



SHIRE
of
DANDARAGAN

MINUTES

of the

ORDINARY COUNCIL MEETING

held at the

DANDARAGAN COMMUNITY RECREATION CLUB, DANDARAGAN

on

THURSDAY 27 OCTOBER 2022

COMMENCING AT 4.00PM

(THIS DOCUMENT IS AVAILABLE IN LARGER PRINT ON REQUEST)

Table of Contents

1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	1
	1.1 DECLARATION OF OPENING.....	1
	1.2 DISCLAIMER READING.....	1
2	RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE	1
3	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	2
4	PUBLIC QUESTION TIME	2
5	APPLICATIONS FOR LEAVE OF ABSENCE	3
6	CONFIRMATION OF MINUTES.....	4
	6.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD 20 SEPTEMBER 2022	4
7	NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION.....	4
8	PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS.....	4
9	REPORTS OF COMMITTEES AND OFFICERS.....	5
	9.1 CORPORATE & COMMUNITY SERVICES	5
	9.1.1 ACCOUNTS FOR PAYMENT – SEPTEMBER 2022	5
	9.1.2 FINANCIAL STATEMENTS - MONTHLY REPORTING FOR THE PERIOD ENDING 30 SEPTEMBER 2022.....	6
	9.1.3 MEERILINGA GRANT	8
	9.1.4 DEPARTMENT OF COMMUNITIES GRANT.....	9
	9.2 INFRASTRUCTURE SERVICES	11
	9.2.1 SHIRE OF DANDARAGAN PATHWAY NETWORK PLAN 2022 - 2032	11
	9.3 DEVELOPMENT SERVICES	15
	9.3.1 PROPOSED HOLIDAY HOUSE – LOT 586 (NO. 10) PARAKEET BEND, JURIE BAY.....	15
	9.3.2 PROPOSED STORAGE SHED – JURIE BAY COMMUNITY MEN'S SHED	22
	9.3.3 BUDGET AMENDMENT – REPLACEMENT OF JURIE BAY FAMILY RESOURCE CENTRE SHADE SAILS	25
	9.3.4 PROPOSED GARAGE – LOT 1105 (NO.14) TERN WAY, JURIE BAY.....	28
	9.3.5 PROPOSED HOLIDAY HOUSE – LOT 850 (NO. 4) SWIFT WAY, JURIE BAY	32
	9.4 GOVERNANCE & ADMINISTRATION	38
	9.4.1 LOCAL GOVERNMENT REFORM – COUNCIL REPRESENTATION	38
	9.5 COUNCILLOR INFORMATION BULLETIN.....	43
	9.5.1 SHIRE OF DANDARAGAN – SEPTEMBER COUNCIL STATUS REPORT.....	43
	9.5.2 SHIRE OF DANDARAGAN – BUILDING STATISTICS – SEPTEMBER 2022	43

9.5.3	SHIRE OF DANDARAGAN – PLANNING STATISTICS – SEPTEMBER 2022	43
9.5.4	SHIRE OF DANDARAGAN TOURISM / LIBRARY / COMMUNITY ACTIVITIES REPORT FOR SEPTEMBER 2022	43
10	NEW BUSINESS OF AN URGENT NATURE – INTRODUCED BY RESOLUTION OF THE MEETING	43
11	CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE PUBLIC	43
12	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	43
13	CLOSURE OF MEETING	44

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 OCTOBER 2022
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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

1.1 DECLARATION OF OPENING

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

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

1.2 DISCLAIMER READING

The disclaimer was read aloud as there were 5 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 R Glasfurd	
Councillor W Gibson	
Councillor M McDonald	
Councillor R Rybarczyk	
Councillor R Shanhun	

Staff

Mr B Bailey	(Chief Executive Officer)
Mr L Fouché	(Executive Manager Development Services)
Ms M Perkins	(Manager Customer & Community Services)
Mr R Mackay	(Principal Planning & Building Officer)

Apologies

Nil

Approved Leave of Absence

Nil

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 OCTOBER 2022**Observers**

Mr R Cooper, Mrs E Hancock, Mr M Cubitt, Ms S Monks, Mrs K McGlew

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Mr Richard Cooper read out the following letter from Mrs Tracey Cook regarding the septic systems at the Dandaragan Community Centre.

"To Shire President and Council,

I am writing to give a firsthand experience of how the sewage overflow at the Dandaragan Community Hall impacted the Football League Grand Final on 10 September 2022.

Like most residents in Dandaragan, I assisted the Dandaragan Football Club host 1600-odd visitors for the Grand Final. The club and many members of the community, plus Shire staff, worked diligently to ensure that the site looked neat and tidy, and the event ran smoothly. Marquees and bars were put in place overlooking the oval, the canteen was expanded, and a huge team of volunteers were coordinated to keep the visitors happy with food and drinks.

It is disappointing that despite the very best efforts of the Dandaragan community to present its sporting facility and town at its best to all those visitors, the Dandaragan community could not mitigate the community hall's poorly functioning sewage system.

Great efforts were made by the Football Club to alleviate pressure on the hall sewage system by bringing in a large numbers of porta-loos. However, given the Hall's sewage system is an issue when there are normal visitor numbers, the increased usage and recent wet weather created a huge sewage overflow event.

By midday the smell of sewage was wafting over the entire oval, canteen, hall and bar area. Later in the day, when I was ferrying items to my car, which was parked near the children's playground, the ground south of the hall was so sodden with sewage overflow that it splashed up against the back of my legs and jeans.

What was even more shocking, was that this area is adjacent to the children's playground and large numbers of children spent all day running through a cesspit of sewage mud, being exposed to harmful pathogens.

I understand that sewage problems have long been an issue for the community hall, even with normal use, and on bad days children often play in the mud created by the sewage overflow. When does the Shire plan to address this health and safety problem? Does a child have to get seriously ill before the issue becomes a worthy line item in the Shire of Dandaragan's budget?

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 OCTOBER 2022
--

The Grand Final also highlighted the shameful lack of female changerooms for the many female athletes competing on the day.

The Dandaragan community has proven that it is more than up to the task of hosting large numbers of visitors, we just need the Shire of Dandaragan to consider our community worthy of investment to rectify these important infrastructure issues.

Regards, Tracey Cook”

The Chief Executive Officer responded with the following information:

- *Shire officers had met with representatives of the Dandaragan Football Club on a number of occasions in the lead-up to the Central Midlands Coastal finals series.*
- *The Shire employed the services of a licensed plumber to inspect and undertake maintenance on the septic system immediately prior to the finals series. The Shire was assured that the system was operating effectively. The Shire also had the septic tanks pumped out prior to the event to ensure maximum capacity was available.*
- *The Shire has not received any complaints or notifications from the Dandaragan Community Centre Management Committee, or Dandaragan Football Club, that the leach drain areas had created issues for the community in the past.*
- *The leach drain area, which serves to disperse the treated wastewater from the septic tanks, was functioning effectively, however with the volume of water being used by the facility on the day, combined with the significant rainfall which had occurred in the weeks prior, resulted in the leach drain area becoming waterlogged.*
- *Further investigations and discussions would be undertaken with the Dandaragan Community Centre Management Committee and Dandaragan Football Club to review the current arrangements.*

Mr Richard Cooper – President of Advance Dandaragan: How is the Shire working to resolve the shortage of housing and commercial / industrial blocks in Dandaragan and when are we likely to see an outcome?

*The Chief Executive Officer responded by advising that the Shire was working with DevelopmentWA to progress the Camm Road residential subdivision. The project had been submitted to the DevelopmentWA board however to date it has not received State budget endorsement [*The subject land is still under consideration for inclusion in the Noongar Land Estate and is currently unavailable for development]. The Shire is also awaiting the Native Title Settlement process to resolve other industrial / commercial development opportunities on reserve lands along Dandaragan Road.*

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 OCTOBER 2022**6 CONFIRMATION OF MINUTES****6.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD 20 SEPTEMBER 2022****COUNCIL DECISION**

Moved Cr Eyre, seconded Cr Rybarczyk

That the minutes of the Ordinary Meeting of Council held 20 September 2022 be confirmed.

