

SHIRE
of
DANDARAGAN

MINUTES

of the

ORDINARY COUNCIL MEETING

held at the

CERVANTES COUNTRY CLUB,

on

THURSDAY 23 NOVEMBER 2023

COMMENCING AT 4.00PM

THESE MINUTES ARE YET TO BE CONFIRMED

(THIS DOCUMENT IS AVAILABLE IN LARGER PRINT ON REQUEST)

Table of Contents

1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	1
1.1	DECLARATION OF OPENING.....	1
1.2	DISCLAIMER READING.....	1
2	RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE.....	1
3	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	2
4	PUBLIC QUESTION TIME.....	2
5	APPLICATIONS FOR LEAVE OF ABSENCE.....	2
6	CONFIRMATION OF MINUTES	2
6.1	MINUTES OF THE ORDINARY COUNCIL MEETING HELD THURSDAY 26 OCTOBER 2023	2
7	NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	3
8	PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS	3
9	REPORTS OF COMMITTEES AND OFFICERS	4
9.1	CORPORATE & COMMUNITY SERVICES	4
9.1.1	FINANCIAL STATEMENTS – MONTHLY REPORTING FOR THE PERIOD ENDING 31 OCTOBER 2023.....	4
9.1.2	ACCOUNTS FOR PAYMENT FOR THE PERIOD ENDED 31 OCTOBER 2023	6
9.1.3	CERVANTES COUNTRY CLUB – REQUEST TO WRITE OFF OUTSTANDING DEBTS.....	7
9.2	INFRASTRUCTURE SERVICES	9
9.3	DEVELOPMENT SERVICES	10
9.3.1	LOCAL PLANNING FRAMEWORK – REPORT OF REVIEW.....	10
9.3.2	PROPOSED AMENDMENT TO AGRIFRESH SUMMERGOLD ORCHARD WIND TURBINES.....	15
9.3.3	PROPOSED HOLIDAY HOUSE – LOT 1001 (NO. 6) PROTON PLACE, JURIE BAY.....	22
9.3.4	PROPOSED JURIE BAY AIRPORT EAST-WEST CROSS RUNWAY – LOT 550 AIRSTRIP ROAD, JURIE BAY.....	30
9.4	GOVERNANCE & ADMINISTRATION	35
9.4.1	PUBLIC ART COMMITTEE WORKING GROUP NOMINATIONS	35
9.5	COUNCILLOR INFORMATION BULLETIN.....	38
9.5.1	SHIRE OF DANDARAGAN – OCTOBER COUNCIL STATUS REPORT	38
9.5.2	SHIRE OF DANDARAGAN – BUILDING STATISTICS – OCTOBER 2023	39
9.5.3	SHIRE OF DANDARAGAN – PLANNING STATISTICS – OCTOBER 2023	39

9.5.4 SHIRE OF DANDARAGAN TOURISM / LIBRARY / COMMUNITY
ACTIVITIES REPORT FOR OCTOBER 202339

**10 NEW BUSINESS OF AN URGENT NATURE – INTRODUCED BY
RESOLUTION OF THE MEETING39**

**11 CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE
PUBLIC.....39**

**12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS
BEEN GIVEN39**

13 CLOSURE OF MEETING39

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 NOVEMBER 2023

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

1.1 DECLARATION OF OPENING

The Shire President declared the meeting open at 4:00pm and welcomed those present.

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

1.2 DISCLAIMER READING

The disclaimer was read aloud as there were 6 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 W Gibson	
Councillor R Glasfurd	
Councillor R Shanhun	
Councillor S Young	

Staff

Mr B Bailey	(Chief Executive Officer)
Mr L Fouché	(Executive Manager Development Services)
Mrs N Winsloe	(Executive Secretary)
Ms R Sutton	(Manager Community & Customer Service)
Ms T Slee	(Manager Economic Development)

Apologies

Nil

Approved Leave of Absence

Nil

Observers

There was 6 members of the public present.

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME**Dianne Knight**

1. Can I please get an update on the Cervantes Niche wall, and can it have any type of garden to go with it?

Response provided by the Chief Executive Officer

This project is budgeted for and currently progressing through the design process. The plans have been drawn up and once finalised they will go out for public comment. The design includes landscaping and is anticipated to be located in the southwest end of Tranquilo Park.

2. Would we be able to put up and decorate a Christmas Tree for the town?

Response provided by the Chief Executive Officer

Normally projects such as these are directly sponsored by businesses in the town and not something that is in the Council Budget. The Shire would support the utilisation of a local verge tree for the purpose if a local community group takes responsibility for organising the project.

Marilyn Gazely

Is there any update on the local Municipal Heritage Register?

Response provided by the Chief Executive Officer

This is still currently an unfunded project in the current budget. As far as I am aware, there has not been any new heritage items, so the current register is still relevant. We will be using a consultant to help with this project which means it will need allocated funds in the budget.

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 CONFIRMATION OF MINUTES**6.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD THURSDAY
26 OCTOBER 2023**

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 NOVEMBER 2023**COUNCIL DECISION**

Moved Cr Shanhun, seconded Cr Gibson

That the minutes of the Ordinary Meeting of Council held 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 31 OCTOBER 2023

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	SODR-2042075298-67131
Disclosure of Interest:	None
Date:	13 November 2023
Author:	Rebecca Pink, Accountant
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

This report tables the monthly financial statements for the period ending 31 October 2023 to be received 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 31 October 2023.

COMMENT

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

1. Net Current Assets

Council's adjusted net current assets surplus / (deficit) position as at the 31 October 2023 was \$5,650,018. 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.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 NOVEMBER 2023

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

Should Councillors wish to raise any issues relating to the 31 October 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

Nil

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Financial statements for the period ending 31 October 2023 (Doc Id: SODR-2042075298-68840)

(Marked 9.1.1)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Clarke, seconded Cr Glasfurd

That the monthly financial statements for the period 31 October 2023 be received.

CARRIED 7/0

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

AGAINST: Nil

9.1.2 ACCOUNTS FOR PAYMENT FOR THE PERIOD ENDED 31 OCTOBER 2023

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	SODR-2042075298-60134
Disclosure of Interest:	None
Date:	14 November 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 October 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 October 2023 totalled **\$1,376,557.06** for the Municipal Fund.

