



SHIRE OF
DOWERIN
TIN DOG TERRITORY

MINUTES

Special Council Meeting

Held in Council Chambers
13 Cottrell Street, Dowerin WA 6461
Tuesday 14 July 2026
Commencing 4:00pm



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Shire of Dowerin
Special Council Meeting
4:00pm Tuesday 14 July 2026

1. Official Opening / Obituaries

The President welcomes those in attendance and declares the Meeting open at 4:00pm

2. Record of Attendance / Apologies / Leave of Absence

Councillors:

Cr DP Hudson	President
Cr RI Trepp	Deputy President <i>Via Teams</i>
Cr AR Jones	
Cr JC Sewell	
Cr JA Graffin	<i>Via Teams</i>

Staff:

Mrs M Barthakur	Chief Executive Officer
Ms R Wall	Manager of Corporate Services
Ms D Griffiths-I'Anson	Governance Officer

Members of the Public:

Apologies:

Cr Meakins	
Ms K Rose	Manager of Governance and Community Services

Approved Leave of Absence:

3. Public Question Time

4. Disclosure of Interest

5. OFFICER'S REPORTS – GOVERNANCE AND COMPLIANCE

5.1 Development Application – 15 Anderson Street, DOWERIN

Governance & Compliance

Date:	7 July 2026
Location:	Lot 1 (N° 15) Anderson Street, Dowerin
Responsible Officer:	Manisha Barthakur, Chief Executive Officer
Author:	Julian Goldacre, Environmental Health Officer / Regulatory Advisor
Legislation:	<i>Planning and Development Act 2005.</i>
SharePoint Reference:	Compliance>Development and Building> Development Applications>DA2026-10
Disclosure of Interest:	Nil.
Attachments:	Attachment 5.1A - DA2026-10 CEACA Lot 1 ANDERSON ST Dowerin Attachment 5.1B - Dwellings 26150 - 26153 - CEACA Housing Lot 1 Anderson St

Purpose of Report

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Executive Decision

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Legislative Requirement

Summary

For the Council of the Shire of Dowerin to consider for approval the four new CEACA single storey modular homes on Lot 1 Anderson Street, Dowerin and the three Advice Notes to assist the applicant.

Background

A Development Application (Ref: DA2026/10, see Attachment 1) by Modularis Pty Ltd for the proposed siting of four new single storey modular dwellings on Lot 1 Anderson Street Dowerin (the DA2026/10/2026/10) was received by the Shire of Dowerin on the 16 June 2026. The proposed dwellings are part of the Central East Accommodation & Care Alliance (CEACA) funded and managed housing project to provide a range of affordable, accessible independent living units for seniors, people with disabilities, and low-income residents. The DA2-26/10 is considered a 'grouped dwelling' proposal therefore the matter is required to be presented to Council, not to the delegate, noting the complexities such grouped dwelling applications can, do, and has presented. Grouped dwelling development is a permitted use on Lot 1 Residential zoned land with the density code of R35 according to the Shire of Dowerin Local Planning Scheme No. 1 (the Scheme). Consequently, the DA2026/10 was assessed by the Environmental Health Officer/Regulatory Advisor (EHO/RA) against the Scheme adopted applicable 'Part C' of the Residential Design Codes Volume 1 2026 (the R-Codes). The ensuing and finalised consultations and edits has now prepared the DA2026/10 for submission to Council.

Comment

The DA2026/10 site located on Lot 1 (No 15) Anderson Street is suitably sized for grouped dwellings. Attachment 2 shows the proposed four dwellings and a potential for a further two more dwellings. The dwellings proposed have a floor area of 108m² plus appurtenant alfresco, patio and carport areas. The dwellings have front entrances and carports facing Dudley Street and are a two bedroom design that incorporate some of the assessable building design features such as but not limited to wider hallways wheelchairs, larger toggle electrical switches, open plan kitchens, and wet area instead of cubicle shower and all for the purpose to ensure ease of mobility and use. This development proposal will include new fencing, landscaping, and solar panels are also part of the design.

