

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

**MINUTES**

**of the**

**ORDINARY COUNCIL MEETING**

**held at the**

**JURIEN BAY COUNCIL CHAMBERS,**

**on**

**THURSDAY 26 OCTOBER 2023**

**COMMENCING AT 4.00PM**

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

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MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 OCTOBER 2023
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## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

### 1.1 DECLARATION OF OPENING

The Shire President declared the meeting open at 4pm 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 2 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 T O’Gorman	(President)
Councillor M McDonald	(Deputy President)
Councillor J Clarke	
Councillor R Glasfurd	
Councillor W Gibson	
Councillor R Shanhun	
Councillor S Young	

### Staff

Mr B Bailey	(Chief Executive Officer)
Mr B Pepper	(Executive Manager Infrastructure)
Mr L Fouché	(Executive Manager Development Services)
Mrs N Winsloe	(Executive Secretary)
Mr R Mackay	(Planning Officer)
Ms R Sutton	(Manager Corporate & Community Services)
Ms T Slee	(Economic Development Manager)

### Apologies

Nil

### Approved Leave of Absence

Nil

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 OCTOBER 2023****Observers**

There were 2 members of the public present, Murray Ford and Frank Whitten.

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

Nil

**4 PUBLIC QUESTION TIME**

Nil

**5 APPLICATIONS FOR LEAVE OF ABSENCE****COUNCIL DECISION**

Moved Cr Shanhun, seconded Cr McDonald

That the following request for leave of absence be approved.

Cr Gibson – November 22 to December 10 2023.

**CARRIED 7 / 0**

**FOR: Cr O’Gorman, Cr McDonald, Cr Clarke, Cr Gibson, Cr  
Young, Cr Glasfurd, Cr Shanhun**

**AGAINST: Nil**

**6 CONFIRMATION OF MINUTES****6.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD 28  
SEPTEMBER 2023****COUNCIL DECISION**

Moved Cr Shanhun, seconded Cr Gibson

That the minutes of the Ordinary Meeting of Council held 28  
September be confirmed.

**CARRIED 7 / 0**

**FOR: Cr O’Gorman, Cr McDonald, Cr Clarke, Cr Gibson, Cr  
Young, Cr Glasfurd, Cr Shanhun**

**AGAINST: Nil**

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 OCTOBER 2023****6.2 MINUTES OF THE SPECIAL COUNCIL MEETING HELD 4 OCTOBER 2023****COUNCIL DECISION**

Moved Cr McDonald, seconded Cr Glasfurd

That the minutes of the Ordinary Meeting of Council held 4 October be confirmed.

**CARRIED 7 / 0**

**FOR: Cr O’Gorman, Cr McDonald, Cr Clarke, Cr Gibson, Cr Young, Cr Glasfurd, Cr Shanhun**

**AGAINST: Nil**

**6.3 MINUTES OF THE SPECIAL COUNCIL MEETING HELD 23 OCTOBER 2023****COUNCIL DECISION**

Moved Cr Shanhun, seconded Cr Clarke

That the minutes of the Ordinary Meeting of Council held 23 October be confirmed.

**CARRIED 7 / 0**

**FOR: Cr O’Gorman, Cr McDonald, Cr Clarke, Cr Gibson, Cr Young, Cr Glasfurd, Cr Shanhun**

**AGAINST: Nil**

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

Nil

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

Nil

## 9 REPORTS OF COMMITTEES AND OFFICERS

### 9.1 CORPORATE & COMMUNITY SERVICES

#### 9.1.1 FINANCIAL STATEMENTS – MONTHLY REPORTING FOR THE PERIOD ENDING 30 SEPTEMBER 2023

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	SODR-2042075298-66210
Disclosure of Interest:	None
Date:	13 October 2023
Author:	Rebecca Pink, Accountant
Senior Officer:	Brent Bailey, Chief Executive Officer

#### PROPOSAL

To table the monthly financial statements for the period ending 30 September 2023 for adoption by Council.

#### 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 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 30 September 2023 was \$7,633,446. 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.

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 OCTOBER 2023**

Should Councillors wish to raise any issues relating to the 30 September 2023 financial statements, please do not hesitate to contact the Accountant 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 2023  
(Doc Id: SODR-2042075298-66208)

***(Marked 9.1.1)***

**VOTING REQUIREMENT**

Simple majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Clarke, seconded Cr Gibson**

**That the monthly financial statements for the period 30 September 2023 be received.**

**CARRIED 7 / 0**

**FOR: Cr O’Gorman, Cr McDonald, Cr Clarke, Cr Gibson, Cr Young, Cr Glasfurd, Cr Shanhun**

**AGAINST: Nil**



<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 OCTOBER 2023</b>
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## **9.1.2 ACCOUNTS FOR PAYMENT FOR THE PERIOD ENDED 30 SEPTEMBER 2023**

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	SODR-2042075298-60134
Disclosure of Interest:	None
Date:	13 October 2023
Author:	Rebecca Pink, Accountant
Senior Officer:	Brent Bailey, Chief Executive Officer

### PROPOSAL

To accept the cheque, EFT, BPAY and direct debit listing for the month of September 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 September 2023 totalled \$1,236,154.59 for the Municipal Fund.

Should Councillors wish to raise any issues relating to the SEPTEMBER 2023 Accounts for payment, please do not hesitate to contact the Accountant 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

Accountant

### 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 are the following items relevant to this report:

- Cheque, EFT and direct debit listings for September 2023 (Doc Id: SODR-2042075298-66224)

**(Marked 9.1.2)**

VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION / COUNCIL DECISION****Moved Cr Shanhun, seconded Cr Clarke****That the Cheque, EFT, BPAY and direct debit payment listing for the period ending 30 September 2023 totalling \$1,236,154.59 be received.****CARRIED 7 / 0****FOR: Cr O’Gorman, Cr McDonald, Cr Clarke, Cr Gibson, Cr Young, Cr Glasfurd, Cr Shanhun****AGAINST: Nil****9.1.3 ALLOCATION OF ECONOMIC DEVELOPMENT GRANT FUNDS**

Location:	N/A
Applicant:	Shire of Dandaragan
Folder Path:	SODR-757425863-2121
Disclosure of Interest:	Nil
Date	10 October 2023
Author:	Tricia Slee, Economic Development Manager
Senior Officer:	Louis Fouché, Executive Manager Development Services

PROPOSAL

The purpose of this report is for Council to approve the allocation of funds for the inaugural Shire of Dandaragan Economic Development Grant for 2023/2024.

BACKGROUND

The Shire of Dandaragan Policy 5.6 C-5EDGP06 Economic Development Grant was endorsed by the Council in May 2023.

The objective of the Economic Development Grant is to support projects that align with Council’s economic development strategic priorities and demonstrate economic development outcomes for communities within the Shire of Dandaragan.

Promotion of the new Economic Development Grant program was undertaken in the Shire Matters newsletter, social media posts, direct mail to businesses and business advocacy groups within the Shire, and each local community newsletter.

Applications were invited from 1 July to 31 August 2023, with review of the applications being completed by officers during September and October.

Council will offer \$30,000 per annum for the Economic Development Grant program. To be eligible and successful

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applicants must meet all required eligibility criteria, be 'project ready' and contribute no less than 50% of their total project cost.

**COMMENT**

This is the first year that the Economic Development Grant has been offered. A Major Event Grant of \$30,000 was offered in 2021/2022 for expenditure in 2022/2023. Three applications were received, and all were funded by Council. One event was later cancelled, and the grant returned. Council made the decision in 2023 to broaden the scope of the grant to support any project that could demonstrate economic development benefits for the Shire. This shift encourages applicants from other industry sectors whilst still being open to organisers of major events.

Fifteen grant information packages were requested and emailed to prospective applicants across the Shire. Six grant applications were received, as follows.

<b>Business / Organisation</b>	<b>Project Title</b>	<b>Project Cost</b>	<b>Grant Request</b>
Dandaragan Heritage and Cultural Centre	Architectural Draft Drawings for the DHCC	\$10,000	\$5,000
Hammond Scene Pty. Ltd.	Brewery Cool Room Expansion	\$15,057	\$7,500
Infinity Skate WA	Revolve Skate Series	\$11,458	\$4,658
Jurien Bay Beach Café	Jurien Bay Beach Café 'Pop Up'	\$685,000	\$30,000
Perth Game Fishing Club	West Australian Open 2024	\$30,000	\$5,000
Sports Performance and Management	Wildflower Festival of Running	\$18,521	\$6,660
<b>Total</b>		<b>\$770,036</b>	<b>\$58,818</b>

The grant assessment panel consisted of the following officers

- Chief Executive Officer
- Executive Manager Development Services
- Economic Development Manager

Officers considered that the application from the Jurien Bay Beach Café was well aligned with Council's strategic economic development priorities and was of a high standard. However, the proposed project does not have land tenure certainty which is still subject to Council consideration. On this basis, the project was not 'ready to implement' on receipt of the grant funds. Officers recommend that the applicant apply in the 2024/2025 grant round, should approval be given by Council for the proposed beachfront pop-up project.

Officers considered that whilst some of the remaining five applications were better prepared and presented than others, all five aligned with the economic development strategic priorities, and each project would bring economic benefits to the Shire. Officers

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 OCTOBER 2023**

recommend that it would be appropriate for Council to fund all remaining eligible applicants in this first grant round.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

There is no statutory environment relevant to this item.

POLICY IMPLICATIONS

Shire of Dandaragan Policy 5.6 C-5EDGP06 Economic Development Grant.

FINANCIAL IMPLICATIONS

Council has made provision in the annual budget to allocate \$30,000 per annum to fund this grant program.