Should Councillors wish to raise any issues relating to the October 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 October 2023 (Doc Id: SODR-2042075298-68880)

(Marked 9.1.2)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION**Moved Cr Young, seconded Cr McDonald****That the Cheque, EFT, BPAY and direct debit payment listing for the period ending 31 October 2023 totalling \$1,376,557.06 be received.****CARRIED 7/0****FOR: Cr O’Gorman, Cr McDonald, Cr Clarke, Cr Gibson, Cr Young, Cr Glasfurd, Cr Shanhun****AGAINST: Nil**

Cr Shanhun declared an impartiality interest in 9.1.3 being a member of the Cervantes Bowling Club which has an affiliation with the Cervantes Country Club.

9.1.3 CERVANTES COUNTRY CLUB – REQUEST TO WRITE OFF OUTSTANDING DEBTS

Location:	Shire of Dandaragan
Applicant:	Cervantes Country Club Inc.
Folder Path:	SODR-1792953452-8
Disclosure of Interest:	Nil
Date:	13 th November 2023
Author:	Brent Bailey, Chief Executive Officer
Senior Officer:	Not Applicable

PROPOSAL

The purpose of this report is for Council to consider a request from Cervantes Country Club (Club) to write off debts which will facilitate the organisation’s winding up.

BACKGROUND

The Club has until recently held a lease over the clubhouse building on reserve 32133 which has a defined purpose of “Club and Club Premises”. The lease was surrendered by the Club as part of a land disposal process undertaken by the Shire which resulted in the facility now being leased and operated by a private business.

During the lease term, the Club was responsible for a number of costs associated with the management and operation of the facility which were incurred by the Shire and then on-charged to the Club, these included:

- Insurance premiums;
- Waste water disposal;
- Self-supporting loan repayments; and

<p>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 NOVEMBER 2023</p>
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- Food premises licensing fees

At present there is \$22,182.01 outstanding and owed by the Club. The current voluntary management committee has been able to reduce the overall debt owing from a peak of \$30,380.69 in 2021.

Following a recent Club meeting which was initiated to commence winding up the associated body, the Club has written to the Shire requesting that the current outstanding debts be written off as they no longer have a revenue earning capacity and cannot commence voluntary winding up proceedings while they have debts.

COMMENT

The likelihood of the Shire realising the funds associated with the debts owed by the Club have been raised throughout the lease disposal process. Previous reports have identified that when the Club no longer has a revenue generating capacity, the only means of collection would be if the debts were cleared by an external benefactor.

The Shire has also experienced the difficulties associated with winding up associations through an administration process which often results in a lengthy and costly process which delivers minimal returns. Given this circumstance relates to a community group which was overseen by a voluntary management committee there seems little value in pursuing the debt through administration proceedings. As mentioned above, to facilitate a timely winding up of the Club under the voluntary winding up process it is recommended that Council agree to write off all amounts owing by the Club.

CONSULTATION

Cervantes Country Club Management Committee

STATUTORY ENVIRONMENT

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

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

** Absolute majority required.*

- (2) *Subsection (1) (a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*
- (3) *The grant of a concession under subsection (1) (b) may be subject to any conditions determined by the local government.*
- (4) *Regulations may prescribe circumstances in which a local*

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 NOVEMBER 2023

government is not to exercise a power under subsection (1) or regulate the exercise of that power.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

As detailed above the Club has approximately \$22,182.01 in outstanding debts with Council which is requested to be written off.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Debtors Statement – Cervantes Country Club (Doc Id: SODR-2042075298-69161)
- Letter from The Cervantes Country Club (Doc Id: SODR-129784381-1142)

(Marked 9.1.3)

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Shanhun, seconded Cr Gibson

That Council, in accordance with Section 6.12(3) of the Local Government Act 1995, write off all unpaid debts owed by the Cervantes Country Club Inc.

CARRIED BY ABSOLUTE MAJORITY 6/1

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

AGAINST: Cr McDonald

9.2 INFRASTRUCTURE SERVICES

9.3 DEVELOPMENT SERVICES

9.3.1 LOCAL PLANNING FRAMEWORK – REPORT OF REVIEW

Location:	Whole of Shire
Folder Path:	SODR-877026889-1155
Disclosure of Interest:	Nil
Date:	15 September 2023
Author:	Rory Mackay, Principal Planning & Building Officer
Senior Officer:	Louis Fouché, Executive Manager Development Services

PROPOSAL

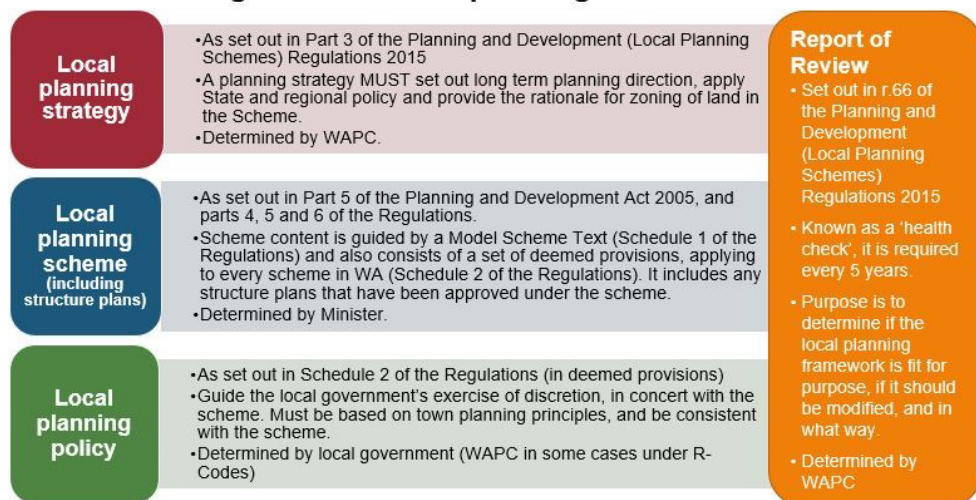
The purpose of this report is for Council to consider the Report of Review of *Local Planning Scheme No.7* prior to submission to the Western Australian Planning Commission for their determination.

BACKGROUND

The key decision-makers in the Western Australian Planning system are the Minister for Planning, Western Australian Planning Commission (Commission) and local governments. These roles and responsibilities are set out in legislation and regulation, principally the *Planning and Development Act 2005*.

