



SHIRE
of
DANDARAGAN

MINUTES

of the

SPECIAL COUNCIL MEETING

held at the

COUNCIL CHAMBERS, JURIE BAY

on

MONDAY 14 NOVEMBER 2022

COMMENCING AT 5.30PM

(THIS DOCUMENT IS AVAILABLE IN LARGER PRINT ON REQUEST)

| |
|---|
| MINUTES FOR SPECIAL COUNCIL MEETING HELD MONDAY 14 NOVEMBER 2022 |
|---|

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**1.1 DECLARATION OF OPENING**

The presiding member declared the meeting open at 5.30pm and welcomed those present.

1.2 DISCLAIMER READING

The disclaimer was read aloud as there 18 members of the public present.

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

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

2 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE**Members**

| | |
|-----------------------|--------------------|
| Councillor L Holmes | (President) |
| Councillor P Scharf | (Deputy President) |
| Councillor J Clarke | |
| Councillor A Eyre | |
| Councillor W Gibson | |
| Councillor M McDonald | |
| Councillor R Shanhun | |

Staff

| | |
|-------------------------|---|
| Mr B Bailey | (Chief Executive Officer) |
| Mr R Mackay | (Principal Planning & Building Officer) |
| Ms R Headland | (Council Secretary & PA) |
| Ms M Perkins (via zoom) | (Manager Customer & Community Service) |

Apologies

Councillor R Rybarczyk
Councillor R Glasfurd

Approved Leave of Absence

Nil

| |
|---|
| MINUTES FOR SPECIAL COUNCIL MEETING HELD MONDAY 14 NOVEMBER 2022 |
|---|

Observers

Mrs C Clingan, Mr E Iskma, Mr J Livingstone, Ms N Crommelin, Mrs J Evans, Mr G Morgan, Ms C Earle, Mr J Bayne, Mrs B Bayne, Mr E Earle, Mrs S Munns, Ms T Slee, Mr T O’Gorman, Mr M Ackland, Ms J Pagel, Mr O Pagel, Mr J Nelson, Mr A Bidwell

3 PUBLIC QUESTION TIME

Nil

4 PURPOSE OF THE MEETING

The purpose of the meeting is for Council to consider:

- Ward and Representation Review Discussion Paper and Public Consultation Process.
- Jurien Hall
 - a) Public Submissions on Draft Position Statement to demolish the Jurien Hall and lease the site to the Returned & Services League of Australia WA Branch Incorporated – Jurien Bay Sub-Branch (RSL).
 - b) Subject to the outcome of (a) – Consideration of lease arrangements for the site.

5 ORDER OF BUSINESS**5.1 GOVERNANCE & ADMINISTRATION****5.1.1 REPRESENTATION REVIEW DISCUSSION PAPER**

| | |
|-------------------------|---------------------------------------|
| Location: | Shire of Dandaragan |
| Applicant: | Not Applicable |
| Folder Path: | SODR-878193511-2847 |
| Disclosure of Interest: | Nil |
| Date: | 7 November 2022 |
| Author: | Brent Bailey, Chief Executive Officer |
| Senior Officer: | Not Applicable |

PROPOSAL

The purpose of this report is for Council to endorse a discussion paper associated with the local government reform process which requires a statutory period of public consultation.

BACKGROUND

In July this year, the Minister for Local Government announced a final package of local government reforms. These included:

- The introduction of preferential voting;
- Directly elected Mayors and Presidents for band 1 and 2 local governments;
- Councillor numbers based on population; and
- Removal of wards for band 3 and 4 local governments.

MINUTES FOR SPECIAL COUNCIL MEETING HELD MONDAY 14 NOVEMBER 2022

The Minister has now advised that the Bill to amend the Local Government Act 1995 accordingly, is being drafted and is likely to be introduced to Parliament in early 2023. A recent letter from the Minister has provided the Shire of Dandaragan with the option of a voluntary pathway or a default action, requesting a response by the 28 October 2022. At the October Ordinary Council Meeting, Council decided to undertake the voluntary pathway.

