



SHIRE
of
DANDARAGAN

MINUTES
of the
ORDINARY COUNCIL MEETING
held at the
COUNCIL CHAMBERS JURIEN BAY
on
THURSDAY 18 DECEMBER 2014
COMMENCING AT 5.00 PM

(THIS DOCUMENT IS AVAILABLE IN LARGER PRINT ON REQUEST)

Table of Contents

1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	1
1.1	DECLARATION OF OPENING	1
1.2	DISCLAIMER READING	1
2	RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE.....	1
3	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	2
4	PUBLIC QUESTION TIME.....	4
5	APPLICATIONS FOR LEAVE OF ABSENCE.....	9
6	CONFIRMATION OF MINUTES	9
6.1	MINUTES OF ORDINARY MEETING HELD 27 NOVEMBER 2014.....	9
7	NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION AND COUNCIL APPOINTED DELEGATES REPORTS	9
8	PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS	10
9	REPORTS OF COMMITTEES AND OFFICERS	10
9.1	FINANCE	10
9.1.1	ACCOUNTS FOR PAYMENT – NOVEMBER 2014.....	10
9.1.2	FINANCIAL STATEMENTS – MONTHLY REPORTING FOR THE PERIOD ENDING 30 NOVEMBER 2014.....	11
9.1.3	AUDIT COMMITTEE MINUTES	14
9.2	INFRASTRUCTURE	15
9.2.1	ROADWISE COMMITTEE NOVEMBER 2014 MINUTES	15
9.2.2	LIGHT VEHICLE CHANGEOVER BUDGET AMENDMENT.....	17
9.3	ADMINISTRATION	19
9.3.1	APPOINTMENT OF FIRE CONTROL OFFICERS – MR DOUG WASLEY AND MR ADAM PEACOCK	19
9.3.2	LOCAL GOVERNMENT REGIONAL ALLIANCE	21
9.3.3	ANNUAL REPORT AND AUDITORS REPORT.....	24
9.4	TOWN PLANNING	26
9.4.1	PLANNING APPROVAL – PROPOSED OUTBUILDING (SHED) – LOT 725 HAMELIN AVENUE, JURIEN BAY.....	26
9.4.2	PLANNING APPROVAL – PROPOSED OUTBUILDING – LOT 202 ELIZABETH WAY, JURIEN BAY	30
9.4.3	PLANNING APPROVAL – PROPOSED OUTBUILDING – LOT 512 APIUM WAY, JURIEN BAY	33
9.4.4	PLANNING APPROVAL – PROPOSED EXTENSION TO OUTBUILDING (GARAGE) – LOT 124 COUBROUGH PLACE, JURIEN BAY	36
9.4.5	PLANNING APPROVAL – PROPOSED OUTBUILDING (GARAGE AND WORKSHOP) – LOT 273 DALTON STREET, JURIEN BAY	40

9.4.6	PLANNING APPROVAL – PROPOSED OUTBUILDING – LOT 510 APIUM WAY, JURIE BAY	43
9.4.7	PLANNING APPROVAL – PROPOSED OUTBUILDING (GARAGE) – LOT 840 BELLS BLVD, JURIE BAY	46
9.4.8	PLANNING APPROVAL – PROPOSED ADDITIONAL OUTBUILDING (SHED) – LOT 63 RIVER LOOP, JURIE BAY HEIGHTS	50
9.4.9	PLANNING APPROVAL – PROPOSED DWELLING WITH INCREASED FRONT SETBACK – LOT 763 MIDDLETON BLVD, JURIE BAY	53
9.4.10	SCHEME AMENDMENT NO.26 – PORTION OF LOT 9016 JURIE BAY – RESIDENTIAL R12.5 TO R40 – FINAL ADOPTION AND SCHEDULE OF SUBMISSIONS	56
9.4.11	SCHEME AMENDMENT NO.24 – LOT 480 HASTING STREET – TOURIST TO R40 RESIDENTIAL – FINAL ADOPTION AND SCHEDULE OF SUBMISSIONS ..	60
9.4.12	PLANNING APPROVAL – RESIDENTIAL DESIGN CODE VARIATION (FILL IN EXCESS OF 0.50M AND RETAINING WALL IN EXCESS OF 0.50M WITHIN 1M OF LOT BOUNDARY) – LOT 1126 CASUARINA CRESCENT, JURIE BAY ..	66
9.4.13	SCHEME AMENDMENT NO.25 – SPECIAL CONTROL AREA – JURIE BAY WASTE WATER TREATMENT PLANT (WWTP) – FINAL ADOPTION	72
9.4.14	REST IN REEF PROJECT – JURIE BAY FORESHORE	78
9.5	HEALTH	81
9.6	BUILDING	81
9.7	COUNCILLOR INFORMATION BULLETIN	81
9.7.1	SHIRE OF DANDARAGAN – NOVEMBER 2014 COUNCIL STATUS REPORT ..	81
9.7.2	SHIRE OF DANDARAGAN – EXECUTIVE MANAGER INFRASTRUCTURE REPORT – DECEMBER 2014	81
9.7.3	SHIRE OF DANDARAGAN – BUILDING STATISTICS – NOVEMBER 2014	81
9.7.4	SHIRE OF DANDARAGAN – PLANNING STATISTICS – NOVEMBER 2014	82
9.7.5	MEDIA RELEASE – MOORE CATCHMENT COUNCIL RECOGNISED AT REGIONAL AWARDS	82
9.7.6	IN MOORE WITH LOVE – SHANE LOVE MLA NEWSLETTER – NOVEMBER 2014	82
9.7.7	DEPARTMENT OF TRANSPORT – RECREATIONAL BOATING FACILITIES SCHEME ROUND 20 – CALL FOR FUNDING APPLICATIONS	82
9.7.8	MOORE CATCHMENT COUNCIL – ANNUAL REPORT	82
9.7.9	MEDIA STATEMENTS – COMMUNICATIONS PROJECT CONNECTS REGIONAL WA	83
9.7.10	SURF LIFE SAVING WESTERN AUSTRALIA – COASTAL SAFETY REPORT ..	83
9.7.11	DEPARTMENT OF COMMERCE – BUILDING COMMISSION – INSTANT START – NEW INITIATIVE ANNOUNCED	83
9.7.12	HON DAVID TEMPLEMAN MLA – PARLIAMENTARY QUESTIONS AND RESPONSE REGARDING AMALGAMATION	83
9.7.13	WALGA MEDIA RELEASE – RISKY ROADS SURVEY – REPORT STRENGTHENS CASE FOR ROAD FUNDS – 20 NOVEMBER 2014	83
9.7.14	WALGA – MUNICIPAL WASTE ADVISORY COUNCIL INFORMATION BULLETIN – ISSUE 201	84
9.7.15	MEDIA STATEMENT – PREMIER ANNOUNCES CHANGES TO CABINET – MONDAY 8 DECEMBER 2014	84
9.7.16	WESTERN AUSTRALIAN PLANNING COMMISSION – APPLICATION NO.150385	84
9.7.17	REGIONAL COASTCARE FORUM – LEDGE POINT – 21 FEBRUARY 2015	84