CARRIED 9 / 0

7 NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Mr Mark Cubitt provided a presentation to Council about the Dandaragan Historical Museum project advising that the group had recently held their AGM and would be formalising their request for land adjacent to the Dandaragan CRC to progress their development.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 OCTOBER 2022
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9 REPORTS OF COMMITTEES AND OFFICERS

9.1 CORPORATE & COMMUNITY SERVICES

9.1.1 ACCOUNTS FOR PAYMENT – SEPTEMBER 2022

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	SODR-2042075298-36502
Disclosure of Interest:	None
Date:	17 October 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 September 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 September 2022 totalled \$1,237,339.04 for the Municipal Fund.

Should Councillors wish to raise any issues relating to the September 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.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 OCTOBER 2022
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ATTACHMENTS

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

- Cheque, EFT and direct debit listings for September 2022 (Doc Id: SODR-2042075298-45603)

(Marked 9.1.1)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Shanhun, seconded Cr Eyre

That the Cheque, EFT , BPAY and direct debit payment listing for the period ending 30 September 2022 totalling \$1,237,339.04 be adopted.

CARRIED 9 / 0

9.1.2 FINANCIAL STATEMENTS - MONTHLY REPORTING FOR THE PERIOD ENDING 30 SEPTEMBER 2022

Location:	Shire of Dandaragan
Applicant:	N/A
Folder	SODR-1743450996-2640
Disclosure of Interest:	None
Date:	17 October 2022
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 30 September 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 30 September 2022.

COMMENT

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

1. Net Current Assets

Council's adjusted net current assets surplus / (deficit) position as at the 30 September 2022 was \$8,679,373. Net current Asset are 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

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 OCTOBER 2022
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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.

2. 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 30 September 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 30 September 2022
(Doc Id: SODR-1743450996-2720)
(Marked 9.1.2)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION**Moved Cr Gibson, seconded Cr Eyre****That the monthly financial statements for the period 30 September 2022 be adopted.****CARRIED 9 / 0****9.1.3 MEERILINGA GRANT**

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	SODR-1876983588-1164
Disclosure of Interest:	Nil
Date:	21 October 2022
Author:	Rhiarn Sutton, Community Development Officer
Senior Officer:	Scott Clayton, Executive Manager Corporate & Community Services

PROPOSAL

To authorise a budget amendment to recognise 2&5 Children's Week Regional and Remote Grant from Meerilinga to the value of \$1,000 and a corresponding expense to hold a Children's Week event.

BACKGROUND

The Shire provides annual themes activation events funding through its budget processes in accordance with the Strategic Community Plan and the Shire Corporate Business Plan.

COMMENT

In October 2022, the Shire of Dandaragan Community Development team was successful in obtaining a \$1,000 2&5 Children's Week Regional and Remote Grant from Meerilinga to run a children's week event for the community to celebrate, play and discover together. This Children's Week event is an opportunity for the wider community to engage in a family-friendly activity at the Jurien Bay Library.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Expenditure from municipal fund not included in annual budget

1. *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure –*
 - a. *is incurred in a financial year before the adoption of the annual budget by the local government; or*
 - b. *is authorised in advance by resolution*;* or
 - c. *is authorised in advance by the mayor or president in an emergency*

*Absolute majority required.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 OCTOBER 2022

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

The Meerilinga grant will increase the 2022/23 annual budget expenditure for activation events by \$1,000 entirely offset by the grant funding to the same value.

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 Shire built on the strengths of community spirit and resilient, connected communities.	Support and promote inclusive events that enhance and celebrate community and cultural spirit that bring our communities together.

ATTACHMENTS

Nil

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Scharf, seconded Cr Glasfurd

That Council authorise a budget amendment to;

- 1. recognise the Meerilinga operating grant for the amount of \$1,000, and**
- 2. increase the activation event expenditure budget by \$1,000 for the purpose of holding a Children's week event.**

CARRIED BY ABSOLUTE MAJORITY 9 / 0

9.1.4 DEPARTMENT OF COMMUNITIES GRANT

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	SODR-1876983588-1162
Disclosure of Interest:	Nil
Date:	21 October 2022
Author:	Rhiarn Sutton, Community Development Officer
Senior Officer:	Scott Clayton, Executive Manager Corporate & Community Services

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 OCTOBER 2022
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PROPOSAL

To authorise a budget amendment to recognise Thank a Volunteer Grant from the Department of Communities to the value of \$2,000 and a corresponding expense to hold a Thank a Volunteer event.

BACKGROUND

The Shire allocated annual themed activation events funding through its budget processes in accordance with the Strategic Community Plan and the Shire Corporate Business Plan.

COMMENT

In October 2022, the Shire of Dandaragan Community Development team was successful in obtaining a \$2,000 Thank a Volunteer grant from the Department of Communities to run a community event to recognise and celebrate the positive contribution that our volunteers bring to our community. The Shire partnered with Tronox and Iluka who agreed to contribute and support the event.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Expenditure from municipal fund not included in annual budget

1. A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure –
 - a. is incurred in a financial year before the adoption of the annual budget by the local government; or
 - b. is authorised in advance by resolution*; or
 - c. is authorised in advance by the mayor or president in an emergency

* Absolute majority required.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

The Department of Communities grant will increase the 2022/23 annual budget expenditure for activation events by \$2,000.00 entirely offset by the grant funding to the same value.

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

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 OCTOBER 2022
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A Shire built on the strengths of community spirit and resilient, connected communities.	Support and promote inclusive events that enhance and celebrate community and cultural spirit that bring our communities together.
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ATTACHMENTS

Nil

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION / COUNCIL DECISION**Moved Cr Shanhun, seconded Cr Clarke****That Council authorise a budget amendment to;**

- 1. recognise the Department of Communities operating grant for the amount of \$2,000, and**
- 2. increase the activation event expenditure budget by \$2,000 for the purpose of holding a Thank a Volunteer event.**

CARRIED BY ABSOLUTE MAJORITY 9 / 0**9.2 INFRASTRUCTURE SERVICES****9.2.1 SHIRE OF DANDARAGAN PATHWAY NETWORK PLAN 2022 - 2032**

Location:	Jurien Bay
Applicant:	Shire of Dandaragan
Folder Path:	SODR-872172829-2573
Disclosure of Interest:	Nil
Date:	10 October 2022
Author:	Julie Rouse, Coordinator Infrastructure Services
Senior Officer:	Brad Pepper, Executive Manager Infrastructure

PROPOSAL

This report seeks Council's endorsement to adopt the Shire of Dandaragan's Pathway Network Plan 2022 – 2032.

BACKGROUND

In 2015 the Shire of Dandaragan was successful in obtaining a Regional Bike Network (RBN) Local Government Grant to the value of \$12,500 to develop a Bike Network Plan (Plan) for Jurien Bay and Cervantes, and which was authorised by Council in the Shire's 2014/2015 budget.

A Request for Quote for the development of a Bike Network Plan for both Cervantes and Jurien Bay townsites was issued in December 2014 using WALGA preferred panel suppliers. Opus International Consultants were the chosen supplier and in January 2015 were engaged to undertake the development of the Plan. This Plan was completed in June 2015 and adopted by Council at its Ordinary Meeting held on 27 August 2015.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 OCTOBER 2022
--

This Plan expired in 2020 and Shire Officers recently engaged Perth consultants, Porters Consulting Engineers (Porters), to undertake a review of this document to update the content and provide a construction program to act as a guide for the Shire to deliver as potential capital projects over the next 10 years.

The purpose of this plan is to prioritise path network infrastructure investment required to create a functional pathway network. This network planning allows Shire officers to identify future pathway routes and the setting of a prioritised schedule of works for specific areas, or network. Detailed design work for each individual project is undertaken at the time funding becomes available.

The plan also identifies existing network gaps, following the completion of a desktop review and onsite audit of the existing network undertaken by Porters as part of the review process.

