

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

**MINUTES**

**of the**

**ORDINARY COUNCIL MEETING**

**held at the**

**CERVANTES PINNACLES MOTEL, CERVANTES**

**on**

**THURSDAY 27 APRIL**

**COMMENCING AT 4.00PM**

*(THIS DOCUMENT IS AVAILABLE IN LARGER PRINT ON REQUEST)*

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## 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

### 1.1 DECLARATION OF OPENING

The Shire President declared the meeting open at 4.00 pm 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 approx.50 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	

### Members Attending Electronically Approved by the Shire President

Councillor R Shanhun

### Staff

Mr B Bailey	(Chief Executive Officer)
Mr L Fouché	(Executive Manager Development Services)
Mrs N Winsloe	(Executive Secretary)

### Apologies

Nil

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### Approved Leave of Absence

Nil

### Observers

There was approximately 50 members of the public attending this meeting.

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

Nil

### 4 PUBLIC QUESTION TIME

#### Mark Knowles

1. Should council resolve to advertise publicly an Expression of Interest that would INCLUDE commercial profit organizations in the submissions to be received, could Council please outline what risk management measures would be put in place to ensure continuity and minimum risk to hospitality businesses currently servicing the community of Cervantes?

#### Response provided by Chief Executive Officer

*The decision before Council today is to consider the Cervantes Country Club's request to undertake a process to identify a new lessee for the club facility. Considerations of competitive neutrality would be addressed as part of a future decision making process depending on the outcome today. In other commercial leases established by Council, leases are established on full commercial terms such as independently established market rental valuations, facility maintenance obligations and obligations for the payment of rates, variable outgoings and services charges.*

2. If commercial applications are to be invited by Council, then 'at what cost' does Council see in the reopening of one venue as opposed to the potential closing of one or two like businesses currently servicing the community of Cervantes?

#### Response provided by Chief Executive Officer

*In its decision-making role, Council is guided by the Local Government Act 1995. Section 1.3 of the Act sets out the Content and Intent of Local Government and specifically subsection (3) identifies that:*

*"In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity".*

*Section 3.1(1) of the Act states*

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*"The general function of a local government is to provide for the good government of persons in its district."*

3. The Crown Management Order for the Reserve provides for a Community Purpose use with leasing for a period of 21 years subject to approval of the Minister for Lands. As reluctance has been indicated by current sporting groups to accept ownership of a community-built facility, would Council consider and implement the continuation of a community model that allows for accessibility to all community groups (not just sporting) that would provide social interaction that fosters community pride and a sense of belonging that would lead to the development of a volunteer opportunities and the learning of new life skills?  
A club manager model, funded by the shire?

**Response provided by Chief Executive Officer**

*Successive Shire of Dandaragan Councils have supported local communities to establish additional community sporting clubs and associated social/bar facilities – including the Cervantes Country Club, Dandaragan Country Club, Jurien Bay Golf Club and Jurien Bowling Club. The lease agreements for each of these facilities is clear in apportioning the costs and responsibilities for the management of these facilities to the users and members rather than the broader rate base. The Shire provides the resources and management for each town's ovals and recreation centre which are more generally open to the public. Accordingly, there is not currently a precedent whereby Council would fund the club management of these licensed venues however this could be considered as part of a future decision-making process.*

**Lex**

If Council put out an Expression of Interest to lease the Cervantes Country Club and there are none – What will then happen?

**Response provided by Chief Executive Officer**

*We were advised by the committee that they are no longer the best entity to manage the ongoing lease for the club. In the event that there are no Expressions of Interest generated through a public process, the matter would be returned to Council for further deliberations.*

**Sam Cochrane**

What does the Cervantes Country Club currently owe the Shire?

**Response provided by Chief Executive Officer**

*The Cervantes Country Club currently has payment arrangements in place for approximately \$30,000 in outstanding invoices.*

**Don Knowles**

If an Expression of Interest goes out, does that mean anyone can put their interest in? Even non-locals?

**Response provided by Chief Executive Officer**

*Yes, an Expressions of Interest process would be open to submissions from local entities and abroad, however ultimately Council makes a determination on the proposals put forward.*

**Barbara Hayes**

A statement regarding the current operation, products and services offered by the Club and its comparability to other existing market offerings was made.

**Terry Cox**

If the club closes, could the bowling club still have access to the building?

**Response provided by Chief Executive Officer**

*It is likely that in the event the Cervantes Country Club Inc. enters administration there would be a period of interruption and the Shire would act to secure the facility via a surrender of the existing lease. Without a management committee to manage the facility however there, wouldn't be the same level of service and range of access.*

**Stella Mackay**

If the premises are leased to a commercial entity, will it still maintain sporting and community uses? Will it maintain the current business model?

Stella also provided a statement contending that the three hospitality businesses in town should all be able to survive well in this town.

**Response provided by Chief Executive Officer**

*The Shire will need to await the outcomes of any Expressions of Interest process, however the intent of the facility and key expectations around community and sporting access will be written into the Expression of Interest documents.*

**Response provided by the Shire President**

*Council has the responsibility to make decisions in the best interests of the community which would be taken into account when deliberating on any proposals presented.*

**Kirra Ryan & Susie Glasfurd (Dandaragan Playgroup)**

Kirra and Susie presented to council and visitors their proposal to upgrade the fencing and safety of the Dandaragan playground/pump track area.

**5 APPLICATIONS FOR LEAVE OF ABSENCE**

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**COUNCIL DECISION**

**Moved Cr Scharf, seconded Cr Eyre**

That the following request for leave of absence be approved:  
Cr L Holmes – May and June 2023 Council meetings.

**CARRIED 9 / 0**

**6 CONFIRMATION OF MINUTES****6.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD 23 MARCH 2023****COUNCIL DECISION**

**Moved Cr Rybarczyk, seconded Cr Clarke**

That the minutes of the Ordinary Meeting of Council held be confirmed.

**CARRIED 9 / 0**

**7 NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Nil

**8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**

Nil

**9 REPORTS OF COMMITTEES AND OFFICERS****COUNCIL DECISION**

**Moved Cr Rybarczyk, seconded Cr Gibson**

That Council amend the order of business to bring Item 9.4.1 forward.

**CARRIED 9 / 0**

**COUNCIL DECISION**

**Moved Cr Scharf, seconded Cr McDonald**

That Council Suspend Clauses 8.8 and 10.5 of the Shire of Dandaragan Local Government (Council Meetings) Local Law 2019 to facilitate open discussion on item 9.4.1

**CARRIED 9 / 0**



***Impartiality Interest***

*Cr Shanhun declared an impartiality interest in Item 9.4.1 being the Secretary of the Cervantes Bowling Club.*

**9.4 GOVERNANCE & ADMINISTRATION****9.4.1 CERVANTES COUNTRY CLUB – LEASE REQUEST**

Location:	Shire of Dandaragan
Applicant:	Cervantes Country Club Inc.
Folder Path:	Office of the CEO / Department management
Disclosure of Interest:	Nil
Date:	3 April 2023
Author:	Brent Bailey, Chief Executive Officer
Senior Officer:	Not Applicable

**PROPOSAL**

The purpose of this report is for Council to consider a request from Cervantes Country Club (Club) to undertake a process to appoint a new lessee to manage and operate the facility.

**BACKGROUND**

The Club holds the lease over the clubhouse building on reserve 32133 which has a defined purpose of “Club and Club Premises”. The lease is for a term of 20 years and expires on 1 March 2037. Under the lease agreement the Club is responsible for all maintenance and the structural condition of the facility. The Club also reimburses Council for insurance premiums associated with the building. This arrangement is replicated across the Shire in other standalone sporting / bar facilities such as the Dandaragan Community Club, Jurien Bay Golf Club and Jurien Bowling Club that were built by the community rather than constructed as Council led projects. Surrounding and incorporated within the club are a number of facilities including:

- 18-hole golf course
- 1 Synthetic bowling green
- Clubhouse including bar, kitchen and meeting room facilities.
- Tennis Courts

The Golf, Tennis and Bowls Clubs are their own separate entities and utilise the club for their functions and sporting days. The Club covers the cost of electricity for the outdoor lights over the bowling green. The football club also hosts a number of events and their post-match awards at the club. The Club services the wider community and visitors to Cervantes offering a bar, restaurant, TAB and other associated product offerings.

