policy and greater certainty in the process and outcome.

Not representative of the broader community- The idea of equity of access to planning decisions is often cited in the literature as a justification for third party appeal rights, however some research reviewed found that the majority of people lodging third party appeals come from a well-organised, well-connected and well-resourced segment of the community, which raises the question of how representative these objections are of the wider community's views.

Impact on the decision making process – Researchers argue that the introduction of Third Party Appeal Rights will lead to increased cost and delays, and the possibility of appeals being lodged because of vexatious or commercial interests, not because of genuine planning matters.

Failure to determine/Deemed Refusal – While researching multi-unit development in Victoria, Cook et al (2012) found that as the volume of objections to a development application increases, so too does the likelihood of appeal to VCAT.

Turning planning into a 'numbers game' – Some researchers noted the existence of third party appeals may lead members of the community to believe that the number of objections in and of itself is a way of engaging in the planning process and prevent developments they do not support (Planning Institute of Australia (NSW Division) 2012) (Hurley et al 2013). However, in order to be considered by the responsible authority, an objection needs to be about a valid planning concern. As a result the community's expectations about how it can influence the planning system may not be met.

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WALGA have recommended that there only be opportunity for third party appeals where the development is sufficiently large or significant that it would warrant potential appeals as detailed in option 1 above. This would avoid many of the issues mentioned above.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Planning and Development Act

POLICY IMPLICATIONS

There are no local policy implications relevant to this item.

FINANCIAL IMPLICATIONS

The cost of staff time and legal assistance in dealing with multiple appeals will increase budgetary expenditure.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 1: Great Place for Residential and Business Development</i>	
Objectives	How the Shire will contribute
1.4 Ensure Shire is "open for business" and supports industry and business development	b) Identify and engage with future new business and industry opportunities
1.5 Facilitate population and visitor attraction and growth to expand and diversify the regional economy	a) Tourism and marketing with a focus on promotion and product development based on natural assets in partnership with the Department of Parks and Wildlife

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

<i>Goal 5: Proactive and Leading local Government</i>	
Objectives	How the Shire will contribute
5.6 Implement sound corporate governance and risk management	h) Maintain and implement up to date policies and procedures (including delegations)

ATTACHMENTS

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

- WALGA Results of Discussions on Third Party Planning Appeal Rights (Doc Id: 102903)  
**(Marked 9.4.4)**

VOTING REQUIREMENT

Simple Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION****Moved Cr Richardson, seconded Cr Shanhun**

**That Council advise the Western Australian Local Government Association (WALGA) that Council supports option 1 being “the introduction of third party appeal rights for decisions made by Development Assessment Panels” in the WALGA report on the outcomes of consultation with members on third party appeal rights in planning 2017.**

**CARRIED 8 / 0****9.4.5 FINAL ADOPTION SCHEME AMENDMENT NO.35 - JURIEN BAY CITY CENTRE STRATEGY**

Location:	Jurien Bay City Centre
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Land Use and Planning / Planning Scheme / Amendment 35
Disclosure of Interest:	None
Date:	8 February 2018
Author:	David Chidlow, Executive Manager Development Services
Signature of Author:	
Senior Officer:	Scott Clayton, Acting Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

The purpose of this report is for Council to consider submissions to Scheme Amendment 35 Jurien Bay City Centre Strategy (JBCCS) and final adoption (with modifications) of the Amendment to rezone and introduce various zoning controls over the various landholdings within the JBCCS Plan Area (‘the subject land’) under the Shire of Dandaragan Local Planning Scheme No.7 (LPS 7).

The rezoning introduces appropriate management controls relating to land use and development, to provide for a sustainable form of development as envisaged by the JBCCS Plan.

The Scheme Amendment also provides an opportunity to update elements of LPS 7 to be more consistent with the *Planning and Development (Local Planning Schemes) Regulations 2015* (‘the Regulations’). However, the Amendment is not intended to be the mechanism for a comprehensive review of LPS 7 as required under regulation 65 of the Regulations, which shall be undertaken at a later stage.

### BACKGROUND

The JBCCS Plan was adopted by the Shire of Dandaragan in 2012. The JBCCS Plan provided a clear direction for the future planning, development and management of the Jurien Bay City Centre. The adoption of the JBCCS Plan followed extensive public consultation and engagement, which indicated that the existing community values recognised the laid back and friendly character of the town, but also recognised the future potential of the town and the need to address deficiencies and aspects that should be improved.

The implementation of the plan is highly dependent on provision of mains sewer being constructed in the town centre precinct. With the completion of the sewer pump station and commencement of works for various stages of infill sewer, it is timely for the Shire of Dandaragan to implement a Scheme Amendment to support more intense development and allow for future sewer dependent development as envisaged in the JBCCS Plan. Another trigger that supports zoning changes is the opportunity for redevelopment of Lot 96 Bashford Street, which is currently constrained by virtue of the existing zoning from being redeveloped as envisaged under the JBCCS Plan.

