



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

**MINUTES**  
  
of the  
  
**ORDINARY COUNCIL MEETING**  
  
held at the  
  
**COUNCIL CHAMBERS, JURIE BAY**  
  
on  
  
**THURSDAY 25 AUGUST 2022**  
  
**COMMENCING AT 11.05AM**

*(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 11.05am 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 46 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 Glasfurd	
Councillor M McDonald	
Councillor R Rybarczyk	

### Staff

Mr B Bailey	(Chief Executive Officer)
Mr S Clayton	(Executive Manager Corporate & Community Services)
Mr L Fouché	(Executive Manager Development Services)
Ms R Headland	(Council Secretary & Personal Assistant)
Mr R Mackay	(Planning Officer)
Ms M Perkins	(Manager Customer & Community Services)

### Apologies

Councillor R Shanahun

**Approved Leave of Absence**

Nil

**Observers**

Jurien Bay Senior High School Year 5 / 6 Students and Support staff

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

Nil

**4 PUBLIC QUESTION TIME**

Addison Passamani asked what are the different ways of reporting incidents to the Shire?

*The Chief Executive Officer responded by saying that you could phone, email, drop in or take a photo and send it in through Snap, Send and Solve.*

Addison asked does the Shire help other Shires in the country?

*The Chief Executive Officer responded by saying that we do help out other smaller shires in the country, with the example of the Shire of Cocos-Keeling Islands who our Development Services Department has assisted in the past with Planning and Building applications.*

Elijah Wood asked how many towns do the Shire control?

*The Shire President responded by saying that there are 5 towns within the Shire of Dandaragan – Badgingarra, Cervantes, Dandaragan, Regans Ford and Jurien Bay.*

Bridget Ward asked do we rely on other companies to supply us with fuel?

*The Chief Executive Officer explained that the Shire purchase the fuel supplied from Fuel Companies to fill our large tanks at the Depot.*

Hunter Hapcraft asked whether the Shire provide the freight services for businesses in the town.

*The Chief Executive Officer responded by saying that it isn't a service that the Shire supplies and that businesses like IGA cart all their own groceries and others rely on local freight companies to deliver their goods.*

Ali Main asked do we do the planning and building approvals for the school.

*The Executive Manager of Development Services advised that while the Shire had a strategic planning role in where schools and other major service providers were located, the State Government undertakes all their own planning and building approvals for State Government buildings.*

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Kaitlyn asked about the erosion at Wedge and Grey?

*The Shire President responded by saying that coastal erosion is happening throughout the Shire and it was challenging for local governments to intervene in and overcome natural coastal processes. The Shire President also advised that Wedge and Grey are managed by the Department of Biodiversity, Conservation and Attractions.*

Hayden asked what is the Shire doing about the Marina?

*The Chief Executive Officer responded by saying that the Shire is working hard advocating to all levels of Government to get a resolution to the problem at the marina.*

Kalinda asked are we going to bring back Indian Ocean Festival?

*The Shire President responded by saying she hoped the community group would be doing so, but it would not be the same as it used to be, COVID has made a big impact on the festival and the volunteers involved need more helpers to assist them deliver the event.*

## 5 APPLICATIONS FOR LEAVE OF ABSENCE

### **COUNCIL DECISION**

**Moved Cr Scharf, seconded Cr Eyre**

**That the following request for leave of absence be approved:**

**Cr Holmes – 22 September 2022.**

**CARRIED 8 / 0**

## 6 CONFIRMATION OF MINUTES

### 6.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD 28 JULY 2022

#### **COUNCIL DECISION**

**Moved Cr Eyre, seconded Cr Clarke**

**That the minutes of the Ordinary Meeting of Council held 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 SUNDRY DEBTOR WRITE OFF

Location:	N/A
Applicant:	N/A
Folder Path:	SODR-2042075298-39615
Disclosure of Interest:	N/A
Date:	1 August 2022
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

#### PROPOSAL

That Council authorise the write off of three stale sundry debtor invoices.

#### BACKGROUND

The Shire of Dandaragan has 30-day payment terms on sundry debtor invoices. Invoices unpaid after that time are issued repeated reminder notices and customer statements. When large invoices remain unpaid they are referred to the Cloud Payment Group to commence recovery action.

Whilst court costs can generally be recovered from successful legal action, there are some preliminary costs that can't always be recovered.

Therefore, generally, for smaller stale invoices where internal cost recovery processes fail, it is sometimes more cost effective to write off the invoice rather than commence costly and lengthy recovery action through the Cloud Payment Group.

#### COMMENT

Permission to write off stale sundry debtor accounts is now being sought in accordance with Section 6.12 of the Local Government Act 1995. The details of the accounts are provided below;

<b>Invoice Number:</b>	31250
<b>Date of Invoice:</b>	24 March 2021
<b>Customer No.:</b>	C30361
<b>Details of Invoice:</b>	Towage Fees, Impound Fee & Daily Storage Fee for vehicle
<b>Amount of Invoice:</b>	\$918.18 ex GST
<b>Amount of Write Off:</b>	\$727.28 ex GST

**Comment:** The debtor agreed to a verbal arrangement to pay off the debt with the first initial payment \$210.00 received on 24 March 2021 and the vehicle was released into his custody.

Numerous reminder emails and mail have been sent to the debtor, unfortunately he failed to continue with the arrangement or make contact with staff of the Shire of Dandaragan. The amount has been

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outstanding for over a year. Staff members have been unsuccessful with obtaining payment and the cost to recover the outstanding debt through a collection agency would not be of benefit to the Council.

**Invoice Number:** 30323  
**Date of Invoice:** 12 February 2020  
**Customer No.:** C30242  
**Details of Invoice:** Septic Pump Out 28 January 2020  
**Amount of Invoice:** \$704.28 ex GST  
**Amount of Write Off:** \$704.28 ex GST

**Comment:** A septic pump out was requested by the debtor at a property in Lancelin and completed on 28 January 2020. Unfortunately, contractual paperwork was not completed appropriately or signed by the debtor, and therefore no written authority to authorise the work exists.

After the invoice was issued, numerous attempts were made by email, telephone, and mail by staff with no success. The cost to recover the outstanding debt through a collection agency would not be of benefit to the Council.

**Invoice Number:** 27816  
**Date of Invoice:** 08 May 2017  
**Customer No.:** C29774  
**Details of Invoice:** Turquoise Coast Visitor Guide  
 Advertisement  
**Amount of Invoice:** \$450 ex GST  
**Amount of Write Off:** \$450 ex GST

**Comment:** The invoice was issued and then the business was sold. The new owner of the business did not agree to paying the invoice and has since never taken out any advertising within the Turquoise Coast Visitor Guide. The previous owner refused to pay the invoice because of selling the business and did not believe the debt was their responsibility.

Staff members have been unsuccessful with obtaining payment from the debtor and the cost to recover the outstanding debt through a collection agency would not be of benefit to the Council.

### CONSULTATION

Nil

### STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 6.12 Power to defer, grant discounts, waive, or write off debts

#### **6.12. Power to defer, grant discounts, waive or write off debts**

*(1) Subject to subsection (2) and any other written law, a local government may —*



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- (a) when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money; or
- (b) waive or grant concessions in relation to any amount of money; or
- (c) write off any amount of money,
- which is owed to the local government.

\* Absolute majority required.

#### POLICY IMPLICATIONS

There are no policy implications relevant to this item.

#### FINANCIAL IMPLICATIONS

Writing off these invoices will incur a debtor write-off expense in the financial records of the Shire to a total amount of \$1,881.56.

#### STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

#### ATTACHMENTS

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

- Confidential – Copy of invoice 31250 (Doc Id: SODR-2042075298-40273)
- Confidential – Copy of invoice 30323 (Doc Id: SODR-2042075298-40271)
- Confidential – Copy of invoice 27816 (Doc Id: SODR-2042075298-40272)

**(Marked 9.1.1)**

#### VOTING REQUIREMENT

Absolute majority

#### OFFICER RECOMMENDATION / COUNCIL DECISION

**Moved Cr Eyre, seconded Cr Rybarczyk**

**That Council, in accordance with section 6.12 of the Local Government Act (1995), authorise the write off of the remaining balance for the following invoices;**

- |                             |  |
|-----------------------------|--|
| <b>1. Invoice Number:</b>   | 31250  |
| <b>Date of Invoice:</b>     | 24 March 2021  |
| <b>Customer No.:</b>        | C30361   |
| <b>Details of Invoice:</b>  | Towage Fees, Impound Fee & Daily Storage Fee for vehicle |
| <b>Amount of Invoice:</b>   | \$918.18 ex GST  |
| <b>Amount of Write Off:</b> | \$727.28 ex GST  |
| <b>2. Invoice Number:</b>   | 30323  |
| <b>Date of Invoice:</b>     | 12 February 2020   |
| <b>Customer No.:</b>        | C30242   |
| <b>Details of Invoice:</b>  | Septic Pump Out 28 January 2020                          |
| <b>Amount of Invoice:</b>   | \$704.28 ex GST  |

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**Amount of Write Off:** \$704.28 ex GST  
**3. Invoice Number:** 27816  
**Date of Invoice:** 08 May 2017  
**Customer No.:** C29774  
**Details of Invoice:** Turquoise Coast Visitor Guide  
 Advertisement  
**Amount of Invoice:** \$450 ex GST  
**Amount of Write Off:** \$450 ex GST

**CARRIED BY ABSOLUTE MAJORITY 8 / 0**

### 9.1.2 ACCOUNTS FOR PAYMENT – JULY 2022

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	SODR-2042075298-36502
Disclosure of Interest:	None
Date:	12 August 2022
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 July 2022.

#### BACKGROUND

In accordance with the Local Government Act 1995, and 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 July 2022 totalled \$2,154,965.47 for the Municipal Fund.

Should Councillors wish to raise any issues relating to the July 2022 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.

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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:

Cheque, EFT and direct debit listings for July 2022 (Doc Id: SODR-2042075298-40187)

**(Marked 9.1.2)**

VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Clarke, seconded Cr Gibson**

**That the Cheque and EFT listing for the period ending 31 July 2022 totalling \$2,154,965.47 be adopted.**

**CARRIED 8 / 0**

**9.1.3 FINANCIAL STATEMENTS - MONTHLY REPORTING FOR THE PERIOD ENDING 31 JULY 2022**

Location:	Shire of Dandaragan
Applicant:	N/A
Folder	SODR-1743450996-2640
Disclosure of Interest:	None
Date:	

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 July 2022.

BACKGROUND

In accordance with 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 July 2022.

COMMENT

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

- Net Current Assets

Council's adjusted net current assets surplus / (deficit) position as at the 31 July 2022 was \$2,229,033. Net current Assets are

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calculated by deducting current liabilities from current assets as reported in the Statement of Financial Position. In accordance with regulation 34 of the Local Government Financial Management Regulations (1996) the net current assets are adjusted to establish a surplus / (deficit) position within the monthly financial statements. The current position indicates that Council can easily meet its short-term liquidity or solvency.

The adjusted net current assets position is reflected on page 10 and reconciled with the Rate Setting Statement on page 3 of the financial statements.

The amount raised from rates, shown on the Rate Setting Statement (page 3), reconciles with note 2 (page 9) of the financial statements and provides information to Council on the budget vs actual rates raised.

- Material Variances

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

Note 14 (page 24) of the attached report details any significant variances.

Should Councillors wish to raise any issues relating to the 31 July 2022 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 July 2022 (Doc Id: SODR-1743450996-2667)

**(Marked 9.1.3)**

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VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION / COUNCIL DECISION****Moved Cr Rybarczyk, seconded Cr Scharf****That the monthly financial statements for the period 31 July 2022 be adopted.****CARRIED 8 / 0**

*Cr McDonald, Mr Bailey and Mr Clayton declared an impartiality interest in Item 9.1.4 being members of the Jurien Bay Football Club. Mr Bailey also declared that he assisted in the preparation of grant application documents.*

**9.1.4 JURIEN BAY FOOTBALL CLUB UPGRADE LIGHTING PROJECT**

Location:	Jurien Bay Oval
Applicant:	Jurien Bay Football Club
Folder Path:	SODR-1272937250-1306
Disclosure of Interest:	Brent Bailey, Scott Clayton, Cr McDonald declared an Impartiality Interest
Date:	8 August 2022
Author:	Rhiarn Sutton, Community Development Officer
Senior Officer:	Brent Bailey, Chief Executive Officer.

PROPOSAL

For Council to consider lodging a Club Night Lights Program application on behalf of the Jurien Bay Football Club (Club) to upgrade existing floodlighting infrastructure to community training standards at the Jurien Bay Oval.

BACKGROUND

The Jurien Bay Football Club has been in operation since 1973. The club has expanded to include netball and hockey. Over the past 4 years the club has seen an increase of membership from 155 to 191. This includes both playing members and social members.

The Jurien Bay Football Club is the overarching body for several sporting groups utilising the Jurien Sport and Recreation Centre. This includes netball, hockey with the club also providing infrastructure and services to social sporting groups such as soccer, cricket and visiting sporting groups who undertake training camps at the facilities.

During their pre-season training and football season, both football and hockey teams utilise the oval facility, including the lights. The oval is currently serviced with one tower and 2 LED floodlights, which has the capacity to light a small area of the oval. This has made night training sessions challenging and unsafe for participants. The club advises that the lack of lighting and safety concerns has had an impact on the numbers of players engaging in training sessions.

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Given this current situation, the club wishes to have an application lodged under the Department of Local Government, Sport and Cultural Industries, Club Night Lights Program (Program).

The Program is a new State Government Program designed to provide financial assistance to community groups and local governments to develop sports floodlighting infrastructure. The program aims to maintain or increase participation in sport and recreation with an emphasis on physical activity, through rational development of good quality, well-designed and well-utilised facilities.

The Program can fund new and/or upgraded facilities which will maintain or increase physical activity and participation through the provision of floodlighting.

Examples of projects which will be considered for funding include:

- providing floodlighting to community training and/or local match play standard where existing facilities do not meet training standard
- meeting strategic objectives for State sporting associations by providing facilities for competition play at formally identified locations
- replacing aging metal-halide floodlighting with energy efficient LED floodlighting to community training and/or community match play standard power upgrades directly linked to the development of lighting.

The club is seeking funding from the Shire in accordance with Policy C-6SRF01 – Sport and Recreation Funding. In addition, given the lighting infrastructure becomes a Shire asset at completion, the Shire is requested to consider being the applicant on the grant application.

**COMMENT:**

According to the Department of Local Government, Sport and Cultural Industries the minimum lux level for club competition and match practice is 100 with recreation/amateur training only requiring a lux level of 50. The current lighting lux level is not sufficient and does not meet the basic requirements of training level.

The current LUX recommendation for Football (AFL) and Football (soccer):

Football (AFL)	Recreation/amateur training	50	AS2560.2.3 - 2007 Lighting for all football codes
	Club competition and match practice, training for semi-professional (VFL, WAFL)	100	
	Semi-professional and match practice professional (AFL)	200	
	Professional competition	500	
Football (soccer)	Touch and tague amateur training	50	AS2560.2.3 - 2007 Lighting for all football codes
	Amateur competition and match practice, Premier league ball training	100	
	Men's state league competition/match practice	200	

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The club has proposed the erection of four lighting towers to lux level of 100 as shown in the attached lighting plan.

As attached to this item, the Club has submitted letters of support from the Western Australian Football Commission and the Central Midlands Coastal Football League for their funding application.

The Jurien Sport and Recreation Centre have also supported the proposal by committing \$15,000 cash should the funding application be successful.

This lighting upgrade is consistent with the Shire of Dandaragan's draft Sport and Recreation Plan for oval training floodlights.

The increase of lighting will create more playing and training opportunities for playing areas and offer increased programming flexibility for users of the oval.

The Jurien Bay Football Club have no intention of charging a usage fee for the Shire and/or clubs. Therefore, the booking process for the lights will continue to be managed by the Shire.

The Club Night Lights grant is specific to fund new or upgraded facilities in relation to floodlights. Although, this grant is similar to the Community Sporting and Recreation Facilities Fund (CSRFF) with both grants aiming to increase participation in sport and recreation with an emphasis on physical activity, through rational development of good quality, well-designed and well-utilised facility. It is stated in the CSRFF guidelines, "*applications for sports floodlighting are now encouraged to apply through the Club Night Light Program.*"

A local government project assessment sheet must be completed as part of the application form.

The Jurien Bay Football Club have agreed to fund any cost over-runs associated with the project in their entirety, take on the responsibility of all future maintenance of the lighting infrastructure and will establish a sinking fund to meet future capital replacement costs of the lighting infrastructure and set aside an amount of \$7,500 per year.

#### CONSULTATION

- Jurien Bay Football Club
- Samantha Cornthwaite, A/Regional Manager, Wheatbelt

#### STATUTORY ENVIRONMENT

Local Government Act 1995 – 6.8 Expenditure from municipal fund not included in annual budget

#### ***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 —*

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- (a) *is incurred in a financial year before the adoption of the annual budget by the local government; or*
- (b) *is authorised in advance by resolution\*; or*
- (c) *is authorised in advance by the mayor or president in an emergency.*

*\* Absolute majority required.*

*(1a) In subsection (1) —*

*additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.*

*(2) Where expenditure has been incurred by a local government —*

- (a) *pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and*
- (b) *pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.*

*[Section 6.8 amended: No. 1 of 1998 s. 19.]*

**POLICY IMPLICATIONS**

**Policy 6.1 C-6SRF01 – Sport and Recreation Funding Eligible Applications.**

*To be eligible for funding under this program applicants must have;*

- i. *Submitted a Community Sport Recreation Facilities Fund Application (CSRFF) to the Department of Local Government, Sport and Cultural Industries' or submitted an application to another funding source for the project.*
- ii. *An own source contribution comprising a minimum of 1/6<sup>th</sup> of the total project cost in cash.*
- iii. *In determining applications to this fund the Council will give priority to applications that;*
  - *have successfully sourced CSRFF funds or other source of funding;*
  - *can demonstrate that their organisation has a strong membership base and is financially sustainable;*
  - *can demonstrate strong demand for the proposed infrastructure; and*
  - *can deliver projects without the organisation requiring loan funds.*
- iv. *Applicants that have been unsuccessful in a CSRFF application, or other major funding process, remain eligible for funding under this program, however Council's total commitment will not exceed 50% of the approved project budget or the maximum annual funding allocation in a given year.*
- v. *Requests must be for a total project cost of greater than \$40,000 (exc GST).*



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**FINANCIAL IMPLICATIONS**

Should Council agree to lodge the grant application on behalf of the Jurien Bay Football Club, the total financial contribution to the project by the Shire would be \$80,296. This exceeds the Sporting and Recreation Facilities Capital work Fund allocation for 2022/23 by \$7,406,61. Therefore, a transfer of this amount from the Sport and Recreation Reserve will be required. The funds within the Sport and Recreation Reserve are from previous years Sporting and Recreation Facilities Capital Work Fund allocations that were unused, therefore, such a transfer is appropriate.

As the Project will be lodged by the Shire, income from both the Club and the Department of Local Government, Sport and Cultural Industries will also be recognised.

Total cost of the project will also be recorded as an Infrastructure – Other assets.

The following is a summary of the project financials that will be lodged within the application:

<b>Source of funding</b>	<b>\$Amount ex GST</b>
Applicant cash (Local Government)	\$ 80,296.00
Other funding – (Jurien Bay Football Club Inc.)	\$ 42,390.00
CNLP request (No Development Bonus)	\$ 84,780.00
<b>Total Cash Funding</b>	<b>\$ 207,466.00</b>
Volunteer labour (Jurien Bay Football Club Inc.)	\$ 22,173.00
Donated materials (Jurien Bay Football Club Inc.)	\$ 24,700.00
<b>Total Project Value</b>	<b>\$ 254,339.00</b>

The club's contribution is made up of the following:

- Club cash - \$27,390 ex GST
- JSRC Committee cash - \$15,000 ex GST
- Volunteer labour - \$22,173
- Donated materials - \$24,700

**STRATEGIC IMPLICATIONS**

Strategic Community Plan - Envision 2029

04 - Community	The Shire's resident population will be the fastest growing population in the region supported by increased community recreation and cultural opportunities and access to key liveability factors such as health and wellbeing services and educational opportunities.
<b>Priority Outcomes</b>	<b>Our Roles</b>

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A safe, healthy, smart and active community that values its history and supports intergenerational relationships	Increase community building by providing sustainable recreation infrastructure and services, off-peak events, community building programs and place-making concepts in our public spaces
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Draft Sport and Recreation Plan – Envision 2029

**ATTACHMENTS**

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

- JBFC Letter to Shire (Doc Id: SODR-1272937250-1327)
- JBFC – Club Night Lights Application (Doc Id: SODR-1272937250-1309)
- Jurien Bay Oval Facility lighting Project (Doc Id: SODR-1272937250-1308)
- JBFC Lighting Plan 100Lux (Doc Id: SODR-1272937250-1316)
- Location Map ((Doc Id: SODR-1272937250-1311)
- Site Map (Doc Id: SODR-1272937250-1310)
- Innes Elect Quote (Doc Id: SODR-1272937250-1324)
- Ignite Elect Quote (Doc Id: SODR-1272937250-1312)
- WAFC Support Letter (Doc Id: SODR-1272937250-1314)
- CMCFL Support Letter (Doc Id: SODR-1272937250-1315)
- Jurien Sport Rec Centre Minutes (Doc Id: SODR-1272937250-1322)
- Certificate of incorporation (Doc Id: SODR-1272937250-1313)
- Bendigo Statement Account (Doc Id: SODR-1272937250-1331)
- Bendigo Term Deposit (Doc Id: SODR-1272937250-1319)
- JTE Donation Letter (Doc Id: SODR-1272937250-1323)
- SoD Level of Service Infographic (Doc Id: SODR-1272937250-1317)
- Policy C-6SRF01 (Doc Id: SODR-878193511-2758)

***(Marked 9.1.4)***

**VOTING REQUIREMENT**

Absolute majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Gibson, seconded Cr Eyre**

- 1. That Council, in accordance with Shire Policy C-6SRF01 – Sport and Recreation Funding authorise the Shire of Dandaragan (as the applicant), on behalf of the Jurien Bay Football Club Inc., to lodge a Club Night Lights Program application with the Department of Local Government, Sport and Cultural Industries to upgrade floodlighting at the Jurien Bay town oval via the erection of four lighting towers fitted with lights capable of providing 100 lux lighting to the oval with the following funding profile:**

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Source of funding	\$Amount ex GST
Applicant cash (Local Government)	\$ 80,296.00
Other funding – (Jurien Bay Football Club Inc.)	\$ 42,390.00
CNLP request (No Development Bonus)	\$ 84,780.00
<b>Total Cash Funding</b>	<b>\$ 207,466.00</b>
Volunteer labour (Jurien Bay Football Club Inc.)	\$ 22,173.00
Donated materials (Jurien Bay Football Club Inc.)	\$ 24,700.00
<b>Total Project Value</b>	<b>\$ 254,339.00</b>

**This approval is subject to:**

- a) **The Jurien Bay Football Club Inc. maintaining a Schedule of Voluntary Labour in the prescribed format utilising the approved charge out rates as identified in the Club Night Lights Program guidelines, and:**
  - b) **The Jurien Bay Football Club Inc. provide a Schedule of Donated Materials along with supporting evidence to establish the value of donated materials to the satisfaction of the Department of Local Government, Sport and Cultural Industries, and:**
  - c) **The Jurien Bay Football Club Inc. agreeing to fund any cost over-runs associated with the project in their entirety, and:**
  - d) **Confirmation from the Jurien Bay Football Club Inc. that they will establish a sinking fund to meet future capital replacement costs of the lighting infrastructure and set aside an annual amount of \$7,500 into this sinking fund, and:**
  - e) **All future maintenance of the lighting infrastructure being the responsibility of the Jurien Bay Football Club Inc.**
- 1. In submitting Club Night Lights Program application to Department of Local Government, Sport and Cultural Industries, for the purpose of the “Project Assessment Sheet”:**
- a) **Advise that for the purpose of Section A the Country Night Light Program Principles have been considered and that the following assessment will be provided;**

	Satisfactory	Unsatisfactory	Not relevant
Project justification	✓		
Planned approach	✓		
Community input	✓		
Management planning	✓		
Access and opportunity	✓		

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Design	✓		
Financial viability	✓		
Co-ordination	✓		
Potential to increase Physical activity	✓		
Sustainability	✓		

**b) For section B, the following is to be provided:**

Priority ranking of no of applications received	1 of 1 application received
Is this project consistent with the	Shire of Dandaragan's Strategic Community Plan and Sport and Recreation Plan
Have all planning and building approvals been given for this project?	Yes, the project works will be exempt from requiring development under Section 6 (Public works, Act does not interfere) of the <i>Planning and Development Act 2005</i>
If no, what approvals are still outstanding?	N/A

**c) Advise that the Project is “Well planned and needed by the municipality.**

**3. Upon successful application to the Club Night Lights Program, Council authorise a budget amendment to:**

- a) **Recognise an Infrastructure – Other asset for the amount of \$207,466, and:**
- b) **Commit the Shire’s 2022/23 annual budget allocation for Sporting and Recreational Capital Works Fund of \$72,889.39 to this application, and:**
- c) **Transfer \$7,406.61 from the Sport and Recreation Reserve as a further Shire contribution to this application, and:**
- d) **Recognise a non-operating contribution from the Jurien Bay Football Club Inc. of \$42,390 ex GST and:**
- e) **Recognise a non-operating grant from the Department of Local Government, Sport and Cultural Industries to the amount of \$84,780 ex GST.**

**CARRIED BY ABSOLUTE MAJORITY 8 / 0**

### **9.1.5 REVIEW OF ENVIRONMENTAL GRANT APPLICATIONS**

Location:	N/A
Applicant:	Shire of Dandaragan
Folder Path:	SODR-437506902-9466
Disclosure of Interest:	Nil
Date:	15 August 2022
Author:	Michelle Perkins, Manager Customer and Community Services
Senior Officer:	Scott Clayton, Executive Manager Corporate and Community Services

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**PROPOSAL**

The purpose of this report is to authorise the allocation of funds for the Shire of Dandaragan Environmental Grants for 2022.