Following this decision, the attached discussion paper has been prepared for the purposes of public consultation, outlining a number of different options for the reduction in Councillor numbers.

COMMENT

The Minister has advised that the voluntary pathway will require the Shire to commence a Ward and Representation Review immediately and provides an opportunity to stage the reduction in the number of Councillors over two ordinary elections. In the Shire of Dandaragan's circumstance, there are currently no wards in place so the process is confined to the consideration of elected member representation numbers. It is proposed that the Shire's public consultation on this topic follows the same format as a Ward Review.

The following timeline demonstrates how the voluntary pathway for elected member representation number review will be undertaken over the coming months.

| Process | Due Date (Indicative depending on advertising timeframes) |
|---|--|
| Council resolves to undertake the voluntary pathway via a ward and representation review. | 27 th October 2022 |
| Council formally advise the DLGSC of Council's decisions. | 28 th October 2022 |
| A discussion paper is developed and adopted by Council at a Special Council Meeting in November | 14 th November 2022 |
| Council advertises that it is conducting a review and the associated public submission period opens (minimum 6 weeks) and the discussion paper is made available to the community for consideration, and public submissions are invited on the matter | 15 th November 2022 |
| Public submission period closes | 3 rd January 2023 |
| Assessment of all submissions are considered against the relevant factors to be considered, and a draft report is prepared for Council decision. | Early January 2023 |
| The draft report is presented to Council on the outcome of the public submissions and the proposed ward and/or boundary changes. Council resolves to adopt a | 25 th January 2023 |

| |
|---|
| MINUTES FOR SPECIAL COUNCIL MEETING HELD MONDAY 14 NOVEMBER 2022 |
|---|

| | |
|---|-------------------------------|
| preferred option for submitting to the Advisory Board. | |
| The preferred option is submitted to the Advisory Board via the formal report, for the Board's consideration and recommendation. | 27 th January 2023 |
| The Advisory Board considers the Council's review report, and a recommendation is submitted to the Minister, which can either be accepted or rejected | February to June 2023 |
| If accepted gazettal occurs and changes are in effect for the October 2023 election. | June 2023 |

CONSULTATION

A Ward Review requires consultation in accordance with Schedule 2.2 of the Local Government Act 1995. This is outlined in the legislative extract below. The proposed consultation process for the review of elected member numbers is shown above.

STATUTORY ENVIRONMENT

Local Government Act 1995

Schedule 2.2 — Provisions about names, wards and representation

1. Terms used

*In this Schedule, unless the contrary intention appears —
affected electors, in relation to a submission, means electors whose eligibility as electors comes from residence, or ownership or occupation of property, in the area directly affected by the submission;*

review means a review required by clause 4(4) or 6 or authorised by clause 5(a);

submission means a submission under clause 3 that an order be made to do any or all of the things referred to in section 2.2(1), 2.3(3) or 2.18(3).

2. Advisory Board to make recommendations relating to new district

(1) When a local government is newly established, the Advisory Board —

(a) at the direction of the Minister; or

(b) after receiving a report made by a commissioner appointed under section 2.6(4) after carrying out a review, is, in a written report to the Minister, to recommend the making of an order to do all or any of the things referred to in section 2.2(1)(a), 2.3(2) or 2.18(1).

(2) In making its recommendations under subclause (1) the Advisory Board is to take into account the matters referred to in clause 8(c) to (g) so far as they are applicable.

3. Who may make submissions about ward changes etc.

| |
|--|
| <p>MINUTES FOR SPECIAL COUNCIL MEETING HELD MONDAY 14 NOVEMBER 2022</p> |
|--|

- (1) A submission may be made to a local government by affected electors who —
 - (a) are at least 250 in number; or
 - (b) are at least 10% of the total number of affected electors.
 - (2) A submission is to comply with any regulations about the making of submissions.
4. Dealing with submissions
- (1) The local government is to consider any submission made under clause 3.
 - (2) If, in the council's opinion, a submission is —
 - (a) one of a minor nature; and
 - (b) not one about which public submissions need be invited, the local government may either propose* to the Advisory Board that the submission be rejected or deal with it under clause 5(b).