Furthermore, the revised Plan also takes into consideration external influences that will benefit our local communities such as public safety, promotion of improved health benefits, construction standards, local policies, and an increase in cycle tourism.

Following internal workshops with staff and elected members, the final draft of the Plan was presented to Council at its 28 July 2022 Ordinary Council Meeting where Council resolved:

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Gibson, seconded Cr Eyre

That Council endorse the Shire of Dandaragan's Shared Path Network Plan 2022 - 2032 for the purpose of advertising for a period of 30 days to seek comment from the public, and the Department of Transport's WA Bike Network team by request.

CARRIED 9 / 0

The draft Plan was open for public comment for a period of five weeks during August and September 2022 through advertising on the Shire's website and social media page, in the August 2022 edition of Shire Matters, and copies made available at all Shire of Dandaragan libraries.

COMMENT

During the public comment advertising period, the Shire received three email submissions relating to the draft Plan; from the Department of Transport (DoT) WA's Bike Network Team, a Badgingarra resident and the Cervantes Progress Association.

Comments from DoT proposed some minor editing within the document and included clarifying some of the content relating to projects. These matters have all been addressed within the document and clarification provided back to the Department with minimal impact on the initial content of the draft Plan initially endorsed by Council for advertising to the community.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 OCTOBER 2022
--

Feedback received from a Badgingarra resident has resulted in the proposal to replace and widen the existing path from the playground, along the oval and onto Meagher Drive to be revised to route a new path from the Badgingarra Public Toilets carpark entrance and along Meagher Drive, to align with the existing path opposite Lang Street, once the existing path becomes unserviceable. As a result, information within Table 5 - Badgingarra future project proposals on Page 24 of the plan have been updated accordingly.

In Point 5 – Badgingarra Network, introducing Badgingarra townsite within the draft Plan (page 23), reference to the Badgingarra Art Trail and Vern Westbrook Walk has now been included in the content given the importance of both these trails to the Badgingarra community and their popularity with visitors to the area.

The Cervantes Progress Association requested that the Thirsty Point Trail from Thirsty Point to Hansen Bay Lookout change from a low priority to a medium or high priority. Officers considered this proposal and amended it to a medium priority due its usage and popularity.

Shire Officers have also made a change to the draft Plan's title, from Shared Path Network Plan to Path Network Plan. This is because the Plan does not focus solely on the construction of shared paths, but also pathways and unsealed paths within the Shire and as defined on Page 9 of the draft Plan.

CONSULTATION

- Porters Consulting Engineers
- Department of Transport
- Local community

STATUTORY ENVIRONMENT

There is no statutory environment relevant to this item.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

Budget implications will be based upon future annual budgets adopted by Council over a 10-year period as outlined in the new Plan in identifying priority network projects.

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
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MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 OCTOBER 2022

	attracts and retains residents and businesses.
Priority Outcomes	Our Roles
Our communities contain vibrant, activated public open spaces and buildings with high levels of utilisation and functionality.	To manage and facilitate community assets that are flexible, vibrant, adaptable and enjoyable places to occupy employing the principals of place-making and design-thinking.
Our investments in public assets are based on responsible and sustainable asset custodianship.	Modernise the Shire's Asset Management Planning framework to sustainably manage our existing asset network and consider asset expansion within sustainable levels of service. Work with community groups to review existing facilities, plan for renewal and ascertain the feasibility of any proposed new facilities. Increase activation of our public open spaces and buildings rather than increasing quantity without a demonstrated need.
Our built environment responds to the accessibility and connectivity needs of all residents providing equitable access and opportunity for participation.	Provide a well-designed and safe transport and shared path network that connects people to their destinations and encourages non-motorised journeys within townsites. Progressively implement the accessibility recommendations from our Age Friendly Community Plan and Disability Access and Inclusion Plan.

ATTACHMENTS

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

- Shire of Dandaragan's Path Network Plan 2022 – 2032 relevant to this report (Doc Id: SODR-1637154062-2135)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Shanhun, seconded Cr Scharf

That Council adopt the Shire of Dandaragan's Path Network Plan 2022 – 2032 (Doc ID: SODR-1637154062-2135).

CARRIED 9 / 0

9.3 DEVELOPMENT SERVICES

9.3.1 PROPOSED HOLIDAY HOUSE – LOT 586 (NO. 10) PARAKEET BEND, JURIEN BAY

Location:	Lot 586 (No.10) Parakeet Bend, Jurien Bay
Applicant/Landowner:	DR & NS Baddock
File Ref:	SODR-1262144384-15602
Disclosure of Interest:	Nil
Date:	3 October 2022
Author:	Rory Mackay, Principal Planning & Building Officer
Senior Officer:	Louis Fouché, Executive Manager Development Services

PROPOSAL

The proponent is seeking development approval for the use of 10 Parakeet Bend, Jurien Bay as a commercial holiday house.



Location Plan – 10 Parakeet Bend, Jurien Bay

BACKGROUND

A four-bedroom single-storey dwelling exists on the subject property. The proponent initially lodged a development application to seek approval to accommodate up to 10 guests for short stay bookings, not exceeding three consecutive months. The proponent subsequently applied for the maximum number of guests to be reduced to eight. The premises is proposed to be self-managed by the landowners of the property.

<p>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 OCTOBER 2022</p>

The application was advertised to immediate neighbouring landowners from 30 August 2022 until 23 September 2022. A total of five submissions were received, all of which raised concern with the proposal, resulting in a Council determination being required for the application in accordance with Delegation 9.1.2 (Town Planning – Other Use and Development).

The subject property and surrounding area are zoned 'Residential' under the Shire's *Local Planning Scheme No.7* (Scheme). The objective of the Residential zone is to provide for residential development at a range of densities with a variety of housing to meet the needs of different household types through the application of the Residential Design Codes.

The proposed land use of 'Holiday House' is listed within the zoning table of the Scheme as a 'discretionary' land use, meaning the use is not permitted unless Council has exercised discretion in its decision making.

Local Planning Policy 9.12 Short-Term Rental Accommodation (Policy) has been adopted by Council to guide the assessment of holiday house development applications. The subject application for up to 10 guests within a single dwelling is classified as a 'Holiday House' under the Policy. The Policy has the following objectives:

- *To support the role of un-hosted short-term rental accommodation as part of the tourism industry.*
- *To provide for the safety of guests who may be less familiar with the dwelling and surrounding environment.*
- *To establish development standards for unhosted short-term rental accommodation to avoid off-site impacts and maintain the desired amenity of the Residential, Rural Residential and Regional Centre zones.*
- *To encourage the provision of good quality, well managed unhosted short-term rental accommodation.*

There are currently four commercial holiday houses approved in close proximity to this proposal:

- 6 & 20 Adriana Parade
- 37 Bettong Avenue
- 35 Dryandra Boulevard

COMMENT

Dwellings provide places for people to shelter, to retreat, to eat and to gather. While temporary accommodation (such as a holiday house) may be said to also provide these, the intensity, and the manner of these two land uses is not the same. This is because in the context of a holiday house, the premises are not being occupied as a dwelling (permanent residence) but for tourist accommodation.

For example, it was noted in Hope and City of Joondalup [2007], that outdoor areas are routinely used more intensively and for

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 OCTOBER 2022
--

longer hours in short stay accommodation than would often be the case for permanent residential use. Additionally, each time a booking begins, and ends, people enter and leave the premises; this regular movement of different people into and out of the premises has consequential amenity impacts on the surrounding locality.

'Amenity' is defined within the Deemed Provisions of LPS7 to mean:

All those factors which combine to form the character of an area and include the present and likely future amenity.

It is for the reasons above that holiday house development applications have to be considered carefully, because if the premises is deemed suitable for use as a holiday house, then those who choose to stay there, should be entitled to use the premises in an ordinary manner that one may use a holiday house.

It is acknowledged that this tourist land use within an established residential area of Jurien Bay can negatively affect the amenity of nearby permanent residents. The objections received raised this concerned as detailed in the consultation section below.