**BACKGROUND**

On 24 September 2019 Council endorsed the establishment of the 2019/2020 Environmental Grants Program in accordance with the attached guidelines, and allocated \$30,000 from the Protection of the Environment budget towards the program.

The core objectives of the program are as follows:

- Benefit the environment through local projects
- Involve the local community in project design and delivery
- Raise awareness and understanding of environmental and sustainability issues
- Support people to take action and share skills and knowledge about the local environment
- Build the capacity of the community to address environmental sustainability.
- Deliver short-term tangible environmental results that are consistent with the Shire's long term environmental sustainability direction.

This will be the fourth year of the Shire of Dandaragan Community Grants Program. The assistance provided by the Shire is to support environmental projects and is not intended to be the sole source of funding.

Local organisations and groups were encouraged to apply for up to \$10,000 for projects on public or private land. Applicants were able to apply for a funding commitment over multiple years where they could demonstrate a compelling need such as the commitment from Council being an essential requirement to access other external funding, or projects that would require an action over a number of years to see significant outcomes.

**COMMENT**

This year the funding pool is \$20,000. The Grants Program received a total of two (2) applications with a total funding request of \$19,960:

<b>ORGANISATION</b>	<b>PROJECT DESCRIPTION</b>	<b>GRANT REQUEST</b>
Jurien Bay Regional Herbarium Group	Dandaragan Shire Foreshore Weed Eradication Program	\$9,960.00
Cervantes Ratepayers and Progress Association	Osprey Nesting Platforms Project – Cervantes	\$10,000.00
	<b>TOTAL</b>	<b>\$19,960.00</b>

The grant guidelines are deliberately broad in the grant's objectives in order for the Shire to receive a range of projects and initiatives to be considered on their merits. Outcomes and learnings from earlier rounds of funding will assist the development of the aligned Council policy for Environmental Grants similar to the process for Council's

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Community Grants program. It is intended that the future policy will be in place for the 2023/2024 budget cycle.

Staff met with Nature Conservation Coordinator, Steve Buitenhuis from Department of Biodiversity, Conservation and Attractions Parks and Wildlife office in Jurien Bay in late July to review the applications from a local benefit perspective, whilst also reviewing the broader implications or benefits of each project. Both projects were reviewed and approved for eligibility.

During the application review meeting, staff and the DBCA representative questioned how the Cervantes osprey nesting platform would be maintained to the standards set out in the Queensland State Government's Department of Environment and Science Information Sheet which states that a maintenance inspection should take place annually to remove any harmful materials. Mr Buitenhuis advised that DBCA had not committed to assist the group with this despite reference to support from DBCA in the application. Staff contacted the applicant and received information from Cervantes Ratepayers and Progress Association (CRPA) (Sandra Randall, CRPA President) on 17 August 2022 as follows:

*"The design of the nesting structure has been completed by a structural engineer and the structures will be hot dipped galvanised to ensure they are suitable for the coastal environment. With maintenance of the nest and structure, they would be inspected by camera on drone after the breeding season. This would be done in conjunction with DBCA who have expressed their interest in being involved with this project. From an internet search, it is anticipated that there would be very low if any level of intervention required, and we would organise the local tree lopper with his cherry picker to carry out any nest maintenance works – the cost here would be minimal and managed by the local Cervantes community"*

A review of the applications was undertaken:

PROJECT	BENEFITS / ISSUES	RECOMMENDATIONS
Cervantes Osprey Nesting Platforms Project	<ul style="list-style-type: none"> <li>▪ Demonstrated effectiveness in assisting with breeding</li> <li>▪ Builds on previous platforms in both Cervantes and Jurien Bay</li> <li>▪ Requires ongoing / yearly maintenance</li> <li>▪ Quality engineering</li> <li>▪ Aligned with Shire's SCP Envision 2029</li> <li>▪ Collaboration with local community groups</li> <li>▪ Builds capacity of local community organisation</li> </ul>	<ul style="list-style-type: none"> <li>▪ Provide before / after images for reporting and promotion purposes</li> <li>▪ Invite broader community to assist with monitoring of breeding</li> <li>▪ Coordinate construction and installation with Shire Parks and Gardens schedule</li> <li>▪ Provide annual project report to Council / Shire</li> </ul>

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PROJECT	BENEFITS / ISSUES	RECOMMENDATIONS
	<ul style="list-style-type: none"> <li>▪ Requires annual maintenance inspection</li> </ul>	<ul style="list-style-type: none"> <li>▪ Provide annual update to local newspapers identifying the project and partnership with the Shire</li> <li>▪ Project coordinator to provide project plan (breakdown) for promotion and display purposes</li> </ul>
Dandaragan Shire Foreshore Weed Eradication Program	<ul style="list-style-type: none"> <li>▪ Demonstrated effectiveness in controlling identified invasive weed of significance</li> <li>▪ Builds on previous control treatments</li> <li>▪ Requires ongoing / yearly treatment to ensure prevention of reinfestation</li> <li>▪ Allows revegetation of native plantings to re-establish in order to stabilise coastal dunes</li> <li>▪ Aligned with Shire's Coastal Hazard Risk Management Action Plan (CHRMAP) &amp; NACC's Jurien Bay Pyp Grass Management Plan (2014) / Cervantes Pyp Grass Management Plan (2012)</li> <li>▪ Application requests consideration of 3-year funding approval</li> <li>▪ Provides employment for local contractors</li> <li>▪ Collaboration with local coastcare groups and school</li> <li>▪ Part focus on Juncus acutus weed at Hill River site which has been identified by DBCA as a weed of concern</li> </ul>	<ul style="list-style-type: none"> <li>▪ Provide before / after images for reporting and promotion purposes</li> <li>▪ Provide annual project report to Council / Shire demonstrating agricultural and environmental outcomes</li> <li>▪ Provide annual update to local newspapers identifying the project and partnership with the Shire</li> <li>▪ Project coordinator to provide project plan (breakdown) for promotion and display purposes</li> <li>▪ Coordinate eradication and rehabilitation work in collaboration with Shire Parks and Gardens schedule</li> <li>▪ Application is recommended for continued funding in the next two financial years.</li> </ul>

**CONSULTATION**

- Steven Buitenhuis, Nature Conservation Coordinator, Department of Biodiversity, Conservation and Attractions

**STATUTORY ENVIRONMENT**

There are no statutory implications relevant to this item

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**POLICY IMPLICATIONS**

There is no current policy associated with this proposal. It is proposed that an Environmental Grants Policy is developed to guide the 2023/2024 budget process.

**FINANCIAL IMPLICATIONS**

A suitable funding source is already contained within Council's 2022/2023 budget – GL 27060.1004.CCS10152.00100 – Protection of the Environment.

**STRATEGIC IMPLICATIONS**

Strategic Community Plan – Envision 2029

03 - Environment	The Shire will be a responsible custodian of the environment working with community groups and other entities to increase renewable energy initiatives, vegetation cover and rehabilitate degraded public land throughout the local region.
<b>Priority Outcomes</b>	<b>Our Role</b>
Our region is acknowledged for environmental practices, projects and initiatives that enhance the environment and our liveability within it.	Collaborate with the community to improve our waterways, coastal reserves, roads and bushland.

**ATTACHMENTS**

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

- Application: Osprey Nesting Platforms Project (Doc Id: SODR-1739978813-5509)
- Application: Dandaragan Shire Foreshore Weed Eradication Program (Doc Id: SODR-1739978813-5508)

**(Marked 9.1.5)**

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION**

**That Council:**

**Moved Cr Scharf, seconded Cr Eyre**

**1. Fully fund the following 2022 / 2023 grant applications:**

ORGANISATION	PROJECT DESCRIPTION	GRANT
Jurien Bay Regional Herbarium Group	Dandaragan Shire Foreshore Weed Eradication Program	\$9,960
Cervantes Ratepayers and Progress Association	Osprey Nesting Platforms Project – Cervantes	\$10,000
	<b>TOTAL</b>	<b>\$19,960</b>

**2. Commit to fully fund the Jurien Bay Regional Herbarium Group's grant application for a 3-year weed eradication project to be continued in 2023 / 2024 and 2024 / 2025 financial years from the Shire's annual allocation for Environmental Grants:**



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ORGANISATION	PROJECT DESCRIPTION	YEAR	GRANT
Jurien Bay Regional Herbarium Group	Dandaragan Shire Foreshore Weed Eradication Program	2023/24	\$10,000
Jurien Bay Regional Herbarium Group	Dandaragan Shire Foreshore Weed Eradication Program	2024/25	\$10,000
<b>TOTAL</b>			<b>\$20,000</b>

2. **Reduce the pool of funds available through the Shire's Environmental Grant round by \$10,000 in both 2023 / 2024 and 2024 / 2025 financial years to reflect the commitment to fund the Jurien Bay Regional Herbarium Group's 3-year weed eradication project.**

**CARRIED 8 / 0**

*Cr McDonald, Mr Bailey and Mr Clayton declared an impartiality interest in Item 9.1.6 being members of the Jurien Bay Football Club. Cr Gibson declared an impartiality interest in Item 9.1.6 being a member of the Jurien Bay Progress Association.*

#### **9.1.6 REVIEW OF TRONOX GRANT APPLICATIONS 2022 / 2023**

Location:	N/A
Applicant:	Shire of Dandaragan
Folder Path:	SODR-437506902-9455
Disclosure of Interest:	Brent Bailey, Scott Clayton, Cr McDonald and Cr Gibson declared an Impartiality Interest
Date:	5 August 2022
Author:	Rhiarn Sutton, Community Development Officer
Senior Officer:	Michelle Perkins, Manager Customer and Community Services

#### **PROPOSAL**

The purpose of this report is to consider the allocation of funds for the Tronox Management and Shire of Dandaragan Sporting and Recreation Facilities Fund grant determinations for 2022 / 2023 financial year.

#### **BACKGROUND**

The purpose of this item is to allocate a sum of money each year for 'assisting local sporting clubs and community organisations to provide or improve sporting and recreational facilities and to purchase or improve items of durable equipment'. The funds are allocated by a committee, made up of two (2) representatives from each town within the Shire of Dandaragan, a Tronox Management representative, Shire President (or representative), with support from community development staff.

Council has allocated an amount of \$15,000 in the 2022 / 2023 annual municipal budget for the Sporting and Recreation Facilities Fund, and Tronox has once again contributed to match the funding.

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In addition, there are carry-over funds from last year's unallocated funds and funds foregone due to incomplete projects of \$11,678.55.

### COMMENT

As indicated in the minutes of the grant committee meeting held 26 July 2022, this year 15 applications were submitted by sporting clubs and community organisations. The sum of all requests was \$62,419.42.

The Committee recommended funding the following list of 12 projects:

Organisation	Project Description	Project Cost (\$)	Grant (\$)
Badgingarra Community Association	Supply and install stage lights	20,179.86	2,920.13 *
Badgingarra Golf Club	Replacement fairway mower	25,000.00	12,500.00
Cervantes Bowling Club	Bowling arms	528.00	264.00
Cervantes Community Recreation Centre	Purchase outdoor electronic barbeque facility	8,184.00	4,092.00
Cervantes Historical Society	Museum fit-out	2,863.50	1,431.75
Dandaragan Community Centre	Replacement of air conditioner	4,756.15	2,378.07
Dandaragan Saints Football Club	Bar and merchandise stall	3,173.00	1,586.50
Jurien Bay Football Club	Pavilion Balustrade	7,642.00	3,821.00
Jurien Bay Progress Association	Comfort facility (single toilet)	4,950.00	2,475.00
Jurien Bay Progress Association	Rainwater and toilet connection	9,576.19	4,788.10
Jurien Bay Progress Association	Rainwater collection (tank)	3,344.00	1,672.00
Jurien Sport and Recreation Centre	Parkrun Jurien Bay equipment	7,500.00	3,750.00
<b>Total</b>		<b>\$97,696.70</b>	<b>\$41,678.55</b>

\* Funding recommendation less than requested amount

### CONSULTATION

- Badgingarra Community Association
- Cervantes Ratepayers and Progress Association
- Advance Dandaragan
- Jurien Bay Progress Association
- Tronox Management

### STATUTORY ENVIRONMENT

There are no statutory environment implications associated with this item.

### POLICY IMPLICATIONS

Shire of Dandaragan Policy 6.1 C-6SRF01 – Sport and Recreation Funding

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**FINANCIAL IMPLICATIONS**

Council has made provision in the budget for \$30,000 expenditure. \$15,000 has been allocated from the Shire's General-Purpose Revenue, with a matching contribution of \$15,000 from Tronox Management, plus the balance brought forward from 2021/22, totalling an allocation amount for 2022/2023 of \$41,678.55

**STRATEGIC IMPLICATIONS**

Strategic Community Plan - Envision 2029

4 - Community	The Shire's resident population will be the fastest growing population in the region supported by increased community recreation and cultural opportunities and access to key liveability factors such as health and wellbeing services and educational opportunities.
<b>Priority Outcome</b>	<b>Our role</b>
A Shire built on the strengths of community spirit and resilient, connected communities	Recognise and support the value of our community volunteers and provide meaningful opportunities to contribute to Shire projects and improving local living.

**ATTACHMENTS**

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

- Minutes of the Tronox Shire of Dandaragan Grant Committee meeting on 26 July 2022 (SODR-437506902-9469)
- Tronox & Shire of Dandaragan Sporting and Recreation Facilities Fund Assessment Criteria (SODR-437506902-8749)

**(Marked 9.1.6)**

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Rybarczyk, seconded Cr Clarke**

**That Council:**

- 1. Receive the minutes from the Tronox Shire of Dandaragan Grant Committee meeting from 26 July 2022.**
- 2. Approve the following grant applications for the Sporting and Recreation Facilities Fund for the 2022/2023 financial year, as recommended at the committee meeting on 26 July 2022:**

Organisation	Project Description	Project Cost (\$)	Grant (\$)
Badgingarra Community Association	Supply and install stage lights	20,179.86	2,920.13
Badgingarra Golf Club	Replacement fairway mower	25,000.00	12,500.00
Cervantes Bowling Club	Bowling arms	528.00	264.00

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Organisation	Project Description	Project Cost (\$)	Grant (\$)
Cervantes Community Recreation Centre	Purchase outdoor electronic barbeque facility	8,184.00	4,092.00
Cervantes Historical Society	Museum fit-out	2,863.50	1,431.75
Dandaragan Community Centre	Replacement of air conditioner	4,756.15	2,378.07
Dandaragan Saints Football Club	Bar and merchandise stall	3,173.00	1,586.50
Jurien Bay Football Club	Pavilion Balustrade	7,642.00	3,821.00
Jurien Bay Progress Association	Comfort facility (single toilet)	4,950.00	2,475.00
Jurien Bay Progress Association	Rainwater and toilet connection	9,576.19	4,788.10
Jurien Bay Progress Association	Rainwater collection (tank)	3,344.00	1,672.00
Jurien Sport and Recreation Centre	Parkrun Jurien Bay equipment	7,500.00	3,750.00
<b>Total</b>		<b>\$97,696.70</b>	<b>\$41,678.55</b>

**3. Support the Committee's recommendation not to approve the following grant applications for the Sporting and Recreation Facilities Fund for the 2022 / 2023 financial, as determined at the committee meeting held on 26 July 2022.**

Organisation	Project Description	Project Cost (\$)	Grant (\$)
Cervantes Country Club	Upgrade to outer club area	6,032.86	3,012.00
Dandaragan Community Recreation Club	Club Ceiling & Lighting Replacement	22,000.00	11,000.00
Jurien Sport & Recreation Centre	BBQ Replacement	17,092.00	4,999.00
<b>Total</b>		<b>\$45,124.86</b>	<b>\$19,011.00</b>

**CARRIED 8 / 0**

*Cr McDonald declared a Financial Interest in Item 9.1.7 being an employee and Direct Applicant of the Community Resource Centre Community Grant application and left the room at 11.30am. Mr Clayton declared an impartiality interest in Item 9.1.7 being a member of the Jurien Bay Football Club.*

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**9.1.7 REVIEW OF COMMUNITY GRANT APPLICATIONS**

Location:	N/A
Applicant:	Shire of Dandaragan
Foilder Path:	SODR-437506902-9456
Disclosure of Interest:	Cr McDonald declared a Financial Interest, Scott Clayton declared an impartiality interest
Date	5 August 2022
Author:	Rhiarn Sutton, Community Development Officer
Senior Officer:	Michelle Perkins, Manager Customer & Community Services

**PROPOSAL**

The purpose of this report is to authorise the allocation of funds for the Shire of Dandaragan Community Grants for 2022 / 2023.

**BACKGROUND**

In accordance with the Shire of Dandaragan Policy 5.1 C-5CG01 – Community Grants, the pro motion of the 2022/23 grant round began in April 2022 when the grant program was advertised via Shire newsletters, on social media and in local newspapers around the Shire. The objective of the Community Grants is to provide funds to community-based organisations and individuals, to support the promotion and development of social, economic, recreation, art and cultural benefits for the residents of the Shire of Dandaragan.

This will be the fourteenth consecutive year of the Shire of Dandaragan Community Grants Program. The assistance provided by the Shire is to support community events and is not intended to be the sole source of funding.

**COMMENT**

This year, the funding pool, including a carryover from the previous financial year, is \$28,637. The Grants Program received a total of 5 applications with funding requests amounting to \$7,700, less than recent years. It was noted by the committee that the reduction in application was likely due to the allocation of grants in a late round 2 in the 2021 / 2022 financial year. The following are a summary of applications received:

<b>ORGANISATION</b>	<b>PROJECT DESCRIPTION</b>	<b>GRANT REQUEST</b>
Jurien Bay Community Resource Centre	Summer Movie Series	\$2,000
Jurien Bay Community Resource Centre	E-Waste Removal	\$1,200
Jurien Bay Football Club	Community Christmas Tree 2022	\$500
Jurien Bay RSL Sub-b ranch	Australian Army Band Regional Concert	\$2,000
Jurien Ink Tattoo (in conjunction with Nick Austin from Infinity Skate Geraldton)	Revolve Skate Series	\$2,000
	<b>TOTAL</b>	<b>\$7,700</b>

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The Community Grants Committee met on 28 July 2022 to consider the applications. Firstly, the committee considered eligibility in order to remove any ineligible applications. All applications were deemed eligible although the committee believed the Jurien Bay Community Resource Centre's E-Waste Removal application was more suited to the Shire's Environmental Grant. The working party recommended Council award grants to all groups.

The Committee agreed to offer less than requested grants to the following:

- Applicant: Jurien Bay Football Club
- Request: Community Christmas Tree 2022 - \$500  
 Comment: The applicant receives sufficient income from their bar sales at this event. It was noted that due to the popularity of the event and that it is generally open to the broader public – not just members - it was recommended to fund \$250.

### CONSULTATION

- Community Grants Committee

### STATUTORY ENVIRONMENT

There are no statutory environment implications relevant to this item.

### POLICY IMPLICATIONS

In accordance with Shire of Dandaragan Policy 5.1 C-5CG01 – Community Grants

### FINANCIAL IMPLICATIONS

Council has made provision in the annual budget to allocate 0.5% of the gross yield of budgeted rates income to fund recurring and annual community grants. In 2022 / 2023, \$28,637 is available.

### STRATEGIC IMPLICATIONS

Strategic Community Plan – Envision 2029

04 - Community	The Shire's resident population will be the fastest growing population in the region supported by increased community recreation and cultural opportunities and access to key liveability factors such as health and wellbeing services and educational opportunities.
<b>Priority Outcome</b>	<b>Our role</b>
A Shire built on the strengths of community spirit and resilient, connected communities	Recognise and support the value of our community volunteers and provide meaningful opportunities to contribute to Shire projects and improving local living.

### ATTACHMENTS

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

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 25 AUGUST 2022</b>
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- Shire of Dandaragan Policy 5.1 C-5CG01 – Community Grants  
(Doc Id: SODR-437506902-5696)

**(Marked 9.1.7)**

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Scharf, seconded Cr Eyre**

**That Council:**

- 1. Fund the following grant applications:**

ORGANISATION	PROJECT DESCRIPTION	GRANT REQUEST
Jurien Bay Community Resource Centre	Summer movie series	\$2,000
Jurien Bay Community Resource Centre	EWaste removal	\$1,200
Jurien Bay Football Club	Community Christmas tree 2022	\$250
Jurien Bay RSL Sub-branch	Australian Army band regional concert	\$2,000
Jurien Ink Tattoo (in conjunction with Nick Austin from Infinity Skate Geraldton)	Revolve Skate Series	\$2,000
<b>TOTAL</b>		<b>\$7,450</b>

- 2. Due to the remaining funds unallocated in this Community Grants round, and to align with the impending Large Events Grant round this financial year, authorise the CEO to facilitate a second grant round of the Community Grants Program in the 2022 / 2023 financial year, to allocate the remaining funds for small events and activities.**

**CARRIED 7 / 0**

*Cr McDonald re-entered the meeting at 11.32am*

**9.1.8 SELECTION OF LEEUWIN SCHOLARSHIP RECIPIENT**

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	SODR-1876983588-1132
Disclosure of Interest:	Nil
Date:	17 August 2022
Author:	Michelle Perkins, Manager Customer and Community Services
Senior Officer:	Scott Clayton, Executive Manager Corporate and Community Services

**PROPOSAL**

For Council to endorse the Leeuwin Scholarship Committee recommendation for the recipient of the Leeuwin Scholarship for 2022/23.