* Absolute majority required.
 - (3) If, in the council's opinion —
 - (a) a submission is substantially similar in effect to a submission about which the local government has made a decision (whether an approval or otherwise) within the period of 2 years immediately before the submission is made; or
 - (b) the majority of effected electors who made the submission no longer support the submission, the local government may reject the submission.
 - (4) Unless, under subclause (2) or (3), the local government rejects, or proposes to reject, the submission or decides to deal with it under clause 5(b), the local government is to carry out a review of whether or not the order sought should, in the council's opinion, be made.
- [Clause 4 amended: No. 49 of 2004 s. 68(2) (4).]
5. Local government may propose ward changes or make minor proposals
- A local government may, whether or not it has received a submission —
- (a) carry out a review of whether or not an order under section 2.2, 2.3(3) or 2.18 should, in the council's opinion, be made; or
 - (b) propose* to the Advisory Board the making of an order under section 2.2(1), 2.3(3) or 2.18(3) if, in the opinion of the council, the proposal is —
 - (i) one of a minor nature; and
 - (ii) not one about which public submissions need be invited;

or
 - (c) propose* to the Minister the making of an order changing the name of the district or a ward.
- * Absolute majority required.
6. Local government with wards to review periodically

| |
|---|
| MINUTES FOR SPECIAL COUNCIL MEETING HELD MONDAY 14 NOVEMBER 2022 |
|---|

- (1) A local government the district of which is divided into wards is to carry out reviews of —
 - (a) its ward boundaries; and
 - (b) the number of offices of councillor for each ward, from time to time so that not more than 8 years elapse between successive reviews.
 - (2) A local government the district of which is not divided into wards may carry out reviews as to —
 - (a) whether or not the district should be divided into wards; and
 - (b) if so —
 - (i) what the ward boundaries should be; and
 - (ii) the number of offices of councillor there should be for each ward, from time to time so that not more than 8 years elapse between successive reviews.
 - (3) A local government is to carry out a review described in subclause (1) or (2) at any time if the Advisory Board requires the local government in writing to do so.
7. Reviews
- (1) Before carrying out a review a local government has to give local public notice advising —
 - (a) that the review is to be carried out; and
 - (b) that submissions may be made to the local government before a day fixed by the notice, being a day that is not less than 6 weeks after the notice is first given.
 - (2) In carrying out the review the local government is to consider submissions made to it before the day fixed by the notice.
8. Matters to be considered in respect of wards
- Before a local government proposes that an order be made —
- (a) to do any of the matters in section 2.2(1), other than discontinuing a ward system; or
 - (b) to specify or change the number of offices of councillor for a ward, or proposes under clause 4(2) that a submission be rejected, its council is to have regard, where applicable, to —
 - (c) community of interests; and
 - (d) physical and topographic features; and
 - (e) demographic trends; and
 - (f) economic factors; and
 - (g) the ratio of councillors to electors in the various wards.
9. Proposal by local government
- On completing a review, the local government is to make a report in writing to the Advisory Board and may propose* to the Board the making of any order under section 2.2(1), 2.3(3) or 2.18(3) it thinks fit.
- * Absolute majority required.
10. Recommendation by Advisory Board

| |
|---|
| MINUTES FOR SPECIAL COUNCIL MEETING HELD MONDAY 14 NOVEMBER 2022 |
|---|

(1) *Where under clause 5(b) a local government proposes to the Advisory Board the making of an order under section 2.2(1), 2.3(3) or 2.18(3), and the Board is of the opinion that the proposal is —*

(a) *one of a minor nature; and*

(b) *not one about which public submissions need be invited, the Board, in a written report to the Minister, is to recommend the making of the order but otherwise is to inform the local government accordingly and the local government is to carry out a review.*