The subsequent Scheme Amendment 35 was adopted for advertising at the October 2017 Council Meeting. At this meeting Council resolved the following:

### OFFICER RECOMMENDATION

That Council:

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

1. Rezoning Lots 283-289 Heaton St from Residential R12.5 to Tourist.
2. Rezoning Lots 1&2 Hasting St and Lots 251-258 Bashford St Residential R12.5 to Tourist.
3. Rezoning Lots 429 – 434 from Residential R12.5 to Tourist.
4. Rezoning Lots 37 & 38 Grigson St and Lots 50-60 Padbury St from Residential R12.5 to Tourist.
5. Rezoning Lots 1 & 2 Heaton St and Lot 690, 11 & 12 Dalton St and pt Lot 259 – 262 and Lots 369 & 370 and pt Lot 1215 Doust St from Residential R12.5 to Mixed Use.
6. Rezoning Lots 162 Batt St and Lots 130-142 Bashford St and Lots 143 & 144 Whitfield Rd from Residential R12.5 to Mixed Use.
7. Deleting Additional Use 4 and rezoning Lots 129 Batt St from Residential R12.5 to Mixed Use.
8. Deleting Additional Use 1 and rezoning Lots 1 & 2 Padbury St, Lots 78-81, 92, 96-98 Cook St and Lot 95 Bashford St from Residential R12.5 to Mixed Use.
9. Recoding all residential zoned lots within the City Centre area from Residential R12.5 to Residential R12.5/25.

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10. Reclassifying Lot 675 Bashford St from Public Purposes: Fire Services to Public Purposes: Emergency Services.
11. Reclassifying Lot 674 & 676 Bashford St from Public Purposes: Church to Public Purposes.
12. Reclassifying Lot 125 Bashford St from Public Purposes: Utility to Public Purposes: Emergency Services.
13. Introducing objectives for the Mixed Use zone under Clause 3.2 as follows:
  - *To provide for a wide variety of active uses on street level which are compatible with residential and other non-active uses on upper levels.*
  - *To allow for the development of a mix of varied but compatible land uses such as housing, offices, showrooms, amusement centres, eating establishments and appropriate industrial activities which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents.*
14. Introducing an additional objective for the Tourist Zone under Clause 3.2 as follows:
  - *To allow limited residential uses where appropriate.*
15. Deleting Clause 4.2.6 and introducing Clause 4.3.1 and 4.3.2 as follows:
  - '4.3.1 *Within areas that are dual coded on the Scheme Map, development and subdivision in accordance with the higher code shall only be supported where reticulated sewerage is available.*'
  - '4.3.2 *For lots coded R12.5/25, the Council may support development or subdivision to a maximum density of R30 where the lot is located on a corner, complies with the provisions of the R30 density coding, an approved development approval and any related Local Planning Policy.*'
16. Introducing Clause 4.3.3 as follows:
  - '*Within the City Centre, the Residential Design Code for any mixed use, multiple dwelling or, where permissible, grouped dwelling development in the Mixed Use or Tourist Zone shall be up to a maximum of R80. In order to qualify for residential development up to R80, a local planning framework in the form of a Local Development Plan or Local Planning Policy should be developed which would establish design guidelines addressing matters including, but not limited to achieving high quality built form, site responsive design, mixed uses, landscaping, efficient access and parking.*'
17. Amending the Table 1: Zoning Table by introducing the permissibility of use classes under the Mixed Use zone and amending various land use permissibility anomalies as indicated in bold text as follows:

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**TABLE 1: ZONING TABLE**

*Special Use Zone: Use in accordance with Schedule 4 Special Development Zone: Use in accordance with Schedule 8*

Use Classes	P-Permitted			D – Discretion			A – Advertising			X – Not Permitted		Special Development
	Residential	Commercial	Industrial	Harbour	Marine Services	Mixed Use	Rural	Rural Residential	Tourist			
Aged or Dependent Persons	A	X	X	X	X	X	X	X	D			
Agriculture Extensive	X	X	X	X	X	X	P	X	X			
Agriculture Intensive	X	X	X	X	X	X	D*	X	X			
Agroforestry	X	X	X	X	X	X	D*	X	X			
Animal Husbandry Intensive	X	X	X	X	X	X	D*	X	X			
Aquaculture	D	D	D	D	D	X	D	X	X			
Bed and Breakfast	A	P	X	X	X	P	A	D	P			
Cabin	X	X	X	X	X	X	A	A	P			
Caravan Park	X	X	X	X	X	X	X	X	P			
Caretakers Dwelling	D	D	D	D	X	D	D	D	D			
Chalet	X	X	X	X	X	X	A	A	A			
Child Care Premises	X	D	X	X	X	D	X	X	X			
Cinema / Theatre	X	P	X	X	X	D	X	X	P			
Civic Use	X	D	X	A	X	D	X	X	D			
Club Premises	X	D	X	D	X	D	X	X	D			
Community Purposes	X	D	X	D	X	D	A	X	D			
Consulting Rooms	A	P	D	X	X	P	X	X	X			
Convenience Store	A	P	D	X	D	D	X	X	D			
Corrective Institution	X	X	D	X	X	X	D	X	X			
Cottage Industry	A	D	P	X	X	D	D	D	D			
Single House	P	D	X	X	X	X	P	P	D			
Educational	D	D	X	D	X	D	X	X	X			
Exhibition Centre	X	D	D	X	X	D	X	X	X			
Extractive Industry	X	X	X	X	X	X	A	X	X			
Fast Food Outlet	X	P	D	D	D	D	X	X	D			
Fuel Depot	X	X	A	D	D	X	X	X	X			
Funeral Parlour	X	A	D	X	X	X	X	X	X			
General Industry	X	X	P	X	X	X	X	X	X			
Group Dwelling	A	X	X	X	X	X	X	X	D			
Holiday House	D	X	X	X	X	P	P	P	P			
Home Occupation	D	D	X	X	X	D	P	D	D			
Hospital	X	D	X	X	X	X	X	X	X			
Hotel	X	P	X	A	X	A	X	X	P			
Industry Rural	X	X	P	X	X	X	A	X	X			
Light Industry	X	X	D	D	D	X	X	X	X			
Market	X	P	D	X	X	D	X	X	D			
Mining Industry	X	X	P	X	X	X	A	X	X			
Motel	X	P	X	X	X	A	X	X	P			
Motor Vehicle Repairs	X	P	P	X	X	X	X	X	X			
Multiple Dwelling	A	X	X	X	X	P	X	X	D			
Night Club	X	D	X	X	X	X	X	X	P			

