



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

**MINUTES**

**of the**

**ORDINARY COUNCIL MEETING**

**held at the**

**BADGINGARRA COMMUNITY CENTRE, BADGINGARRA**

**on**

**THURSDAY 24 JANUARY 2019**

**COMMENCING AT 4.00PM**

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

# Table of Contents

<b>1</b>	<b>DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS .....</b>	<b>1</b>
1.1	DECLARATION OF OPENING.....	1
1.2	DISCLAIMER READING .....	1
<b>2</b>	<b>RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE.....</b>	<b>1</b>
<b>3</b>	<b>RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....</b>	<b>2</b>
<b>4</b>	<b>PUBLIC QUESTION TIME.....</b>	<b>2</b>
<b>5</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE.....</b>	<b>3</b>
<b>6</b>	<b>CONFIRMATION OF MINUTES .....</b>	<b>3</b>
6.1	MINUTES OF THE ORDINARY COUNCIL MEETING HELD 13 DECEMBER 2018 .....	3
<b>7</b>	<b>NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION.....</b>	<b>3</b>
<b>8</b>	<b>PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS .....</b>	<b>3</b>
<b>9</b>	<b>REPORTS OF COMMITTEES AND OFFICERS .....</b>	<b>4</b>
9.1	<b>CORPORATE &amp; COMMUNITY SERVICES .....</b>	<b>4</b>
9.1.1	ACCOUNTS FOR PAYMENT – DECEMBER 2018.....	4
9.1.2	RECOGNISE HEALTHWAY GRANT AND AUTHORISE BUDGET AMENDMENT TO YOUTH SERVICES .....	5
9.1.3	JURIEN BAY COUNTRY GOLF CLUB IRRIGATION PROJECT .....	7
9.1.4	FINANCIAL STATEMENTS - MONTHLY REPORTING FOR THE PERIOD ENDING 31 DECEMBER 2018.....	10
9.2	<b>INFRASTRUCTURE SERVICES.....</b>	<b>12</b>
9.3	<b>DEVELOPMENT SERVICES .....</b>	<b>12</b>
9.3.1	RETROSPECTIVE DEVELOPMENT APPROVAL – DWELLING RENOVATIONS – LOT 17 PADBURY STREET, JURIEN BAY.....	12
9.3.2	PROPOSED OUTBUILDING – LOT 507 BETTONG AVENUE, JURIEN BAY .....	17
9.3.3	FINAL ADOPTION SCHEME AMENDMENT NO.36 – SPECIAL CONTROL AREAS NO.1 & NO.4.....	22
9.3.4	SANDI SMITH - REQUEST TO KEEP FOUR DOGS - SAT REQUEST FOR ADDITIONAL TIME TO KEEP DOG .....	27
9.3.5	SKYDIVE JURIEN BAY PROPOSED SIGNAGE – ROAD RESERVE ADJACENT TO INDIAN OCEAN DRIVE & BRAND HIGHWAY.....	31
9.3.6	STABLE FLIES – DECLARATION AS A PEST.....	37
9.3.7	PROPOSED OUTBUILDING – LOT 467 DRYANDRA BOULEVARD, JURIEN BAY.....	41
9.4	<b>GOVERNANCE &amp; ADMINISTRATION .....</b>	<b>46</b>
9.5	<b>COUNCILLOR INFORMATION BULLETIN.....</b>	<b>46</b>
9.5.1	SHIRE OF DANDARAGAN – DECEMBER 2018 COUNCIL STATUS REPORT.....	46

9.5.2	STARGAZERS / ASTRO TOURISM – ASTROTOURISIM WA PLANS 2019.....	46
9.5.3	SHIRE OF DANDARAGAN – BUILDING STATISTICS – DECEMBER 2018 .....	46
9.5.4	SHIRE OF DANDARAGAN – PLANNING STATISTICS – DECEMBER 2018.....	46
9.5.5	SHIRE OF DANDARAGAN TOURISM / LIBRARY REPORT FOR DECEMBER 2018.....	47
<b>10</b>	<b>NEW BUSINESS OF AN URGENT NATURE – INTRODUCED BY RESOLUTION OF THE MEETING .....</b>	<b>47</b>
<b>11</b>	<b>CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE PUBLIC.....</b>	<b>47</b>
<b>12</b>	<b>ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....</b>	<b>47</b>
<b>13</b>	<b>CLOSURE OF MEETING .....</b>	<b>47</b>

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 JANUARY 2019</b>
--

## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

### 1.1 DECLARATION OF OPENING

The Shire President declared the meeting open at 4.07pm and welcomed those present.

### 1.2 DISCLAIMER READING

The disclaimer was read aloud as there were 11 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 days.”*

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

### Members

Councillor L Holmes	(President)
Councillor J Clarke	
Councillor A Eyre	
Councillor W Gibson	
Councillor K McGlew	
Councillor D Richardson	
Councillor R Shanahun	
Councillor D Slys	

### Staff

Mr B Bailey	(Chief Executive Officer)
Mr S Clayton	(Executive Manager Corporate & Community Services)
Mr D Chidlow	(Executive Manager Development Services)
Mr R Mackay	(Planning Officer)
Ms A Slys	(Economic Development Coordinator)
Ms M Perkins	(Community Development Officer)
Mr T O’Gorman	(Community Services Officer / Club Development Officer)

### Apologies

Nil

### Approved Leave of Absence

Councillor P Scharf

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 JANUARY 2019****Observers**

Dale Park, Marion Park, Mike Kenny, Sara Kenny, Andrew Kenny, Deb Avery, Jonathan Nelson, Jillian Nelson, Des Greenwood, Jean Greenwood, Robyn Martin

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

Nil

**4 PUBLIC QUESTION TIME**

Andrew Kenny asked a question in relation to the status of Meagher Drive Restricted Access Vehicle rating.

*The Chief Executive Officer responded by saying that Main Roads WA Heavy Vehicle Services had recently approved RAV4 network access between Brand Highway and Landmark to facilitate local deliveries. The Shire was also commissioning design of upgrades to Meagher Drive including intersections for RAV4 consideration in the 2018 / 2019 budget. Council would then decide through the budget process whether the upgrades required would be included in the 2019 / 2020 budget.*

Des Greenwood asked about when the air-conditioning at the Badgingarra Waste Facility would be repaired.

*The Chief Executive Officer responded by saying he would look into the matter and resolve any issues with Mr Greenwood.*

Mike Kenny enquired about the Badgingarra Research Station and the status of developing a waste facility at the site.

*The President responded by advising the State Government was no longer undertaking an asset disposal program and that the Department of Primary Industries and Regional Development were retaining ownership of the research stations throughout the state as part of their strategic direction for the industry.*

Mike Kenny enquired about the status of farmers spreading chicken manure within the Shire and whether there were any ongoing issues that the Shire was aware of.

*The Executive Manager Development Services responded by saying that the Shire has been working closely with experts from the Department of Agriculture and Food, the Department of Water Environment Regulation, the Shire of Gingin and local farmers spreading chicken manure, seeking ways of minimising odour from the spread of manure. This has resulted in amended agricultural best practice guidelines issued by the Department of Agriculture and Food which have been applied at local farms. A noticeable reduction in the number of odour complaints has occurred since these measures were undertaken.*

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 JANUARY 2019****5 APPLICATIONS FOR LEAVE OF ABSENCE****COUNCIL DECISION**

Moved Cr Shanhun, seconded Cr Gibson

That the following request for leave of absence be approved:

Cr Clarke – 1 February 2019 to 28 February 2019 inclusive

**CARRIED 8 / 0**

**6 CONFIRMATION OF MINUTES****6.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD 13 DECEMBER 2018****COUNCIL DECISION**

Moved Cr Eyre, seconded Cr Clarke

That the minutes of the Ordinary Meeting of Council held 13 December 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 ACCOUNTS FOR PAYMENT – DECEMBER 2018

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Creditors / Expenditure
Disclosure of Interest:	None
Date:	4 January 2019
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

#### PROPOSAL

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

#### BACKGROUND

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

#### COMMENT

The cheque, electronic funds transfer (EFT) and direct debit payments for December 2018 totalled \$1,433,886.32 for the Municipal Fund.

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

#### CONSULTATION

- Chief Executive Officer

#### STATUTORY ENVIRONMENT

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

#### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

#### FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

#### STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 JANUARY 2019</b>
--

<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 December 2018 (Doc Id: 126943)

**(Marked 9.1.1)**

**VOTING REQUIREMENT**

Simple majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Shanhun, seconded Cr Eyre**

**That the Municipal Fund cheque and EFT listing for the period ending 31 December 2018 totalling \$1,433,886.32 for the Municipal Fund be accepted.**

**CARRIED 8 / 0**

*The following item 9.1.2 was withdrawn by the Officers prior to the commencement of the meeting as a suitable budget allocation was available in the 2018 / 2019 budget.*

**9.1.2 RECOGNISE HEALTHWAY GRANT AND AUTHORISE BUDGET AMENDMENT TO YOUTH SERVICES**

Location:	Shire of Dandaragan
Applicant:	N / A
Folder Path:	Business Classification Scheme / Grants and Subsidies / Programs / Special Purpose
Disclosure of Interest:	Nil
Date:	18 December 2018
Author:	Michelle Perkins, Community Development Officer
Senior Officer:	Scott Clayton, Executive Manager Corporate & Community Services

**PROPOSAL**

For Council to receive the Healthway grant of \$3,000 and authorise a Youth Services Budget amendment to the same amount in order for Shire staff to undertake coordination of the Spray the Grey Youth Festival.