The *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) establishes the framework for local planning, through Local Planning Strategies and Schemes. As shown in figure 1 below, the Local Planning Framework consists of three key components; a Local Planning Strategy and Scheme, and a suite of Local Planning Policies that guide local government discretion in decision-making. The Regulations require local governments to prepare a Report of Review periodically to assess the effectiveness of the local planning framework.

Figure 1 - the local planning framework



A Report of Review is a health-check for the local planning framework, which is required to be prepared every 5 years to assess how the framework is operating, and if adjustments need to be made. A Report of Review is required to consider whether a local

government's Local Planning Strategy and Scheme, and any structure plans adopted under the Scheme are:

- Satisfactory in their existing form; or
- Should be amended; or
- Should be repealed / revoked and/or have a new one prepared.

It is also recommended that Local Planning Policies be considered as part of this review, although this is at the Shire's discretion.

The subject Report of Review examines the Shire's Local Planning Framework and makes recommendations to the Commission. Following the recommendation from the Shire, the Commission is to decide whether the Commission agrees or disagrees with the Report of Review and notify the Shire of its decision. The Shire is then required to publish the Report of Review and notice of the Commission's decision. The reason for this is to increase transparency in the planning system and provide stakeholders and community members with a 'road map' of future changes (or not) to the Local Planning Framework.

The Shire's Local Planning Framework consists of:

- Local Planning Strategy - The current Local Planning Strategy (Strategy) was finalised in 2020. The Strategy covers the whole of the Shire.
- Local Planning Scheme - Local Planning Scheme No. 7 (Scheme) was gazetted in 2006. The Scheme covers the whole of the Shire. Since gazettal, the Scheme has been amended 38 times.
- Structure / Local Development Plans - Marine Fields Structure Plan (SPN 0699) approved in 2015 and the Turquoise Coast Development Area Structure Plan approved in 2004. The Local Development Plan for Lot 62 Roberts Street, Jurien Bay was approved in 2018.
- Local Planning Policies - The Shire has 13 Local Planning Policies that have been prepared to guide land use planning in the local context since gazettal of the Scheme.

COMMENT

The Report of Review considers the:

- background of the current Local Planning Framework;
- planning context – population, economy, environment; and
- land demand and supply – new lots, building commencements, future land supply.

After consideration of these factors the Report of Review recommends the following:

1. The Strategy is satisfactory in its existing form.
2. The Scheme should be revoked, and a new scheme prepared in its place.
3. As part of preparing a new scheme, assess existing Structure Plans and Development Plans and determine which plans (if any) should be amended/revoked.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 NOVEMBER 2023

4. As part of preparing a new scheme, assess the relevance of existing Local Planning Policies to determine which policies (if any) should be amended/revoked and whether any new policies are required.

While it is possible to update the current Scheme via an omnibus amendment, in this instance, the scope of updates to the Scheme is of a scale that a new Scheme is the preferable pathway.

Preparing a new Scheme will result in a statutory instrument that is responsive to the local planning context, consistent with the Regulations and aligned with State's land use planning policy and practice. It is anticipated the preparation of a new Scheme could take between 1-2 years to complete.

As recommended in the Strategy, and discussed in the Report of Review, the main issues that the new Scheme needs to deal with are:

- Aligning Scheme structure and content with the Model Scheme Text and Deemed Provisions of the Regulations;
- Normalising existing zones to the model zones in the Model Provisions, and adding Rural Enterprise and Environmental Conservation zones;
- Rezoning specific land parcels as identified in the Strategy;
- Updating Residential Design Code densities within the Shire's settlements particularly in Jurien Bay and Cervantes where a deep sewer network has been provided;
- Introducing a coding mechanism for rural residential land use based on prevailing lot sizes and settlement pattern;
- Updating land use permissibility in the zoning table;
- Updating and/or inserting zone-specific and general development provisions relating to:
 - assessment of rezoning, subdivision and development proposals in the Rural; Rural Residential and Rural Smallholdings zones; and Priority 2 Public Drinking Water Source Areas;
 - opportunities to vary development standards to allow for aged or dependent living (based on market demand and availability of infrastructure in Jurien Bay);
 - assessment of 'agriculture-intensive' proposals, 'animal husbandry - intensive' proposals, 'renewable energy facility' proposals and 'workforce accommodation' proposals on Rural land;
 - guidance on extraction of basic raw materials;
 - managing development impacts along Indian Ocean Drive; and
 - occupancy restrictions on residential units in the Tourism zone;
- Reviewing Special Control Area boundaries and consolidating supporting provisions, creating a new Special Control Area for the future wastewater treatment plant; investigate definition of a noise buffer for current and identified airport sites;

- Reviewing existing Structure / Development Plans to determine their status; and
- Reviewing Local Planning Policies for relevance and alignment with Scheme content and the Regulations (Deemed and Model Provisions).

CONSULTATION

Consultation is not required at this stage of the Local Planning Framework review. A public consultation phase is legislated to form part of the drafting process of a new Scheme under the Regulations.

STATUTORY ENVIRONMENT

Planning and Development (Local Planning Schemes) Regulations 2015 - Part 6 Review and consolidation of local planning schemes

65. Review of local planning scheme

(1) A local government must carry out a review of each local planning scheme prepared by the local government —

(a) in the 5th year after the scheme is published in the Gazette under section 87(3) of the Act; and

(b) in the 5th year after the completion of each review carried out under this Division...

(3) The review must consider whether the local planning scheme is up-to-date and complies with these regulations.

66. Report of review

(1) The local government must, no later than 6 months after the requirement to carry out the review of a local planning scheme arises under regulation 65, or such longer period as the Commission allows —

(a) prepare a report of the review; and

(b) approve the report by resolution; and

(c) provide the approved report to the Commission.