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Office	X	P	A	D	D	P	X	X	X
Roadhouse AMD 6 GG 30/11/12	X	D	X	X	X	X	X	X	X
Park Home	X	X	X	X	X	X	X	X	P
Place of Worship	A	X	X	X	X	D	A	X	D
Reception Centre	X	D	X	X	X	D	X	X	D
Residential Building	D	X	X	X	X	D	X	X	D
Resort	X	X	X	P	X	A	A	X	P
Restaurant	A	P	X	A	D	P	X	X	P
Rural Pursuit	X	X	X	X	X	X	P	D	A
Serviced Apartment	X	X-D	X	P	X	P	X	X	P
Service Industry	X	X	P	D	D	D	X	X	X
Service Station	X	P A	D	A	X	A	X	X	D
Shop	X	P	D	A	D	D	X	X	D
Showroom AMD 6 GG 30/11/12	X	D	D	D	X	D	X	X	X
Tavern	X	P	X	A	X	A	X	X	P
Trade Display	X	P	P	D	D	D	X	X	X
Veterinary Centre	X	D	D	X	X	A	A	X	X
Warehouse	X	D	P	D	D	X	X	X	X

\* Agriculture Intensive, Agroforestry, and Animal Husbandry-Intensive are "D" uses in a Public Drinking Water Supply Area where Local government will have due regard to the potential impact on groundwater quality. (See 5.22)

18. Amending the Scheme Map accordingly.
19. Resolves, pursuant to the Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), that Amendment 35 is standard under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reason: *The amendment is consistent with the Jurien Bay City Centre Strategy that has been approved by the Shire of Dandaragan; (Section 34).*
20. Authorise Council officers to prepare the scheme amendment documentation.
21. Authorise the affixing of the common seal to and endorse the signing of the amendment documentation.
22. pursuant to Section 81 of the Planning and Development Act 2005, refers Amendment 35 to the Environmental Protection Authority;
23. pursuant to regulation 37 (2) of the Regulations, provides two copies of Amendment 35 to the Western Australian Planning Commission
24. proceed to advertise the amendment to the local planning scheme without modification.

#### COMMENT

The JBCCS Plan is the primary strategic planning document which has informed the preparation of Scheme Amendment 35 and accordingly, this Scheme Amendment Report should be read in conjunction with the JBCCS Plan.

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Councillors are to consider the submissions received when making their decision on this Scheme Amendment.

In response to the submissions received, the Officer recommendation proposes modifications to the Scheme Amendment. These modifications are proposed due to the overwhelming feedback from impacted landowners.

The issue of contention is the rezoning of residential land to both "Tourist and Mixed Use" where these proposed zones abut residential zoned land.

The majority of submissions were against the rezoning of these lots due to concerns about neighbourhood amenity from the clash of existing residential to neighbouring tourist businesses. There is no urgency to rezoning these lots. The intent of the City Centre Strategy was based on the rapid expansion of Jurien Bay. Due to a number of world and local economies, the rapid expansion has not taken place. There is also still a requirement for deep sewer for these developments to happen, and that is not within the near future.

The areas that were of concern to residents have been deleted from the amendment. However areas that want the change, such as the mixed use at the corners of Cook and Bashford Street remain.

The proposed deletions are as listed below.

1. Rezoning Lots 283-289 Heaton St from Residential R12.5 to Tourist.
2. Rezoning Lots 1&2 Hasting St and Lots 251-258 Bashford St Residential R12.5 to Tourist.
3. Rezoning Lots 429 – 434 from Residential R12.5 to Tourist.
4. Rezoning Lots 37 & 38 Grigson St and Lots 50-60 Padbury St from Residential R12.5 to Tourist.
5. Rezoning Lots 1 & 2 Heaton St and Lot 690, 11 & 12 Dalton St and pt Lot 259 – 262 and Lots 369 & 370 and pt Lot 1215 Doust St from Residential R12.5 to Mixed Use.
6. Rezoning Lots 162 Batt St and Lots 130-142 Bashford St and Lots 143 & 144 Whitfield Rd from Residential R12.5 to Mixed Use.
7. Deleting Additional Use 4 and rezoning Lots 129 Batt St from Residential R12.5 to Mixed Use.
11. Reclassifying Lot 674 & 676 Bashford St from Public Purposes: Church to Public Purposes.