Following the consultation with surrounding landowners, the applicant was strongly encouraged to reduce their proposed guest capacity as a 10-guest maximum would not comply with the overcrowding provision of the Shire's Health Local Laws. Following this advice, the applicant agreed to amend their application to an 8-guest maximum.

An assessment of the amended proposal against the deemed-to-comply criteria of the Policy is displayed in the following table.

Deemed-to-comply Provision	Proposed
<u>Utility Servicing</u> The premises is: <ol style="list-style-type: none"> 1. connected to reticulated water for the exclusive use of the premises; and 2. located within the Shire's kerbside refuse collection area; and 3. connected to reticulated sewerage, or there is an approved on-site effluent disposal system with adequate capacity for the proposed number of guests. 	<u>Compliance</u> Connected to reticulated water and sewer and has an active rubbish collection service.
<u>Vehicle Parking</u> The premises will have constructed on-site car parking bays, consistent with the size and manoeuvrability criteria set out in the Residential Design Codes of	<u>Compliance</u> Double garage and driveway which can provide 4 parking bays.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 OCTOBER 2022

<p>Western Australia, but with no more than any of two bays arranged one behind the other in accordance with the following rates: 7-8 guests = minimum of 3 bays</p>	
<p><u>Dwelling Design</u></p> <ol style="list-style-type: none"> 1. The premises is an existing, lawful dwelling. 2. There is 5.5m² per guest in each bedroom utilising beds. 3. Bedrooms in a premises are provided in accordance with the following rates: 8-12 guests = 4 bedrooms 4. Bathrooms and toilets are provided in accordance with the following rates: 7-12 guests = 1 or 2 bathrooms and 2 toilets 	<p><u>Compliance</u></p> <p>Lawful 4-bedroom dwelling 2 bathrooms and 2 toilets All bedrooms provide more than 5.5m² per guest</p>
<p><u>Overcrowding</u></p> <p>Each occupant over the age of 10 years has 14m³ of airspace within a bedroom for sleeping purposes. Each occupant 10 years and under has 8m³ of airspace within a bedroom for sleeping purposes.</p>	<p><u>Compliance</u></p> <p>Bedrooms 1-3 can accommodate up to 2 adult guests</p> <p>Bedroom 4 shall be conditioned to accommodate 1 adult or 2 persons between the ages of 1 and 10 years.</p>

The applicant is however seeking discretion on clause 7.5 Management Protocols of the Policy:

At a minimum a property management plan for un-hosted accommodation shall incorporate the following:

Nomination of a manager of the premises and their contact details. The approved manager must reside or have their office within 30 minutes driving distance of the premises. The hours the manager can be contacted which as a minimum must be between 9am and 5pm Monday to Saturday (excluding public holidays) and 9am to 12pm on Sunday and public holidays...

The applicants have listed themselves as the property managers while residing in Hillarys, indicating that guests will be appropriately screened by the AirBnB website. The property manager will be contactable within the hours stated above and the property manager's parents, who reside in Jurien Bay, will also be contactable for immediate property management concerns. A local cleaning business will provide the day-to-day management of the holiday house.

This Policy variance is considered minor and is supported for development approval up to 30 June 2023. On cessation of this period, any complaints received against the premises will be

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 OCTOBER 2022
--

reviewed before renewal for another 12-month period is provided (if forthcoming).

CONSULTATION

Please see the attached schedule of submissions from neighbouring landowners. Responses have been provided to individual issues raised by submitters in the schedule, including an assessment against relevant policy requirements.

STATUTORY ENVIRONMENT

- 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*
 - (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.*

- Local Planning Scheme No.7 – as outlined.
- Deemed Provisions for local planning schemes

67. *Consideration of application by local government*

(2) *In considering an application for development approval (other than an application on which approval cannot be granted under subclause (1)), the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —*

- (a) *the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) *the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*

...

- (g) *any local planning policy for the Scheme area; ...*
- (n) *the amenity of the locality including the following —*
 - (i) *environmental impacts of the development;*
 - (ii) *the character of the locality;*
 - (iii) *social impacts of the development; ...*
- (y) *any submissions received on the application;*

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 OCTOBER 2022
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POLICY IMPLICATIONS

Local Planning Policy 9.12 Short-Term Rental Accommodation – as outlined.

FINANCIAL IMPLICATIONS

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

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.
Priority Outcomes	Our Roles
Our Shire has a contemporary land use planning system that responds to, and creates, economic opportunities.	Ensuring that our planning framework is modern and meets the needs of industry, small business and emerging opportunities.

ATTACHMENTS

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

- Holiday Home application (SODR-1262144384-15174), (SODR-1262144384-15176), (SODR-1262144384-15592)
 - Schedule of submissions (SODR-1262144384-15603)
- (Marked 9.3.1)**

VOTING REQUIREMENT

Simple majority.

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Shanhun, seconded Cr Eyre

That Council approve the development application for the proposed Holiday House at Lot 586 (No.10) Parakeet Bend, Jurien Bay, subject to following conditions and advice:

Conditions

1. **Development may be carried out only in accordance with the details of the application as approved herein and any approved plan. 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. **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.**
3. **The total number of people to be accommodated in the Holiday House shall not exceed eight (8) guests at all times.**

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 OCTOBER 2022
--

4. The fourth bedroom of the Holiday House shall not accommodate more than one (1) guest eleven (11) years old or older, or two (2) guests ten (10) years old or younger, to the satisfaction of the Shire of Dandaragan.
5. The Holiday House shall be operated be in accordance with the 'Code of Conduct', and the 'Fire and Emergency Plan' submitted with the subject development application date stamped 26 October 2022.
6. The listed 'Property Manager' shall undertake the duties listed on the 'Property Management Plan' submitted with the subject development application date stamped 18 August 2022.
7. Vehicle parking associated with the Holiday House must be confined to the Holiday House premises and the constructed on-street parking areas in the immediate proximity of the application site.
8. This development approval is valid until the 30 June 2023. The Holiday House land use should cease before or on this date unless otherwise approved in writing by the Shire of Dandaragan.
9. A sign up to 0.2m² 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.

Advice Notes

- A. 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.
- B. In relation to condition 7, parking is not permitted on road verges, footpaths, vacant lots etc. in order not to adversely affect the amenity of the locality.
- C. Development approval does not affect the existing and future use of the premises as a Single House.
- D. Under the *Shire of Dandaragan Health Local Laws 2005* each guest of a holiday house ten years and older requires fourteen cubic metres of airspace to sleep.
- E. 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.

CARRIED 9 / 0

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 OCTOBER 2022

Cr Shanhun and Cr Scharf declared an impartiality interest in Item 9.3.2 being members of the Jurien Bay Community Men's Shed

9.3.2 PROPOSED STORAGE SHED – JURIEN BAY COMMUNITY MEN'S SHED

Location:	Jurien Bay Recreation Reserve 31884 (Lot 503 on Plan 64265
Applicant:	Nusteel Patios & Sheds Moora on behalf of the Jurien Bay Community Men's Shed
Folder Path:	SODR-1262144384-15604
Disclosure of Interest:	Nil
Date:	4 October 2022
Author:	Rory Mackay, Principal Planning & Building Officer
Senior Officer:	Louis Fouche, Executive Manager of Development Services

PROPOSAL

Council is requested to consider granting development approval for the erection of a storage shed within the Jurien Bay Community Men's Shed (JBCMS) leased site at the Jurien Bay Recreation Reserve 31884.



Existing JBCMS site adjacent the Jurien Bay town oval.

BACKGROUND

On 23 August 2018, Council approved the lease of a 2500m² site at the Jurien Bay recreation reserve to the JBCMS.

Development approval for the land use as a 'community purpose' was granted in February 2020. This land use is defined as the following under the Shire's Local Planning Scheme No.7:

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 OCTOBER 2022
--

means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organizations involved in activities for community benefit

A ~550m² multi room workshop with associated amenities was constructed on the leased site thereafter. Two storage shipping containers were also installed to the rear of the site in mid-2020.

The existing work rooms have been set up to service metalwork, timberwork, and upholstery respectively with no available space to undertake mechanical work efficiently.