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 25 AUGUST 2022****BACKGROUND**

The Shire of Dandaragan provides funding for a young person from around the Shire to participate in a Leeuwin Ocean Adventure voyage each year from its youth services budget. The fully funded fare is allocated via a scholarship program to fund passage on the Leeuwin Ocean Adventure for one successful applicant per year. Local youth between the ages of 15 and 18 years of age are eligible to apply.

The program offers a unique opportunity for young people to learn about responsibility, working within a team, and personal development and leadership skills.

In recent years, the scholarship program has seen the following outcomes:

- 2016: Four applications received. Two voyages awarded (one allocated from carry-over funds from previous year when no applications were received)
- 2017: One application received and awarded
- 2018: One application received and awarded
- 2019: Two applications received and one awarded.
- 2020: No applications received due to COVID
- 2021: Program not run due to COVID

As a part of the scholarship process, successful applicants are invited to attend a Shire Council meeting to speak about their experience of participating in the Leeuwin voyage.

**COMMENT**

This year, an allocation of up to \$2,500 has been included in the annual budget to fund a young person to attend a Leeuwin Youth Adventure Voyage.

In March 2022, the Shire promoted the scholarship via Jurien Bay District High School and Central Midlands High School, in addition to promoting in the Shire Matters newsletter, on the Shire website and social media.

Four applications were received within the advertised period:

- Jayden Wyatt from Cervantes
- Miah Day from Jurien Bay
- Denva Hapcraft from Leeman (ineligible due to family residing outside the Shire)
- Tayla-Marie Kempton from Leeman (ineligible due to family residing outside the Shire)

The applications were reviewed by the Shire of Dandaragan Council Leeuwin Scholarship Committee for:

1. Applicant's engagement in the application process
2. Extent to which the applicant highlighted the need for support



**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 25 AUGUST 2022**

3. Support of application by others, i.e., teachers, community leaders, etc.
4. Whether the application was complete and the applicant eligible.

The two eligible applications were very competitive and after deliberations, the Leeuwin Scholarship Committee recommended that the scholarship be granted to Jayden Wyatt from Cervantes. Jayden demonstrated a strong desire to participate in the program and identified how this opportunity would benefit his development.

Since the committee meeting, it has been discussed by Councillors in the recent Community Grants Committee meeting, that due to the Shire's most recent Community Grant round being undersubscribed, that a second eligible Leeuwin Scholarship candidate could be awarded a scholarship to be funded by remaining community grants funds. This would reduce the funding pool for the second round of community grants, which are aimed at a broader audience of beneficiaries, however, would provide a valuable opportunity for another young community member to participate in the Leeuwin program.

#### CONSULTATION

Shire of Dandaragan Leeuwin Scholarship Committee

#### FINANCIAL IMPLICATIONS

A funding source is already contained within Council's 2022/2023 annual budget – GL 28704.0807.CCS10320.00100 – Youth Services/Leeuwin Grant.

#### STRATEGIC IMPLICATIONS

Strategic Community Plan - Envision 2029

04 – Community	The Shire's resident population will be the fastest growing population in the region supported by increased community recreation and cultural opportunities and access to key liveability factors such as health and wellbeing services and educational opportunities.
<b>Priority Outcome</b>	<b>Our role</b>
A region that develops and supports community leadership and collective values.	Progressively implement our Youth Plan to support youth leadership, development and involvement.

#### ATTACHMENTS

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

- Leeuwin Scholarship Information Pack (Doc Id: SODR-437506902-8510 )

**(Marked 9.1.8)**

#### VOTING REQUIREMENT

Simple Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION****Moved Cr Eyre, seconded Cr Glasfurd****That Council support the Committee recommendation to award the Leeuwin Scholarship for 2022/23 to Jayden Wyatt from Cervantes.****CARRIED 8 / 0****9.2 INFRASTRUCTURE SERVICES****9.2.1 WSFN 2021-2022 JURIEEN EAST ROAD RECONSTRUCTION PROJECT ENVIRONMENTAL OFFSET**

Location:	Jurien Bay
Applicant:	Shire of Dandaragan
Folder Path:	SODR-872172829-2523
Disclosure of Interest:	Nil
Date:	10 August 2022
Author:	Julie Rouse, Coordinator Infrastructure Services
Senior Officer:	Brad Pepper, Executive Manager Infrastructure

**PROPOSAL**

This report seeks Council's approval to relinquish an environmental offset of 15.71 ha to the Department of Water and Environmental Regulation (DWER), as a condition of approval under Clearing Permit CPS 9058-1, which is part of the Shire's Wheatbelt Secondary Freight Network (WSFN) 2021-2022 Jurien East Road reconstruction project (Stage 2). In addition to this, this report also seeks Council's approval for the Chief Executive Officer to accept and exercise conditions of approval under a Clearing Permit yet to be issued by the Federal Department of Climate Change, Energy, Environment and Water (DCCEEW), following final negotiations relating to additional offset locations currently being identified and once finalised.

**BACKGROUND**

The WSFN comprises some 4,400 kilometres of local government roads that connect significant heavy vehicle routes with both state and national highways to support the supply chains of agricultural and mining commodities within WA's wheatbelt region. In doing so, the benefits not only include improved freight productivity and access to freight gateways, but will also improve network efficiency and reliability, and road safety for all road users.

The Australian Government has committed \$150million towards this \$187.5million project, of which several projects are already completed or currently in progress across relevant local government authorities. It is anticipated that all WSFN projects shall be completed by late 2026.

Since the WSFN's inception and following successful funding allocations by both federal and state governments under this program

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 25 AUGUST 2022**

as announced in May 2020, the Shire of Dandaragan has completed two of three reconstruction project stages along Jurien East Road. The reconstruction program for Jurien East Road consists of widening the existing 6m seal to an 8m two coat seal with 10m pavement. These works also require limited native vegetation clearing for the effective installation of table and offshoot drains and improved roadside visibility.

During the reconstruction of Jurien East Road (Stage 1) in 2020-2021 (SLK 14.00-23.90), the Shire commenced the process of applying to DWER for a Native Vegetation Clearing Permit to undertake roadside vegetation clearing for Stage 2 works (SLK 28.35-31.00) due for completion in 2021-2022.

A Native Vegetation Clearing Permit application for Stage 2 works was submitted to DWER in September 2020 and was also referred to the then Department of Agriculture, Water and Environment (DAWE), now rebranded under the new Labor Government as the Department of Climate Change, Energy, the Environment and Water (DCCEEW), in July 2020.

As this application was deemed a controlled action by DAWE the application was required to be assessed by both State and Commonwealth Governments under a bilateral agreement of the Federal Government's Environment Protection and Biodiversity Conservation (EPBC) Act 1999.

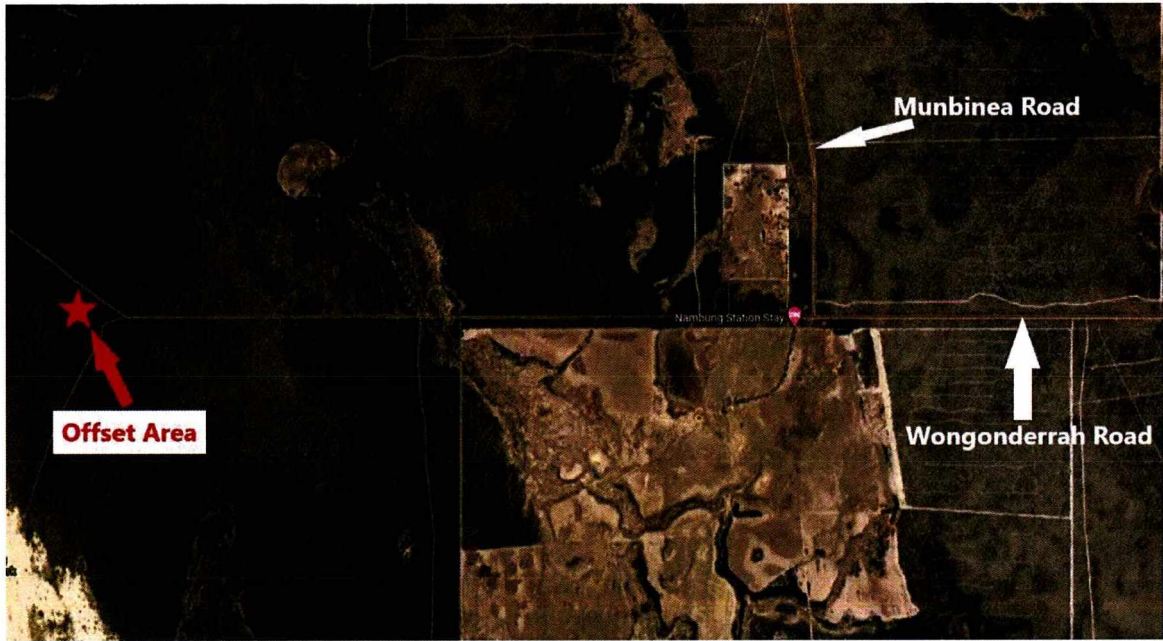
#### COMMENT

On 17 September 2021, the State Government's DWER, granted approval for a native vegetation clearing permit and issued clearing permit CPS 9058-1 for these works to progress following its acceptance from the Shire of a 15.71 ha offset located off Munbinea Road. The acceptance by DWER of this offset allows the Shire to clear 4.58 ha of native vegetation along Jurien East Road as part of the Stage 2 works. The area is listed as potential foraging and roosting habitat for endangered species (Carnaby's Cockatoo) under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

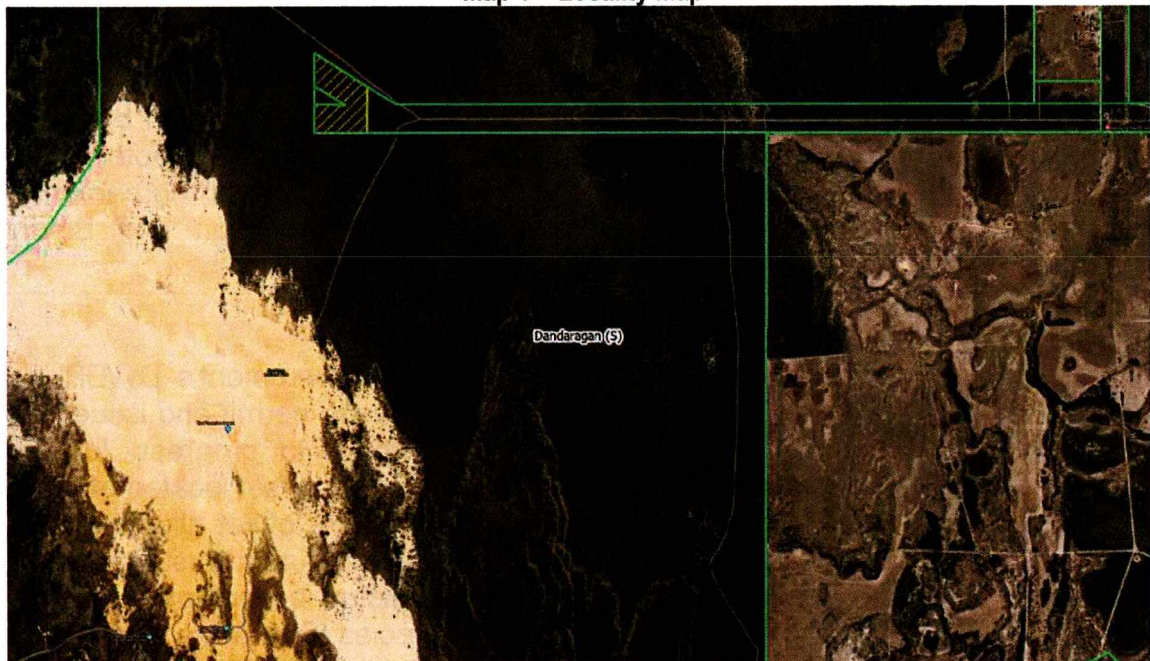
The preferred off-set area recompenses the clearing of this 4.58ha of habitat by including 3.58ha of potential foraging habitat and 3.29 ha of Banksia Woodland of the Swan Coastal Plain ecological community for the Carnaby's Cockatoo to continue to forage and roost near to this area.

The relinquishment of this land by the Shire to DWER, as shown in the maps below, will see the 15.71ha off-set added to the existing Nambung National Park.

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Map 1 – Locality Map



Map 2 – DWER approved offset area (Wongonderrah Road Reserve)



Map 3 – Enlarged DWER approved offset area (Wongonderrah Road Reserve)

However, following DCCEEW's assessment, under a bilateral agreement, of the Shire's native vegetation clearing permit application, the Shire was advised that the 15.71 ha offered was inadequate and proposed the Shire offer an offset of 90 ha, which is a significant increase from what has been approved by DWER.

At this point in time, Shire officers continue to work with its environmental consultants and DCCEEW officers to identify appropriate road reserve vegetation areas, in addition to the 15.71 ha already approved via DWER, and for this to be included in the proposed offset to DCCEEW. This matter is expected to be finalised within the coming weeks.

Upon the Shire negotiating a sufficient offset area to DCCEEW, Shire officers are also seeking Council's approval for the Chief Executive Officer to resolve the process for all necessary offsets to be excised and transferred to the respective parties to finalise this matter.

Having already completed the Stage 2 road reconstruction works along Jurien East Road in 2021-2022, all that remains to be done on this project is the clearing of native vegetation and installation of drainage infrastructure (following Council's approval to relinquish the proposed off-set) and line-marking which has been coordinated for action through Main Roads WA's contractor in due course.

#### CONSULTATION

Department of Agriculture, Water and Environment, now the Department of Climate Change, Energy, the Environment and Water  
WA State Government's Department of Water and Environmental Regulation

Maia Environmental Consultancy

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**STATUTORY ENVIRONMENT**

Environmental Protection Act 1986 (Western Australia)  
Environment Protection and Biodiversity Conversation Act 1999  
(Federal)

**POLICY IMPLICATIONS**

Not applicable

**FINANCIAL IMPLICATIONS**

The Shire will incur costs relating to the Land Transfer fees estimated to be approximately \$1,000.

**STRATEGIC IMPLICATIONS**

Strategic Community Plan - Envision 2029

01 - Infrastructure	The Shire will work cooperatively with private enterprise and government agencies to develop and maintain a dynamic infrastructure network responsive to usage demand that attracts and retains residents and businesses.
<b>Priority Outcomes</b>	<b>Our Roles</b>
Our agricultural industry is supported with an effective road infrastructure network that facilitates an efficient and safe supply chain	Continued improvement to the rural road network by maximising external funding sources and delivering infrastructure projects to a high standard.
03 - Environment	The Shire will be a responsible custodian of the environment working with community groups and other entities to increase renewable energy initiatives, vegetation cover and rehabilitate degraded public land throughout the local region.
<b>Priority Outcomes</b>	<b>Our Roles</b>
Our region is acknowledged for environmental practices, projects and initiatives that enhance the environment and our liveability within it.	Promote programs to increase the quality and prevalence of appropriate trees and vegetation in town site public open space and road verges

**ATTACHMENTS**

Not applicable

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Gibson, seconded Cr Eyre**

**That Council:**

- 1. accepts the Clearing Permit condition to relinquish an environmental offset of 15.71 ha to the Department of Water and Environmental Regulation (DWER), as detailed within Clearing Permit CPS 9058-1, to support the delivery of the**

**Shire's Wheatbelt Secondary Freight Network (WSFN) 2021-2022 Jurien East Road reconstruction project (Stage 2).**

2. **approves the Chief Executive Officer to accept and exercise conditions of approval under a Clearing Permit currently being sought and yet to be issued by the Department of Climate Change, Energy, Environment and Water (DCCEEW), to relinquish additional environmental offset locations following final negotiations with the DCCEEW, to support the delivery of the Shire's Wheatbelt Secondary Freight Network (WSFN) 2021-2022 Jurien East Road reconstruction project (Stage 2).**

**CARRIED 8 / 0**

### 9.3 DEVELOPMENT SERVICES

#### 9.3.1 AMENDMENT TO APPROVED HOLIDAY HOME LARGE – LOT 724 (NO.14) SANTANDER WAY, CERVANTES

Location:	14 Santander Way, Cervantes
Applicant:	M & L Stupar
File Ref:	SODR-1262144384-14889
Disclosure of Interest:	Nil
Date:	3 August 2022
Author:	Rory Mackay, Planning Officer
Senior Officer:	Louis Fouché, Executive Manager Development Services

#### PROPOSAL

The proponent is seeking approval to increase the guest capacity of the approved commercial holiday house at Lot 724 (No.14) Santander Way, Cervantes from ten guests to twelve guests.



Location Map – 14 Santander Way, Cervantes

BACKGROUND

On 28 October 2021 Council resolved the following for a development application to use the existing five-bedroom, three-bathroom at the subject address as commercial holiday home for up to twelve guests:

*That Council refuse the development application for the proposed Holiday Home (Large) land use of the existing single house at Lot 724 Santander Way, Cervantes due to the following reasons: The development:*

- 1. is not compatible with the established residential area in which it is located and is, therefore, inconsistent with the objective of the Residential zone under the Shire of Dandaragan Local Planning Scheme No.7; and*
- 2. would have an adverse impact on the amenity of the locality (clause 67(n) of the Deemed Provisions).*

*Council provides the following advice to the applicant regarding this decision:*

- A. A revised holiday home development application for the maximum capacity of ten (10) guests (2 guests per bedroom) would be supported in principle by Council.*
- B. If the applicant/landowner 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 this determination*

Development approval for the re-application at a ten-guest maximum was approved on 31 October 2021 under delegation. Since this date the commercial holiday home has operated without any issues reported to the Shire.

The applicant has lodged a request to amend development approval Condition 2 which reads:

*The total number of people to be accommodated in the Holiday Home shall not exceed ten (10) guests at all times.*

The applicant is seeking approval to increase the maximum number of guests to twelve guests as initially applied for. The following justification is provided for this request:

*“Last year we were granted initial permission to host 10 guests at our property - Bungalow Beach House Cervantes. We had applied for the 12-guest maximum though the Shire, but felt it was important to see what the impact of a large holiday home would make on neighbours and town in general.*

*“Bungalow” has been well received and the town have a sense of ownership over it. We have supported and promoted local businesses through our social media channels and our in-house compendium. We have also financially supported community*



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*fundraising efforts and have ongoing sponsorship in place for local sports being football, netball and hockey.*

*Our guests are tightly screened and we have not received any complaints from our neighbours throughout the year.*

*The reason we would like to apply for the 12-guest maximum is due to the amount of people we have turned away over the last 12 months. We are currently charging X per night which we are not looking to increase if we are granted permission, it just makes it a little more affordable and allows 3 families or 2 large families to be able to stay together on holiday.*

*We have respected the Shire's wishes and have been very strict with the 10-guest maximum as we appreciate the opportunity to be able to host our home and also want to build good rapport with the Shire and Cervantes community."*

#### COMMENT

Under the Shire's *Health Local Laws 2005*, each adult requires 14 cubic meters of air space to sleep. Space calculations across the five bedrooms result in the requested twelve guest maximum meeting this criterion, noting two bunk beds can be utilised in the fifth bedroom which is a substantial 28m<sup>2</sup> in area. A standard bedroom is generally 9-12m<sup>2</sup>.

The proposed guest capacity of twelve guests across the five bedroom and three-bathroom dwelling also meets the deemed-to-comply criteria of the new draft Short-Term Rental Accommodation Policy. This policy has become a 'seriously entertained planning proposal', as the policy has completed a period of public comment and the adoption of the new policy is imminent, with its final form known.

It is recommended that Council approve the maximum guest increase from ten to twelve for the approved commercial holiday house. It is also recommended that the new draft Policy condition regarding the placement of a listing that the approved manager's contact details at the front of the property be included in the approval. A condition regarding the annual renewal process which has taken place concurrently with this application is also included.

This decision will not alter the other conditions of development approval previously imposed, including that the holiday house must not cause nuisance or degrade the amenity of the neighbourhood 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.

Should Council not support the amendment request the commercial holiday home approval will continue at the currently conditioned ten guest maximum.

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### CONSULTATION

The following comments were received from neighbouring landowners.

Comments
<p>Regarding the holiday home increasing their guest numbers from 10 to 12. I think that is too much. They're lucky they got away with 10!</p> <p>To give you an idea. The tenant I had in my place, which is ... <i>(in close proximity to)</i> the holiday home, terminated his lease early due to all the various noise emanating from that property. Whether it be vehicles driving in and out, tradesmen, gardeners. There is always something going on there which made it unbearable for him. The tenant worked at the ... <i>(Local business)</i>. He said he never got any peace on his one day off due to the constant noise issues at that property.</p> <p>There are privacy issues too with guests on the balcony they appear to be extending, and tradesmen on the scaffolding looking into my property. I am having to purchase privacy screens.</p> <p>That property on Santander is costing me and losing me money.</p> <p>So, NO. I do not agree to them selfishly increasing numbers. Please ask them to be mindful of that. I think they have a bit of a nerve requesting to increase numbers. It is going to be impossible to lease my place and eventually sell it.</p> <p>Please ask the property owners to be considerate with their relevant tradesmen and gardeners on the property. There is always something going on there all hours of the day, early mornings too.</p>
<p>The owners have cleaned the block next door, had lawn planted, certainly made the area more attractive. 12 people sharing the one house may raise the noise level too high, 10 people enjoying themselves has the neighbours discussing earplugs.</p>

It is noted that the applicant took ownership of the subject property on 1 January 2020 and since that date has undertaken substantial renovations including a balcony extension and adding a third bathroom. It is understood the first submitter's comments largely relate to activity which was completed prior to the dwelling being used as a commercial holiday home. Since operation as a holiday home contracted cleaners and property maintenance service providers do frequent the holiday home surrounding guest bookings. Nonetheless, the Shire reserves the right enforce the outlined amenity condition previously listed if noise and activity at the property is deemed excessive.

The applicant has provided a response to the first submission as attached to this item.

### STATUTORY ENVIRONMENT

- Local Planning Scheme No.7 – as outlined.
- Health Local Laws 2005:

#### *Overcrowding*

*3.2.2 The owner or occupier of a house shall not permit—*

- a) a room in the house that is not a habitable room to be used for sleeping purposes; or*
- b) a habitable room in the house to be used for sleeping purposes unless—*
  - (i) for every person over the age of 10 years using the room there is at least 14 cubic metres of air space per person; and*

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- (ii) for every person between the ages of 1 and 10 years there is at least 8 cubic metres of air space per person; or  
 c) any garage or shed to be used for sleeping purposes.

*Restriction on use of Rooms for Sleeping*

8.2.10 (1) Subject to subsection (3) and Section 8.3.10, a keeper shall not use or permit to be used as a sleeping apartment a room in a lodging house –

(c) which is used as a kitchen, scullery, storeroom, dining room, general sitting room, lounge room or for the preparation or storage of food;

**POLICY IMPLICATIONS**

Local Planning Policy 9.12 Holiday Homes – as outlined.