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
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Economic and Tourism Development Strategy, Implementation Plan

ATTACHMENTS

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

- Shire of Dandaragan Policy 5.6 C-5EDGP06 Economic Development Grant Policy (Doc Id: SODR-461937211-1430)
- Summary Grant Applications (Doc Id: SODR-757425863-2125) **(Marked 9.1.3)**

VOTING REQUIREMENT

Simple Majority

**COUNCILLOR MOTION / COUNCIL DECISION**

**Moved Cr Shanhun, seconded Cr Young**

- 1. Approve funding to the following grant applicants for the projects and amounts noted below:**

<b>Business / Organisation</b>	<b>Project Title</b>	<b>Location</b>	<b>Grant Request</b>
Dandaragan Heritage and Cultural Centre	Architectural Draft Drawings for the DHCC	Dandaragan	\$5,000
Infinity Skate WA	Revolve Skate Series in Jurien Bay	Jurien Bay	\$4,658

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Perth Game Fishing Club	West Australian Open 2024	Jurien Bay	\$5,000
Sports Performance and Management	Wildflower Festival of Running	Cervantes (Pinnacles) / Jurien Bay	\$6,660
<b>Total Requests</b>			<b>\$21,318</b>

- 2. Authorise the CEO to expend the remaining grant funds on marketing initiatives that promote the events which have received an Economic Development Grant.**

**LOST 5 / 2**

**FOR: Cr Shanhun, Cr Young**

**AGAINST: Cr O’Gorman, Cr McDonald, Cr Clarke, Cr Gibson, Cr Glasfurd.**

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr McDonald, seconded Cr Clarke**

- 1. Approve funding to the following grant applicants for the projects and amounts noted below:**

<b>Business / Organisation</b>	<b>Project Title</b>	<b>Location</b>	<b>Grant Request</b>
Dandaragan Heritage and Cultural Centre	Architectural Draft Drawings for the DHCC	Dandaragan	\$5,000
Hammond Scene Pty. Ltd.	Brewery Cool Room Expansion	Dandaragan	\$7,500
Infinity Skate WA	Revolve Skate Series in Jurien Bay	Jurien Bay	\$4,658
Perth Game Fishing Club	West Australian Open 2024	Jurien Bay	\$5,000
Sports Performance and Management	Wildflower Festival of Running	Cervantes (Pinnacles) / Jurien Bay	\$6,660
<b>Total Requests</b>			<b>\$28,818</b>

- 2. Authorise the CEO to expend the remaining grant funds on marketing initiatives that promote the events which have received an Economic Development Grant.**

**CARRIED 7 / 0**

**FOR: Cr O’Gorman, Cr McDonald, Cr Clarke, Cr Gibson, Cr Young, Cr Glasfurd, Cr Shanhun**

**AGAINST: Nil**

## 9.2 INFRASTRUCTURE SERVICES

## 9.3 DEVELOPMENT SERVICES

### 9.3.1 ADOPTION OF MODIFIED LOCAL PLANNING POLICY - BEACHRIDGE ESTATE RESIDENTIAL DESIGN GUIDELINES

Location:	Beachridge Estate, Jurien Bay
Folder Path:	SODR-877026889-3355
Disclosure of Interest:	Nil
Date:	4 October 2023
Author:	Rory Mackay, Principal Planning & Building Officer
Senior Officer:	Louis Fouché, Executive Manager of Development Services

#### PROPOSAL

The purpose of the report is for Council to consider adopting the amended Local Planning Policy for Beachridge Estate.

#### BACKGROUND

The Beachridge Estate Residential Design Guidelines (Design Guidelines) were last modified and adopted by Council as a local planning policy on 20 September 2022.

The Design Guidelines were developed by the estate land developer, Ardross Group of Companies in consultation with the Shire and largely reflect the restrictive covenants the developer holds over all properties within the residential estate. The Design Guidelines are adopted by Council as a local planning policy as they vary the State-wide Residential Design Codes Volume One (State Planning Policy 7.3), most notably by a reduced front setback of 3m to a dwelling's build line.

Appendix 2 of the Design Guidelines (shown below) acknowledges not all properties within the estate can practically achieve the required front build line as they are of irregular shape; and therefore, permits discretion on compliance with the front setback provisions of the Guidelines.

#### **APPENDIX 2 - LOTS FOR WHICH DISCRETION ON FRONT BUILD-TO LINE APPLIES**

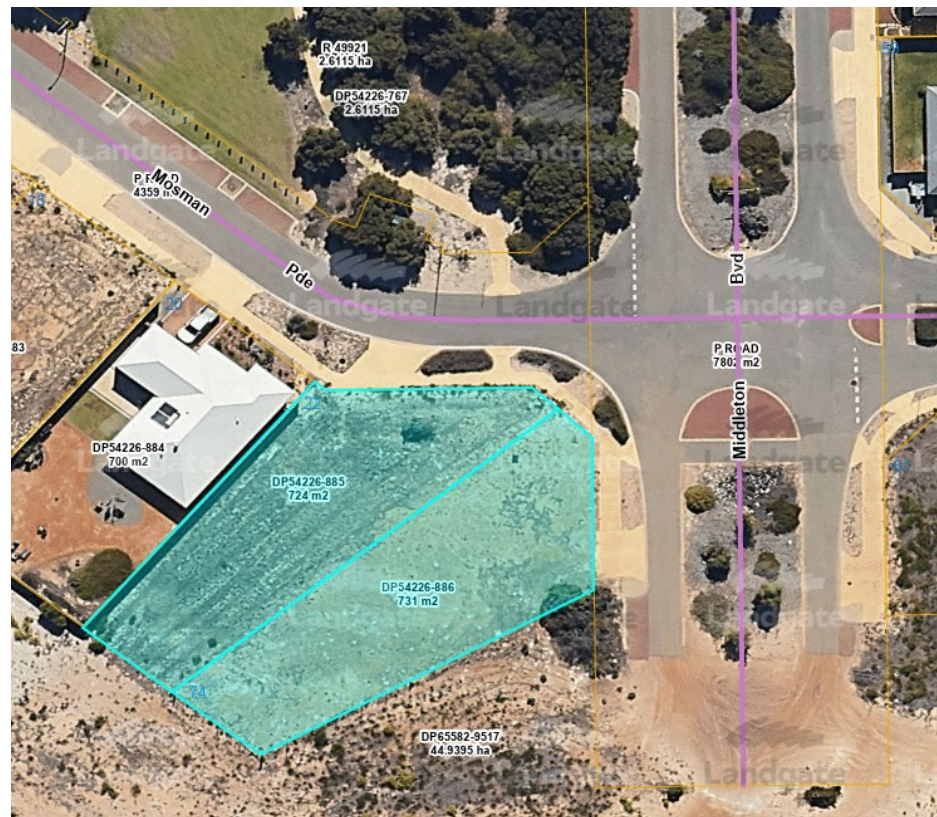
LOT NO.	STREET	LOT NO.	STREET
401	Boronia Turn	809	Swift Way
583	Parakeet Bend	828	Adriana Parade
584	Parakeet Bend	842	Bremer Parade
606	Parakeet Bend	957	Matilda Bend
627	Crusoe Crescent	959	Matilda Bend
693	Bettong Avenue	974	Beachridge Drive
701	Bettong Avenue	976	Beachridge Drive
704	Beachridge Drive	1236	Newport Drive
722	Crusoe Crescent	1237	Newport Drive

*Appendix 2 of the 2022 Beachridge Residential Design Guidelines*

As further residential development takes place in the estate, additional lots have been identified as requiring discretion on the front build line requirement of the Guidelines. As such in

## MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 OCTOBER 2023

consultation with the developer, the following properties have been added to Appendix 2 of the Guidelines:



Lot 885 Mosman Parade and Lot 886 Middleton Boulevard

No other changes have been made to the Design Guidelines as attached to this item.

### COMMENT

In accordance clause 5 (2) of *Schedule 2 - Deemed Provisions for Local Planning Schemes* (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council can make the subject amendment to the Design Guidelines local planning policy without advertising the amendment to the public if in the opinion of the Council, the amendment is a minor amendment. The subject amendment to the Design Guidelines is considered minor as it only proposes the addition of two properties to the discretionary front build line list (Appendix 2) and is supported by Shire planning staff and the land developer.

It is recommended that Council adopts the modified policy as presented.

### CONSULTATION

As outlined in comment section of the report.

### STATUTORY ENVIRONMENT

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

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The ability to prepare a local planning policy (LPP) is afforded to the Council under Clause 3 of the Deemed Provisions. The Deemed Provisions allow the Shire to prepare LPPs in respect to any matter related to the planning and development of the Shire. LPPs may apply to a particular class or matter and relate to one or more parts of the Shire's Local Planning Scheme area. Clause 4 outlines the procedure for making a LPP and adopting a LPP if the local government resolves to proceed. Clauses 5 and 6 of the Deemed Provisions allow Council to amend or rescind its planning policies.

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

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

### POLICY IMPLICATIONS

The amended LPP is aimed to improve procedural and governance aspects of the Shire's development control responsibilities for Beachridge Estate, Jurien Bay.

### FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

### STRATEGIC IMPLICATIONS

Strategic Community Plan Envision 2029

02 - Prosperity	The region will experience economic and population growth with increasing economic opportunities, diversifying primary production and a vibrant visitor economy.
<b>Priority Outcomes</b>	<b>Our Roles</b>
Our Shire has a contemporary land use planning system that responds to, and creates, economic opportunities.	Ensuring that our planning framework is modern and meets the needs of industry, small business, and emerging opportunities.

### ATTACHMENTS

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

- Local Planning Policy – Beachridge Estate Residential Design Guidelines 2023 (SODR-877026889-4014)

**(Marked 9.3.1)**



**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 OCTOBER 2023**

VOTING REQUIREMENT

Simple Majority.