Recently the JBCMS have received an offer to undertake the complete restoration of T-model Ford which had a historic use as taxi in Victoria in the 20th Century. To enable this project, the JBCMS have commissioned the construction of a new 12m x 7m, 84m² steel frame and clad storage shed on their leased site, to be set aside for mechanical work only, including the restoration. The proposed storage shed will be placed in the rear north/eastern corner of the site.

The proposed shed will be located within Jurien Bay Recreation Reserve 31884, which is vested with and under the care, control and management of the Shire. As such, Council is required to give landowner's consent for the application. Should Council not grant this consent, the applications cannot proceed. (Determination of the applications is then not required).

Reserve 31884 is reserved for the purposes of 'Parks and Recreation' under the Scheme and has the land purposes of 'community centre' and 'recreation'. A Men's Shed development aligns with this reservation and purposes.

COMMENT

The proposed storage shed:

- has a defined a purpose with a rational need;
- will have matching appearance with that of the existing workshop by being clad in the same material and finish; and
- will remain incidental to the existing workshop which will remain the predominant building on the JBCMS site.

Given the above, it is recommended that Council approve the development application subjects to conditions.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Planning Scheme No 7

2.4.1. *A person must not —*

- a) *use a Local Reserve; or*
- b) *commence or carry out development on a Local Reserve,*

<p>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 OCTOBER 2022</p>

without first having obtained development approval under Part 7 of the deemed provisions.

- 2.4.2. *In determining an application for development approval, the local government is to have due regard to —*
- a) the matters set out in clause 67 of the deemed provisions;*
 - and*
 - b) the ultimate purpose intended for the Reserve.*

Land Administration Act 1997:

41. Reserving Crown land, Minister's powers as to
Subject to section 45(6), the Minister may by order reserve
Crown land to the Crown for one or more purposes in the public
interest.

POLICY IMPLICATIONS

Delegations Register:

No delegation is provided under the relevant delegation - 9.1.2 (Town Planning – Other Use and Development).

FINANCIAL IMPLICATIONS

The applicant has paid the required development application fee.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Development application 114/22 (SODR-1262144384-15488) & (SODR-1262144384-15489)
(Marked 9.3.2)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Gibson, seconded Cr Eyre

That Council:

- 1. Agrees to provide landowner's consent for the development application for a storage shed to be erected on the Jurien Bay Recreation Reserve 31884.**
- 2. Grant development approval for a storage shed to be erected on the Jurien Bay Recreation Reserve 31884 in accordance with the following conditions:**
 - a. All development shall be in accordance with the approved development plans, which form part of this development approval, to the specifications and satisfaction of the Shire of Dandaragan.**
 - b. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the Shire of Dandaragan.**
 - c. The storage shed is not to be used for human habitation, to the satisfaction of the Shire of Dandaragan.**

CARRIED 9 / 0

9.3.3 BUDGET AMENDMENT – REPLACEMENT OF JURIE BAY FAMILY RESOURCE CENTRE SHADE SAILS

Location: 38 Hamersley Street, Jurien Bay
 Folder Path: SODR-71156539-1077
 Disclosure of Interest: Nil
 Date: 6 October 2022
 Author: Rory Mackay, Principal Planning & Building Officer
 Senior Officer: Louis Fouche, Executive Manager Development Services

PROPOSAL

For Council to endorse a budget amendment to transfer funds from the Building Renewal Reserve for the renewal of shade sails at the western end of the Jurien Bay Family Resource Centre (FRC).



Drone image of the western outdoor area of the FRC

BACKGROUND

Through the 2022/23 budget process funds were assigned to undertake maintenance work to the shade sails erected over the long day care outdoor play area used for after school and holiday childcare by Coastal Kids Care Incorporated (CKC) at the FRC. On undertaking an assessment of this maintenance work, it was identified that the supporting shade sail poles had experienced severe rust erosion at ground level and required immediate removal on safety grounds.

In November 2019 Council agreed to lease the whole of the FRC site to CKC, previous to this arrangement, CKC had consecutive five-year leases for a portion of the FRC from 2004. Under the current lease, the CKC is the building manager responsible for hiring, cleaning and management of the whole FRC site.

<p>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 OCTOBER 2022</p>

Under *clause 8: Maintenance and Works* of the CKC lease the following is outlined:

The Lessee shall:

- *Maintain the Leased Premises in a good condition and state of repair, except in respect of fair wear and tear or damage which is or will be reinstated from the proceeds of insurance...*
- *Maintain the Lessor's Fixtures, the Lessee's Fixtures and the Facilities on or in the Leased Premises (if any) in good condition and, where necessary, make good any breakage, defect or damage or replace that Lessor's Fixture, Lessee's Fixture or Facility to the satisfaction of the Lessor except in respect of fair wear and tear or damage which is or will be reinstated from the proceeds of an insurance policy...*
- *For the avoidance of doubt, nothing in this clause 8 obliges the Lessee to carry out any structural work or work of a capital nature except to the extent rendered necessary by any wrongful act or omission, negligence, or default of the Lessee or by the installation or removal of the Lessee's Fixtures.*

The erosion of the subject shade sail structure is considered fair wear and tear and as such CKC is not expected to meet the costs of the renewal works in accordance with the clause 8 above.

Regulation 34 of the *Child Care Services (Child Care) Regulations 2006 (WA)* outline that shade to an outdoor space must be provided in accordance with the guidelines approved the Chief Executive Officer of the Australian Children's Education and Care Quality Authority (ACECQA). ACECQA's National Quality Framework lists the following in this regard:

Quality Area 3 – Physical environment

Element 3.1.1 Fit for purpose

- *Outdoor and indoor spaces, buildings, fixtures, and fittings are suitable for their purpose, including supporting the access of every child.*

Further guidance under the national framework for Element 3.1.1 states the following in terms of shade to outdoor play spaces:

The outdoor education and care environment has adequate shaded areas to protect children from ultraviolet radiation from the sun.

COMMENT

Four quotes have been obtained to undertake the required shade sail renewal works on the plan attached to this item. The project will require funding of \$25,000 ex GST to allocate the contract to a preferred supplier.

The Department for Communities provide an annual contribution towards the FRC to the Shire. This funding arrangement is in place until 2027 and coincides with the expiry of the CKC lease. 50% of these funds received through this contribution have been placed into the Buildings Renewal Reserve annually to date. As such it is

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 OCTOBER 2022

recommended that the funds required for the shade sail renewal works be wholly funded from this reserve account.

CONSULTATION

- Coastal Kids Care

STATUTORY ENVIRONMENT

- Child Care Services (Child Care) Regulations 2006 (WA) outline Regulation 34. Shade

A licensee must ensure that outdoor space required under regulation 32 is provided with adequate shade in accordance with guidelines approved by the CEO.

- Local Government Act 1995

Section: 6.5 Accounts and Records

The CEO has a duty—

to ensure that there are kept, in accordance with regulations, proper accounts and records of the transactions and affairs of the local government; and

to keep the accounts and records up to date and ready for inspection at any time by persons authorised to do so under this Act or another written law.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

This item recommends a budget amendment as to transfer \$25,000 from the Building Renewals Reserve to a building asset for the Family Resource Centre Western Shade Sails.

STRATEGIC IMPLICATIONS

Strategic Community Plan - Envision 2029

01 - Infrastructure	The Shire will sustain a dynamic infrastructure network responsive to usage demand that attracts and retains residents and businesses.
Priority Outcomes	Our Roles
Our communities contain vibrant, activated public open spaces and buildings with high levels of utilisation and functionality.	To manage and facilitate community assets that are flexible, vibrant, adaptable, and enjoyable places to occupy employing the principals of place-making and design-thinking.

ATTACHMENTS

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

- Shade sail plan (Doc Id: SODR-71156539-1070)
(Marked 9.3.3)

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION / COUNCIL DECISION**Moved Cr Eyre, seconded Cr Glasfurd****That Council authorise a budget amendment to:**

1. Expend \$25,000 toward a building asset for the '*Family Resource Centre Shade Sails*'; and
2. to transfer \$25,000 from the Building Renewal Reserve to the Municipal Fund.