**FINANCIAL IMPLICATIONS**

The applicant has paid the required \$295 fee for the amendment request to their current holiday home development approval.

**STRATEGIC IMPLICATIONS**

Strategic Community Plan – Envision 2029

02 - Prosperity	The region will experience economic and population growth with increasing economic opportunities, diversifying primary production and a vibrant visitor economy.
<b>Priority Outcomes</b>	<b>Our Roles</b>
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.
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:

- Holiday home floor plans (Doc Id: SODR-1262144384-14912)
- Applicant's response to the first submission (Doc Id: SODR-1262144384-15132)
- Policy 9.12 - CO9STRA12 Short Term Rental Accommodation (Doc Id: SODR-877026889-3080)

**(Marked 9.3.1)**

**VOTING REQUIREMENT**

Simple majority

**OFFICER RECOMMEDATION / COUNCIL DECISION**

Moved Cr Scharf, seconded Cr Clarke

That Council:

1. Grant approval to increase the maximum guest capacity of the approved Holiday Home (Large) at Lot 724 (No.14) Santander Way, Cervantes from ten (10) guests to twelve (12) guest and modifies current development approval Condition 2 to now read as follows:  
*The total number of people to be accommodated in the Holiday Home shall not exceed twelve (12) guests at all times.*
2. Include the following conditions to the development approval:
  - *A sign up to 0.2m<sup>2</sup> in area listing the approved manager's contact details is to be erected/placed on a frontage wall, fence or entry statement to the premises to the satisfaction of the Shire of Dandaragan.*
  - *This development approval is valid until the 30 June 2023. The Holiday Home (Large) land use should cease before or on this date unless otherwise approved in writing by the Shire of Dandaragan.*
3. Advise the applicant:
  - that the above decision does not alter the remaining conditions of development approval previously imposed by the Shire of Dandaragan on 31 October 2021.
  - If you are aggrieved by the conditions of this approval you have the right to request that the State Administrative Tribunal (SAT) review the decision, under Part 14 of the *Planning and Development Act 2005*.
  - 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 AMENDMENT TO MICROBREWERY DEVELOPMENT APPROVAL – LOT 1200 (No.12) GYPSUM STREET, JURIE BAY**

Location:	Lot 1200 Gypsum Street, Jurien Bay
Applicant & Landowner:	S Mcleary of Benpride Pty Ltd
File Ref:	SODR-1262144384-15044
Disclosure of Interest:	Nil
Date:	9 August 2022
Author:	Rory Mackay, Planning Officer
Senior Officer:	Louis Fouché, Executive Manager Development Services

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PROPOSAL

The proponent is seeking an amendment to a condition in the development approval granted by Council on 24 September 2020 for the development of a microbrewery at 12 (Lot 1200) Gypsum Street, Jurien Bay. The requested amendment proposes to extend the 'substantial commencement' date by six months.

BACKGROUND



**Locational Map of 12 Gypsum Street, Jurien Bay**

*On 24 September 2020, Council resolved the following:*

*That Council:*

1. *Determine in accordance with clause 3.4.2(b) of the Shire of Dandaragan Local Planning Scheme No.7 that the proposed land use of Microbrewery is consistent with the objective of the Industrial zone; and*
2. *Approve the development application for a Microbrewery upon Lot 1200 Gypsum Street, Jurien Bay subject to the following conditions and advice:*
  - a. *The approved development shall predominantly operate as a Microbrewery.*
  - b. *The Microbrewery is restricted to the sale of beer produced on the property and boutique beers produced by other recognised microbreweries. This condition applies to beer sales only.*
  - c. *The Microbrewery shall be undertaken in accordance with the documentation submitted in support of the application subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by the Shire of Dandaragan.*
  - d. *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.*

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- e. *The Microbrewery shall be substantially commenced within two years from the date of this approval, by means of brewing beers at the premises for consumption on the premises, and / or in sealed containers for consumption off the premises. If the development is not substantially commenced within this period, this approval shall lapse and be of no further effect. Where an approval has so lapsed, the proposed development shall not be carried out without the further approval of the Shire of Dandaragan having first being sought and obtained.*
- f. *The capacity of the venue must not exceed 225 patrons.*
- g. *The licensed premises are to be furnished with chairs, lounges, and tables.*
- h. *Prior to the public opening of the premises to patrons, vehicle accessways, parking area marking/signage, and bicycle racks must be installed/constructed and thereafter maintained to the specifications and satisfaction of the Shire of Dandaragan.*
- i. *Goods or materials must not be permanently stored within the areas dedicated to parking, landscaping, vehicle manoeuvring or within access driveways.*
- j. *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.*
- k. *The applicant/landowner is to provide a progress report to the Shire of Dandaragan on the status of the Microbrewery each six-month period from the date of approval until the expiry of the two year substantially commenced period outlined in Condition E.*
  - *Prior to the issue of a building permit, the following bushfire planning matters are to be addressed to the satisfaction of the Shire of Dandaragan:*
    - *a Bushfire Attack Level (BAL) Contour Map or a BAL Assessment;*
    - *the identification of any issues arising from the BAL Contour Map or BAL Assessment; and*
    - *an assessment against the bushfire protection criteria contained within the State Planning Policy 3.7 Guidelines demonstrating compliance within the boundary of the development lot.*
- l. *Prior to the public opening of the premises to patrons, a detailed landscaping plan for the subject site and the road verge must be submitted to, and approved to, the satisfaction of the Shire of Dandaragan, and must be implemented, including the following:*
  - *the location, number and type of proposed trees and shrubs;*
  - *any lawns to be established;*
  - *any existing vegetation and/or landscaped areas to be retained; any verge treatments; and*
  - *evidence that the proposed landscaping will not, at maturity, negatively impact the development or adjoining properties.*

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*Advice Notes:*

1. *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 local government 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 local government's attention.*
2. *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.*
3. *The noise generated by any activities on-site shall not exceed the levels as set out under the Environmental (Noise) Regulations 1997.*
4. *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.*
5. *The applicant is advised of the risk that a neighbouring site may be legitimately repurposed to a more intensive industrial use which may impact on the amenity of the Microbrewery.*
6. *If the applicant/landowner 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.*

Noting that Condition 'e' expires on the 24 September 2022, staff wrote to the proponent on 4 May 2022 to request an update on the commencement of onsite brewing and that outstanding progress reports required in condition 'k' be forwarded at the earliest convenience. In addition, officer site visits were undertaken in order to ascertain the progress of the operator in terms of complying with the relevant conditions of approval.

In accordance with Clause 77 of Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015* (Regulations) the proponent made an application on the 24 May 2022 to amend development approval Condition E. The requested amendment seeks a six-month time extension to the requirement to commence onsite brewing from the 24 September 2022 to 24 April 2023.

This request has been based on the applicant's stated inability to meet the original 24 September 2022 deadline to commence onsite

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brewing of beers due to factors beyond the control of the brewery. Complications and consequences related to COVID-19 in the community are given as factors which have led to shortages in staff and materials which significantly affected the proponent in their efforts to comply with the relevant development approval conditions. Delays have been faced with finalising the finance for the brewing equipment, through to the ordering of the equipment itself and arranging installation on site.

### COMMENT

In seeking to meet the requirements of condition 'e', the proponent has done the following:

1. Installed and commenced operation of an experimental brewing kit on the premises. See Site Inspection Photos at attachment 3.
2. Contracted Flying Foam to manage the design, installation and operation of commercial brewing equipment ('Nanocraft'). The Site Inspection Photos show the portion of equipment delivered to site to date. Approximately half the brewing kit (beer vats) is still awaiting delivery from overseas.

The applicant has proposed the following timetable to fully comply with Condition 'e' by the 24 April 2023

- July 2022 – order brewing equipment (paid)
- September 2022 – February 2023 installation
- February 2023 – April 2023 test and commission brewing

The applicant has outlined that their extension request is consistent with the scope of time contemplated in the State Government's Clause 78 of the Regulations 'Notice of Exemption from Planning Requirements during COVID-19 State of Emergency'. As the development was determined after the 'State of Emergency' declaration, the development does not qualify for the exemption from the requirement to substantially commence development for a further two years post the initial determination notice. However, it is considered that the proponent has taken reasonable steps to comply with Condition 'e' inside the two-year timeframe given to commence onsite brewing of beer. In the above context, the requested addition of a further six-months to the commencement timeframe is accepted.

It is therefore recommended that Council approve the amendment to development approval Condition 'e' to extend the period of time to commence the brewing of beers onsite from 24 September 2022 to 24 April 2023. This decision will not alter the remaining conditions of development approval previously imposed. Should Council not support the amendment request, the development approval will continue as presented in the Background section of this report.

It is noted that failure to comply with a development approval condition may result in an offence under the *Planning and Development Act 2005*. A person who commits an offence under this Act is liable to a fine of \$200,000 and, in the case of a continuing



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offence, a further fine of \$25,000 for each day during which the offence continues.

On 24 August 2022, the Shire received further correspondence from the applicant requesting an additional two months be added to the initially requested six months (eight months in total). This further two-month extension is considered minor and is supported for the reasons outlined in the further attachment to this item. The officer recommendation has been updated to reflect approval for an eight-month extension.

**CONSULTATION**

Consultation was not deemed necessary for this request.

**STATUTORY ENVIRONMENT**

Planning and Development (Local Planning Scheme) Regulations 2015.

**POLICY IMPLICATIONS**

There are no policy implications relevant to this item.

**FINANCIAL IMPLICATIONS**

The proponent has paid the required fee for amending the development approval.

**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.
- Ensure industrial activities do not adversely impact on surrounding uses.
- Strategic Community Plan – Envision 2029:

02 – Propensity	The region will experience economic and population growth with increasing economic opportunities, diversifying primary production and a vibrant visitor economy.
<b>Priority Outcomes</b>	<b>Our Roles</b>
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:

- Amendment request letter (Doc Id: SODR-1262144384-14107)
- Flying Foam letter (Doc Id: SODR-1262144384-14106)
- Site inspection photos (Doc Id: SODR-1262144384-15057)
- Nanocraft brew kit by Flying Foam brochure (Doc Id: SODR-1262144384-15058)

*(Marked 9.3.2)*

VOTING REQUIREMENT

Simple majority.

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Scharf, seconded Cr Eyre

That Council:

1. Grant approval to increase the period of time in which the brewing of beers onsite is to commence at the approved microbrewery at Lot 1200 Gypsum Street, Jurien Bay by a further eight (8) months from 24 September 2022 to 24 June 2023 and amend the current development approval Condition 'e' to read as follows:

*The Microbrewery shall be substantially commenced by the 24 June 2023, by means of brewing beers at the premises for consumption on the premises, and / or in sealed containers for consumption off the premises. If the development is not substantially commenced within this period, this approval shall lapse and be of no further effect. Where an approval has so lapsed, the proposed development shall not be carried out without the further approval of the Shire of Dandaragan having first being sought and obtained.*

2. Advise the applicant that the above decision does not alter the remaining conditions of development approval previously imposed by the Shire of Dandaragan on 24 September 2020.

CARRIED 8 / 0

*Rory McKay entered the meeting at 11.41am*

COUNCIL DECISION

Moved Cr Eyre, seconded Cr Glasfurd that the meeting adjourn for lunch at 11.47am, to resume at 1.00pm.

CARRIED 8 / 0

The Council meeting resumed at 1:02pm with the following members present; Cr Holmes, Cr Scharf, Cr Clarke, Cr Eyre, Cr Glasfurd, Cr Gibson, Cr Rybarczyk and Cr McDonald.

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### 9.3.3 PROPOSED ILLUMINATED HORIZONTAL SIGN – JURIEN BAY BEACH CAFÉ

Location:	Jurien Bay Foreshore Reserve 28541
Applicant:	Jurien Bay Beach Café
Folder Path:	SODR-1262144384-14887
Disclosure of Interest:	Nil
Date:	29 July 2022
Author:	Rory Mackay, Planning Officer
Senior Officer:	Louis Fouché, Executive Manager Development Services

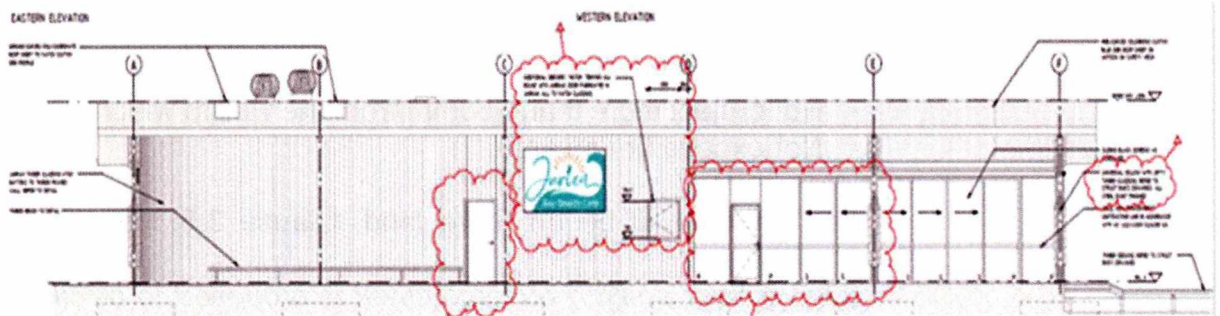
#### PROPOSAL

Council is requested to consider granting development approval and a signage permit for a proposed illuminated sign on the Jurien Bay Foreshore Pavilion. Landowner's consent from Council for the applications is required in the first instance.

#### BACKGROUND

On 28 April 2022, Council approved the lease of the Jurien Bay Foreshore Pavilion Café to Jurien Bay Beach Café Pty Ltd. This lease was formally executed in June 2022. The proponent has sought to obtain the necessary approvals for the use of the café building.

The subject application seeks Council's approval for an illuminated sign to be placed on the building façade fronting the jetty car park, as shown below.



Pavilion side elevation



Proposed sign

The proposed sign will be located within Jurien Bay Foreshore Reserve 28541, which is vested with / under the care, control and management of the Shire. As such, Council is required to give

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landowner's consent for the application. Should Council not grant this consent, the application cannot proceed. (Determination of the applications is then not required).

This sign is not classified as an exempt sign under Schedule 5 of *Local Planning Scheme No. 7* and no Delegated Authority is provided under *Local Planning Policy 9.5 Advertising Devices* (LPP 9.5) as the sign will be illuminated, therefore a decision by Council is required.

#### COMMENT

The proposed sign will contain the following design standards listed in Clause 1.1 - Design and Amenity of LPP 9.5:

- Simple and provide for instant recognition.
- Not contain any discriminatory or offensive material.
- Materials of construction and placement bear consideration of long-term maintenance and repairs.

Placing the sign in the designated location on the building façade satisfies the following relevant standards of Clause 1.2 – Safety of LPP 9.5:

- Be structurally sound and capable of withstanding any forces to which it would be reasonably subjected to without collapsing, deforming or moving from the position on which it was erected or displayed.
- Not obstruct the passage of or so as to create a hazard for vehicles or pedestrians.
- Not be located such that it obscures or is likely to be confused with traffic signals or signs.
- Not project more than 150mm from the wall to which it is attached.
- Not exceed 5m<sup>2</sup> in area.

As the sign will be on Shire land, Clause 3.8.3 of LPP 9.5 also applies:

*3.8.3 Where a sign / advertisement is proposed to be placed in, or overhang, a public place or street, the owner of the property / applicant will be required where appropriate, to provide a public liability insurance policy indemnifying the Shire against all actions, suits, claims, damages, losses and expenses made against or incurred by the Shire arising from the approval. The applicant and/or landowner may be required by the Shire to –*

- a. take out a public liability insurance policy in the name of the owner or applicant and the Shire, for an amount considered appropriate to the risk involved;*
- b. keep that insurance policy current for the duration of the approval;*
- c. include a clause in the policy which prevents the policy from being cancelled without the written consent of the Shire;*
- d. include a clause in the public liability insurance policy, which requires the owner or applicant and the insurance company, to advise the Shire if the policy lapses, is cancelled or is no longer in operation;*
- e. on the request of an authorised person, provide for the inspection of a Certificate of Currency for the required insurance policy.*

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A recommended condition of approval will require the applicant to have such an insurance policy in place for the duration the time that the sign is in place.

Given the sign's minimal amenity impacts and safe and recognisable location, it is the Officer's recommendation that Council approve the development application and issue a signs and hoardings permit, subjects to conditions.

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

Local Planning Scheme No 7

Local Government Property Local Law 2019

3.13 Activities needing a permit

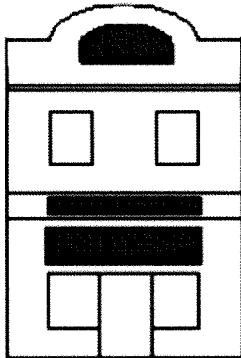
(1) a person shall not without a permit –

(b) advertise anything by any means on local government property.

**POLICY IMPLICATIONS**

Local Planning Policy 9.5 Advertising Devices (Signage):

**Horizontal Sign**



**DEFINITION:**

A sign fixed parallel to the wall of a building to which it is attached and with its largest dimensions being horizontal.

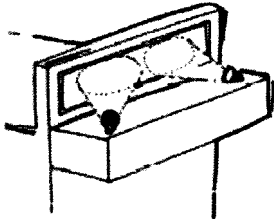
**REQUIREMENTS:**

- a) To be fixed parallel to the wall of the building to which it is attached;
- b) not project more than 150mm from the wall to which it is attached;
- c) afford a minimum headway of 2.27m where the sign projects more than 12mm into pedestrian thoroughfare;
- d) not exceed 5m<sup>2</sup> in area; and
- e) conforms to the following table:

Min distance of sign above street	Max depth of sign
Less than 7.5m	600mm
7.5m to 9m	750mm
9m to 12m	1,000mm

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**Illuminated Sign**



**DEFINITION:**

A sign which can be lighted either from within or without the sign by artificial light provided, or mainly provided for that purpose and which does not emit a flashing light.

**REQUIREMENTS:**

- a) be constructed entirely of non-flammable materials;
- b) be maintained to operate as an illuminated sign;
- c) not be displayed where may be confused with or mistaken for the stop of tail light of a vehicle;
- d) no encouraged to be of flashing, pulsating, chasing or running lights; and
- e) Use a low level of illumination.

**APPLICATION:**

Requires Planning Approval (Council Approval).

**FINANCIAL IMPLICATIONS**

The applicant has paid the standard development application fee of \$147. If approved by Council the applicant will be required to pay a further sum of \$30 for a signage permit under the relevant local laws.

**STRATEGIC IMPLICATIONS**

Nil

**ATTACHMENTS**

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

- Signage Plan (Doc Id: SODR-1262144384-14888)  
**(Marked 9.3.3)**

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION 1 / COUNCIL DECISION 1**

**Moved Cr Scharf, seconded Cr Gibson**

**That Council:**

**Agrees to provide landowner's consent for the development application and permits for an illuminated sign to be erected on the Jurien Bay Foreshore Pavilion within Jurien Bay Foreshore Reserve 28541.**

**CARRIED 8 / 0**

**OFFICER RECOMMENDATION 2 / COUNCIL DECISION 2**

**Moved Cr Eyre, seconded Cr Clarke**

**That Council:**

**Grant development approval to Jurien Bay Beach Café for the illuminated sign to be erected on the Jurien Bay Foreshore Pavilion within Jurien Bay Foreshore Reserve 28541 in accordance with the following conditions:**

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1. All development shall be in accordance with the attached submitted documentation and shall not be altered without the prior written approval of the Shire of Dandaragan.
2. Sign illumination in accordance with *Australian Standard 4282*, shall not exceed 150cd/m<sup>2</sup> (maximum average luminance).
3. The sign shall not illuminate beyond the operating hours of the establishment (Jurien Bay Beach Café).

**Advice Notes:**

- A. This is a development approval only. The applicant / landowner is advised that it is their responsibility to ensure that the proposed development complies with all other applicable legislation, local laws, licensing requirements and/or legal agreements that may relate to the development.
- B. If the development, the subject of this approval, is not substantially commenced within a period of two (2) years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
- C. Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.
- D. If you are aggrieved by the conditions of this approval you have the right to request that the State Administrative Tribunal (SAT) review the decision, under Part 14 of the *Planning and Development Act 2005*.
- 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

<b>OFFICER RECOMMENDATION 3 / COUNCIL DECISION 3</b>
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Moved Cr Eyre, seconded Cr McDonald

That Council:

Grant a sign permit under the *Local Government Property Local Law 2019* to Jurien Bay Beach Café for the illuminated sign to be erected on the Jurien Bay Foreshore Pavilion within Jurien Bay Foreshore Reserve 28541 in accordance with the following conditions:

1. All signage shall be in accordance with the attached submitted documentation and shall not be altered without the prior written approval of the Shire of Dandaragan.
2. The Shire of Dandaragan takes no responsibility for any damage to, theft of or claims arising from the placement of the sign within Jurien Bay Foreshore Reserve 28541.

3. Sign illumination in accordance with *Australian Standard 4282*, shall not exceed 150cd/m<sup>2</sup> (maximum average luminance).
4. The sign shall not illuminate beyond the operating hours of the establishment (Jurien Bay Beach Café).
5. The applicant shall for the duration of sign erection hold a public liability insurance policy indemnifying the Shire of Dandaragan against all actions, suits, claims, damages, losses and expenses made against or incurred by the Shire of Dandaragan arising from this signage approval.

CARRIED 8 / 0

### 9.3.4 REDEVELOPMENT OF JURIEN BAY TOURIST PARK – LOT 302 (No.1) ROBERTS STREET, JURIEN BAY

Location:	Reserve 27406, Lot 302 (No.1) Roberts Street, Jurien Bay
Applicant:	Halsall & Associates on behalf of Summerstar Pty Ltd
Folder Path:	SODR-1262144384-14120
Disclosure of Interest:	Nil
Date:	27 July 2022
Author:	Rory Mackay, Planning Officer
Senior Officer:	Louis Fouché, Executive Manager Development Services

#### PROPOSAL

For Council to consider a development application for the redevelopment of the Jurien Bay Tourist Park (park).



Location Plan – 1 Roberts Street, Jurien Bay

#### BACKGROUND

In August 2014 Council resolved the following:

*That Council:*

1. *endorse the Development Plan with entry/exit off Roberts Street and emergency/exit off White Street;*



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2. *advise the owners of Jurien Bay Tourist Park that it is prepared to support a 35-year lease for the caravan park at Lot 271 Roberts Street; and*
3. *authorise the Chief Executive Officer to commence negotiations on the terms of a lease.*

A 35-year lease agreement of Reserve 27406 (Lot 302 Roberts Street, Jurien Bay) was executed between the Shire and the proponent in January 2016.

In July 2016, development approval was granted under delegation for the redevelopment of the park in accordance with the development plan. Amendment of this approval was granted under delegation in 2018 for an additional eight chalets along the White Street boundary. To date these chalets have not been constructed.

The permitted purpose of the lease is for a tourist centre which may include a caravan park, cabins, chalets, park homes and camping, and related and ancillary uses. This coincides with the majority of the subject property being zoned 'Tourist' under the *Shire of Dandaragan Local Planning Scheme No.7* (Scheme).

A condition of the lease agreement was that the proponent was to complete the outlined stage 1 development plan works within the first five years from the commencement date (22 December 2015). Specifically, these works were:

- 8 chalets backing onto the northern Roberts Street boundary.
- Bituminising a portion of the internal accessways.
- Renovating the eastern ablutions building.

The chalets were completed within this timeframe, however the roadworks were not completed until post this timeframe and the renovation of the ablutions building has yet to be commenced.