**BACKGROUND**

The Shire provides Youth Services funding through its budget processes in accordance with the Strategic Community Plan and the Shire Corporate Business Plan. Spray the Grey Youth Festival is now an annual event budgeted for under Youth Services, however additional funding is required from external sources in order to continue to develop the event as a high quality participatory event for young people across the Shire.

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 JANUARY 2019**

COMMENT

In December 2018, the Shire of Dandaragan Community Development team was successful in obtaining a \$3,000 grant from Healthway to assist with coordination of the Spray the Grey Youth Festival 2019. The grant will go towards funding of rides, amusements, printing and advertising.

CONSULTATION

Executive Manager Corporate & Community Services

STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

The Healthway grant will increase the 2018 / 19 Youth Services budget by \$3,000 funding Spray the Grey Youth Festival.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 2: Healthy, Safe And Active Community</i>	
<u>Objectives</u>	<u>How the Shire will Contribute</u>
2.3 Enhance vibrancy and community identity through culture and arts	a) Deliver or support the delivery of selected arts, culture and community events

ATTACHMENTS

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

- Healthway / Shire of Dandaragan Grant Letter and Sponsorship Agreement (Doc Id: 124912)

**(Marked 9.1.2)**

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

That Council receive a Healthway grant of \$3,000 for Shire staff coordination of the Spray the Grey Youth Festival and approve a budget variation to reflect the additional grant income.

**9.1.3 JURIEB BAY COUNTRY GOLF CLUB IRRIGATION PROJECT**

Location:	Jurien Bay Country Golf Club
Applicant:	Jurien Bay Country Golf Club
Folder Path:	Business Classification Scheme / Grants and Subsidies / Applications / Community Groups
Disclosure of Interest:	N/A
Date:	10 December 2018
Author:	Tony O'Gorman, Club Development Officer
Senior Officer:	Scott Clayton Executive Manager Corporate and Community Services

*Cr Shanahun, Cr Gibson and Chief Executive Officer declared an impartiality interest as they are members of the Jurien Bay Country Golf Club.*

**PROPOSAL**

To support the Jurien Bay Country Golf Club Community Sporting and Recreation Facilities Fund (CSRFF) grant application to provide quality water supply to the Jurien Bay Country Golf Club; and authorise a budget amendment to provide up to \$50,000 being one third contribution if the CSRFF grant application is successful.

**BACKGROUND**

Jurien Bay Country Golf Club was established in 1969, on public open space vested in the Shire of Dandaragan. The 18 hole course was developed and has been maintained entirely by member volunteer labour.

The course has sand greens, with the greens surrounds, teeing areas, and the grassed area surrounding the clubhouse irrigated from the limited low-grade water supply available on site. The fairways are watered solely by rain, and like other country courses in south-western Australia, are mainly suitable for play in winter and spring.

In 2016 the Club formally adopted a Strategic Plan which has the irrigation of the fairways as a priority to enable members and visitors alike to enjoy a quality course throughout the year. The Club believes that a fully irrigated course will increase participation rates in golf both within the local community and by the many tourists who visit Jurien Bay each year. The majority of tourists visit during the warmer months when the course is in poor condition due to lack of moisture and thus rather an unattractive proposition, particularly for those used to playing at city clubs.

The option of establishing grassed greens has been relegated to a much lower priority due to both high water and maintenance requirements.

Currently an estimated 4 hectares of the course is irrigated year-round. To cover the entire playing surface will increase the watered area to 25 hectares. A prerequisite for an increase in

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 JANUARY 2019</b>
--

irrigation is a suitable supply of additional water, which is not available from within the golf course area.

Over half the currently irrigated area is watered from a centrally located soak which has become progressively more saline in recent years due to sea water ingress below a shallow fresh water layer about two metres below the surface. During summer months when the need for irrigation is highest, the water from the main pond reaches salinity levels over 11 grams of salt per litre, about one third as salty as sea water. Used sparingly, some well drained grass areas maintain good grass cover, but increasingly the salt water is killing the grass in much of this area. Instead of having playable, pleasant grassed areas from the teeing areas and in the chipping range around greens, the course from early summer now has many unplayable holes.

The attraction to members and public participants to use the golf course all year round is badly affected by this salty water. Replacement of the water used in this irrigation system is essential to restore the course, so it can be played year round.

The project to eventually irrigate all the fairways has a number of stages.

- Locate and license a suitable quality and quantity of water.
- Establish a pump and pipeline to transport the water to the central golf course pumping station. Connection of this new water supply to the existing irrigation system to allow immediate relief and then ongoing improvements to the playing surfaces serviced by the irrigation system.
- In stages, increase the area of the golf course that is irrigated year-round.

During 2018, the golf club surveyed and leased 0.25 hectares of private land, and drilled a test bore under a license from WA Department of Water and Environmental Protection. The test proved that high quality water (less than 1 gram of salt per litre) was available at a high production rate. Subsequently the regulator has issued a license for the Golf Club to extract 250,000 kilolitres of water per year from the bore field. The bore field is located approximately 2.5 kilometres east of the golf club. Thus the first point above has now been completed. The club has a twenty year lease on the bore field land with Ardross Estates.

#### COMMENT

The Club has had continuing twenty one year leases on the land and is due for a further renewal in 2027.

Over the years the club has sunk a number of bores on the course to water the fairways, greens and tee box surrounds. Each of these bores has progressively become saline and is damaging rather than improving the irrigated areas of the course.

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 JANUARY 2019**

The fairway watering project has been approved by the club members in 2016, when the strategic plan for the club was presented to the membership.

The Club has worked with the Shire and Ardross Estates to achieve the desired outcomes for the project. The project is well planned and has approvals from the Main Roads WA and the Department of Planning, Lands and Heritage to use the road reserve to run the pipeline from the bore field to the golf course.

**CONSULTATION**

- Chief Executive Officer
- Jurien Bay Country Golf Club members
- Jennifer Collins Wheatbelt Manager - Sport and Recreation
- Golf WA Neil Goddard
- Former Executive Manager Infrastructure Garrick Yandle
- Department for Water and Environmental Regulation
- Department for Planning, Lands and Heritage
- Main Roads WA
- Ardross Estates
- Hydrogeologist

**STATUTORY ENVIRONMENT**

There are no statutory implications relevant to 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 maximum of \$50,000.

**CSRFF funded Budget:**

Cost of project	\$175,291
Shire Funding	\$50,000
CSRFF Funding	\$58,430
Jurien Bay Country Golf Club	\$66,861

**STRATEGIC IMPLICATIONS**

2016 -2026 Strategic Community Plan

<i>Goal 2: Healthy Safe and Active Community</i>	
Objective	What 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.

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 JANUARY 2019</b>
--

ATTACHMENTS

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

- Sport and Recreation Capital Works Policy 6.6 (Doc Id: 96583)
- CSRFF grant application (Doc Id: 124239)
- Aerial View (Doc Id: 125045)
- Balance Sheet (Doc Id: 127176)
- P & L for 2017 / 2018 (Doc Id: 127175)
- Term Deposit 1 (Doc Id: 127173)
- Term Deposit 2 (Doc Id: 127174)
- Statement Cheque Account (Doc Id: 127171)
- Statement Savings Account (Doc Id: 127172)
- Quotes Comparison table (Doc Id: 124907)

**(Marked 9.1.3)**

VOTING REQUIREMENT

Absolute Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Richardson, seconded Cr Shanhun**

**That Council:**

- 1. support the Jurien Bay Country Golf Club Inc., Community Sporting and Recreation Facilities Fund (CSRFF) application for funding to provide infrastructure to achieve good quality water to the Jurien Bay Country Golf Club; and**
- 2. authorise a budget amendment to provide up to \$50,000 being one third contribution if the CSRFF grant application is successful, to be sourced from the Sport and Recreation Capital Works Fund.**

**CARRIED BY ABSOLUTE MAJORITY 8 / 0**

#### **9.1.4 FINANCIAL STATEMENTS - MONTHLY REPORTING FOR THE PERIOD ENDING 31 DECEMBER 2018**

Location:	Shire of Dandaragan
Applicant:	N/A
Folder:	Business Classification Scheme / Financial Management / Financial Reporting / Periodic Reports
Disclosure of Interest:	None
Date:	14 January 2019
Author:	Scott Clayton, Executive Manager Corporate and Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

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

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 JANUARY 2019</b>
--

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 December 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 December 2018 was \$4,879,814. 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 12 and reconciled with the Statement of Financial Activity on page 3 of the financial statements.

The amount raised from rates, shown on the Statement of Financial Activity (page 3), reconciles with note 6 (page 13) 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 13 of the attached report details any significant variances. Should Councillors wish to raise any issues relating to the 31 December 2018 financial statements, please do not hesitate to contact the Executive Manager Corporate and Community Services prior to the Council Meeting in order that research can be undertaken and details provided either at the time of the query or at the meeting.