There are a couple of minor changes to land use in Table 1 of the Scheme to ensure that developments such as Night Clubs and Service Stations have a "discretionary" use rather than "permitted" and to allow a single house in the mixed use zone as a discretionary use.

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There are also minor errors on the scheme map that will require amending. These are lots along Bower Street where the residential colour shading was missed and the lots behind Apex Camp were changed to Tourist rather than remaining as Residential.

### CONSULTATION

Council resolved at its 26 October 2017 Meeting, pursuant to the Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), that Amendment 35 is standard under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reason:

*The amendment is consistent with the Jurien Bay City Centre Strategy that has been approved by the Shire of Dandaragan; (Section 34).*

The Scheme Amendment was subsequently advertised for a minimum period of 42 days in line with the Regulations, which was extended to the 2 February 2018.

In response a total of 37 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*.

### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

### FINANCIAL IMPLICATIONS

Council has approved funding of \$20,000 towards the preparation of this Scheme Amendment.

### STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 1: Great Place for Residential and Business Development</i>	
<b>Objectives</b>	<b>How the Shire will contribute</b>
1.1 Ensure planning and land availability provides opportunity for sustainable growth and lifestyle options / choices	a) Strategic land use planning across the Shire, with focus on coastal settlement and town centre strategy b) Strategic projects with a focus on planning and land availability for health precinct and further residential development c) Activate Growth Plan
1.5 Facilitate industry, population and visitor attraction and growth to	a) Tourism and marketing with a focus on promotion and product development

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 22 FEBRUARY 2018</b>
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expand and diversify the regional economy	based on natural assets in partnership with the Department of Parks and Wildlife
1.4 Ensure Shire is "open for business" and supports industry and business development	b) Identify and engage with future new business and industry opportunities

**ATTACHMENTS**

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

- Scheme Amendment No 35 (Doc Id: 99990)
- Schedule of Submissions (Doc Id: 106483)

**(Marked 9.4.5)**

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

Moved Cr McGlew, seconded Cr Scharf

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

1. Deleting Additional Use 1 and rezoning Lots 1 & 2 Padbury St, Lots 78-81, 92, 96-98 Cook St and Lot 95 Bashford St from Residential R12.5 to Mixed Use.
2. Recoding all residential zoned lots within the City Centre area from Residential R12.5 to Residential R12.5/25.
3. Reclassifying Lot 675 Bashford St from Public Purposes: Fire Services to Public Purposes: Emergency Services.
4. Reclassifying Lot 125 Bashford St from Public Purposes: Utility to Public Purposes: Emergency Services.
5. Introducing objectives for the Mixed Use zone under Clause 3.2 as follows:
  - *To provide for a wide variety of active uses on street level which are compatible with residential and other non-active uses on upper levels.*
  - *To allow for the development of a mix of varied but compatible land uses such as housing, offices, showrooms, amusement centres, eating establishments and appropriate industrial activities which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents.*
6. Introducing an additional objective for the Tourist Zone under Clause 3.2 as follows:
  - *To allow limited residential uses where appropriate.*
7. Deleting Clause 4.2.6 and introducing Clause 4.3.1 and 4.3.2 as follows:
  - *'4.3.1 Within areas that are dual coded on the Scheme Map, development and subdivision in accordance with the higher code shall only be supported where reticulated sewerage is available.'*

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**'4.3.2 For lots coded R12.5/25, the Council may support development or subdivision to a maximum density of R30 where the lot is located on a corner, complies with the provisions of the R30 density coding, an approved development approval and any related Local Planning Policy.'**

**8. Introducing Clause 4.3.3 as follows:**

**'Within the City Centre, the Residential Design Code for any mixed use, multiple dwelling or, where permissible, grouped dwelling development in the Mixed Use or Tourist Zone shall be up to a maximum of R80. In order to qualify for residential development up to R80, a local planning framework in the form of a Local Development Plan or Local Planning Policy should be developed which would establish design guidelines addressing matters including, but not limited to achieving high quality built form, site responsive design, mixed uses, landscaping, efficient access and parking.'**

**9. Amending the Table 1: Zoning Table by introducing the permissibility of use classes under the Mixed Use zone and amending various land use permissibility anomalies as indicated in bold text as follows:**

**TABLE 1: ZONING TABLE**

*Special Use Zone: Use in accordance with Schedule 4 Special Development Zone: Use in accordance with Schedule 8*