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Shanhun, seconded Cr McDonald**

**That Council pursuant to Clauses 4 and 5 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* adopts the amended *Beachridge Estate Residential Design Guidelines 2023* as provided as an attachment to this report.**

**CARRIED 7 / 0**

**FOR: Cr O’Gorman, Cr McDonald, Cr Clarke, Cr Gibson, Cr Young, Cr Glasfurd, Cr Shanhun**

**AGAINST: Nil**

*Cr Shanhun declared a financial interest in Item 9.3.2 due to his defacto spouse being a casual employee of a business located within the CBD area.*

*Cr Shanhun requested remaining Councillors to consider allowing him to be present and to vote under section 5.68 (1)(a&b) of the Local Government Act 1995.*

*Cr Shanhun left the room at 4.18pm*

**COUNCIL DECISION**

**Moved Cr McDonald, seconded Cr Clarke**

**To adjourn the meeting until 4:30pm to allow the presiding member and the Chief Executive Officer to review information pursuant to Cr Shanhun’s request to be present and/or vote.**

**CARRIED 6 / 0**

**FOR: Cr O’Gorman, Cr McDonald, Cr Clarke, Cr Gibson, Cr Young, Cr Glasfurd**

**AGAINST: Nil**

***The meeting was adjourned at 4.20pm***

**COUNCIL DECISION**

**Moved Cr Gibson, seconded Cr Clarke**

**That Council reconvene the Ordinary Council meeting.**

**CARRIED 6 / 0**

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 OCTOBER 2023
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**FOR: Cr O’Gorman, Cr McDonald, Cr Clarke, Cr Gibson, Cr Young, Cr Glasfurd**

**AGAINST: Nil**

*The meeting reconvened at 4.37pm.*

**COUNCIL DECISION**

**Moved Cr Clarke, seconded Cr Glasfurd**

**That pursuant to the Local Government Act 1995 Section 5.68(1)(a), allow Cr Shanhun to be present and vote for item 9.3.2 noting that his interest is insignificant and unlikely to influence the member’s conduct in relation to the matter.**

**CARRIED 6 / 0**

**FOR: Cr O’Gorman, Cr McDonald, Cr Clarke, Cr Gibson, Cr Young, Cr Glasfurd**

**AGAINST: Nil**

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

**9.3.2 ENDORSEMENT OF THE JURIEB BAY CENTRAL BUSINESS DISTRICT URBAN DESIGN PLAN**

Location:	Jurien Bay Central Business District
Folder Path:	SODR-877026889-3301
Disclosure of Interest:	Nil
Date:	4 October 2023
Author:	Rory Mackay, Principal Planning & Building Officer
Senior Officer:	Louis Fouché, Executive Manager Development Services

**PROPOSAL**

This item seeks Council endorsement of the final version of the Jurien Bay Central Business District (CBD) Urban Design Plan (Plan).

**BACKGROUND**

The Shire commissioned Place Laboratory in October 2020 to develop an urban design masterplan for the Jurien Bay CBD. The project vision was/is for the Jurien Bay CBD to be a clearly defined area which is connected, vibrant, responsive, and diverse with high levels of utilisation and functionality which attracts private and public investment.

A draft Plan was widely advertised from June 2021 and was supported by a meeting between Shire staff, Councillors, and

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business operators within the 'Northern' precinct at the Bay Bakery Café as well as a wider public information session on 11 August 2021.

Several submissions were received requesting design changes to the Plan. During the revision of the Plan development applications were received for the redevelopment of the Jurien Bay Tourist Park and a four-storey motel on the corner of Sandpiper and Robert Streets, respectively, which had significant implications for the listed road verges within the Plan. As a result of these applications, the revision of the Plan was deferred until late 2022 post both developments being conditionally approved by Council.

The notable changes in the revised Plan from the draft Plan include:

- The removal of any physical building alterations on private land which is not under the care and control of the Shire;
- Identified parking layout changes throughout the CBD, including a summary of current and future parking bay numbers;
- Inclusion of the previously designed realignment of Bashford Street as a local main street for if and when an Indian Ocean Drive bypass is constructed;
- Preservation of Roberts Street as vehicle thoroughfare, with the long-term access to be one-way between Bashford Street and Sandpiper Street in the direction of the foreshore; and
- Inclusion of indicative public amenities within Pioneer Park.

The revised plan was advertised from June 2023 to August 2023, a total of four submission were received as detailed in the attached schedule of submissions and summarised in the consultation section below.

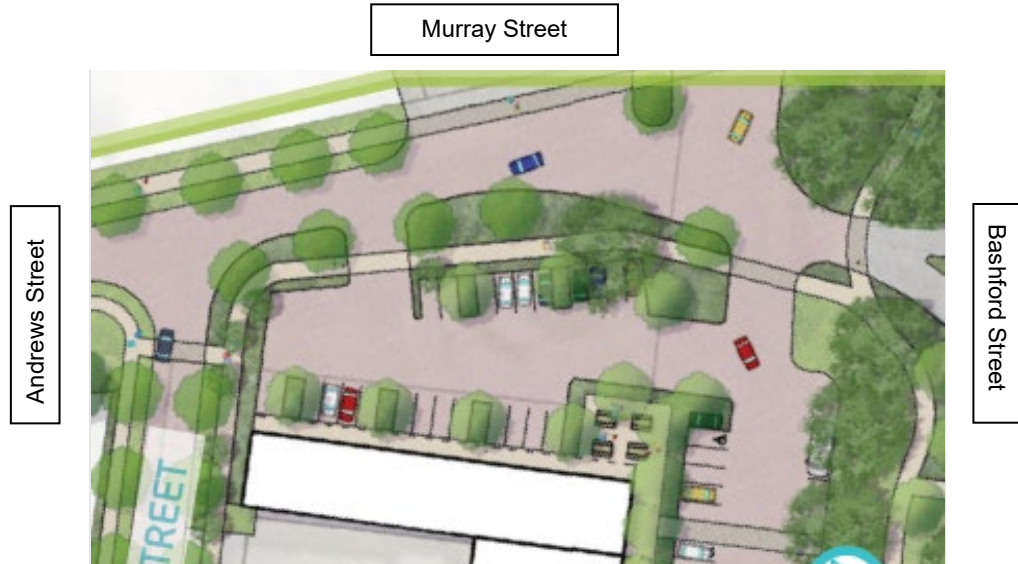
Robert Street business operators who were a part of the 2021 meeting were also directly engaged. No formal submissions were received from these businesses. However, the owner and operator of the BP service station raised verbal concern with the long-term redevelopment overlay for this site on Page 22 due to perceived potential that this may have to jeopardise the offer and sale of this property in the future. It was clarified that as long as the service station land use was operating in its current form, there would be no alterations required to this property's accessways and adjacent traffic flow. Alterations would only be pursued if there is a substantial redevelopment of the entire precinct (i.e. by a developer who also purchases the property in question) or a significant public realm (park, street, and parking) redevelopment of the precinct by the Shire in consultation with affected landholders. This stakeholder was content with this approach.

**COMMENT**

The Plan will provide guidance for the redevelopment of the public realm within the Jurien Bay CBD.

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Currently the seriously entertained Plan is being used as a guide for a design to redevelop the below precinct within the 'Northern CBD' between the business owners/managers, the principal landowner, and the Shire.



*The Northern CBD precinct parking redevelopment project*

In addition to the above, the Plan has also encouraged the Sandpiper Tavern operator to consider establishing an outdoor eating facility, beer garden and playground onto the landscaped verge of Sandpiper Street adjoining the tavern.

It is recommended that Council endorse the Jurien Bay CBD Urban Design Plan to guide the redevelopment of the CBD public realm.

This is a significant strategic planning document with previous Councillor involvement and briefings provided in relation to the project. Council has the option to defer the matter until a future meeting should the new Council prefer to seek additional briefing and information on the content and context of the project.

### CONSULTATION

Comments on the revised Plan were invited from 1 June to 4 August 2023. A total of four submissions were received as detailed and responded to in the attached schedule of submissions.

The Shire met further with the Planning consultants who were engaged to act on behalf of the Jurien Bay Shopping Centre landowner who acquired the centre in November 2022. It is noted that the centre landowner has a deed of agreement in place for use of the Bashford and White Street Road Reserves for centre's carpark.

As result of this meeting, minor text amendments were made to the plan in relation to the shopping centre carpark and accessways stating that the Shire will consult with this landowner prior to actioning any redevelopment works in this regard.

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**STATUTORY ENVIRONMENT**

The Plan is a guiding (due regard) document only, carries no statutory weight and is not enforceable within the local planning framework.

**POLICY IMPLICATIONS**

The Plan will be used as a reference document to guide the ongoing redevelopment of the Jurien Bay CBD.

**FINANCIAL IMPLICATIONS**

Implementation costs will be included in future budgets to be adopted by Council.

**STRATEGIC IMPLICATIONS**

Local Planning Strategy 2020 (extract)

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

Strategic Community Plan – Envision 2029

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.
<p><b>Priority Outcomes</b></p> <p>Our communities contain vibrant, activated public open spaces and buildings with high levels of utilisation and functionality.</p> <p>Our investments in public assets are based on responsible and sustainable asset custodianship.</p> <p>Our built environment responds to the accessibility and connectivity needs of all residents providing equitable access and opportunity for participation.</p>	<p><b>Our Roles</b></p> <p>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.</p> <p>Increase activation of our public open spaces and buildings rather than increasing quantity without a demonstrated need.</p> <p>Provide a well-designed and safe transport and shared path network that connects people to their destinations and encourages non-motorised journeys within townsites.</p>

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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>
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.
03 - Environment	The Shire will be a responsible custodian of the environment, working with community groups and other entities to increase renewable energy initiatives, vegetation cover and rehabilitate degraded public land throughout the local region.
<b>Priority Outcomes</b>	<b>Our Roles</b>
Our region is acknowledged for environmental practices, projects and initiatives that enhance the environment and our liveability within it.	Promote programs to increase the quality and prevalence of appropriate trees and vegetation in town site public open spaces and road verges.

### ATTACHMENTS

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

- Final Jurien Bay CBD Urban Design Plan (SODR-877026889-4016)
- Schedule of Submissions (SODR-877026889-4027)

**(Marked 9.3.2)**

### VOTING REQUIREMENT

Simple Majority

*During debate, Cr Shanhun advised he would foreshadow an alternate motion to defer item 9.3.2 for one month if the motion was lost.*

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

**Moved Cr Gibson, seconded Cr McDonald  
That Council endorse the Jurien Bay Central Business District Urban Design Plan (Doc Id: SODR-877026889-4016).**

**CARRIED 6 / 1**

**FOR: Cr O’Gorman, Cr McDonald, Cr Clarke, Cr Gibson, Cr Young, Cr Glasfurd**

**AGAINST: Cr Shanhun**

## MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 OCTOBER 2023

### 9.3.3 PROPOSED CBH GRAIN SAMPLE FACILITY – LOT 179 MEAGHER DRIVE, BADGINGARRA

Location:	Reserve 45274, Lot 179 (No.1) Meagher Drive, Badgingarra
Applicant:	Co-operative Bulk Handling (CBH)
Folder Path:	SODR-1262144384-20163
Disclosure of Interest:	Nil
Date:	4 October 2023
Author:	Rory Mackay, Principal Planning & Building Officer
Senior Officer:	Louis Fouché, Executive Manager Development Services

#### PROPOSAL

The purpose of the report is for Council to consider granting development approval for the permanent erection of a CBH grain sample facility within the Badgingarra truck parking bay at 1 Meagher Drive, Badgingarra.