CONSULTATION

- Chief Executive Officer

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 JANUARY 2019</b>
--

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 December 2018  
(Doc Id: 127389)  
**(Marked 9.1.4)**

VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION / COUNCIL DECISION****Moved Cr Eyre, seconded Cr Clarke****That the monthly financial statements for the period 31 December 2018 be adopted.****CARRIED 8 / 0****9.2 INFRASTRUCTURE SERVICES****9.3 DEVELOPMENT SERVICES****9.3.1 RETROSPECTIVE DEVELOPMENT APPROVAL – DWELLING RENOVATIONS – LOT 17 PADBURY STREET, JURIE BAY**

Location:	Lot 17 (#24) Padbury Street, Jurien Bay
Applicant:	K M Vanzetti
File Ref:	Development Services Apps / Development Application / 2019 / 2
Disclosure of Interest:	None
Date:	3 January 2019
Author:	Rory Mackay, Planning Officer
Senior Officer:	David Chidlow, Executive Manager of Development Services

PROPOSAL

The proponent is seeking retrospective development approval for variations to the *Residential Design Codes* (R-Codes) for renovations to the two storey single house at Lot 17 (#24) Padbury Street, Jurien Bay.



*Location Map – 24 Padbury Street, Jurien Bay*

### BACKGROUND

Owner builder K M Vanzetti obtained a building permit for the renovations works in October 2016 from the Shire of Dandaragan. The applicant did not submit an application for variation to the R Codes as they were unaware of the need to submit.

The renovations commenced and a number of concerns were flagged by the adjoining landowner (Lot 19 (#28) Padbury Street) in regards to overlooking from the southern (side) elevation of the two storey residence. Shire staff have been continually working towards a solution with all stakeholders to this date. However, this matter has now reached a point where a formal retrospective development application must be accepted and enforced by Council to rectify the overlooking visual privacy variations to the R-Codes.

### COMMENT

The deemed-to-comply provisions of clause 5.4.1 Visual Privacy of the R-Codes outlines minimum setback distances for habitable rooms/spaces which are elevated more than 0.5m above natural ground as shown in the table below.

Types of habitable rooms/ active habitable spaces	Setback for areas coded R50 or lower
Major openings to bedrooms and studies	4.5m
Major openings to <b>habitable rooms</b> other than bedrooms and studies	6m
<b>Unenclosed</b> outdoor active habitable spaces	7.5m

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 JANUARY 2019**

If such rooms/spaces do not meet these setbacks they are to be provided with screening to restrict views in the direction of overlooking into any adjoining property. Such screening whether it be obscure glazing, timber screens, external blinds, window hoods or shutters is to be at 1.6m in height, at least 75% obscure, permanently fixed and made of durable material. Windows above 1.6m from finished floor level do not require screening devices.

The subject residence has been retained and elevated 0.9m above natural ground level, resulting in both floors of the residence being subject to the above mentioned provisions. The rooms/spaces which address the subject southern boundary do not meet the visual privacy setbacks and therefore require screening. A picture of the current development provided by the adjoining neighbour is shown below.



The ground floor windows have been obscured glazed and timber screened internally after consultation with the owner builder. While the first floor windows are above 1.6m in height and do not require screening although internal timber screens have been provided to one of these windows as seen.

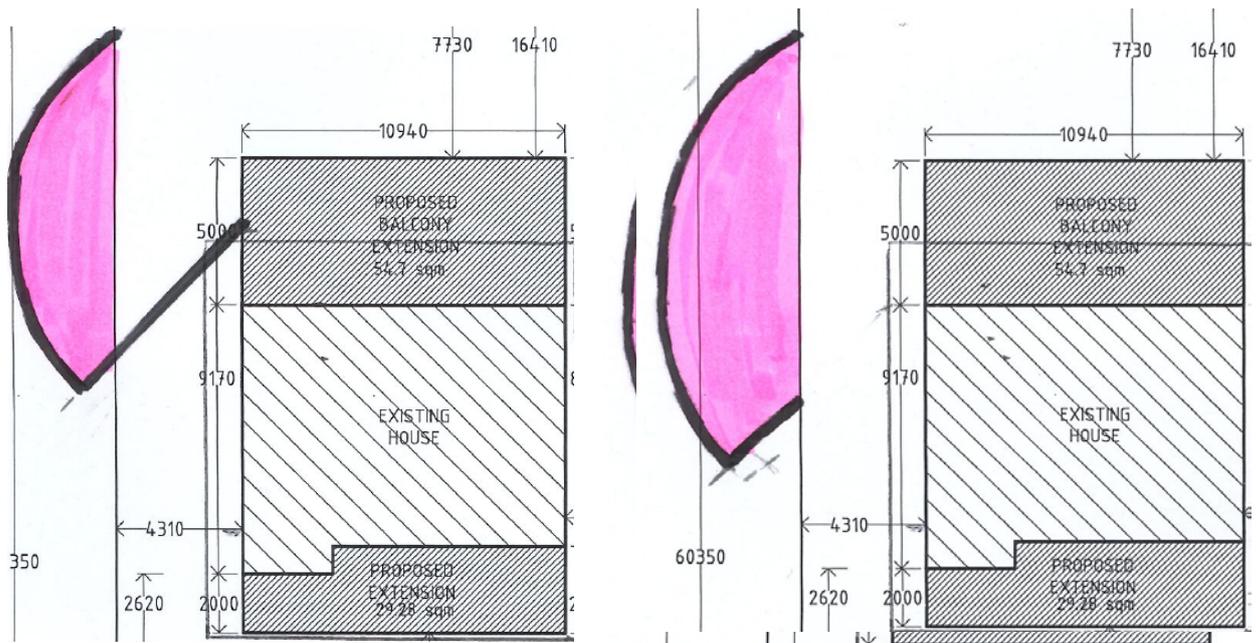
The rear balcony and deck however currently do not meet the deemed-to-comply visual privacy provisions of the R-Codes. Where a proposal does not meet the deemed-to-comply provisions of R-Codes the decision maker is to exercise its judgement to consider the merits of the proposal in accordance with the design principles of the R-Codes. The applicable design principles for visual privacy are:

1. Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 JANUARY 2019**

- building layout and location;
  - design of major openings;
  - landscape screening of outdoor active habitable spaces; and/or
  - location of screening devices.
2. Maximum visual privacy to side and rear boundaries through measures such as:
- offsetting the location of ground and first floor windows so that viewing is oblique rather than direct;
  - building to the boundary where appropriate;
  - setting back the first floor from the side boundary;
  - providing higher or opaque and fixed windows; and/or
  - screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).

The extent of the overlooking from the balcony and deck as measured in accordance with the R-Codes' Cone of Vision is minor, as shown in pink in the sketches below.



The left sketch shows the overlooking extent of the balcony, and the right sketch shows the deck, noting the deck is greater given there is no partial wall on the subject side like the balcony. The aerial map provided in the attachments to this item show the affected area of the neighbouring property is currently inactive and some distance from the rear of the neighbouring dwelling.

Nonetheless, the owner builder has proposed the following works to remedy this matter. Firstly, for the balcony a kitchenette will be built in to the subject side of the balcony to further limit views into the neighbouring property. This will also mean the habitable use of the balcony be orientated away from the subject southern boundary in a westerly direction. Secondly, for the deck a new boundary fence on the proponent's side is proposed to a height of

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 JANUARY 2019**

2.1m. However this height only provides 1.2m of deck screening, therefore the fence design should be modified to a height of 2.5m with lattice or the like 75% obscure used for the fence above the standard residential fence height of 1.8m to provide the required 1.6m screening to the elevated deck.

With these measures implemented overlooking of the development is managed. Council is requested to exercise discretion and grant retrospective development approval subject to a fencing condition to accomplish orderly and proper planning.

**CONSULTATION**

Development Services staff have been working with the owner builder and affected adjoining neighbour for over 12 months to rectify the overlooking issues in a reasonable matter. If approved, this development application will resolve the outstanding R-Codes variations of the renovations.

**STATUTORY ENVIRONMENT**

Local Planning Scheme No 7:

Clause 4.2 of the Scheme outlines *State Planning Policy 3.1 - Residential Design Codes* is to read as part of the Scheme.

**POLICY IMPLICATIONS**

There are no local policy implications relevant to this item.

**FINANCIAL IMPLICATIONS**

The applicant has paid the required \$147 fee for the development application.

**STRATEGIC IMPLICATIONS**

2016 – 2026 Strategic Community Plan:

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

**ATTACHMENTS**

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

- Renovations Plans (Doc Id: 126909)
- Aerial Site Map (Doc Id: 126884)

**(Marked 9.3.1)**

**VOTING REQUIREMENT**

Simple majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

Moved Cr Shanhun, seconded Cr Richardson

That Council grant retrospective development approval for single house renovations on Lot 17 Padbury Street, Jurien Bay subject to the following conditions:

1. A boundary fence with the adjoining Lot 18 Padbury Street is to be constructed to a total height of 2.5m and be 75% obscure or more above the height of 1.8m from natural ground level to ensure the rear deck is screened appropriately to restrict overlooking views within the cone of vision.
2. A kitchenette is to be installed on the southern side of the balcony to restrict overlooking views within the cone of vision.

**Advice Notes:**

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

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

**CARRIED 8 / 0**

### **9.3.2 PROPOSED OUTBUILDING – LOT 507 BETTONG AVENUE, JURIEN BAY**

Location:	Lot 507 (#27) Bettong Avenue, Jurien Bay
Applicant:	M & N Swannell
File Ref:	Development Services Apps / Development Application / 2018 / 77
Disclosure of Interest:	Nil
Date:	2 January 2019
Author:	Rory Mackay, Planning Officer
Senior Officer:	David Chidlow, Executive Manager of Development Services

**PROPOSAL**

The proponent is seeking development approval for an outbuilding and lean-to with a parapet wall on Lot 507 (#27) Bettong Avenue, Jurien Bay.