(2) *Where under clause 9 a local government proposes to the Advisory Board the making of an order of a kind referred to in clause 8 that, in the Board's opinion, correctly takes into account the matters referred to in clause 8(c) to (g), the Board, in a written report to the Minister, is to recommend the making of the order.*

(3) *Where a local government proposes to the Advisory Board the making of an order of a kind referred to in clause 8, or that a submission under clause 4(2) be rejected, that, in the Board's opinion, does not correctly take into account the matters referred to in that clause —*

(a) *the Board may inform the local government accordingly and notify the local government that a proposal that does correctly take those matters into account is to be made within such time as is set out in the notice; and*

(b) *if the local government does not make a proposal as required by a notice under paragraph (a), the Board may, in a written report to the Minister, recommend* the making of any order under section 2.2(1), 2.3(3) or 2.18(3) it thinks fit that would correctly take into account those matters.*

** Absolute majority required.*

(4) *Where a local government fails to carry out a review as required by clause 6, the Advisory Board, in a written report to the Minister, may recommend* the making of any order under section 2.2(1), 2.3(3) or 2.18(3) it thinks fit that would correctly take into account the matters referred to in clause 8.*

** Absolute majority required.*

11. Inquiry by Advisory Board

(1) *For the purposes of deciding on the recommendation, if any, it is to make under clause 10(3)(b) or (4), the Advisory Board may carry out any inquiry it thinks necessary.*

(2) *The Advisory Board may recover the amount of the costs connected with an inquiry under subclause (1) from the local government concerned as if it were for a debt due.*

12. Minister may accept or reject recommendation

(1) *The Minister may accept or reject a recommendation of the Advisory Board made under clause 10.*

MINUTES FOR SPECIAL COUNCIL MEETING HELD MONDAY 14 NOVEMBER 2022

(2) *If the recommendation is accepted the Minister can make a recommendation to the Governor for the making of the appropriate order.*

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

A reduction in Councillor representation numbers will reduce budgetary provisions for elected member expenses by approximately \$45,000.

STRATEGIC IMPLICATIONS

Community Strategic 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 |
| Priority Outcomes | Our Roles |
| A region that develops and supports community leadership and collective values | Provide an industry leading local government organisation promoting community confidence and support in our decision-making process |

ATTACHMENTS

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

- Letter from Minister for Housing, Lands, Homelessness, Local Government (Doc Id: SODR-878193511-2812)
- Shire of Dandaragan – Review of Councillor Representation Discussion Paper (Doc Id: SODR-878193511-2848)

(Marked 5.1.1)

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Shanhun, seconded Cr Scharf

That Council endorse the Review of Councillor Representation Discussion Paper 2022 for the purposes of seeking public submissions into the proposed reduction in the number of elected members for the Shire of Dandaragan.

CARRIED BY ABSOLUTE MAJORITY 7 / 0

| |
|---|
| MINUTES FOR SPECIAL COUNCIL MEETING HELD MONDAY 14 NOVEMBER 2022 |
|---|

Cr Gibson declared an impartiality interest in Item 5.1.2 being the President of the Jurien Bay RSL and Cr Scharf also declared an impartiality interest being a social member of the Jurien Bay RSL.

5.1.2 JURIEN TOWN HALL – CONSIDERATION OF PUBLIC CONSULTATION OUTCOMES AND POSITION STATEMENT

| | |
|-------------------------|---------------------------------------|
| Location: | Shire of Dandaragan |
| Applicant: | Not Applicable |
| Folder Path: | SODR-437506902-9707 |
| Disclosure of Interest: | Nil |
| Date: | 7 November 2022 |
| Author: | Brent Bailey, Chief Executive Officer |
| Senior Officer: | Not Applicable |

PROPOSAL

The purpose of this report is for Council to consider the public consultation outcomes following the advertising of Council's position statement regarding the future of the Jurien Town Hall.

Direction is also sought from Council to formalise the lease arrangements with the Returned & Services League of Australia WA Branch Incorporated – Jurien Bay Sub-Branch (RSL) if redevelopment of the site remains the preferred option.