Overall, the DA2026/10 assessment against the R-Codes relevant considerations is mostly compatible. Consequently, the planning consultancy Altus engaged by the applicant Modularis Pty Ltd presented three 'Design Principle' as alternative solutions to the 'deemed to comply' provisions in the R Codes given the DA2026/10 design and site considerations. The three Design Solutions were assessed by the EHO/RA are detailed below as follows:

Design Principle applied for in lieu of 'deemed to comply' C3.6.9 – Secondary street fencing for corner sites:

This considers the need for The Dwelling 1 on the street corner of Anderson (Secondary) & Dudley (Primary) Streets requires that the fence is constructed to (i) a maximum height of 1.8m; and (ii) visually permeable above 1.2m. And measured from natural ground level on the primary street side of the fence or wall.

The planning consultancy Altus engaged by applicant Modularis Pty Ltd proposes:

"a design principles assessment under 3.6 P3.6.5 given that the secondary street fencing for Dwelling 26150 (dwelling 1) is not visually permeable above 1.2m for 50% of the secondary street (Anderson Street) frontage. Consequently, proposal satisfies the design principles for the following reasons:

- Strict enforcement of the deemed-to-comply requirement would expose the immediate private open space areas surrounding the dwelling, whereas the fencing proposed addresses privacy considerations.
- 1.2m high fencing is proposed along the corner truncation, with a major opening from the primary living area orientated toward the secondary street to provide passive surveillance of Anderson Street.
- 1.8m high Colorbond fencing along the secondary street is consistent with the existing residential character of the immediate surrounding locality."

Officer comment: On this matter of the applied Design Principle C3.6.9, the EHO/RA concurs and accepts this solution and with Nil conditions.

Design Principles applied for in lieu of 'deemed to comply' provisions for C3.5.1 – Retaining walls, fill and excavation in the street setback area max 0.5m, except where necessary to provide for pedestrian universal access and/or vehicle access, drainage works, or natural light to a dwelling, & C3.5.2 - Retaining walls and fill behind the street setback in accordance Table 3.5a, & C3.5.3 – Excavation behind the street setback line and up to the lot boundary:

The planning consultancy Altus engaged by applicant Modularis Pty Ltd proposes:

"600mm retaining is proposed on the southern boundary of Dwelling 26153, adjoining the gravel track (ROW). All other retaining is less than 500mm. It is considered that the development demonstrates compliance with the applicable design principles (P3.5.1 & P3.5.3) for the following reasons:

- The earthworks seek to provide a relatively flat site to ensure safe usability by the intended occupants (aged persons).
- The FFLs of the dwellings when viewed from Dudley Street are approximately 0.4-0.7m above natural ground level and therefore will not have a detrimental impact. Furthermore, it is noted that Dudley Street primarily functions as a secondary street dominated by solid fencing and therefore will not negatively impact on the streetscape.
- All boundary fencing heights are based measured from FBL and therefore, will act as a 1.6m high privacy screen ensuring that overlooking remains compliant."

Officer comment: On these matters pursuant to the applied Design Principles P3.5.1 & P3.5.3 on the considerations of and as applicable C3.5.1, C3.5.2, & C3.5.3, the EHO/RA concurs and accepts this solution and with Nil conditions.

Design Principles applied for in lieu of 'deemed to comply' C2.2.4 – Orientation of major openings to primary living spaces

The planning consultancy Altus engaged by applicant Modularis Pty Ltd proposes:

“Proposal seeks approval under the applicable design principles on the basis that:

- All dwellings are single storey which limits overshadowing of adjoining dwellings, furthermore, there are major openings on all elevations of the dwellings which provide access to sunlight and ventilation into habitable rooms.
- The private open space and primary garden areas also receive usable sunlight, with the alfresco projection reducing glare and overheating to improve year-round comfort.”

Officer comment: The applied Design Principle P2.2.1 (DP2.2.1) seeks to justify that the building design and orientation on the Lot provides sufficient winter sun insolation. While the applicant's provided justification identifies a number of design measures intended to support solar access and passive environmental performance, limited technical analysis has been provided regarding winter solar penetration into habitable rooms and the contribution of solar gain to the heating of the building interior and/or building mass. During the assessment process, the EHO/RA sought further information commensurate with the level of discretion sought, including material capable of demonstrating winter solar gain to the primary living areas through solar access modelling, shadow analysis or similar supporting information. Notwithstanding these enquiries, additional modelling or technical analysis was not provided and the assessment has therefore been undertaken on the basis of The DA2026/10 supporting documentation submitted.