*Location Map – 27 Bettong Avenue, Jurien Bay*

### BACKGROUND

The applicant is seeking development approval to construct a 84m<sup>2</sup> outbuilding and a 36m<sup>2</sup> lean-to, both utilising a proposed side boundary masonry wall to the neighbouring Lot 508 (#25) Bettong Avenue.

The proposed lean-to is deemed to comply with the standards of *Local Planning Policy 8.5 Outbuildings – ‘Residential Areas’* (LPP8.5) as shown in the table below:

	LPP8.5 Standards	Proposed Lean-to
Area	40m <sup>2</sup>	36m <sup>2</sup>
Wall Height	3m	3.2m*
Ridge Height	4.5m	3.4m

\*Application of the minor variation of 10% or less function of Section 9.1.1 Town Planning – Residential Development of the *Shire of Dandaragan Delegation Register*.

The proposed outbuilding is deemed to comply with the standards of LPP8.5 as shown in the table below:

	LPP8.5 Standards	Proposed Outbuilding
Area	80m <sup>2</sup>	84m <sup>2</sup> *
Wall Height	3.6m	3.4m
Ridge Height	4.5m	4.4m
Rear Boundary Setback	1.5m	1.5m

\*Application of the minor variation of 10% or less function of Section 9.1.1 Town Planning – Residential Development of the *Shire of Dandaragan Delegation Register*.

The proposed parapet wall to be utilised by both the above structures is 3.4m in average height and 7.33m in length. *Local Planning Policy 8.11 Residential Design Codes – Sides and Rear*

<p><b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 JANUARY 2019</b></p>
---

*Boundary Setbacks* allows such walls to be a maximum of 3.3 in average height and 9m in length; provided there has been no objection from the adjoining landowner. In this instance, the adjoining affected neighbour (Lot 508 (#25) Bettong Avenue) objected to the proposal resulting in the development application requiring determination by Council in accordance with the Section 9.1.1 Town Planning – Residential Development of the *Shire of Dandaragan Delegation Register*.

**COMMENT**

The *Residential Design Codes* (R-Codes) design principles applicable for the proposed parapet wall are as follow:

*Clause 5.1.3 P3.2: Buildings built up to boundaries (other than the street boundary) where this:*

- *makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;*
- *does not have any adverse impact on the amenity of the adjoining property;*
- *ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted;*
- *positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework; and*
- *does not compromise the design principles contained in clause 5.1.3 P3.1 of: reduce impacts of building bulk on adjoining properties; provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and minimise the extent of overlooking and resultant loss of privacy on adjoining properties.*

With the above R-Codes design principles in mind the merits of the proposal are considered below.

1. The proposed parapet wall allows the outbuilding and lean-to to have dual driveway access of the corner property as shown in the submitted plans attached to this item.
2. The affected property boundary is north-east to the adjoining neighbour resulting in clause 5.4.2 Solar access for adjoining sites (overshading) of the R-Codes being not applicable for the development, as overshading is only determined on a north to south lot boundary basis.
3. The adjoining Lot 508 is vacant land which provides the landowner the ability to construct a residence to site characteristics in due course.
4. The proposed outbuilding development complies with the provisions of LPP8.5 and is located to the rear of existing dominant two storey residence which is orientated to address the opposite property boundary fronting Drosera Way.

Given the above, Council is requested to grant development approval for the proposed outbuildings with associated parapet

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 JANUARY 2019**

wall which are considered to achieve orderly and proper planning by the reporting officer.

**CONSULTATION**

Notice of the proposed development was advertised to adjoining neighbour of Lot 507 (#27) Bettong Avenue, Jurien Bay. An initial submission was received via email on the 29 November 2018. The officer provided clarification to the queries of the submission via return email and phone; however the subject neighbour did not withdraw their objection, resulting in this development application being before Council for determination.

The submission email thread is attached for Councillors' reference.

**STATUTORY ENVIRONMENT**

- Local Planning Scheme No 7:
  - Clause 4.2 of the Scheme outlines *State Planning Policy 3.1 - Residential Design Codes* is to read as part of the Scheme.
- Shire of Dandaragan Delegation Register

**POLICY IMPLICATIONS**

- Local Planning Policy 8.5 Outbuildings – 'Residential Areas'
- Local Planning Policy 8.11 Residential Design Codes – Sides and Rear Boundary Setbacks

**FINANCIAL IMPLICATIONS**

The applicant has paid the required \$147 fee for the development application.

**STRATEGIC IMPLICATIONS**

2016 – 2026 Strategic Community Plan:

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

**ATTACHMENTS**

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

- Site Plan (Doc Id: 126829)
- Elevations (Doc Id: 126828)
- Submission (Doc Id: 126830)

**(Marked 9.3.2)**

**VOTING REQUIREMENT**

Simple majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

Moved Cr Eyre, seconded Cr Slyns

That Council grant development approval for an outbuilding and lean-to on Lot 507 Bettong Avenue, Jurien Bay subject to the following conditions and advice notes:

1. All development shall be in accordance with the attached plans date stamped 24 January 2019 subject to any modifications required as a consequence of any conditions of this approval and shall not be altered without the prior written approval of the local government.
2. The roof and wall material being of non-reflective nature and colour consistent with the existing structure and/or predominant colours of the individual site.
3. The storm water run-off on the property to be managed on site or directed to a suitable disposal system in accordance with *AS3500 Plumbing and Drainage*.
4. All guttering is to be self-contained on the property in accordance with *AS3500 Plumbing and Drainage*.
5. The masonry boundary wall is to be constructed to a fairfaced or rendered finish.

**Advice Notes:**

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

The State Administrative Tribunal  
GPO Box U1991  
PERTH WA 6845”

**CARRIED 8 / 0**

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 JANUARY 2019</b>
--

### **9.3.3 FINAL ADOPTION SCHEME AMENDMENT NO.36 – SPECIAL CONTROL AREAS NO.1 & NO.4**

Location:	Various locations
Folder Path:	Business Classification Scheme / Land Use and Planning / Zoning / Rezoning Applications / 36
Disclosure of Interest:	Nil
Date:	7 January 2019
Author:	Rory Mackay, Planning Officer
Senior Officer:	David Chidlow, Executive Manager Development Services

#### PROPOSAL

This submission seeks final adoption of Amendment 36 to Local Planning Scheme 7 (LPS7).

#### BACKGROUND

On 28 June 2018, Council resolved to adopt Amendment 36 for purposes of advertising. However modification of amendment provisions was required after referring the documentation to the Environmental Protection Authority (EPA) in accordance with Section 48A of the *Environmental Protection Act 1986* (EP Act) and Section 81 of the *Planning and Development Act 2005* (PD Act). These modifications were adopted by Council on 27 September 2018.

Following the above resolution of Council, the revised amendment documentation was forwarded to the EPA for their consideration. The new amendment provisions were supported by the EPA and formal clearance of Amendment 36 under the EP Act was provided by the authority on 29 October 2018 as shown in the letter attached (Doc Id: 126966).

With EP Act clearance Amendment 36 was able to be advertised to the general public and other State government authorities in accordance with Section 84 of the PD Act. Public advertisement of Amendment 36 via written and online consultation channels was undertaken from the 9 November 2018 to 4 January (56 days), pursuant to Regulation 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

#### COMMENT

Amendment 36 as advertised entails revised provisions for Special Control Area No.1 – Bassendean Precinct which remove the presumption against rezoning, subdivision and intensifying development within the Special Control Area, subject to the proponent demonstrating that such intensification will not have a detrimental impact on the Bassendean sands and environmental values of the central coast area of the Shire.

Amendment 36 also introduces Special Control Area No.4 – Public Drinking Water Sources into LPS7 to provide statutory

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 JANUARY 2019</b>
--

planning protection for the following public water resources within the Shire:

1. Badgingarra Water Reserve – *Government Gazetted 16-11-1999*
2. Cervantes Water Reserve – *Government Gazetted 16-11-1999*
3. Dandaragan Water Reserve – *Government Gazetted 16-11-1999*
4. Jurien Water Reserve – *Government Gazetted 21-08-2012*
5. Moora Water Reserve – *Government Gazetted 25-07-2017*

A total of two submissions were received during the public exhibition of the Amendment. These submissions were from the Department of Primary Industries and Regional Development and the Department of Biodiversity, Conservation and Attractions (DBCA) respectively. Officer responses to these submissions can be viewed within the attached schedule of submissions (Doc Id: 126945).

As detailed in the attachment, the DBCA provided minor rewording suggestions of some of the Amendment's provisions for the Shire to be able to consider the cumulative impact of multiple intensifying proposals and stronger ability to refuse proposals if it is found such proposals may have an adverse impact on the vulnerable environmental values of Special Control Area No. 1. The officer has modified Amendment 36 to reflect these critical suggestions.

Amendment 36 also provides an opportunity to update elements of LPS7 to be more consistent with the Regulations. However, Amendment 36 is not intended to be the mechanism for a comprehensive review of LPS7 as required under Regulation 65 of the Regulations, which shall be undertaken at a later stage.

#### CONSULTATION

Amendment 36 was advertised via local papers and the Shire's website from 9 November 2018 to 4 January (56 days), pursuant to Regulation 47 of the Regulations.

Two submissions were received during this period which can be viewed with the officer's responses in the attached schedule of submissions.

#### STATUTORY ENVIRONMENT

Section 75 of the *Planning and Development Act 2005* affords a local government the ability to amend its local planning scheme, which is undertaken in accordance with the provisions of the PD Act and *Planning and Development (Local Planning Schemes) Regulations 2015*.

#### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 JANUARY 2019</b>
--

**FINANCIAL IMPLICATIONS**

The Shire will be required to pay the costs of advertising final approval of Amendment 36 in the Government Gazette if forthcoming from the Hon. Minister for Planning.

**STRATEGIC IMPLICATIONS**

- Rural Planning Strategy 2012
- Draft Local Planning Strategy 2016
- Strategic Community Plan 2016-2026

<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 a focus on coastal settlement and town centre strategy
<i>Goal 2: Healthy, Safe and Active Community</i>	
2.5 Provide environmental health and safety services	a) Provide inspection and enforcement services to protect environmental and public health and control nuisances
<i>Goal 5: Healthy Natural and Built Environment</i>	
4.5 Clean, safe key water aquifers	a) Lobby for key drinking water protection areas

**ATTACHMENTS**

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

- Scheme Amendment 36 (Doc Id: 126941 & 122793)
- EPA Section 48A Decision (Doc Id: 126966)
- Schedule of submissions (Doc Id: 126945)

***Marked (9.3.3)***

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Shanhun, seconded Cr Gibson**

**That Council resolve, pursuant to Section 75 of the *Planning and Development Act 2005*, to amend *Local Planning Scheme No.7* by:**

- 1. Deleting Clause 4.20.1 and renumber Clause '4.20 Protection of Water Sources' accordingly.**
- 2. Rewording Clause 5.1.1 to the following:**
  - 5.1.1. The following special control areas are shown on the Scheme Maps:**
    - i. Special Control Area No. 1 – Bassendean Precinct**
    - ii. Special Control Area No. 2 – Wastewater Infrastructure**
    - iii. Special Control Area No. 3 – Coastal Hazard Risk Area**
    - iv. Special Control Area No. 4 – Public Drinking Water Source Areas**

3. Delete the provisions in Clause 5.2 and replace with the following:
  - 5.2 Special Control Area No. 1 – Bassendean Precinct
    - 5.2.1 The Bassendean Precinct is a significant internal drainage area in the central coast region which comprises of deep porous sands hydrologically connected to a number of wetlands and is an area particularly vulnerable to pollution, eutrophication and salination.
    - 5.2.2 The purpose of the Special Control Area is:
      - a) to preserve the ecological values of the Bassendean Precinct and interrelated wetlands;
      - b) to avoid development and land uses which would negatively impact on the environmental values of the area;
      - c) to ensure that future land use in the area, including agriculture, mining and recreational activities does not degrade the area; and
      - d) to ensure that any development takes place in such a manner so as to safeguard the environmental values of the area.
    - 5.2.3 All development within the Special Control Area requires the approval of the local government.
    - 5.2.4 In considering any request for rezoning or application for subdivision and/or development the decision maker is to be satisfied that the proposal can occur and be managed, without affecting the quality of water and other environmental attributes of the area. The cumulative effects of other proposals will also be considered.
    - 5.2.5 Any request for rezoning or application for subdivision and/or development within the Special Control Area should be referred to the agency/s responsible for wetlands, groundwater and/or environmental impact.
    - 5.2.6 Notwithstanding Table 1: Zoning Table and Section 3.3 of the Scheme, where a development may affect water quality and environmental attributes, the development may not be permitted within the Special Control Area.
4. Retitling Clause 5.3 to the following:
  - 5.3 Special Control Area No. 2 - Wastewater Infrastructure  
Inserting the following as Clause 5.5:
  - 5.5 Special Control Area No. 4 - Public Drinking Water Source Areas (PDWSAs)
    - 5.5.1 The purpose of the Special Control Area is to ensure land use and development within and in close proximity of the PDWSAs located within the Shire does not result in adverse impacts on public drinking water sources.
    - 5.5.2 The objectives of the Special Control Area are:

- a) to prevent any adverse effects on public drinking water quality and quantity;
  - b) to prevent increased nutrient loads into critical water resources; and
  - c) to ensure that any development takes place in such a manner so as to safeguard the hydrological values of the PDWSAs.
- 5.5.3 All development within the Special Control Area requires the approval of the local government.
- 5.5.4 Any request for rezoning or application for subdivision and/or development within and in close proximity of the Special Control Area should be referred to the agency responsible for PDWSAs.
- 5.5.5 In determining any application for development approval within or in close proximity of the Special Control Area, Council shall have regard to:
- a. the potential increased nutrient loading, particularly having a point source for nutrients, such as a poultry farm or piggery;
  - b. intensification of the application of fertilisers and pesticides;
  - c. storage of chemicals, fuels and other potentially polluting substances;
  - d. a substantial increase in runoff;
  - e. any other impact which the local government considers to have an impact on the quality of public drinking water;
  - f. any recommendations in the current Drinking Water Source Protection Plans;
  - g. the Water Quality Protection Note on Land Use Compatibility in Public Drinking Water Source Areas and Guidelines;
  - h. State Planning Policy No 2.7 (Public Drinking Water Source Policy);
  - i. any advice from State agencies; and
  - j. endeavour to ensure that the proposed use or development will not have a detrimental impact on water resources.
- 5.5.6 Notwithstanding Table 1: Zoning Table and Section 3.3 of the Scheme, where a development may affect the quality of a PDWSA, the development may not be permitted within the Special Control Area.
5. Amending the Scheme Maps accordingly.
6. In 'Table 1: Zoning Table', delete the asterisks (\*) against various land uses listed in the 'Rural' zone, and delete the explanatory text at the end of the Zoning Table.
7. Throughout the Scheme, remove reference to DEC or other agencies that no longer exist, and replace with "agency/s responsible for relevant environmental matters".

CARRIED 8 / 0

### 9.3.4 SANDI SMITH - REQUEST TO KEEP FOUR DOGS - SAT REQUEST FOR ADDITIONAL TIME TO KEEP DOG

Location:	Lot 88 (90) Bashford Street, Jurien Bay
Applicant:	Sandi Smith
Folder Path:	Business Classification Scheme / Laws & Enforcements / Licensing / Dog and Cat Registrations
Disclosure of Interest:	None
Date:	3 January 2019
Author:	Terry Sims, Senior Ranger
Senior Officer:	David Chidlow, Executive Manager Development Services

#### PROPOSAL

To grant additional time to rehome a dog that has been refused permission to be kept at Lot 88 (90) Bashford Street, Jurien Bay as there are too many dogs (four) on the premises. This request is made by the State Administration Tribunal) (SAT) due to additional veterinarian information received at the directions hearing.

#### BACKGROUND

Council refused an application to keep four dogs at Lot 88 (90) Bashford Street Jurien Bay at the October 2018 Council meeting for the following reasons;

1. ***the application does not meet the requirements of the Dog Local Law in that a maximum of two dogs are permitted within the townsite area.***
2. ***the amenity of the residential area is likely to be negatively impacted by noise (barking);***
3. ***the lack of support for the proposal in the neighbourhood.***

***Moved Cr Scharf, seconded Cr Clarke CARRIED 6 / 0***

The applicant subsequently appealed the decision to the State Administrative Tribunal. A Directions Hearing was held in Perth on 26 November 2018. The applicant submitted the following new information in support of the appeal at the hearing:

*One of these dogs had an unplanned pregnancy that resulted in a litter of five puppies, four of which died at birth or shortly afterwards. The sire of the pups had been sterilised but it has become apparent that the sterilisation procedure was not effective at the time of impregnation. The remaining pup did have a forever home to go to, but unfortunately due to complications in this pup's health, that arrangement has fallen through. I applied to the Shire of Dandaragan for a further exemption to keep this dog on my property, but this has been refused and I am advised that I will have 28 days in which to dispose of the pup. The pup is under constant veterinary care and additional medical interventions will be required in the near future, once he has gained sufficient weight, to determine the cause of his medical problems. This will entail considerable expense for veterinary care, which potential owners are not willing to accept. Given the nature of the pup's illness (unpredictable but constant vomiting), I am unable to re-*

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 JANUARY 2019**

*home him and if forced to dispose of him, my only-option will be to have him put down. This is obviously not a course of action that is in any way acceptable.*

The applicant has provided a letter from Dongara Veterinary Hospital stating *"Having examined the pup today for gastrointestinal issues I feel it is in the best interest of the pup's health to stay with the breeder for a further 3-4 months to ensure that the current complaints are at a manageable level prior to being rehomed to the new owner."* Dated 12 July 2018.

A second letter has been provided from Dongara Veterinary Hospital dated 3 October 2018 advising that the pup had undergone further investigations whilst under anaesthesia and it was recommended that the pup remains with the applicant until the issues can be resolved. Copies of these letters are provided in the attachments.

The following table sets out the current names and ages of all dogs kept at this premises.

	Breed	Sex	Name	Age	Registration Details
1	Chihuahua	Female	Kbella	6 years	00321 Lifetime
2	Chihuahua	Female	Keyshe	3 years	00361 Lifetime
3	Chihuahua	Male	Shredher	3 Years	00401 Lifetime
4	Chihuahua	Male	Bengi	7 months	00225 Expires 2018

**COMMENT**

The above information was not provided to the Council in determining the original application. The Tribunal member was sympathetic towards the plight of the pup, however he recognised that the dog should not be permitted to remain permanently with the applicant.

The member requested that the Council reconsider the refusal to keep a fourth dog on the premises until such time as the pup is able to be rehomed. It was suggested at the hearing that a reasonable time period for this would be the 31 May 2019.

