



SHIRE
of
DANDARAGAN

MINUTES

of the

ORDINARY COUNCIL MEETING

held at the

BADGINGARRA COMMUNITY CENTRE, BADGINGARRA

on

THURSDAY 22 APRIL 2021

COMMENCING AT 4.00PM

(THIS DOCUMENT IS AVAILABLE IN LARGER PRINT ON REQUEST)

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

1.1 DECLARATION OF OPENING

The Shire President declared the meeting open at 4.00pm and welcomed those present.

"I would like to acknowledge the traditional owners of the land we are meeting on today, the Yued people of the great Nyungar Nation and we pay our respects to Elders both past, present and emerging."

1.2 DISCLAIMER READING

The disclaimer was read aloud as there were 9 members of the public present.

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

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

2 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

Members

Councillor L Holmes	(President)
Councillor P Scharf	(Deputy President)
Councillor J Clarke	
Councillor A Eyre	
Councillor W Gibson	
Councillor R Rybarczyk	
Councillor R Shanhun	
Councillor D Slyn	

Staff

Mr B Bailey	(Chief Executive Officer)
Mr S Clayton	(Executive Manager Corporate & Community Services)
Mr D Chidlow	(Executive Manager Development Services)
Mr B Pepper	(Executive Manager Infrastructure)
Mr R Mackay	(Planning Officer)
Mr T O'Gorman	(Manager Economic Development)
Ms M Perkins	(Manager Community & Customer Service)

Apologies

Nil

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Approved Leave of Absence

Nil

Observers

Mr W Wimmler, Mr B Woods, Mr H Burgess, Mr J Barnes, Mr J Nelson, Mrs J Nelson, Mr M Kenny, Mrs F Wilkinson, Mr J Willett

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Brett Woods addressed Council to bring a number of items to Councillors attention and request maintenance be undertaken including:

- 1) New lights at the public ablutions.
- 2) Oval lawn clippings to be removed.
- 3) Track repairs adjacent to the oval bore.
- 4) Footpath repairs along eastern side of Badgingarra Oval.
- 5) Slashing of areas adjacent to Vern Westbrook trail.
- 6) Potholes on Winjardie Road.

Harry Burgess representing the Badgingarra Chamber of Commerce addressed Council on the following items seeking support for Townsite improvements.

- 1) Public access being maintained along the unconstructed Gorla Street road reserve and the track upgraded to a road standard.
- 2) Drainage work being undertaken on Lesueur Drive.
- 3) Signage installations at key intersections of Meagher Drive.

Mike Kenny addressed Council to bring a number of items to Councillors attention including:

- 1) Love grass infestations on road reserves and the need for a proactive road verge spraying program.
- 2) The value of Council road tours and ensuring Councillors travelled the rural road network.
- 3) Road shoulder maintenance required on Bibby Road.

Wilfried Wimmler addressed Council endorsing Mike Kenny's views about the importance of road tours.

5 APPLICATIONS FOR LEAVE OF ABSENCE

COUNCIL DECISION

Moved Cr Gibson, seconded Cr Scharf

That the following request for leave of absence be approved:

Cr R Shanhun – 12 May 2021 – 12 June 2021

Cr J Clarke – 27 May 2021

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CARRIED 8 / 0

6 CONFIRMATION OF MINUTES**6.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD 25 MARCH 2021****COUNCIL DECISION**

Moved Cr Eyre, seconded Cr Shanhun

That the minutes of the Ordinary Meeting of Council held 25 March 2021 be confirmed.

CARRIED 8 / 0

6.2 MINUTES OF THE SPECIAL COUNCIL MEETING HELD 26 MARCH 2021**COUNCIL DECISION**

Moved Cr Eyre, seconded Cr Shanhun

That the minutes of the Special Meeting of Council held 26 March 2021 be confirmed.

CARRIED 8 / 0

7 NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

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9 REPORTS OF COMMITTEES AND OFFICERS

9.1 CORPORATE & COMMUNITY SERVICES

9.1.1 ACCOUNTS FOR PAYMENT – MARCH 2021

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Creditors / Expenditure
Disclosure of Interest:	None
Date:	12 April 2021
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

To accept the cheque, EFT, BPAY and direct debit listing for the month of March 2021.

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), BPAY and direct debit payments for March 2021 totalled \$1,375,821.43 for the Municipal Fund.

Should Councillors wish to raise any issues relating to the March 2021 Accounts for payment, please do not hesitate to contact the Executive Manager Corporate and Community Services prior to the Council Meeting, in order that research can be undertaken and details provided either at the time of the query or at the meeting.

CONSULTATION

- Chief Executive Officer

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

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ATTACHMENTS

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

- Cheque, EFT and direct debit listings for March 2021 (Doc Id: 173981)

(Marked 9.1.1)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION
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Moved Cr Scharf, seconded Cr Clarke

That the Cheque and EFT listing for the period ending 31 March 2021 totalling \$1,375,821.43 be adopted.

CARRIED 8 / 0

9.1.2 FINANCIAL STATEMENTS - MONTHLY REPORTING FOR THE PERIOD ENDING 31 MARCH 2021

Location:	Shire of Dandaragan
Applicant:	N/A
Folder	Business Classification Scheme / Financial Management / Financial Reporting / Periodic Reports
Disclosure of Interest:	None
Date:	13 April 2021
Author:	Scott Clayton, Executive Manager Corporate and Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

To table and adopt the monthly financial statements for the period ending 31 March 2021.

BACKGROUND

As part of the Local Government Act 1995 and Financial Management Regulations (1996), monthly financial statements are required to be presented to Council. Circulated are the monthly financial statements for the period ending 31 March 2021.

COMMENT

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

1. Net Current Assets

Council's Net Current Assets [i.e. surplus / (deficit)] position as at the 31 March 2021 was \$1,812,491. The composition of this equates to Current Assets minus Current Liabilities less Cash Assets that have restrictions on their use placed on them, in this case Reserves and Restricted Assets. The current position indicates that Council can easily meet its short-term liquidity or solvency.

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The Net Current Asset position is reflected on page 12 and reconciled with the Statement of Financial Activity on page 3 of the financial statements.

The amount raised from rates, shown on the Statement of Financial Activity (page 3), reconciles with note 6 (page 13) of the financial statements and provides information to Council on the budget vs actual rates raised.

2. Material Variances

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

Note 12 of the attached report details any significant variances.

Should Councillors wish to raise any issues relating to the 31 March 2021 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 31 March 2021 (Doc Id: 174040)
(Marked 9.1.2)

VOTING REQUIREMENT

Simple majority

<p>OFFICER RECOMMENDATION / COUNCIL DECISION</p>

Moved Cr Shanhun, seconded Cr Eyre

That the monthly financial statements for the period 31 March 2021 be adopted.

9.2 INFRASTRUCTURE SERVICES

9.2.1 SHIRE OF DANDARAGAN CONTROLLED WASTE SERVICES

Location:	Jurien Bay
Applicant:	Shire of Dandaragan
Folder Path:	Business Classification Scheme / Environmental Management / Licencing / Waste Disposal
Disclosure of Interest:	Nil
Date:	12 April 2021
Author:	Julie Rouse, Coordinator Infrastructure Services
Senior Officer:	Brad Pepper, Executive Manager Infrastructure

PROPOSAL

The purpose of this report is to seek Council's endorsement for the cessation of controlled waste pump out services to the private sector, except in the event of an urgent requirement or emergency, or for Shire owned assets.

BACKGROUND

For a significant number of years now the Shire of Dandaragan has provided an on-going controlled waste disposal service to local business and property owners within the Shire of Dandaragan, for the purpose of septic tank and grease trap pump outs.

Following a traffic incident last year, whereby the Shire's controlled waste vehicle was significantly damaged, the Shire was unable to offer this level of service during the vehicle repair process, for a period in excess of 3 months.

During this time, all incoming requests by residents or local businesses for controlled waste pump-outs were referred to an external licensed contractor, Greenhead Plumbing, from within the neighbouring Shire of Coorow, or the Shire of Moora, who also provide this service.

Furthermore, prior to this service being reinstated across the Shire, following the completion of vehicle repairs, written advice was received from Water Corporation advising that they no longer required the Shire's controlled waste pump-out services for the Jurien Bay Coalseam septics. Prior to receiving this advice the Shire had not been made aware that this contract was in the process of being reviewed.

In addition to the above, during this service delivery downtime, controlled waste pump-outs at various windfarms across the Shire also moved to local contractors which further decreased demand for and revenue associated with the Shire's controlled waste service.

COMMENT

As a result of redirecting controlled waste services to external contractors, Shire of Dandaragan officers discussed the benefits of no longer offering this service in a 'business as usual' capacity given that a small neighbouring local business are suitably licensed and would benefit from the increase in demand for this type of work.

It was also identified that with the reduction in Shire Jurien Bay Operations staff numbers, following a number of resignations within the past year by staff which have not been replaced, this would free up employees normally engaged for one full day a week to undertake controlled waste pump-out requests and thereby significantly reduce staffing resources allocated to this business area.

Shire officers have also contacted various local contractors now offering this service across the whole Shire and they have indicated that their service charges vary considerably from each other but their charges are proportionate or less than the Shire's current rate. In addition to this information from all contractors contacted confirmed their commitment to providing service long term across our Shire.

The Shire will still have the ability to perform controlled waste pump-outs in the event of an urgent requirement or emergency, should external contractors be unable to attend to such requests, and fees for these services will continue to be charged as outlined in the Shire's annual Fees and Charges Schedule.

The Shire continues to undertake controlled waste pump-outs of Shire owned assets, such as the local Ezy Dumps across all 4 townsites and at Sandy Cape, as well as all other Shire-owned buildings, as and when required.

Furthermore, the cessation of performing these works also reduces the risk of a controlled waste spill which carries a significant number of environmental impacts and legislative requirements to be addressed should it ever occur in the future.