Council has provided financial support to the Club with a self-supporting loan for renovations of the clubhouse and installation of the synthetic bowling green (on behalf of the Cervantes Bowls Club).

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In 2018, Council considered and declined a request from the Club to provided additional financial support to fund ongoing operations. The officer's report at the time noted:

*"The Club has endured a number of years of challenging trading conditions which the club has attributed in part to the reopening of the Cervantes Bar and Bistro which has a similar product offering.*

*During this time the Club's liquid assets have been drawn down to meet operating expenses. As a result, the Club is currently in a position where net current liabilities exceed net current assets and if trade creditors were to call in their debts the club would need an external source of immediate funding to meet these requirements."*

The Club's financial position has remained marginal over the last 5 years and the fact that the Club remained open during this time demonstrates the commitment and energy that the committee members and volunteers have invested in the facility. In March 2023, the Shire received correspondence from the management committee of the Club advising that they had exhausted their efforts to continue to operate the facility. The Club has cited a number of contributing factors including: COVID-19, staffing, kitchen profitability and operations and legacy debts.

The Club has asked Council to consider undertaking a process to appoint a new lessee to operate the facility after fielding interest from a private sector operator.

The management committee's decision on the matter is as follows:

*"The Committee, in consultation with members and the community, have passed the following resolutions:*

- 1) *The elected office bearers (the committee) have determined that they are no longer best placed to manage the facility given the ongoing challenges of managing the Club premises and Tavern business in the current operating environment.*
- 2) *The Committee request the Shire of Dandaragan Council to formally consider undertaking a process to appoint a (preferred) new lessee of the Cervantes Country Club facility, that reserves the members' and Sporting groups' current access rights and enjoyment of the club amenities.*
- 3) *Subject to a new lessee being appointed, we (the Committee) enter into a Deed of Surrender for the lease of the club amenities.*
- 4) *We (the Committee) request that, should the successful new lessee relinquish the lease at some time in the future, the Cervantes Community be given first option to regain the lease.*

#### COMMENT

As the lessor of the facility, Council will need to determine its preferred methodology for appointing a new lessee. In researching this agenda item staff have made contact with the Cervantes Bowling Club, Cervantes Golf Club and Cervantes Football Club

who have all confirmed they are not in a position to lease and operate the Cervantes Country Club.

With the current business model proving to be unsustainable in current market conditions and the lack of a suitable alternate sporting club prepared to take over management of the facility it is recommended that Council invite proposals from the wider community by way of Expressions of Interest. This process was recently utilised for the lease of the Jurien Bay Foreshore Pavilion café and allowed sufficient flexibility to respond to market lead initiatives should Council be willing to accept private sector proposals.

One of the most challenging aspects of this decision for Council is contrasting the need for a facility manager to ensure ongoing access and amenity for the associated sporting groups, against introducing additional competitive activity in the local hospitality sector which may undermine the business viability of other existing operators. In this context, Council may choose to exclude for-profit business models from any lease proposal process. Council also has the option to not undertake a process to appoint a new lessor and either coordinate access arrangements to the site itself or determine another use and function for the building via self-management. If this direction is a preferred outcome, then further dialogue with the existing Club committee and associated clubs will be required.

In navigating this decision-making process there are a number of other factors that will require resolution in due course as outlined below.

### **Development Approval**

The current use of the premises as stated in the lease is “Community and Sporting Club and uses reasonably ancillary thereto”. This has alignment to the Shire’s Local Planning Scheme No.7 where a Club is defined as “...premises used by a legally constituted club or association, or other body of persons united by a common interest”.

If the nature of the land use is not the same as the definition, a change of use will be triggered which will require a development approval process to also be undertaken. The same may apply if any additions or changes to the building are proposed or required.

### **Minister’s Approval**

The Shire has also addressed the matter with the Department of Lands who have advised that both the surrender of lease and any subsequent lessee’s appointment will require consent from the Minister for Lands. Consent will take into consideration the reserve’s purpose (Club and Club Premises) and proposed lease conditions.

### **Debts of the Cervantes Country Club Inc.**

At present the Club has a number of outstanding invoices with the Shire which total approximately \$30,000 associated with self-supporting loan repayments and insurance. There is currently a payment arrangement in place for these debts, however without the capacity to trade and earn revenue it is unlikely that these debts will be repaid unless paid by an external benefactor.

### CONSULTATION

- Cervantes Country Club Management Committee
- Department of Planning, Lands and Heritage.

### STATUTORY ENVIRONMENT

Local Government Act 1995 section 3.58 Disposing of property.

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

(4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*

(a) *the names of all other parties concerned; and*

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*(b) the consideration to be received by the local government for the disposition; and*

*(c) the market value of the disposition —*

*(i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*

*(ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

*(5) This section does not apply to —*

*(a) a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*

*(b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*

*(c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*

*(d) any other disposition that is excluded by regulations from the application of this section.*

*[Section 3.58 amended: No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]*

**POLICY IMPLICATIONS**

There are no policy implications relevant to this item.

**FINANCIAL IMPLICATIONS**

As detailed above the Club has approximately \$30,000 in outstanding debts with Council.

Existing operational budgets will be utilised for the purposes of undertaking an expressions of interest process and ascertaining a commercial valuation over the site. Depending on the outcome of the expressions of interest process, legal fees would be incurred for the establishment of a new lease.

**STRATEGIC IMPLICATIONS**

Strategic Community Plan Envision 2029

01 - Infrastructure	The Shire will work cooperatively with private enterprise and government agencies to develop and maintain a dynamic infrastructure network responsive to usage demand that attracts and retains residents and businesses.
<b>Priority Outcomes</b>	<b>Our Roles</b>
Our communities contain vibrant, activated public open spaces and	To manage and facilitate community assets that are flexible, vibrant, adaptable and enjoyable places to

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buildings with high levels of utilisation and functionality.	occupy employing the principals of place-making and design-thinking.
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**ATTACHMENTS**

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

- Letter from Cervantes Country Club Management Committee – (Doc Id: SODR-854388541-923)  
**(Marked 9.4.1)**

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Scharf, seconded Cr Rybarczyk**

**That Council:**

- 1) **Acknowledge the Cervantes Country Club Inc. Management Committee's conditional request to surrender the lease over the Cervantes Country Club facility.**
- 2) **Authorise the Chief Executive Officer to commence an Expressions of Interest process to invite proposals to lease the Cervantes Country Club facility for Council's consideration.**

**CARRIED 9 / 0**

**COUNCIL DECISION**

**Moved Cr Scharf, seconded Cr Gibson**

That Council reinstate clauses 8.8 and 10.5 of the Shire of Dandaragan Local Government (Council Meetings) Local Law 2019.

**CARRIED 9 / 0**

*Councillor W Gibson left the meeting at 4.44pm.*

*The majority of the members of the public left at 4.44pm.*

**9.1 CORPORATE & COMMUNITY SERVICES****9.1.1 ACCOUNTS FOR PAYMENT – MARCH 2023**

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	SODR-2042075298-70
Disclosure of Interest:	None
Date:	14 April 2023
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

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PROPOSAL

To accept the cheque, EFT, BPAY and direct debit listing for the month of March 2023.

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 March 2023 totalled \$2,470,329.34 for the Municipal Fund.

Should Councillors wish to raise any issues relating to the March 2023 Accounts for payment, please do not hesitate to contact the Chief Executive Officer 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

Nil

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.