Under the conditions of the lease agreement, the Shire can give a written notice to the proponent to complete the required works within a 12-month period. A further condition of the lease agreement provides for the proponent to request a variation of the development plan at the discretion of the Shire.

The proponent was actively involved as key stakeholder in the development of the Jurien Bay Foreshore Masterplan in 2019, prior to this document's adoption by Council in March 2020. During this process the proponent first provided draft plans of their new development plan for the park.

On 23 July 2020, Council resolved the following to enable the proponent to acquire a small triangular portion of land to the western edge of the park to 'straighten up' the alignment of the tourist park boundary with the foreshore reserve (reference image shown below).

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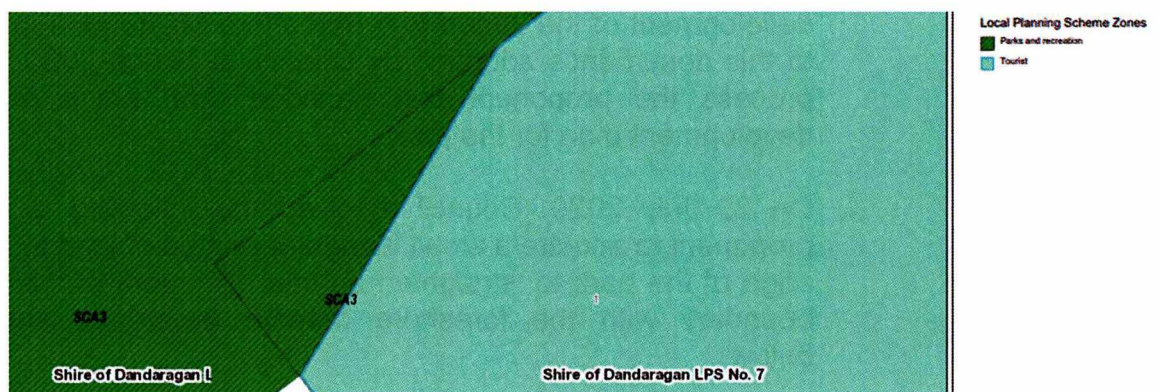
*That Council:*

1. *advise the Department of Lands Planning and Heritage that it supports the realignment of boundaries between Reserves 28541 and 27406 as detailed on Deposited Plan 414324; and*
2. *amend the lease agreement with Summerstar Pty Ltd to include the portion of reserve amalgamated.*



The boundary realignment has since been finalised with the Department of Lands and the subject lot number has changed from 301 to 302.

Additionally, the small triangular portion of land added to the park land parcel is still zoned 'Parks and Recreation' and not 'Tourist' under the Scheme as per the remainder of the park (Reserve 27406) (see figure below). Under Clause 2.4.2 of the Scheme in determining a development application for reserve land, Council must have due regard to the ultimate purpose intended for the subject reserve. Reserve 27406's land purpose is 'caravan park', therefore Council can issue development approval for the whole of Reserve 27406 (Lot 302). It is proposed to extend the 'Tourist' zone to the entire Lot 302 with the review of the Local Planning Scheme.



*Planning Scheme Zoning*

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The development application seeks to ratify the new development plan for the caravan park, with the following proposed:

- Decreasing the number of caravan/camping sites from 114 to 98 sites.
- Increasing the number of caravan/camping ensuites from 6 to 26.
- Increasing the number of chalets from 33 to 59 (including 20, two-storey, dual key, ocean fronting chalets enabled through the 2020 boundary realignment).
- Establishing a new entry at Roberts Street with a new check in office, manager's dwelling, and associated incidental facilities.
- Installing a swimming pool and adjusting current recreation/cooking facilities.
- Replacing the existing café building with a new two-storey building (café/restaurant on ground level, function facility on first level).

The following permissible land uses for the Tourist zone under the Scheme are proposed by this development:

- Caretaker's dwelling (discretionary) – means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant.
- Chalet (advertised) – means an individual self-contained unit usually comprising cooking facilities, ensuite, living area and one or more bedrooms designed to accommodate short-stay guests, forming part of a tourism facility and where occupation by any person is limited to a maximum of three months in any 12-month period.
- Reception centre (discretionary) – means premises used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes.
- Restaurant (permitted) – means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the *Liquor Licensing Act 1988*.

### COMMENT

The following comments are provided on the major components of the development.

#### Foreshore interface

The proponent has outlined that the significant development plan change to the western portion of the caravan park with two-storey development is a direct result of the Shire's redevelopment of the adjacent foreshore reserve in recent years. It is noted that this has changed the interrelationship with the park and the foreshore which now provides an opportunity for this portion of the caravan park to have an improved interface with the foreshore.

Council needs to be satisfied that the architectural design and overall presentation (including height) of the proposed development is in keeping to the local character of Jurien Bay, now and into the future.

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Prominent ocean view, gable-roofed townhouse chalets with the flexibility to provide 10 or 20 accommodation units for the park in the western portion of the site, provides a more appropriate interface with the foreshore compared to rear of the existing caretaker's dwelling, reception and restaurant buildings.

A new ground level 78m<sup>2</sup> restaurant with 94m<sup>2</sup> function centre above are also proposed in the prominent location of the current restaurant (formally operated as the Jetty Café). This building will be framed with lightweight material and clad in fibre cement with a skillion roof, to address the ocean - a common coastal building design.

The maximum proposed building height of the park redevelopment is two-storeys, which is consistent with the limit applied to the adjoining residential properties to the south. In comparison, Lot 62 Roberts Street, which is located to the north, of the application site, has the potential to be developed to a maximum height of eleven-storeys.

To this end, the foreshore fronting development of the park is deemed compatible with its setting and sympathetic to local building forms and patterns of development.

#### Restaurant economic competition

The location of a restaurant adjacent to the new foreshore pavilion currently under construction raised the concern of business competition in a submission received on the application. This is not a relevant planning consideration for assessment of the subject application.

Competition only becomes a relevant planning consideration if there is a prospect that there will be a reduction in the facilities available to the community. This was identified in *Kentucky Fried Chicken Pty Ltd v Gantidis (1979)*, in which the following was determined:

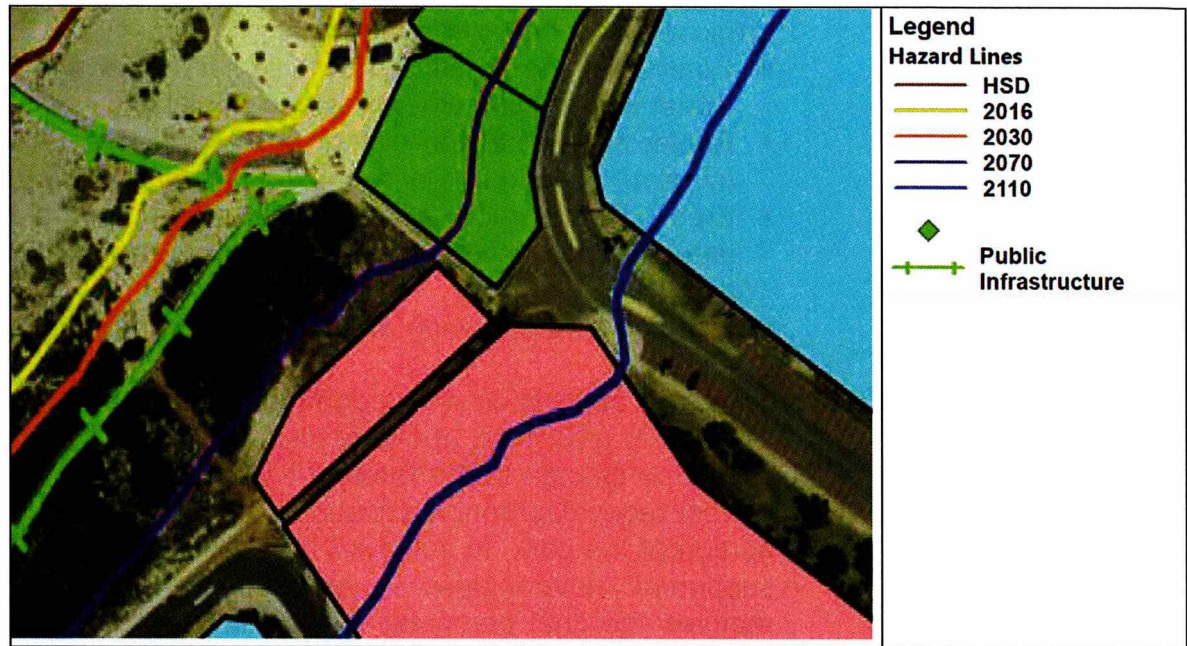
*Economic competition feared or expected from a proposed use is not a planning consideration within the terms of the planning ordinance governing this matter...the mere threat of competition to existing businesses, if not accompanied by a prospect of a resultant overall adverse effect upon the extent and adequacy of facilities available to the local community if the development be proceeded with, will not be a relevant town planning consideration.*

(Source: *Making Good Planning decisions, DAPS Practice Notes May 2020*)

Conversely, a commercial foreshore fronting reception centre is currently not offered within Jurien Bay.

#### Coastal planning

The whole of the subject property is located within 'Special Control Area 3 – Coastal Hazard Risk Area' under the Local Planning Scheme. However, under the Shire of Dandaragan Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) only a portion of the property is expected to be impacted by coastal processes over the 100-year planning timeframe as shown below.



In accordance with the Scheme and *State Planning Policy 2.6 Coastal Planning*, the foreshore fronting development within the predicted 100-year coastal impact line shall be time and/or event limited.

It is noted that this portion of the development is not designed to be transportable or removable, however it will be constructed of lightweight materials which can be readily disassembled and relocated at such a time that coastal hazards occur. Accordingly, relevant conditions of approval are recommended to apply, requiring the development in question to be removed upon coastal trigger points being reached.

#### Perimeter Fencing

The initial redevelopment plan lodgement for the subject application provided the following three options for perimeter fencing, for the areas of the park to be developed under this application:



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The proponent has outlined that the following fencing changes are proposed from the existing fencing:

- Continuing the existing 1.8m high timber fence along Roberts Street to the replacement restaurant building;
- Replacing the section of fencing along White Street with timber (pinelap) fencing similar to the fencing along Roberts Street;
- Erecting 1.2m high fencing along the foreshore with individual gates to each accommodation unit accessing onto the foreshore; and
- Opening up the fencing at the new entry.

Since the application was lodged, the Development Plan has been updated to reflect the above fencing specifications. It is noted there will be no change to the Bashford Street Colorbond fencing, as the current redevelopment application does not propose changes to this portion of the park. In summary, the proposed fencing changes are supported, nevertheless, a recommended condition of approval requires the final perimeter fencing design to be approved by the Shire prior to erection. Council can provide the applicant with an indication of what type of fencing will be considered acceptable in an advice note.

Traffic and access (entry/exit)

In 2014 Council endorsed the proposed new entry/exit off Roberts Street (between Sandpiper and the Roberts Street service road) and a secondary entry/exit off White Street. This endorsement was made due to the proposed Heaton Street and Roberts Street Road reserve transfer with the developer of Lot 62 Roberts Street, which would make the current entry and exit point inaccessible by vehicle. In addition to this potential road network change, the Jurien Bay Foreshore Masterplan proposes the conversion of the jetty carpark into a town square space.

To date, the new Roberts Street entry/exit point has not been ratified with a detailed traffic assessment. With this application the applicant, at the request of staff, has submitted a Traffic Impact Statement (TIS) in support of this newly located entry/exit. This approach was supported by conditions of development approval imposed on the applicant in 2016. It is noted White Street is proposed as an emergency entry/exit point only. The TIS prepared by Riley Consulting made the following conclusions:

- *The relocation of the site access will move current traffic movements to a point 98 metres north of Indian Ocean Drive. The level of additional accommodation provided would not be expected to significantly change the current operation of the site.*
- *To ensure the site does not cause issues to Indian Ocean Drive, queue modelling has been undertaken. The modelling predicts minimal queuing at peak times, which is contained within the subject site. The existing site office provides two caravan wait bays and this is to be replicated at the new site office location.*
- *At the time of writing this report the tourist park was operating with contactless check-ins with chalet keys placed in envelopes.*

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*However, the caravan arrivals do not actually need keys and there is discussion for caravans to be directed straight to their allocated space without the need to stop and check-in. This would require no caravans to stop on the site access road adjacent to the site office.*

- *In the unlikely event that queuing at the site office does occur, then as has been identified, the parallel parking bays adjacent to the site access on Roberts Street could be allocated as short-term parking to provide a stopping point if the site access is blocked. It is stressed that this is not expected to occur and is mentioned as a possible management tool if needed*

As the Shire does not have a Traffic Engineer on staff, the submitted TIS was peer reviewed by a suitable qualified third-party, [Porter Consulting Engineers (Porters)]. The following conclusions were made by Porters:

- *Up to 10 on street parking bays should be removed each side of the proposed driveway on Roberts Street in order to provide appropriate sight distance between exiting vehicles and Roberts Street through traffic.*
- *A secondary driveway on White Street servicing the Tourist Park would reduce the traffic load on the Roberts Street driveway which would be beneficial at peak times when traffic volumes on Roberts Street can more than double to 2,900 vehicles per day.*
- *The identified solution of using the existing on-street parking bays at times when the internal queueing would exceed the length provided on site will result in sight line issues and potential road operational issues that have not been addressed.*
- *Dates of the traffic surveys conducted at the Tourist Park are not specified within the TIS. No detailed existing operational data of the Tourist Park is provided i.e. seasonal check-in and checkout rates. Consequently, it is uncertain if the internal queuing proposed, which relies on internal queues previously surveyed on an unspecified date and a 68% occupancy rate would be adequate during peak times in peak season.*
- *Swept paths to demonstrate the adequacy of the driveway and manoeuvrability of towing vehicles into the internal queueing areas such that vehicles will not block the driveway have not been provided.*
- *Given the proximity of the internal queuing space to Roberts Street any check-in delays or close arrival of either standard vehicles or tow vehicles would potentially result in congestion of the Roberts Street driveway and queuing onto Roberts Street. Queueing onto Roberts Street at this location is undesirable particularly during peak tourist season. Opportunities to either increase the length/number of check-in bays and/or move the check-in facility further from Roberts Street to allow longer internal queuing on the circulation road should be explored.*
- *A parking demand assessment of the surrounding Shire parking facilities with consideration to the type of parking facilities (i.e. long parking bays) is recommended. This will assist the Shire is*

*determining the impacts of the loss of on-street parking bays associated with the new Tourist Park Roberts Street driveway*

The applicant was provided with the opportunity to respond to the above peer review and deliberations between the both the proponent and the Shire, and the respective traffic consultants took place. The following was resolved:

- Porters and Riley Consulting are in agreeance that the entry to the park is manageable based on a revised plan with four check-in bays. This should be supported by a condition of approval requiring the proponent to ensure that guests checking in at peak times are provided with guidance to move straight to their site and check in later to avoid potential congestion at the entry.
- There is still an element of disagreement regarding the management of traffic exiting the park onto Roberts Street. The particular concern is the loss on-street parallel parking on the south side of Roberts Street adjacent the proposed driveway and the interrelationship of adequate sightline distance for traffic exiting the park onto Roberts Street.
- To further help alleviate the concern of the Roberts Street exit and ensure effective traffic management during peak tourist periods, the proponent has agreed to open the emergency exit onto White Street during peak tourist periods to reduce the traffic load exiting onto Roberts Street.
- It is recommended that that a condition of approval be included requiring the proponent to submit the final design of the Roberts Street driveway for approval by the Shire (Officer will then consult with its Traffic Engineers prior to construction).

It is recommended that the proponent covers the cost of the detailed design and construction of the crossover including making good the portion of the on-street car parking that will be impacted.

#### Car parking requirements

The proponent has chosen to landscape and pedestrianise the old entry rather than install additional parking bays for guests. This is consistent with the Shire's Foreshore Masterplan implementation to date.

However, under Table 2 (site and development requirements) of the Scheme and *Local Planning Policy 9.6 Car Parking* (LPP9.6); the following car parking requirements apply for the proposed restaurant and reception centre:

*1 bay for every 10sqm of gross lettable area or 1 for every 4 seats provided, whichever is the greater.*

Calculations across the submitted floor plan result in shortfall of 24 bays (11 for the restaurant and 13 for the function centre), none of which have been provided by the proponent.

Under Clause 4.8 of the Scheme and LPP9.6 Council has the discretion where it is satisfied that adequate parking is available



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nearby the development to request a cash in lieu payment from the developer for their shortfall of parking spaces provided.

A car parking cash-in-lieu payment is to include:

- a. The land value component for each car bay, determined by the Valuer General or by a licensed valuer appointed by the local government, based on an area of 27.5 m<sup>2</sup> per car bay inclusive of manoeuvring area; and
- b. The estimated construction cost as determined by the local government or by a person nominated by the local government who is competent in the field of architecture or engineering, with any associated cost for this service to be funded by the party requesting the parking concession.

There are some 68 bays available within the Roberts Street Road Reserve excluding those provided at the existing jetty car park.

The restaurant land use (now closed) has operated for many years with a significant number of seats with no parking provided onsite. The redevelopment of this building will result in a like for like land use, however the point of differentiation, is that the proponent believes that given the foreshore pavilion café under construction adjacent, the patronage to the park's restaurant will be predominantly caravan park guests rather than general public.

The new reception centre land use proposed above the restaurant is intended to attract groups of people to stay at the park to use the function facilities as an additional park attraction. It is envisaged that this will be the predominant use of the reception centre, however general public use will not be excluded. As more formal occasions or events will take place in the evening when vehicle use of the foreshore and Roberts Street has declined, it is expected that sufficient on-street parking will be available for use of the reception centre which would not generally jeopardise general public parking in the locality, particularly after normal business hours. A condition of approval has been recommended, requiring that the reception centre be predominantly used by visitors to the caravan park, to the satisfaction of the Shire.

Given the above reasoning it is recommended that Council does not require a cash-in-lieu parking bay payment from the proponent, subject to a condition restricting the reception centre use to predominantly park patronage.

It could be reasonable for Council to seek cash-in-lieu payment for the shortfall of parking bays provided by the proponent by motioning the following draft condition:

*Prior to lodging an application for a building permit and in accordance with the Shire of Dandaragan Local Planning Scheme No.7 and Local Planning Policy 9.6 Car Parking, the applicant must arrange with the Shire of Dandaragan to make a cash contribution in lieu of the*

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*provision of [X] car parking bays for the approved restaurant and/or reception centre land use.*

*Note: Funds received shall be used for the upkeep of public parking in the locality.*

#### Chalets vs caravan/camping spaces

The below table details the change in proposed numbers of chalet units vs caravan/camping spaces between the 2016 development plan and the current proposed development plan.

	2016 Plan	2022 Plan
Caravan/camping sites	114	98
Chalet units	42	59
Permanent sites	15	15
Total sites	171	172

With the current proposal there is a shift towards chalet development as a result of the revised foreshore two-storey development now proposed, on the back of chalets commanding the highest annual occupancy rates. Furthermore, 20 private ensuite camping sites are also proposed. Both these forms of accommodation are at a higher nightly cost to visitors. This goes against the Shire's *Local Planning Strategy (2020)* and the State's *Planning for Tourism Guidelines (Draft 2021)* which supports the retention and development of caravan parks as affordable holiday accommodation. Dispensation can however be given to the number of caravan/camping sites retained as noted with the State's draft guidelines.

#### Summary

Three recommendations are proposed for Council's consideration.

1. Landowner consent to the development application as Council is the Lessor of the development site and holder of the management order for the subject Crown Reserve.
2. On the proviso of the above, provide conditional development approval for the subject development application.
3. Action the land lease amendments between the Shire and the proponent based on the new development plan and lot number.

#### CONSULTATION

The development application was advertised via the Shire's website, social media page and Shire Matters newsletter from 3 February 2022 to 16 March 2022.

A single submission was received from the Jurien Bay Chamber of Commerce as follows:

*Whilst the proposed Development Plan asserts an improved interface with the jetty precinct, there are some questions that arise, namely:*

1. *How will the close proximity of the pavilion site impact or be impacted by, the proposed café/function centre?*
2. *The drawn boundary fencing on the plan for the Tourist Park implies that the two storey cabins and café/function centre won't*

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- have direct access to the jetty precinct, so how or where will non-Park guests access the planned café/function centre?*
3. *The Chamber's submission on the Shire's recent CBD Design Plan and consequent community consultation resulted in a high community preference for making Roberts and Heaton Streets one-way from Bashford Street to Doust Street, so how does that reconcile with the proposed new access/egress point on Roberts Street for caravans, opposite the bakery?*
  4. *There has been some disquiet about the further removal of caravan park bays in favour of an increased number of higher yielding cabins, however this is not inconsistent with the Chamber's submission to Council on the CBD Design Plan whereby a focus on more cabin accommodation and less caravan traffic in that location was favoured.*

The above questions raised by the Chamber of Commerce have been addressed in the comment section of this report, except the third query on making Roberts Street one way. Consideration was given to this outcome in negotiations with the proponent regarding the new entry/exit, however with the final proposed design to be an entry and exit in both directions, this redesign of Roberts Street would not be able to proceed unless there is a future reconsideration of park layout and access and exit by the proponent.

#### STATUTORY ENVIRONMENT

- Local Planning Scheme 7
- Caravan and Camping Regulations 1997

#### POLICY IMPLICATIONS

- State Planning Policy 2.6 State Coastal Planning Policy
- Coastal Hazard Risk Management and Adaptation Plan
- Local Planning Policy 9.6 Car Parking
- State Position Statement: Planning for Tourism (Draft 2021) and associated Guidelines

#### FINANCIAL IMPLICATIONS

The applicant has paid the required development application fee.

The applicant is also required to reimburse the Shire the cost of the peer review of the TIS (\$6,215 to date) in accordance Regulation 49(1)(e) with *Planning and Development Regulations 2009*.

#### STRATEGIC IMPLICATIONS

##### Local Planning Strategy 2020

As outlined.

##### Local Tourism Planning Strategy

Redevelopment shall be *subject to a detailed master plan being prepared that offers clarity and a commitment to the redevelopment, including provision of a range of caravan park accommodation to satisfy tourist demand.*

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Jurien Bay City Centre Strategy

*The existing caravan park provides poor visual amenity with closed fencing and limited shade tree landscaping along the street frontages, particularly White Street. This should be improved and a relevant comparison is the street frontage treatment of the Cervantes Caravan Park, with open style fencing and mature trees along the street boundary.*

The above direction has been discussed with the proponent, with their preference being for enclosed fencing along White Street for park security and safety reasons. As discussed previously this fencing will be upgraded to pinelap fencing to match that along Roberts Street.

Furthermore, a landscaping plan is conditioned to be submitted and implemented, and thereafter maintained to the satisfaction of the Shire. This plan will consider the above vegetation and shading improvement recommendations.

Jurien Bay CBD Draft Urban Design Plan 2021

- *The Central Tourism District upgrades focus on creating a safe and connected CBD. They try to balance the commercial interests of the Caravan Park while creating multiple approaches for a walkable CBD. The ideas are long term and will require stakeholder engagement. (Page 19)*
- *The Northern CBD is an important landmark location for visitors and locals arriving in Jurien Bay CBD. The mature trees, clear sight lines to the foreshore, tourism focused businesses and valuable public space, make it the perfect place to locate a 'green heart.'*

*Development of the Green Heart will take time to establish, and works are recommended to be staged in immediate, medium term and long-term activities. (Page 24)*

This Plan is still in draft format and is yet to be finalised. The proposed development is considered to be generally consistent with the draft plan, with some exceptions as discussed elsewhere in the report (i.e. public pedestrian access and impact on opportunity to undertake closure or partial closure of Roberts Street).