Following the traffic incident last year, it was fortunate that the controlled waste vehicle was empty at the time (as it was on its way to a pump-out job), and therefore negated any management of potential environmental impacts or reporting as per the relevant legislative requirements in such an event.

CONSULTATION

- Chief Executive Officer
- Executive Manager Corporate and Community Services
- Executive Manager Infrastructure
- Coordinator Infrastructure Services
- Operations Supervisor Jurien Bay

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STATUTORY ENVIRONMENT

There is no statutory environment relevant to this item.

POLICY IMPLICATIONS

3.4 C-3AM04 – Asset Management

This Policy provides clear direction in the provision and management of all Shire assets which are required to be managed by the Shire, where their components have a useful life of more than one year and a replacement cost greater than \$5,000.

FINANCIAL IMPLICATIONS

As a result of losing both the Water Corporation and windfarm contracts it is estimated that \$93,000 of the approximate \$130,000 annual net income from providing this service has already been realised and would need to be accounted for in future budgets.

Complete cessation of providing a controlled waste pump-out service across the Shire, would see a further reduction of approximately \$37,000 within the Shire's future projected annual budgeted net income.

Council also have the opportunity when the plant requires renewal, to save significant capital funds for vehicle replacement and fit-out by outsourcing the function completely. The current vehicle and its fit out cost Council approximately \$250,000 when it was approved for purchase back in October 2007. Incidentally, to be fitted out with its current equipment, the vehicle had to be transported to Queensland and then driven back to Western Australia as this type of work could not be conducted in WA.

STRATEGIC IMPLICATIONS

Strategic Community Plan – Envision 2029

01 - Infrastructure	The Shire will sustain a dynamic infrastructure network responsive to usage demand that attracts and retains residents and businesses
Priority Outcomes	Our Roles
Our investments in public assets are based on responsible and sustainable asset custodianship	Modernise the Shire's Asset Management Planning framework to sustainably manage our existing asset network and consider asset expansion with sustainable levels of service

While controlled waste services are not identified as a specific project within the Shire's Corporate Business Plan (CBP) this service is identified in the Scope of Shire Services listed under Community Amenities within the Shire's CBP.

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ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION**Moved Cr Gibson, seconded Cr Clarke****That Council approve the cessation of controlled waste pump-outs to local residents and businesses as a service across the Shire, except;**

- a) in the case of an urgent requirement or emergency; and**
- b) that the Shire's ongoing future fees and charges for these services are reflective of current market rates.**

CARRIED 8 / 0

Cr Scharf declared an impartiality interest in Item 9.2.2 being a member of the Our Lady Star of the Sea Church Jurien Bay and left the meeting at 4.17pm.

9.2.2 FUNDING ASSISTANCE REQUEST – OUR LADY STAR OF THE SEA CHURCH – JURIEN BAY

Location:	Our Lady Star of the Sea Church – Jurien Bay
Applicant:	Catholic Parish Moora
Folder Path:	Business Classification Scheme / Traffic & Transport / Design & Construction / Car Parks
Disclosure of Interest:	Nil
Date:	12 April 2021
Authors:	Brad Pepper, Executive Manager of Infrastructure, Scott Clayton, Executive Manager Corporate & Community Services, Michelle Perkins, Manager Customer & Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

This item is a request from Father Renald Anthony from the Catholic Parish, Moora (attachment 1) for the Shire to fund supply and installation of the driveway/car park area and associated footpaths around the new church building in Jurien Bay. The project consists of 330m² of reinforced parking area at \$55/m² costing \$18,150 and 70m² of pathways at \$50m² costing \$3,500 both totalling \$21,650.

BACKGROUND

The Catholic Archdiocese of Perth encompasses the Moora Parish of which Our Lady Star of the Sea Church, Jurien Bay is administered. In applying for funds to build a church, the Perth Archdiocese only provide a set amount for the building, and surrounds are expected to be the responsibility of the local community. A sketched copy of the plan of the surrounds is attached.

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The Our Lady Star of the Sea Church, Jurien Bay do not currently have enough funds to install the driveway/parking area and footpaths and this request is part of the 'local community' responsibility.

COMMENT

Previous requests for funding of this nature have been directed to the Tronox Management and Shire of Dandaragan Sporting and Recreation Facilities Fund (SRFF) for requests up to \$40,000 for items of a durable nature. This was to encourage community groups to take a more strategic approach to funding requests from the Shire.

Shire officers have taken this approach over recent years to assist community groups to develop their projects over time and ensure that projects were well-planned, and with strategic outcomes prioritised. This approach has been successful, with many community groups developing short, medium, and long term goals which has ensured an equitable, transparent and fair approach by Council, and a more efficient process for Shire administration in dealing with requests of this nature. Shire Administration and Council have previously been supportive of moving away from the previous funding of groups outside of existing funding programs, and in an 'ad hoc' nature.

For projects that were not suited to the existing Shire grant programs, officers have encouraged community groups to work with ratepayer and progress association groups so that a broad consultative approach is taken. If the resident group supports the project, they are encouraged to submit the request on behalf of the applicant group through the Shire's annual budget deliberation process.

If this project was directed through the existing grant channels available through the Shire, the most appropriate one would be the Shire's Tronox SRFF grant. Although being a religious organisation does not exclude a project of this nature from the Shire's Tronox grant round, Shire officers note that it would be up to the grant selection committee – made up of community members, Tronox and Shire representatives – to determine whether a project submitted for a church facility from a religious organisation would be considered 'recreational' under the Tronox SRFF guidelines, and therefore eligible for financial support under the grant program.

It should be noted also, that the Shire's Tronox grant program would require a matching contribution from the applicant, therefore in this case here the total project cost estimated at \$21,650, the maximum possible contribution under the grant program would be \$10,825.

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Alternative opportunities for Shire funding are via a self-supporting loan, or the Shire's Sporting and Recreational Capital Works Fund (SRCWF). It is noted that the Shire's SRCWF requires applicants to apply for matching funding through Department of Local Government, Sport and Cultural Industries Community Sport Recreation Facilities Fund Application (CSRFF), or an alternative funding source for the project, as well as contribute a minimum of 20% of the total cost in cash.

Historically, similar requests for funding for car-parking and vehicle access have been denied by the Shire on the basis that the projects had not been identified in the Shire's Envision 2029 Strategic Community Plan (SCP) consultation or the Corporate Business Plan projects. Examples of similar requests have included the Jurien Bay Bowling Club and Jurien Bay Golf Club request for installation of bitumised car-parking which was denied on a number of occasions. The Jurien Bay Progress Association request to gravel the access track to the former Lions Club shed on the Jurien Bay Recreation Reserve 31884 was denied based on the exclusivity of users.

Whilst the Envision 2029 SCP supports increased cultural opportunities, whether a request from a religious organisation falls under 'cultural' is a matter for consideration by Council, but historically, religion has not been a key focus or direction for funding.

Council may choose to support this request as it is unlikely that sufficient funds will be raised by the local Church community to install the concrete products for the official opening date which is Saturday 29 May 2021, however we note that the applicant was granted development approval for the church building and surrounds, including access ways, parking and surrounding landscaping in January 2020. A condition of this approval ensured the construction of the above car-parking components were to be completed in accordance with the development plans, prior to occupation of the building.

Additionally, given that the development adjoins a Main Roads WA road reserve, a driveway application is required to be submitted to, approved by, and constructed to the Shire's standards and specifications.

Other contributions by the local community will be the installation of a bore, reticulation of the verge, gardens and lawned parking area, several garden beds created and future verge maintenance that totals around \$20,000.

Historically, where Council, outside of any of the existing funding opportunities mentioned above, have made a lump sum capital contribution towards a not-for-profit building or structure that building has been located on land controlled by the Shire of Dandaragan - be it freehold land or management order over a

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reserve. This ensured that if a not-for-profit group were forced to relinquish the building, ownership of the asset would revert to the Shire of Dandaragan.

In this instance, however, the church is being built on Reserve number 37024 which is 'for the purpose of a church site' with the management order under the name of "The Roman Catholic Archbishop of Perth."

If the Shire chose to make this contribution it would not result in a Shire of Dandaragan-owned community asset.

Due to concerns about the exclusive use of the church building and facility, and potential conflict with the Shire's Envision 2029 aspiration for building inclusive spaces, staff spoke with the applicant, Father Renald Anthony in April and asked the following questions:

- Can any member of the public have a wedding, funeral or other event in the church?
- If so, must ceremonies be led by Catholic Priests or can celebrants or other religious leaders use the church?
- Can alternative religions use the building for prayer-based services or activities?
- Can non-traditional couples such as same-sex couples marry at the church? Under what conditions?
- Can non-religious, external groups such as youth groups hire the building?

Fr. Anthony advised that:

- The church may only be used for ceremonies where one member was Catholic and with the application of specific conditions (attendance at marriage preparation counselling).
- Funerals may be conducted for any member of the public at the church, provided a Catholic Priest or the local lay preacher officiated.
- Alternative religions may not utilise the building for prayer or other activities, except, in the case of Jurien Bay where a special committee decision approved that the local non-denominational Christian group may use the building for prayer-based activities due to their financial contribution to the construction of the building through the Jurien Bay Op Shop.
- Marriage ceremonies for non-traditional couples may not be conducted in the church due to the Archdiocese of Perth views on same-sex marriage.
- External non-religious groups such as youth groups may not hire the building for activities.

Staff note that if Council approve the request for funding, that it would directly benefit those who both identify as Catholic, and attend church services. As at 2016, the Australian Bureau of Statistics Census recorded 15% of people in Jurien Bay (and surrounds) as Catholic, however this may include non-practising

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Catholics. In addition, a further 20% of people in Jurien Bay identify as Anglican.

The Catholic Parish in Moora identify one of the benefits of the church building as being the only dedicated faith building in the locality of Jurien Bay.