9.7.18	WALGA – ECO-NEWS – ISSUE 11	84
9.7.19	WALGA MEDIA RELEASE – PLANNING REFORM YEARS IN THE MAKING	85
9.7.20	WALGA – LOCAL GOVERNMENT NEWS – ISSUE 45	85
9.7.21	DEPARTMENT OF FIRE AND EMERGENCY SERVICES – WA CYCLONE AND SOUTHERN BUSHFIRE SEASON SYNOPSIS 2014 / 2015.....	85
9.7.22	D.J & A.F JOICE – LANDING FEES & CHARGES AT JURIE BAY AIRSTRIP	85
9.7.23	MAIN ROADS WESTERN AUSTRALIA – INVITATION FOR SUBMISSION, INDIAN OCEAN DRIVE PASSING LANES.....	86
9.7.24	WALGA – LOCAL GOVERNMENT NEWS – ISSUE 45	86
9.7.25	WESTERN AUSTRALIA NATURAL DISASTER RELIEF AND RECOVERY ARRANGEMENTS – COUNTER DISASTER OPERATIONS (CDO) ACTIVITIES	86
9.7.26	DEPARTMENT OF PARKS AND WILDLIFE – PLANNING APPLICATION – AQUATIC ADVENTURES	86
9.7.27	DEPARTMENT OF TRANSPORT – RECREATIONAL BOATING FACILITIES SCHEME ROUND 20 – CALL FOR FUNDING APPLICATIONS.....	87
9.7.28	DEPARTMENT OF PARKS AND WILDLIFE – COMMENTS ON THE REST IN REEF PROPOSAL	87
9.7.29	CELEBRATE WA – INVITATION TO NOMINATE AN EXCEPTIONAL INDIVIDUAL INTO THE 2015 WESTERN AUSTRALIAN OF THE YEAR AWARDS	87
9.7.30	NATIONAL BROADBAND NETWORK CO ROLLOUT ANNOUNCEMENT – SHIRE OF DANDARAGAN	87
9.7.31	JURIE BAY RATEPAYERS AND PROGRESS ASSOCIATION MEETING HELD 5 NOVEMBER 2014 – MINUTES	88
9.7.32	WALGA – MAIN ROADS ADVISORY GROUP MANAGEMENT OF STRAYING STOCK IN PASTORAL REGIONS – LOCAL GOVERNMENT REPRESENTATION.....	88
10	NEW BUSINESS OF AN URGENT NATURE – INTRODUCED BY RESOLUTION OF THE MEETING	88
10.1	ADMINISTRATION	88
10.1.1	MEMORANDUM OF UNDERSTANDING - WEST MIDLANDS GROUP PARTNERSHIP ARRANGEMENT REGARDING BADGINGARRA RESEARCH STATION	89
11	CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE PUBLIC.....	91
12	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	91
13	CLOSURE OF MEETING	91

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 18 DECEMBER 2014

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

1.1 DECLARATION OF OPENING

The presiding member declared the meeting open at 5.00pm and welcomed those present.

1.2 DISCLAIMER READING

The disclaimer was read aloud by the Chief Executive Officer as there were members of the public present.

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

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

2 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

Members

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

Staff

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

Apologies

Approved Leave of Absence

Nil

Observers

Four members of the public were present

Two members of the public were present (5.12pm)

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Paul Robb – Cervantes resident

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

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

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

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

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

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

Tony Lambert – Cervantes resident

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

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

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

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

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 18 DECEMBER 2014

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

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

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

No. Council is aware of alternate energy supply options.

Ron Snook – Jurien Bay resident

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

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

Carole Pietersen – Jurien Bay resident

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

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

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

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

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 18 DECEMBER 2014

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

Tony Lambert – Cervantes resident

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

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

4 PUBLIC QUESTION TIME

A letter from Carole Pietersen was presented to Council by Mr Tony Lambert. This letter was tabled for Council's information and a copy will be provided to all Councillors. The Shire President advised that any questions within the letter will be taken on notice. Refer over page.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 18 DECEMBER 2014

Carole Pietersen
 7 Ward St
 Jurien Bay W.A. 6156
 16th December 2014

Mr. Wayne Gibson
 President
 Shire of Dandaragan
 Jurien Bay. W.A. 6156

Dear Sir,

I would like to respectfully request that this letter be tabled at your next general meeting on 18th December 2014, as I believe it imperative that our council take a firm stance, for the present, against the progress of Unconventional Gas Mining in the mid-west region.

I know the influence of local councils in state matters is limited. However, there is much that local councils can do when it comes to granting permission for infrastructure and other facilities within their boundaries.

Recently an exploration permit which extends from north of Greenhead to Lancelin has been granted to a mining company. This greatly perturbs me on several counts which are outlined below.

1. **THE NUMBER OF "HALF TRUTHS" WHICH ARE CIRCULATING.** It has been stated by the DMP that "*shale and tight gas mining has been practiced worldwide for over thirty years*". And "*that the State Government has regulated the petroleum industry for more than 40 years and during that time hydraulic fracturing has been applied to more than 600 wells without any recorded environmental impacts.*" I would challenge these statements when used in connection with Unconventional Gas Mining because the first vertical wells targeting shale gas were drilled in the Cooper Basin in **2011**. The first horizontal well in the United States was put down in **1991** and the first multi-well pad was in **2007**. So the process of slickwater fracking with long lateral drilling as in Unconventional Gas Mining is an industry still in it's infancy.
2. **SAFEGUARDS AGAINST POLLUTION.** The DMP has said that "*it has worked to ensure legislation, regulations and guidelines are robust and in step with technological advances*". There is evidence both in Australia and United States that this mining method cannot be legislated into safety because no body, including the mining companies can guarantee 100% the integrity of the well shaft. The greatest difficulty is in the sealing of the shaft to prevent fugitive emissions. There is no way of effectively knowing that the cement casing around a shaft has completely bonded with the rock surface through which it is drilled and thereby prevent fugitive emissions from rising to the surface or entering underground water reserves. The recorded number of faulty wells in the US alone ranges from 2% to 6% depending on the age of the well. In Canada, of 340,000 wells investigated it was found that 4.5% failed – that is 15,300 contaminated sites! The DMP has stated that "*As part of the approvals process, mining companies are legally required to provide an environment plan that assesses any potential impact on flora, fauna and*

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 18 DECEMBER 2014

groundwater". Can the mining companies be trusted to have these assessments done independently, or are they to be self-regulating?.

3. **SAFE DISPOSAL OF PRODUCED WASTE WATER.** The waste water produced at each well site is usually stored in lined evaporative ponds. The evaporation process allows pollutants to be dispersed into the atmosphere leaving a toxic sludge behind. This is still, after the advent of Unconventional Gas Mining in the US in 1991, an unsolved problem. These ponds over a period of time have a good probability that the lining will fail allowing seepage into the surrounding area and also are open to flooding by heavy rainfall events.
4. **CHEMICALS.** There seems to be no legislation demanding **full** disclosure of **all** the chemicals used in this mining process. The mining companies claim **it is confidential industry information. They also claim, of the chemicals they do declare, that they are only the same chemicals found in everyday household products.** I would ask if you would drink a glass of water which has washing up detergent or degreaser in it?

Even in the explorative phase there is potential for unintended consequences to occur.

Where there are risks we should take action and not wait for proof of harm.

Unconventional Gas Mining has been banned for environmental reasons in France, Belgium, Germany and most recently in The Netherlands.

Why should we presume to know better than they when it comes to the protection of our country and it's resources.?

Why, in our land of abundant wind and sunshine isn't more being done to harness the power in these abundant resources? The **long term** benefits for the economy and health and wellbeing of our environment and people, from these alternative power sources would far outweigh anything gained from Unconventional Gas Mining.

I would therefore, strongly request that the elected representatives of the people in the Shire of Dandaragan adopt a similar stance to that taken by the shire of Corroow:-

that is to **NOT** support the exploration and mining of the area, at least until:-

INDEPENDENT BASE-LINE AIR, WATER AND GEOLOGICAL STUDIES HAVE BEEN CARRIED OUT SO THAT FUTURE INDUSTRY MONITORING CAN BE CONDUCTED IN A MEANINGFUL WAY.

And to encourage wherever they can, the development of wind and solar power.

I have copied this letter to the President of the Shire Council, Mr. Wayne Gibson And a similar letter to the Hon. Shane Love.

Thank you.

Yours sincerely,

Carole A. Pietersen

Ref. CSIRO website, DMP website, Dr. Anthony Ingraffea, Cornell University,

Tony Lambert - Cervantes resident

Tony Lambert submitted the following email to Council:

"The wider community is increasingly concerned at councils reluctance to acknowledge the undeniable 'public health threat' borne out by proof of serious harm and environmental devastation caused by fracking. You are aware of the deepening resentment at the unlawful granting of fracking exploration licenses over vast regions of national parks and unique wildflower bushlands.

There is further concern that council does not understand or recognise the determined community position of refusing this criminally devastating process. Fracking is entirely inappropriate in or around national parks wherein the shires position to date falls frustratingly short of authentic community representation, a situation that requires urgent redress.