*Reserve 45274, Lot 179 (No.1) Meagher Drive, Badgingarra*

#### BACKGROUND

CBH have been utilising the subject site for a temporary grain sample facility since the 2017 harvest. At the end of each 3-month long harvest, the temporary grain facility is removed from the site. To avoid the need to remove and reinstall the grain sample facility each year, CBH has submitted a development application to have the grain sample facility placed within the truck bay reserve on a permanent basis. If development approval is granted, a building permit for the facility will also be required.

The grain sample facility allows local Badgingarra and surrounds' grain growers the opportunity to have their grain graded before it arrives at a grain receiving site, of which the nearest is Moora some 60km away. The sample facility provides growers with the opportunity to avoid rejection at a receiving site and the subsequent incurred freight costs and time penalties.

The grain sample facility will consist of a new 10.5m x 3m sample station on a platform 2.6m above natural ground level.

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The development is located within Reserve 45274, 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 development application, before making a determination.

Reserve 45274 is reserved for 'Public Purposes' under the Scheme and has a Management Order land use purpose of 'Parking'. It is considered that the proposed grain sample facility aligns with this overarching reservation and land use purpose.

**COMMENT**

The grain sample facility:

- has a defined a purpose with a rational need which is compatible with the ultimate purpose intended for the reserved land;
- has a minimal appearance in the context of the surrounding infrastructure; and
- will be an incidental feature of the existing truck parking bay.

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

**CONSULTATION**

Local Badgingarra stakeholder groups have provided continued support for the grain sample facility at the subject site since it was first relocated during the 2017 harvest.

The applicant has consulted with Infrastructure Services on the optimum location of the sample facility to increase the longevity of the truck bay which was resealed in the 2020/21 budget year as part of stimulus funding provided during the COVID-19 pandemic.

**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.*

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.*

Planning and Development (Local Planning Schemes) Regulations 2015:



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*The previous temporary grain sample facility which was installed and removed each harvest was exempt from requiring development approval under the following relevant development works and land use exemptions:*

*Schedule 2: Deemed provisions for local planning schemes*

*61 (1) (17): the works are in existence for less than 48 hours, or a longer period agreed by the local government, in any 12-month period; and*

*61 (2) (f): temporary use that is in existence for less than 48 hours, or a longer period agreed by the local government, in any 12-month period.*

**POLICY IMPLICATIONS**

There are no policy implications relevant to this item.

**FINANCIAL IMPLICATIONS**

The applicant has paid the required development application fee.

**STRATEGIC IMPLICATIONS**

Local Planning Strategy 2020

Strategic Direction – Settlement Planning

Retain Dandaragan and Badgingarra as rural communities providing for the needs of the rural hinterland.

Strategic Community Plan – Envision 2029

2 - Prosperity	The region will experience economic and population growth with increasing economic opportunities, diversifying primary production and a vibrant visitor economy.
<b>Priority Outcomes</b>	<b>Our Roles</b>
Our Shire has a contemporary land use planning system that responds to, and creates, economic opportunities.	Ensuring that our planning framework is modern and meets the needs of industry, small business, and emerging opportunities.

**ATTACHMENTS**

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

- Development Application 98/23 (Doc Id: SODR-1262144384-20165, SODR-1262144384-20164, SODR-1262144384-20168, SODR-1262144384-20167, SODR-1262144384-20169)

**(Marked 9.3.3)**

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr McDonald, seconded Cr Gibson**

**That Council:**

1. Agrees to provide landowner's consent for the development application for a grain sample facility to be erected on Reserve 45274, Lot 179 (No.1) Meagher Drive, Badgingarra.
2. Grant development approval for a grain sample facility to be erected on Reserve 45274, Lot 179 (No.1) Meagher Drive, Badgingarra in accordance with the following conditions and Advice Note:

**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. A schedule of the colours and texture of the building materials, demonstrating that the proposed development complements the surrounding area, must be submitted to, and approved by the Shire of Dandaragan, prior to lodging an application for a building permit. The development must be finished, and thereafter maintained, in accordance with the schedule provided to and approved by the Shire of Dandaragan, prior to the use of the development.

**Advice Note:**

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.

**CARRIED 7 / 0**

**FOR: Cr O’Gorman, Cr McDonald, Cr Clarke, Cr Gibson, Cr Young, Cr Glasfurd, Cr Shanhun**

**AGAINST: Nil**

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### 9.3.4 PROPOSED OUTDOOR CAMP KITCHEN – CERVANTES RECREATION PRECINCT

Location:	Cervantes Recreation Reserve 40711 (Lot 850 on Plan 188678)
Applicant:	Cervantes Recreation Centre Committee
Folder Path:	SODR-1262144384-20336
Disclosure of Interest:	Nil
Date:	11 October 2023
Author:	Rory Mackay, Principal Planning & Building Officer
Senior Officer:	Louis Fouché, Executive Manager of Development Services

#### PROPOSAL

Council is requested to consider granting development approval for the construction of an outdoor campground kitchen at the Cervantes Recreation Centre.

#### BACKGROUND

To reinvest the funds received from operating overflow camping, the Cervantes Recreation Centre Committee proposes the development of a 64m<sup>2</sup> sheltered, timber framed, Colorbond clad, outdoor camp kitchen with an electric barbecue, benchtops and six picnic tables between the existing recreation centre gymnasium and the Cervantes Football Club changeroom.



*Cervantes Recreation Centre & Cervantes Football Club Changeroom with the proposed development shown by the orange rectangle.*

The Cervantes Recreation Centre Committee have already purchased the electric barbeque which was 50/50 funded through the Shire's 2022/23 Tronox Grant program.

The outdoor kitchen will be located within Cervantes Recreation Reserve 40711, which is vested with and under the care, control, and management of the Shire. As such, Council is required to give

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landowner's consent for the development application before determining the application.

Reserve 40711 is reserved for the purposes of 'Parks and Recreation' under the Scheme and has the land purpose of 'recreation' on the Management Order. The outdoor camp kitchen is incidental to this reservation and purpose.

**COMMENT**

The outdoor camp kitchen:

- has a defined a purpose with a rational need;
- is not considered to adversely affect the visual amenity of other recreation centre infrastructure;
- will remain incidental to the existing recreation centre which will remain the predominant building on the recreation site; and
- will be consistent with the future redesign of the recreation centre as contemplated under the Cervantes Recreation Precinct Masterplan.

Given the above, it is recommended that Council approve the development application subject to relevant 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, 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 development application fee of \$147 has been waived in accordance with Delegation 1.2.21 for the applicants as they are non-for-profit community group.

STRATEGIC IMPLICATIONS

The proposal is consistent with the Cervantes Recreation Precinct Masterplan as the outdoor camp kitchen will be incidental infrastructure for the recreation centre and will be located in an area not intended to be redeveloped in the future.

ATTACHMENTS

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

- Development plans (SODR-1262144384-20338)  
**(Marked 9.3.4)**

VOTING REQUIREMENT

Simple Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Young, seconded Cr Shanhun**

**That Council:**

- 1. Agrees to provide landowner's consent for the development application for an outdoor camp kitchen to be erected on Cervantes Recreation Reserve 40711.**
- 2. Grant development approval for an outdoor camp kitchen to be erected on Cervantes Recreation Reserve 40711 in accordance with the following conditions and advice note:**

**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. A schedule of the colour and texture of the building materials, demonstrating that the proposed development complements the surrounding area, must be submitted to, and approved by the Shire of Dandaragan, prior to lodging an application for a building permit. The development must be finished, and thereafter maintained, in accordance with the schedule provided to and approved by the Shire of Dandaragan, prior to the use of the development.**

**Advice Note:**

**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.

**CARRIED 7 / 0**

**FOR: Cr O’Gorman, Cr McDonald, Cr Clarke, Cr Gibson, Cr Young, Cr Glasfurd, Cr Shanhun**

**AGAINST: Nil**

### **9.3.5 ENDORSEMENT OF THE CERVANTES & JURIEN BAY COASTAL ADAPTATION INVESTIGATION**

Location:	Cervantes & Jurien Bay Central Foreshores
Folder Path:	SODR-877026889-1355
Disclosure of Interest:	Nil
Date:	16 October 2023
Author:	Rory Mackay, Principal Planning & Building Officer
Senior Officer:	Louis Fouché, Executive Manager Development Services

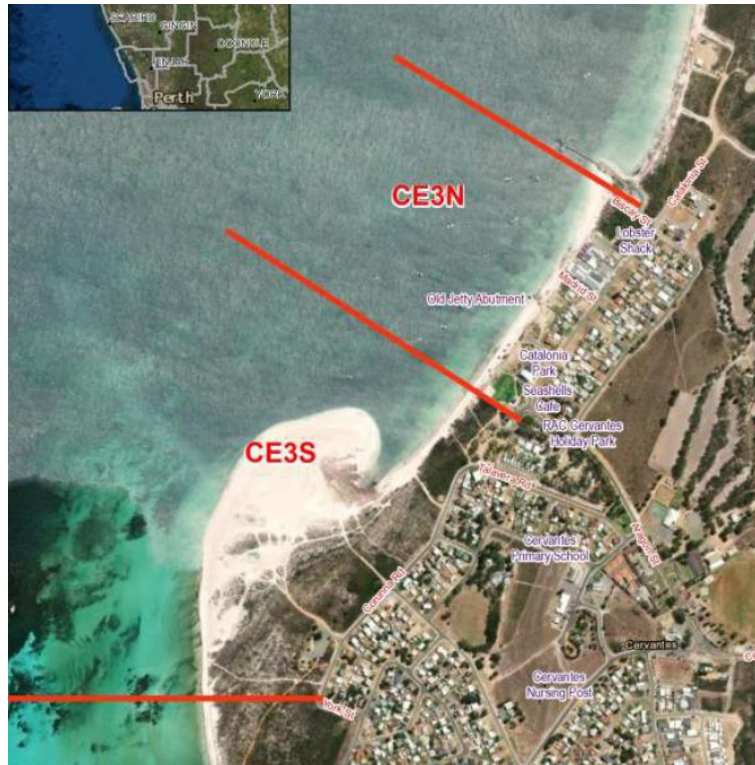
#### **PROPOSAL**

The purpose of the report is to seek Council endorsement of the Cervantes and Jurien Bay Coastal Adaptation Investigation (CAI).