(2) The report must be prepared in the manner and form approved by the Commission and must include the following information —

(a) the date on which the local planning scheme was published in the Gazette in accordance with section 87(3) of the Act;

(b) the date on which each amendment made to the scheme was published in the Gazette in accordance with section 87(3) of the Act;

(c) the date on which the scheme was last consolidated under Part 5 Division 5 of the Act;

(d) an overview of the subdivision and development activity, lot take-up and population changes in the scheme area since the later of —

(i) the date on which the scheme was published in the Gazette in accordance with section 87(3) of the Act; and

(ii) the date on which the scheme was last reviewed;

(e) an overview of the extent to which the scheme has been amended to comply with the requirements of any relevant legislation, region planning scheme or State planning policy.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 NOVEMBER 2023

- (3) *The report must make recommendations as to —*
- (a) *whether the scheme —*
- (i) *is satisfactory in its existing form; or*
- (ii) *should be amended; or*
- (iii) *should be repealed and a new scheme prepared in its place;*
- and*
- (b) *whether the local planning strategy for the scheme —*
- (i) *is satisfactory in its existing form; or*
- (ii) *should be amended; or*
- (iii) *should be revoked and a new strategy prepared in its place;*
- and*
- (c) *whether any structure plan or local development plan approved under the scheme —*
- (i) *is satisfactory in its existing form; or*
- (ii) *should be amended; or*
- (iii) *should have its approval revoked.*

FINANCIAL IMPLICATIONS

The preparation of a new Scheme will be completed in house by Shire planning staff with the assistance of the officers from the Department of Planning, Lands and Heritage. As such, the cost involved in this project will be absorbed by standard operating costs subject to any formal community workshop and advertising needs throughout the process.

STRATEGIC IMPLICATIONS

- Local Planning Strategy 2020 - The Strategy recommends that a new scheme (Scheme 8) be prepared.
- Strategic Community Plan - Envision 2029:

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

ATTACHMENTS

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

- Report of Review (Doc Id: SODR-877026889-4157)
(Marked 9.3.1)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr McDonald, seconded Cr Shanhun

That Council:

1. Pursuant to Regulation 66(1)(b) and (c) of the *Planning and Development (Local Planning Schemes) Regulations 2015* approve the Report of Review (Doc Id: SODR-877026889-4037) and forward a copy of the Report to the Western Australian Planning Commission.
2. Pursuant to Regulation 66(3)(a) and (b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* recommend to the Western Australian Planning Commission that:
 - a) The *Shire of Dandaragan Local Planning Strategy 2020* not be reviewed as it is satisfactory in its existing form.
 - b) The *Shire of Dandaragan Local Planning Scheme No. 7* should be repealed, and a new scheme prepared in its place.
 - c) As part of preparing a new scheme an assessment be made of:
 - i. Existing structure plans and development plans to determine which plans (if any) should be amended / revoked.
 - ii. The relevance of existing local planning policies to determine which policies (if any) should be amended / revoked and whether any new policies are required.

CARRIED 7/0

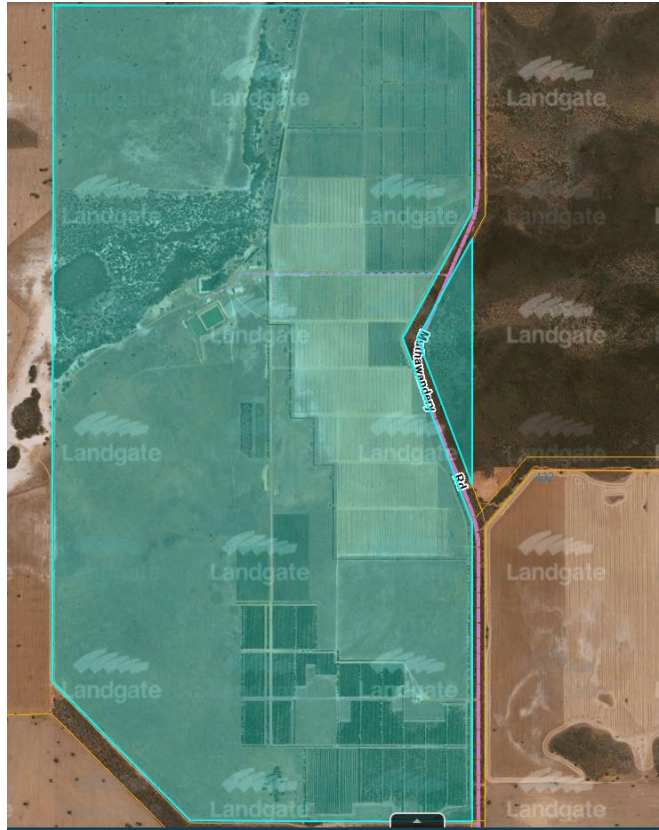
FOR: Cr O’Gorman, Cr McDonald, Cr Clarke, Cr Gibson, Cr Young, Cr Glasfurd, Cr Shanhun

AGAINST: Nil**9.3.2 PROPOSED AMENDMENT TO AGRIFRESH SUMMERGOLD ORCHARD WIND TURBINES**

Location:	Lot 27 Muthawandery Road, Dandaragan
Applicant:	Advanced Energy Resources on behalf of Agrifresh
Folder Path:	SODR-1262144384-20017
Disclosure of Interest:	Nil
Date:	10 November 2023
Author:	Rory Mackay, Planning Officer
Senior Officer:	Louis Fouche, Executive Manager Development Services

PROPOSAL

The purpose of this report is for Council to consider an amendment to the development approval granted on 25 March 2021, for the erection of up to six wind turbines and associated infrastructure on Agrifresh's Summergold Orchard horticulture property at Lot 27 Muthawandery Road, Dandaragan.



Overview Map of the Summergold Orchard on Muthawandery Road, Dandaragan

BACKGROUND

On 25 March 2021, Council granted development approval for the installation of up to six wind turbines on the subject property as follows:

That Council:

- A. determine in accordance with clause 3.4.2(b) of Local Planning Scheme No.7 that the proposed development is consistent with the objective for Rural zone; and*
- B. grant development approval for the installation of 6 wind turbines upon Lot 27 Muthawandery Road, Dandaragan subject to the following conditions:*
 - 1. The development shall be generally in accordance with the approved plans and specifications unless otherwise conditioned by this approval.*
 - 2. This approval is for up to maximum of 6 wind turbines.*
 - 3. The proponent shall provide a Traffic Management Plan to Main Roads WA and the Shire of Dandaragan prior to the commencement of construction. The Traffic Management Plan shall address: transportation of materials to the development site; obtaining the necessary written approvals /*