No rational observer can deny the extensive toxic effects of fracking whereby no tiresomely predictable committee outcome is needed to corroborate the harmful effects upon public health, perilously limited water reserves, clean air and the environment. If the shire has not yet availed itself to the massive, ever growing body of unassailable documented / video evidence and witness testimony then it simply isn't trying. The overwhelming preponderance of irrefutable evidence is enough to sink a battleship. The horrific record of gas mining contamination and accident reports (please see attached) constitutes evidence enough to compel an immediate and permanent ban on fracking. It unquestionably establishes fracking as a clear and present danger to public health and a crime against humanity. Adding insult to injury no pressing requirement for this gas product exists because WA has an overabundance of easily obtained natural gas reserves.

Please be advised that pursuant to the fixed avoidance of meaningful consultation prior to unwanted tight gas exploration alarmed communities have organised independent district surveys to establish the full extent of determined opposition. Accordingly you are reminded of your obligation as a representative body to faithfully represent the emphatic and repeatedly stated will of the shire electorate.

Consequently it is my will that you respond to the following questions put to you on notice and for the record. Please note your response can and will be used in future tribunals dealing with this crime.

- 1. Pursuant to the southern Queensland and northern NSW atrocious fracking consequences will you acknowledge this catastrophic process as an urgent public health threat to the extent of being a clear and present danger?*
- 2. Based upon mounting case histories and documented evidence will you acknowledge fracking as a demonstrable crime against humanity?*
- 3. Will you acknowledge fracking as a human rights abuse through the deprivation of clean water, arable soil and clean air?*
- 4. Will you accurately represent the repeatedly stated non-negotiable community position of refusing fracking?*
- 5. Will you publicly endorse the repeated community demand to permanently ban fracking?*

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 18 DECEMBER 2014

6. *Do you acknowledge the constitutional tenet that that the nation's resources belong to the people and not to the government?*
7. *Will you please provide a detailed list of all meetings with energy companies/representatives, drilling contractors, water authority personnel, DMP, EPA and all other engagements or discussions with related groups and individuals in relation to this matter over the past five years?*

Constitutionally established in common law the people are the nation's highest authority, not the courts and not a government in exclusive service to rapacious corporations. We the people constitute the very foundation of government and law. The criminal corporations benefiting from the shires lack of meaningful action to oppose fracking are bent upon environmental devastation. It is impossible to ignore the deliberate economic and environmental ruin the eco-terrorism of fracking unfailingly leaves in its wake. It inflicts unforgivable abuse of nature and vicious attacks upon unsuspecting communities who become irretrievably shattered through this hateful process.

Counterfeit claims of tightened regulatory controls are demonstrably untrue with the EPA proving utterly traitorous to its chartered purpose. This is evidenced by their refusal to conduct mandatory risk-assessment studies before granting fracking licences over national parks. This is intolerable! The EPA operates in blatant breach of trust and indefensible abandonment of duty-of-care. Such callous neglect constitutes the criminal offense of maleficence of public office.

Please do not underestimate the unflinching determination driving the Mid-West Lock the Gate Alliance to thwart this malicious chemical warfare and ban it forever. The assault of fracking is vicious crime that exclusively benefits an extreme minority crime syndicate. This trans-national crime network operates on an unprecedented scale with limitless reach wherein it is past time that all government personnel stopped looking the other way and pretending otherwise. Whether you choose to accept it or not the blinkered herd of elected representatives are mired in an undeclared war waged by predatory government upon the people. The prosecution of this covert war incorporates government's ongoing failure to protect productive farmland soils, clean air and perilously limited reserves of clean water. It facilitates the massive and relentless transference of wealth from the nation to offshore criminal interests. This is treason!

Accordingly we herein state that in the role of the nation's definitive and unchallengeable ruling authority we the people absolutely and unequivocally refuse the criminal insanity of CSG, tight gas exploration and all aspects of fracking.

It is required that you do not defy the lawfully prevailing will of the people. This is not a polite request but a non-negotiable direction from the lawful authority of the land 'we the people' to you as public servants/elected representatives of the community in a position that is legally and lawfully constrained to mandate this instruction.

Thank you for your time and attention regarding this very important issue."

Mr Lambert submitted some DVDs in relation to fracking for Council's

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 18 DECEMBER 2014

information and requested a response in due course.

The President advised that the questions would be taken on notice.

Mr Lambert then left the meeting.

5 APPLICATIONS FOR LEAVE OF ABSENCE

COUNCIL DECISION

Moved Cr Short, seconded Cr Sheppard

That leave of absence be approved as follows:

- Councillor T Bailey - Monday 12 January 2015 through to Monday 26 January 2015

CARRIED 9 / 0

6 CONFIRMATION OF MINUTES

6.1 MINUTES OF ORDINARY MEETING HELD 27 NOVEMBER 2014

COUNCIL DECISION

Moved Cr Sheppard, seconded Cr Kent

That the minutes of the Ordinary Meeting of Council held 27 November 2014 be confirmed.

CARRIED 9 / 0

7 NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION AND COUNCIL APPOINTED DELEGATES REPORTS

Cr Short

- | | |
|--------------------|----------------------------------------------------|
| - 2 December 2014 | Wheatbelt Health MOU |
| - 3 December 2014 | WALGA Strategic Planning, Bevan Bessen facilitator |
| - 3 December 2014 | WALGA State Council |
| - 5 December 2014 | Advance Dandaragan Committee Meeting |
| - 8 December 2014 | Wolba Wolba Committee Meeting |
| - 10 December 2014 | Municipal Waste Advisory Council |
| - 11 December 2014 | Audit Committee Meeting |

Cr Sheppard

- | | |
|-------------------|---------------------------------|
| - 3 December 2014 | Jurien Bay Progress Association |
|-------------------|---------------------------------|

Cr McGlew

- | | |
|-------------------|-------------------------------------|
| - 4 December 2014 | State Library WA Board Meeting |
| - 9 December 2014 | Central Coast Health Advisory Group |

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 18 DECEMBER 2014

- 9 December 2014 Dandaragan School Presentation Night
- 11 December 2014 Audit Committee Meeting
- 12 December 2014 Moora Lodge Extensions official opening
- 12 December 2014 Badgingarra School Presentation Night
- 15 December 2014 Shire Meeting with West Midlands Group Board
- 15 December 2014 Central Midlands Senior High School Presentation Night

Cr Kulisa

- 9 December 2014 Central Coast Health Advisory Group
- 10 December 2014 Jurien Bay Community Resource Centre
- 11 December 2014 Audit Committee Meeting
- 15 December 2014 West Midlands Group
- 17 December 2014 Jurien Bay Chamber of Commerce Award

Cr Holmes

- 3 December 2014 Cervantes Ratepayers and Progress Association
- 9 December 2014 Jurien Growth Drivers
- 11 & 12 December 2014 Wheatbelt Development Commission - Northam

COUNCIL DECISION

Moved Cr Bailey, seconded Cr Kulisa

That the delegates' reports to 18 December 2014 as presented be accepted.

CARRIED 9/0

8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

9 REPORTS OF COMMITTEES AND OFFICERS**9.1 FINANCE****9.1.1 ACCOUNTS FOR PAYMENT – NOVEMBER 2014**

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

PROPOSAL

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

BACKGROUND

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

COMMENT

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

CONSULTATION

- Chief Executive Officer

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

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

(Marked 9.1.1)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION


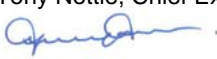
Moved Cr Short, seconded Cr McGlew

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

CARRIED 9 / 0

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

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 18 DECEMBER 2014

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

PROPOSAL

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

BACKGROUND

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

COMMENT

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

1. **Net Current Assets**

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

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

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

2. **Material Variances**

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

Governance

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

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 18 DECEMBER 2014

Other Economic Services

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

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

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

CONSULTATION

- Chief Executive Officer

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

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

(Marked 9.1.2)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

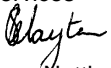

Moved Cr Kulisa, seconded Cr Holmes

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

CARRIED 9 / 0

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 18 DECEMBER 2014

9.1.3 AUDIT COMMITTEE MINUTES

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

PROPOSAL

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

BACKGROUND

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

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

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

COMMENT

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

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

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

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 18 DECEMBER 2014

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

(Marked 9.1.3)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION


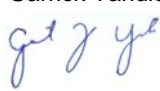
Moved Cr McGlew, seconded Cr Short

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

CARRIED 9 / 0

9.2 INFRASTRUCTURE

9.2.1 ROADWISE COMMITTEE NOVEMBER 2014 MINUTES

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

PROPOSAL

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

BACKGROUND

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

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

COMMENT

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 18 DECEMBER 2014

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

Election of office bearers:

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

CARRIED 4 / 0

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

CARRIED 4 / 0

Terms of Reference (TOR) review:

The draft TOR were reviewed and agreed on by the Committee.