#### **BACKGROUND**

The Shire commissioned Water Technology in November 2021 to investigate coastal adaptation options for the central townsite foreshore areas in Cervantes and Jurien Bay, to identify assets unacceptably vulnerable to coastal erosion and recommend appropriate adaptation options.

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*Cervantes Study Area*



*Jurien Bay Study Area*

The CAI builds on the first pass Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) for the Shire which was completed in 2018 by Cardno. The CHRMAP broadly considered the coastlines of Cervantes and Jurien Bay and surrounding area. It is noted that the CHRMAP and the subject CAI only consider the coastal hazard of erosion; storm surge inundation coastal flooding

has not been assessed for its impact on the Shire's coastal settlements and will form part of future coastal planning projects as required under the planning framework of *State Planning Policy 2.6 Coastal Planning* (SPP2.6)

### COMMENT

The CAI was undertaken in the following steps:

#### 1. Site visit and desktop review

Water Technology undertook a site inspection of both study areas and reviewed previous coastal studies and data available.

#### 2. Public/stakeholder survey

In April and May 2022, a community coastal adaptation survey to gauge preferences for different coastal management options was undertaken for both Cervantes and Jurien Bay. The surveys were successful with high participation rates - 125 responses for Jurien Bay and 52 responses for Cervantes.

#### 3. Multi criteria analysis (MCA)

An MCA was undertaken for all adaptation options to determine how likely they are to mitigate the coastal erosion risk to an acceptable level whilst maximising the values important to stakeholders. To perform the MCA, 16 identified options from the four State mandated adaptation categories (Avoid, Planned/Managed Retreat, Accommodate and Protect) were assessed against six criteria (effectiveness, environmental impact, social impact, aesthetic impact, cost, and future adaptability) for each of the management units (study areas). Ratings were assessed by a professional coastal engineer with experience in risk management, adaptation options and their implementation. All ratings are somewhat subjective; however, all ratings have considered the results of the community survey to ensure the ratings are reflective of stakeholder knowledge, perspective, and concerns.

#### 4. Coastal benefit analysis (CBA)

A CBA was undertaken to further examine the selection of adaptation options through economic analysis. Potential adaptation options were assessed against a range of criteria, including cost. Options that may require significant financial investment and scored positively in the MCA were included in this CBA. A rigorous assessment of costs and benefits for each option assists with preferential selection and potentially uncovers any previous poor financial assumptions. The analysis also ensures that a selected adaptation option is economically defensible.

#### 5. Benefit distribution analysis (BDA)

A benefit distribution analysis (BDA) was undertaken to assess the potential benefits and beneficiaries of implementing coastal protection at the northern end of Cervantes central foreshore. An



assessment of the resultant relative distribution of benefits between stakeholders has been determined.

The BDA provides an insight into how costs could be apportioned through the beneficiary pays principle in accordance with SPP2.6. This will provide an avenue to ensure that funding arrangements reflect the benefits derived from such actions, minimise subsidies, and avoid additional burden on local ratepayers. It is recommended that the Shire consider future scenarios where the private landholders benefiting from a protection option at the northern end of Cervantes central foreshore pay for between 31% and 55% of the cost of coastal management works and maintenance thereof. This analysis has detailed several assumptions and limitations which should be considered in further detail, and issues of intergenerational and geographical equity also need to be considered in subsequent analysis.

#### 6. Implementation framework

The two primary coastal management actions recommended by the investigation for mitigating coastal erosion hazards in the study areas are:

1. **Planned / Managed Retreat:** Use land-use planning instruments and long-term strategy to systematically move assets with low adaptive capacity out of the hazard zone. This is recommended for all of Jurien Bay central foreshore and the southern end of Cervantes central foreshore. As no built assets are projected to be unacceptably vulnerable until 2070 initial recommendations focus on coastal monitoring and appropriate land-use planning to allow for implementation of voluntary acquisition if required in future decades.
2. **Protection by Beach Groynes:** Undertake the construction of groynes with beach renourishment as necessary to prevent erosion of natural and built assets. This is recommended for the northern end of the Cervantes central foreshore.

It is acknowledged that whilst the use of protection structures to mitigate coastal erosion impacts is routine and well understood, the implementation of Planned / Managed Retreat by acquisition (whether voluntary or compulsory) is a modern approach in response to climate change induced mean sea level rise. It requires identification of a suitable valuation protocol and funding stream to purchase properties.

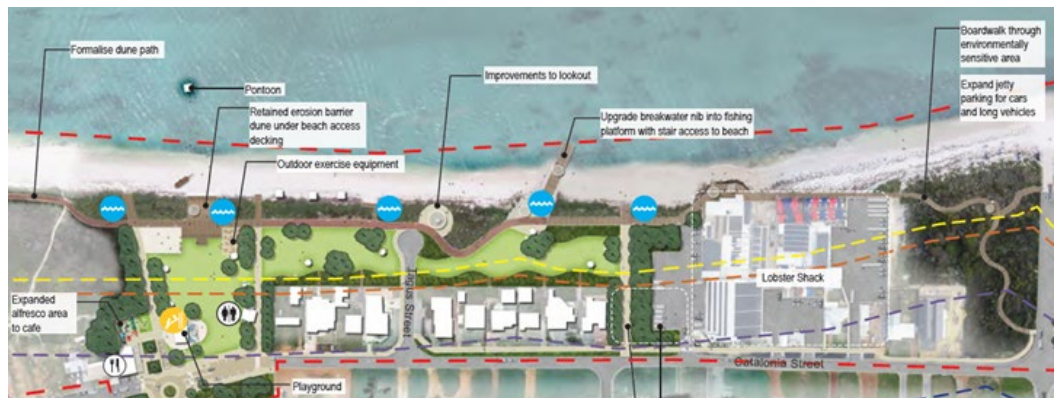
A key finding of the CHRMAP and this CAI is that almost no built or high-value assets are projected to be at risk to coastal erosion until 2070, which is very rare along the developed portions of the WA coast. This provides the Shire time to monitor the coast and carefully implement appropriate land-use planning. The CHRMAP process requires the Shire, as coastal land managers, to be proactive in coastal planning including consideration of options for implementation of planned or managed retreat. There is no

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obligation for the Shire or state government to act to protect private or public property at risk from coastal erosion.

The Shire has further engaged Water Technology to undertake the detailed design of the groynes and beach nourishment coastal adaptation option for the northern end of the Cervantes central foreshore. This project is jointly funded by the Department of Transport (DoT) under their Coastal Adaptation and Protection (CAP) Grants program. A DoT coastal engineer has been assigned to assist the Shire and guide Water Technology on the design methodology. The detail design project is expected to be completed by mid-2024.

Once the coastal management option design is in hand, the Shire can explore funding models to construct and maintain the coastal protection works for its expected lifespan of 20 years. It is recommended that a further detailed BDA be undertaken at this time to determine the final beneficial payment (currently recommended between 31% and 55% of the cost).



*Cervantes Foreshore Masterplan extract*

Concurrently with the construction of the coastal protection works, the Shire can explore the implementation of the Cervantes Foreshore Masterplan for this precinct to extent the developed foreshore, which is currently confined to that of Catalonia Park.

It is recommended that Council endorse the CAI as presented as an attachment.

This is a significant strategic planning document with previous Councillor involvement and briefings provided in relation to the project. Council has the option to defer the matter until a future meeting should the new Council prefer to seek additional briefing and information on the content and context of the project.

### CONSULTATION

The draft CAI was advertised to the public throughout September and early October 2023, closing for submissions on 13 October 2023. A public information session was also held in both Cervantes and Jurien Bay with a presentation from Water Technology on 27 September 2023. No members of the public attended the Jurien Bay

session, and 12 members of the public attended the Cervantes session.

No submissions on the draft CAI were received.

### STATUTORY ENVIRONMENT

The CAI is an informing strategy which carries no statutory weight; however it will be used as a reference document in the assessment of development within the 'Coastal Hazard Risk Special Control Area' of the Shire's *Local Planning Scheme No.7*.

### POLICY IMPLICATIONS

State Planning Policy 2.6 Coastal Planning

*The purpose of this Policy is to provide guidance for decision-making within the coastal zone including managing development and land use change; establishment of foreshore reserves; and to protect, conserve and enhance coastal values.*

*Adequate coastal hazard risk management and adaptation planning should be undertaken by the responsible management authority and/or proponent where existing or proposed development or landholders are in an area at risk of being affected by coastal hazards over the planning timeframe. Coastal hazard risk management and adaptation planning should include as a minimum, a process that establishes the context, vulnerability assessment, risk identification, analysis, evaluation, adaptation, funding arrangements, maintenance, monitoring, and review, and communicate and consult.*

*Where risk assessments identify a level of risk that is acceptable to the affected community or proposed development, adaptation measures need to be prepared to reduce those risks down to acceptable or tolerable levels. Adaptation measures should be sought from the following coastal hazard risk management and adaptation planning hierarchy on a sequential and preferential basis:*

- (1) Avoid the presence of new development within an area identified to be affected by coastal hazards.*
- (2) Planned or Managed Retreat or the relocation or removal of assets within an area identified as likely to be subject to intolerable risk of damage from coastal hazards over the planning time frame.*
- (3) If sufficient justification can be provided for not avoiding development of land that is at risk from coastal hazards, then Accommodation adaptation measures should be provided that suitably address the identified risks. Such measures would involve design and/or management strategies that render the risks from the identified coastal hazards acceptable.*

- (4) *Where sufficient justification can be provided for not avoiding the use or development of land that is at risk from coastal hazards and accommodation measures alone cannot adequately address the risks from coastal hazards, then coastal Protection works may be proposed for areas where there is a need to preserve the foreshore reserve, public access and public safety, property and infrastructure that is not expendable.*

*Where new information or methods become available that significantly modify the understanding of the coastal hazards then all areas within the newly defined risk areas should be reviewed again through the coastal hazard risk management and adaptation planning hierarchy above, as part of the ongoing monitoring and review process.*

#### FINANCIAL IMPLICATIONS

The CAI project is joint funded by the Shire and the Department of Planning, Lands and Heritage (DPLH) under its Coastal Management Plan Assistance Program (CMPAP). A project steering committee consisting of members from the Shire, DPLH and the DoT has guided the project.