**Strategic Community Plan – Envision 2029:**

02 – Prosperity	The region will experience economic and population growth with increasing economic opportunities, diversifying primary production and a vibrant visitor economy.
<b>Priority Outcomes</b>	<b>Our Roles</b>
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.

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<p>The Shire is home to a successful and growing market for domestic and international tourism.</p>	<p>Support the development of new products and services that increase the attraction of the region to the tourism market, in particular Indigenous cultural experiences.</p>
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### ATTACHMENTS

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

- Development Application 08/22
- Peer Review of TIS (Doc Id: SODR-1262144384-14229)
- Jurien Bay Chamber of Commerce Submission (Doc Id: SODR-1262144384-13517)

**(Marked 9.3.4)**

### VOTING REQUIREMENT

Simple majority

### OFFICER RECOMMENDATION 1 / COUNCIL DECISION 1

**Moved Cr Scharf, seconded Cr Clarke**

**That Council provide landowner consent for development application 08/22 for Reserve 27406, Lot 302 Roberts Street, Jurien Bay.**

**CARRIED 8 / 0**

### OFFICER RECOMMENDATION 2 / COUNCIL DECISION 2

**Moved Cr Eyre, seconded Cr Clarke**

**That Council grant development approval for the proposed redevelopment of the Jurien Bay Tourist Park at Reserve 27406, Lot 302 Roberts Street, Jurien Bay subject to the following conditions and advice notes:**

#### **Conditions**

1. **Development may be carried out only in accordance with the details of the application as approved herein and any approved plan. Subject to any modifications required as a consequence of any conditions of this approval the approved plans shall not be altered without the prior written approval of the Shire of Dandaragan.**
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. **A schedule of the colour and texture of the building materials, demonstrating that the proposed development complements the surrounding area, must be submitted to and approved by the Shire of Dandaragan, prior to lodging an application for a building permit. The development must be finished, and thereafter maintained, in accordance with the schedule provided to and approved by the Shire of Dandaragan, prior to occupation or use of the development.**

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4. Detailed plans of the proposed fencing and an installation staging plan are to be submitted to and approved by the Shire of Dandaragan. The fencing must be installed, and thereafter maintained, in accordance with the plans provided to and approved by the Shire of Dandaragan, prior to occupation or use of each development stage noted within the approved installation staging plan.
5. A detailed landscaping and reticulation plan for the subject site and/or the road verges must be submitted to, and approved to, the satisfaction of the Shire of Dandaragan, and must include the following:
6. The location, number and type of proposed trees and shrubs including planter and/or tree pit sizes and planting density;
  - Any lawns to be established;
  - Any existing vegetation and/or landscaped areas to be retained; and
  - Any verge treatments.
7. The approved landscaping and reticulation 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.
8. Existing trees identified on the approved site plan must be retained and protected in accordance with *AS 4970-2009* and to the satisfaction of the Shire of Dandaragan.
9. This development approval for the portion of development seaward of the 2110 Coastal Hazard Line [Chalets (dual key), Restaurant, and Reception Centre] as identified within the *Shire of Dandaragan Coastal Hazard Risk Management and Adaption Plan* (as amended) shall expire upon the earliest occurrence of any one of the following events:
  - a. the most landward part of the Horizontal Shoreline Datum being within 40 m of the most seaward part of the subject portion of development; or
  - b. a public road no longer being available or able to provide legal access to the subject portion of development; or
  - c. when water, sewerage or electricity to the subject portion of development is no longer available as they have been removed/decommissioned by the relevant authority due to coastal hazards.
10. Upon the expiration of the development approval in accordance with Condition 9, the proponent shall at the proponent's cost:
  - a. remove the development; and
  - b. rehabilitate the land to its pre-development condition, to the specifications and satisfaction of the Shire of Dandaragan.
11. Prior to occupation or use of the development all associated access ways, vehicle parking, service/loading bays, traffic

- calming measures and sign posting are to be completed in accordance with the applicable International and/or Australian Standards to the satisfaction of the Shire of Dandaragan.
12. The development shall not interfere with, restrict access to, or in any way inhibit public access and use of the Jurien Bay foreshore to the satisfaction of the Shire of Dandaragan.
  13. The proponent shall submit detailed engineering plans to the Shire of Dandaragan for the approval of the new Roberts Street crossover.
  14. Prior to the closure of the existing Roberts Street crossover, the new Roberts Street crossover shall be constructed and thereafter maintained in accordance with the approved design. The proponent shall be responsible for all costs related to the construction and maintenance of the crossover excluding any existing on-street parking which is not dissected by the new crossover.
  15. For the life of the development, to the satisfaction of the Shire of Dandaragan, wherever possible during peak tourist visitation periods, guests shall be provided with check-in details prior to on-site arrival which direct them to their booking site to avoid congestion at the development's reception facilities.
  16. For the life of the development, to the satisfaction of the Shire of Dandaragan, wherever possible during peak tourist visitation periods, the White Street emergency exit shall be opened for vehicles to exit to reduce traffic congestion on Roberts Street.
  17. The Reception Centre shall predominantly be allocated for and used by visitors booked into the Jurien Bay Tourist Park, to the satisfaction of the Shire of Dandaragan.

#### Advice Notes

- A. This is a development approval only. The applicant is advised that it is their responsibility to ensure that the proposed development complies with all other applicable legislation, local laws, licensing requirements and/or legal agreements that may relate to the development.
- B. The applicant is advised that the Horizontal Shoreline Datum means the active limit of the shoreline under storm activity, as defined in *State Planning Policy 2.6 – State Coastal Planning Policy (2013)*.
- C. In relation to condition 4, the applicant is advised that fencing along White Street constructed consistent with the existing fencing along Roberts Street, will be acceptable.
- D. If you are aggrieved by the conditions of this approval you have the right to request that the State Administrative Tribunal (SAT) review the decision, under Part 14 of the *Planning and Development Act 2005*.
- E. Failure to comply with any of the conditions of this development approval constitutes an offence under the

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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**

**OFFICER RECOMMENDATION 3 / COUNCIL DECISION 3**

**Moved Cr Scharf, seconded Cr Eyre**

**That Council authorises the Chief Executive Officer to execute updates to the land lease related to Reserve 27406, Lot 302 Roberts Street, Jurien Bay in accordance with the new development plan approved for the Jurien Bay Tourist Park.**

**CARRIED 8 / 0**

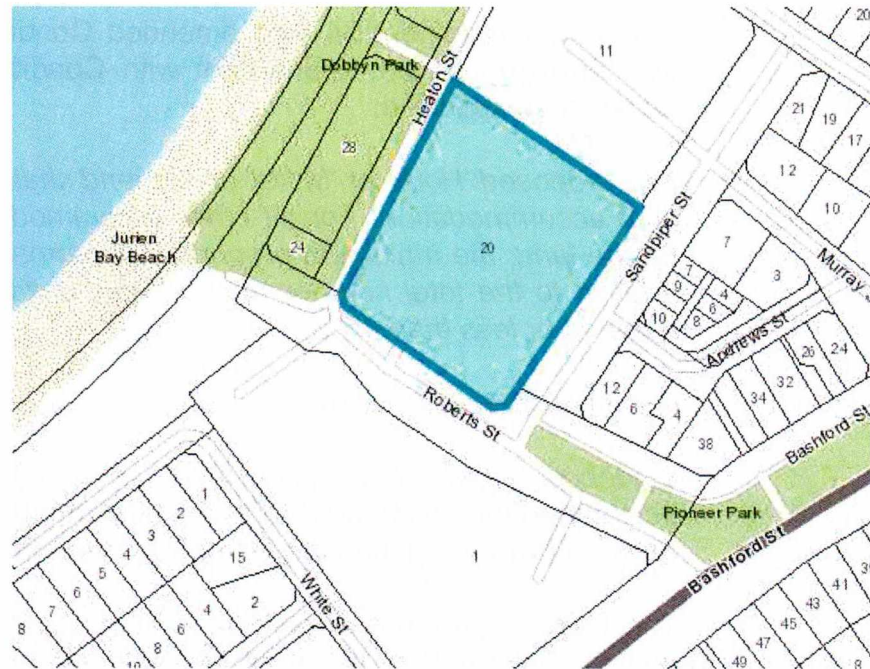
**9.3.5 PROPOSED MOTEL – LOT 62 (No. 20) ROBERTS STREET AND PART SANDPIPER STREET ROAD RESERVE, JURIEN BAY**

Location:	Lot 62 (No. 20) Roberts Street and part of Sandpiper Street Road Reserve, Jurien Bay
Applicant:	Burgess Design Group on behalf of Aliceville Pty Ltd
Folder Path:	SODR-1262144384-14871
Disclosure of Interest:	Nil
Date:	8 August 2022
Author:	Rory Mackay, Planning Officer
Senior Officer:	Louis Fouché, Executive Manager Development Services

**PROPOSAL**

For Council to consider a development application for a motel on 20 Roberts Street, Jurien Bay (Site). Landowner's consent from Council for the development of associated car parking and landscaping in the Sandpiper Street Road Reserve is required in the first instance.





Location Map – 20 Roberts Street, Jurien Bay

### BACKGROUND

In 2012 development approval was granted by Council for a mixed-use tourist development over the Site. However, this development did not proceed as a scheme amendment (rezoning) to progress the development was required. As such, the development approval was allowed to lapse by the developer as they sought the adoption of Scheme Amendment 21 to rezone the land to Special Use Zone 4 (SU4) under *Local Planning Scheme No.7* (Scheme). Approval of Amendment 21 was granted in September 2015.

A development application was lodged with the then Wheatbelt Joint Development Assessment Panel in September 2017. However, this application was later withdrawn as some conditions of SU4 required modification to allow outstanding issues to be resolved later in the planning process. Scheme Amendments 33 and 34 were initiated and adopted to modify the wording of Conditions 5, 6, 10 and 11 of SU4.

The previous SU4 Conditions 5, 10 and 11 required the following matter/actions to be undertaken “prior to approval of development”:

1. remediation of the site in accordance with the *Contaminated Sites Act 2003*;
2. the closure, realignment and land transfers of a portion of the Heaton Street Road reserve; and
3. completion of the ceding of a minimum 11-metre-wide street along the northeast boundary of the land, providing a connection between Heaton and Sandpiper Streets.

Scheme Amendments 33 & 34 (approved by the Minister for Planning on 15 May 2018) enables these issues to be progressed and completed at a later stage, while a new development application(s) is considered, assessed, and if satisfactory, conditionally approved.

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Scheme Amendment 34 also amended Condition 8 of SU4 which was ambiguous and inconsistent with Condition 2 (xiv) whereby, Condition 8 specified:

*Any proposed 'Hotel' or 'Motel' on the land shall provide 100% short-stay accommodation. For all other accommodation units proposed on the land, the maximum proportion of permanent residential units relative to the total number of short stay units on the site shall be equal to or less than 45%.*

Condition 2 (xiv) specifies:

*Evidence that the proportion of permanent residential accommodation units relative to the total number of accommodation units on the site will be equal to or less than 45%.*

The Shire's intent has always been to calculate the total number of units across the Site, by including any hotel and motel units as part of the short-stay unit calculation. This is evident in the original planning approval that recommended the following wording of the condition:

*The proportion of permanent residential units relative to the total number of accommodation units on the site shall be equal to or less than 45%, unless otherwise approved by the local government.*

As such, Scheme Amendment 34 amended the Scheme provision by deleting the word "other" to ensure that the Hotel and Motel Units are included in the calculation of the permanent/short stay ratio.

The Local Development Plan (LDP) required for the Site under SU4 was formally adopted by Council on 28 June 2018. The LDP sets out the specific and detailed development requirements for the strategic Site, of which the subject development application is to be consistent with. Essentially, the LDP reflects the initial development, which was approved in 2012, and considers the legislative changes discussed above.

A Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) for the Site was prepared by MP Rogers and Associates in accordance with Condition 6 of SU4 and was subsequently adopted by Council on 28 February 2019. In summary, the CHRMAP assesses the coastal hazard risks, denotes the subsequent adaptation options and provides an implementation plan for the proposed development on the Site. The strategies to be implemented adequately address the potential coastal hazard risks associated with the development in accordance with State planning policy.

Following the adoption of the Site CHRMAP a development application was lodged with the then Midwest Wheatbelt Joint Development Assessment Panel for a mixed-use tourist development across the Site in late 2019. Council endorsed the Shire's

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Responsible Authority Report to the Assessment Panel on 28 November 2019. However, this application remains on hold, pending legal advice, due to unresolved matters including coastal storm surge and the inclusion of a road reserve within the overall development site. Subsequently, this application has been prepared for only the motel component of the mixed-use development whilst the unresolved issues are to be addressed separately for the remainder of the Site. The location of the current motel application is not projected to be impacted by coastal storm surge within the next 100 years or the proposed road reserve inclusion.

The complete mixed-use development across the site will comprise eight buildings. The proposed motel is noted within the masterplans as Building D (No.4). The proposed motel will address Sandpiper Street and have 41 short-stay rooms across four-storeys.



Proposed Sandpiper Street frontage

**COMMENT**

The scheme defines the proposed land use of 'motel' as:  
*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.*

Under SU4 a motel is a permitted use which Council can consider for development approval.

Each floor of the motel will comprise the following:

Basement –

- storage (allowance for future storerooms)
- Bin store
- Lift lobby, lift and services

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## Ground Floor –

- Motel reception (reception, office, amenities, and maintenance store)
- Lift lobby, lift, services, and linen store
- 10 motel rooms (all single bedroom)
- 50 car bays, including 1 ACROD bay

## First Floor –

- 13 rooms (12 single bedroom and one double bedroom)

## Second Floor –

- 12 rooms (all single bedroom)
- roof terrace

## Third Floor –

- 6 rooms (four single bedroom, two double bedroom)
- Service desks

The following table lists the requirements of the Scheme and LDP applicable to the subject development application against what has been proposed, with the compliance outcome listed in the third row.

Scheme Requirement	Proposed	Complies
Development of the land shall be in accordance with a LDP adopted by the local government.	The proposed development is consistent with the provisions of the LDP.	Yes.
All development on the land shall be connected to a reticulated water supply and sewerage system.	The proposed development will be connected to reticulated water supply and sewerage system. Details will be provided at building permit stage.	Yes – condition to be imposed.
Prior to the commencement of development, the site is to be remediated to the extent required for its intended use.	The site has been remediated prior to the commencement of development.	Yes.
Prior to approval of development on the site, a Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) is to be prepared in accordance with State Planning Policy 2.6: State Coastal Planning Policy and approved by the local government.	A CHRMAP has been prepared and endorsed by the Shire of Dandaragan.	Yes.
Any proposed 'Hotel' or 'Motel' on the land shall provide 100% short-stay accommodation. For all accommodation units proposed on the land, the maximum proportion of permanent residential units relative to the total number of short stay units on the site shall be equal to or less than 45%.	The proposed motel will provide 100% short-stay accommodation.	Yes – condition to be imposed.
Prior to the commencement of development, the ceding of a minimum 11-metre-wide street along the northeast boundary of the land,	The landowner agrees to the ceding of a minimum 4.5-metre-wide pedestrian access way	No – see commentary below

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<b>Scheme Requirement</b>	<b>Proposed</b>	<b>Complies</b>
providing a connection between Heaton and Sandpiper Streets, is to be completed to the satisfaction of the local government.	along the northeast boundary of the land. Refer to text in report.	
No structure shall exceed 40 metres in height measured from natural ground level, unless it forms part of the telecommunications infrastructure, and the height of individual structures will be in accordance with an approved LDP.	The proposed motel will have total height of 20m.	Yes.
For all short-stay accommodation a register of guests showing periods of occupancy is to be kept and made available to the local government on request in order to ensure compliance with the requirement to limit occupation to a maximum of three months in any 12month period.	The landowner agrees to provide the Shire occupancy details on request.	Yes.
In accordance with the R-codes, blank walls shall be minimised at street level, and where practical, active frontages incorporated into the development to ensure a suitable level of casual surveillance of the public domain	The proposed building is oriented to face Sandpiper Street; to provide passive surveillance of the street and outdoor public spaces.	Yes.
All buildings must be designed with windows or balconies facing the street.	Windows and balconies are provided to allow a suitable level of passive surveillance of the street.	Yes
46 total car parking bays required.	50 car parking bays proposed.	Yes, however all car parking is proposed within the Sandpiper Street Road Reserve and not within the development site boundaries. See commentary below.
30% of total site area to be landscaped.	Landscaping is proposed for the vehicle parking area adjacent to the Motel only.	No - The proposal does not meet the landscaping requirements as the development is for only part (stage 1) of a comprehensive development including a landscaping plan for the total site. This application seeks the Shire's discretion to consider the variation, given that additional landscaping will be incorporated in future stages of development.

The following are comments on the remaining major components of the development.

Appearance, orientation, and compatibility of the development with its setting

The proposed motel finishes, and materials have been closely chosen to acknowledge the site's local context, climate and natural landforms and vegetation.

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Materials - white and bagged brick, limestone, timber and weatherboard cladding, limewash renders, and large format pavers.

Colours - whites and neutrals (refer Elevations & Appendix 2, Built Form and Materiality).

The proposed motel is oriented with its main frontage to the east and southeast. As such, most rooms will receive morning sun. Any rooms oriented to the west will receive afternoon sun (refer Appendix 3 – Environmental Sensitive Design Review).

The applicant has provided at pages 22-25 within their application report, an assessment against the set of ten design principles contained within *State Planning Policy 7.0 – Design of the Built Environment* (SPP7). A 'Design Statement' in accordance with SPP7 is also included at Appendix 2 to the application to reinforce that the design of the motel is compatible with the site and its surrounding setting.

#### Traffic Impact

The applicant has supported their application with a third-party traffic impact statement (TIS) prepared by Shawmac (refer to Appendix 5). The following notable conclusions were made:

- On a Saturday, the development is estimated to generate 373 daily vehicle trips, including 39 during the peak hour of the development. This volume of traffic is low and can be accommodated within the existing capacity of the road network with no modifications required.
- The provision of 50 car parking bays satisfies the minimum requirements calculated according to the Shire's *Local Planning Policy 9.6: Car Parking*. There is also ample street parking in the vicinity of the site.
- The crash history of the adjacent road network did not indicate any safety issue on the adjacent road network and there is no indication that the development would increase the risk of crashes unacceptably.
- The proposed internal and external path network is considered to be adequate.
- Based on the proposed land use, the only bicycle parking demand is likely to be from staff. The development plans indicate that 6 bicycle racks will be provided along the building frontage which would be sufficient for the likely demand for bicycle parking.
- Vehicle access is proposed via Sandpiper Street. There are two entry and exit points proposed to service the development. The minimum sight distance requirement of *AS2890.1* is achieved in both directions from the proposed vehicle exit points along Sandpiper Street.

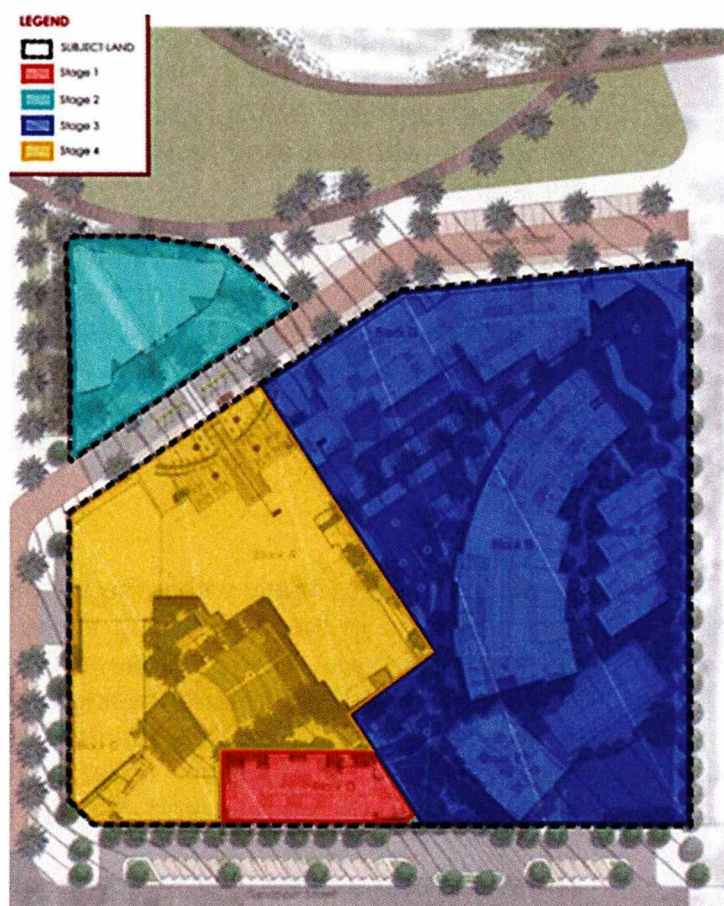
#### Pedestrian Access Way

Condition 11 of the SU4 requires the ceding of a minimum 11m street along the northeast boundary of the land prior to the commencement of development. However, within all previous development

applications and reporting (including the LDP adopted by Council), plans submitted have shown this as a pedestrian access way. A 11m roadway is not preferable in this location. As such, it is recommended that Council applies discretion to vary Condition 11 of SU4. If Council does apply discretion, a 4.5m pedestrian access way on the northeast boundary will be provided as part of a future development stage and will be ceded to the Western Australian Government.

### Staging of Development

The construction of the motel as Stage One of the mixed-use tourist development upon the subject property is consistent with the LDP staging plan adopted by Council in 2018, as depicted below.



### Car Parking in Road Reserve

The proposed car parking of the development will be wholly located within the Sandpiper Street Road Reserve, generally intended for the exclusive use of the motel. There are two aspects to this point that Council is required to consider:

1. The legal requirement for the landowner to agree to the development / effectively sign the application form to make the application lawful.
2. How Council disposes of the affected property to be leased and developed by the landowner of Lot 62 Roberts Street, Jurien Bay.

Landowner consent to the development application is the first step within Officer Recommendation 1 of which Council makes a

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determination on the proposed development. Should Council not provide this consent to the development application, it would make the application in its current form not valid, resulting in a development decision (approval or refusal) not being required. The applicant has the option to modify the application to provide all car parking and landscaping within Lot 62.

The developer is willing to construct the road reserve car parking and lease the land from Shire for exclusive use by the Motel, until internal parking for the Motel is provided at a later stage of development. Once this occurs, the proponent proposes that the car parking would then be handed over free of cost to the Shire.

Officer Recommendation 2 deals with leasing the development site to the landowner of Lot 62 Roberts Street. Section 57 of the *Land Administration Act 1997* permits a land lease to be granted for land beneath or above a road reserve, subject to final approval from the Minister for Lands.

The presented Officer recommendation authorises the Chief Executive Officer to dispose of the subject development site via a lease agreement at market rental value. The applicant has requested the lease be at a peppercorn rate. A lease discount is a discretionary matter for Council to consider, should it be inclined to discount the value of the lease a variation to the officer's recommendation will be required.