- permits from Main Roads Heavy Vehicle Services branch; and any upgrades required to the local road network to facilitate the development's heavy haulage. All costs applicable shall be borne by the proponent.*
- 4. The proponent shall repair any damage to the local road network as reasonable determined to be connected with the development as determined by and to the satisfaction of the Shire of Dandaragan. All costs applicable shall be borne by the proponent.*
 - 5. The transportation of materials, goods and commodities to and from the development shall be conducted so that dust emissions have minimal impact on the locality.*
 - 6. The proponent shall develop and implement a post construction noise monitoring program at the noise sensitive receptors to assess compliance of the operational Wind Farm with the noise limits to the satisfaction of the Shire of Dandaragan.*
 - 7. The proponent shall implement a bird mortality monitoring program for the life of the development to the satisfaction of the Shire of Dandaragan.*
 - 8. Decommissioning of the above ground plant and equipment on the subject land will commence within a period of 12 months from termination of operations and be completed within a time period to the satisfaction of the Shire of Dandaragan. This will occur following submission by the proponent of a plan outlining the process of decommissioning.*

Advice Notes:

- A. Should the Applicant be aggrieved by the decision (in part or whole) there is a right pursuant to the Planning and Development Act 2005 to have the decision reviewed by the State Administrative Tribunal. Such an Application must be lodged within twenty-eight (28) days from the date of the decision.*
- B. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement, memorial or restrictive covenant. It is the responsibility of the applicant and landowner and not the Shire of Dandaragan to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire of Dandaragan's attention.*
- C. 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.*
- D. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the Planning and Development Act 2005 and the Shire of*

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 NOVEMBER 2023

Dandaragan Local Planning Scheme No.7 and may result in legal action being initiated by the Shire of Dandaragan.

CARRIED 7 / 0

Since this approval, the proponent has been able to source slightly larger and more efficient second-hand wind turbines from Europe. Comparison between the previous turbine design and the amended design is reflected in the following table.

	Approved Design	Amended Design
Rated capacity	500kW	1800kW
Tower height	65m	70m
Blade diameter	21m	35m
Maximum tip height	86m	105m

The proponent has indicated that the amended wind turbine design will allow greater flexibility in the final wind turbine selection and is likely to result in the installation of fewer than the requested six turbines.

The proponent has also requested a micro siting allowance of up to 150m from the approved turbine locations to allow for varying soil and topography conditions and to avoid affecting the existing orchard layouts.

The proposed wind turbines will supply 80% of the power required for the irrigation of Agrifresh's horticulture land use of the property where mangoes and citrus varieties are grown. The development will also offset electricity imported from the local electricity network, which has limited capacity.

Agrifresh also grow citrus at a separate nearby property at 2504 Coomberdale West Road, Badgingarra.

COMMENT

Local Planning Scheme No.7

This application is an amendment to an existing development approval, therefore a determination in accordance with clause 3.4.2(b) that the proposed use-not-listed development is consistent with the objective for the Rural zone is not required, as this determination has been already made with the original approval on 25 March 2021.

Environmental impact

The amended development poses insignificant environmental impacts as no vegetation clearing will be required for the development as it will be sited on existing cleared farmland. The collective development footprint is 3 hectares of the 700-hectare property. Additionally, industry standard bird strike and dieback protocols will be put in place for the development.

Traffic impact

The proponent advises that internal farm tracks will require minor upgrading to allow construction vehicles to access the turbine locations. Road materials will be sourced from an existing gravel pit within the property. Hard stands of 20 m x 10 m will be built next to each turbine site to allow the assembly and erection of tower sections, nacelle (cover housings) and rotor blades. No additional clearing is required to construct the tracks and hard stands.

Noise impact

The turbines are isolated from residential dwellings, with the closest turbine proposed 1.3km from the nearest neighbouring residential dwelling. With the proposed wind turbines being much smaller in scale and quieter than other existing wind turbines within the Shire, it is expected that there will be very limited to no noise buffer areas on adjoining land which will be above the 35 dB (A) industry noise limit.

Even though noise levels may meet the criteria, people residing near wind farms may experience or be aware of the noise generated by the wind turbines. This new type of noise source may have a character with which people may initially be unfamiliar with and, even though wind turbine noise is typically steady and broad-band in nature, people may notice features at times, usually barely or faintly.

The National Health and Medical Research Council (NHMRC) state the following regarding human health and wind farms:

There is no direct evidence that exposure to wind farm noise affects physical or mental health. While exposure to environmental noise is associated with health effects, these effects occur at much higher levels of noise than are likely to be perceived by people living in close proximity to wind farms in Australia. The parallel evidence assessed suggests that there are unlikely to be any significant effects on physical or mental health at distances greater than 1.5 kilometres from wind farms.

Nonetheless, a previous condition of development approval will remain in force to ensure the proponent implements a post construction noise monitoring program at noise sensitive receptors (dwellings) to assess compliance of the operational wind farm with industry noise limits.

Visual and landscape impact

Noise restrictions as outlined above are the design factor in setback distances from neighbouring dwellings. It is generally accepted that turbines are kept at a sufficient distance from the nearest dwelling to ensure that noise doesn't become an issue.

With the initial development application, the proponent supplied a view shed analysis taken from the north-east of the development

along Muthawandery Road looking south-west at the location of the turbines at a lower elevation (230AHD).

At this time, the proponent provided the following overview comment on this analysis:

In developing a view point we have selected a location with the most open views to the proposed wind turbines. The submitted photomontage view shed can be taken as a representative “worst-case”, with views at further distances diminished by terrain and vegetation. The view point location is approximately 1km from the nearest wind turbines. Nearest dwellings are approximately 1.3km to 2km from the nearest wind turbines.

The requested increase in turbine sizing is seen as negligible given the recently developed Yandin and Badgingarra Wind Farms have turbines over 40% larger than the requested amended turbine design.

Approval of the 150m micro siting allowance for the final turbine positions is considered minor in relation to the visual impacts on the immediate neighbouring properties and the wider locality.

Conclusion

It is recommended that Council approve the amendment to the wind turbine design previously approved. This decision will not alter the conditions of development approval previously.

CONSULTATION

Comment was sought from surrounding landowners and no submissions were received.

STATUTORY ENVIRONMENT

Local Planning Scheme No.7:

This renewable energy facility land use is not listed within *Local Planning Scheme No.7* as such Clause 3.4.2 of the Scheme applied in the assessment of the initial development application:

3.4.2. If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may —

- a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
- b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 64 of the deemed provisions in considering an application for development approval; or*
- c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.*

POLICY IMPLICATIONS

- Western Australian Planning Commission Position Statement:

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 NOVEMBER 2023

Renewable energy facilities:

The policy identifies assessment measures to facilitate appropriate development of renewable energy facilities. It seeks to ensure these facilities are in areas that minimise potential impact upon the environment, natural landscape and urban areas while maximising energy production returns and operational efficiency.