BACKGROUND

The Jurien Town Hall was constructed in 1971 at the corner of Bashford Street and Nineteenth Avenue. The Hall which is located on the Jurien Bay Recreation Reserve, has catered for community events and activities over the past five decades which has embedded fond memories and nostalgia in the minds of many local residents.

The building is timber framed and clad in asbestos however the structural integrity and aesthetic state of the facility has declined considerably over the years. In March 2021, the Shire Council endorsed a recommendation to close the facility due to safety reasons, while a heritage review was undertaken which would inform a decision on the building's future.

The Shire's Municipal Heritage Register identifies the building as a Category 3 item which is a place of some cultural heritage significance to the Shire of Dandaragan. Under Category 3, the Shire is encouraged to retain the building or document the place if retention is not possible.

The Jurien Town Hall has experienced a decline in use over recent times which is attributed to:

- Newer and modern facilities being constructed.
- Changing cultural and social practices.
- The decline in building condition and subsequent temporary closure.

| |
|---|
| MINUTES FOR SPECIAL COUNCIL MEETING HELD MONDAY 14 NOVEMBER 2022 |
|---|

In late 2021 and 2022, the Shire undertook a multi-faceted community consultation project to better understand the community's heritage values of the hall and gain insight into a range of proposed options about retention or disposal of the facility. At the September Ordinary Council meeting Council resolved as follows:

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Eyre, seconded Cr Shanhun

That Council resolve to invite submissions from the community on its draft position for the future of the Jurien Town Hall as follows:

- 1. In light of the significant redevelopment or renewal costs, the Shire will authorise the demolition of the Jurien Hall which will be replaced by a new building constructed by the Returned & Services League of Australia WA Branch Incorporated – Jurien Bay Sub-Branch (RSL).***
- 2. The lease for the site to the (RSL) will contain conditions that require:***
 - a. The Shire to contribute \$60,000 towards the demolition and site preparation works subject to the salvaging of the timber flooring and structurally viable timbers from the building.***
 - b. The new RSL building is to feature the use of a significant quantity of the salvaged flooring and timbers to the satisfaction of the Shire of Dandaragan.***
 - c. All remaining flooring and structural timbers will be returned to the Shire of Dandaragan.***
 - d. The RSL is to design, install and maintain a suitable memorial plaque and foundation featuring an image and acknowledgement of the Jurien Town Hall within the leased area to the satisfaction of the Shire of Dandaragan.***
- 3. Prior to the demolition of the site the following activities are to be undertaken:***
 - a. A digital video and photographic capture of the site.***
 - b. A request for community members to supply copies of past photos of events at the Town Hall for interpretative projects and historical retention.***

CARRIED 8 / 0

There were five submissions received associated with the draft position statement which have been included in the attachments to this item.

In summary:

- 1 submission supported retention of the building for heritage values with minor upgrades.
- 1 submission supported the draft position statement.
- 2 submissions advocated for the RSL facility to be constructed at the Memorial Park site.

MINUTES FOR SPECIAL COUNCIL MEETING HELD MONDAY 14 NOVEMBER 2022

- 1 submission argued the proposal went against Council's recently endorsed Sport and Recreation Plan which promotes collocation of community facilities.

COMMENT

Jurien Town Hall Building

As outlined in the Officer's report presented in September, Councillors were invited to participate in a workshop to review the community consultation outcomes and establish a draft position statement for public advertising based on a range of identified options.