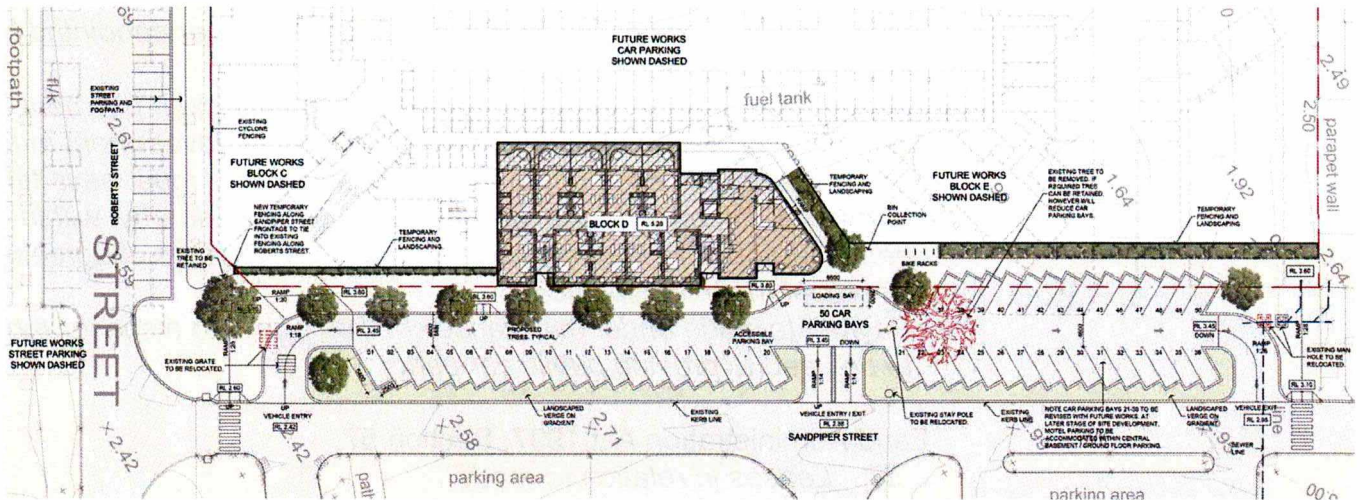
#### Landscaping

As discussed previously within the assessment table, landscaping is only proposed in the car parking verge area adjacent to the Motel development site. The proponent is seeking discretion for not meeting 30% of the site landscaping required under the Scheme on the basis that the Motel development is only stage 1 of a 4 stage comprehensive multimillion dollar development with additional landscaping to be incorporated in future stages of development.

The whole of the Sandpiper Street perimeter will be landscaped with new temporary fencing erected behind the landscaping. For the Roberts and Heaton Street perimeters the existing cyclone fencing will remain to avoid unauthorised access to the balance of the development site. This is shown in the site plan below.



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Site Plan

It is recommended that Council apply discretion in this circumstance as:

- the proposed Motel will occupancy some 500m<sup>2</sup> (2%) of the 21,991m<sup>2</sup> property; and
- the balance of the development site will require significant earthworks for the construction of two basement levels in later stages of the eleven storey mixed tourist development. (Also see below).

Nonetheless, a recommended condition requires a landscaping plan to be submitted and implemented, and thereafter maintained to the satisfaction of the Shire for the landscaping proposed. This plan will also consider the proposed landscaping in relation to existing significant trees on the Motel development site. A condition is also proposed to require landscaping along the perimeter of the motel building until the next stages of development screens these building facades in the future.

### CONSULTATION

The development application was advertised directly by mail to surrounding landowners, in addition to the wider stakeholder community via the Shire's website, Facebook page and Shire Matters newsletter from 28 June 2022 to 5 August 2022.

A summary of each submission and the Officer's response to each is contained in the attached Schedule of Submissions.

### STATUTORY ENVIRONMENT

Local Planning Scheme 7 – Special Use Zone 4.

*4.8.1.8 Where a developer can satisfy the local government that the minimum car parking requirements cannot be provided on the site the local government may accept a cash payment in lieu of the provision of car parking spaces but subject to the requirements of this clause:*

- i. A cash-in-lieu payment shall be not less than the estimated cost to the owner of providing the land and constructing the parking spaces required by the Scheme. The value of that area of his land which would have been occupied by the parking spaces may be*

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*stated by the Valuer General or by a licensed valuer appointed by Local government.*

- ii. *Before the Local government agrees to accept a cash payment in lieu of the provision of parking spaces the Local government must have already provided a public car park nearby or must have firm proposals for providing a public car park area nearby within a period of not more than eighteen months from the time of agreeing to accept the cash payment.*
- iii. *Payments made under this clause shall be paid into a special fund to be used to provide public car parks.*

Land Administration Act 1997, Section 57.

57. *Leases in relation to roads*

1. *The Minister may —*

(a) *grant a lease in respect of land above or below a road;*  
or

(b) *with the consent of the relevant local government, the Commissioner of Main Roads, or the Minister responsible for the administration of the Public Works Act 1902, as the case requires, grant a lease in respect of land comprising a road, if*

(i) *there are structures above the road; or*

(ii) *the purpose of that lease is consistent with the use of the road by the public.*

2. *When a lease is granted under subsection (1)(b) in respect of land comprising a road and the road is closed under section 58 during the subsistence of the lease, the lease continues to subsist as an interest in Crown Land until it terminates in accordance with law.*

- *Local Government (Functions and General) Regulations 1996:*

*Regulation 30 - Dispositions of property to which section 3.58 of Act does not apply*

(c) *the land is disposed of to —*

(ii) *a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth*

#### POLICY IMPLICATIONS

- State Planning Policy 2.6 State Coastal Planning Policy
- State Planning Policy 7.0 Design of the Built Environment
- Local Development Plan Lot 62 Roberts Street, Jurien Bay
- Coastal Hazard Risk Management and Adaptation Plan Lot 62 Roberts Street, Jurien Bay
- Local Planning Policy 9.6 Car Parking

#### FINANCIAL IMPLICATIONS

The applicant has paid the required development application fee.

#### STRATEGIC IMPLICATIONS

There is a need for Lot 62 Roberts Street to be a highly intensive development for tourism use, given its strategic location. The future

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development for Lot 62 is focused on tourism as a land use, conforming to the site objectives of the Tourism Planning Strategy, Jurien Bay City Centre Strategy and the Local Planning Strategy 2020.

Strategic Community Plan – Envision 2029

02 – Propensity	The region will experience economic and population growth with increasing economic opportunities, diversifying primary production and a vibrant visitor economy.
<b>Priority Outcomes</b>	<b>Our Roles</b>
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. Identify and activate underutilised economic and land assets to promote employment and economic activity.
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.
Jurien Bay continues to grow as a regional centre that services and delivers benefits throughout the Shire.	Leverage public and private sector partnerships to deliver new infrastructure required to achieve sustainable economic and population growth.

**ATTACHMENTS**

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

- Development Application Report (SODR-1262144384-14382)
- Schedule of Submissions (SODR-1262144384-15067)

***(Marked 9.3.5)***

**VOTING REQUIREMENT**

Simple majority

**OFFICER RECOMMENDATION 1 / COUNCIL DECISION 1**

**Moved Cr Eyre, seconded Cr Glasfurd**

**That Council provide landowner consent for development application 66/22 for Part Sandpiper Street Road Reserve, Jurien Bay to be developed for the purposes of car parking and landscaping.**

**CARRIED 8 / 0**

**OFFICER RECOMMENDATION 2 / COUNCIL DECISION 2**

**Moved Cr Rybarczyk, seconded Cr Clarke**

**That Council grant development approval for a motel, associated car parking and landscaping at Lot 62 (No.20)**

**Roberts Street and Part Sandpiper Street Road Reserve, Jurien Bay, subject to following conditions and advice notes:**

**Conditions**

1. All development shall be in accordance with the approved development plans (attached), which form part of this development approval, to the specifications and satisfaction of the Shire of Dandaragan.
2. This approval is for 'Motel' as shown on the approved plans and defined in Schedule 1 of the *Shire of Dandaragan Local Planning Scheme No.7*.
3. Subject to any modifications required as a consequence of any conditions of this approval, the approved plans shall not be altered without the prior written approval of the Shire of Dandaragan.
4. Prior to lodging an application for a Building Permit, the owner must execute and provide to the Shire of Dandaragan a notification pursuant to Section 70A of the *Transfer of Land Act 1893* (as amended) to be registered on the Certificate of Title advising prospective purchasers the following: *"VULNERABLE COASTAL AREA – this lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years."*
5. A register of guests showing periods of occupancy is to be kept and made available to the Shire of Dandaragan on request in order to ensure compliance with the requirement to limit occupation to a maximum of three months in any twelve-month period.
6. The development shall be connected to a reticulated water supply and sewerage system, 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 to the satisfaction of the Shire of Dandaragan.
8. 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:
  - how materials and equipment will be delivered and removed from the site;
  - how materials and equipment will be stored on the site;
  - parking arrangements for contractors;
  - construction waste disposal strategy and location of waste disposal bins;
  - details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;

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- how risks of wind and/or water borne erosion and sedimentation will be minimised during and after the works; and
  - other matters likely to impact on the surrounding properties.
9. Prior to the commencement of development, a detailed landscaping plan for the motel site and the road verge must be submitted to and approved by the Shire of Dandaragan, and must include the following:
    - the location, number, size and species type of proposed ground covers, shrubs and trees;
    - consideration of existing significant trees in the development footprint;
    - landscaping along the motel building perimeter to enhance the building facades; and
    - verge treatments.
  10. The approved landscaping and reticulation 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.
  11. Prior to the commencement of the approved use all associated access ways, vehicle parking, service/loading bays, traffic calming measures and sign posting are to be completed in accordance with the applicable International and/or Australian Standards to the satisfaction of the Shire of Dandaragan.
  12. A Waste Management Plan must be submitted to and approved by the Shire of Dandaragan prior to the commencement of the approved use. The plan must include the following details to the satisfaction and specification of the Shire of Dandaragan:
    - the location of bin storage areas and bin collection areas;
    - the number, volume and type of bins, and the type of waste to be placed in the bins;
    - details on the future ongoing management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
    - frequency of bin collections.
  13. The approved Waste Management Plan must be implemented at all times to the satisfaction of the Shire of Dandaragan.
  14. The development shall not interfere with, restrict access to, or in any way inhibit public access and use of the Jurien Bay foreshore, to the satisfaction of the Shire of Dandaragan.
  15. Prior to commencement of construction, the proponent, at their cost, shall enter into a legal agreement with the Shire of Dandaragan for the construction, lease and ongoing maintenance of the vehicle parking and verge development

area within the Sandpiper Street Road Reserve to the satisfaction of the Shire of Dandaragan.

**Advice Notes**

- A. 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.
- B. 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.
- C. If the development, the subject of this approval, is not substantially commenced within a period of two (2) years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
- D. Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.
- 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.
- F. Should you be aggrieved by this decision, or any conditions imposed, 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 twenty-eight (28) days of the determination.

**CARRIED 8 / 0**

**OFFICER RECOMMEDATION 3 / COUNCIL DECISION 3**

Moved Cr Scharf, seconded Cr Eyre

That Council:

1. agrees to dispose of land within the Sandpiper Street Road Reserve, Jurien Bay via lease to the landowner of Lot 62 (No.20) Roberts Street, Jurien Bay for the development of car parking and landscaping in accordance with the

- development approved for the site, subject to the proponent meeting all costs associated with the proposal; and
2. authorises the Chief Executive Officer to negotiate and finalise a lease agreement in accordance with Section 3.58(3) of the Local Government Act 1995 based on market value and for this to be forwarded to the Minister for Lands for final approval.

CARRIED 8 / 0

### 9.3.6 PROPOSED SHADE SAILS - JURIEN BAY BEACH CAFÉ

Location:	Jurien Bay Foreshore Reserve 28541 & Roberts Street Road Reserve
Applicant:	Jurien Bay Beach Café
Folder Path:	SODR-1262144384-15119
Disclosure of Interest:	Nil
Date:	15 August 2022
Author:	Rory Mackay, Planning Officer
Senior Officer:	Louis Fouché, Executive Manager of Development Services

#### PROPOSAL

Council is requested to consider granting development approval for shade sail additions to the Jurien Bay Foreshore Pavilion. Landowner's consent from Council for the development application is required in the first instance.

#### BACKGROUND

On 28 April 2022, Council approved the lease of the Jurien Bay Foreshore Pavilion Café to Jurien Bay Beach Café Pty Ltd. This lease was formally executed in June 2022.

On 28 April 2022, Council also approved building works at the pavilion as follows:

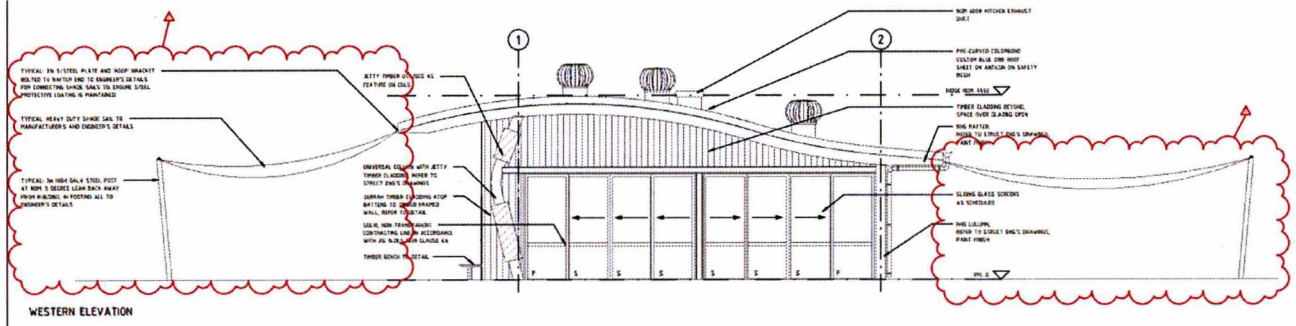
*That Council approve the proposed building works for the following items subject to the full cost of the works being met by the lessee:*

1. *Extension of exposed aggregate concrete apron adjoining the northern and southern areas of the building.*
2. *Installation of shade sails and structural poles adjoining the northern and southern areas of the building.*
3. *Gabion wall and benchtop on the western end of the deck area.*

It should be noted that the final shade sail design was not available at Council's meeting on 28 April 2022.

The subject application seeks Council's development approval for shade sails to be placed adjacent to both the northern and southern side of the pavilion building facades as shown below.

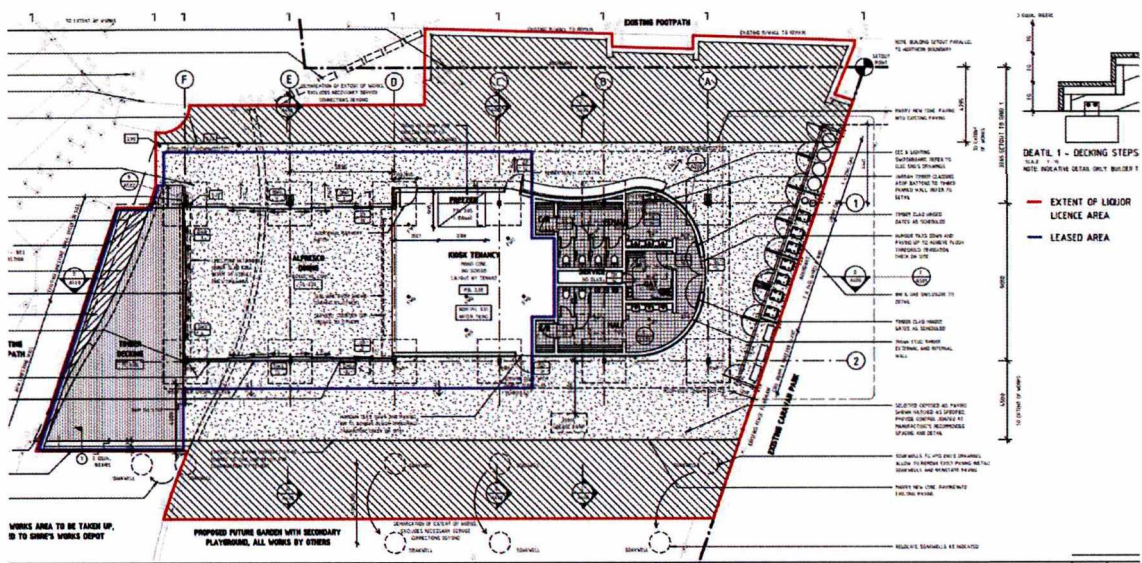
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Pavilion west elevation

The proposed shade sails will be located within Jurien Bay Foreshore Reserve 28541 and the Roberts Street Road Reserve, which are both vested with / under the care, control and management of the Shire. As such, Council is required to give Landowner's consent for the development application. Should Council not grant this consent, the application cannot proceed. (Determination of the application is then not required).

It is noted that the proposed shade sails are located outside of the area leased by the proponent but does fall within the area of the liquor licence the proponent has made application for, which is also depicted in the lease, as shown below.



Pavilion Lease and proposed Licenced Areas

The Foreshore Reserve is reserved 'Parks and Recreation' under the *Shire of Dandaragan Local Planning Scheme No.7* (Scheme). In accordance with Clause 2.4.2 of the Scheme, in determining a development application for reserve land, Council must have due regard:

- a. the matters set out in Clause 67 of the Deemed Provisions (Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*); and
- b. the ultimate purpose intended for the Reserve.

In terms of the Management Order, the purpose of the Foreshore Reserve is 'foreshore protection' and 'recreation'.



COMMENT

The proposed shade sails have been designed by the Foreshore Pavilion Project Manager, MCG Architects, to be compatible with the pavilion structure and the wider foreshore location. The shade sail structure is proposed to be constructed with perimeter poles with a series of individual sails attached internally to the pavilion's north and south fascias. The shade sails will be colour coded to match the existing pavilion's white roof / trim finish.

A Building Permit application has been lodged by the applicant, which also deals with the structural engineering of the shade sail structure's design. This permit can only be approved once development approval has been granted.

The northern shade sail poles will be located approximately 1m within the Roberts Street Road Reserve outside of the Foreshore Reserve. This component will not influence the existing car park within this portion of the road reserve as the poles will be appropriately protected from vehicle traffic via an existing retaining wall in this location.

Collectively the shade sail addition to the pavilion is expected to further enhance people's experience with the foreshore locality and their interaction with the Jurien Bay Beach Café in particular.

It is recommended that Council approve the development application subject to relevant conditions.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Planning Scheme No 7

POLICY IMPLICATIONSOutdoor Eating Facility Guidelines

It is assumed that the proponent intends to use the area under the shade sails for alfresco dining. An assessment against the design considerations (below) of the abovementioned guidelines has identified that a permit can be issued for such in due course.

An Outdoor Eating Facility shall be designed and constructed to:

- *ensure users have adequate protection and separation from passing vehicle traffic with visible safety barriers;*
- *ensure adequate sightlines to the street are maintained;*
- *be accessible for people with prams, wheelchairs and mobility scooters and the like;*
- *be designed as a temporary structure that can be removed within a 24-hour period;*
- *not cause damage to the footpath, trees or other Shire property;*
- *be easily recognisable as 'no smoking' public open space and shall not include business logos nor advertising; and*

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- *be well designed and constructed, using high quality materials that are durable, attractive, and non-slip.*

#### FINANCIAL IMPLICATIONS

The applicant has paid the required development application fee for the application.

All costs of shade sail erection and maintenance will be borne by the proponent.

#### STRATEGIC IMPLICATIONS

There is no strategic implication relevant to this item.

#### ATTACHMENTS

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

- Shade sail development application (Doc Id: SODR-1262144384-15112)
- Liquor licence plan (Doc Id: SODR-1262144384-15124)  
**(Marked 9.3.6)**

#### VOTING REQUIREMENT

Simple Majority

#### **OFFICER RECOMMENDATION 1 / COUNCIL DECISION 1**

**Moved Cr Eyre, seconded Cr Glasfurd**

**That Council agrees to provide landowner's consent for the development application for shade sail additions to the Jurien Bay Foreshore Pavilion within Jurien Bay Foreshore Reserve 28541 and the Roberts Street Road Reserve.**

**CARRIED 8 / 0**

#### **OFFICER RECOMMENDATION 2 / COUNCIL DECISION 2**

**Moved Cr Gibson, seconded Cr Rybarczyk**

**That Council grant development approval to Jurien Bay Beach Café for the proposed shade sail additions to the Jurien Bay Foreshore Pavilion within Jurien Bay Foreshore Reserve 28541 and the Heaton Street Road Reserve in accordance with the following conditions and advice notes:**

#### **Conditions**

- 1. All development shall be in accordance with the attached submitted documentation and shall not be altered without the prior written approval of the Shire of Dandaragan.**
- 2. The shade sails are to be colour coded to match the existing Jurien Bay Foreshore Pavilion's white roof / trim finish, to the satisfaction of the Shire of Dandaragan.**

**Advice Notes**

- A. This is a development approval only. The applicant / landowner is advised that it is their responsibility to ensure that the proposed development complies with all other applicable legislation, local laws, licensing requirements and/or legal agreements that may relate to the development.
- B. If the development, the subject of this approval, is not substantially commenced within a period of two (2) years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
- C. Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.
- D. If you are aggrieved by the conditions of this approval you have the right to request that the State Administrative Tribunal (SAT) review the decision, under Part 14 of the *Planning and Development Act 2005*.
- 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

### 9.3.7 ADOPTION OF MODIFIED LOCAL PLANNING POLICY 9.12 SHORT-TERM RENTAL ACCOMMODATION

Location:	Land zoned Residential, Rural Residential, Regional Centre or Special Development Zone 1 under Local Planning Scheme No.7.
Folder Path:	SODR-877026889-3318
Disclosure of Interest:	Nil
Date:	3 August 2022
Author:	Rory Mackay, Planning Officer
Senior Officer:	Louis Fouché, Executive Manager of Development Services

**PROPOSAL**

For Council to consider adopting the amended Local Planning Policy for un-hosted short-term rental accommodation.

**BACKGROUND**

On 25 October 2018, Council adopted a local planning policy to regulate short-term accommodation offered through commercial un-hosted holiday homes.

In December 2021, the Department of Planning, Lands and Heritage released a draft position statement, 'Planning for Tourism' following the 2019 Legislative Assembly's Economics and Industry Standing Committee Report – '*Levelling the playing field – managing the*

*impact of the rapid increased of short-term rentals in Western Australia'.*

The rapid increase of peer-to-peer online booking platforms has contributed to a significant rise in short-term rentals; coupled with limited interstate and international travel in the last two years. This has led to management and compliance stress for the Shire primarily in the popular tourist locations of Jurien Bay and Cervantes.

The costs of increased commercial holiday homes include a possible threat or disruption to housing affordability and availability; disruption to the amenity of local neighbourhoods and the sense of community; and the threat or disruption to existing tourist accommodation providers.

As such the Draft Position Statement recommends local governments with areas subject to high supply of short-term rental accommodation and relatively stable housing growth are encouraged to monitor the situation and adjust policy settings as appropriate.

The above was the catalyst for a review of the Shire's 2018 policy. The following policy modifications have been made following review:

- Rename the policy from 'holiday homes' to 'short-term rental accommodation' to ensure it captures both hosted and un-hosted accommodation types.
- Provide clear definitions on the different forms of short-term accommodation.
- Revise policy objectives accordingly.
- Provide clear exclusions and exemptions consistent with the State's Position Statement. Traditional bed and breakfast establishments will now be excluded from requiring development approval, however, registration as a food premises will still be required under health legislation.
- Strengthen car parking requirements.
- Ensuring the property has sufficient essential services - water, wastewater and waste.
- Revise standards for maximum permissible occupancy numbers based on number of bedroom / bathroom.
- Tighten requirements and expectations for holiday home managers, including having a complaint management process and installing an onsite sign with contact details visible from the street.
- Increase requirements and expectations for guests through code of conduct improvements.