Use Classes	P-Permitted			D – Discretion			A – Advertising			X – Not Permitted	
	Residential	Commercial	Industrial	Harbour	Marine Services	Mixed Use	Rural	Rural Residential	Tourist	Special Development	
Aged or Dependent Persons	A	X	X	X	X	<b>X</b>	X	X	D		
Agriculture Extensive	X	X	X	X	X	<b>X</b>	P	X	X		
Agriculture Intensive	X	X	X	X	X	<b>X</b>	D*	X	X		
Agroforestry	X	X	X	X	X	<b>X</b>	D*	X	X		
Animal Husbandry Intensive	X	X	X	X	X	<b>X</b>	D*	X	X		
Aquaculture	D	D	D	D	D	<b>X</b>	D	X	X		
Bed and Breakfast	A	P	X	X	X	<b>P</b>	A	D	P		
Cabin	X	X	X	X	X	<b>X</b>	A	A	P		
Caravan Park	X	X	X	X	X	<b>X</b>	X	X	P		
Caretakers Dwelling	D	D	D	D	X	<b>D</b>	D	D	D		
Chalet	X	X	X	X	X	<b>X</b>	A	A	A		
Child Care Premises	X	D	X	X	X	<b>D</b>	X	X	X		
Cinema / Theatre	X	P	X	X	X	<b>D</b>	X	X	<b>PA</b>		
Civic Use	X	D	X	A	X	<b>D</b>	X	X	D		
Club Premises	X	D	X	D	X	<b>D</b>	X	X	D		
Community Purposes	X	D	X	D	X	<b>D</b>	A	X	D		
Consulting Rooms	A	P	D	X	X	<b>P</b>	X	X	X		
Convenience Store	A	P	D	X	D	<b>D</b>	X	X	D		
Corrective Institution	X	X	D	X	X	<b>X</b>	D	X	X		

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Cottage Industry	A	D	P	X	X	D	D	D	D
Single House	P	D	X	X	X	X	P	P	D
Educational	D	D	X	D	X	D	X	X	X
Exhibition Centre	X	D	D	X	X	D	X	X	X
Extractive Industry	X	X	X	X	X	X	A	X	X
Fast Food Outlet	X	P	D	D	D	D	X	X	D
Fuel Depot	X	X	A	D	D	X	X	X	X
Funeral Parlour	X	A	D	X	X	X	X	X	X
General Industry	X	X	P	X	X	X	X	X	X
Group Dwelling	A	X	X	X	X	X	X	X	D
Holiday House	D	X	X	X	X	P	P	P	P
Home Occupation	D	D	X	X	X	D	P	D	D
Hospital	X	D	X	X	X	X	X	X	X
Hotel	X	P	X	A	X	A	X	X	P
Industry Rural	X	X	P	X	X	X	A	X	X
Light Industry	X	X	D	D	D	X	X	X	X
Market	X	P	D	X	X	D	X	X	D
Mining Industry	X	X	P	X	X	X	A	X	X
Motel	X	P	X	X	X	A	X	X	P
Motor Vehicle Repairs	X	P	P	X	X	X	X	X	X
Multiple Dwelling	A	X	X	X	X	P	X	X	D
Night Club	X	D	X	X	X	X	X	X	<del>P</del> A
Office	X	P	A	D	D	P	X	X	X
Roadhouse AMD 6 GG 30/11/12	X	D	X	X	X	X	X	X	X
Park Home	X	X	X	X	X	X	X	X	P
Place of Worship	A	X	X	X	X	D	A	X	D
Reception Centre	X	D	X	X	X	D	X	X	D
Residential Building	D	X	X	X	X	D	X	X	D
Resort	X	X	X	P	X	A	A	X	P
Restaurant	A	P	X	A	D	P	X	X	P
Rural Pursuit	X	X	X	X	X	X	P	D	A
Serviced Apartment	X	<del>X</del> D	X	P	X	P	X	X	P
Service Industry	X	X	P	D	D	D	X	X	X
Service Station	X	<del>P</del> A	D	A	X	A	X	X	D
Shop	X	P	D	A	D	D	X	X	D
Showroom AMD 6 GG 30/11/12	X	D	D	D	X	D	X	X	X
Tavern	X	P	X	A	X	A	X	X	P
Trade Display	X	P	P	D	D	D	X	X	X
Veterinary Centre	X	D	D	X	X	A	A	X	X
Warehouse	X	D	P	D	D	X	X	X	X

\* Agriculture Intensive, Agroforestry, and Animal Husbandry-Intensive are "D" uses in a Public Drinking Water Supply Area where Local government will have due regard to the potential impact on groundwater quality. (See 5.22)

**10. Amending the Scheme Map accordingly.**

**11. Resolves, pursuant to the Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), that Amendment 35 is standard under the provisions of the Planning and**

Development (Local Planning Schemes) Regulations 2015 for the following reason:

*The amendment is consistent with the Jurien Bay City Centre Strategy that has been approved by the Shire of Dandaragan; (Section 34).*

12. Authorise Council officers to prepare the scheme amendment documentation.
13. Authorise the affixing of the common seal to and endorse the signing of the amendment documentation.
14. Pursuant to Section 81 of the Planning and Development Act 2005, refers Amendment 35 to the Environmental Protection Authority.
15. Pursuant to regulation 37 (2) of the Regulations, provides two copies of Amendment 35 to the Western Australian Planning Commission.