The five options that were considered are summarised as follows:

| Option | Indicative Cost | Summary Assessment | Councillor Ranking |
|---|--|--|--------------------|
| Demolish the Hall and lease the land to the RSL for redevelopment with conditions to retain some heritage or interpretive components from the Jurien Hall within the new building and/or grounds. | \$60,000 demolition. The RSL have \$1.3m available to construct their facility. | Most preferred option attributed to retention of some building components, reintroduces a community space for use and offers the best cost / benefit outcome for the community. | 1 |
| Demolish the Hall and leave the land empty until plans for the Recreation Reserve are in place | \$60,000 (2 quotes approx. \$56,000 plus contingency) | Addresses the requirement to mitigate adverse impacts of failing asbestos and building condition. Retains the space for future recreational development. | 2 |
| Demolish the Hall and create an interpretive (art) project on the current site to honour the heritage and history of the Hall | \$100,000 (\$60,000 demolition costs, \$40,000 per interpretive project) | Addresses the requirement to mitigate adverse impacts of failing asbestos and building condition. Provides the opportunity for interpretative and public art project to improve main street appeal with affordable cost. | 3 |
| Refurbish at component level for baseline public building standard | \$500,000 (1 indicative quote for \$465,000 plus contingency) | Addresses the requirement to mitigate adverse impacts of failing asbestos and building condition. Provides the opportunity to improve | 4 |

MINUTES FOR SPECIAL COUNCIL MEETING HELD MONDAY 14 NOVEMBER 2022

| | | | |
|--|---|---|-----|
| | | building condition and main street appeal. This option is generally unaffordable in the context of the likely ongoing utilisation of space that is replicated at other more desirable venues. | |
| Redevelop / reconstruct in current format | \$650,000 (1 indicative quote for \$632,450 plus contingency) | Addresses the requirement to mitigate adverse impacts of failing asbestos and building condition. Provides the opportunity to improve building condition and main street appeal. This option is generally unaffordable in the context of the likely ongoing utilisation of space that is replicated at other more desirable venues. | 5 |
| Demolish the Hall and design/construct a new Shire owned building in its place | No scope exists for this option. Allow approximately \$3,250 per m2. | Addresses the requirement to mitigate adverse impacts of failing asbestos and building condition. Provides the opportunity to improve building condition and main street appeal. This option has not been significantly entertained due to the lack of feasible identified utilisation. | 6 |
| Do nothing | \$5,000 per annum (routine utility costs and overheads) | Not a viable option. Does not address safety & compliance criteria. | N/A |

A structural engineering assessment (attached) was undertaken in October by WML Consulting Engineers. While the assessment was limited to areas that could be accessed without interfering with asbestos sheeting, the report details that from a structural perspective the buildings structural integrity is adequate and fit for purpose but a number of critical maintenance and improvement efforts are needed including replacement of asbestos sheeting and addressing corrosion. The report also highlights that if the asbestos

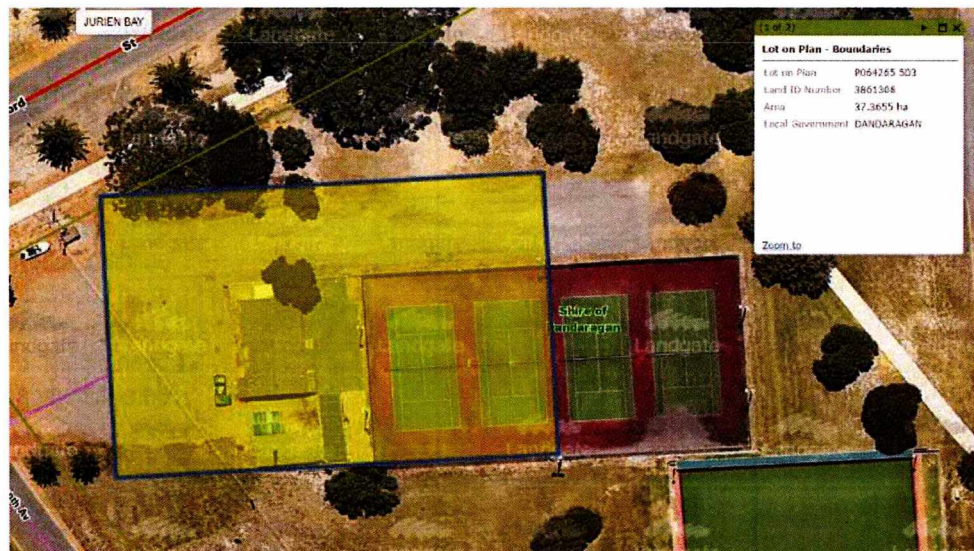
MINUTES FOR SPECIAL COUNCIL MEETING HELD MONDAY 14 NOVEMBER 2022

sheeting is to be removed, the structural frame will require re-assessment against modern building standards as part of the statutory building approval process.