On 28 April 2022, Council resolved to advertise the modified policy to the local tourism industry and the wider public. This advertising was undertaken from 3 May 2022 to 17 June 2022. Two submissions were received which have been considered accordingly in the drafting of the final modified policy proposed to be adopted.

### COMMENT

No policy changes are recommended as result of the comments received during the public exhibition period. As such, it is recommended that Council adopts the modified policy as first presented.

Nevertheless, as noted in the Background section of the report, commercial holiday homes / un-hosted short-term rental accommodation could potentially have adverse effects on neighbourhoods. The increasing numbers of holiday homes in the Shire requires ongoing monitoring and if necessary, further review of the LPP in the future to ensure that these affects are duly considered and appropriately responded to.

### CONSULTATION

Two submissions were received on the modified policy. One submission noted support for the policy as presented, while the other sought clarification on several points of the policy and its implementation, which were responded to by staff. The submissions and responses are attached to this item for Council's reference.

### STATUTORY ENVIRONMENT

*Planning and Development (Local Planning Schemes) Regulations 2015:*

The ability to prepare a Local Planning Policy (LPP) is afforded to the Council under Clause 3 of Schedule 2 in the *Deemed Provisions for Local Planning Schemes* (Deemed Provisions). The Deemed Provisions allow the Shire to prepare policies in respect to any matter related to the planning and development of the Shire. Policies may apply to a particular class or matter and relate to one or more parts of the Shire's Local Planning Scheme area. Clauses 5 and 6 of the Deemed Provisions allow Council to amend or rescind its planning policies.

LPPs are guidelines used to assist the local government in making decisions under the Local Planning Scheme. Although LPPs are not part of the Local Planning Scheme, they must be consistent with, and cannot vary, the intent of the Local Planning Scheme provisions. In considering a development application, the local government must have due regard to relevant LPPs as required under the Local Planning Scheme.

LPPs aim at prescribing minimum standards acceptable to the Council in consideration of community sentiment for various types of development and land use. Additionally, these policies also aid in providing a foundation for delegation to be set in order to assist in streamlining the approval processes and establishing relative levels of compliance.

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**POLICY IMPLICATIONS**

State Position Statement: Planning for Tourism (Draft 2021) and associated Guidelines.

The amended LPP is aimed to improve procedural and governance aspects of the Shire's development control responsibilities for short-term accommodation.

**FINANCIAL IMPLICATIONS**

No change to the application fee is proposed.

A separate matter for Council deliberation is whether or not to rate commercial short-term accommodation properties differentially to standard residential dwellings to best capture the commercial reward these property owners receive. This has been implemented in a number of other jurisdictions and would be considered through Council's rating review strategy.

**STRATEGIC IMPLICATIONS**

- Local Planning Strategy 2020  
Tourism – Actions:  
In consultation with State agencies and the tourism industry, monitor trends and plan for a range of accommodation forms/types in response to requirements of the tourism sector.
- Strategic Community Plan Envision 2029:

02 - Prosperity	The region will experience economic and population growth with increasing economic opportunities, diversifying primary production and a vibrant visitor economy.
<b>Priority Outcomes</b>	<b>Our Roles</b>
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.
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 is the following item relevant to this report:

- Local Planning Policy 9.12 Short-Term Rental Accommodation (Doc Id: SODR-877026889-3080)
- Submission and response (Doc Id: SODR-877026889-3317)  
**(Marked 9.3.7)**

**VOTING REQUIREMENT**

Simple Majority.

**OFFICER RECOMMENDATION / COUNCIL DECISION****Moved Cr Eyre, seconded Cr Rybarczyk****That Council, pursuant to Clause 4 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts *Local Planning Policy 9.12: Short-Term Rental Accommodation* as provided as an attachment to this report.****CARRIED 8 / 0****9.4 GOVERNANCE & ADMINISTRATION****9.4.1 SPORT AND RECREATION PLAN**

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	
Disclosure of Interest:	Nil
Date:	5 August 2022
Author:	Brent Bailey, Chief Executive Officer
Senior Officer:	N/A

**PROPOSAL**

This item addresses Shire of Dandaragan Sport and Recreation Plan which is presented to Council for final endorsement following the public advertising period carried out in July.

**BACKGROUND**

Since early 2021 the Shire has been engaging with the local community to develop a Sport and Recreation Plan which will guide future planning and investment in recreation facilities and services. The Sport and Recreation Plan will form part of the suite of informing strategies that contribute to the Shire's integrated planning framework and Council's decision-making processes.

The project commenced with the engagement of a consultant to undertake a detailed review of the existing facilities and undertake community workshops to gather feedback and insights from community users about their needs and aspirations for future development. The consultation process for the project was undertaken across a number of phases as follows:

- Phase 1: Background research and desktop review of existing planning documents.
- Phase 2: Analysis of all data relating to previous plans, community requests, demographic considerations, a visual audit of all existing facilities, trends, and benchmarking.
- Phase 3: The development of a community survey and a series of workshops in Badgingarra, Dandaragan, Cervantes and Jurien Bay. In addition, one-on-one meetings were held with key user groups within each of the main facilities.
- Phase 4: A needs analysis was then undertaken based on the outputs of the research and the consultation process. This

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assisted in establishing priorities for future investment and underpinned a series of draft recommendations.

Phase 5: The development of the consultant's draft Sport and Recreation Report including recommendations and an associated implementation plan for consideration by Councillors and staff.

Phase 6: The final draft Sport and Recreation Report was presented for public advertising, key stakeholder engagement and public comment.

Phase 7: The draft Sport and Recreation Report was finalised and a separate internally developed Sport and Recreation Plan to address the key findings and recommendations was drafted.

Phase 8: The draft Sport and Recreation Plan was advertised for public consultation and following this, the final version is now presented for endorsement by Council.

### COMMENT

The Sport and Recreation Plan sets out four key principles to respond to the key trends and core needs of the community with respect to recreation investments.

#### 1) Establishing a Minimum Level of Service

A key feature of the Sport and Recreation Plan sets out minimum service standards for each town's recreation precinct. This baseline commitment will guide the master planning approach and also identify where the community can pursue additional recreation assets using their own fundraising or volunteer resources which reflects how many assets in each town were traditionally built.

#### 2) Establishing Funding Prioritisation

The Shire's recreation funding programs are rarely oversubscribed however, a key recommendation of the consultant's report was to provide clarity around prioritisation of projects and investments in the decision-making process. A detailed table has been provided which sets out 4 categories of recreation infrastructure and the primary funding sources which are applicable to them. In accordance with the consultant's report and the Shire's traditional approach to recreation investment, the highest priority is for open-access and co-located sporting facilities.

#### 3) Masterplans for Recreation Precincts

To maximise efficiency and the availability of recreation assets to a broad range of users the Shire will develop masterplans for each recreation precinct. The consultation process identified a significant number of infrastructure issues and investment needs that require further investigation and exploration of solutions to



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avoid facility duplication and to obtain the most value from the Shire's limited funding sources. Masterplans will also support external funding applications and make the community's projects more competitive against other ad hoc recreation projects.

A masterplan has already been progressed for the Cervantes recreation precinct and accordingly, the Action Plan within the Sport and Recreation Plan has more content associated with that facility. As each masterplan is developed in consultation with the community, Council will need to revisit the Action Plan and determine priorities and timeframes for the development of recreation assets.

#### 4) Ongoing Club Governance, Volunteer and Community Group Support

The Shire has provided club development support throughout the Shire for a number of years which has been valued by the community and improved the partnership between the Shire and sporting groups. The Sport and Recreation Plan promotes the continuation of this service with an ongoing internal staff allocation.

The Sport and Recreation Plan also covers a range of other key information and statements to provide greater clarity on the Shire's decision making for recreation investments. These include:

- 1) A detailed Action Plan to catalogue currently identified projects and commitments;
- 2) Current Shire funding program information;
- 3) A listing of ineligible items.

The following submission was received following the most recent round of public advertising.

Respondent	Summary of Submission	Changes to Sport and Recreation Plan
Jurien Bay Progress Association	Noted the level of expenditure undertaken over past few years in Jurien Bay and advised support for a rotational investment program taking into account population size and needs.	Nil – Council can execute investment decisions with this in mind during budgetary processes. The Precinct Master Plan process, when complete for all towns, will also provide an opportunity for project / town prioritisation.

Several other minor changes have also been made to the document for added clarity including:

- Updating demographic information with the latest census data.
- Revision of Key Principles 2 – Establishing Funding Prioritisation table.

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- The description for facility examples now states “**Outdoor** Infrastructure identified in minimum levels of service” to clarify the level of open access available, as compared to indoor facilities which can be locked.
- Men’s Sheds added as an example in Category 3
- The Action Plan has been updated to reflect 2022-23 budget decisions.

It is now recommended that Council endorse the Sport and Recreation Plan in its final version.

### CONSULTATION

Public consultation on this project was undertaken during the development of the consultant’s report during 2021 and the draft plan was advertised during July for further public input.

### STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

### POLICY IMPLICATIONS

The Sport and Recreation Plan will influence the review and implementation of Council policies relating to sport and recreation including:

Policy 6.1 - C-6SRF01 - Sport and Recreation Funding

#### **Objective**

*The objective of this Policy is to set out how the Shire of Dandaragan (Shire) will provide assistance to sporting and recreational groups for funding:*

1. *capital infrastructure for sporting and recreational facilities; and*
2. *non-consumable sporting and recreational equipment.*

#### **Policy Statement**

*Council recognises and values the important part that excellent sporting and recreational facilities and equipment play in the community. It is committed to ensuring that adequate funding is provided to assist in the provision and maintenance of these facilities and the groups that utilise them.*

*In order to meet this objective, the Shire has established the following two funds through which annual grants will be made available:*

1. *Sporting and Recreational Capital Works Fund; and*
2. *Tronox Management and Shire of Dandaragan Sporting and Recreation Facilities Fund*

*The Shire will also provide in-kind site works to provide a level site for the construction of buildings and other infrastructure by community groups on reserves vested within the Shire at the discretion of the Chief Executive Officer.*

Policy 6.2 - C-6R02 - Reserves

**Objective**

To provide guidance regarding the usage and leasing arrangement of Shire Reserves.

**Policy Statement****1. Lease Provisions - Reserves**

Where Council resolves to lease a Reserve Vested in its control or resolves to lease land owned by it to a local sporting or community organisation, the following notes are to form the basis for the lease agreement:

- (a) Length of lease to be for twenty-one (21) years unless otherwise terminated. (Maximum permissible under management order).
- (b) Annual rental to be "a peppercorn."
- (c) The Lessee shall not carry out any permanent structural improvements on the reserve without the prior written approval from the Council.
- (d) All structural improvements on the reserve shall be and remain at law, the property of the Shire. The Club shall have the sole use, benefit and enjoyment of the reserve and all structural improvements thereon during the operation of the lease.
- (e) The Lessee shall comply with all Acts of Parliament, Orders, Regulations, Local Laws, etc, that apply to the reserve and structural improvements.
- (f) The Lessee shall keep the Reserve area and all structural improvements in a maintained, clean, and tidy condition at all times and shall comply with any directions of the Council that may be issued requiring works to have the Reserve area and structural improvements placed in a maintained, clean, and tidy condition.
- (g) The Lessee shall not disturb the surface soil and vegetation in a manner likely to cause erosion. If erosion damage does occur, the Club shall take remedial action as directed by the Council.
- (h) The Lessee shall permit the Shire's officers access to the Reserve and structural improvements at all reasonable times to ensure that the lease conditions are being complied with.
- (i) The lease may be terminated by the Council if the Club fails to comply with provisions of the lease agreement. The Council shall give the Lessee at least thirty (30) days notice in writing requiring the Club to rectify the breach of lease before taking action to terminate the lease under this provision.
- (j) The Lessee shall not assign or part with possession of any Crown lease without prior approval from the Council and the responsible Minister.
- (k) The Lessee shall meet all costs in relation to preparing and stamping the lease document.
- (l) Any leases entered into relating to Council's Reserves are to include a plan completed by a licensed surveyor depicting the area of land to be leased as an attachment to the lease document.

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2. *Ovals - Seasonal Use*

*Priority for the use of the Ovals shall be given to sporting organisations playing their principal sport within the appropriate season.*

3. *Use of Council Sports Grounds*

*Requests for the use of all Council Sports Grounds (e.g. Circus or Roadshow) and any conditions will be determined by the Chief Executive Officer.*

*Fees and Charges set in accordance with Council's Annual Budget will apply.*

4. *Fencing - Adjoining Council Controlled Land*

*a) Council will not contribute financially to the erection of fencing which adjoins Council controlled land (e.g. Reserves, Public Access Ways, and Road Reserves). Drainage Reserves that are required to be fenced will be carried out as part of the cost of subdivision as per the Dividing Fence Act.*

*b) Council will contribute 50% of the cost of fencing in relation to Council owned freehold land.*

5. *Lights - Shire Ovals*

*Permission to erect lights on Shire ovals will only be granted subject to all future maintenance and running costs etc being the responsibility of the organisation that installs the lights.*

6. *Shade Structures over Playgrounds - Community Requests*

*Council will consider applications from community groups / organisations for the erection of shade structures over playgrounds under the following conditions:*

*a) all costs associated with the construction, maintenance and future capital replacement would be the responsibility of the community group and not the Shire of Dandaragan which is to be acknowledged in writing;*

*b) all structures are to comply with relevant standards and building requirements;*

*c) community group applications for approval to construct shade structures are to be considered by Council for approval prior to accepting any funding from third parties or grant providers; and*

*d) shade structures will become an asset of the Shire of Dandaragan.*

**FINANCIAL IMPLICATIONS**

The Sport and Recreation Plan sets out a range of improvement and planning projects. As these projects are progressed, associated financial analysis will be undertaken to refine costings and incorporate these into the Shire's Long Term Financial Plan.

**STRATEGIC IMPLICATIONS**

Strategic Community Plan – Envision 2029

04 - Community	The Shire's population will be the fastest growing population in the region supported by increased community recreation and cultural opportunities and access to key
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	liveability factors such as health and wellbeing services and educational opportunities
<b>Priority Outcomes</b>	<b>Our Roles</b>
A safe, healthy, smart, and active community that values its history and supports intergenerational relationships	Increase community-building by providing sustainable recreation infrastructure and services, off-peak events, community building programs and place-making concepts in our public spaces

### ATTACHMENTS

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

- Sport and Recreation Plan (Doc Id: SODR-1272937250-1328)  
**(Marked 9.4.1)**

### VOTING REQUIREMENT

Simple Majority

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

**Moved Cr Clarke, seconded Cr Eyre**

**That Council endorse the Shire of Dandaragan Sport and Recreation Plan as an informing strategy in the Shire's Integrated Planning Framework.**

**CARRIED 8 / 0**

## **9.4.2 CERVANTES RECREATION PRECINCT MASTER PLAN**

Location:	Cervantes Recreation Reserve
Applicant:	N/A
Folder Path:	SODR-1272937250-1243
Disclosure of Interest:	N/A
Date:	5 August 2022
Author:	Brent Bailey, Chief Executive Officer.
Senior Officer:	Not Applicable

### PROPOSAL

This item requests that Council endorse the final report on the Cervantes Recreation Precinct Master Plan following public advertising in July.

### BACKGROUND

The Cervantes Recreation Precinct Master Plan is the first recreation reserve master plan to be completed. The Cervantes Recreation Precinct Working Group was formed and held their initial meeting in November 2021.

The draft Plan was advertised during July for a final round of public consultation. There was one public submission received. This has resulted in a minor change to the Master Plan layout legend, and it is now presented to Council for final endorsement.

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**COMMENT**

The following submissions were received as part of the final stage of public consultation:

Cervantes Bowling Club	Insertion of clarification regarding the presence of lighting at the Cervantes Bowling Club.	Insertion of "- upgrade lighting" on the Master Plan layout to denote potential project.
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There have also been a number of other minor changes to correct formatting, typographical errors and update the population statistics with the latest Census data.

The Master Plan has now also been reviewed by a quantity surveyor to provide preliminary estimates on the various projects. It should be noted that a number of projects have not been fully scoped and are based on estimated floor areas. Further loadings have also been identified by the quantity surveyor which include design, preliminaries, contingencies, escalation and location allowances. Accordingly, the proposed costing is likely to be higher than what may be affordable for the various funding partners and are based on fully contracted works. These projects are presented in the table below to summarise an overview of their indicative cost and most likely project leader.

<b>Project Description</b>	<b>Indicative Costing</b>	<b>Project Leader</b>	<b>Priority Category in Sport and Recreation Plan</b>
Country Club external improvements	\$248,400	Cervantes Country Club / Cervantes Bowling Club / Cervantes Golf Club	Category 3 - Sport Specific / Exclusive Clubs and Facilities
Multi Courts	\$362,600	Shire of Dandaragan	Category 1 - Open Access Community Facility
Tennis Courts	\$347,900	Cervantes Tennis Club	Category 3 - Sport Specific / Exclusive Clubs and Facilities
Repurpose Existing Library	\$125,500	Shire of Dandaragan	Category 2 - Co-located sporting clubs and facilities; or Category 3 - Sport Specific / Exclusive Clubs and Facilities (Depending on usage arrangements)
New Library and entry to building	\$772,280	Shire of Dandaragan	Not applicable

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Project Description	Indicative Costing	Project Leader	Priority Category in Sport and Recreation Plan
New pathway link between Recreation Centre and Cervantes Country Club	\$62,400	Shire of Dandaragan	Category 1 - Open Access Community Facility
New changerooms and umpires' room	\$640,000	Shire of Dandaragan / Cervantes Football Club	Category 2 - Co-located sporting clubs and facilities
Demolish or repurpose existing shed.	\$18,500	Shire of Dandaragan / Cervantes Football Club	Not applicable
New Men's Shed	\$851,000	Cervantes Men's Shed	Category 3 - Sport Specific / Exclusive Clubs and Facilities
Redevelopment / repurposing of B – Bowling Green	\$137,400	Cervantes Country Club / Cervantes Bowling Club / Cervantes Golf Club	Category 3 - Sport Specific / Exclusive Clubs and Facilities
Upgrades to Lighting towers on Bowling Green	\$152,000 (if full replacement was required)	Cervantes Bowling Club	Category 3 - Sport Specific / Exclusive Clubs and Facilities
Skate Park and Playground Replacement (QS costed as major replacement and upgrade which likely exceeds the service level intended in the Shire's Sport and Recreation Plan where \$70,000 is identified)	\$450,000	Shire of Dandaragan / Other community funding partners	Category 1 - Open Access Community Facility

The Precinct Master Plan will now enter the next phase, being project development. The following table identifies the highest priority projects identified by the Working Group and what the next steps for each project will be with some projects requiring additional resources to be allocated by Council.

Priority #	Project Description	Next Phase	Further Resources Required to Progress?	Timeframe
1	Establishment of Cervantes Men's Shed lease.	Council to approve lease of portion of reserve	No	2-3 Months

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Priority #	Project Description	Next Phase	Further Resources Required to Progress?	Timeframe
		and determine conditions of lease.		
2	Cervantes Community Recreation Centre Entrance and new library.	Finalise scope through detailed needs analysis and detailed design.	Yes	To be considered in 23-24 budget cycle.
3	Repurposing the old library.	Finalise scope through detailed needs analysis and detailed design	Yes	To be considered in 23-24 budget cycle.
4	Change rooms, umpire's rooms.	Finalise scope through detailed needs analysis and detailed design.	Yes	To be considered in 23-24 budget cycle.
5	Skate Park redevelopment / equipment renewal.	Finalise scope through detailed needs analysis.	No	Scoping to be carried out through 22-23.
6	Multi court Development	Finalise scope for procurement.	Yes	Short – Medium and may coincide with other towns' facility improvements.

As noted in the table above a number of building focussed projects will require detailed designs to be developed. At present, the 2022/23 budget does not contain a provision for these services to be procured. If Council has an appetite to progress the detailed design phase for these projects during the 2022/23 financial year, a budget amendment and potentially the use of an appropriate reserve fund will be required.

On the presumption this plan is endorsed, this brings an end to the Master Plan project for Cervantes. The input from the Cervantes Recreation Precinct Working Group has been highly valuable to capture the genuine community needs and aspirations. This has been achieved by the group with due regard for the resourcing requirements of major recreation developments which will ultimately make funding partners more receptive to supporting the identified projects.

### CONSULTATION

- Cervantes Recreation Precinct Working Group



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- Cervantes Residents
- Consulting Great Southern
- MCG Architects

### STATUTORY ENVIRONMENT

There are no statutory environment implications relevant to this item.

### POLICY IMPLICATIONS

Projects identified within the Master Plan will be influenced by a number of Council Policies including:

Policy 6.1 - C-6SRF01 - Sport and Recreation Funding

Policy 6.2 - C-6R02 - Reserves

### FINANCIAL IMPLICATIONS

Future financial contributions will be required from the annual budget process and through external funding sources based on priorities identified in the Master Plan and in keeping with the overall Sport and Recreation Plan.

### STRATEGIC IMPLICATIONS

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
<b>Priority Outcomes</b>	<b>Our Roles</b>
A safe, healthy, smart, and active community that values its history and supports intergenerational relationships	Increase community-building by providing sustainable recreation infrastructure and services, off-peak events, community building programs and place-making concepts in our public spaces

### ATTACHMENTS

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

- Cervantes Recreation Precinct Master Plan Assessment Report  
(Doc Id: SODR-SODR-1739978813-5617)  
**(Marked 9.4.2)**

### VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

Moved Cr Rybarczyk, seconded Cr Clarke

That Council:

1. Endorse the layout of the Cervantes Recreation Precinct layout as contained in the Cervantes Sport and Recreation Master Plan Needs Assessment report Doc Id: (SODR-1739978813-5617)
2. Support the working group's recommendation of priority order for the detailed design and project development stages as follows:
  - 1) Establishment of Cervantes Men's Shed lease.
  - 2) Cervantes Community Recreation Centre Entrance and new library.
  - 3) Repurposing the old library.
  - 4) Football Club change rooms, umpire's rooms.
  - 5) Skate Park redevelopment / equipment renewal.
  - 6) Multi court Development

CARRIED 8 / 0

## 9.5 COUNCILLOR INFORMATION BULLETIN

### 9.5.1 SHIRE OF DANDARAGAN – JULY COUNCIL STATUS REPORT

Document ID: [SODR-1739978813-5495]

Attached to the agenda is a copy of the Shire's status report from the Council Meeting held 28 July 2022. **(Marked 9.5.1)**

### 9.5.2 SHIRE OF DANDARAGAN – BUILDING STATISTICS – JULY 2022

Document ID: [SODR-2045798944-532]

Attached to the agenda is a copy of the Shire of Dandaragan Building Statistics for July 2022. **(Marked 9.5.2)**

### 9.5.3 SHIRE OF DANDARAGAN – PLANNING STATISTICS – JULY 2022

Document ID: [SODR-2045798944-531]

Attached to the agenda is a copy of the Shire of Dandaragan Planning Statistics for July 2022. **(Marked 9.5.3)**

### 9.5.4 SHIRE OF DANDARAGAN TOURISM / LIBRARY / COMMUNITY ACTIVITIES REPORT FOR JULY 2022

Document ID: [SODR-1876983588-1106]

Attached to the agenda is monthly report for Tourism / Library for July 2022. **(Marked 9.5.4)**

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

Nil

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 25 AUGUST 2022****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 1.15pm.

These minutes were confirmed at a meeting on September 20 2022

Signed Paul Selby

Presiding person at the meeting at which the minutes were confirmed

Date September 20, 2022