ATTACHMENTS

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

- Cheque, EFT and direct debit listings for March 2023 (Doc Id: SODR-2042075298-54977)

**(Marked 9.1.1)**

VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Eyre, seconded Cr Clarke**

**That the Cheque, EFT, BPAY and direct debit payment listing for the period ending 31 March 2023 totalling \$2,470,329.34 be adopted.**

CARRIED 8 / 0

**9.1.2 BEACH EMERGENCY NUMBERING (BEN) SIGNS GRANT**

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	SODR-890489631-1797
Disclosure of Interest:	Nil
Date:	12 April 2023
Author:	Will Miller, Emergency Management Coordinator
Senior Officer:	Brent Bailey, Chief Executive Officer

**PROPOSAL**

To authorise a budget amendment to recognise Beach Emergency Numbering (BEN) Sign Grant offered by the Department of Local Government, Sport and Cultural Industries (DLGSCI) and administered by the Department of Primary Industries and Regional Development (DPIRD), and a corresponding expense to carry out the installation of updated signage per the grant agreement.

**BACKGROUND**

The Beach Emergency Numbers (BEN) system – named in honour of fatal shark bite victim Ben Gerring – is a coding system that aims to improve emergency response times by installing signs with unique codes at public beach access points.

These signs provide specific location information, vital when emergency services are deployed in the event of a shark sighting, incident or other beach emergencies.

The program was initially implemented by the City of Mandurah. In December 2017, the Western Australian Government launched a grants program to provide funding for local government authorities (LGAs) to install BEN signs along the coast from Geraldton to the South Australian border. The grants program was then extended in December 2020 to include coastal LGAs north of Geraldton to Kununurra, making the program accessible state-wide.

The BEN signs have a slide-in, slide-out sign-front which can also be flipped to indicate that a beach is closed when needed; streamlining the process to close a beach in the event of a shark sighting or attack. Some of the locations have been placed where visible from both the beach and either a footpath or campsite; this is to provide for greater coverage and versatility in what emergencies the signs may be utilised for (e.g. snakebites or other life-threatening injuries).

Signs are primarily located at beach access points determined by the LGA in consultation with DPIRD, the Department of Biodiversity, Conservation and Attractions (DBCA) and relevant stakeholders. The Shire of Dandaragan was initially successful in obtaining the



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grant in 2018, which saw 29 signs installed between Wedge Island and Sandy Cape.

### COMMENT

During the initial phase of the project rollout, BEN signs were prioritised for two-wheel-drive, ambulance accessible access points. The program has a broader scope and this further funding will expand the program to provide signs at all popular coastal destinations. User experience throughout the State has shown the signs have been most valued at remote beaches along the West Australian coast, where common beach names or gazetted roads are not known or found.

In the event where an incident occurs outside of the reach of an ambulance, WA Police, Volunteer Fire and Rescue, SES or rescue helicopters may be used to access a patient in need.

Shire staff have identified a number of areas which are primarily only accessible by four-wheel-drive vehicles, but frequently visited by locals and tourists alike. This has led to the identification of 15 locations between Hill River and the northern parts of Sandy Cape Reserve which qualify for a BEN sign. The locations are subject to a high influx of visitors through our usual peak seasons and frequent use throughout off-peak times.

### CONSULTATION

- Local Emergency Management Committee
- Department of Biodiversity, Conservation and Attractions
- Department of Primary Industries and Regional Development

### STATUTORY ENVIRONMENT

Local Government Act 1995 section 6.8

*6.8 Expenditure from municipal fund not included in annual budget*

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

- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or*
- (b) is authorised in advance by resolution\*; or*
- (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 Beach Emergency Number Sign Grant will increase the 2022/23 annual budget expenditure for Materials and Contracts by \$6,209 entirely offset by the grant. The total sum is paid in full upon signing of the grant agreement.

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The grant covers all components of the sign manufacturing, whereas the Shire works department, in conjunction with the Emergency Management Coordinator will be responsible for the installation. This will take two staff members approximately one standard business day to complete.

**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 key liveability factors such as health and wellbeing services and educational opportunities
<b>Priority Outcomes</b>	<b>Our Roles</b>
A safe, healthy, smart and active community that values its history and supports intergenerational relationships	Advocate for continued improvements in medical, education and support services from other levels of government and the private sector that facilitates aging, living and learning within the Shire.

**ATTACHMENTS**

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

- BEN sign installation map (Doc Id: SODR-1739978813-6454)  
**(Marked 9.1.2)**

**VOTING REQUIREMENT**

Absolute Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Shanhun, seconded Cr Clarke**

**That Council authorise a budget amendment to;**

- 1. recognise the BEN Sign Grant for the amount of \$6,209.00; and**
- 2. increase the Materials and Contracts expenditure budget within the Emergency Management Public Education Program sub-section by \$6,209.00 for the purpose of completing the planned treatment schedule.**

**CARRIED BY ABSOLUTE MAJORITY 8 / 0**

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 APRIL 2023</b>
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### **9.1.3 FINANCIAL STATEMENTS – MONTHLY REPORTING FOR THE PERIOD ENDING 31 MARCH 2023**

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	SODR-1743450996-2847
Disclosure of Interest:	None
Date:	17 April 2023
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

#### **PROPOSAL**

To table and adopt the monthly financial statements for the period ending 31 March 2023.

#### **BACKGROUND**

In accordance with the Local Government Act 1995 and Financial Management Regulations (1996), monthly financial statements are required to be presented to Council. Circulated are the monthly financial statements for the period ending 31 March 2023.

#### **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 31 March 2023 was \$1,161,308. 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 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.

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 APRIL 2023</b>
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Should Councillors wish to raise any issues relating to the 31 March 2023 financial statements, please do not hesitate to contact the Executive Manager Corporate and Community Services prior to the Council Meeting in order that research can be undertaken and details provided either at the time of the query or at the meeting.

CONSULTATION

- Chief Executive Officer

STATUTORY ENVIRONMENT

- Regulation 34 of the Local Government Financial Management Regulations (1996)

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Financial statements for the period ending 31 March 2023 (Doc Id: SODR-1743450996-2971)

**(Marked 9.1.3)**

VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Eyre, seconded Cr Rybarczyk**

**That the monthly financial statements for the period 31 March 2023 be adopted.**

**CARRIED 8 / 0**

**9.1.4 RECOGNISE EVERY CLUB GRANT AND AUTHORISE BUDGET AMENDMENT**

Location:	Shire of Dandaragan
Applicant:	Nil
Folder Path:	SODR-437506902-24
Disclosure of Interest:	Nil
Date:	06 April 2023
Author:	Rhiarn Sutton, Manager Customer & Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

<p><b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 APRIL 2023</b></p>
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PROPOSAL

To authorise a budget amendment to recognise the Every Club Grant from the Department of Local Government, Sport, and Cultural Industries (DLGSCI) to the value of \$21,966 and a corresponding expense to deliver a three-year Club Connect program.

BACKGROUND

The Shire provides support to our local sporting, recreational, and community clubs through allocating its budget processes in accordance with the Strategic Community Plan and the Shire Corporate Business Plan.

COMMENT

In March 2023, the Shire of Dandaragan Community Development team was successful in obtaining a \$21,966 Every Club Grant from the Department of Local Government, Sport, and Cultural Industries to assist the delivery of the Club Connect program. This Program is an opportunity for our community clubs to expand their knowledge and development.

This funding will support the implementation of the Shire of Dandaragan's three-year club development plan and assist in community sports and active recreation clubs to improve their governance, planning and management practices. To ensure that clubs are supported to build their organisational capacity and capability through accessible and flexible club development services.

The funding will be used to support the delivery a series of workshops, mentoring sessions, and an annual volunteer recognition event throughout the duration of the Club Connect program.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995 section 6.8

*6.8 Expenditure from municipal fund not included in annual budget*

*(2) 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 APRIL 2023**

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

The Every Club grant will increase the 2022/23, 2023/24 and 2024/25 annual budget expenditure by \$7,322 to assist with the Club Connect program with 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 key liveability factors such as health and wellbeing services and educational opportunities
<b>Priority Outcomes</b>	<b>Our Roles</b>
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

There are no attachments relevant to this item.