CARRIED BY ABSOLUTE MAJORITY 9 / 0**9.3.4 PROPOSED GARAGE – LOT 1105 (NO.14) TERN WAY, JURIEN BAY**

Location:	Lot 1105 (14) Tern Way, Jurien Bay
Applicant & Landowner:	NM Wheeler
File Ref:	SODR-1262144384-15647
Disclosure of Interest:	Nil
Date:	7 October 2022
Author:	Rory Mackay, Principal Planning & Building Officer
Senior Officer:	Louis Fouche, Executive Manager of Development Services

PROPOSAL

The proponent is seeking development approval for a garage at 14 Tern Way, Jurien Bay.



Location Plan – Lot 1105 (No.14) Tern Way, Jurien Bay

BACKGROUND

The applicant is seeking development approval to construct a 74m² enclosed garage attached to the existing two-storey dwelling at a wall height of 3.3m and a ridge height of 4.8m on the 740m²

<p>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 OCTOBER 2022</p>

property. The garage will be constructed of brick walls and a timber roof frame with sheet roofing to match that of the existing dwelling. The garage will be built along the rear and side boundaries of the subject property with two parapet walls of 10.8m and 7.5m respectively.

A 40m² garage is already constructed at the front elevation of the existing dwelling. However, the property has no outbuilding. A garage is defined by the *Residential Design Codes* (State Planning Policy 7.3) as:

Any roofed structure, other than a carport, designed to accommodate one or more motor vehicles and attached to the dwelling.

An outbuilding is defined as:

An enclosed non-habitable structure that is detached from any dwelling.

The subject property is zoned Residential under the Shire's Local Planning Scheme No.7 with a density code of R12.5.

Council's *Local Planning Policy 9.4: Outbuildings Residential Areas* (LPP9.4) outlines the following parameters for carports and garages:

1. *All garages and carports shall not exceed a floor area of 40m², a wall height of 3.0m or a ridge height of 4.5m.*
2. *The Council may consider applications for carports and garages that exceed the size limitations defined in Part 1, where the following criteria are, in the opinion of Council, satisfactorily addressed;*
 - a. *the garage or carport is attached to and forms part of the adjoining dwelling;*
 - b. *the garage or carport is situated under the roof line of the adjoining dwelling;*
 - c. *the garage or carport is located at least 0.5m behind the dwelling alignment (excluding any porch, verandah or balcony);*
 - d. *the garage or carport will not have an impact on the streetscape or amenity of the area; and*
 - e. *the garage or carport complies with any design guidelines adopted by Council.*
3. *All carports and garages shall be constructed of materials that match or complement the dwelling on the site.*

Local Planning Policy 9.10: Residential Design Codes – Side and Rear Boundary Setbacks provides the ability for the proposed outbuilding to be built up to the boundary (within 600mm of the boundary) and approved under delegated authority subject to the: design principles of section 5.1.3 P3.2 of the Residential Design Codes (R-Codes) being sufficiently addressed to the satisfaction of Shire Planning staff; no objection or concern being raised by

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 OCTOBER 2022
--

neighbouring landowners; and the wall not exceeding a maximum height 3.3m and length of 9m.

In this instance, an adjoining landowner has objected to the proposal resulting in the application being referred to Council for a decision.

COMMENT

Where a proposal does not meet the deemed-to-comply provisions of LPP9.4 the decision maker is to consider the application against the design principles of the policy (which is as per the Residential Design Codes). The Residential Design Codes (R-Codes) design principles applicable for the proposed boundary wall are:

Lot boundary setback 5.1.3, P3.2

Buildings built up to boundaries (other than the street boundary) where this:

- *makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;*
- *does not have any adverse impact on the amenity of the adjoining property;*
- *does not compromise the design principle contained in clause 5.1.3 P3.1;*
- *reduce impacts of building bulk on adjoining properties;*
- *provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and*
- *minimise the extent of overlooking and resultant loss of privacy on adjoining properties.*
- *ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and*
- *positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.*

The merits of the application are stated below in relation to these (R-Codes) design principles and LPP9.4:

1. The proposal complies with the design provisions of LPP9.4, in that, the proposed garage will:
 - a. form part of the existing dwelling;
 - b. be situated under the roof line of the existing dwelling; and
 - c. be located behind the front build line of the existing dwelling.
2. The proposed position of the garage in one back corner of the property is a design characteristic consistent throughout Jurien Bay.
3. The adjoining properties are vacant, which provide these landowners with the ability to construct a residence to site characteristics in due course.
4. The materials and colours of the garage are complementary to the existing dwelling's design, to not detract from the streetscape or the amenity of neighbouring properties.
5. A standard condition of development approval requires that stormwater be contained and controlled on the applicant's

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 OCTOBER 2022
--

property. This will ensure that no gutters or downpipes/stormwater are located or run into adjoining properties.

6. Although there is already a 40m² garage on the subject property a secondary attached garage of masonry construction is considered a better design outcome than a standalone outbuilding. Furthermore, if the permissible area of an outbuilding is referenced, the proposed 74m² garage complies with the maximum outbuilding area under LPP9.4 of 80m².

Given the above, the proposal is considered to achieve orderly and proper planning by the reporting officer. Therefore, it is recommended that the subject development application be approved.

CONSULTATION

The proposal was forwarded to adjoining landowners for comment and an objection was received from one adjoining side neighbour who has their vacant property on the market for sale. This landowner was concerned about the loss of marina views resulting from the proposed garage's location and size. It was also questioned if the garage could have a flat roof design rather than the pitch design proposed.

Whilst the view concern is understood, case law has been clear that landowners have no right to a view, as there is no ownership of a view. Therefore, the protection of this view does not warrant refusal or amendment to the proposed development. The requested change to the roof pitch will also be inconsistent with the design of the house on the property.

STATUTORY ENVIRONMENT

- Planning and Development (Local Planning Schemes) Regulations 2015
 - Deemed provisions for local planning schemes
- Cl.67. Consideration of application by local government
- Local Planning Scheme No 7:
 - Clause 4.2 of the Scheme outlines *State Planning Policy 3.1 - Residential Design Codes* is to read as part of the Scheme.

POLICY IMPLICATIONS

- Local Planning Policy 9.4 Outbuildings Residential Areas
- Local Planning Policy 9.10 Residential Design Codes – Side and Rear Boundary Setbacks

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

<p>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 OCTOBER 2022</p>

ATTACHMENTS

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

- Development application 93/22 (Doc Id: SODR-1262144384-15097), (SODR-1262144384-15663)

(Marked 9.3.4)

VOTING REQUIREMENT

Simple majority

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

Moved Cr Rybarczyk, seconded Cr Gibson

That Council grant development approval for a garage at Lot 1105 Tern Way, Jurien Bay subject to following conditions and advice:

Conditions:

- 1. All development, subject to any conditions of this approval, shall be in accordance with the approved development plans, which form part of this development approval, to the specifications and satisfaction of the Shire of Dandaragan.**
- 2. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the Shire of Dandaragan.**
- 3. The garage is not to be used for human habitation, to the satisfaction of the Shire of Dandaragan.**

Advice Notes:

This is a development approval of the Shire of Dandaragan under its *Local Planning Scheme No.7* 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.

CARRIED 7 / 2

Cr Shanhun declared a proximity interest in Item 9.3.5 due to his residing opposite the subject property a 4 Swift Way and left the meeting at 4:35pm.

9.3.5 PROPOSED HOLIDAY HOUSE – LOT 850 (NO. 4) SWIFT WAY, JURIEN BAY

Location:	Lot 850 (No.4) Swift Way, Jurien Bay
Applicant/Landowner:	Marina Veletta
File Ref:	SODR-1262144384-15665
Disclosure of Interest:	Nil
Date:	13 October 2022
Author:	Rory Mackay, Principal Planning & Building Officer
Senior Officer:	Louis Fouché, Executive Manager Development Services

PROPOSAL

The proponent is seeking development approval for the use of 4 Swift Way, Jurien Bay as a commercial holiday house.