#### STRATEGIC IMPLICATIONS

Local Planning Strategy 2020 (extract)

*Offshore reefs, which run parallel to much of the Shire's coastline, create a diverse marine environment while also providing shelter for the primarily sandy coast. However, several sections of the shoreline are already vulnerable to climate and sea level change. Some parts of the coastline that are earmarked for future development are highly susceptible to longer term change. Mitigation through implementation of appropriate coastal setbacks and engineering solutions will be required to protect infrastructure and/or residential/tourism development. The Shire has undertaken comprehensive Coastal Hazard Risk Management and Adaptation Planning (CHRMAP) to identify management and adaptation strategies to address these issues.*

Environment and Natural Resources

Strategic Direction - *Protect the coast and adjoining marine areas as assets for biodiversity, recreation, tourism, residential and commercial uses.*

Actions - *Ensure planning proposals in the coastal erosion and inundation hazard risk area, as identified in the local planning scheme, mitigate, or manage risks in accordance with the Shire of Dandaragan Coastal Hazard Risk Management and Adaptation Plan and State policy.*

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 OCTOBER 2023**

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 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.
02 - Prosperity	The region will experience economic and population growth with increasing economic opportunities, diversifying primary production and a vibrant visitor economy.
<b>Priority Outcomes</b>	<b>Our Roles</b>
Our Shire has a contemporary land use planning system that responds to, and creates, economic opportunities.	Ensuring that our planning framework is modern and meets the needs of industry, small business, and emerging opportunities.
03 - Environment	The Shire will be a responsible custodian of the environment, working with community groups and other entities to increase renewable energy initiatives, vegetation cover and rehabilitate degraded public land throughout the local region.
<b>Priority Outcomes</b>	<b>Our Roles</b>
The Shire will be prepared for and respond to the challenges of climate change.	Implement effective planning and projects that reduce the risks to property, infrastructure, and the environment.

**ATTACHMENTS**

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

- Cervantes and Jurien Bay Coastal Adaptation Investigation (SODR-877026889-4029)
  - Summary Report (SODR-877026889-3940)
- (Marked 9.3.5)**

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Shanhun, seconded Cr Clarke**

**That Council endorse the Cervantes and Jurien Bay Coastal Adaptation Investigation (Doc Id: SODR-877026889-4029).**

**CARRIED 7 / 0**

**FOR: Cr O’Gorman, Cr McDonald, Cr Clarke, Cr Gibson, Cr Young, Cr Glasfurd, Cr Shanhun**

**AGAINST: Nil**

### **9.3.6 PROPOSED HOLIDAY HOUSE – LOT 120 (NO.15) DRUMMOND CIRCUS, CERVANTES**

Location:	Lot 120 (No.15) Drummond Circus, Cervantes
Applicant/Landowner:	GS & KC Gleeson
File Ref:	SODR-1262144384-19631
Disclosure of Interest:	Nil
Date:	12 October 2023
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 Lot 120 (No.15) Drummond Circus, Cervantes as a commercial holiday house.



*Location Pan – 120 (No.15) Drummond Circus, Cervantes*

#### BACKGROUND

The proponent was requested to lodge a development application for the use (which had already commenced) of the subject property as a commercial holiday house.

The proponent’s application seeks approval to accommodate up to ten guests across four bedrooms for short stay bookings, not exceeding three consecutive months.

The application was advertised to immediate neighbouring landowners from 15 September 2023 until 6 October 2023. Two submissions were received, which objected to the proposal. The objections result 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' with a density coding of R12.5 under the Shire's *Local Planning Scheme No.7* (Scheme). A Holiday House is a Discretionary (D) Use in this zone.

*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 ten 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 three other commercial holiday houses approved in proximity to this proposal at:

- 5 Lang Street;
- 12 Drummond Way; and
- 71 Drummond Circus.

Overall, there are 85 commercial holiday houses approved in the townsites of Jurien Bay and Cervantes. This represents 4.1% of the 2069 dwellings in these towns recorded on the 2021 Census date.

For Cervantes specifically, there are 11 approved commercial holiday houses which represents 1.9% of the 573 dwellings in Cervantes recorded on the 2021 Census date.

#### 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;

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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 if not managed appropriately, this tourist land use within an established residential area of Cervantes can negatively affect the amenity of nearby permanent residents. The objections received raised this concern as detailed in the consultation section below.

The applicant who resides in the suburb of Leeming has listed themselves as the property manager. This management arrangement does not provide a local point of call for neighbouring landowners/occupants surrounding the proposed holiday and does not comply with clause 7.5 Management Protocols of the Policy which requires holiday house property managers to reside or have their office within 30 minutes driving distance 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 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"> <li>1. connected to reticulated water for the exclusive use of the premises; and</li> <li>2. located within the Shire's kerbside refuse collection area; and</li> <li>3. connected to reticulated sewerage, or there is an approved on-site effluent disposal system with adequate capacity for the proposed number of guests.</li> </ol>	<p><u>Compliance</u> Connected to reticulated water and an approved septic system; 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</p>	<p><u>Compliance</u> Dual width front driveway with a single rear access for parking vehicles on the premises.</p>



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<p>bays arranged one behind the other in accordance with the following rates: 9-12 guests = minimum of 4 parking bays</p>	
<p><u>Dwelling Design</u></p> <ol style="list-style-type: none"> <li>1. The premises is an existing, lawful dwelling.</li> <li>2. There is 5.5m<sup>2</sup> per guest in each bedroom utilising beds.</li> <li>3. There is 3.5m<sup>2</sup> per guest in each bedroom utilising bunks.</li> <li>4. Bedrooms in a premises are provided in accordance with the following rates: 8-12 guests = 4 bedrooms</li> <li>5. Bathrooms and toilets are provided in accordance with the following rates: 7-12 guests = 1 or 2 bathrooms and 2 toilets</li> </ol>	<p><u>Compliance</u></p> <ul style="list-style-type: none"> <li>• Lawful 4-bedroom dwelling with a single bathroom</li> </ul> <p>Non-compliance</p> <ul style="list-style-type: none"> <li>▪ 1 toilet</li> <li>▪ 1<sup>st</sup> bedroom - 3 guests - 13.67m<sup>2</sup> in lieu of required 16.5m<sup>2</sup></li> <li>▪ 2<sup>nd</sup> bedroom - 2 guests - 8.77m<sup>2</sup> – in lieu of required 11m<sup>2</sup></li> <li>▪ 3<sup>rd</sup> bedroom - 2 guests - 10.02m<sup>2</sup> in lieu of required 11m<sup>2</sup></li> <li>▪ 4<sup>th</sup> bedroom - 3 guests - 12.33m<sup>2</sup> in lieu of required 16.5m<sup>2</sup></li> </ul>
<p><u>Overcrowding</u></p> <p>Each occupant over the age of 10 years has 14m<sup>3</sup> of airspace within a bedroom for sleeping purposes.</p> <p>Each occupant 10 years and under has 8m<sup>3</sup> of airspace within a bedroom for sleeping purposes.</p>	<p><u>Non-compliance</u></p> <ul style="list-style-type: none"> <li>▪ 1st bedroom - 3 guests - 36.64m<sup>3</sup> in lieu of required 42m<sup>3</sup></li> <li>▪ 2nd bedroom - 2 guests - 23.5m<sup>3</sup> in lieu of required 28m<sup>3</sup></li> <li>▪ 3rd bedroom - 2 guests - 26.85m<sup>3</sup> in lieu of required 28m<sup>3</sup></li> <li>▪ 4th bedroom - 3 guests - 33.04m<sup>3</sup> in lieu of required 42m<sup>3</sup></li> </ul>

As outlined above modification to the submitted property management plan is required for compliance with the Policy due to the bedrooms sizes and the limitation of the dwelling only having a single toilet. It is therefore recommended that Council enforce a condition of approval which calls for the property management plan to be modified to meet the deemed-to-comply provisions for Dwelling Design and Overcrowding of the Policy prior to commencement of the approved holiday house land use. Nomination of a local residing property manager will also be required.

The complying bedroom sleeping configuration will be as follows:

- 1<sup>st</sup> bedroom - 2 guests – 13.67m<sup>2</sup> and 36.64m<sup>3</sup>
- 2<sup>nd</sup> bedroom – 1 guests – 8.77m<sup>2</sup> and 23.5m<sup>3</sup>
- 3<sup>rd</sup> bedroom - 1 guests – 10.02m<sup>2</sup> and 26.85m<sup>3</sup>
- 4<sup>th</sup> bedroom – 2 guests – 12.33m<sup>2</sup> and 33.04m<sup>3</sup>

Granting conditional development approval is recommended until 30 June 2024. 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).

### CONSULTATION

As detailed previously, two objections were received from surrounding landowners.