It is therefore the view of staff that it is not sufficiently aligned with the intent of the Envision 2029 priority outcome of building an inclusive community and public spaces, and will set a precedent for financially supporting other religious groups with non-inclusive facilities in the future.

Should Council still wish to consider funding this request, it is the officers' recommendation that public consultation should be undertaken to determine broader community support for this request prior to any grant being approved, and an alternative recommendation is provided below.

Alternative recommendation

That community consultation be undertaken to gauge community sentiment about the funding of this request and a report be brought back to Council for further consideration.

CONSULTATION

- Rory Mackay, Planning Officer
- Michelle Perkins, Manager Customer and Community Services
- Scott Clayton, Executive Manager Corporate and Community Services
- Father Renald Anthony, Administrator, St John the Baptist Catholic Parish, Moora
- Members of St John the Baptist Catholic Parish, Moora
- Members of the Our Lady Star of the Sea Church, Jurien Bay
- Chief Executive Officer

STATUTORY ENVIRONMENT

Local Government Act 1995, Part 6 — Financial management

6.8 – Expenditure from municipal fund not included in annual budget

(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —

(a) is incurred in a financial year before the adoption of the annual budget by the local government; or

(b) is authorised in advance by resolution; or*

POLICY IMPLICATIONS

6.1 C-6SRF01 – Sport and Recreation Funding

Part 2 - Tronox Management and Shire of Dandaragan Sporting and Recreation Facilities Fund

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Requests of this nature would generally be directed to this policy to access funding. This project would meet the guideline of this policy for consideration of funding.

Currently, this request is considered outside of any Council Policy.

FINANCIAL IMPLICATIONS

The request has been verbally quoted to cost \$21,650 however the officers recommend that this be referred to the Tronox Management which is already funded within the annual budget.

STRATEGIC IMPLICATIONS

Whilst the Envision 2029 SCP supports increased cultural opportunities, it is a matter for Council consideration as to whether a request from a religious organisation for upgrades to a church building falls under 'cultural'. Historically, religion has not been a key focus or direction for funding as indicated by the Envision 2029 identified priority outcomes and projects that sit below the outcomes in the Corporate Business Plan.

ATTACHMENTS

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

- Letter from Our Lady Star of the Sea Church, Jurien Bay seeking assistance (Doc Id: 174024)
- Sketched copy of the plan (Doc Id: 174025)

VOTING REQUIREMENT

Absolute majority

OFFICER RECOMMENDATION

Moved Cr Eyre, seconded Cr Clarke

That Council reject the request for financial assistance and refer the applicant to appropriate Shire funding channels.

ALTERNATE MOTION

Moved Cr Shanhun.

That Council

- Construct a crossover at the Church from the road to the property boundary.
- Undertake site works and level the proposed area for the car park.
- Provide \$20,000 as a cash contribution towards the construction of the sealed car parking bays.

MOTION LAPSED DUE TO THE WANT OF A SECONDER

COUNCIL DECISION

Moved Cr Eyre, seconded Cr Clarke

That Council reject the request for financial assistance and refer the applicant to appropriate Shire funding channels.

CARRIED 6 / 1

Cr Scharf re-entered the meeting at 4.25pm

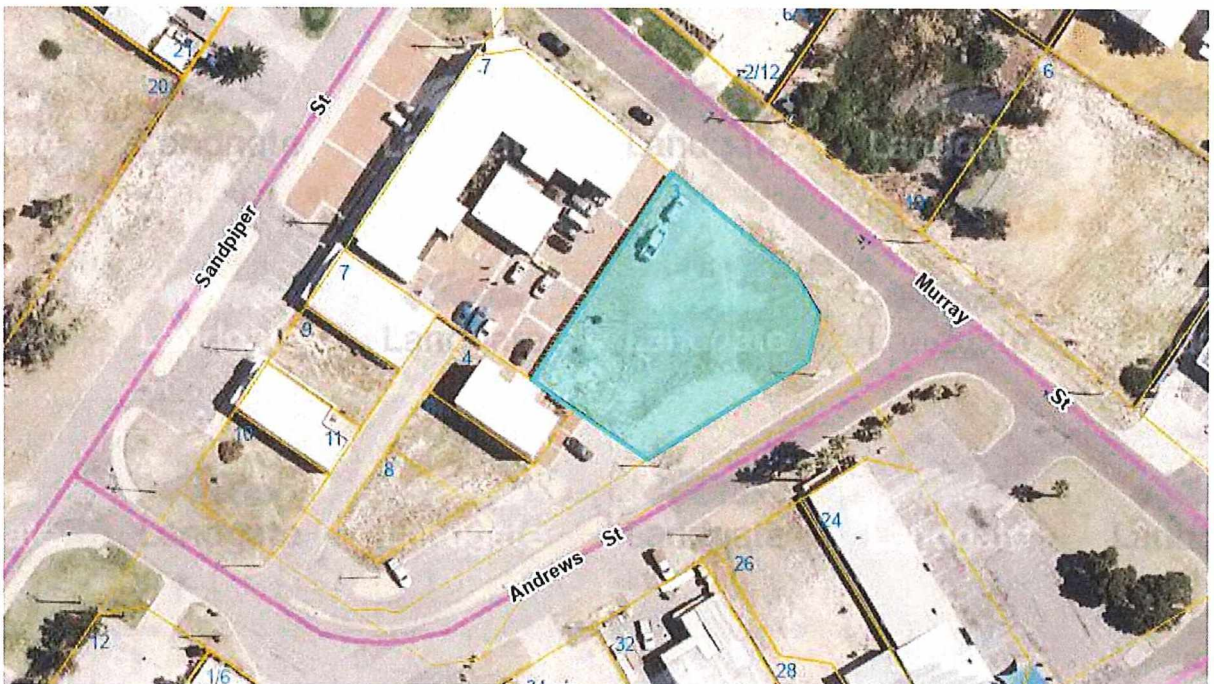
9.3 DEVELOPMENT SERVICES

9.3.1 PROPOSED MOTEL APARTMENTS EXPANSION – 3 MURRAY STREET, JURIEN BAY

Location:	Lot 104 corner of Murray & Andrews Streets, Jurien Bay
Applicant:	Trend Developments Pty Ltd
File Ref:	Development Services Apps / Development Applications / DA 2021 / 16
Disclosure of Interest:	Nil
Date:	12 April 2021
Author:	Rory Mackay, Planning Officer
Senior Officer:	David Chidlow, Executive Manager of Development Services

PROPOSAL

The proponent, being the owner and operator of the Jurien Bay Motel Apartments is seeking development approval for the expansion of the motel land use onto 3 Murray Street, Jurien Bay.



The subject property shown in light blue on the above locational map

BACKGROUND

The subject 1391m² property is currently vacant and zoned 'Regional Centre' under the Shire's *Local Planning Scheme No.7* (the Scheme). The objectives of the Regional Centre zone are:

- *Provide a range of services and uses to cater for both the local and regional community, including but not limited to specialty shopping, restaurants, cafes and entertainment.*

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- *Ensure that there is a provision to transition between the uses in the regional centre and the surrounding residential areas to ensure that the impacts from the operation of the regional centre are minimised.*
- *Provide a broad range of employment opportunities to encourage diversity and self-sufficiency within the Centre.*
- *Encourage high quality, pedestrian-friendly, street-oriented development that responds to and enhances the key elements of the Regional Centre, to develop areas for public interaction.*
- *Ensure that the provision of residential opportunities within the Regional Centre, including high density housing and tourist accommodation that supports the role of the regional centre and meets the needs of the community.*

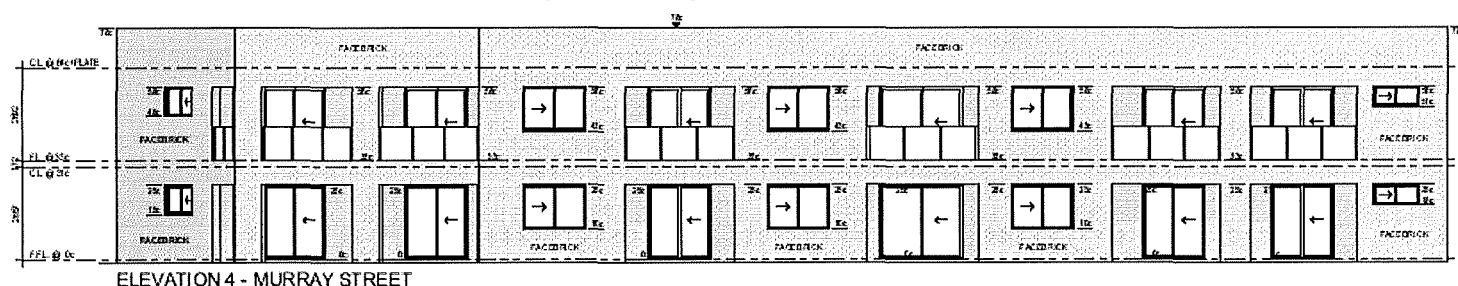
The proposed land use of 'motel' is defined by the Scheme as the following:

means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises licensed under the Liquor Licensing Act 1988.

The Zoning Table of the Scheme lists serviced apartment as an 'A' (advertised) use for the Regional Centre zone. This means that the use is not permitted unless the Shire has exercised its discretion by granting development approval after a period of public advertisement.

The proposed motel will have 9 x one-bedroom rooms, 6 x two-bedroom rooms, 2 x three-bedroom rooms, shared laundry facilities, and associated vehicle parking and landscaping.

Proposed Murray Street Front Elevation



Council resolved to defer a determination on the proponent's previously proposed 3 serviced apartments upon 10 Andrews Street at the Ordinary Meeting held on 26 November 2020 to await the detailed investigations into retail space within the CBD as a component of the Jurien Bay CBD Urban Design Plan, which is now in draft form. The proponent has now withdrawn the previous development application for the subject proposal.