Notwithstanding the absence of detailed solar modelling, the proposal demonstrates a number of characteristics generally consistent with passive solar design principles. These include the location of the primary living areas toward the northern aspect of the dwellings, north-oriented private open space, a north-facing window, and the dwelling as a whole which may contribute to passive thermal performance through thermal mass.

The EHO/RA acknowledges that DP2.2.1 requires consideration not only of winter solar gain and solar access, but also the balancing of site constraints, outlook and other competing design outcomes. In this instance, the orientation and dimensions of the parent lot are constrained by the established historical subdivision pattern of the townsite. Furthermore, the development seeks to facilitate the delivery of additional residential accommodation within the existing urban area in response to an identified local housing need.

While the submitted justification places significant emphasis on the mitigation of summer solar exposure, glare and overheating, limited analysis has been provided regarding the extent of winter solar penetration into habitable rooms and the contribution of solar gain outcomes which are central considerations of DP2.2.1. Accordingly, the extent to which the dwellings optimise winter solar gain has not been comprehensively demonstrated.

All things considered, the proposal presents a planning outcome that incorporates a range of passive solar design measures and responds to the practical constraints of the site. While the applicant has not provided a technical assessment to quantify the extent of winter solar gain, the design does include a north-facing window, east-facing door glazing, north-oriented private open space, and thermal mass. Together, these elements may contribute to the objectives of DP2.2.1 through improved passive thermal performance.

Accordingly, the EHO/RA considers that the proposal presents both positive design attributes and evidentiary limitations. The proposal's consistency with Design Principles P2.2.1 must therefore be assessed having regard to the totality of the development, including the site's constraints, the proposed housing outcome, the passive solar measures incorporated into the design and the intent of the R-Codes.

Consequently, the EHO/RA accepts the DP2.1.1 offered with the caveat it is done so in the absence of detailed solar modelling; and furthermore, reinforces the importance of timely pre-development application meetings with the statutory authority.

This concludes the assessment of the offered Design Principles in lieu of the 'deemed to comply' considerations provided for in the R Codes. Further to this, the following Advice Notes are provided as opposed to conditions par se due to their requirements under other related written law outside of the planning statutes, policies, codes and the like.

Advice Note 1

R Codes C1.4.2 – ... stormwater directed to a district or local stormwater drainage system where required by the decision-maker:

- *Shire of Dowerin Health Local Laws 1998* (as amended): Rain water collected by all the DA2026/10 dwellings, appurtenant structures, and paving (as applicable) is to be effectively disposed of to the satisfaction of the Environmental Health Officer so here described to be in the manner of rain water directed into fit for purpose rain water collector pipes and/or of a design with the approval of the Environmental Health Officer, which shall then empty into the suitable storm water system that is so here determined to be the road Dudley Street or roads Dudley and Anderson Streets only (and for the avoidance of doubt not the adjacent Right of Way off Dudley Street) that are so designed to capture such rain water and divert to the Dowerin town site stormwater dam. Note soil type in the town site is generally clay composition and therefore rain water is not to be harvested/disposed onsite (unless a rain water tank/s are installed with mosquito barriers, and that overflow by rain water pipes to aforementioned determined road/s). Furthermore, such rain water discharge onto the road/s where the curb is to be cut is to be done to and at the positions in the curb to the Shire of Dowerin Works Manager direction and final approval (*Local Government (Uniform Local Provisions) Regulations 1996*)

Advice Note 2

R Codes C3.6.9 – Secondary street fencing for corner sites:

- DA2026/10 Compliance with and/or in discussions with the Shire of Dowerin Building Surveyor (*Shire of Dowerin Fencing Local laws* (as amended)).

Advice Note 3

R Codes C3.7.7 – Sightlines

- That the DA2026/10 dwelling 26150 (so sited on the corner of Dudley & Anderson Streets) is provided fencing at the driveway that is truncated or reduced to no higher than 0.75 meters within 1.5m of where the proposed fences adjoin as described in C3.7.7 Sightlines Figure 3.7e in Part C of the R Codes Volume 1 under the authority of *Shire of Dowerin Local Planning Scheme No. 2* that incorporates the Residential Design Codes (as amended), and the *Shire of Dowerin Fencing Local laws* (as amended) as the case requires and or in discussions with the Shire of Dowerin Building Surveyor.