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<u>Comment</u>	<u>Officer Response</u>
<p>I don't approve of 10 guests at any one time in the house. The house is not a backpacker lodge, you could also have anti-social behaviour in the area that would be annoying to permanent residents.</p> <p>This house is located in a residential area with many local permanent residents.</p>	<p>It is recommended that the application be amended to a guest limit of six guests which complies with the deemed-to-comply criteria of the relevant local planning policy.</p> <p>Furthermore, nomination of a locally residing property manager will be required, who can be contacted regarding arising management issues. The revised property manager contact details will be forwarded to neighbouring landowners and will be required as a condition of approval to be displayed on a sign at the property's front entry.</p> <p>As holiday house approvals expire annually any unresolved issues to the satisfaction of the Shire will be considered in the application for renewal of the holiday house's development approval for the successive twelve-month period.</p> <p>Anti-social behaviour should be reported to the police.</p>
<p>Whilst we don't oppose the idea, we do have a few concerns.</p> <p>Firstly, the Number of guests being allowed is 10. We believe that is too many for the size of the residence. We feel that 10 people at the rate of approx \$250 a night? Is asking for it to be a party house.</p> <p>Also, we believe for that amount of guest there needs to be two toilets as per the Shires guidelines on holiday rentals.?</p> <p>Also, whilst there is plenty of parking on their property and verge even when the owners are staying, they still park in our gate way blocking our shed, so maybe there isn't enough in the event 10 people in multiple vehicles arrive</p> <p>I would like that noted in their terms/house rules, "Do Not Park Blocking Neighbouring Gates".</p>	<p>As per the response to the above submission.</p> <p>The vehicle parking layout meets the deemed-to-comply provision of the relevant local planning policy. However, a condition of approval and associated advice note requires all vehicle parking to only be on the subject premises.</p>

### STATUTORY ENVIRONMENT

- 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;

...

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- (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;

- Local Planning Scheme No.7

- Zoning Table

- 3.3.2. *The symbols used in the cross reference in the Zoning Table have the following meanings —*

- ‘P’ means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;*

- ‘D’ means that the use is not permitted unless the local government has exercised its discretion by granting development approval;*

- ‘A’ means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with clause 64 of the deemed provisions;*

- ‘X’ means a use that is not permitted by the Scheme.*

- 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, which by way of penalty as result of the land use commencing without development approval is three times the standard fee (\$885 in lieu of \$295).

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

**ATTACHMENTS**

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

- Submitted property management documents (SODR-1262144384-20033)

**(Marked 9.3.6)**

**VOTING REQUIREMENT**

Simple majority.

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Young, seconded Cr Clarke**

**That Council approve the development application for the proposed Holiday House at Lot 120 (No.15) Drummond Circus, Cervantes, subject to following conditions and advice:**

**Conditions:**

- 1. Prior to commencement of the approved use, the applicant must submit and have approved by the Shire of Dandaragan, and thereafter implement to the satisfaction of the Shire of Dandaragan, a revised 'Property Management Plan' addressing the following matters in accordance with *Local Planning Policy 9.12 Short-Term Rental Accommodation*:**
  - a. Dwelling Design – bedroom sizes and number of sanitary facilities relative to the maximum number of guests;**
  - b. Overcrowding – cubic space of each bedroom relative to maximum number of guests per bedroom; and**
  - c. Property Manager – nomination of a locally residing property manager.**
- 2. 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.**
- 3. 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.
4. The total number of people to be accommodated in the Holiday House shall not exceed six (6) guests at all times.
  5. The Holiday House shall be operated in accordance with the 'Code of Conduct', and the 'Fire and Emergency Plan' submitted with the subject development application date stamped 25 July 2023.
  6. All vehicle parking associated with the use must be confined to the Holiday House premises, to the satisfaction of the Shire of Dandaragan.
  7. A sign up to 0.2m<sup>2</sup> 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 prior to the commencement of the development.
  8. This development approval is valid until 30 June 2024. The Holiday House land use should cease before or on this date unless otherwise approved in writing by 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.
- 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 7 / 0**

**FOR: Cr O'Gorman, Cr McDonald, Cr Clarke, Cr Gibson, Cr Young, Cr Glasfurd, Cr Shanhun**

**AGAINST: Nil**

### 9.3.7 PROPOSED CLUB PREMISES – LOT 891 ARAGON STREET (RESERVE 35920), CERVANTES

Location:	Cervantes Golf Course Reserve 35920 (Lot 891 on Plan 220500)
Applicant:	Nusteel Moora on behalf of the Cervantes Community Men's Shed Inc
Folder Path:	SODR-1262144384-20393
Disclosure of Interest:	Nil
Date:	19 October 2023
Author:	Rory Mackay, Principal Planning & Building Officer
Senior Officer:	Louis Fouché, Executive Manager of Development Services

#### PROPOSAL

The purpose of this report is for Council to consider granting landowner's consent and development approval for the development and use of a club premises within the Cervantes Community Men's Shed (CCMS) 2,925m<sup>2</sup> leased site on Lot 891, Reserve 35920 Aragon Street, Cervantes.

#### BACKGROUND

In December 2022, the CCMS entered into a lease agreement with the Shire for a 2,925m<sup>2</sup> unutilised portion of the existing Cervantes Golf Course Reserve. This was a priority recommendation of the Cervantes Recreation Precinct Masterplan which was adopted by Council in September 2022.



*Indicative location plan of the CCMS club premises and leased area*

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A 457.5m<sup>2</sup> steel framed, cottage green Colorbond clad building, which is 30.5m long, 15m wide and 6.3m high is proposed to be constructed and used as a club premises by the CCMS.

The development will be located within Cervantes Golf Course Reserve 35920, 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 development application, before making a determination on the application itself.

Reserve 35920 is reserved for the purposes of 'Parks and Recreation' under *Local Planning Scheme No.7 (Scheme)* and has the land purpose of 'recreation' in the management order. A men's shed development aligns with this reservation and purpose.

The CCMS have applied to Lotterywest for funding up to \$261,000. Lotterywest has advised that in principle this funding will be allocated, but not prior to development and building approvals being in place for the development.

COMMENT

The club premises will be constructed adjacent the Cervantes Club complex in a compatible ancillary location and be clad in green Colorbond to harmonise with the appearance of the buildings in close proximity within the recreational grounds.

A secondary golf course maintenance accessway will provide vehicle access and off-street parking to the development. The area of parking available complies with the parking requirements of the Scheme which requires the development to have minimum of 7 car parking bays (within the leased area).

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

CONSULTATION

Nil. The proposed development is a project recommended by the Cervantes Recreation Precinct Masterplan which was supported by the associated working group.

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.*

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A club premises is defined by *Local Planning Scheme No.7* as:  
*premises used by a legally constituted club or association or other body of persons united by a common interest.*

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 plans (SODR-1262144384-20394, SODR-1262144384-20397 & SODR-1262144384-20395)  
**(Marked 9.3.7)**

**VOTING REQUIREMENT**

Simple Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Shanhun, seconded Cr Gibson**

**That Council:**

- 1. agrees to provide landowner's consent for the development application for a club premises on the Lot 891 Aragon Street (Reserve 35920), Cervantes to Nusteel Moora on behalf of the Cervantes Community Men's Shed Inc; and**
- 2. Grant development approval for a club premises on Lot 891 Aragon Street (Reserve 35920), Cervantes in accordance with the following conditions and advice note:**

**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 vehicle parking associated with the use must be confined to the club premises (lease area), to the satisfaction of the Shire of Dandaragan.**



- C. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the Shire of Dandaragan.
- D. 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 occupation of the development.
- E. 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.
- F. The development must be finished, and thereafter maintained, in accordance with the schedule of the colour and texture of the building materials provided and approved by the Shire of Dandaragan, for the life of the development, to the satisfaction of the Shire of Dandaragan.

**Advice Note:**

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.

**CARRIED 7 / 0**

**FOR: Cr O’Gorman, Cr McDonald, Cr Clarke, Cr Gibson, Cr Young, Cr Glasfurd, Cr Shanhun**

**AGAINST: Nil**

## **9.4 GOVERNANCE & ADMINISTRATION**

### **9.4.1 ELECTION OF DELEGATES TO VARIOUS COMMITTEES AND ORGANISATIONS**

Location:	N/A
Applicant:	N/A
Folder Path:	SODR-1739978813-4134
Disclosure of Interest:	None
Date:	16 October 2023
Author:	Brent Bailey, Chief Executive Officer

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**PROPOSAL**

To appoint Council representatives to various committees and organisations.

**BACKGROUND**

The Shire of Dandaragan provides representation to a range of community organisations as well as its own working groups. Delegates to these organisations are appointed following the election of each new Council and effectively serve a term of two years.

**COMMENT**

The following table shows the Shire of Dandaragan list of delegates to outside committees & organisations as of 28 October 2021. Councillors will need to work through the table to reappoint representatives to the various groups. To facilitate open discussion on this item it is recommended that Council suspends clauses 8.8 and 10.5 of the Shire of Dandaragan Local Government (Council Meetings) Local Law 2019.

Advance Dandaragan	Cr Glasfurd, Cr McDonald (proxy)
Aggies Cottage Management Committee (Wolba Wolba)	Cr Glasfurd
Audit Committee (Shire of Dandaragan)	Cr Shanhun, Cr Eyre, Cr Holmes, Cr Clarke
Avon Midland Zone WALGA	President & Deputy President
Badgingarra Community Centre Management Committee	Cr McDonald
Badgingarra Community Association	Cr McDonald
Central Coast Health Advisory Group	Cr Eyre
Central West Coast Senior Citizen Group Inc.	Cr Holmes, Cr Eyre (proxy)
Cervantes Chamber of Commerce	Cr Holmes
Cervantes Community Recreation Centre Inc.	Cr Rybarczyk
Cervantes Recreation Precinct Working Group	Cr Rybarczyk, Cr Scharf
Cervantes Ratepayers and Progress Association	Cr Rybarczyk
Community Grants Committee	Cr Eyre, Cr Shanhun, Cr Scharf, Cr Clarke
Dandaragan Community Centre Management Committee	Cr Gibson
Dept of Transport – Marine Advisory Committee – Jurien Bay	Cr Scharf
Jurien Bay Chamber of Commerce	Cr McDonald
Jurien Bay Community Resource Centre Committee	Cr Shanhun
Jurien Bay Community Centre Management Committee	Cr Gibson
Jurien Bay Foreshore Working Group	Cr Eyre
Jurien Bay Progress Association	Cr Scharf
Lancelin Defence Training Area Management Advisory Committee	Cr Scharf
Leeuwin Scholarship Panel	Cr Glasfurd, Cr Shanhun, Cr Holmes, Cr McDonald
Local Emergency Management Committee	Cr Scharf (also Chair)
Mid-West / Wheatbelt Joint Development Assessment Panel (now known as Regional Joint Development Assessment Panel)	Member Cr Scharf Member Cr Eyre Alternate Member Cr Clarke Alternate Member Cr Shanhun