Council direction is now sought to make a determination on the future redevelopment or retention of the Jurien Town Hall building. The officer's recommendation reaffirms Council's previous direction on the matter and is separated into two separate recommendations to address the proposed leased outcome which is discussed in greater detail below.

Returned & Services League of Australia WA Branch Incorporated – Jurien Bay Sub-Branch Proposed Lease

Preliminary discussions and negotiations with the RSL to date have identified the area marked on the image below as their preferred lease area which sits on the Shire's Recreation Reserve. Reserve 31884 is classified as 'Parks and Recreation' under the Shire's Local Planning Scheme No.7. The Shire currently holds a management order over Reserve 31884 with the ability to lease for no longer than 21 years for the land use of 'recreation'. RSL's proposed uses of the new building would be consistent with the Reserve's classification and land use.



Site area approximately 3900m² - 75m x 52m

Council will note that the proposed lease area also takes up a portion of the existing tennis courts which will be utilised by the RSL for their outdoor display space. While currently there is no tennis club in Jurien Bay, the Jurien Bay Sport and Recreation Centre does hire out the courts for casual use and there is a summer junior tennis coaching program currently scheduled.

The synthetic courts are currently in a deteriorated condition and the Shire has fielded a number of complaints about the presence of mould at the southern end of the facility. The two courts within the

| |
|---|
| MINUTES FOR SPECIAL COUNCIL MEETING HELD MONDAY 14 NOVEMBER 2022 |
|---|

proposed lease area are in the best condition of the four. The two courts outside of the lease area are in need of surface renewal and there is known structural failure underneath the synthetic surface.

If the proposed lease area is supported, the Shire should concurrently commence planning and detailed design work on multi-courts to be established at the JSRC outdoor courts which is consistent with the outcomes identified in the Shire's Sport and Recreation Plan. Project delivery plans and funding arrangements would need to be brought back to Council at a later date on this element.

CONSULTATION

A range of consultation activities have been undertaken with the community on this project. The Shire has sourced information from interviews, a community workshop, an open day at the Jurien Hall, an advertised draft position statement and through the utilisation of a heritage expert to guide the review process.

This item results in the conclusion of the public consultation process with Council now asked to decide on the matter.

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 3.58 - Disposing of Property

3.58. Disposing of property

- (1) *In this section —*
- dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;*
 - property includes the whole or any part of the interest of a local government in property, but does not include money.*
- (2) *Except as stated in this section, a local government can only dispose of property to —*
- (a) the highest bidder at public auction; or*
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
- (a) it gives local public notice of the proposed disposition —*
 - (i) describing the property concerned; and*
 - (ii) giving details of the proposed disposition; and*
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
 - and*
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it*

| |
|---|
| MINUTES FOR SPECIAL COUNCIL MEETING HELD MONDAY 14 NOVEMBER 2022 |
|---|

are recorded in the minutes of the meeting at which the decision was made.

*Local Government (Functions and General) Regulations 1996 -
30. Dispositions of property excluded from Act s. 3.58 (2)(b)*

- 30. Dispositions of property excluded from Act s. 3.58**
(2) A disposition of land is an exempt disposition if —
(b) the land is disposed of to a body, whether incorporated or not —
(i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
(ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;

POLICY IMPLICATIONS

Policy 6.2 - C-6R02 – Reserves

PART A- Policy

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*

MINUTES FOR SPECIAL COUNCIL MEETING HELD MONDAY 14 NOVEMBER 2022

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.*

FINANCIAL IMPLICATIONS

There are a range of financial implications associated with the future options for the Jurien Town Hall which are outlined in the options summary above.