VOTING REQUIREMENT

Absolute Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Eyre, seconded Cr Glasfurd**

**That Council authorise a budget amendment to;**

- 1. recognise the Every Club Grant for the amount of \$21,966 which will be received over three financial years – 2022/23, 2023/24 and 2024/25; and**
- 2. increase the Club Development materials & contract expenditure budget by \$7,322 in the 2022/23 financial year for the purpose of the Club Connect program.**

**CARRIED BY ABSOLUTE MAJORITY 8 / 0**

### 9.1.5 RECOGNISE TECHNOLOGY AND DIGITAL INCLUSION GRANT AND AUTHORISE BUDGET AMENDMENT

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	SODR-1876983588-617
Disclosure of Interest:	Nil
Date:	06 April 2023
Author:	Rhiarn Sutton, Manager Customer & Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

#### PROPOSAL

To authorise a budget amendment to recognise a Technology and Digital Inclusion Grant from the State Library of Western Australia to the value of \$4,538 and a corresponding expense to purchase minor assets (laptop computers) to run a digital inclusion and education project.

#### BACKGROUND

The Shire provides Library services throughout our community through its budget processes in accordance with the Strategic Community Plan and the Shire Corporate Business Plan.

#### COMMENT

In March 2023, the Shire of Dandaragan Library Services team was successful in obtaining a \$4,538 Technology and Digital Inclusion Grant from the State Library of Western Australia to purchase laptop computers to support the digital inclusion and education program for the community. This project is an opportunity for the wider community to build their confidence and knowledge in the use of online resources including the online library services.

The funds will enable the Shire to purchase three laptops. Jurien Bay, Cervantes and Badgingarra Library will receive one each, which will enable Shire staff to deliver a series of small workshops and one on one sessions to educate our community on using technology to access and utilise our online resources and Library system. The laptops would support the Customer Service team to deliver this program alongside the community in an appropriate setting.

#### CONSULTATION

Nil

#### STATUTORY ENVIRONMENT

Local Government Act 1995 section 6.8

*6.8 Expenditure from municipal fund not included in annual budget*

*(3) 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*

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*(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 State Library of Western Australia grant will increase the 2022/23 annual budget expenditure for Expensed Minor Assets by \$4,538 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 key liveability factors such as health and wellbeing services and educational opportunities
<b>Priority Outcomes</b>	<b>Our Roles</b>
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**

There are no attachments relevant to this item.

**VOTING REQUIREMENT**

Absolute Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Clarke , seconded Cr Mcdonald**

**That Council authorise a budget amendment to;**

- 1. recognise the State Library of Western Australia grant for the amount of \$4,538; and**
- 2. increase the Minor Assets budget by \$4,538 for the purpose of purchasing to support the Digital Inclusion and Education project.**

**CARRIED BY ABSOLUTE MAJORITY 8 / 0**

**9.2 INFRASTRUCTURE SERVICES**



### 9.3 DEVELOPMENT SERVICES

#### 9.3.1 PROPOSED COMMUNITY PURPOSE – LOT 596 (NO.2) CASALS STREET (RESERVE 30824), CERVANTES

Location:	Lot 596 (No.2) (Reserve 30824) Casals Street, Cervantes
Applicant:	St John Ambulance Western Australia Ltd
Folder Path:	SODR-1262144384-17063
Disclosure of Interest:	Nil
Date:	28 March 2023
Author:	Rory Mackay, Principal Planning & Building Officer
Senior Officer:	Louis Fouche, Executive Manager Development Services

#### PROPOSAL

Council is requested to consider granting landowner's consent and development approval for the development of the St John Ambulance Sub Centre within a portion of undeveloped land on Reserve 30824, Tranquilo Park, Cervantes.

#### BACKGROUND

On 28 October 2021, Council resolved the following:

1. *agree to excise a portion of Reserve 30824 (Tranquilo Park) to create a new reserve 40m x 50m as detailed in the diagram attached Doc Id: SODR-1262144384-12358*
2. *make application to the Department of Planning, Lands and Heritage, for a new Management Order to be created in favour of St John Ambulance, and,*
3. *request the newly created reserve be for the purpose of "Emergency Services (ambulance)",*
4. *and, request the remainder of the existing Tranquilo Park purpose be changed from "Parking Area" to "Parking and Recreation".*

The above application has been supported by the Department of Planning, Lands and Heritage (Department) and Brooke and Marsh Licensed Surveyors has completed a survey (as attached) for the final 1873m<sup>2</sup> (reduced from 2000m<sup>2</sup> due to corner truncation) to be excised from Tranquilo Park and transferred to St John's. This process is expected to be finalised by the Department and Landgate in the coming months.

The applicant has chosen to seek development approval for Cervantes' new ambulance sub-centre concurrently with the above process, which is nearing completion.

The subject development application proposes the construction of a 399m<sup>2</sup> ambulance sub-centre and first aid training centre. The proposed use is aligned to the 'community purpose' land use within the Shire's Town Planning Scheme.

As the proposed development will be located within current Reserve 30824, which is vested with and under the care, control and

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management of the Shire; Council is required to give landowner's consent for the application. Should Council not grant this consent, the applications cannot proceed (determination of the application is then not required).

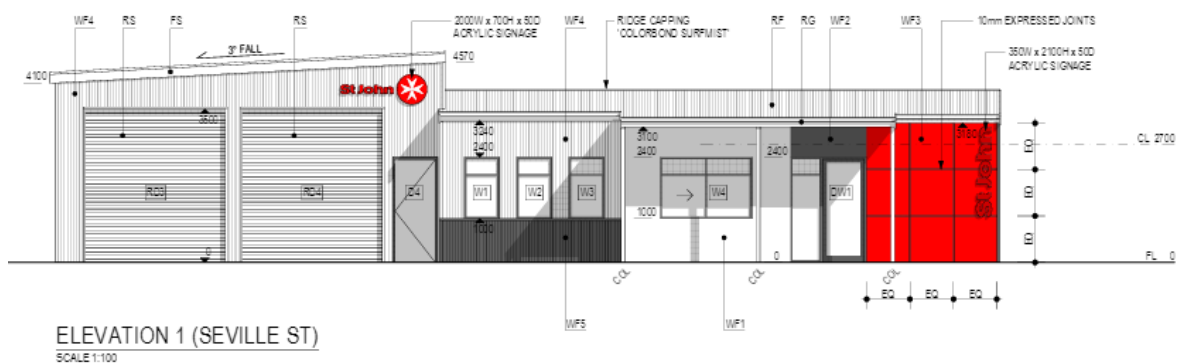
Reserve 30824 is reserved for 'public purposes' under the Shire's Local Planning Scheme (Scheme) and has the reservation land purpose of 'parking'. A 'community purpose' aligns with this current reservation and desired future reservation of the development site, which will be excised. The "parking" reservation land purpose will be amended to "Emergency Services" as part of the land excision and transfer process.

### COMMENT

The ambulance sub centre will be constructed on a prominent site off Seville Street which is currently undeveloped. As such, the proposed building will be compatible with the desired future streetscape of the Cervantes town centre by providing a buffer between commercial and residential land which surrounds the site.

The development will be set back 15m from Seville Street (primary street) and 12m from the unconstructed Casals Street (secondary street).

The proposed building will be clad in Colorbond and coloured fibre cement sheeting to St John's latest designs. The building will be predominately white with grey flashings and openings, with grey and red feature walls. Two simple recognisable St John ambulance signs will mark the front elevation of the structure.



It is considered that the built form height and massing (bulk and scale) as well as the use of material and finishes are responsive to the existing and desired future streetscape and will contribute positively to the character of the public realm in this locality, and provide positive amenity outcomes via its attractive, logical and intuitive layout.