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 OCTOBER 2023**

<i>This is a Ministerial Appointment. If Cr Clarke &amp; Cr Shanhun are re-appointed, they remain as members. All appointments require mandatory training and Ministerial approval.</i>	
<b>Moora Local Health Advisory Group</b>	<b>Cr Eyre</b>
<b>Moora Sub Regional Road Group</b>	<b>Cr Gibson</b>
<b>Northern Growth Alliance (Chittering, Dandaragan &amp; Gingin)</b>	<b>Shire President Deputy President (proxy)</b>
<b>Pinnacles Coast Tourism Inc.</b>	<b>Cr Shanhun</b>
<b>West Koojan – Gillingarra Land Conservation District Committee</b>	<b>Cr Glasfurd</b>
<b>Cervantes Men’s Shed</b>	<b>Cr Rybarczyk</b>
<b>Jurien Bay Aerodrome Working Group</b>	<b>Cr Gibson, Cr Scharf</b>
<b>Yandin Windfarm Community Fund</b>	<b>Cr Holmes</b>

### CONSULTATION

Nil

### STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

### POLICY IMPLICATIONS

Council Policy 1.13 C-1EMEPD013 – Elected Members Entitlements and Professional Development applies. - 4.4 Travel Expenses

*Note: this clause also applies to non-elected members*

1. *All Elected members and Council appointed delegates (who are not elected members) will be paid the Local Government Officer’s Award rate per kilometre for all travelling expenses incurred in attending the following:*
  - *annual and special and general meetings of electors;*
  - *officially called civic receptions;*
  - *visits by Ministers of the Crown to the Council or with it;*
  - *Council inspection tours;*
  - *Council authorised meetings with government agencies;*
  - *other Council called meetings of Councillors and staff;*
  - *committee meetings;*
  - *community group meetings or meetings with key stakeholders which in the opinion of the CEO or Shire President require a Council member present, and where prior approval has been provided by the CEO or Shire President.*
  - **official meetings as delegates of Council;**
  - *ordinary meetings of Council;*
  - *official locality inspections; and*
  - *Council authorised conferences / seminars / professional development courses.*

### FINANCIAL IMPLICATIONS

Elected members representing the Shire of Dandaragan as Council endorsed delegates are eligible to claim travel expenses in accordance with Policy 1.13 - C-1EMEPD013 Elected Members Entitlements and Professional Development.

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 OCTOBER 2023**

**STRATEGIC IMPLICATIONS**

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

**ATTACHMENTS**

Nil

**VOTING REQUIREMENT**

Simple majority

Absolute Majority - (Audit Committee)

**OFFICER RECOMMENDATION / COUNCIL DECISION 1**

**Moved Cr Shanhun, seconded Cr Clarke**

**That Council Suspend Clauses 8.8 And 10.5 of the Shire of Dandaragan Local Government (Council Meetings) Local Law 2019.**

**CARRIED 7 / 0**

**FOR: Cr O’Gorman, Cr McDonald, Cr Clarke, Cr Gibson, Cr Young, Cr Glasfurd, Cr Shanhun**

**AGAINST: Nil**

**COUNCIL DECISION**

**Moved Cr Shanhun, seconded Cr Glasfurd**

**That Council Re-instate Clauses 8.8 And 10.5 of the Shire of Dandaragan Local Government (Council Meetings) Local Law 2019.**

**CARRIED 7 / 0**

**FOR: Cr O’Gorman, Cr McDonald, Cr Clarke, Cr Gibson, Cr Young, Cr Glasfurd, Cr Shanhun**

**AGAINST: Nil**

**COUNCIL DECISION 2**

Moved Cr \_\_\_\_\_, seconded Cr \_\_\_\_\_

That Council appoint the following delegates for the term of the current Council:

Advance Dandaragan	Cr _____, Cr _____ (proxy)
Aggies Cottage Management Committee (Wolba Wolba)	Cr _____
Audit Committee (Shire of Dandaragan)	Cr _____, Cr _____, Cr _____, Cr _____
Avon Midland Zone WALGA	President & Deputy President
Badgingarra Community Centre Management Committee	Cr _____
Badgingarra Community Association	Cr _____

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 OCTOBER 2023**

Central Coast Health Advisory Group	Cr _____, Cr _____
Central West Coast Senior Citizen Group Inc.	Cr _____
Cervantes Chamber of Commerce	Cr _____
Cervantes Ratepayers and Progress Association	Cr _____
Community Grants Committee	Cr _____, Cr _____, Cr _____, Cr _____
Dandaragan Community Centre Management Committee	Cr _____
Dept of Transport - Marine Advisory Committee - Cervantes	Cr _____
Dept of Transport - Marine Advisory Committee – Jurien Bay	Cr _____
Jurien Bay Chamber of Commerce	Cr _____
Jurien Bay Community Resource Centre Committee	Cr _____
Jurien Bay Community Centre Management Committee	Cr _____
Jurien Bay Progress Association	Cr _____
Lancelin Defence Training Area Management Advisory Committee	Cr _____
Leeuwin Scholarship Panel	Cr _____, Cr _____, Cr _____, Cr _____
Local Emergency Management Committee	Cr _____ (also Chair)
Regional Joint Development Assessment Panel	Member Cr _____ Member Cr _____ Alternate Member Cr _____ Alternate Member Cr _____
Moora Local Health Advisory Group	Cr _____
Moore Catchment Council	Cr _____
Moora Sub Regional Road Group	Cr _____
Northern Growth Alliance (Chittering, Dandaragan & Gingin)	Shire President Deputy President (proxy)
West Koojan - Gillingarra Land Conservation District Committee	Cr _____
Cervantes Men's Shed	Cr _____
Jurien Bay Aerodrome Working Group	Cr _____
Yandin Windfarm Community Fund	Cr _____
Jurien Bay Recreation Precinct Working Group	Cr McDonald, Cr _____

**COUNCIL DECISION 2**

**Moved Cr Shanhun, seconded Cr Gibson**

**That Council appoint the following delegates for the term of the current Council:**

**CARRIED BY ABSOLUTE MAJORITY 7 / 0**

**FOR: Cr O’Gorman, Cr McDonald, Cr Clarke, Cr Gibson, Cr Young, Cr Glasfurd, Cr Shanhun**

**AGAINST: Nil**

<b>Advance Dandaragan</b>	<b>Cr Glasfurd</b>
<b>Aggies Cottage Management Committee (Wolba Wolba)</b>	<b>Cr Glasfurd</b>
<b>Audit Committee (Shire of Dandaragan)</b>	<b>Cr Shanhun Cr Clarke, Cr McDonald, Cr O’Gorman</b>
<b>Avon Midland Zone WALGA</b>	<b>President &amp; Deputy President</b>

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 OCTOBER 2023</b>
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Badgingarra Community Centre Management Committee	Cr McDonald
Badgingarra Community Association	Cr McDonald
Cervantes Ratepayers and Progress Association	Cr O’Gorman
Community Grants Committee	Cr Shanhun, Cr Young, Cr Glasfurd, Cr Clarke
Dandaragan Community Centre Management Committee	Cr Glasfurd
Dept of Transport - Marine Advisory Committee – Jurien Bay	Cr O’Gorman
Jurien Bay Chamber of Commerce	Cr Clarke
Jurien Bay Progress Association	Cr O’Gorman
Lancelin Defence Training Area Management Advisory Committee	Cr Gibson
Leeuwin Scholarship Panel	Cr McDonald, Cr Shanhun, Cr Clarke, Cr Young
Local Emergency Management Committee	Cr O’Gorman (also Chair)
Regional Joint Development Assessment Panel	Member Cr McDonald Member Cr O’Gorman Alternate Member Cr Clarke Alternate Member Cr Glasfurd
Moora Local Health Advisory Group	Cr Glasfurd
Moore Catchment Council	Cr Glasfurd
Moora Sub Regional Road Group	Cr Gibson
Northern Growth Alliance (Chittering, Dandaragan & Gingin)	Shire President, Cr O’Gorman Deputy President Cr McDonald (proxy)
Cervantes Men’s Shed	Cr Gibson
Jurien Bay Aerodrome Working Group	Cr Gibson, Cr Shanhun (proxy)
Yandin Windfarm Community Fund	Cr O’Gorman
Jurien Bay Recreation Precinct Working Group	Cr McDonald, Cr O’Gorman

*Reason for variation: Council took into account that the elected member numbers had been reduced from nine to seven at the most recent election. Accordingly, Council chose to reduce the total number of committees and community groups that would be provided with regular Councillor attendees. Community groups would be advised that a Council member or Shire staff attendee could be requested where required for specific information or issue resolution.*

## 9.5 COUNCILLOR INFORMATION BULLETIN

### 9.5.1 SHIRE OF DANDARAGAN – SEPTEMBER 2023 COUNCIL STATUS REPORT

Document ID: [SODR-1739978813-6419]

Attached to the agenda is a copy of the Shire’s status report from the Council Meeting held 28 September 2023. **(Marked 9.5.1)**

### 9.5.2 SHIRE OF DANDARAGAN – BUILDING STATISTICS – SEPTEMBER 2023

Document ID: [SODR-2045798944-7206]

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

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 OCTOBER 2023**

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

Document ID: [SODR-2045798944-7207]

Attached to the agenda is a copy of the Shire of Dandaragan Planning Statistics for [Time]. **(Marked 9.5.3)**

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

Document ID: [SODR-1876983588-1342]

Attached to the agenda is monthly report for Tourism / Library for September 2023. **(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

**13 CLOSURE OF MEETING**

The presiding member declared the meeting closed at 5.06pm.

These minutes were confirmed at a meeting on ..... 23/11/2023 .....

Signed ..... [Signature] .....

Presiding person at the meeting at which the minutes were confirmed

Date ..... 23/11/2023 .....