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 |
| Priority Outcomes | Our Roles |
| A region that develops and supports community leadership and collective values | Provide governance support for community groups to deliver their objectives |

ATTACHMENTS

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

- Schedule of Submissions (Doc Id: SODR-437506902-9698)
- Summarised community survey results report (Doc Id: SODR-437506902-8511)

MINUTES FOR SPECIAL COUNCIL MEETING HELD MONDAY 14 NOVEMBER 2022

- Structural Engineering Report (Doc Id: SODR-437506902-9654)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION 1 / COUNCIL DECISION 1

Moved Cr Shanhun, seconded Cr Eyre

That Council:

1. **Authorise the demolition of the Jurien Town Hall which is to be replaced by a new building constructed by the Returned & Services League of Australia WA Branch Incorporated – Jurien Bay Sub-Branch.**
2. **Prior to the demolition of the site the following activities are to be undertaken:**
 - a. **A digital video and photographic capture of the site.**
 - b. **A request for community members to supply copies of past photos of events at the Jurien Town Hall for retention.**

CARRIED 7 / 0

OFFICERS RECOMMENDATION 2

1. Authorise the Chief Executive Officer to negotiate a lease for the Jurien Town Hall site to the Returned & Services League of Australia WA Branch Incorporated – Jurien Bay Sub-Branch which will contain the following material lease conditions:
 - a. Lease Term: 21 Years
 - b. Further term: Nil
 - c. Annual Rent: \$1
 - d. Council to meet all lease preparation costs
 - e. The Shire to contribute \$60,000 towards the demolition and site preparation works subject to the salvaging of the timber flooring and structurally viable timbers from the building.
 - f. The new RSL building is to feature the use of a significant quantity of the salvaged flooring and timbers to the satisfaction of the Shire of Dandaragan.
 - g. All remaining salvaged flooring and structural timbers will be returned to the Shire of Dandaragan.
 - h. The RSL is to design, install and maintain a suitable memorial plaque and foundation featuring an image and acknowledgement of the Jurien Town Hall within the leased area to the satisfaction of the Shire of Dandaragan.

COUNCIL DECISION 2

Moved Cr Shanhun, seconded Cr Eyre

1. **Authorise the Chief Executive Officer to negotiate a lease for the Jurien Town Hall site to the Returned & Services League of Australia WA Branch Incorporated – Jurien Bay Sub-**

MINUTES FOR SPECIAL COUNCIL MEETING HELD MONDAY 14 NOVEMBER 2022

Branch which will contain the following material lease conditions:

- a. **Lease Term: 21 Years**
- b. **Further term: Nil**
- c. **Annual Rent: \$1**
- d. **Council to meet all lease preparation costs**
- e. **The Shire to contribute \$60,000 towards the demolition and site preparation works subject to the salvaging of the timber flooring and structurally viable timbers from the building.**
- f. **Subject to the material being safe to reuse, the new RSL building is to feature the use of a significant quantity of the salvaged flooring and timbers to the satisfaction of the Shire of Dandaragan.**
- g. **Subject to the material being safe to reuse, all remaining salvaged flooring and structural timbers will be returned to the Shire of Dandaragan.**
- h. **The RSL is to design, install and maintain a suitable memorial plaque and foundation featuring an image and acknowledgement of the Jurien Town Hall within the leased area to the satisfaction of the Shire of Dandaragan.**

CARRIED 7 / 0

Note: Reason for variation from Officer's Recommendation: Council noted that the preparation of an Asbestos Management Plan is a mandatory requirement in the demolition process and the results of any sampling undertaken should be considered to determine the safety of reusing any salvaged materials.

6 CLOSURE OF MEETING

The presiding member declared the meeting closed at 5.44pm.

These minutes were confirmed at a meeting on 24 November 2022.....

Signed .....

Presiding person at the meeting at which the minutes were confirmed

Date 24 November 2022.....