CARRIED 8 / 0

#### 9.4.6 STATE ADMINISTRATIVE TRIBUNAL - REQUEST FOR RECONSIDERATION FOR PLANNING APPROVAL – AMENDED PLANS - OUTBUILDING AND CARPORT (LEAN-TO) - LOT 6 GRIGSON STREET, JURIEN BAY

Location:	Lot 6 Grigson Street, Jurien Bay
Applicant:	Leon Murdock
Folder Path:	Development Service Apps / Development Applications / 2017 / 59
Disclosure of Interest:	None
Date:	12 February 2018
Author:	David Chidlow Exec Manager Development Services
Signature of Author:	

Senior Officer:	Scott Clayton, Acting Chief Executive Officer
Signature of Senior Officer:	

#### PROPOSAL

The applicant seeks planning approval to construct an outbuilding with carport (Carport) on the subject land.



BACKGROUND

Application for an overheight and oversized outbuilding and attached carport at Lot 6 Grigson Street was refused by Council at the 23 November 2017 Council meeting. The Council resolution was;

*That Council refuse planning approval for the proposed outbuilding and carport (Lean-to) on Lot 6 Grigson Street, Jurien Bay for the following reasons:*

- 1. the proposed outbuilding and carport (Lean-to) does not comply with Local Planning Policy 8.5 - Outbuildings 'Residential Areas' as it exceeds the specified floor area and ridge height maximums for an outbuilding;*
- 2. the proposed development would detract from the visual amenity of neighbouring properties;*
- 3. the proposed development does not comply with orderly and proper planning for the locality;*
- 4. approval of such development would set an undesirable precedent for similar applications in the future in contravention of Council adopted Policy.*

The applicant lodged an appeal to the State Administration Tribunal. Directions Hearings were held on the 21 December 2017 and 7 January 2018. An onsite Mediation hearing was held at Lot 6 Grigson Street with a SAT member, the Shire president, the applicant and Shire planning staff on 12 February 2018.

The applicant provided additional information and advised that the floor level could be dropped 200mm in order to reduce the height. The following additional information was provided by the applicant.

*As discussed this morning on site with the State Administrative Tribunal*

*My client is currently in the process of designing a 2 Storey home with the same 20' Pitch as the Shed.*

*The house will be built up level with the road.*

*On behalf of my client we agree to lower the Finished Floor Level of the proposed shed by 200mm.*

*If you require further information please don't hesitate to ask.*

*Kind regards*

*Leon Murdock*

The outbuilding is 12.240m x 8.060m = 98.65m<sup>2</sup>.

The attached lean-to is 12.240m x 3.800 = 46.51m<sup>2</sup>.

The outbuilding and lean-to combined = 145.16m<sup>2</sup>.

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The proposed outbuilding ridge height will be reduced from 5.067m to 4.870m (wall height from 3.6m to 3.4m). The lean-to column is 2.680m angling up to attach the outbuilding at approximately 3.300m.

The proposed development is identified on submitted plans as located towards the rear of the property behind the existing residence and being a minimum 1.5m from both the northern side boundary and rear boundary. Both boundaries adjoin Old Church Lane. Proposed setbacks satisfy R-Code requirements.

**COMMENT**

By dropping the floor level, the applicant has achieved a balance between the wall height and ridge height where the lower than maximum wall height compensates for the higher than the maximum ridge height.

In accordance with the Residential Design Codes, the height of a structure is measured at the natural ground level of the nearest boundary.

The proposed outbuilding on its own (notwithstanding the carport/lean-to) exceeds the permitted floor area maximum (80m<sup>2</sup>) Local Planning Policy 8.5 – Outbuildings ‘Residential Areas.’

The applicant advises that the reason for the oversized outbuilding is to store a boat. The outbuilding would replace the existing old garage which would need to be demolished and removed from the property if the application is approved.

The applicant sought variation to Council Policy on the basis of the relatively large size of the residential zoned lot (The property is 1456.849m<sup>2</sup> in area). Also, that there are several (six) outbuildings that exceed the 80m<sup>2</sup> in the same street. These all predate the current policy, but can be considered by Council in granting any variations.

Additional information regarding plans being drawn up by the owner to construct a two storey dwelling at the front of the lot that matches the proposed outbuilding roof pitch can also now be taken into account.

The application is recommended for approval for the following reasons. The application will not detrimentally impact the streetscape, the large lot size, amended plans to drop the floor level and overall height of the structure by 200mm, proposed plans to provide a two storey house in front of the outbuilding as well as the number and location of six oversized out buildings (predate policy) in the vicinity.

**CONSULTATION**

There were no objections from any impacted neighbours.