When Council refused the application to keep four dogs, a time period was not specified for removal of the pup. This was to give staff flexibility to take into account any reasonable time needed to rehome the pup. Given the extended time frame now involved due to the poor condition of the pup and at the request of the SAT, this matter is put back to the Council to now set a date based on compassionate grounds.

## MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 JANUARY 2019

### CONSULTATION

Adjoining neighbours were previously consulted with one objection received from the landowner of a nearby property.

### STATUTORY ENVIRONMENT

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

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

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

Council may, at its discretion vary the number of dogs that may be kept in accordance with clause 3.2, but in any case the variation shall not permit more than six (6) dogs to be kept on a premises, unless a kennel establishment license is approved under the Act and 3.2 of the Shire of Dandaragan Local Law relating to Dogs.

### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

### FINANCIAL IMPLICATIONS

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

### STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

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

### ATTACHMENTS

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

- Written application from Sandi Smith to keep more than 2 dogs. (Doc Id: 117971)
- SAT Appeal & Letters from Dongara Veterinary Hospital (Doc Id: 122992)

**(Marked 9.3.4)**

### VOTING REQUIREMENT

Simple Majority

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 JANUARY 2019**

**OFFICER RECOMMENDATION**

That Council add the following condition to the Council resolution item 9.3.1 at the 25 October 2018 Council meeting - refusal to keep a fourth dog at Lot 88 Bashford Street, Jurien Bay.

“The Chihuahua male named Bengi must be rehomed by 31 May 2019. Council may consider an extension to this time based on the recommendations of a veterinarian to be provided prior to 31 May 2019.”

**COUNCILLOR MOTION**

Moved Cr McGlew, Seconded Cr Richardson

That Council add the following condition to the Council resolution item 9.3.1 at the 25 October 2018 Council meeting - refusal to keep a fourth dog at Lot 88 Bashford Street, Jurien Bay.

“The Chihuahua male named Bengi must be rehomed by 31 May 2019.”

**MOTION TO AMEND**

Moved Cr Shanhun, seconded Cr Gibson

That Council add the following condition to the Council resolution item 9.3.1 at the 25 October 2018 Council meeting - refusal to keep a fourth dog at Lot 88 Bashford Street, Jurien Bay.

“The Chihuahua male named Bengi must be rehomed by 31 May 2019. Council may consider an extension to this time based on the recommendations of a veterinarian to be provided prior to 31 May 2019.”

MOTION TO AMEND LOST 3 / 5

**COUNCIL DECISION**

**That Council add the following condition to the Council resolution item 9.3.1 at the 25 October 2018 Council meeting - refusal to keep a fourth dog at Lot 88 Bashford Street, Jurien Bay.**

**“The Chihuahua male named Bengi must be rehomed by 31 May 2019.**

**CARRIED 6 / 2**

*Note: Council removed the second sentence of the officer’s recommendation as it felt that the additional wording did not provide a clear decision on the matter.*

### 9.3.5 SKYDIVE JURIEN BAY PROPOSED SIGNAGE – ROAD RESERVE ADJACENT TO INDIAN OCEAN DRIVE & BRAND HIGHWAY

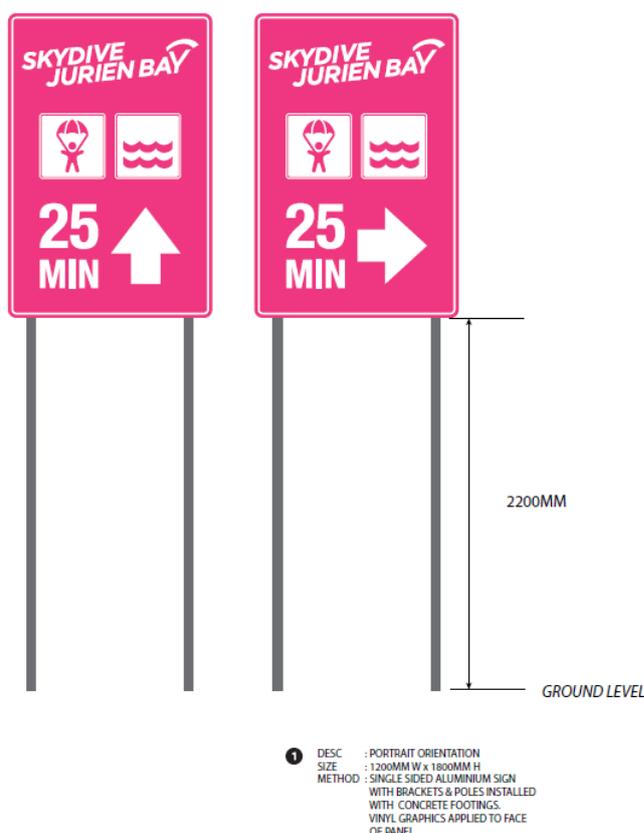
Location:	Indian Ocean Drive & Brand Highway Road Reserves
Applicant:	Skydive Jurien Bay
Folder Path:	Development Services Apps / Development Application / 2019 / 7
Disclosure of Interest:	Nil
Date:	8 January 2019
Author:	Rory Mackay, Planning Officer
Senior Officer:	David Chidlow, Executive Manager of Development Services

#### PROPOSAL

This item seeks development approval for two tourist signs for Skydive Jurien Bay to be erected on the Road Reserves of Indian Ocean Drive, Nambung and Brand Highway, Boothendarra respectively.

#### BACKGROUND

Angela Turner of Blooming Tourism has prepared the subject signs application on behalf of Skydive Jurien Bay. The proponent is seeking development approval for the sign shown below of 1800mm high and 1200mm wide to be placed 8m from the road in accordance with Main Roads WA's specifications in two strategic main road, high speed locations within the Shire of Dandaragan.



The two proposed locations of the signs are as follows:

Site 1. Left-hand side of the road facing persons travelling north

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 JANUARY 2019**

on Indian Ocean Drive after the Hangover Bay left turn off and before the Pinnacles right turn off. The photo below shows the vicinity of the sign location taken from the Hangover Bay Access Road with the Pinnacles brown tourist sign shown off in the background. The additional drone photo shows the lack of prominent natural environment features west of the road (behind the proposed sign) out to the ocean.



Site 2. Left-hand side of the road facing persons travelling south on Brand Highway 2.4km before the Jurien Road right turn off. The photo below shows the section of the road the sign will face. The additional photo shows the section of road pass the sign heading south on Brand Highway.





### COMMENT

Due regard is to be paid to *Local Planning Policy 8.6: Advertising Devices (LPP8.6)* in assessing this development application. Clause 3.6 - Signage within Road Reserves outside designated tourist precincts of LPP8.6 is applicable in this instance, and which states the following:

*Council will consider approving a planning application for a development sign (given that the development is within close proximity to the sign), 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;*
- 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; and*
- iii. In any other situations that Council sees fit.*

The applicant has provided the following explanation for the two signs:

*Skydive Jurien Bay has been in operation since 2009. Since then over 50,000 people have visited the town of Jurien Bay to skydive (either as a tandem jumper, friends and family or as a fun jumper). It has been proven with the amount of sales of walk-in client traffic, that skydiving is of interest to road users and it brings people into the town of Jurien Bay to not only skydive but to stay overnight and spend money within the town and local businesses.*

*Currently Skydive Jurien Bay is the largest tourism operator in the local area. Walk in sales statistics prove that traffic travelling through Jurien Bay and seeing the large Skydiving office on Bashford Street, is getting consumers to stop. By having signage into and out of Jurien Bay in strategic places before turnoffs,*

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 JANUARY 2019</b>
--

*should further increase visitor numbers to the town which would be of benefit to many businesses.*

*Additionally, the new "Road Trips" tourism marketing campaign endorsed by Tourism Western Australia and Minister Papalia, is in effect. The concept of additional signage is to also try and capture additional interest that will come from this marketing campaign. The signs will emphasise Jurien Bay as a place to stop and visit and as sky diving destination.*

*The purpose of the signs is to secure new and increased numbers of visitors to Jurien Bay as well as promoting intentional rest breaks, supporting the Road Safety Commission campaign "Towards Zero". We believe the more encouragement that can be provided to drivers to stop and rest en-route will assist in driver fatigue.*

The officer cannot fault the economic and safety justification provided and notes skydive at Jurien Bay is mentioned in the "Road Trips" marketing brochure as attached to this item (Doc Id: 127046). Furthermore, the justification provided complies with the *Indian Ocean Drive Guideline* and *Tourist Signage Guidelines* in that tourist attraction signs are only permitted for establishments that are recognised as being of significant interest to tourists and meet some essential assessment criteria such as the core business being tourism-based and strongly committed to providing visitor services. The locations of the signs also meet the following statement of the Tourist Signage Guidelines:

*To avoid signage proliferation and to ensure commercial equity, it is recommended that each business be signed only from the nearest major road, and that confirmation signs be positioned only along the major access routes to the business.*

Clause 1 of LPP8.6 outlines standards common to all signs in terms of design and amenity, safety, siting and content; the subject application complies with all applicable standards. From a road safety point of view, the proposed signs incorporate 'glance appreciation' qualities incorporating uniform, elementary shapes and colours, and do not impair sight distance from adjacent access or side roads. Additionally, the signs have a simple and concise message which uses internationally recognised symbols and an indication of the distance required to travel from that point.