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Six public car parking bays have been provided at the front of the building with six rear staff car parking bays. A 'community purpose' development under *Local Planning Policy 9.6 Car Parking* is required to have 1 car parking bay per 4 persons. As such the building can accommodate 48 persons.

Given the alignment demonstrated with the planning framework  
Given the above, it is recommended that Council approve the development application subject to relevant conditions. This includes a condition requiring the submission and adherence to a construction management plan given the development site is adjacent to established residential properties.

**CONSULTATION**

As the development is consistent with the purpose of the land reservation, advertising was not undertaken for the development application.

Furthermore, the initial proposal to excise a portion of Tranquilo Park for the development site was advertised to the public in October 2021. Two submissions which objected to this initial proposal were received at the time.

**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, 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.*

Community purpose is defined by the Scheme as:

*“the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit”.*

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**

Local Planning Policy 9.6 Car Parking

Minimum Parking Requirements

Community Purposes – 1 bay for 4 persons

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**FINANCIAL IMPLICATIONS**

The development application fee has been waived due to the community purpose nature of the proposal. This waiver has been made in accordance with Delegation Register section 1.2.21: Defer, Grant Discounts, Waive or Write Off Debts.

**STRATEGIC IMPLICATIONS**

Strategic Community Plan – Envision 2029

01 Infrastructure	The Shire will work cooperatively with private enterprise and government agencies to develop and maintain a dynamic infrastructure network responsive to usage demand that attracts and retains residents and businesses.
<b>Priority Outcomes</b>	<b>Our Roles</b>
Our investments in public assets are based on responsible and sustainable asset custodianship.	Work with community groups to review existing facilities, plan for renewal and ascertain the feasibility of any proposed new facilities.
02 Prosperity	The region will experience economic and population growth with increasing economic opportunities, diversifying primary production and a vibrant visitor economy.
<b>Priority Outcomes</b>	<b>Our Roles</b>
The Shire is home to a successful and growing market for domestic and international tourism.	Support the development of new products and services that increase the attraction of the region to the tourism market, in particular Indigenous cultural experiences.
Jurien Bay continues to grow as a regional centre that services and delivers benefits throughout the Shire.	Leverage public and private sector partnerships to deliver new infrastructure required to achieve sustainable economic and population growth.

**ATTACHMENTS**

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

- Development application 26/2023 (Doc Id: SODR-1262144384-17222)

***(Marked 9.3.1)***

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Clarke, seconded Cr Eyre**

**That Council:**

- 1. Agrees to provide landowner's consent for the development application for a community purpose (ambulance sub-**

centre) on Lot 596 Casals Street (Reserve 30824), Cervantes.

2. Grant development approval for a community purpose (ambulance sub-centre) to be developed on Lot 596 Casals Street (Reserve 30824), Cervantes in accordance with the following conditions:
  - A. All development shall 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.
  - B. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the Shire of Dandaragan.
  - C. All piped, ducted and wired services, air conditioners, hot water systems, water storage tanks, service meters and bin storage areas must be located to minimise any visual and noise impact on the occupants of nearby properties and screened from view from the street. Design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the Shire of Dandaragan, prior to lodging an application for a building permit.
  - D. Prior to occupation of the development, a detailed landscaping plan for the subject property and adjoining road verges must be submitted to, and approved by the Shire of Dandaragan, and must include the following:
    - a. the location, number, size and species type of existing ground covers, shrubs and trees;
    - b. any existing landscape areas to be retained; and
    - c. those areas to be updated, reticulated or irrigated.
  - E. The approved landscaping plan must be fully implemented within the first available planting season after occupation of the development, and maintained thereafter, to the satisfaction of the Shire of Dandaragan. Any species which fail to establish within the first two planting seasons following implementation must be replaced in consultation with and to the satisfaction of the Shire of Dandaragan.
  - F. Prior to lodging an application for a building permit, the applicant must submit and have approved by the Shire of Dandaragan and thereafter implement to the satisfaction of the Shire of Dandaragan, a construction management plan addressing the following matters:
    - a. How materials and equipment will be delivered and removed from the site;
    - b. How materials and equipment will be stored on the site;
    - c. Parking arrangements for contractors;

- d. Construction waste disposal strategy and location of waste disposal bins;
- f. How risks of wind and/or water borne erosion and sedimentation will be minimised during and after the works; and
- f. Other matters likely to impact on the surrounding properties.

**CARRIED 8 / 0**

*Cr W Gibson declared an impartiality interest in Item 9.3.2 being the President of the Returned & Services League of Australia WA Branch Incorporated – Jurien Bay Sub-Branch (RSL)*

### **9.3.2 PROPOSED AMENDMENT TO CLUB PREMISES & EXHIBITION CENTRE – LOT 503 BASHFORD STREET (RESERVE 31884) JURIEN BAY**

Location:	Lot 503 (Reserve 31884) Bashford Street, Jurien Bay
Applicant:	Returned and Services League of Australia WA Branch Incorporated – Jurien Bay Sub-Branch
Folder Path:	SODR-1262144384-17189
Disclosure of Interest:	Nil
Date:	30 March 2023
Author:	Rory Mackay, Principal Planning & Building Officer
Senior Officer:	Louis Fouche, Executive Manager Development Services

#### PROPOSAL

Council is requested to consider granting landowner's consent and approval for an application to amend the layout of the approved Jurien Bay Returned and Services League (RSL) club premises and exhibition centre.

#### BACKGROUND

On 14 November 2022, Council authorised the demolition of the Jurien Town Hall and approved a lease of the former Jurien Town Hall site to the RSL.

On 23 February 2023 resolved the following:

#### *Officer Recommendation 1*

*That Council agrees to provide landowner's consent for the development application for a club premises and an exhibition centre on the Lot 503 (Reserve 31884) Bashford Street, Jurien Bay to the Returned and Services League of Australia WA Branch Incorporated – Jurien Bay Sub-Branch.*

*Officer Recommendation 2*

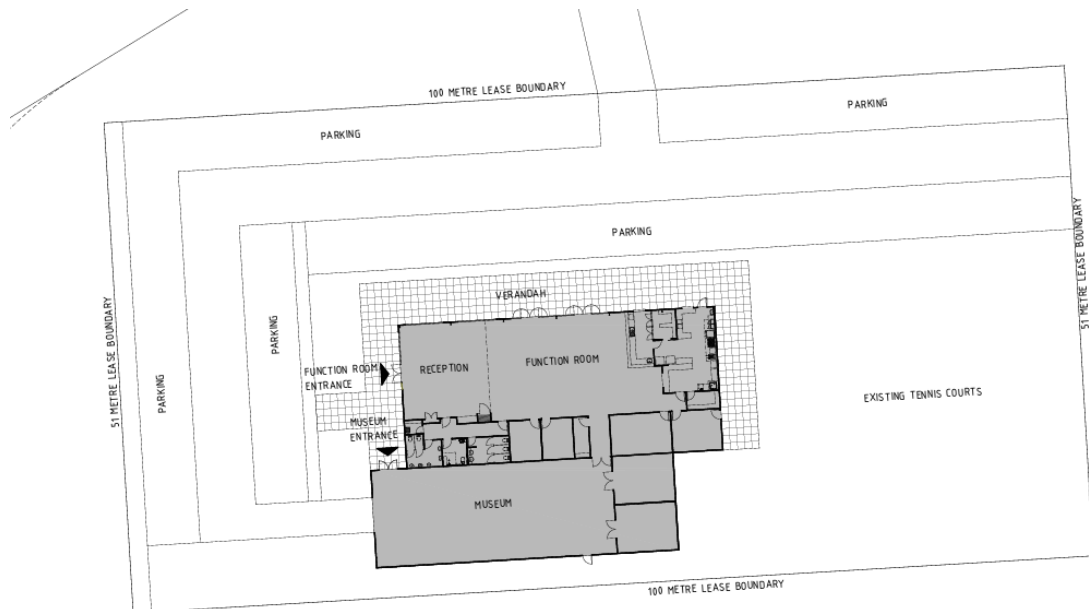
*That Council grant development approval for a club premises and an exhibition centre to be developed on Lot 503 (Reserve 31884) Bashford Street, Jurien Bay in accordance with the following conditions:*