The DA2026/10 as presented has sufficient merit and design attributes to be supported by Council. Whilst Planning and Building legislation are different statutes, they are capable of meeting in the middle, more or less, to achieve satisfactory dwelling provision outcomes. Notwithstanding the lack of technical support for the abovementioned Design Principle P2.2.1, the Building statutes through provision of solar panels, modern energy efficiency fixtures and building design facilitated by the energy efficiency provisions of the National Construction Code could compensate any potential wanting on insulation should that be indeed the case. Further supporting The DA2026/10 is the Shire of Dowerin Local Planning Strategy 2013 that encourages and supports grouped residential developments at the R35 zone code for Lots at or greater than 1,000m².

Consultation

Manisha Barthakur, Chief Executive Officer

Mark Killeen, Construction Manager, Modularis Pty Ltd (Modular WA)

Ben Laycock, Associate, ALTUS Planning

Randal Wells, Managing Director, Welldev Group Pty Ltd

Policy Implications

Shire of Dowerin Local Planning Strategy 2013, and
Residential Design Codes Volume 1 2026.

Statutory Implications

Planning and Development Act 2005,
Shire of Dowerin Local Planning Scheme No. 2
Shire of Dowerin Health Local Laws 1998 (as amended)
Shire of Dowerin Fencing Local laws (as amended)
Local Government (Uniform Local Provisions) Regulations 1996

Strategic Implications

Strategic Community Plan

Community Priority	Our community
Objective	We care and support seniors
Outcome	Continue to be a member of CEACA and advocate for external funding for housing
Reference	1.4b

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Risk Implications

Risk Profiling Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Category	Compliance
Risk Description	Unsubstantiated, localised low impact on community trust, low profile or no media item
Consequence Rating	Minor (2)
Likelihood Rating	Unlikely (2)
Risk Matrix Rating	Low (4)
Key Controls (in place)	Due diligence has been undertaken in the context of refusal to provide additional supporting information.
Action (Treatment)	The information provided has been accepted as submitted, and further research and professional judgment have been applied to progress the matter to resolution, with appropriate caveats noted.
Risk Rating (after treatment)	Adequate

Financial Implications

Development application fee of \$4,860.19.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation/Resolution - 5.1

Moved Cr Jones

Seconded: Cr Sewell

1341

That Council, by Simple Majority, in accordance with the *Planning and Development Act 2005*, *Shire of Dowerin Local Planning Scheme No. 2*, *Shire of Dowerin Health Local Laws 1998* (as amended), *Shire of Dowerin Fencing Local Law* (as amended), and the *Local Government (Uniform Local Provisions) Regulations 1996*:

1. approves the Development Application DA2026/10 for the four new single storey modular homes inclusive of the appurtenant structures, solar panels, landscaping, and fencing to be located on Lot 1 Anderson Street, Dowerin; and
2. that Council endorses the following three Advice Notes, provided in good faith and not limited to as the case/s require, to guide the applicant on other DA2026/10 related statutory matters as follows:

Advice Note 1

R Codes C1.4.2 - ... stormwater directed to a district or local stormwater drainage system where required by the decision-maker:

- *Shire of Dowerin Health Local Laws 1998* (as amended). Rain water collected by all the DA2026/10 dwellings, appurtenant structures, and paving (as applicable) is to be effectively disposed of to the satisfaction of the Environmental Health Officer so here described to be in the manner of rain water directed into fit for purpose rain water collector pipes and/or of a design with the approval of the Environmental Health Officer, which shall then empty into the suitable storm water system that is so here determined to be the road Dudley Street or roads Dudley and Anderson Streets only (and for the avoidance of doubt not the adjacent Right of Way off Dudley Street) that are so designed to capture such rain water and divert to the Dowerin town site stormwater dam. Note soil type in the town site is generally clay composition and therefore rainwater is not to be harvested/disposed onsite (unless a rainwater tank/s are installed with mosquito barriers, and that overflow by rainwater pipes to aforementioned determined road/s). Furthermore, such rainwater discharge onto the road/s where the curb is to be cut is to be done to and at the positions in the curb to the Shire of Dowerin Works Manager direction and final approval (*Local Government (Uniform Local Provisions) Regulations 1996*).

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CARRIED 5/0

For: Cr Hudson, Cr Trepp, Cr Sewell, Cr Graffin, Cr Jones

6. Closure

The President thanked those in attendance, and closed the meeting at 4:19pm

UNCONFIRMED