CONSULTATION

Not applicable

STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item

POLICY IMPLICATIONS

There are no policy implications relevant to this item

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

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

(Marked 9.2.1)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

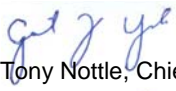

Moved Cr Holmes, seconded Cr McGlew

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

CARRIED 9 / 0

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 18 DECEMBER 2014

9.2.2 LIGHT VEHICLE CHANGEOVER BUDGET AMENDMENT

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

Tony Nottle disclosed an impartiality interest due to the vehicle being discussed in this item is supplied as part of the Chief Executive Officer's contract.

Ian Rennie disclosed an impartiality interest due to the vehicle being discussed in this item is supplied as part of the Deputy Chief Executive Officer's salary package.

PROPOSAL

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

BACKGROUND

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

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

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

Driver	CEO	DCEO
Registration Number	DN000	DN001
Plant Number	PLV221	PLV223
Vehicle Type	2014 Toyota Prado Wagon	2014 Holden Caprice Sedan

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 18 DECEMBER 2014

Purchase Price	\$63,719.08	\$50,125.90
Trade	\$35,000.00	\$13,000.00
Changeover	\$28,719.08	\$37,125.90
Total Changeover	\$65,844.98	
Changeover Difference to Budget	\$12,844.98	

COMMENT

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

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

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

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

CONSULTATION

- Executive Management Team

STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

POLICY IMPLICATIONS

Shire of Dandaragan Purchasing Policy and Tender Guide 1.15.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 18 DECEMBER 2014

FINANCIAL IMPLICATIONS

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

Details as follows:

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

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

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

(Marked 9.2.2)

VOTING REQUIREMENT

Absolute majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Kulisa, seconded Cr Bailey

That Council authorise:

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

CARRIED BY ABSOLUTE MAJORITY 9 / 0

9.3 ADMINISTRATION**9.3.1 APPOINTMENT OF FIRE CONTROL OFFICERS – MR DOUG WASLEY AND MR ADAM PEACOCK**

Location:
Applicant:

Shire of Dandaragan
Fire Control Officers

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 18 DECEMBER 2014

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

PROPOSAL

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

BACKGROUND

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

COMMENT

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

CONSULTATION

- Fire Control Officers
- Community Emergency Services Coordinator

STATUTORY ENVIRONMENT

Bush Fires Act 1954 Section 38.(1)

38. Local government may appoint bush fire control officer.

- (1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A (2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.

POLICY IMPLICATIONS

As per Shire of Dandaragan Policy 3.1 Bush Fire Control Officer Appointments.

FINANCIAL IMPLICATIONS

Council will be responsible for the costs associated with advertising.

STRATEGIC IMPLICATIONS

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 18 DECEMBER 2014

There are no strategic implications relevant to this item.

ATTACHMENTS

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

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

(Marked 9.3.1)

VOTING REQUIREMENT

Simple majority


OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr McGlew, seconded Cr Bailey

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

CARRIED 9 / 0

9.3.2 LOCAL GOVERNMENT REGIONAL ALLIANCE

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

PROPOSAL

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

BACKGROUND

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

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

COMMENT

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

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 18 DECEMBER 2014

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

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

At the round table meeting, it was the agreed position of the group that a united approach to address issues would lead to better outcomes. To this end, the group recommended that an Alliance between the three local governments be formed. CEOs would meet monthly, with Presidents joining the group quarterly or at point of need.

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

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

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

The Shire of Dandaragan currently operates in an ad-hoc regional approach with the Shire of Gingin for regional projects. The Shire of Dandaragan had previously discussed the merits of being a member of a regional grouping with the Shires of Moora, Chittering

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 18 DECEMBER 2014

Dalwallinu and Wongan Ballidu in 2004, however Council opted not to join the group based on its belief that there were less compatible interests with the other members.

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

CONSULTATION

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

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

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

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr McGlew, seconded Cr Short

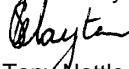

That Council

- 1. support the establishment of a Regional Alliance with the Shires of Chittering and Gingin to advocate for strategic services and projects for the Region.**

2. **Request the Chief Executive Officer to liaise with the Shires of Chittering and Gingin to establish an appropriate memorandum of understanding to form the Alliance.**

CARRIED 9 / 0

9.3.3 ANNUAL REPORT AND AUDITORS REPORT

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

PROPOSAL

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

BACKGROUND

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

COMMENT

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

Details of the financial income for 2013 / 2014 include:

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

Audit Report

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

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

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

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 18 DECEMBER 2014

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

CONSULTATION

Nil

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

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

(Marked 9.3.3)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION 1 / COUNCIL DECISION

Moved Cr Short, seconded Cr Kulisa

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

CARRIED 9 / 0

OFFICER RECOMMENDATION 2 / COUNCIL DECISION

Moved Cr Bailey, seconded Cr McGlew

That the Management Letter be received.

CARRIED 9 / 0

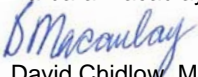

OFFICER RECOMMENDATION 3 / COUNCIL DECISION

Moved Cr McGlew, seconded Cr Bailey

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

CARRIED 9 / 0

9.4 TOWN PLANNING**9.4.1 PLANNING APPROVAL – PROPOSED OUTBUILDING (SHED)
– LOT 725 HAMELIN AVENUE, JURIEBAY**

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

PROPOSAL

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

BACKGROUND

The proponent has submitted a proposal to construct a shed measuring 8m x 9m (72m²). The proposal originally had a wall height of 3.6m and a ridge height of 4.378m however after discussion with Shire Officers the applicant has reduced the wall height to 3.4m to reduce the visual impact to neighbouring properties. Reducing the wall height to 3.4m will also reduce the ridge height to within the permitted ridge height required in accordance with the Council's Local Planning Policy 8.6 – Outbuildings 'Residential Areas' (the Policy). The subject lot is located in Beachridge Estate, Jurien Bay.

The applicant is seeking the following variations:

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

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

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

RE the application to erect a shed 9M x 8M at 33 Hamelin Ave Jurien Bay. Please advise Council that I would consider a wall

height of 3.4 metres if this would help the application, I would then have a door opening height of 2.8 metres which is the bare minimum to fit my caravan under. Colour for the shed is Surf Mist to blend with surrounding fence. Roller doors will be Ocean Blue to match panels on house. The rear fence is 2.1 metres above the height of the rear adjoining block and the side fence is approximately 2.0 metres above the adjoining block. This would help the visual amenity for neighbouring properties.

COMMENT

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

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

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

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

Thus the three issues to be considered are:

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

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

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

CONSULTATION

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

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 18 DECEMBER 2014

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

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Residential Design Codes

POLICY IMPLICATIONS

- Local Planning Policy 8.6 – Outbuildings ‘Residential Areas’

Outbuildings

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

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

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

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

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

(Marked 9.4.1)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Holmes, seconded Cr Short

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

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

ADVICE NOTES:

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

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

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



Note 4: The applicant be advised that this approval has been granted special dispensation for reduced setback by Council due to site constraints and the height of existing fencing.

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

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

CARRIED 9 / 0

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

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

PROPOSAL

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

BACKGROUND

The proponent has submitted a proposal to construct a shed measuring 4.07m x 10.91m (44.4m²). The proposal has a wall height of 3.85m and is proposed to be setback 0.3m from the side boundary. The subject lot is located in the residential area of Jurien Bay.

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

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

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

COMMENT

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

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

application be refused.

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

CONSULTATION

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

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Residential Design Codes

POLICY IMPLICATIONS

- Local Planning Policy 8.6 – Outbuildings ‘Residential Areas’

Outbuildings

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

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

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

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

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 18 DECEMBER 2014

from the affected adjoining property owner/s for a Council decision.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

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

(Marked 9.4.2)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Short, seconded Cr Bailey

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

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

ADVICE NOTES:



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

28 days of the date of this decision to:

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

CARRIED 9 / 0

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

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

Cr Slys disclosed a proximity interest in this item due to residing across the road from Lot 512.