Renewable energy facility:

premises used to generate energy from a renewable energy source and includes any building or other structure used in, or relating to, the generation of energy by a renewable resource. It does not include renewable energy electricity generation where the energy produced principally supplies a domestic and/or business premises and any on selling to the grid is secondary.

- NHMRC Statement: Evidence on Wind Farms and Human Health – as outlined.

FINANCIAL IMPLICATIONS

The applicant has paid the required fee to request an amendment to an existing development approval.

STRATEGIC IMPLICATIONS

Local Planning Strategy 2020

Assess applications for wind farms and other alternative energy infrastructure, having regard to visual landscape issues and other relevant matters set out in Position Statement on Renewable Energy Facilities.

Strategic Community Plan – Envision 2029:

02 – Prosperity	The region will experience economic and population growth with increasing economic opportunities, diversifying primary production and a vibrant visitor economy.
Priority Outcomes	Our Roles
Our Shire has a contemporary land use planning system that responds to, and creates, economic opportunities.	Ensuring that our planning framework is modern and meets the needs of industry, small business and emerging opportunities.
Our region is celebrated as a major contributor to the State's food production with a diverse range of agricultural, fishery and horticultural enterprises.	Advocate and facilitate the reduction in economic barriers such as access to water, electricity, logistics infrastructure and telecommunications.

ATTACHMENTS

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

- Amendment Cover Letter (SODR-1262144384-20018) **(Marked 9.3.2)**

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION**Moved Cr Gibson, seconded Cr Clarke****That Council grant approval for the wind turbine design and micro-siting allowance amendments as outlined in attachment (SODR-1262144384-20018) for the approved wind turbine development (DA03/21) at Lot 27 Muthawandery Road, Dandaragan and advise the applicant that this decision does not alter the conditions of development approval previously imposed by Council on 25 March 2021.****CARRIED 7/0****FOR: Cr O’Gorman, Cr McDonald, Cr Clarke, Cr Gibson, Cr Young, Cr Glasfurd, Cr Shanhun****AGAINST: Nil**

Cr Gibson declared a proximity interest in item 9.3.3 and left the meeting at 4:10pm.

9.3.3 PROPOSED HOLIDAY HOUSE – LOT 1001 (NO. 6) PROTON PLACE, JURIEN BAY

Location:	Lot 1001 (No.6) Proton Place, Jurien Bay
Applicant/Landowner:	Tammie & Laurie Shine
Folder Path:	SODR-1262144384-20046
Disclosure of Interest:	Nil
Date:	24 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 development approval for the use of Lot 1001 (No.6) Proton Place, Jurien Bay as a commercial holiday house.



Location Plan – Lot 1001 (No.6) Proton Place, Jurien Bay

BACKGROUND

A three-bedroom, single-storey dwelling exists on the subject property. The proponent initially lodged a development application to seek approval to accommodate up to nine guests for short stay bookings, not exceeding three consecutive months. However, based on advice provided by the reporting officer, this was amended to maximum guest limit of five based on the dwelling's bedroom sizes.

The proponent has also advised that the subject dwelling will be rented to one party from the 1 March to 31 October for the next three years. Therefore, the subject dwelling will only be used as commercial holiday house for the remaining four months of each twelve-month period for the next three years.

The application was advertised to immediate neighbouring landowners from 21 September 2023 until 20 October 2023. Two submissions, objecting to the proposal were received. 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 nine 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.*

<p>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 NOVEMBER 2023</p>
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- *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:

- 10 Villaret Way
- 3 Corella Loop
- 9 Maniki Garden

There is also an approved traditional bed and breakfast establishment at 8 Acacia Way.

Overall, there are 86 commercial holiday houses approved in the townsites of Jurien Bay and Cervantes. This represents 4.2% of the 2069 dwellings in these towns recorded on the 2021 Census date.

For Jurien Bay specifically, there are 74 approved commercial holiday houses which represents 4.7% of the 1573 dwellings in Jurien Bay 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; 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.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 NOVEMBER 2023

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

The premises will be managed locally by the landowner who resides on Dalton Street. This management arrangement provides a local point of call for neighbouring landowners/occupants surrounding the proposed holiday and complies with clause 7.5 Management Protocols of the Policy which requires holiday house property managers to reside or have their office 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 new Policy is displayed in the following table.

Deemed-to-comply Provision	Proposed
<p><u>Utility Servicing</u> The premises is:</p> <ol style="list-style-type: none"> connected to reticulated water for the exclusive use of the premises; and located within the Shire's kerbside refuse collection area; and connected to reticulated sewerage, or there is an approved on-site effluent disposal system with adequate capacity for the proposed number of guests. 	<p><u>Compliance</u> Connected to reticulated water and 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 bays arranged one behind the other in accordance with the following rates: 4-6 guests = minimum of 2 parking bays</p>	<p><u>Compliance</u> Dual width driveway with rear access for parking vehicles on the premises.</p>
<p><u>Dwelling Design</u></p> <ol style="list-style-type: none"> The premises is an existing, lawful dwelling. There is 5.5m² per guest in each bedroom utilising beds. There is 3.5m² per guest in each bedroom utilising bunks. Bedrooms in a premises are provided in accordance with the following rates: 5-7 guests = 3 bedrooms Bathrooms and toilets are provided in accordance with the following rates: 1-6 guests = 1 bathroom and 1 toilet 	<p><u>Compliance</u></p> <ul style="list-style-type: none"> ▪ Lawful 3-bedroom dwelling with 2-bathrooms and 2-toilets. ▪ 1st bedroom – 2 guests – 14.97m² ▪ 2nd bedroom – 1 guests – 8m² ▪ 3rd bedroom – 2 guests – 11.87m²
<p><u>Overcrowding</u> Each occupant over the age of 10 years has 14m³ of airspace within a bedroom for sleeping purposes.</p>	<p><u>Compliance</u></p> <ul style="list-style-type: none"> ▪ 1st bedroom – 2 guests – 36.46m³ ▪ 2nd bedroom - 1 guests – 19.83m³

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 NOVEMBER 2023

Each occupant 10 years and under has 8m³ of airspace within a bedroom for sleeping purposes.