COMMENT

The Scheme provides specific provisions for development within the Regional Centre zone. The relevant provisions to this application are:

- *Development to be in accordance with the Jurien Bay City Centre Strategy Plan or any successive document.*
- *Development shall address matters including, but not limited to, achieving high quality built form, appropriate setbacks to street boundaries and adjoining residential zoned lots, site responsive design, landscaping, efficient access and parking to the satisfaction of the local government.*

The Jurien Bay City Centre Strategy Plan (the strategy) denoted the subject property within a designated commercial area with the ambition to accommodate shops, restaurants, licensed premises, markets, and offices. Residential units and tourist accommodation are outlined as only being permitted above ground level only. The strategy area vision was to create a shopping street environment along Sandpiper and Andrews Street with shops built up to the street boundaries.

Recent development in this area has gone against the Strategy position with the Jurien Bay Motel Apartments, a standalone tourist venture spanning across two properties in this precinct and providing accommodation on the ground floor level. Seafront tourist estate and 20 Roberts Street, both with their designated tourist uses are also both adjacent this development on Sandpiper Street. These developments to date have set a precedent for future developments in this precinct.

The Strategy states that development needs to ensure activities occur at ground level which create interest, surveillance, and a comfortable human scale, with a sheltered environment for pedestrians. Building forms should have flat or low-pitched roofs with awnings or verandahs over the footpath and can reflect more contemporary design and materials.

The proposed design has ground floor alfresco and upper floor balconies areas to each motel room addressing both Murray and Andrews Streets to promote natural surveillance of the precinct by guests. A low skillion roof in keeping with the Strategy is proposed. No public footpath exists on either the portion of Murray or Andrews Streets the development faces, as such the developer commits to landscaping the verge to the Shire's satisfaction outside of the defined accessway. Therefore, it is recommended that a landscaping management plan be submitted and approved prior to occupation of the development. Staff intend to seek expertise input from Place Laboratory on the landscaping design to ensure consistency with the intent of the Jurien Bay CBD Urban Design Plan currently in drafting.

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Under the Shire's Local Planning Policy 9.6: Car Parking, 1 bay for each unit is required. This results in 17 bays being required for the development, 16, including a disabled access bay are proposed, a shortfall of 1 bay. However, the developer provided 3 extra bays for the existing motel, of which the carpark of the proposed motel will conjoin. Additionally, there is 12 public parking bays off Andrews Street which are generally underutilised.

The impact of the development on the community is viewed as a positive one. The short stay development is in keeping with Jurien Bay's identity and character as a coastal tourist town. The development will provide visitors to Jurien Bay the ability, once arrived, to put away their vehicle and explore the townsite on foot or cycle given the central location of the subject property and the surrounding public infrastructure. Conversely, guests can use the development as the basis for wider day trips in the Shire and the wider Wheatbelt / central coast region.

The Retail Needs Assessment (as attached) completed to inform the Jurien Bay CBD Urban Design Plan concludes that Jurien Bay could expect to sustain up to 13,600m² of retail floor space over the long term catering for a population of 7,500 residents. This would result in an increase of 9,000m² in retail floor space from the current, including:

- An additional 3,300m² in food and grocery floor space (creating a total of 5,250m²).
- An additional 1,600sqm in café/restaurant/takeaway floor space (creating a total of 3,200m²).
- An additional 5,400m² of other retail floor space (creating a total of 6,500m²).

This additional floor space requires land set aside for retail purposes. The current retail floor space accommodates approximately 1.4Ha of land. Current retail activity in Jurien Bay is likely to be less efficiently laid out than might be expected from future retail developments. As such it is concluded by the consultant that an additional 2.7Ha of land is required for retail purposes.

Currently there is 0.85Ha of appropriately zoned vacant land under the Scheme within the CBD precinct. Further inclusion of 20 Roberts Street (2.2Ha) which will include retail aspects in the currently proposed development and 15 Bashford Street (1.9Ha comprising the former Apex Camp) provide the total land with the potential to be developed for future retail needs and exceeds 2.25Ha with is above the 2.7Ha required under the Retail Needs Assessment.

Additional retail developments could take place via market forces from existing residences on the east side of Bashford Street from Batt Street to Whitfield Road which are also zoned for retail purposes. This is approximately 1.5Ha of additional land.

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Above this, potentially in the future through an amendment to the Scheme and market forces, industrial type land uses, for example, hardware store or vehicle servicing could become uses no longer permitted within the CBD, resulting in their migration out of this precinct, freeing up more land for retail needs.

It is recommended Council approved the development application subject to conditions, which include, but are not limited to, the call for a verge landscaping plan and a site construction management plan.

CONSULTATION

The proposed development was advertised on the Shire's webpage and Facebook, and within Shire Matters from late February to early April. A physical sign with the development plans was also placed on site for this period.

No submissions were received.

STATUTORY ENVIRONMENT

Local Planning Scheme No 7

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

The proponent has paid the required development application fee.

STRATEGIC IMPLICATIONS

- Local Planning Strategy 2020:

Tourism Strategic Directions – Plan for a range of tourism accommodation options to meet the needs of short-stay visitors.

Economy Strategic Directions – Support growth of the tourism sector by assisting operators to provide a range of products to cater for differing consumer experiences and expectations.

- Strategic Community Plan – Envision 2029

02 – Prosperity	The Shire will experience broad economic and population growth with decreasing economic barriers, diversified agriculture and fisheries output and vibrant visitor economy.
Priority Outcomes	Our Roles
Our Shire has a contemporary land use planning system that responds to, and creates, economic opportunities.	Ensuring that our planning framework is modern and meets the needs of industry, small business and emerging opportunities.

ATTACHMENTS

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

<p>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 22 APRIL 2021</p>

- Development Plans (Doc Ids: 171559 – 171562)
- Draft Jurien Bay Retail Needs Assessment (Doc Id: 169826)
(Marked 9.3.1)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Gibson, seconded Cr Slyns

That Council grant development approval for a 17-room motel upon Lot 104 Murray Street, Jurien Bay subject to the following conditions and advice:

Conditions:

1. Development may be carried out only in accordance with the details of the application as approved herein and any approved plan.
2. Any additional development which is not in accordance with the application the subject of this approval or any condition of approval will require the further approval of the Shire of Dandaragan.
3. The development must not cause nuisance or degrade the amenity of the locality in any way, including by reason of the emission of noise, light, odour, fumes, smoke, vapour or other pollutant, or impact on public safety or otherwise; to the satisfaction of the Shire of Dandaragan.
4. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Shire of Dandaragan.
5. Guests of the development are to be short stay only, meaning no guest shall occupy the tourist development for more than a total of three months in any one twelve-month period.
6. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the Shire of Dandaragan.
7. All piped, ducted and wired services, air conditioners, hot water systems, water storage tanks, service meters and bin storage areas must be located to minimise any visual and noise impact on the occupants of nearby properties and screened from view from the street. Design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the Shire of Dandaragan, prior to lodging an application for a building permit.
8. All internal accessways, driveways, parking and service bays shall be constructed to an impervious sealed, kerbed, drained and line marked standard to the satisfaction of the Shire of Dandaragan.
9. Prior to occupation of the development, a detailed landscaping and reticulation plan for the subject site and road verge must be submitted to, and approved to, the satisfaction of the Shire of Dandaragan. The subject plan

must be fully implemented within the first available planting season after the initial occupation of the development, and maintained thereafter, to the satisfaction of the Shire of Dandaragan. Any species which fail to establish within the first two planting seasons following implementation must be replaced in consultation with and to the satisfaction of the Shire of Dandaragan.

10. Prior to lodging an application for a building permit, the applicant must submit and have approved by the Shire of Dandaragan, and thereafter implement to the satisfaction of the Shire of Dandaragan, a Construction Management Plan addressing the following matters:
- a) How materials and equipment will be delivered and removed from the site;
 - b) How materials and equipment will be stored on the site;
 - c) Construction waste disposal strategy and location of waste disposal bins;
 - d) How risk of wind and/or water borne erosion and sedimentation will be minimised during and after the works; and
 - e) Other matters likely to impact on the surrounding properties.

Advice:

- A. The applicant/landowner is to implement and maintain reporting mechanisms for complaints concerning the operation of the development. In the event of a substantiated complaint being received the applicant is required to demonstrate mitigation response(s) to the approval of the Shire of Dandaragan.
- B. Should the Applicant be aggrieved by the decision (in part or whole) there is a right pursuant to the *Planning and Development Act 2005* to have the decision reviewed by the State Administrative Tribunal. Such an Application must be lodged within twenty-eight (28) days from the date of the decision.
- C. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement, memorial or restrictive covenant. It is the responsibility of the applicant and landowner and not the Shire of Dandaragan to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire of Dandaragan's attention.
- D. This is a development approval of the Shire of Dandaragan under its *Local Planning Scheme No.7*. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/landowner to obtain any other necessary approvals, consents, permits and

licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.

- E. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the *Shire of Dandaragan Local Planning Scheme No.7* and may result in legal action being initiated by the Shire of Dandaragan.