- A. All development shall 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.*
- B. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the Shire of Dandaragan.*
- C. All areas of outdoor storage must be screened from public view. Design plans for the location, materials and construction of the proposed screening are to be included on the development plans to the satisfaction of the Shire of Dandaragan prior to lodging an application for a building permit.*
- D. All piped, ducted and wired services, air conditioners, hot water systems, water storage tanks, service meters and bin storage areas must be located to minimise any visual and noise impact on the occupants of nearby properties and screened from view from the street. Design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the Shire of Dandaragan, prior to lodging an application for a building permit.*
- E. Prior to occupation of the development, a detailed landscaping plan for the subject property must be submitted to, and approved by the Shire of Dandaragan, and must include the following:*
  - a. the location, number, size and species type of existing ground covers, shrubs and trees;*
  - b. any existing landscape areas to be retained; and*
  - c. those areas to be updated, reticulated or irrigated.*
- F. The approved landscaping plan must be fully implemented within the first available planting season after occupation of the development, and maintained thereafter, to the satisfaction of the Shire of Dandaragan. Any species which fail to establish within the first two planting seasons following implementation must be replaced in consultation with and to the satisfaction of the Shire of Dandaragan.*
- G. Prior to lodging an application for a building permit, the applicant must submit and have approved by the Shire of Dandaragan and thereafter implement to the satisfaction of the Shire of Dandaragan, a construction management plan addressing the following matters:*
  - a. How materials and equipment will be delivered and removed from the site;*
  - b. How materials and equipment will be stored on the site;*
  - c. Parking arrangements for contractors;*
  - d. Construction waste disposal strategy and location of waste disposal bins;*

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- e. How risks of wind and/or water borne erosion and sedimentation will be minimised during and after the works; and
  - f. Other matters likely to impact on the surrounding properties.
- H. The occasional use of the premises for functions should be incidental to the primary use of the building as a Club Premises and Exhibition Centre.

With the project moving into the detailed design phase for the subsequent building permit application, it has been identified that approved building layout requires modification to keep sufficient clearance from existing power lines. The rear exhibition centre portion of the building is required to be shifted 5.5m east and away from the power lines on the site. This results in the building now being a rectangular shape, with the verandahs on three sides retained.

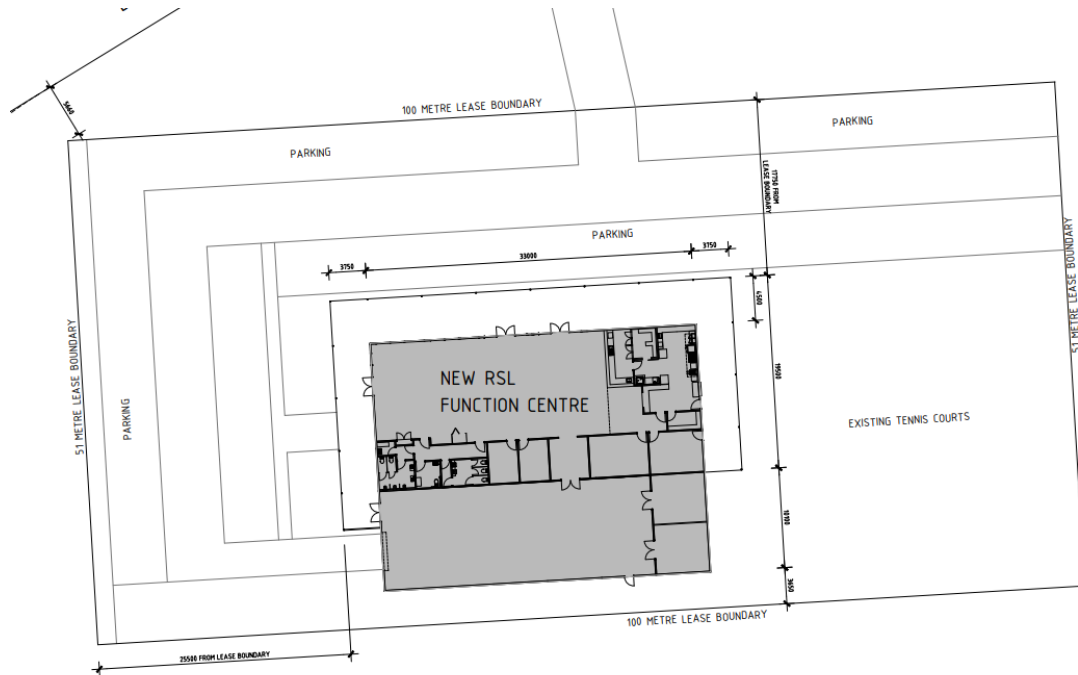


*Approved layout*

10



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*Amended layout*

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

### COMMENT

The requested amendment to the design is not significant as there is no change to the size of the building or internal rooms. The realignment of the exhibition centre portion of the building square with the club premises does however change the location of the external entry door into the museum space from addressing Bashford Street to Nineteenth Avenue.

As the requested amendment does not substantially change the development approved, it is recommended that Council provide landowner consent to the amended application and grant development approval as well.

### CONSULTATION

Deemed not necessary given the minor nature of the proposed amendment.

### STATUTORY ENVIRONMENT

Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2 Deemed provisions for local planning schemes:

Clause 77. Amending or cancelling development approval

(1) *An owner of land in respect of which development approval has been granted by the local government may make an application to the local government requesting the local government to do any or all of the following —*

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- (a) *to amend the approval so as to extend the period within which any development approved must be substantially commenced;*
  - (b) *to amend or delete any condition to which the approval is subject;*
  - (c) *to amend an aspect of the development approved which, if amended, would not substantially change the development approved;*
  - (d) *to cancel the approval.*
- (2) *An application under subclause (1) —*
- (a) *is to be made in accordance with the requirements in Part 8 and dealt with under this Part as if it were an application for development approval; and*
  - (b) *may be made during or after the period within which the development approved must be substantially commenced.*
- (3) *Despite subclause (2), the local government may waive or vary a requirement in Part 8 or this Part in respect of an application if the local government is satisfied that the application relates to a minor amendment to the development approval.*
- (4) *The local government may determine an application made under subclause (1) by —*
- (a) *approving the application without conditions; or*
  - (b) *approving the application with conditions; or*
  - (c) *refusing the application.*

**POLICY IMPLICATIONS**

There are no policy implications relevant to this item.

**FINANCIAL IMPLICATIONS**

The amended application fee has been waived as the RSL is a not-for-profit community group in accordance with Delegation Register section 1.2.21: Defer, Grant Discounts, Waive or Write Off Debts.

**STRATEGIC IMPLICATIONS**

Strategic Community Plan – Envision 2029

01 Infrastructure	The Shire will work cooperatively with private enterprise and government agencies to develop and maintain a dynamic infrastructure network responsive to usage demand that attracts and retains residents and businesses.
<b>Priority Outcomes</b>	<b>Our Roles</b>
Our investments in public assets are based on responsible and sustainable asset custodianship.	Work with community groups to review existing facilities, plan for renewal and ascertain the feasibility of any proposed new facilities.
02 Prosperity	The region will experience economic and population growth with increasing economic opportunities, diversifying

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	primary production and a vibrant visitor economy.
<b>Priority Outcomes</b>	<b>Our Roles</b>
The Shire is home to a successful and growing market for domestic and international tourism.	Support the development of new products and services that increase the attraction of the region to the tourism market, in particular Indigenous cultural experiences.
Jurien Bay continues to grow as a regional centre that services and delivers benefits throughout the Shire.	Leverage public and private sector partnerships to deliver new infrastructure required to achieve sustainable economic and population growth.