- 3rd bedroom – 2 guests – 28m³

As the proposal meets the deemed-to-comply provisions as shown above, 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

Two objections were received from surrounding landowners. The submissions and officer response are reflected in the table below.

Comment	Officer Response
Please let it be known that I am totally against this occurring and ask the Shire to reject the proposal.	Noted. The applicant has revised the property management plan to have a maximum of five guests to meet the deemed-to-comply criteria of the relevant local planning policy.
<p>1. We would like to express our concerns regarding a Holiday house to the rear of our property. Our property is located behind the above address, our living areas and bedrooms back onto the back fence which is a meter from the fence line.</p> <p>2. We also currently have a Holiday house next door to us in the cul de sac on Maniki Gardens. With the experience we are having with this property and the large numbers they accommodate, we feel that our privacy and control over noise would further impact our quite life style.</p> <p>3. We feel that the numbers allocated for this property is too high and a maximum number of 6 people would be more sufficient. We would also like to know if the property is going to be pet friendly, we do not want barking dogs at the property when the tenants are not there, we have already had issues of pets getting upset and barking when left alone. This has been case with the other Rental on Maniki. Please accept our comments as part of your decision for any approvals. We purchased this property for its quite location and this would have a huge impact on us.</p>	<p>1. Noted. The subject neighbouring property is an irregular shaped property adjacent to a cul-de-sac, resulting in the reduced rear setback.</p> <p>2. Noted. The Shire has not received any complaints in regards the management of the commercial holiday house at 9 Maniki Gardens to date. The owner (property manager) should be contacted if any noise issues are experienced.</p> <p>3. As per the response to the above submission. The property manager has listed that no pets are welcomed at 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;*

...

(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.*

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 NOVEMBER 2023

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Strategic Community Plan – Envision 2029

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

ATTACHMENTS

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

- Submitted property management documents (SODR-1262144384-20432)

(Marked 9.3.3)

VOTING REQUIREMENT

Simple majority.

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Shanhun, seconded Cr McDonald

That Council approve the development application for the proposed Holiday House at Lot 1001 (No.6) Proton Place, Jurien Bay, subject to following conditions and advice:

Conditions:

- 1. 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.**
- 2. The Holiday House must not cause nuisance or degrade the amenity of the neighbourhood in any way, including by reason of the emission of noise, light, odour, fumes, smoke, vapour or other pollutant, or impact on public safety or otherwise, to the satisfaction of the Shire of Dandaragan.**
- 3. The total number of people to be accommodated in the Holiday House shall not exceed five (5) guests at all times.**

4. The listed 'Property Manager' shall undertake the duties listed on the 'Property Management Plan' submitted with the subject development application date stamped 24 October 2023 for the life of the development.
5. The Holiday House shall be operated in accordance with the 'Property Management Plan' and 'Code of Conduct', submitted with the subject development application date stamped 24 October 2023 for the life of the development.
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 0.2m² in area listing the approved property manager's contact details is to be erected / placed on a frontage wall, fence, or entry statement to the premises to the satisfaction of the Shire of Dandaragan 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 6/0

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

AGAINST: Nil

Cr Gibson re-entered the room at 4.11pm and the CEO advised Cr Gibson of the decision.

9.3.4 PROPOSED JURIEN BAY AIRPORT EAST-WEST CROSS RUNWAY – LOT 550 AIRSTRIP ROAD, JURIEN BAY

Location:	Reserve 35408, Lot 550 Airstrip Road, Jurien Bay
Folder Path:	SODR-1262144384-20703
Disclosure of Interest:	Nil
Date:	31 October 2023
Author:	Rory Mackay, Principal Planning & Building Officer
Senior Officer:	Louis Fouché, Executive Manager Development Services

PROPOSAL

The purpose of this report is for Council to consider granting development approval for the construction of an east-west cross-runway within the Jurien Bay Airport Reserve.



Reserve 35408, Lot 550 Airstrip Road, Jurien Bay

BACKGROUND

The Jurien Bay Airport Reserve was created in 1978. Progressive enhancements to the existing north-south runway have been made since that time relative to usage demand. The airport currently comprises a single, sealed runway and associated partial taxiway of typical dimensional standard to accommodate aircraft operated by the Royal Flying Doctor Service. The Department of Fire and Emergency Services (DFES) also uses the airport for firefighting purposes, including water bombing. The facility is further used by private airplanes as well as commercial enterprises as part of providing various recreational pursuits including skydiving and scenic flights.

On 23 April 2020, Council adopted the Jurien Bay Airport Masterplan (Masterplan). The Masterplan provides a guide to the key infrastructure within the airport site which responds to the local environment and stakeholder needs to ensure effective functionality. The Masterplan recognises that the existing site should serve the local needs for the foreseeable future (at least the next 20 years) and that the proximity of the airport to the town centre is an advantage for some stakeholders. It is anticipated that a transition period would be needed before the existing airport was closed (if deemed necessary). Future investigations to identify a new site for the airport may still progress to ensure such a facility is safeguarded from other conflicting land use development.

A recommendation of the Masterplan was to establish an east-west cross-runway as matter of priority due to strong easterly winds and the afternoon prevailing westerly winds making it difficult to land safely on the existing north-south runway. This is particularly apparent as such strong winds are often linked to bushfire emergency events in the region which requires utilization of the airport by air fire appliances (i.e. water bombers). The proposed cross-runway is 1km long and 18m wide.

Since the adoption of the Masterplan, Shire staff have been working with the Land Use Management staff of the Department of Planning, Lands and Heritage (DPLH) to acquire management of land to the east of the existing runway to situate the cross-runway within. On 11 August 2023, the Management Order and the Reserve Land Listing for the Airport Reserve 35408 was amended to include the required additional land to the east of the existing airport facilities (Deposited Plan 424652). The purpose of the subject reserve was also amended to also include 'terminal and emergency services compound' in addition to the existing purpose of 'aerial landing ground'.

The additional land acquired however still requires zoning and reserve classification amendments under the Shire's *Local Planning Scheme* as the subject land is currently a combination of a 'Public Purposes' and 'Parks and Recreation' reserve classifications as well as 'Industrial' zoned land as shown in the below image. Advice was sought from the Regional Central Planning Team at DPLH who advised that it is possible for the Shire to assess a development application against the current zoning and classifications and then amend the *Local Planning Scheme* at a later date to have the whole new land listing of Reserve 35408 classified as 'Public Purpose – Landing Ground' within the Local Planning Framework Review process currently underway.