Garrick Yandle disclosed a proximity interest in this item due to owning property close to Lot 512.

PROPOSAL

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

BACKGROUND

The proponent has submitted a proposal to construct a shed measuring 6.92m x 11.5m (79.58m²). The proposal has a wall height of 3.6m. The subject lot is located in the residential area of Jurien Bay.

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

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

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

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 18 DECEMBER 2014

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

COMMENT

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

The application originally submitted plans showing nil setbacks along the side and rear boundaries and a draft report prepared recommending refusal. After further discussing the proposal with the builder and owners, the plans were amended to show a 1.0m rear setback and 1.1m side boundary setback as these were considered to be the maximum setbacks possible to enable manoeuvring vehicles into the outbuilding.

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

CONSULTATION

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

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

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Residential Design Codes

POLICY IMPLICATIONS

- Local Planning Policy 8.6 – Outbuildings 'Residential Areas

Outbuildings

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

Outbuilding Appearance	External	Permitted Area of Outbuilding	Permitted Wall Height	Permitted Height	Ridge
Reflective Cladding		12m ²	2.4m *	4.2m *	

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 18 DECEMBER 2014

Outbuilding Appearance	External	Permitted Area of Outbuilding	Permitted Wall Height	Permitted Ridge Height
Non-Reflective Masonry	Cladding or	80m ² , or 10% of the site area, whichever is the lesser	3.6m *	4.5m or the highest point of the roof cladding of the residence whichever is lesser *
* Note that total wall / ridge heights are measured from the ground level at the closest common boundary				

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

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

(Marked 9.4.3)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Bailey, seconded Cr Sheppard

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

1. All development shall be in accordance with the attached plans date stamped 24 November 2104 subject to any modifications required as a consequence of any conditions of this approval and shall not be altered without the prior written approval of the local government;
2. The roof and wall material being of non reflective nature and colour; and
3. The storm water run-off on the property to be managed on site or directed to a suitable disposal system to the satisfaction of the Shire's Manager of Building Services.

ADVICE NOTES:

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


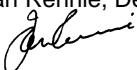
**The State Administrative Tribunal
GPO Box U1991
PERTH WA 6845"**

CARRIED 9 / 0

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

Location:	Lot 124 Coubrough Place, Jurien Bay
Applicant:	Northlea Homes on behalf of B.L.Beer
Folder Path:	Development Services App / Development Application / 2014 / 84
Disclosure of Interest:	None
Date:	4 December 2014

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 18 DECEMBER 2014

Author:	David Chidlow, Manager of Planning
Signature of Author:	
Senior Officer:	Ian Rennie, Deputy Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

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

BACKGROUND

The proponent has an existing outbuilding measuring 10.79m x 8.63 (93m²). The proposal is to increase the floor area by 13.5m². The total area of outbuilding proposed is 106.5m². The lot size is 1302m².

In accordance with the Council's Local Planning Policy 8.6 – Outbuildings 'Residential Areas' (the Policy) and the Residential Design Codes the maximum permitted area of an outbuilding is 80m², or 10% of the site area, whichever is the lesser.

The applicant is seeking approval for an extension to the outbuilding which will result in a total outbuilding area of 106.5m². It is noted that the lot size is 1302m² for which 10% of the site area would permit an outbuilding up to 130m².

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

COMMENT

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

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

The proposed addition is not a significant addition and will be lesser in bulk and scale than the existing structure. Whilst the policy states that the lesser of 80m² or 10% of the site area (130m²) given that the lot is large and that the addition is minor, there is scope for Council to consider a variation.

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

The proposal is recommended for approval.

CONSULTATION

Landowners of adjoining properties have submitted letters of no objection.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 18 DECEMBER 2014

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Residential Design Codes

POLICY IMPLICATIONS

- Local Planning Policy 8.6 – Outbuildings ‘Residential Areas’

Outbuildings

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

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

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

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Location plan (Doc Id: 43592)
 - Development Application (Doc Id: 43593)
- (Marked 9.4.4)**

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Bailey, seconded Cr Kulisa

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

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

ADVICE NOTES:

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

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

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

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



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

The State Administrative Tribunal
GPO Box U1991

PERTH WA 6845”

CARRIED 9 / 0

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

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

PROPOSAL

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

BACKGROUND

The proponent has an existing dilapidated outbuilding that is being demolished and replaced with a new outbuilding measuring 13.9m x 7.99m (96m² note – the unusual shape of the structure results in smaller floor area). There is also an attached “lean to” of 6.15 m². The proposal has a wall height of less than 3m on the rear and side boundaries.

The lot size is 809m².

In accordance with the Council’s Local Planning Policy 8.6 – Outbuildings ‘Residential Areas’ (the Policy) and the Residential Design Codes the maximum permitted area of an outbuilding is 80m², or 10% of the site area, whichever is the lesser.

The applicant is seeking approval for an outbuilding area of 96m².

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

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

COMMENT

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

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 18 DECEMBER 2014

its judgement to consider the merits of the proposal in accordance with the Design Principles of the R-Codes. Clause 5.4.3 P3 of the R-Codes state:

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

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

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

The proposal is recommended for approval.

CONSULTATION

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

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

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Residential Design Codes

POLICY IMPLICATIONS

- Local Planning Policy 8.6 – Outbuildings ‘Residential Areas’

Outbuildings

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

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

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

2. When giving consideration to an application for an outbuilding,

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 18 DECEMBER 2014

the Shire of Dandaragan shall have regard to the performance criterion contained in Design Principles of Clause 5.4.3 of the Residential Design Codes, namely that outbuildings do not detract from the streetscape or the amenity of residents or neighbouring properties.

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

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

(Marked 9.4.5)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Bailey, seconded Cr Short

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

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


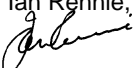
ADVICE NOTES:

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

The State Administrative Tribunal
GPO Box U1991
PERTH WA 6845”

CARRIED 9 / 0

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

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

Cr Slys disclosed a proximity interest in this item due to residing across the road from Lot 510.

Garrick Yandle disclosed a proximity interest in this item due to owning property close to Lot 510.

PROPOSAL

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

BACKGROUND

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

The proposed outbuilding measures 10.7m x 6.9m (74m²) with a wall height of 3.6m.

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

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

COMMENT

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

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

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

CONSULTATION

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

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

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Residential Design Codes

POLICY IMPLICATIONS

- Local Planning Policy 8.6 – Outbuildings 'Residential Areas'

Outbuildings

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 18 DECEMBER 2014

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

Outbuilding Appearance	External	Permitted Area of Outbuilding	Permitted Wall Height	Permitted Ridge Height
Reflective Cladding		12m ²	2.4m *	4.2m *
Non-Reflective Masonry	Cladding or	80m ² , or 10% of the site area, whichever is the lesser	3.6m *	4.5m or the highest point of the roof cladding of the residence whichever is lesser *
* Note that total wall / ridge heights are measured from the ground level at the closest common boundary				

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

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

(Marked 9.4.6)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Bailey, seconded Cr Kulisa

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

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

ADVICE NOTES:



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

The State Administrative Tribunal
GPO Box U1991
PERTH WA 6845"

CARRIED 9 / 0

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

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 18 DECEMBER 2014

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

PROPOSAL

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

BACKGROUND

The proponent is seeking approval for an outbuilding measuring 9.2m x 4.5m (41.4m²) with a wall height of 3.6m and proposed nil setback along the side boundary.

The lot size is 702m².

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

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

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

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

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

COMMENT

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

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

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 18 DECEMBER 2014

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

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

The proposal is recommended for approval.

CONSULTATION

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

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

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Residential Design Codes

POLICY IMPLICATIONS

- Local Planning Policy 8.6 – Outbuildings ‘Residential Areas’

Outbuildings

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

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

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

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

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 18 DECEMBER 2014

Tables 2a and 2b. Any variation to these setback requirements will require the submission of a Planning Application with adjoining property owner comment for a Council decision.