The applicant already holds \$10million public liability insurance and is aware of Clause 3.8 – Sign Liability of LPP8.6, which reads:

- 3.8.1 Council takes no responsibility for any damage to, theft of or claims arising from a sign within the road reserve.*
- 3.8.2 It is the applicant's responsibility to ensure that a private sign on the road reserve is insured against any claims arising from the public.*

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 JANUARY 2019</b>
--

- 3.8.3 *Where a sign / advertisement is proposed to be placed in, or overhang, a public place or street, the owner of the property / applicant will be required where appropriate, to provide a public liability insurance policy indemnifying the Shire against all actions, suits, claims, damages, losses and expenses made against or incurred by the Shire arising from the approval. The applicant and/or land owner may be required by the Shire to –*
- a. take out a public liability insurance policy in the name of the owner or applicant and the Shire, for an amount considered appropriate to the risk involved;*
  - b. keep that insurance policy current for the duration of the approval;*
  - c. include a clause in the policy which prevents the policy from being cancelled without the written consent of the Shire;*
  - d. include a clause in the public liability insurance policy, which requires the owner or applicant and the insurance company, to advise the Shire if the policy lapses, is cancelled or is no longer in operation;*
  - e. on the request of an authorised person, provide for the inspection of a certificate of currency for the required insurance policy.*

It is recommended Council provide development approval and a signs and hoardings licence to Skydive Jurien Bay based on all discussed.

#### CONSULTATION

The applicant is required to gain dual approval from the Shire and Main Roads WA. Main Roads WA (the key stakeholder) requires the approval of the Shire before an application for signage can be considered. For this reason no consultation has been undertaken.

#### STATUTORY ENVIRONMENT

- Local Planning Scheme No.7
- Main Roads (Control of Advertising) Regulations 1996

#### POLICY IMPLICATIONS

- Local Planning Policy 8.6 Advertising Devices
- Tourism WA Tourist Signage Guidelines
- Indian Ocean Drive Planning Guideline

#### FINANCIAL IMPLICATIONS

The applicant has paid a development application fee of \$294 for the two signs. If approved, the signs and hoardings licence will require the payment of a \$60 fee before it can be issued.

#### STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 JANUARY 2019</b>
--

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

ATTACHMENTS

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

- Signs development application (Doc Id: 127050)
  - Tourism WA Road Trips Brochure (Doc Id: 127046)
- (Marked 9.3.5)**

VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Slyn, seconded Cr Clarke**

That Council grant development approval and a signs and hoarding licence to Skydive Jurien Bay for signs on the road reserve adjacent to Indian Ocean Drive, Nambung and Brand Highway, Boothendarra in accordance with the documentation submitted and subject to the following conditions:

1. This approval is valid for a period of two years. If the development has not substantially commenced within this period the approval will lapse.
2. All development shall be in accordance with the attached approved plans date stamped 24 January 2019 and subject to any modifications required as a consequence of any conditions of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
3. Council takes no responsibility for any damage to, theft of or claims arising from a sign within the road reserve.
4. It is the applicant's responsibility to ensure that a private sign on the road reserve is insured against any claims arising from the public.
5. Where a sign / advertisement is proposed to be placed in, or overhang, a public place or street, the owner of the property / applicant will be required where appropriate, to provide a public liability insurance policy indemnifying the Shire against all actions, suits, claims, damages, losses and expenses made against or incurred by the Shire arising from the approval. The applicant and/or land owner may be required by the Shire to –
  - a) take out a public liability insurance policy in the name of the owner or applicant and the Shire, for an amount considered appropriate to the risk involved;
  - b) keep that insurance policy current for the duration of the approval;
  - c) include a clause in the policy which prevents the policy

- from being cancelled without the written consent of the Shire;
- d) include a clause in the public liability insurance policy, which requires the owner or applicant and the insurance company, to advise the Shire if the policy lapses, is cancelled or is no longer in operation;
  - e) on the request of an authorised person, provide for the inspection of a certificate of currency for the required insurance policy.
6. Should the signage fall into disrepair or dilapidation or the liability insurance is no longer current, that the structure shall be removed.
7. Approval of Main Roads WA.

**Advice:**

1. The applicant is advised should you be aggrieved by this decision, or any conditions imposed, there is a Right of Review under the *Planning and Development Act 2005*. An application for Review must be submitted in accordance with Part XIV of the *Planning and Development Act* within 30 days of the receipt of this decision to:

The State Administrative Tribunal  
GPO Box U1991  
PERTH WA 6845”

CARRIED 8 / 0

### 9.3.6 STABLE FLIES – DECLARATION AS A PEST

Location:	Local government area
Folder Path:	Business Classification Scheme / Environmental Management / Programs / Pest Control
Disclosure of Interest:	Nil
Date:	3 January 2019
Author:	Felix Neuweiler, PEHO
Senior Officer:	David Chidlow, Executive Manager of Development Services

#### PROPOSAL

For Council to consider the need to declare the Stable Fly (*Stomoxys calcitrans*) a pest in the Shire of Dandaragan local government area.

#### BACKGROUND

The Shire of Dandaragan has received a few complaints relating to stable flies over the past three years. The complainant advocates that Council should declare the stable fly a pest and adopt the Biosecurity and Agriculture Management (Stable Fly) Management Plan 2016, which would essentially prohibit the spread of poultry manure as organic fertilizer on farm land within the Shire of Dandaragan.

To monitor the extent of the problem and to verify the actuality of the complaints fly traps were installed in various locations over the past three years. Quantities trapped (between nil and twenty in any seven day period) suggest that current fly numbers are low and have not reached plague proportions such as has been experienced in the Shire of Gingin where the fly was declared a pest.

In response to these complaints Council held, with assistance of the Department of Primary Industries and Regional Development, a Stable Fly Forum in Dandaragan on the 27 April 2017. The matter was discussed with a wide range of stakeholders during the forum.

As a result of the consultation Council felt that declaring the Stable Fly a pest was not required at this point as many of the attending farmers asserted that poultry manure is a valuable nutrient source when spread at suitable rates and it was found that applying untreated poultry litter on non-irrigated pasture is safe in regards to fly breeding.

#### COMMENT

##### **What Are Stable Flies?**

Stable flies (*Stomoxys calcitrans*) are common throughout subtropical and temperate Australia, generally in association with human settlement and wherever livestock are housed and fed. In the Shire of Dandaragan stable flies breed seasonally in organic matter in moist conditions, such as mid-spring.

This particular fly is difficult to distinguish from a housefly, except that a stable fly has a bayonet-like mouthpart (proboscis) protruding from the front of the head. In contrast to the house fly stable flies can handle higher temperatures and can be active throughout the summer months, given the right breeding conditions.

This blood-sucking parasite is a significant pest of cattle and horses. The stable fly is also a biting pest to dogs, cats, pigs and humans. The bite is painful, causing irritation and blood loss.

Adult stable flies of both sexes feed during the day, generally in the early morning and late afternoon. The female fly requires blood before she is able to lay eggs.

##### **The Stable Fly Life Cycle**

Stable flies typically appear during mid-spring. In prime breeding times, stable flies can develop from egg to adult in just 2 weeks. Females lay over 100 eggs per batch and may lay five batches in a lifetime, so there is potential for rapid increases in fly numbers in a short time period.

##### **Where Do Stable Flies Breed?**

Stable fly larvae can develop in a range of animal manures, spilled feed and rotting organic material. Pure manure rarely supports

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 JANUARY 2019</b>
--

larval development, while rotting organic matter, either alone or in combination with various animal manures, is an ideal medium. Vegetative sources of stable fly breeding include rotting organic material, hay stacks/bales, lawn clippings, weeds, etc.

### **Ways to Reduce Breeding Numbers of Stable Flies**

An effective way to reduce stable fly numbers is to eliminate the breeding sources:

- Spread manure and moist grass clippings thinly to dry;
- Good housekeeping; and
- Maintain (turn and aerate) compost piles to promote rapid decomposition of organic matter.

### **Recommendation**

It is recommended that Council does not declare the stable fly a pest within the Shire area for the following reasons:

- Stable fly numbers are relatively low and seasonal; there is no evidence that fly numbers are at plague proportions.
- Reducing current stable fly numbers is reasonably easy (see above).
- There is a small number of complainants who seem to be mainly opposed to the use of chicken manure as fertiliser.
- Prohibiting the use of organic fertilisers will have no impact on current stable fly numbers.
- To give local farmers the choice to use organic fertilisers as an alternative to synthetic products.

### CONSULTATION

- Department of Primary Industries and Regional Development
- Stable Fly Forum in Dandaragan 27 April 2017
- Council Forum January 2018
- Envision 2029 Community Consultation

### STATUTORY ENVIRONMENT

Biosecurity and Agriculture Management Act 2007

Biosecurity and Agriculture Management (Stable Fly) Management Plan 2016: The management plan sets out the measures to be taken to control stable fly in the areas where it is a declared pest.

### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

### FINANCIAL IMPLICATIONS

If the stable fly is declared a pest the Shire may need to appoint an additional authorised officer to carry out stable fly inspections across the local government area.

### STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 JANUARY 2019</b>
--

<b><i>Goal 1: Great Place for Residential and Business Development</i></b>	
<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 and projects
<b><i>Goal 4: Healthy Natural and Built Environment</i></b>	
4.2 Support positive land and bio-diversity management practices	c) Sustainable land use
<b><i>Goal 5: Proactive and Leading Local Government</i></b>	
5.6 Implement sound corporate governance and risk management	f) Complaints system

**ATTACHMENTS**

Nil

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

That Council, taking into consideration the low number of stable flies in the district, desist from declaring the Stable Fly (*Stomoxys calcitrans*) a pest in the Shire of Dandaragan local government area.