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STATUTORY ENVIRONMENT

Local Planning Scheme No 7

POLICY IMPLICATIONS

Local Planning Policy 8.5 – Outbuildings ‘Residential Areas’

**Outbuildings**

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

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

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

6. *When giving consideration to an application for an outbuilding, the Shire of Dandaragan shall have regard to the Design Principles contained in section 5.4.3 P3 of the Residential Design Codes, namely that outbuildings do not detract from the streetscape or the amenity of residents or neighbouring properties.*
9. *This policy does not exempt compliance with all other requirements of the Residential Design Codes (2013) and any other policy of Council.*

FINANCIAL IMPLICATIONS

The applicant has paid a standard planning application fee of \$147.00

STRATEGIC IMPLICATIONS

2016 - 2026 Strategic Community Plan

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

<b>Goal 5: Proactive and Leading local Government</b>	
<b>Objectives</b>	<b>How the Shire will contribute</b>
5.6 Implement sound corporate governance and risk management	h) Maintain and implement up to date policies and procedures (including delegations)

ATTACHMENTS

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

- Applicant submitted plans (Doc Id: 101423)  
**(Marked 9.4.6)**

VOTING REQUIREMENT

Simple Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION****Moved Cr Shanhun, seconded Cr Clarke**

**That Council grant planning approval for the proposed outbuilding and attached carport on Lot 6 Grigson Street, Jurien Bay in accordance with the attached approved plans subject to:**

**Conditions:**

- 1. All development shall be in accordance with the attached plans subject to any modifications required (see condition 4) 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.**
- 4 height of the outbuilding and development is to be reduced by 200mm below the previous plans submitted.**

**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.**

**Note4: Council has granted dispensation for this specific application due to the large lot size, amended plans to drop the floor level and overall height of the structure by 200mm, proposed plans to provide a two storey house in front of the outbuilding as well as the number and location of six oversized out buildings (predate policy) in the vicinity**

**Note5: The applicant be advised that "should you be aggrieved by this decision, or any conditions imposed, you are required to advise the State Administrative Tribunal as soon as possible.**

**CARRIED 8 / 0**

## 9.5 COUNCILLOR INFORMATION BULLETIN

### 9.5.1 SHIRE OF DANDARAGAN – JANUARY 2018 COUNCIL STATUS REPORT

Document ID: 104210

Attached to the agenda is a copy of the Shire's status report from the Council Meeting held 25 January 2018. **(Marked 9.5.1)**

### 9.5.2 SHIRE OF DANDARAGAN – EXECUTIVE MANAGER INFRASTRUCTURE REPORT – FEBRUARY 2018

Document ID: 106518

Attached to the agenda is a copy of the Shire of Dandaragan's Executive Manager Infrastructure Report for February 2018. **(Marked 9.5.2)**

### 9.5.3 SHIRE OF DANDARAGAN – BUILDING STATISTICS – JANUARY 2018

Document ID: 105701

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

### 9.5.4 SHIRE OF DANDARAGAN – PLANNING STATISTICS – JANUARY 2018

Document ID: 105472

Attached to the agenda is a copy of the Shire of Dandaragan Planning Statistics for January 2018. **(Marked 9.5.4)**

### 9.5.5 WHEATBELT SECONDARY FREIGHT ROUTES

Document ID: 105595

Attached to the agenda is a copy of the Wheatbelt Secondary Freight Routes Update **(Marked 9.5.5)**

### 9.5.6 DEPARTMENT OF BIODIVERSITY, CONSERVATION & ATTRACTIONS (DPAW) – PROPOSED DEMOLITION OF WEDGE SHACKS W019 & W020

Document ID: 105528

Attached to the agenda is correspondence from the Department of Biodiversity, Conservation & Attractions with regard to the proposed demolition of Wedge Shacks W019 & W020 **(Marked 9.5.6)**

### 9.5.7 WALGA – REVIEW OF LOCAL GOVERNMENT ACT 1995

Document ID: 105171

Attached to the agenda Review of Local Government Act 1995 – WALGA Positions December 2018 **(Marked 9.5.7)**

### 9.5.8 SHIRE OF DANDARAGAN TOURISM / LIBRARY REPORT FOR JANUARY 2018

Document ID: 105608

Attached to the agenda is monthly report for Tourism / Library for January 2018 **(Marked 9.5.8)**

### 9.5.9 WALGA – TRIAL NEW PROGRAM TO HELP SUPPORT ELECTED MEMBERS

Document ID: 106558

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Attached to the agenda is correspondence about WALGA Member Advisor program which proposed to provide Councils and Elected Members with information and resources from a trusted peer.  
**(Marked 9.5.9)**

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

### 10.1 INFRASTRUCTURE

Any new business of an urgent nature requires a resolution of Council in order to be considered.

The following item requires urgent consideration by Council:

The following item requires urgent consideration by Council:

To authorise a budget amendment to apply a bitumen enrichment to the two existing chip sealed aprons and taxiways at the Jurien Bay Airstrip similar to that applied to the airstrip in 2017

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

**Moved Cr Scharf, seconded Cr Gibson**

**That the following new business of an urgent nature be considered by Council:**

**To authorise a budget amendment to apply a bitumen enrichment to the two existing chip sealed aprons and taxiways at the Jurien Bay Airstrip similar to that applied to the airstrip in 2017.**

**CARRIED 8 / 0**

#### 10.1.1 JURIEN BAY AIRSTRIP

Location:	Jurien Bay Airstrip
Applicant:	N/A
Folder Path:	Business Classification Scheme / Traffic & Transport / Service Provision / Airports & Landing Facilities
Disclosure of Interest:	Nil
Date:	22 February 2018
Author:	Scott Clayton, Acting Chief Executive Officer
Signature of Author:	

#### **PROPOSAL**

To authorise a budget amendment to apply a bitumen enrichment to the two existing chip sealed aprons and taxiways at the Jurien Bay Airstrip similar to that applied to the airstrip in 2017.