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

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

(Marked 9.4.7)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Holmes, seconded Cr Kent

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

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

ADVICE NOTES:

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



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

- Note 3:** Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.
- Note 4:** The applicant be advised that this approval has been granted special dispensation by Council for a reduced side boundary setback due to the lesser size of the floor area and there being no other viable alternative.
- Note 5:** The applicant be advised that “should you be aggrieved by this decision, or any conditions imposed, there is a Right of Review under the Planning and Development Act 2005. An application for Review must be submitted in accordance with Part XIV of the Planning and Development Act within 28 days of the date of this decision to:

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

CARRIED 9 / 0

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

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

PROPOSAL

The applicant seeks planning approval for an additional outbuilding of 108.57m². There is an existing dwelling and outbuilding of 142m² making a proposed total area of 251m².

BACKGROUND

The subject lot is zoned Rural Residential. The proposed shed measures 12.05m x 9.012m (108.57m²). The existing outbuilding is 142m² resulting in an aggregate floor area of 251m². In accordance with Council Policy outbuildings with an aggregate greater than 216m² require Council approval.

Outbuildings

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 18 DECEMBER 2014

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

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

13. The Council shall not approve outbuildings with a floor area greater than 300 m² in aggregate.

14. Any application for an outbuilding proposing to exceed 216m² in size and a wall/ridge height exceeding the above will need to be supported by information justifying a larger outbuilding and evidence demonstrating to Council's satisfaction that:

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

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

COMMENT

Council have in the past approved outbuilding in this estate of up to 300m²

The aggregate of the proposed and existing outbuilding is 251m².

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

It is the Officer recommendation the proposal is supported.

CONSULTATION

Notice of the proposed development was advertised to adjoining and potentially impacted neighbouring landowners. The advertising period was from 28 November 2014 and closed on the

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 18 DECEMBER 2014

12 December 2014. At the time of writing this report, no objections had been received. Should any submissions be received prior to the Council meeting, these will be forwarded by email to Councillors.

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

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

(Marked 9.4.8)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr McGlew, seconded Cr Short

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

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

from a natural permanent watercourse, water body or existing drain and that the base of the leach drains be a minimum 2m above the highest known water table or an approved aerobic treatment unit be installed.



ADVICE NOTES:

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

The State Administrative Tribunal
GPO Box U1991
PERTH WA 6845”

CARRIED 9 / 0

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

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

PROPOSAL

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

BACKGROUND

The proponent is seeking approval for a front setback variation to

the Beachridge Residential Design Guidelines.

The Design codes state;

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

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

Garages are to be setback 5.5m

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

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

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

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

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

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

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

COMMENT

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 18 DECEMBER 2014

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

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

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

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

CONSULTATION

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

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

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

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Residential Design Codes

POLICY IMPLICATIONS

- Beachridge Residential Design Guidelines

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

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

(Marked 9.4.9)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 18 DECEMBER 2014

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

ADVICE NOTES:

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

The State Administrative Tribunal
GPO Box U1991
PERTH WA 6845"

COUNCIL DECISION

Moved Cr Holmes, seconded Cr Sheppard



That item 9.4.9 be deferred to the 22 January 2015 Council meeting to allow Council to consider further.

CARRIED 9 / 0

Notation: The Officer Recommendation was not carried due to Council wishing to consider this item further in which the item has been deferred to the 22 January 2015 Council meeting.

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

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 18 DECEMBER 2014

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

PROPOSAL

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

BACKGROUND

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

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

COMMENT

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

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

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

A mixed density development is anticipated providing smaller, higher density dwellings to take advantage of proximity to the

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 18 DECEMBER 2014

Town Centre as well as larger, family style lots to take advantage of proximity to the combined high/primary school.

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

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

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

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

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

CONSULTATION

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

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

The Scheme Amendment was subsequently advertised for a period of 42 days in line with the Town Planning Regulations,

which closed 5 September 2014.

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

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

ATTACHMENTS

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

- Scheme Report (Doc Id: 23600)
 - Schedule of Submissions (Doc Id: 43577)
- (Marked 9.4.10)**

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Sheppard, seconded Cr McGlew

That Council:



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

- seal pursuant to Regulations 22(1) of the Town Planning Regulations 1967 (as amended);
4. forward the Schedule of Submissions and a copy of each submission to the Western Australian Planning Commission together with three copies of the Amendment documents (duly modified, signed and sealed) for endorsement pursuant to Regulations 22(2) of the Town Planning Regulations 1967 (as amended);
 5. request the Hon Minister for Planning grant final approval to Amendment No. 26 to the Shire of Dandaragan Local Planning Scheme No.7; and
 6. inform those agencies and persons who made a submission on Amendment No. 26 to Local Planning Scheme No. 7 of its decision.

CARRIED 9 / 0

5.37pm member of the public left the meeting.

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

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

PROPOSAL

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

BACKGROUND

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

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

During discussion, the Council indicated its "in principle" support for the proponent's vision to develop the site for medium density

residential use. In addition, Council identified key issues which should be given consideration in further developing the proposal, including:

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

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

The subject land is 8449m² in area and is generally flat and cleared of vegetation. The land is currently vacant. The site has frontage to Hasting Street along its south-western boundary and Essex Street adjacent to its south-eastern boundary.

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

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

That Council:

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

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

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

COMMENT

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

SERVICING AND INFRASTRUCTURE

Access

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

Sewer

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

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

Water

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

Power and Telecommunications

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

Design Guidelines

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

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

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

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

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

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

- appropriate building articulation shall be encouraged to reduce building bulk including balconies for two storey dwellings fronting streets, eaves, overhangs and major openings.

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

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

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

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

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

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

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

CONSULTATION

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

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

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

In response a total of 3 submissions and 1 petition with 46

signatures were received. A summary of each submission together with staff comment is provided in the attachments.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no Policy Implications.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

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

4.1.4.3 Non –Tourism Sites

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

The sites are:

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

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

ATTACHMENTS

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

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

(Marked 9.4.11)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Kent, seconded Cr Bailey

That Council:

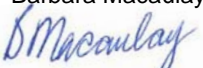

1. pursuant to Regulations 17 (1) and 25 (fb) of the *Town Planning Regulations 1967* (as amended), note the submissions received and endorse the response to those submissions contained in the related Schedule of Submissions;
2. under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 hereby amends the above local planning scheme by:
 - a. Rezoning Lot 480 Hasting Street, Jurien Bay from "Tourist" to "Residential (R40)".
 - b. Amending the Scheme Maps accordingly.
3. authorize the President and the Chief Executive Officer to execute the relevant documentation and affix the common seal pursuant to Regulations 22(1) of the Town Planning Regulations 1967 (as amended);
4. forward the Schedule of Submissions and a copy of each submission to the Western Australian Planning Commission together with three copies of the Amendment documents (duly modified, signed and sealed) for endorsement pursuant to Regulations 22(2) of the Town Planning Regulations 1967 (as amended);
5. request the Hon Minister for Planning grant final approval to Amendment No. 24 to the Shire of Dandaragan Local Planning Scheme No.7; and
6. inform those agencies and persons who made a submission on Amendment No. 24 to Local Planning Scheme No. 7 of its decision.

CARRIED 6 / 3

5.39pm member of the public entered the meeting

5.40pm three members of the public left the meeting

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

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

PROPOSAL

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

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

BACKGROUND

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

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

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

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

Where a proposal does not meet the provisions of any Local Planning Policy or the R-Codes the decision maker is to exercise its judgement to consider the merits of the proposal in accordance with the Design Principles of the R-Codes. The applicant is to provide justification of the proposal against the relevant Design Principles. In regards to the proposed fill the Design Principles of the R-Codes state:

- P7.1 Development that considers and responds to the natural features of the site and requires minimal excavation/fill.*
- P7.2 Where excavation/fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street*

The applicant has engaged Planning Consultants 'Midwest' to provide justification against the Design Principles of the R-Codes

(see attachments). In response to the proposed excess fill the applicant has provided the following justification:

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

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

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

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

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

Retaining walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are designed, engineered and landscaped having due regard to clauses 5.3.7 and 5.4.1.

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

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

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

COMMENT

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

The Officer contacted the Owner of Lot 1177 to notify the proposal

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 18 DECEMBER 2014

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

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

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

The proposal is recommended for approval.