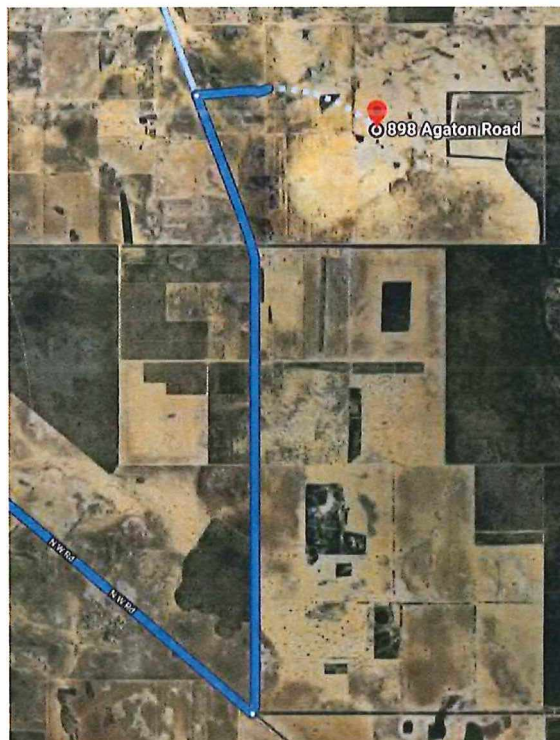
CARRIED 8 / 0

9.3.2 PROPOSED MOORA PIGGERY WIND TURBINES

Location:	898 (Lot 3616) Agaton Road, Dandaragan
Applicant:	Advanced Energy Resources on behalf of Westpork
Folder Path:	Development Services Apps / Development Applications / DA 2021 / 14
Disclosure of Interest:	Nil
Date:	30 March 2021
Author:	Rory Mackay, Planning Officer
Senior Officer:	David Chidlow, Executive Manager Development Services

PROPOSAL

Advanced Energy Resources seeks development approval on behalf of landowner Westpork for the erection of 8 wind turbines and associated infrastructure on the Moora piggery agriculture intensive property (898 Agaton Road, Dandaragan) to reduce the farm electricity imported from the Western Power grid.



Map of subject property from North West Road

BACKGROUND

On 1 May 2017, the Midwest / Wheatbelt Joint Development Assessment Panel granted a three year conditional development approval for a 68,000 head piggery on the subject property. On 26 July 2018, Council provided a further 2-year extension to this development approval, resulting in the development needing to be substantially commenced before 1 May 2022. To date the development has not commenced.

The proposed wind turbines will supply power for the piggery's future shed heating, cooling and ventilation, in addition to offsetting electricity imported from the local electricity network.

Up to 8 second-hand turbines sourced from Europe are proposed which will supply up to 4 megawatts of power. The proponent anticipates the wind turbines will supply 80% of Westpork's annual electricity requirements. The turbines will be 86 metres tall to the blade tip height, with a hub height 65 metres and rotor diameter of 40 metres.

A renewable energy facility is defined by the Western Australian Planning Commission's Position Statement on Renewable Energy Facilities as:

premises used to generate energy from a renewable energy source and includes any building or other structure used in, or relating to, the generation of energy by a renewable resource. It does not include renewable energy electricity generation where the energy produced principally supplies a domestic and/or business premises and any on selling to the grid is secondary.

This land use is not listed within Shire's Local Planning Scheme No.7 (Scheme), as such Clause 3.4.2 of the Scheme applies:

3.4.2. If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may —

- a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
- b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 64 of the deemed provisions in considering an application for development approval; or*
- c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.*

The subject property is zoned 'Rural', where the following zoning objective applies:

To provide for a range of rural activities such as broadacre and diversified farming so as to retain the rural character and amenity of the locality, in such a way as to prevent land degradation and further loss of biodiversity.

Assessment of the above led the officer to determine the use may be consistent with the objective of the Rural zone. Therefore, the advertising procedure of clause 64 of the Deemed Provisions of the Scheme was undertaken, as detailed in the consultation section below.

COMMENT

Environmental impact

The development poses insignificant environmental impacts as no vegetation clearing will be required for the development as it will be sited on existing cleared farmland accessways. The collective development footprint is 3ha of the 1480ha property. Additionally, industry standard bird strike and dieback protocols will be put in place for the development.

Traffic impact

The proponent advises that internal farm tracks will require minor upgrading to allow construction vehicles to access the turbine locations. Road materials will be sourced from an existing gravel pit within the property. Hard stands of 20m x 10m will be built next to each turbine site to allow the assembly and erection of tower sections, nacelle and rotor blades. No additional clearing is required to construct the tracks and hard stands.

Noise impact

The turbines are isolated from residential dwellings, with the closest turbine being 2.9kms from the nearest neighbouring residential dwelling. Noise modelling contours submitted with the application shows that the noise does not exceed the 35dB (A) background legislated noise limit at the dwelling located 2.9km away, where 11.88 decibels (A) was modeled.

The proposed wind turbines are of much smaller scale and quieter than other existing wind turbines within the Shire, as such there is very limited to none noise buffer areas on adjoining land which is above the 35dB (A) noise limit.

Even though noise levels may meet the criteria, people residing near wind farms may experience or be aware of the noise generated by the wind farm. This new type of noise source may have a character with which people may be initially unfamiliar and, even though wind farm noise is typically steady and broad-band in nature, people may notice features at times, usually barely or faintly.

The National Health and Medical Research Council state the following regarding human health and wind farms:

There is no direct evidence that exposure to wind farm noise affects physical or mental health. While exposure to environmental noise is associated with health effects, these effects occur at much higher levels of noise than are likely to be perceived by people

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living in close proximity to wind farms in Australia. The parallel evidence assessed suggests that there are unlikely to be any significant effects on physical or mental health at distances greater than 1.5kms from wind farms.

Visual and landscape impact

Noise restrictions as outlined above are the design factor in setback distances from neighbouring dwellings. It is generally accepted that turbines are kept at a sufficient distance from the nearest dwelling to ensure that noise doesn't become an issue.

The proposed wind turbines will be small-scale, as a comparison the proposed turbines will be 56% the total size of the Badgingarra Wind Farm turbines and 46% the total size of the Yandin Wind Farm turbines which have both set a precedence for such developments. Nonetheless, the proponent has supplied a view shed analysis taken along Agaton Road looking north-east at the location of the turbines at approximately the same topography to show limited visual impact of the development.

It is recommended Council provide conditional development approval for the proposed wind turbines.

CONSULTATION

Comment was sought from surrounding landowners within 5kms of the proposal. No submissions were received.

STATUTORY ENVIRONMENT

Local Planning Scheme No.7 – as outlined.

POLICY IMPLICATIONS

WAPC Position Statement: Renewable energy facilities.

NHMRC Statement: Evidence on Wind Farms and Human Health

FINANCIAL IMPLICATIONS

The applicant has paid the required development application fee.

STRATEGIC IMPLICATIONS

Local Planning Strategy 2020 – *Assess applications for wind farms and other alternative energy infrastructure, having regard to visual landscape issues and other relevant matters set out in Position Statement on Renewable Energy Facilities.*

Strategic Community Plan – Envision 2029

02 – Propensity	The Shire will experience broad economic and population growth with decreasing economic barriers, diversified agriculture and fisheries output and vibrant visitor economy.
Priority Outcomes	Our Roles
Our Shire has a contemporary	Ensuring that our planning framework is

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land use planning system that responds to, and creates, economic opportunities.	modern and meets the needs of industry, small business and emerging opportunities.
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ATTACHMENTS

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

- Development Application Report (Doc Id: 170765)
(Marked 9.3.2)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Shanhun, seconded Cr Scharf

That Council:

- A. determine in accordance with clause 3.4.2(b) of *Local Planning Scheme No.7* that the proposed development is consistent with the objective for Rural zone; and**
- B. grant development approval for the installation of 8 wind turbines upon Lot 3616 Agaton Road, Dandaragan subject to the following conditions:**
 - 1. The development shall be generally in accordance with the approved plans and specifications unless otherwise conditioned by this approval.**
 - 2. This approval is for up to maximum of 8 wind turbines.**
 - 3. The proponent shall provide a Traffic Management Plan to Main Roads WA and the Shire of Dandaragan prior to the commencement of construction. The Traffic Management Plan shall address: transportation of materials to the development site; obtaining the necessary written approvals / permits from Main Roads Heavy Vehicle Services branch; and any upgrades required to the local road network to facilitate the development's heavy haulage. All costs applicable shall be borne by the proponent.**
 - 4. The proponent shall repair any damage to the local road network as reasonable determined to be connected with the development as determined by and to the satisfaction of the Shire of Dandaragan. All costs applicable shall be borne by the proponent.**
 - 5. The transportation of materials, goods and commodities to and from the development shall be conducted so that dust emissions have minimal impact on the locality.**
 - 6. The proponent shall develop and implement a post construction noise monitoring program at the noise sensitive receptors to assess compliance of the operational Wind Farm with the noise limits to the satisfaction of the Shire of Dandaragan.**
 - 7. The proponent shall implement a bird mortality monitoring program for the life of the development to the satisfaction of the Shire of Dandaragan.**

8. Decommissioning of the above ground plant and equipment on the subject land will commence within a period of 12 months from termination of operations and be completed within a time period to the satisfaction of the Shire of Dandaragan. This will occur following submission by the proponent of a plan outlining the process of decommissioning.

Advice Notes:

- A. Should the Applicant be aggrieved by the decision (in part or whole) there is a right pursuant to the *Planning and Development Act 2005* to have the decision reviewed by the State Administrative Tribunal. Such an Application must be lodged within twenty-eight (28) days from the date of the decision.
- B. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement, memorial or restrictive covenant. It is the responsibility of the applicant and landowner and not the Shire of Dandaragan to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire of Dandaragan's attention.
- C. This is a development approval of the Shire of Dandaragan under its *Local Planning Scheme No.7*. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
- D. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the *Shire of Dandaragan Local Planning Scheme No.7* and may result in legal action being initiated by the Shire of Dandaragan.

CARRIED 8 / 0

9.3.3 PROPOSED HELICOPTER JOY FLIGHTS JURIE BAY

Location:	Jurien Bay Airport – Reserve 35408
Applicant:	Richard Bissell
File Ref:	Development Services Apps / Development Applications / DA 2021 / 18
Disclosure of Interest:	Nil
Date:	9 April 2021
Author:	Rory Mackay, Planning Officer
Senior Officer:	David Chidlow, Executive Manager of Development Services

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 22 APRIL 2021PROPOSAL

For council to consider a development application for the operation of helicopter joy flights from the Jurien Bay Airport.