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 22 FEBRUARY 2018**BACKGROUND

The discussion regarding the surface of aprons and taxiways was prompted by a letter from Skydive Jurien Bay (SJB) in regard to two serious foreign object damage (FOD) incidents that have seen their larger Cessna Caravan aircraft grounded for an extended period of time.

The letter and an independent engineers report identifies blue metal entering the jet engine as the cause of the FOD.

It is claimed in the letter that the source of this blue metal is the aprons and taxiways at the Jurien Bay Airstrip.

COMMENT

In investigating the issue, given the aircraft generally only operates from the one airstrip, it is agreed the likely source of the blue metal is stone that has worked itself loose from the bitumen on the aprons at the Jurien Bay airstrip.

Based on research conducted and information gathered from the engineer's report such FOD would not occur under normal operating conditions, and therefore, is satisfactory for normal operations of an airstrip.

However, the unusual operating method of a skydive operator to "hot load" with the propeller in "feather" mode is creating a type of vortex effect that is drawing stone into the engine while it is stationary.

The surface by and large does not have a significant amount of loose stone, it is simply this vacuum created by the propeller in "Feather" that draws stone from a large surface area.



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In visiting the site there are a series of scuff marks around the surface where stone has been gouged out.



Enquiries regarding these scuff marks conclude that this is likely the source of the loose stone and is caused by turning plane wheels under normal operating conditions.

In discussions with the Executive Manager Infrastructure and the Co-ordinator of Infrastructure Services it is quite clear that these regular scuffing activities ultimately increase the intervention points for maintenance and renewal, and if left unattended would reduce the effective life of the surface.

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From an asset management perspective, enrichment would not be considered an upgrade activity, rather, it is more of a renewal / preventative future maintenance activity.

For the relatively low cost to apply an enrichment there is likely to be a direct reduction over time of the whole of life cost of the surface.

The Shire has an effective asset management plan in place for the site which has identified an annualised renewal figure required to keep the site at its existing level of service.

For the last several years, this amount has been placed in the Aerodrome Reserve.

Funds can be accessed from this reserve for the proposed works.

### CONSULTATION

- Executive Manager Infrastructure
- Co-ordinator of Infrastructure Services

### STATUTORY ENVIRONMENT

Local Government Act 1995 Section 6.8

6.8 *Expenditure from municipal fund not included in annual budget*

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
- (a) *is incurred in a financial year before the adoption of the annual budget by the local government; or*
  - (b) *is authorised in advance by resolution\*;* or
  - (c) *is authorised in advance by the mayor or president in an emergency.*

\* *Absolute majority required.*

- (1a) *In subsection (1) — additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.*
- (2) *Where expenditure has been incurred by a local government —*
- (a) *pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and*
  - (b) *pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council*

### POLICY IMPLICATIONS

2.4 Asset Management Policy

### FINANCIAL IMPLICATIONS

A quote per square metre to undertake the works has been received. Based on measurement estimates the price to complete the enrichment will be less than \$10,000 ex GST.

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 22 FEBRUARY 2018**

It is proposed to source the funds for these works from the Aerodrome Reserve.

**STRATEGIC IMPLICATIONS**

2016 – 2026 Community Strategic Plan

<i>Goal 1: Great Place for Residential and Business Development</i>	
Objectives	How the Shire will contribute
1.3 Ensure timely provision of essential and strategic infrastructure	d) Provide and operate the Jurien Bay and Cervantes Airstrips

<i>Goal 5: Proactive and Leading Local Government</i>	
Objectives	How the Shire will contribute
5.5 Implement Integrated Planning and Reporting	b) Renewal and maintenance of assets in accordance with development or robust Asset Management Plans, e.g. infrastructure and other fixed assets

**ATTACHMENTS**

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

- Jurien Bay Airstrip Forum Item (Doc Id: 106466)
- Detailed Request (Doc Id: 106449),
- Engineer's Report (Doc Id: 106450)

***(Marked 10.1.1)***

**VOTING REQUIREMENT**

Absolute Majority

**OFFICER RECOMMENDATION**

**Moved Cr Gibson, seconded Cr Scharf**

**That Council authorise a budget amendment to;**

- 1. recognise the application of enrichment to the existing chip sealed aprons and taxiways at the Jurien Bay Airstrip as an Infrastructure – Other asset up to \$10,000 ex GST, and;**
- 2. transfer up to \$10,000 from the Aerodrome Reserve to the Municipal Account to fund the enrichment of existing chip sealed aprons and taxiways at the Jurien Bay Airstrip**

**CARRIED BY ABSOLUTE MAJORITY 8 / 0**

**11 CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE PUBLIC**

Nil

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 22 FEBRUARY 2018**

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

Nil

**13 CLOSURE OF MEETING**

The presiding member declared the meeting closed at 4.20pm.

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

Signed .....

Presiding person at the meeting at which the minutes were confirmed

Date .....