Location Plan – 4 Swift Way, Jurien Bay

BACKGROUND

A four-bedroom, single-storey dwelling exists on the subject property. The proponent has lodged a development application to seek approval to accommodate up to eight guests for short stay bookings, not exceeding three consecutive months. Professionals Jurien Bayview Realty have been listed as the property manager.

The application was advertised to immediate neighbouring landowners from 14 September 2022 until 7 October 2022. One submission was received.

The subject property and surrounding area are zoned 'Special Development 1' with density coding of R20 under the Shire's *Local Planning Scheme No. 7* (Scheme).

Local Planning Policy 9.12 Short-Term Rental Accommodation (Policy) has been adopted by Council to guide the assessment of holiday house development applications. The subject application for up to eight guests within a single dwelling is classified as a 'Holiday House' under the Policy. The Policy has the following objectives:

- *To support the role of un-hosted short-term rental accommodation as part of the tourism industry.*
- *To provide for the safety of guests who may be less familiar with the dwelling and surrounding environment.*

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 OCTOBER 2022
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- *To establish development standards for unhosted short-term rental accommodation to avoid off-site impacts and maintain the desired amenity of the Residential, Rural Residential and Regional Centre zones.*
- *To encourage the provision of good quality, well managed unhosted short-term rental accommodation.*

There are currently no commercial holiday houses approved in close proximity to this proposal.

COMMENT

Dwellings provide places for people to shelter, to retreat, to eat and to gather. While temporary accommodation (such as a holiday house) may be said to also provide these, the intensity, and the manner of these two land uses is not the same. This is because in the context of a holiday house, the premises are not being occupied as a dwelling (permanent residence) but for tourist accommodation.

For example, it was noted in Hope and City of Joondalup [2007], that outdoor areas are routinely used more intensively and for longer hours in short stay accommodation than would often be the case for permanent residential use. Additionally, each time a booking begins, and ends, people enter and leave the premises; this regular movement of different people into and out of the premises has consequential amenity impacts on the surrounding locality.

'Amenity' is defined within the Deemed Provisions of LPS7 to mean:

All those factors which combine to form the character of an area and include the present and likely future amenity.

It is for the reasons above that holiday house development applications have to be considered carefully, because if the premises is deemed suitable for use as a holiday house, then those who choose to stay there, should be entitled to use the premises in an ordinary manner that one may use a holiday house.

It is acknowledged that this tourist land use within an established residential area of Jurien Bay can negatively affect the amenity of nearby permanent residents. The submission received raised this concern as detailed in the consultation section below.

The premises will be managed locally by Professionals Jurien Bayview Realty who currently manages more than 30 commercial holiday houses in Jurien Bay with one incident reported to the Shire in the last two years. This management arrangement provides a local point of call for neighbouring landowners/tenants surrounding the proposed holiday and complies with clause 7.5 Management Protocols of the Policy which requires holiday house property managers to reside or have their office 30 minutes driving distance

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 OCTOBER 2022

from the premises and be contactable between 9am and 5pm Monday to Saturday (excluding public holidays) and 9am to 12pm on Sunday and public holidays.

An assessment of the proposal against the deemed-to-comply criteria of the new Policy is displayed in the following table.

Deemed-to-comply Provision	Proposed
<p><u>Utility Servicing</u> The premises is:</p> <ol style="list-style-type: none"> 1. connected to reticulated water for the exclusive use of the premises; and 2. located within the Shire's kerbside refuse collection area; and 3. connected to reticulated sewerage, or there is an approved on-site effluent disposal system with adequate capacity for the proposed number of guests. 	<p><u>Compliance</u> Connected to reticulated water and sewer and has an active rubbish collection service.</p>
<p><u>Vehicle Parking</u> The premises will have constructed on-site car parking bays, consistent with the size and manoeuvrability criteria set out in the Residential Design Codes of Western Australia, but with no more than any of two bays arranged one behind the other in accordance with the following rates: 7-8 guests = minimum of 4 bays</p>	<p><u>Compliance</u> Double garage serviced by a 5.5m long driveway, with single side access.</p>
<p><u>Dwelling Design</u></p> <ol style="list-style-type: none"> 1. The premises is an existing, lawful dwelling. 2. There is 5.5m² per guest in each bedroom utilising beds. 3. Bedrooms in a premises are provided in accordance with the following rates: 8-12 guests = 4 bedrooms 4. Bathrooms and toilets are provided in accordance with the following rates: 7-12 guests = 1 or 2 bathrooms and 2 toilets 	<p><u>Compliance</u> Lawful 4-bedroom dwelling with at least 5.5m² per guest in each bedroom 2 bathrooms and 2 toilets</p>
<p><u>Overcrowding</u> Each occupant over the age of 10 years has 14m³ of airspace within a bedroom for sleeping purposes. Each occupant 10 years and under has 8m³ of airspace within a bedroom for sleeping purposes.</p>	<p><u>Compliance</u> At least 14m³ of airspace per guest in each bedroom</p>

Given the above, granting conditional development approval is recommended until 30 June 2023. On cessation of this period, any complaints received against the premises will be reviewed before renewal for another 12-month period is provided (if forthcoming).

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 OCTOBER 2022

CONSULTATION

The following submission was received from a neighbouring landowner.

Comment	Officer Response
<p>Our concerns are:</p> <ol style="list-style-type: none"> 1. Parking - current occupants are using the vacant lot next door, as did the pervious. 2. As holiday makers, many have no concerns for noise levels. 3. The high speed travelled on our residential streets. 4. Extra vehicles such as motorbikes travelling across residential land to access dirt tracks/bush land. 5. Rubbish in the vacant land next door, still remaining. 6. Front of the property is not attended to as per the Residential Design Guidelines of Beachridge Estate. It is basic and full of weeds at best. 7. Finally, we are concerned for the possibility of an increase in crime. 8. We purchased our house in June 2021, for the relaxed, holiday-like feel the town offers and to raise our children in a safe environment. With the large number of guests frequenting the property opposite, we feel our lifestyle will be impacted. 	<ol style="list-style-type: none"> 1. The proposed holiday house has met the deemed-to-comply policy provision for onsite car parking. A condition of development will require all guest parking to be on site. 2. A guest code of conduct which amongst other matters covers guest noise – <i>'noise should generally cease after 9pm Sunday through to Thursday and after midnight Friday and Saturday'</i>. The property manager will be responsible for upholding the guest code of conduct as per a condition of development approval. 3. Noted, however this is a police matter and not a valid consideration for this development application. 4. This is a police and/or Shire Ranger matter and is not a relevant consideration for this development application. 5. This is not a relevant consideration for this development application. 6. This is a developer restrictive covenant and not a valid consideration for this development application. 7. There is no evidence of a direct correlation between short stay guests and crime rates. 8. Noted.

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
 - (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.

POLICY IMPLICATIONS

Local Planning Policy 9.12 Short-Term Rental Accommodation – as outlined.

FINANCIAL IMPLICATIONS

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

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 OCTOBER 2022
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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.
Priority Outcomes	Our Roles
Our Shire has a contemporary land use planning system that responds to, and creates, economic opportunities.	Ensuring that our planning framework is modern and meets the needs of industry, small business, and emerging opportunities.

ATTACHMENTS

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

- Development application 110/22 (SODR-1262144384-15396), (SODR-1262144384-15667)
(Marked 9.3.5)

VOTING REQUIREMENT

Simple majority.

OFFICER RECOMMENDATION / COUNCIL DECISION**Moved Cr Eyre, seconded Cr Clarke**

That Council approve the development application for the proposed Holiday House at Lot 850 (No.4) Swift Way, Jurien Bay, subject to following conditions and advice:

Conditions

- 1. Development may be carried out only in accordance with the details of the application as approved herein and any approved plan. 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. 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.**
- 3. The total number of people to be accommodated in the Holiday House shall not exceed eight (8) guests at all times.**
- 4. The Holiday House shall be operated be in accordance with the 'Code of Conduct', and the 'Fire and Emergency Plan' submitted with the subject development application date stamped 23 August 2022.**
- 5. The listed 'Property Manager' shall undertake the duties listed on the 'Property Management Plan' submitted with the subject development application date stamped 23 August 2022.**

6. All vehicle parking must be confined to the Holiday House premises and the constructed on-street parking areas in the immediate proximity of the application site.
7. This development approval is valid until the 30 June 2023. The Holiday House land use should cease before or on this date unless otherwise approved in writing by the Shire of Dandaragan.
8. A sign up to 0.2m² in area listing the approved property 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.