BACKGROUND

The applicant has 30 plus years of experience in flying helicopters, mostly in the northwest of Australia in Karratha, Broome and Barrow Island to name a few places.

The applicant will solely operate the business (Turquoise Coast Helicopters) from the Jurien Bay Airport. Initially the applicant envisages that customers will find a 10-minute flight to be more than enough time to experience a flight, but 20-minute flights will be available and longer still should any customer desire this.

A potential flight path is show below in green:



The helicopter to be used is a Bell 47 model (shown below) which featured in in film and tv shows, MASH, Skippy the Bush Kangaroo and Crocodile Dundee.



COMMENT

The subject development application only deals with the helicopter landing site. Once a helicopter is in the air, it is beyond town planning control. Two independent statutory authorities are responsible for administering federal legislation and regulations for airspace management, including helicopters in flight:

- Civil Aviation Safety Authority (CASA) – established by the *Civil Aviation Act 1988* and responsible for administering the *Civil Aviation Regulations 1988*, CASA conducts safety regulation of civil air operations.
- Airservices Australia – established in 1995 and responsible for airspace management, aeronautical information, aviation communications, radio navigation aids, aviation rescue and firefighting services.

For areas of controlled airspace, Airservices Australia is responsible for air traffic services, including managing designated flight paths. For areas of uncontrolled airspace (Jurien Bay), the *Civil Aviation Regulations 1988* stipulate that a helicopter pilot must not fly over a city, town or populous area at a height lower than 1000 feet, or 500 feet over any other area. This does not apply if a helicopter is flying at a designated altitude, for example a flight path in controlled airspace.

For helicopter landing sites that are not in the vicinity of controlled airspace, like Jurien Bay, flight paths are not approved. The operator must adhere to Visual Flight Rules and Civil Aviation Regulations which are based on safety. The helicopter operator is responsible for ensuring a proposed helicopter landing site meets CASA's Guidelines for the establishment and use of helicopter landing sites.

For helicopter landing sites that are of significant community concern, there is an opportunity for a third party or the local government to participate in a CASA administered process to

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develop a Fly Neighbourly Advice (FNA) with the helicopter operator. A FNA is a voluntary code of practice established between aircraft operators and communities or authorities to negotiate a reduction of disturbance or adverse amenity impact in an area. It may be instigated by the local government, business operator or community group that is affected by the operation of the aircraft. The development of the FNA is facilitated by the Office of Airspace Regulation and they must be consistent with CASA regulations and are not part of the town planning system.

Additionally, Helicopter noise concerns can be directed to Airservices Australia's Noise Enquiry Unit. Their role is a co-ordination point for the community to have its voice heard on aircraft noise issues by reporting community concerns to airlines, airports and the government. They also provide information on flight path changes, unusual flight patterns that are a result of weather events or emergencies and respond to enquiries about air traffic patterns in particular areas.

Planning approval conditions for the helicopter landing site should not require compliance with CASA requirements and regulations. As these apply regardless and CASA is responsible for related enforcement and compliance with designated flight paths. This is not a planning consideration and only a concern of CASA and Airservices Australia. Council can only decide, firstly whether the airport is suitable for a helicopter landing site before then dealing with operation times.

The proposal is recommended for approval subject to the hours of operation being the same as the approved hours for the skydive operator, 7am to 6pm.

CONSULTATION

The proposed development was advertised on the Shire's webpage and Facebook, and within Shire Matters from late February to early April. Comments received are shown in the attached schedule of submissions.

The objecting submissions raised concerned with the potential impact from the helicopter noise, which when considered against the subject development which only deals with the proposed helicopter landing site, results in relative expected noise from an airport adjacent a townsite like Jurien Bay's airport. Additionally, under CASA regulations the helicopter will have to rise to 1000 feet before operating over the Jurien Bay townsite, further reducing noise impacts.

STATUTORY ENVIRONMENT

Local Planning Scheme No.7

Clause 2.4.1 A person must not use a local reserve or commence or carry out development on a local reserve without first having

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obtained development approval under part 7 of the Deemed Provisions.

The proposal to land and take-off within the airport reserve is considered consistent with the reserve purpose, being 'landing ground'.

POLICY IMPLICATIONS

WA Environmental Protection (Noise) Regulations 1997:
3. *Regulations do not apply to certain noise emissions*
(c) *noise emissions from trains or aircraft.*

FINANCIAL IMPLICATIONS

The applicant has paid the required development application fee and provided proof from an insurance broker that liability coverage to the sum of \$20,000 could be obtained by the proponent for their proposal.

STRATEGIC IMPLICATIONS

Local Planning Strategy 2020:

Economy Strategic Directions – Support growth of the tourism sector by assisting operators to provide a range of products to cater for differing consumer experiences and expectations.

Strategic Community Plan – Envision 2029

02 – Prosperity	The Shire will experience broad economic and population growth with decreasing economic barriers, diversified agriculture and fisheries output and vibrant visitor economy.
Priority Outcomes	Our Roles
The Shire is home to a successful and growing market for domestic and international tourism.	Support the development of new products and services that increase the attraction of the region to the tourism market, in particular Indigenous cultural experiences.

ATTACHMENTS

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

- Development Application Cover Letter (Doc Id: 171788)
- Schedule of Submissions (Doc ID: 174162)
(Marked 9.3.3)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Scharf, seconded Cr Gibson

That Council grant development approval to Turquoise Coast Helicopters Pty Ltd for the use of Reserve 35408 for the purposes of commercial helicopter take-off and landing,

subject to the following conditions:

1. The development may be carried out only in accordance with the details of the application as approved herein and shall not be altered without the prior written approval of the Shire of Dandaragan.
2. That the proponent be in possession of public liability insurance policy to a minimum value of \$20 million for the life of the development.
3. No flights are to be undertaken outside of the hours of 7am to 6pm without written consent of the Shire of Dandaragan.
4. The proponent shall keep a logbook of the approved use and make the logbook available for inspection by the Shire of Dandaragan on request.

Advice Note:

If the applicant is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. An application must be submitted within 28 days of the determination.

CARRIED 8 / 0

9.3.4 PROPOSED JURIEN AIRPORT HANGAR LEASE FEES

Location:	Jurien Bay Airport
File Ref:	Business Classification Scheme / Traffic & Transport / Service Provision / Airports & Landing Facilities
Disclosure of Interest:	Nil
Date:	9 April 2021
Author:	Rory Mackay, Planning Officer
Senior Officer:	David Chidlow, Executive Manager of Development Services

PROPOSAL

For Council to endorse a new method of charging hangar lease fees for the Jurien Bay Airport.

BACKGROUND

There are currently 5 hangar leases at the Jurien Bay Airport. To date, each lessee has paid a rent amount equivalent to the minimum annual rate imposed on a Gross Rental Value basis for the townsite of Jurien Bay (currently \$947).

In an effort to move to a more fair and equitable charging mechanism following discussions with the Airport Working Group, Shire staff commissioned Griffin Valuation Advisory (valuer) to complete an independent market rental valuation.

Market rental value is defined as:

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The estimated amount for which a property, or space within a property, should lease on the date of valuation between a willing lessor and a willing lessee on appropriate lease terms in an arm's-length transaction, after proper marketing wherein the parties had each acted knowledgeably, prudently, and without compulsion.

Each current lease is a ground lease. A ground lease is generally structured around the notion that the tenant will develop or construct a significant improvement on the land for its own use. During the ground lease term, the tenant will typically own and depreciate the improvements. At the end of the term, ownership of the improvements may revert to the fee owner or the ground lessee may be required to remove them.

COMMENT

The valuer determined the market rental value on the basis of comparable rental evidence of similar type rental properties within as near similar locality as the subject. This method of valuation is referred to as the Direct Comparison Approach that takes into consideration factors such as location, condition, and lettable area. The comparisons were on the basis of vacant possession and to let on a per annum and per square metre basis, taking into consideration the commercial location, current use and quality of the improvements. The market comparison method takes into consideration the current land use and characteristics of the subject property when compared to the market evidence.

The valuer's assessment of the airside leases has been based on evidence that they obtained from country airports between Carnarvon and Esperance which have shown airside lease of between \$ 5-\$ 8/m² for varying leased areas. The valuer notes that the Jurien Bay Airport is not a regional regular public transport (RPT) operated airport and is therefore not required to be certified or registered with Civil Aviation Safety Authority, it does however have a PAL System capable of 24-hour operation, i.e., Royal Flying Doctor Service use. The airport is also strategically located within close proximity of the Jurien Bay townsite.

The valuation report as attached, recommends a \$5m² ground area lease rate for the existing 5 hangar sites and a \$3.5m² rate for the recently approved flying club and flying school ventures, the results of which is shown in the table below.

Lease	Lease Area	Hangar Area	Ground Area Lease Amount
1	560sqm	165sqm	\$2,800
2	560sqm	139sqm	\$2,800
3	560sqm	144sqm	\$2,800
4	840sqm	208sqm	\$4,200
5	600sqm	300sqm	\$3,270
Flying Club	<2500sqm	-	<\$8,750
Flying School	<2500sqm	-	<\$8,750

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The airport committee reviewed these figures and recommended that the ground lease rate be applied only to area of each hangar. After further discussion with the valuer, such an approach flaws the independent valuation provided and results in the rate not being market appropriate.

Market value principles as outlined were applied by valuer when calculating the square metre lease rate. One key factor in determining this is the overall lease area. This principle results in the square metre rate increasing as overall lease area decreases as evidenced by the rate increasing from \$3.50m² for the larger lots, and \$5m² for the existing smaller hanger lots. This principle would have applied had the valuer been asked to assess market rental on the hangar area only and the lease rate would have been greater. Therefore, it would not be appropriate to apply the \$5sqm rate against the reduced area of the hangar alone.

However, Council reserves the right to discount the rate and record this concession given to the local aviation industry, should such a need or purpose arise.