CONSULTATION

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

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

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Residential Design Codes

POLICY IMPLICATIONS

- Development Conditions for Jurien Lot 1167 to 1177

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Location Plan (Doc Id: 43291)
- Site, Dwelling and Retaining Wall Plan (Doc Id: 43292)
- Development Conditions (Doc Id: 43295)

- Response by Midwest to the Design Principles of the R-Codes (Doc Id: 43296)
 - Objection Letter (Doc Id: 43293)
 - Objection Letter (Doc Id: 43294)
- (Marked 9.4.12)**

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Kent, seconded Cr Bailey

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

ADVICE NOTES:

- Note 1: The applicant be advised this is planning approval only and not a building permit. A building permit must be obtained for this development;**
- Note 2: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.**
- Note 3: Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.**
- Note 4: The applicant be advised that this approval has been granted based on the Design Principles of the Residential Design Codes and the Development Conditions for Lots 1167 to 1177.**
- Note 5: The applicant be advised that “should you be aggrieved by this decision, or any conditions imposed, there is a Right of Review under the Planning and Development Act 2005. An application for Review must be submitted in accordance with Part XIV of the Planning and Development Act within 28 days of the date of this decision to:**

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

CARRIED 9 / 0

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

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

PROPOSAL

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

BACKGROUND

This amendment proposes to:

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

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

Location and Tenure

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

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

Land Use and Zoning

The site of the WWTP is reserved under Local Planning Scheme

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

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

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

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

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

Existing Plant Capacity

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

Expansion and Related Works

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

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

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

Odour Buffer Delineation

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

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

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

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Bailey, seconded Cr Sheppard

That Council:

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

Scheme Map

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

Scheme Text

Inserting a new sub-section:

6.3 Wastewater Treatment Plant Odour Buffer Special Control Area

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

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

Plant Buffer Special Control Area as depicted on the Scheme Map.

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

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

Land within and adjacent to the Special Control Area is a recommend conservation reserve in the EPA Redbook 1976-1993 and there are known occurrences of Declared Rare and Priority flora (DRF) and significant fauna within close proximity. It is recommended that any proposed expansion of the WWTP be

supported by a targeted search for DRF and significant fauna, undertaken in consultation with the Department of Parks and Wildlife.

COMMENT

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

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

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

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

The proposed amendment is supported.

CONSULTATION

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

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

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

The Scheme Amendment was subsequently advertised for a period of 42 days in line with the Town Planning Regulations,

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 18 DECEMBER 2014

which closed 5 September 2014.

No submissions were received.

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no Policy Implications.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

- Shire of Dandaragan Strategic Community Plan 2011 – 2021

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

ATTACHMENTS

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

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

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Bailey, seconded Cr McGlew

That Council:


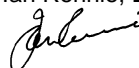
1. **under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 hereby amends the above local planning scheme by:**
 - a) **introduce provisions for a Special Control Area (SCA)**

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

CARRIED 9 / 0

5.46pm Scott Clayton left the meeting

9.4.14 REST IN REEF PROJECT – JURIEN BAY FORESHORE

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

Cr Sheppard disclosed an impartiality interest in this item as Cr Sheppard is the Vice Chairperson of the Jurien Bay Mens Shed.

PROPOSAL

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

BACKGROUND

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

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 18 DECEMBER 2014

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

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

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

The Jurien Bay Men's Shed have a patented Mini Reel' Ball mould and would fabricate the memorial Rest in Reef Ball with 60 mpa concrete and mix the deceased ashes into the concrete. The Reef Ball would then be deployed reverentially into the ocean by boat with the family of the deceased on the shore observing the proceedings officiated by a person of the families choosing. Divers with a lift bag would then position the Rest in Reef Ball into the final position and an underwater photograph taken for the family. Because the marine growth would quickly cover the Reef Ball the balls would be anonymous with no plaque on the individual Rest in Reef Balls. A small plaque similar to the ones on the memorial benches along Turquoise Way (approx. 150mm x 50mm) would be attached to the limestone wall near the Dive Trail wall. The Dive Trail has recently been surveyed by Ian Stiles and Marine Park Manager Paul Jennings. A scale map is provided in the attachments. As can be seen the Reef Balls in position now cover less than 20% of the area originally designated for the artificial reef Dive Trail. There is room for several hundred mini reef balls to be positioned in the future. The Men's Shed would organise the fabrication and deployment of the Rest in Reef Balls. There would be no maintenance costs in the future of the Rest in Reef Ball. The Rest in Reef would help the Men's Shed financially and it would attract tourists to Jurien Bay.

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

COMMENT

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

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

CONSULTATION

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

STATUTORY ENVIRONMENT

- Local Government Act 1995

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Letter of Application and Site Plan (Men's Shed) (Doc Id: 43555)
 - Letter from DPAW (Doc Id: 42707)
- (Marked 9.4.14)**

VOTING REQUIREMENT

Simply majority

The Presiding member advised that the Officer Recommendation would be broken into parts for clarity.

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Bailey, seconded Cr McGlew

That Council advise the Jurien Bay Men's Shed that Council supports the Rest in Reef project for placement of memorial reef balls.

CARRIED 8 / 1

OFFICER RECOMMENDATION / COUNCIL MOTION

Moved Cr McGlew, seconded Cr Kulisa

Council does not support the placement of memorial plaques in the Foreshore Reserve or beachfront as the display of what could be several hundred memorial plaques is not in keeping with the recreational purposes of the area.

LOST 4 / 5

COUNCIL DECISION**Moved Cr Sheppard, seconded Cr Short****That Council supports the placement of name plates to accompany the Rest in Reef Balls in the Artificial Reef Interpretive Area with the following qualifications:**

- 1. that the name plates be a maximum of 50mm x 30mm;**
- 2. name plate eligibility be limited to those persons whose ashes have been placed within the Rest In Reef Balls and had resided in the Shire of Dandaragan or had a close affinity with the Shire; and**
- 3. that the Jurien Bay Community Men's Shed be advised that they are wholly responsible for all costs associated with installation, administration and all future maintenance and renewal costs.**

CARRIED 5 / 4*Cr McGlew requested that all the votes be recorded:**For the motion – Cr Gibson, Cr Sheppard, Cr Holmes, Cr Short and Cr Slyn**Against the motion – Cr McGlew, Cr Kulisa, Cr Bailey and Cr Kent**The Officer Recommendation was not adopted as Council did not agree with the motion.***9.5 HEALTH****9.6 BUILDING****9.7 COUNCILLOR INFORMATION BULLETIN****9.7.1 SHIRE OF DANDARAGAN – NOVEMBER 2014 COUNCIL STATUS REPORT**

Document ID: 43706

Attached to the agenda is a copy of the Shire's status report from the Council Meeting held 27 November 2014. **(Marked 9.7.1)****9.7.2 SHIRE OF DANDARAGAN – EXECUTIVE MANAGER INFRASTRUCTURE REPORT – DECEMBER 2014**

Document ID: 43310

Attached to the agenda is a copy of the Shire of Dandaragan's Executive Manager Infrastructure Report for December 2014. **(Marked 9.7.2)****9.7.3 SHIRE OF DANDARAGAN – BUILDING STATISTICS –**

NOVEMBER 2014

Document ID: 43406

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

9.7.4 SHIRE OF DANDARAGAN – PLANNING STATISTICS – NOVEMBER 2014

Document ID: 43418

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

9.7.5 MEDIA RELEASE – MOORE CATCHMENT COUNCIL RECOGNISED AT REGIONAL AWARDS

Document ID:

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

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

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

Document ID:

Inside this issue:

- Regional Grants Scheme and Community Chest Fund
- Office Opening
- Gas exploration and production
- Wangaree Community Centre
- Drought Concessional Loans
- Local Government Amalgamation
- Jurien Bay Civic Centre
- Morangup Fire Shed
- Great Northern Highway Upgrade
- Wheatbelt: Expanded AvonLink Service
- In brief

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

Document ID: 42706

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

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

9.7.8 MOORE CATCHMENT COUNCIL – ANNUAL REPORT

Document ID: 42764

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

An electronic copy can be found on their website at www.moorecatchment.org.au

9.7.9 MEDIA STATEMENTS – COMMUNICATIONS PROJECT CONNECTS REGIONAL WA

Document ID:

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

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

9.7.10 SURF LIFE SAVING WESTERN AUSTRALIA – COASTAL SAFETY REPORT

Document ID: 43132

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

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

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

Document ID: 42466

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

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

Document ID: 42442

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

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

Document ID: 42549

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

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

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

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

Document ID:

Inside this issue:

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

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

Document ID:

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

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

9.7.16 WESTERN AUSTRALIAN PLANNING COMMISSION – APPLICATION NO.150385

Document ID: 41468

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

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

9.7.17 REGIONAL COASTCARE FORUM – LEDGE POINT – 21 FEBRUARY 2015

Document ID:

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

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

9.7.18 WALGA – ECO-NEWS – ISSUE 11

Document ID: 42552

Inside this issue:

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

9.7.19 WALGA MEDIA RELEASE – PLANNING REFORM YEARS IN THE MAKING

Document ID: 42553

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

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

9.7.20 WALGA – LOCAL GOVERNMENT NEWS – ISSUE 45

Document ID: 42629

Inside this issue:

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

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

Document ID: 42527

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

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

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

BAY AIRSTRIP

Document ID: 42529

"We commend the Shire Council for agreeing to provide 100% concession for the 2014/15 financial year to all users of the Jurien Bay Airstrip."

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

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

Document ID: 42571

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

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

9.7.24 WALGA – LOCAL GOVERNMENT NEWS – ISSUE 45

Document ID: 42793

Inside this issue:

- Metropolitan Reform Breakfast & Workshop – Final Call
- Work Health and Safety (WHS) Bill 2014 – Open for Comment
- Parliamentary Review of Development Assessment Panels (DAPs)
- Government Response to Independent Review of the Liquor Control Act 1988
- Want to Talk Rubbish with the Experts?
- Green Army Round Two – Applications Open
- Adult Change Facilities
- Biosecurity – Call for Research and Development Funding Proposals
- Recreational Boating Facilities Scheme Now Open
- Emissions Reduction Fund Passes in the House of Representatives

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

Document ID: 42809

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

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

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

Document ID: 42702

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

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

Document ID: 42706

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

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

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

Document ID: 42707

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

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

9.7.29 CELEBRATE WA – INVITATION TO NOMINATE AN EXCEPTIONAL INDIVIDUAL INTO THE 2015 WESTERN AUSTRALIAN OF THE YEAR AWARDS

Document ID: 42735

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

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

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

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

9.7.30 NATIONAL BROADBAND NETWORK CO ROLLOUT ANNOUNCEMENT – SHIRE OF DANDARAGAN

Document ID: 42790

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

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 18 DECEMBER 2014

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

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

Document ID: 42799

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

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

Document ID: 43552

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

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

10.1 ADMINISTRATION

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

The following item requires urgent consideration by Council:

For Council to consider the endorsement of a Memorandum of Understanding (MOU) between the Shire of Dandaragan and the West Midlands Group (WMG) in relation to a partnership arrangement for the use and acquisition of the Badgingarra Research Station (BRS) at Lot 3712 Winjardie Road, Badgingarra.

OFFICER RECOMMENDATION / COUNCIL DECISION


Moved Cr Holmes, seconded Cr McGlew

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

For Council to consider the endorsement of a Memorandum of Understanding (MOU) between the Shire of Dandaragan and the West Midlands Group (WMG) in relation to a partnership arrangement for the use and acquisition of the Badgingarra Research Station (BRS) at Lot 3712 Winjardie Road, Badgingarra.

CARRIED 9 / 0

10.1.1 MEMORANDUM OF UNDERSTANDING - WEST MIDLANDS GROUP PARTNERSHIP ARRANGEMENT REGARDING BADGINGARRA RESEARCH STATION

Location:	N/A
Applicant:	N/A
Folder Path:	Legal Docs / Memorandums of Understanding / Community-Based MoUs
Disclosure of Interest:	Nil
Date:	18 December 2014
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

PROPOSAL

For Council to consider the endorsement of a Memorandum of Understanding (MOU) between the Shire of Dandaragan and the West Midlands Group (WMG) in relation to a partnership arrangement for the use and acquisition of the Badgingarra Research Station (BRS) at Lot 3712 Winjardie Road, Badgingarra.

BACKGROUND

In September 2013, the Chief Executive Officer was advised that the Department of Agriculture and Food WA (DAFWA) would be seeking to sell their interests in a number of properties across the State including Lot 3712 Winjardie Road, Badgingarra (BRS).

A subsequent meeting was held on 10 September 2013 where the CEO met with Mr Mike Bowley from DAFWA, Anne Wilkins and Gary Peacock from WMG and Mike Kenny and Jonathan Nelson from the Badgingarra Community Association (BCA). At this meeting, Mr Bowley confirmed that DAFWA were disposing of the BRS as it was deemed to be surplus to the Department's needs.

At the conclusion of the meeting the following steps forward were resolved:

1. CEO to contact Department of Lands, State Land Services to ascertain what would need to be done to register an expression of interest for the acquisition of the BRS;
2. CEO to discuss this possibility with Council to determine if this should be taken any further; and
3. should this matter be taken any further, it was suggested that a Steering Group be established consisting of Shire, WMG and BCA representatives.

Following this meeting, the information was presented to Council at a Forum on the 12 September 2013.

An item was then presented to Council at its meeting on the 26 September 2013 where it was resolved:

*Moved Cr McGlew, seconded Cr Russell
That Council agree to contact the Department of Lands, State Lands Services expressing its interest in acquiring the*

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 18 DECEMBER 2014

Badgingarra Research Station located at Lot 3712 Winjardie Road, Badgingarra.

CARRIED 8 / 0

COMMENT

Council resolution above was acted upon and the Department of Lands received an expression of interest from the Shire.

The progress of this matter has been somewhat pedestrian since this time. While there is still a community desire to proceed with the process, it has been stalled due to an expression of interest from the Department of Parks and Wildlife.

Various letters and emails have been sent to the Department of Lands, and our local Member of Parliament, Mr Shane Love MLA.

Council has discussed the need for identifying an appropriate Regional Waste Facility, as well as partnering with the WMG to continue with their current Research and Development Program. To progress this further, a meeting was held with the WMG Board and Shire representatives on Monday 15th December 2014. At this meeting, it was felt that a formal MOU between the two parties would assist the progression of this matter.

As a result, a draft MOU was written and distributed among the parties.

The final draft MOU is attached for Council consideration.

CONSULTATION

- Member for Moore, Mr Shane Love MLA
- West Midlands Group
- President
- Deputy President

STATUTORY ENVIRONMENT

The officer recommendation is based on the endorsement of a draft MOU between the WMG and the Shire of Dandaragan. While it is not a legally binding document, it states the intention of the two parties and illustrates the desire to work together to achieve positive community outcomes.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

The endorsement of the draft MOU does not commit Council to funds at this stage. Should the Shire be presented with a value of the property, a business case will be presented to consider the acquisition.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 18 DECEMBER 2014

STRATEGIC IMPLICATIONS

- Shire of Dandaragan Integrated Strategic Community Plan.

5.15.1 GOAL NUMBER ONE: Strong Economic Base and Enabling Infrastructure

OBJECTIVE 1: Ensure planning and land availability provides opportunity to generate quality growth and economic benefits to the community and Shire

OBJECTIVE 2: Ensure timely provision of essential and strategic infrastructure to ensure investment and growth for the Shire is maximised

ATTACHMENTS

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

- Draft MOU between the Shire of Dandaragan and the West Midlands Group (Doc Id: 43807)

(Marked 10.1.1)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Short, seconded Cr Bailey

That Council:

1. endorse the Memorandum of Understanding as presented (Doc Id: 43807) between the Shire of Dandaragan and the West Midlands Group; and
2. authorise the Shire President and the Chief Executive Officer to sign the document on behalf of Council.

CARRIED 9 / 0

11 CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE PUBLIC

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13 CLOSURE OF MEETING

The presiding member declared the meeting closed at 6.21pm.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 18 DECEMBER 2014

These minutes were confirmed at a meeting on

Signed

Presiding person at the meeting at which the minutes were confirmed

Date