**ATTACHMENTS**

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

- Amendment plans (Doc Id: SODR-1262144384-17258)  
**(Marked 9.3.2)**

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Scharf, seconded Cr Rybarczyk**

**That Council agrees to provide landowner's consent for the application to amend development approval issued for a club premises and exhibition centre on the Lot 503 (Reserve 31884) Bashford Street, Jurien Bay to the Returned and Services League of Australia WA Branch Incorporated – Jurien Bay Sub-Branch.**

- 1. pursuant to Clause 77(1)(c) of *Schedule 2: Deemed Provisions for local planning schemes of the Planning and Development (Local Planning Schemes) Regulations 2015* grants approval for the application to amend the layout of the development of a club premises and exhibition centre on Lot 503 (Reserve 31884) Bashford Street, Jurien Bay; and**
- 2. advise the applicant that the amendment of the development layout does not alter the current conditions of approval in relation to the development.**

**CARRIED 8 / 0**

### 9.3.3 PROPOSED OUTBUILDING – LOT 80 (NO. 3) COOK STREET, JURIE BAY

Location:	Lot 80 (No.3) Cook Street, Jurien Bay
Applicant:	Nusteel Patios & Sheds Moora on behalf Kevin O’Keefe & Jennifer Walmsley of Silver Sunset Pty Ltd
File Ref:	SODR-1262144384-17217
Disclosure of Interest:	Nil
Date:	30 March 2023
Author:	Rory Mackay, Principal Planning & Building Officer
Senior Officer:	Louis Fouché, Executive Manager of Development Services

#### PROPOSAL

The proponent is seeking development approval for an oversized outbuilding at Lot 80 (No.3) Cook Street, Jurien Bay.



Location Plan – Lot 80 (No.3) Cook Street, Jurien Bay

#### BACKGROUND

On 23 February 2023, Council refused a development application for 10m by 12m (120m<sup>2</sup>) enclosed outbuilding with a wall height of 4.4m and a ridge height of 5.4m at the rear of the 863m<sup>2</sup> property. Council resolved as follows:

*That Council refuse the development application for the proposed outbuilding at Lot 80 (No.3) Cook Street, Jurien Bay as the development would:*

- *not be compatible with its setting and the desired character of the locality in terms of the likely effect of its orientation and appearance (Clause 67(2)(m) of the Deemed Provisions for local planning schemes);*
- *have an adverse amenity impact on the character of the locality (Clause 67(2)(n) of the Deemed Provisions for local planning schemes); and*
- *not comply with orderly and proper planning for the locality and if approved, set an undesirable precedent for similar development applications in the future, inconsistent with Local Planning Policy*

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*9.4 Outbuilding - Residential Areas (clause 67(2)(b & g) of the Deemed Provisions for local planning schemes).*

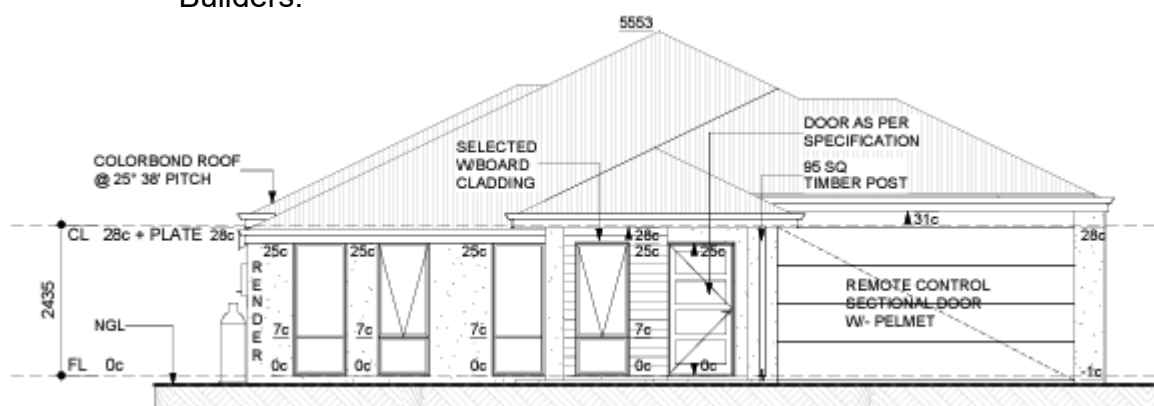
*Advice to applicant:*

*If the applicant/landowner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal*

The applicant has subsequently lodged a new development application for an enclosed outbuilding with the same floor area (120m<sup>2</sup>) with a wall height of 4m and a ridge height of 5m at the rear of the 863m<sup>2</sup> property. The orientation of the outbuilding has been amended to face the front of the property and not the neighbouring property (also owned by the applicant).

The new proposed outbuilding will have its southern rear corner built up to the adjoining rear property, however the rear elevation will taper away from this angled property boundary to be set back 2m at the other rear corner as shown in the attached site plan. The western side facade will be built up to the side property boundary of the adjoining property (which is also owned by the proponent).

A building permit for a 245m<sup>2</sup> three-bedroom, two-bathroom single storey dwelling was issued on 21 December 2022 to WA Country Builders.



**Approved Dwelling Front Elevation**

As the property is being developed for residential purposes with the construction of a single house and the proposed ancillary outbuilding, *Local Planning Policy 9.4: Outbuildings Residential Areas* (Policy) has been used to assess the application. This Policy outlines the following parameters for outbuildings:

	LPP9.4	Proposed
Area	80m <sup>2</sup>	120m <sup>2</sup>
Wall/gutter height	3.6m	4m
Ridge Height	4.5m	5m
Rear setback	1.5m	Nil to 2m
Side setback	1.5m	Nil

The proponent has sought the above outbuilding area variation for storage needs for the following large recreational vehicles:

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- 8.8m x 2.47m caravan with additional rear bike rack and ability to slide out 0.6m on one side.
- 6.6m boat on a 9.2m long trailer.

As a result of the Policy variations sought, the development application is referred to Council for a determination in accordance with Delegation 9.1.1 of the Shire of Dandaragan Delegations Register.

**COMMENT**

Where a proposal does not meet the deemed-to-comply provisions of the Policy, the decision maker is to consider the application against the design principles of the Policy (which is as per the R-Codes). The R-Codes design principles applicable for the proposed outbuilding and the officer's assessment of each are as follows.

**Lot boundary setback 5.1.3, P3.2**

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 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.
- does not have any adverse impact on the amenity of the adjoining property.

**Outbuildings 5.4.3, P3**

*Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.*

The proposal complies with the deemed-to-comply provisions of the R-Codes for overshadowing as the outbuilding will not cast a shadow more than 25% on adjoining southern properties at midday on winter solstice.

The tapered rear boundary setback is not considered to have significant impact on the adjoining rear neighbour who has an outbuilding adjacent to the proposed shed. Additionally, the proposal will have little impact on the privacy of the proponent or adjoining landowners, if not increasing privacy levels.

However, the nil side boundary setback for a proposed wall of 4m high, 12m long is considered to have an adverse impact on the adjoining property and surrounding streetscape in terms of building height, bulk and scale.

The oversized outbuilding both in height and area proposed will have a building bulk and scale that will appear dominant in relation

to the site as well as the streetscape. This can negatively affect current and future adjoining landowners (particularly Lot 79 Cook Street) and the overall streetscape in a prominent location of Jurien Bay.

The character of the locality is in a period of transition as a number of original Jurien Bay 'beach shacks' in this locality are being demolished and replaced with new dwellings or commercial development.

The proposed oversized outbuilding with a 4m wall height and 5m ridge height will result in an ancillary building appearing bulky in relation to the dwelling under construction with a 2.4m wall height and 5.5m ridge height on the property. This will result in the amenity of the streetscape and views along Cook Street being detracted from as a result of the proposed outbuilding being visually intrusive.