Advice Notes

- A. 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.
- B. In relation to condition 6, parking is not permitted on road verges, footpaths, vacant lots etc. in order not to adversely affect the amenity of the locality.
- C. Development approval does not affect the existing and future use of the premises as a Single House.
- C. Under the *Shire of Dandaragan Health Local Laws 2005* each guest of a holiday house ten years and older requires fourteen cubic metres of airspace to sleep.
- D. 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.

CARRIED 8 / 0

Cr Shanhun re-entered the meeting at 4:38pm.

9.4 GOVERNANCE & ADMINISTRATION

9.4.1 LOCAL GOVERNMENT REFORM – COUNCIL REPRESENTATION

Location:	Shire of Dandaragan
Applicant:	Not Applicable
Folder Path:	SODR-878193511-2825
Disclosure of Interest:	Nil
Date:	14 October 2022
Author:	Brent Bailey, Chief Executive Officer
Senior Officer:	Not Applicable

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 OCTOBER 2022**PROPOSAL**

This purpose of this report is for Council to determine whether to undertake a voluntary Ward & Representation Review by February 2023 as part of the Local Government Reform process which requires the Shire of Dandaragan to reduce Councillor numbers from nine to seven elected members.

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.

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.

COMMENT

While the abolition of wards is targeted at band 3 and 4 local governments, this outcome is consistent with the Shire's decision in 2009 to move to a no wards system. It is evident in the Local Government industry that most Council's commentary of the voluntary pathway via their public agendas is on the grounds of retaining their ward systems.

The optional preferential voting system will apply for all future local government elections commencing in 2023. Optional preferential voting means that all electors have the choice to number preferences for as many or as few candidates as they choose. Presently Councillors are elected on a 'first past the post' method.

The most significant impact on the Shire of Dandaragan will be the reduction in Councillor numbers from nine to seven. There are two identified methods for this activity through either a Ward and Representation review process in accordance with the Local Government Act 1995 (Act), or through the Reform Election Pathway which will be legislated through the amendment process.

Reform Election Pathway

If Council decides against the voluntarily pathway to reduce Council elected member representation numbers, the Minister intends to make amendments to the Act which will result in the October 2023 elections being referred to as a once off reform election that will effectively force the change.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 OCTOBER 2022
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For the Shire, this pathway would see all current Councillor positions being declared vacant with seven new seats available for the October 2023 election process. The vacant Councillor positions, would be split between two and four year terms to re-establish an ordinary election cycle in accordance with the election ranking based on votes received.

This pathway represents the simplest process for structural change and avoids any administrative undertakings, however there is a risk of Council business continuity impacts associated with declaring all Councillor positions vacant and a direct impact on the Councillors who were elected until October 2025 who will have to recontest their positions to stay on Council.

Over the past three election cycles, 6 candidates have nominated for either 4 or 5 seats. It is difficult to speculate on the whether the nomination numbers would change significantly in a full spill of Councillors, but if the trend continues there is a likelihood that re-nominating Councillors would have a reasonable chance of re-election.

Voluntary Pathway

Using this method, the Shire of Dandaragan may formulate a plan to implement these changes on a voluntary basis which avoids all Councillor positions being declared vacant at the 2023 election.

This 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 (although this may lead to an even number of Councillors and the potential for split votes requiring the President to exercise a second vote). In determining this matter Council will need to evaluate the merits of undertaking and resourcing the formal Ward and Representation Review for a pre-determined outcome being a reduction in Councillor numbers.

If Council wishes to undertake this process, it should, by 28 October 2022:

- Advise the Department of its intention to undertake a voluntary process. This advice should include a high-level plan outlining the potential changes to be implemented for the ordinary elections to be held in 2023 (and in 2025, if applicable).
- Initiate a Ward and Representation Review in accordance with Section 2.2 of the Local Government Act 1995 to determine the staging of Councillor representation number changes over the 2023 and 2025 election cycles.

Process	Due Date (Indicative depending on advertising timeframes)
Council resolves to undertake a ward and representation review.	27 October 2022

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 OCTOBER 2022
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Council formally advise the DLGSC of Council's decisions.	28 October 2022
A comprehensive discussion paper is developed and adopted by Council at the Ordinary Council Meeting in November	24 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	25 November 2022
Public submission period closes	Late January 2023
Assessment of all submissions are considered against the relevant factors to be considered, and a draft report is prepared for Council decision.	Late 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 preferred option for submitting to the Advisory Board.	Early February 2023 – (Special Council Meeting may be required).
The preferred option is submitted to the Advisory Board via the formal report, for the Board's consideration and recommendation.	February 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

Ultimately, the methodology for reducing Councillor representation numbers with a pre-determined outcome set down by the Minister is best decided from a political context through elected member consideration and debate. Should Council decide that the most advantageous outcome for the community is to introduce the reduction in elected member representation over two election cycles, then the Minister should be informed that the Voluntary Pathway is the preferred approach as per the officer's recommendation.

CONSULTATION

A Ward and Representation Review requires consultation in accordance with Schedule 2.2 of the Local Government Act 1995.

STATUTORY ENVIRONMENT

Local Government Act 1995

2.2. Districts may be divided into wards

- (1) *The Governor, on the recommendation of the Minister, may make an order —*
- (a) *dividing a district into wards; or*
 - (b) *creating new wards in a district that is already divided into wards; or*
 - (c) *changing the boundaries of a ward; or*

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 OCTOBER 2022
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- (d) *abolishing any or all of the wards into which a district is divided; or*
- (e) *as to a combination of any of those matters.*
- (2) *For the purposes of this Act —*
- (a) *an order that divides a district into wards is to be regarded as establishing a ward system for the district; and*
- (b) *an order that abolishes all of the wards into which a district is divided and does not create new wards, is to be regarded as discontinuing the ward system for the district.*
- (3) *Schedule 2.2 (which deals with wards and representation) has effect.*
- (4) *The Minister can only make a recommendation under subsection (1) if the Advisory Board has recommended under Schedule 2.2 that the order in question should be made.*

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. There will be administrative and advertising costs associated with the Ward and Representation Review process which would be accommodated within existing budgets.

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 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 Local Government (Doc Id: SODR-878193511-2812)

VOTING REQUIREMENT

Simple Majority

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 OCTOBER 2022
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OFFICER RECOMMENDATION / COUNCIL DECISION
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Moved Cr McDonald, seconded Cr Gibson

That Council inform the Minister for Local Government that the Shire of Dandaragan's preference to implement structural change associated with Councillor representation numbers and ward representation is the Voluntary Pathway.

CARRIED 9 / 0

9.5 COUNCILLOR INFORMATION BULLETIN

9.5.1 SHIRE OF DANDARAGAN – SEPTEMBER COUNCIL STATUS REPORT

Document ID: [SODR-1739978813-5803]

Attached to the agenda is a copy of the Shire's status report from the Council Meeting held 20 September 2022. **(Marked 9.5.1)**

9.5.2 SHIRE OF DANDARAGAN – BUILDING STATISTICS – SEPTEMBER 2022

Document ID: [SODR-2045798944-549]

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

9.5.3 SHIRE OF DANDARAGAN – PLANNING STATISTICS – SEPTEMBER 2022

Document ID: [SODR-2045798944-548]

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

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

Document ID: [SODR-1876983588-1157]

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

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

Nil

11 CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE PUBLIC

Nil

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 OCTOBER 2022**13 CLOSURE OF MEETING**

The presiding member declared the meeting closed at 4.46pm.

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*