**ALTERNATE OFFICER RECOMMENDATION**

That Council instruct the Chief Executive Officer to consult with the rural community on declaring the Stable Fly (*Stomoxys calcitrans*) a pest in the Shire of Dandaragan local government area under the Biosecurity and Agriculture Management Act 2007, Biosecurity and Agriculture Management (Stable Fly) Management Plan 2016 and present the results to Council at the next available Council meeting following consultation for a decision on declaration.

**COUNCILLOR MOTION**

Moved Cr Shanhun, seconded Cr Gibson

That Council instruct the Chief Executive Officer to consult with the rural community on declaring the Stable Fly (*Stomoxys calcitrans*) a pest in the Shire of Dandaragan local government area under the Biosecurity and Agriculture Management Act 2007, Biosecurity and Agriculture Management (Stable Fly) Management Plan 2016 and present the results to Council at the next available Council meeting following consultation for a decision on declaration.

LOST 4 / 4

The Shire President exercised her casting vote.

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 JANUARY 2019**

**COUNCIL DECISION**

**Moved Cr McGlew, seconded Cr Richardson**

**That Council, taking into consideration the low number of stable flies in the district, desist from declaring the Stable Fly (*Stomoxys calcitrans*) a pest in the Shire of Dandaragan local government area and review this decision in 24 months' time.**

**CARRIED 8 / 0**

*Note: Council resolved to review their decision in 24 months' time to ensure that any changes in the industry environment are considered.*

**9.3.7 PROPOSED OUTBUILDING – LOT 467 DRYANDRA BOULEVARD, JURIEN BAY**

Location:	Lot 467 (#41) Dryandra Boulevard, Jurien Bay
Applicant:	J & J Smith
File Ref:	Development Services Apps\Development Application/2019/8
Disclosure of Interest:	Nil
Date:	14 January 2019
Author:	Rory Mackay, Planning Officer
Senior Officer:	David Chidlow, Executive Manager of Development Services

**PROPOSAL**

The proponent is seeking development approval for an oversized outbuilding on Lot 467 (#41) Dryandra Boulevard, Jurien Bay.



**Location Map – 41 Dryandra Boulevard, Jurien Bay**

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 JANUARY 2019**

**BACKGROUND**

The applicant is seeking development approval to construct a 14.1m x 6.5m, 91.65m<sup>2</sup> outbuilding at a wall height of 3.8m and a ridge height of 4.67m on the 925m<sup>2</sup> property. The outbuilding will be setback 1m from the affected side boundary with Lot 468 (#39) Dryandra Boulevard and 2m from the truncated rear boundary of Lot 469 (#4) Apium Way.

The proposed outbuilding varies with the following standards of *Local Planning Policy 8.5 Outbuildings – ‘Residential Areas’* (LPP8.5) as shown in the table below:

	LPP8.5 Standards	Proposed Outbuilding	Variation Percentage
Area	80m <sup>2</sup>	91.65m <sup>2</sup>	15% (10% of the 925m <sup>2</sup> property)
Wall Height	3.6m	3.8m	6%
Ridge Height	4.5m	4.67m	4%
Side Boundary Setback	1.5m	1m	33%

The applicant has outlined the reason for seeking the above mentioned outbuilding variations is to store 8.6m long boat which is 3.65 high and 11m long when stowed on the associated boat trailer.

The proponent consulted with the adjoining side landowners before lodging the development application. These neighbours had no objection to the proposal, including the reduced side boundary setback to their property.

**COMMENT**

The applicant initially proposed a 0.5m side boundary setback but noting the other variations sought, the officer requested this be modified to reduce the bulk and scale of the oversized outbuilding on neighbouring localities. The applicant was willing to modify the setback to 1m to still achieve efficient driveway access for the outbuilding.

Where a proposal does not meet the deemed-to-comply provisions of LPP8.5 the decision maker is to consider the application against the design principle of the policy (which is as per the *Residential Design Codes*). The design principle in this instance is:

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

The merits of the application are stated below in relation to this design principle:

1. The applicant has adhered to advice by the officer and has modified the proposal to double the side setback of the outbuilding to reduce the bulk and scale of the development on adjoining properties.

2. The proposed position of the outbuilding allows efficient backyard driveway access.
3. The affected side boundary is east to the adjoining neighbour resulting in clause 5.4.2 Solar access for adjoining sites (overshading) of the R-Codes being not applicable for the development, as overshading is only determined on a north to south lot boundary basis.
4. Overshadowing to the rear boundary complies as it is aided by the layout of the lots (overshadowing to a front small portion of Lot 469 Apium Way only).
5. There has been no objection from the adjoining side neighbour.
6. The adjoining affected properties are vacant lands which provide the landowners the ability to construct residences to site characteristics in due course.
7. The proposed outbuilding will remain an ancillary use to the existing 6.5m high dwelling as it is set well behind the building line of the house, to the rear of the truncated property. The design and colours of the outbuilding will also blend with the existing dwelling, overall ensuring the outbuilding does not detract from the streetscape or the amenity of neighbouring properties.
8. The outbuilding varies to the policy only to store a large boat which is characteristic of the boating locality of Jurien Bay.
9. The height variations sought are a minor 6% or lower and the area variation 15%. Compensation can be given to the increased area due to no other outbuildings (lean-to's or carports) either existing or being sought and the proposal being only 10% of the 925m<sup>2</sup> property.

Given the above, Council is requested to grant development approval for the proposed outbuilding with minor policy variations, which is considered to achieve orderly and proper planning by the reporting officer. An alternative officer recommendation is provided for Councillors below if they do not concur.

*Alternative Officer Recommendation*

*That Council refuse development approval for the proposed outbuilding on Lot 467 Dryandra Boulevard, Jurien Bay for the following reasons:*

1. *The proposed outbuilding does not comply with Local Planning Policy 8.5 – Outbuildings ‘Residential Areas’ as it exceeds the specified floor area, wall and ridge height maximums for an outbuilding.*
2. *The proposed development would detract from the visual amenity of the 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.*

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 JANUARY 2019**

**Advice:**

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

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

**CONSULTATION**

The proponent consulted with the adjoining side landowners before the lodging the application. The neighbours have no concern with the reduced side setback and increased heights of the outbuilding.

As the outbuilding will be a minimum of 2m away from the truncated rear boundary and is only required to be 1.1m away (as per LPP8.5) with a 6.5m long and 3.8m high wall, the adjoining rear landowner(s) were not consulted for comment.

**STATUTORY ENVIRONMENT**

- Local Planning Scheme No 7:  
Clause 4.2 of the Scheme outlines *State Planning Policy 3.1 - Residential Design Codes* is to read as part of the Scheme.
- Shire of Dandaragan Delegation Register

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

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

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.*

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 JANUARY 2019**

7. All outbuildings are to otherwise maintain a minimum rear / side setback in accordance with the Residential Design Codes Tables 2a and 2b. Any variation to these setback requirements will require the submission of a Planning Application with adjoining property owner comment for a council decision.

**FINANCIAL IMPLICATIONS**

The applicant has paid the required \$147 fee for the development application.

**STRATEGIC IMPLICATIONS**

2016 – 2026 Strategic Community Plan:

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

**ATTACHMENTS**

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

- Development application (Doc Id: 127271)
- Neighbour Comments (Doc Id: 127356)

***(Marked 9.3.7)***

**VOTING REQUIREMENT**

Simple majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Eyre, seconded Cr Clarke**

**That Council grant development approval for the proposed outbuilding on Lot 467 Dryandra Boulevard, Jurien Bay subject to the following conditions and advice notes:**

- 1. All development shall be in accordance with the attached plans date stamped 24 January 2019 subject to any modifications required as a consequence of any conditions of this approval and shall not be altered without the prior written approval of the local government.**
- 2. The roof and wall material being of non-reflective nature and colour consistent with the existing structure and/or predominant colours of the individual site.**
- 3. The storm water run-off on the property to be managed on site or directed to a suitable disposal system in accordance with *AS3500 Plumbing and Drainage*.**
- 4. All guttering is to be self-contained on the property in accordance with *AS3500 Plumbing and Drainage*.**

**Advice Notes:**

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

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

The State Administrative Tribunal  
GPO Box U1991  
PERTH WA 6845”

CARRIED 8 / 0

#### 9.4 GOVERNANCE & ADMINISTRATION

#### 9.5 COUNCILLOR INFORMATION BULLETIN

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

Document ID: 126118

Attached to the agenda is a copy of the Shire’s status report from the Council Meeting held 13 December 2018. *(Marked 9.5.1)*

##### 9.5.2 STARGAZERS / ASTRO TOURISM – ASTROTOURISIM WA PLANS 2019

Document ID: 125025

Attached to the agenda is information on Astrotourism WA Plans 2019. *(Marked 9.5.2)*

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

Document ID: 127090

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

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

Document ID: 127056

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

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 JANUARY 2019**

**9.5.5 SHIRE OF DANDARAGAN TOURISM / LIBRARY REPORT FOR DECEMBER 2018**

Document ID: 126900

Attached to the agenda is monthly report for Tourism / Library for December 2018. *(Marked 9.5.5)*

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

Nil

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

Nil

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

Nil

**13 CLOSURE OF MEETING**

The presiding member declared the meeting closed at 4.49pm.

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

Signed .....

Presiding person at the meeting at which the minutes were confirmed

Date .....