The subject property can be subdivided to a maximum coding density of R80 which could result in 7 unit lots. The proposed outbuilding is the same size as the average lot size required for such subdivision of 120m<sup>2</sup>. All adjoining lots can also be subdivided to higher density than currently developed. Therefore, approval of the oversized outbuilding will result in an adverse impact on the visual amenity of potential future higher density development in this locality of Jurien Bay.

#### Local Planning Scheme No.7

The following relevant Scheme provisions also apply to the proposed development:

##### 4.23 Development in the Regional Centre Zone

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

The City Centre Strategy Plan (Strategy) earmarks the subject area for offices as well as residential development with the Regional Centre mixed use zoning -

*Where only residential development occurs a coding of R80 should apply as this enables the option of multiple dwellings (apartments) as well grouped dwellings. This provides more intensive development of a different housing form more suited to mixed use areas and where ground floor levels may be used for office uses....*

*An appropriate scale within the City Centre should be established based on all new developments, including private housing, being respectful of the small-scale nature of the original Jurien Bay houses and ensure that designs are created which modulate larger buildings to read as a collection of smaller buildings.*

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*As such, in general a maximum height of 2 storeys is appropriate for residential areas and 3 storeys for non-residential areas within the City Centre...*

*Building form should ensure that buildings do not dominate at street level...*

The proposed ancillary residential outbuilding is not considered to be consistent with the above as it will be a visually dominant building on a mixed-use zoned property, which is desired by the landowner to be used for low density residential development. The proposed structure will have a prominent building mass on the property and will not achieve a site responsive design as set out within the Strategy. The bulk and scale of the proposed outbuilding is not considered compatible with the desired future character of the locality. Furthermore, the proposed outbuilding has the potential to lead to undesirable amenity impacts on surrounding properties and the streetscape.

The storage needs of the applicant is not a valid town planning consideration under the Shire's Local Planning Framework and it is considered that there is sufficient room to store the applicant's recreational vehicles within an 80m<sup>2</sup> outbuilding.

The approval of the proposal which seeks variation to the Policy's maximum heights and area would set an undesirable precedent for future like development applications. Every approval of development of this nature that significantly varies from Council's Policy and the R-Codes has the potential to adversely instead of positively impact the current and future character of the locality.

In summary, it is recommended, for the above reasoning, that Council refuse the subject development application.

### CONSULTATION

The initial development application was forwarded to adjoining landowners for comment and no responses were received. As a result of this the revised development application was not readvertised.

### STATUTORY ENVIRONMENT

- Planning and Development (Local Planning Schemes) Regulations 2015
  - Deemed provisions for local planning schemes
  - Cl.67. Consideration of application by local government
    - (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...
    - (e) any policy of the Commission;
    - (f) any policy of the State;
    - (g) any local planning policy for the Scheme area;



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- (fa) any local planning strategy for this Scheme endorsed by the Commission;
- (m) the compatibility of the development with its setting, including —
  - (i) the compatibility of the development with the desired future character of its setting; and
  - (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- (n) the amenity of the locality including the following —
  - (ii) the character of the locality;
- 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.

The subject property is zoned 'Regional Centre' under the Shire's Local Planning Scheme No.7 (Scheme). The objectives of this zone are:

- *Provide a range of services and uses to cater for both the local and regional community, including but not limited to specialty shopping, restaurants, cafes and entertainment.*
- *Ensure that there is a provision to transition between the uses in the regional centre and the surrounding residential areas to ensure that the impacts from the operation of the regional centre are minimised.*
- *Provide a broad range of employment opportunities to encourage diversity and self-sufficiency within the Centre.*
- *Encourage high quality, pedestrian-friendly, street-oriented development that responds to and enhances the key elements of the Regional Centre, to develop areas for public interaction.*
- *Ensure that the provision of residential opportunities within the Regional Centre, including high density housing and tourist accommodation that supports the role of the regional centre and meets the needs of the community.*

#### POLICY IMPLICATIONS

- *Residential Design Codes (R-Codes) (State Planning Policy 7.3)*  
An outbuilding is defined by the R-Codes as:  
*An enclosed non-habitable structure that is detached from any dwelling.*
- Local Planning Policy 9.4 Outbuildings Residential Areas

#### FINANCIAL IMPLICATIONS

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

#### STRATEGIC IMPLICATIONS

- Jurien Bay City Strategy Plan – as outlined in Comment section of the report.

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- Local Planning Strategy 2020 –  
Actions – Settlement Planning  
In response to population growth, demographic change and economic opportunity facilitate staged development of the townsite consistent with the Jurien Bay Growth Plan and the Jurien Bay City Centre Strategy Plan.

#### ATTACHMENTS

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

- Development application 32/23 (Doc Id: SODR-1262144384-17262)

**(Marked 9.3.3)**

#### VOTING REQUIREMENT

Simple majority

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

**Moved Cr Rybarczyk, seconded Cr Scharf**

**That Council refuse the development application for the proposed outbuilding at Lot 80 (No.3) Cook Street, Jurien Bay as the development would:**

- **not be compatible with its setting and the desired character of the locality in terms of the likely effect of its orientation and appearance (Clause 67(2)(m) of the Deemed Provisions for local planning schemes);**
- **have an adverse amenity impact on the character of the locality (Clause 67(2)(n) of the Deemed Provisions for local planning schemes); and**
- **not comply with orderly and proper planning for the locality and if approved, set an undesirable precedent for similar development applications in the future, inconsistent with *Local Planning Policy 9.4 Outbuilding – Residential Areas* (clause 67(2)(b & g) of the Deemed Provisions for local planning schemes).**

**Advice to applicant:**

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

**CARRIED 8 / 0**

*Councillor W Gibson re-entered the meeting at 4.49pm*

**9.5 COUNCILLOR INFORMATION BULLETIN****9.5.1 SHIRE OF DANDARAGAN – MARCH COUNCIL STATUS REPORT**

Document ID: [SODR-1739978813-6418]

Attached to the agenda is a copy of the Shire's status report from the Council Meeting held 23 March 2023. **(Marked 9.5.1)**

**9.5.2 SHIRE OF DANDARAGAN – BUILDING STATISTICS – MARCH 2023**

Document ID: [SODR-2045798944-4209]

Attached to the agenda is a copy of the Shire of Dandaragan Building Statistics for March 2023. **(Marked 9.5.2)**

**9.5.3 SHIRE OF DANDARAGAN – PLANNING STATISTICS – MARCH 2023**

Document ID: [SODR-2045798944-210]

Attached to the agenda is a copy of the Shire of Dandaragan Planning Statistics for March 2023. **(Marked 9.5.3)**

**9.5.4 SHIRE OF DANDARAGAN TOURISM / LIBRARY / COMMUNITY ACTIVITIES REPORT FOR MARCH 2023**

Document ID: [SODR-1876983588-1243]

Attached to the agenda is monthly report for Tourism / Library for March 2023. **(Marked 9.5.4)**

**9.5.5 CBH GROUP – HARVEST 2022/2023**

Document ID: [SODR-437506902-10181]

Attached to the agenda is correspondence from CBH Group in relation to the 2022/2023 Harvest. **(Marked 9.5.5)**

**9.5.6 ELECTORAL BOUNDARY REDISTRIBUTION CORRESPONDENCE – SHANE LOVE MLA**

Document ID: [SODR-878193511-6596]

Attached to the agenda is correspondence from Shane Love MLA in relation to Electoral Boundary Redistribution. **(Marked 9.5.6)**

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

Nil

**11 CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE PUBLIC**

Nil

**12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 APRIL 2023****13 CLOSURE OF MEETING**

The presiding member declared the meeting closed at 4.50pm.

These minutes were confirmed at a meeting on 25 May 2023

Signed



Presiding person at the meeting at which the minutes were confirmed

Date 25 May 2023