STATUTORY ENVIRONMENT

Local Government Act 1995 - *Disposing of property 3.58.*

(1) *In this section —*

“dispose” includes to sell, lease, or otherwise dispose of, whether absolutely or not;

“property” includes the whole or any part of the interest of a local government in property, but does not include money.

(2) *Except as stated in this section, a local government can only dispose of property to —*

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

(3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*

(a) it gives Statewide public notice of the proposed disposition —

(i) describing the property concerned;

(ii) giving details of the proposed disposition; and

(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

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POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

As discussed.

STRATEGIC IMPLICATIONS

Strategic Community Plan – Envision 2029

02 – Prosperity	The Shire will experience broad economic and population growth with decreasing economic barriers, diversified agriculture and fisheries output and vibrant visitor economy.
Priority Outcomes	Our Roles
The Shire is home to a successful and growing market for domestic and international tourism.	Support the development of new products and services that increase the attraction of the region to the tourism market, in particular Indigenous cultural experiences.

ATTACHMENTS

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

- Valuation Report (Doc ID: 169630)
(Marked 9.3.4)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Gibson, seconded Cr Scharf

That Council subject to 14 days public advertising in accordance with Section 3.58 (2) of the *Local Government Act 1995*:

- 1. endorse the \$5m², per annum ground lease rate to be applied to each current lease within the Jurien Bay Airport;**
- 2. endorse the \$3.5m², per annum ground lease rate to be applied to the flying club and flying school new leases respectively; and**
- 3. endorse the annual application of the Consumer Price Index to each rate.**

CARRIED 8 / 0

Cr Shanahun declared a financial interest in Item 9.3.5 and left the meeting at 4.33pm

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9.3.5 JURIEB BAY CBD URBAN DESIGN PLAN OPTIONS

Location:	Jurien Bay Central Business District
File Ref:	Business Classification Scheme / Parks & Reserves / Design & Construction / Jurien Bay CBD Urban Design
Disclosure of Interest:	Nil
Date:	12 April 2021
Author:	Rory Mackay, Planning Officer
Senior Officer:	David Chidlow, Executive Manager of Development Services

PROPOSAL

To seek Council endorsement of the design outcomes identified by the Jurien Bay CBD revitalisation project.

BACKGROUND

Place Laboratory have been commissioned by the Shire to develop an urban design masterplan for the Jurien Bay CBD. The project vision is for the Jurien Bay CBD to be a clearly defined area which is connected, vibrant, responsive, and diverse with high levels of utilisation and functionality which attracts private and public investment.

To date the following stages of the project have been completed:

- Inception
- Background Review/Analysis
- Stakeholder Engagement
- Retail Demand Assessment
- Draft Design Options (presented at the March Council Forum)

The project is now entering the phase of finalising the urban design plan. An endorsed Council direction for the design outcomes is needed for Place Laboratory to complete the draft urban design plan for the purposes of seeking public comment.

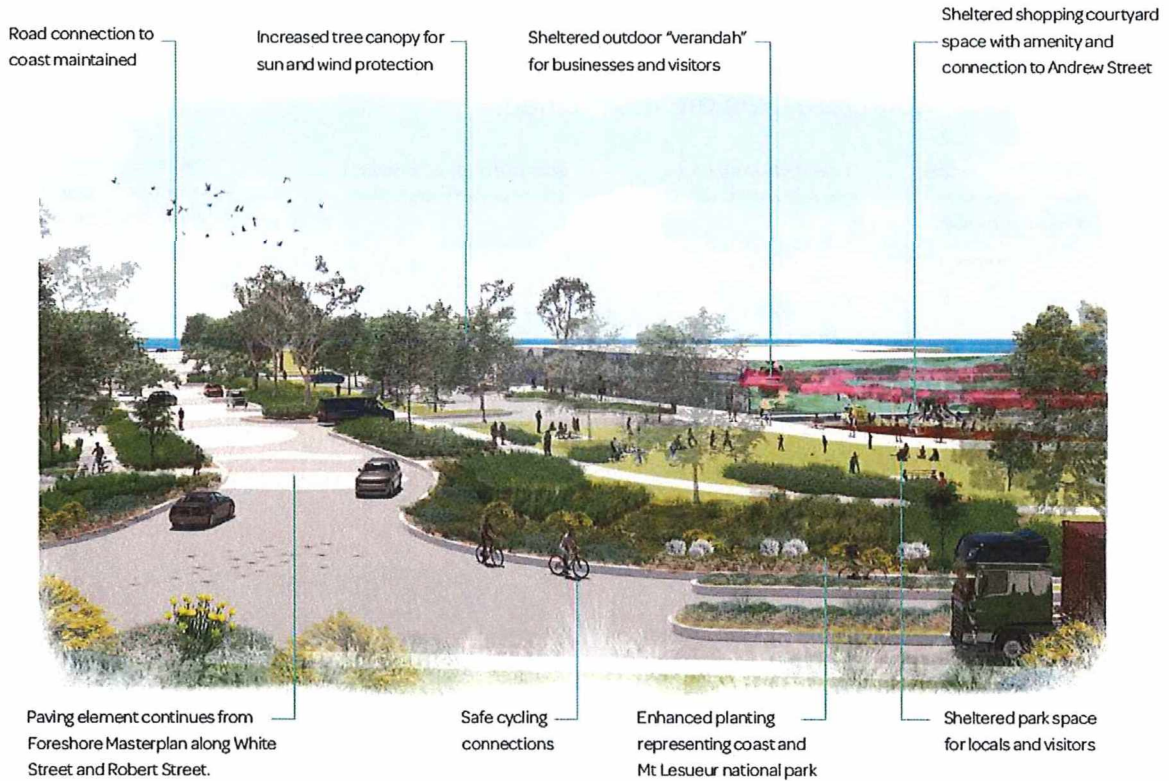
COMMENT

The design outcomes presented to Council at the March Council forum depict design visions for the four precincts identified within the CBD project area to meet the designed principles and ultimately upgrade the CBD for public life. However, two distinctly different designs are provided for Central Tourism District at the intersection of Bashford and Roberts Streets, labelled the 'Green Heart' of Jurien Bay.

Option 1 shown below (and as attached) is viewed as a short-term redevelopment concept which maintains the vehicle connection of Roberts Street to the coast from Bashford Street while still providing increased green recreation public open space by closing a portion of the internal business access way/parking. The current BP service station, a privately owned property is shown as a potential public and/or private courtyard eatery space with an open aspect design and rear pedestrian access to Andrews Street. Real-life examples of this are also shown below. There are no short term plans for an acquisition of this property; instead the

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masterplan demonstrates the potential of the site if utilised for public and/or private purposes as an alternative to it's current service station land use.



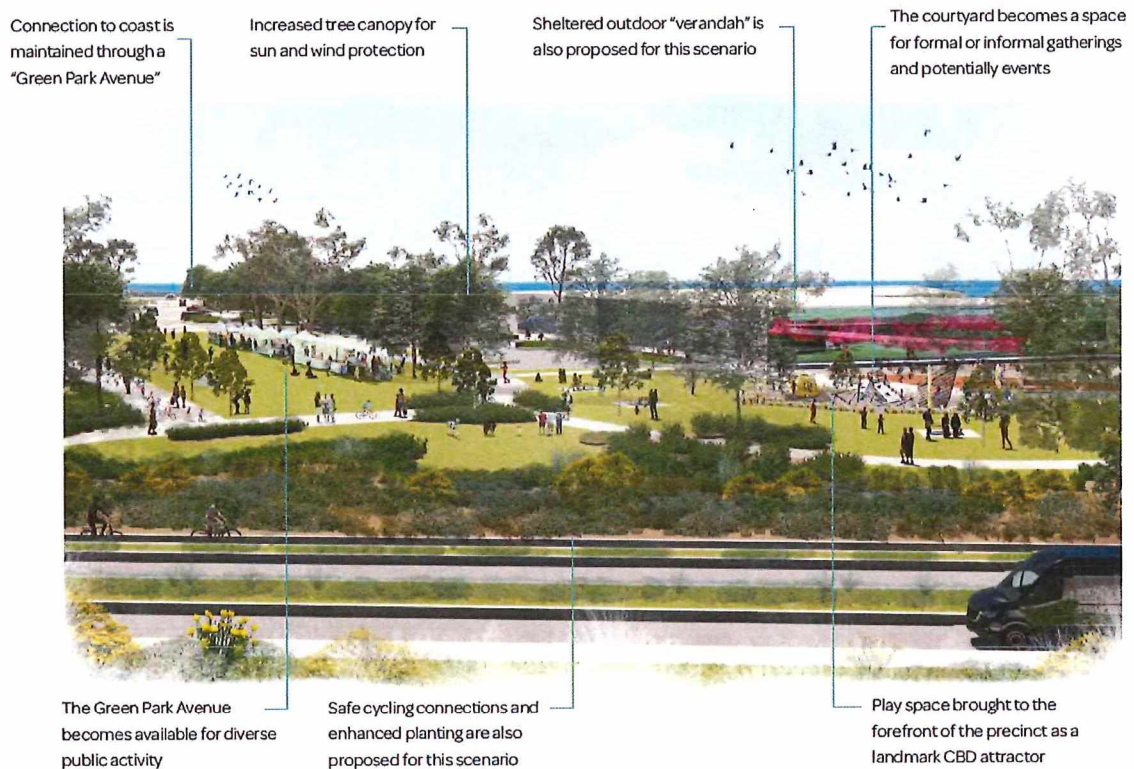
Opportunity for alfresco parklets



Courtyard with alfresco dining and toilets and local outdoor village feel

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Option 2 shown below (and as attached) is viewed as a long-term outcome with the more drastic change of closing the Roberts/Bashford Street intersection to vehicle traffic and making a 'green park avenue' towards the foreshore town square development. The other core elements of the Option 1 layout including increased green public open space and a central courtyard area are maintained.



Place Laboratory has identified that both the short-term and long-term options have the following:

Shared strengths:

- Creating places to linger in the CBD and generates economic 'rub'.
- Provides valuable green public open space with potential to provide meaningful social outcomes.
- Provides enhanced connections to the Foreshore and across the CBD.
- Allows an opportunity to make a design statement in Jurien Bay CBD.
- Provides many environmental benefits regarding urban cooling, ecology and, water management and drainage.

Shared challenges:

- Need to ensure appropriate parking facilities are provided and conveniently located to support local businesses.
- Need to ensure maintenance requirements are managed, and water sensitive urban design principles are utilised.

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The loss of direct car parking bays within both options can be offset through the installation of car bays elsewhere within the CBD such as expanding the street parking along Sandpiper Street. The key trade-off for consideration is that of the convenience of parking at a shop front door, against improvements in CBD amenity that will encourage longer patronage and an enriched pedestrian environment.

It is recommended that Council endorse the Jurien Bay CBD design outcomes to enable Place Laboratory to complete the draft urban design for the purposes of seeking public comment.

Should Council not want to endorse both options one and two, an alternative motion could be passed to exclude one or another, or both respectively.

CONSULTATION

Once Council endorses the key design concepts, Place Laboratory can finalise the draft urban design plan to seek public comment and adjust the plan accordingly before issuing the final masterplan report for Council's adoption.

STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

POLICY IMPLICATIONS

The final urban design plan will be used to guide future public and private built form design in the Jurien Bay CBD.

FINANCIAL IMPLICATIONS

Future investment in the CBD will be explored further in subsequent design and construct phases.

STRATEGIC IMPLICATIONS

- Local Planning Strategy 2020 (extract)

Many residents and visitors to the Shire spend time in the Shire's settlements so actions to improve the quality of public spaces (including beachfronts), parks, shopping centre car parks and road reserves, are likely to enhance people's enjoyment of these places which, in turn, encourages them to stay and contribute to local economies. The Shire is committed to developing place specific plans for both Jurien Bay and Cervantes to explore the identity of each town and reflect this through various elements including: plantings, artwork, signage, colour schemes, street and park furniture and landscaping.
- Strategic Community Plan – Envision 2029

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01 - Infrastructure	The shire will sustain a dynamic infrastructure network responsive to usage demand that attracts and retains residents and businesses.
Priority outcomes	Our roles
Our communities contain vibrant, activated public open space and buildings with high levels of utilisation and functionality.	To manage and facilitate community assets that are flexible, vibrant, adaptable and enjoyable places to occupy employing the principals of place making and design thinking.
Our investments in public assets are based on responsible and sustainable asset custodianship.	Increase activation of our public open space and buildings rather than increasing quantity without a demonstrated need.

ATTACHMENTS.

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

- Urban Design Plan Options (Doc Id: 173871)
(Marked 9.3.5)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Gibson, seconded Cr Rybarczyk

That Council endorse the Jurien Bay CBD “Green Heart” Options One and Two as key concepts to guide public submissions as part of the Jurien Bay CBD Urban Design Plan consultation process.

CARRIED 7 / 0

Cr Shanhun re-entered the meeting at 4.36pm

COUNCIL DECISION

Moved Cr Scharf, seconded Cr Eyre

That Council suspend clauses 8.8 and 10.5 of the Shire of Dandaragan Local Government (Council Meetings) Local Law 2019 to facilitate open discussion on Item 9.4.1 at 4.38 pm.

CARRIED 8 / 0

9.4 GOVERNANCE & ADMINISTRATION

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9.4.1 REVIEW OF COUNCIL DELEGATES

Location:	N/A
Applicant:	N/A
Folder Path:	Business Classification Scheme / Government Relations / Meetings / Representatives
Disclosure of Interest:	None
Date:	12 April 2021
Author:	Robyn Headland, Council Secretary
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

For Council to review the Councillor delegates to nine outside committees and organisations as a result of former Councillor, Mrs Dahlia Richardson's resignation in January 2021.

BACKGROUND

After each election year, a review of Council delegates to the outside committees and organisations takes place with Councillors being appointed as its delegates to these groups.

Council is to consider the replacement of former Councillor, Mrs Dahlia Richardson, who resigned in January 2021. In October 2019, Mrs Richardson was appointed as the delegate to the following nine committees:

- Avon Midland Zone WALGA - Mrs Richardson, Cr Holmes (Proxy)
- Badgingarra Community Centre Management Committee – Mrs Richardson
- Badgingarra Community Association – Mrs Richardson
- Central Coast Health Advisory Group - Cr Eyre, Mrs Richardson was appointed the proxy for this committee
- Community Grants Committee – Mrs Richardson, Cr Slyns, Cr Shanhun, Cr Scharf
- Dandaragan Community Centre Management Committee – Mrs Richardson
- Mid-West / Wheatbelt Joint Development Assessment Panel – Member Cr Scharf, Cr Eyre, Alternate Member Mrs Richardson and Cr Shanhun
- Moora Local Health Advisory Group – Mrs Richardson
- Moore Catchment Council – Mrs Richardson

COMMENT

It is suggested that nominations for these nine committees be called for from the floor during the April Council meeting. Council is advised to suspend relevant sections of the Local Government (Council Meetings) Local Law 2019 to facilitate open discussion.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

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POLICY IMPLICATIONS

Elected members representing the Shire of Dandaragan as Council endorsed delegates are eligible to claim travel expenses in accordance with Policy 1.7.

FINANCIAL IMPLICATIONS

There is sufficient budget provision to ensure travel expenses are met by Council for the endorsed delegates.

STRATEGIC IMPLICATIONS

A number of the delegate positions relate to working groups or committees that have direct involvement with specific actions within the Shire of Dandaragan Strategic Plan.

Strategic Community Plan – Envision 2029

04 – Community	The Shire's resident population will grow more than the WA regional average supported by increased community recreation and cultural opportunities and access to key liveability factors such as health and wellbeing services and educational opportunities
Priority Outcomes	Our Roles
A region that develops and supports community leadership and collective values	Provide governance support to community groups to deliver their objectives

ATTACHMENTS

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

- Current list of delegates to outside committees and organisations (Doc Id: 142218)

(Marked 9.4.1)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Scharf, seconded Cr Slyns

That Council:

1. agrees to appoint:

- **Cr Slyns as delegate for the Avon Midland Zone WALGA;**
- **Cr Scharf as delegate Badgingarra Community Centre Management Committee;**
- **Cr Scharf as delegate for the Badgingarra Community Association;**
- **Cr Eyre as the proxy for the Central Coast Health Advisory Group;**
- **Cr Eyre as the delegate for the Community Grants Committee with Cr Slyns, Cr Shanhun and Cr Scharf remaining as delegates;**

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- Cr Scharf as delegate for the Dandaragan Community Centre Management Committee;
- Cr Clarke as Alternate Member for the Mid-West / Wheatbelt Joint Development Assessment Panel with Cr Scharf and Cr Eyre as Members and Cr Shanhun as an Alternate Member;
- Cr Eyre as delegate for the Moora Local Health Advisory Group; and
- Cr Shanhun as delegate for the Moore Catchment Council.

CARRIED 8 / 0

COUNCIL DECISION

Moved Cr Eyre, seconded Cr Shanhun

That Council resume clauses 8.8 and 10.5 of the Shire of Dandaragan Local Government (Council Meetings) Local Law 2019 at 4.46pm.

CARRIED 8 / 0

9.5 COUNCILLOR INFORMATION BULLETIN

9.5.1 SHIRE OF DANDARAGAN – MARCH 2021 COUNCIL STATUS REPORT

Document ID: 173473

Attached to the agenda is a copy of the Shire's status report from the Council Meeting held 25 March 2021. *(Marked 9.5.1)*

9.5.2 SHIRE OF DANDARAGAN – EXECUTIVE MANAGER INFRASTRUCTURE REPORT – JAN – MARCH 2021

Document ID: 174239

Attached to the agenda is a copy of the Shire of Dandaragan's Executive Manager Infrastructure Report for Jan – Mar 2021. *(Marked 9.5.2)*

9.5.3 SHIRE OF DANDARAGAN – BUILDING STATISTICS – MARCH 2021

Document ID: 173974

Attached to the agenda is a copy of the Shire of Dandaragan Building Statistics for March 2021. *(Marked 9.5.3)*

9.5.4 SHIRE OF DANDARAGAN – PLANNING STATISTICS – MARCH 2021

Document ID: 173973

Attached to the agenda is a copy of the Shire of Dandaragan Planning Statistics for March 2021. *(Marked 9.5.4)*

9.5.5 SHIRE OF DANDARAGAN TOURISM / LIBRARY REPORT FOR MARCH 2021

Document ID: 174116

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Attached to the agenda is monthly report for Tourism / Library for March 2021. *(Marked 9.5.5)*

9.5.6 WESTERN POWER – REGANS FORD SUBSTATION TRANSMISSION LINE PROJECT

Document ID: 173082

Attached to the agenda is correspondence from Western Power with regards to the new transmission line project between Regans Ford substation and the existing 132kV Pinjar to Cataby transmission line *(Marked 9.5.6)*

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

Nil

11 CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE PUBLIC

Nil

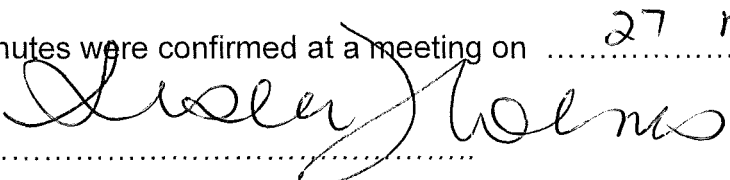
12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13 CLOSURE OF MEETING

The presiding member declared the meeting closed at 4.48pm.

These minutes were confirmed at a meeting on 27 May 2021

Signed 

Presiding person at the meeting at which the minutes were confirmed

Date 27 May 2021