Zoning map of the additional land acquired for the cross-runway

The development works are not considered an exempt 'public works' as outlined the statutory section of this report - as such development approval is required. Advice has been received from the Department of Water and Environmental Regulation that if development approval is granted under the Shire's *Local Planning Scheme*, an exemption to requiring a vegetation clearing permit can be applied for the cross-runway construction (as also outlined in the statutory section of this report).

The development is located within Reserve 35408, 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.

COMMENT

It is considered that the proposed cross-runway development is consistent with the designated reserve purposes of 'aerial landing ground, terminal and emergency services compound' as these purposes are closely linked to the intended uses of the cross-runway.

An assessment of the proposal against the three types of zoning/classifications under the *Local Planning Scheme* the subject land falls within is as follows:

1. Public Purpose: the development is for a public purpose and is therefore consistent with this classification.
2. Parks and Recreation: the development can be considered consistent with classification as the cross-runway will enable greater recreation use of the public airport reserve.
3. Industrial: the development can be considered consistent with this zoning as light industrial land uses adjacent the cross-runway are contemplated by the Masterplan.

In summary, the cross-runway development:

- has a defined a purpose with a rational need which is compatible with the ultimate purposes intended for the reserved land and the current future *Local Planning Scheme* zoning/classification;
- has a minimal appearance in the context of the surrounding undeveloped land; and
- is strongly supported by the Masterplan.

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

CONSULTATION

- Airport Working Group – this project has been strongly supported and prioritised by this working group.
- Department of Planning, Lands & Heritage – as outlined in the report.
- Development WA – consulted to ensure the cross runway will not jeopardise future light industrial land development south of the existing Coalseam Drive Estate.
- Department of Water & Environmental Regulation – as outlined in the report.

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.

Public Works Act 1902

The proposed development works of constructing the cross-runway is not considered 'public works' under section 2 of the *Public Works Act 1902* and expanded by section 4 of the *Planning and Development Act 2005*, as any works related to airports and runways are excluded from the listed exempted works, as such development approval is required.

Planning and Development Act 2005

Development means the development or use of any land, including

—

- (a) any demolition, erection, construction, alteration of or addition to any building or structure on the land;*
- (b) the carrying out on the land of any excavation or other works...*

Environmental Protection Act 1986

Schedule 6 — Clearing for which a clearing permit is not required

2. Clearing that is done —

- (a) in the implementation of a proposal in accordance with an implementation agreement or decision;*
- (b) in the case of a proposal that —*

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 NOVEMBER 2023

- (i) was made under an assessed scheme; and*
- (ii) because of section 48I(2), was not referred to the Authority, in the implementation of the proposal in accordance with a subdivision approval, a development approval or a planning approval given by the responsible authority...*

“assessed scheme” —

(a) means a scheme which has been assessed under Division 3 of Part IV and in respect of which a statement has been delivered to the responsible authority under section 48F(2)(a);

Environmental Protection (Clearing of Native Vegetation) Regulations 2004:

Regulation 5. Prescribed clearing — section 51C

Item 1 Clearing to construct a building

Clearing of a site for the lawful construction of a building or other structure on a property, being clearing which does not, together with all other limited clearing on the property in the financial year in which the clearing takes place, exceed 5 ha, if —

- (a) the clearing is to the extent necessary; and*
- (b) the vegetation is not riparian vegetation.*

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

The estimated cost of the cross-runway is \$2-million however this will be carried out in stages as funding becomes available (commencing with an unsealed runway formation).

STRATEGIC IMPLICATIONS

Jurien Bay Airport Masterplan 2020 – as outlined.

Local Planning Strategy 2020

Transport Infrastructure – Strategic Directions:

Facilitate appropriate growth of the existing airport and identify new site for the Jurien Bay Regional Airport.

ATTACHMENTS

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

- Proposed East/West Runway Longitudinal Section (SODR-877026889-2817)
- Deposited Plan 424652 (SODR-877026889-3663)
- Jurien Bay Airport Masterplan 2020 (SODR-877026889-2715)

(Marked 9.3.4)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION**Moved Cr Young, seconded Cr McDonald**

1. Agrees to provide landowner's consent for the development application for an airport cross-runway on Reserve 35408, Lot 550 Airstrip Road, Jurien Bay.
2. Grant development approval for an airport cross-runway on Reserve 35408, Lot 550 Airstrip Road, Jurien Bay.

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 PUBLIC ART COMMITTEE WORKING GROUP NOMINATIONS**

Location:	N/A
Applicant:	Shire of Dandaragan
Folder Path:	SODR-1876983588-406
Disclosure of Interest:	Nil
Date:	11 October 2023
Author:	Rhiarn Sutton, Manager Customer and Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

The purpose of this item is for Council to consider nominations for memberships of the Public Art Committee.

BACKGROUND

In August 2023, Council endorsed the Public Art Committee Terms of Reference that set out the operating guidelines for the Working Group and authorised the Chief Executive Officer to call for community member nominations on the Public Art Committee.

COUNCIL DECISION

Moved Cr Shanhun, Seconded Cr Rybarczyk

1. *Endorse the Public Art Committee Terms of Reference as indicated in the attachments Doc Id: SODR-437506902-8586.*
2. *Authorise the Chief Executive Officer to call for community member expressions of interest for the Public Art Committee*

CARRIED 7 / 0

During the months of August and September, calls for nominations were prominently promoted to the community.

The membership will be comprised of a maximum of three Shire of Dandaragan Councillors and maximum of four community members with experience in the following fields:

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 NOVEMBER 2023

- Arts or arts industry
- Indigenous community
- Tourism
- Youth
- Heritage

COMMENT

Nominations were received from four (4) individuals with varying backgrounds and experiences. Based on these nominations, officers recommend the acceptance of the following individuals as members for the 2023/24 financial year. These members will collaborate within the framework of the Public Art Committee Terms of Reference.

INDIVIDUAL NOMINEE
Allison Whybrow
Marilyn Gazeley
Barb Green
Dianne Knight

Each nomination that has been received has been assessed for its relevance and deemed worthy of active participation in the working group.

CONSULTATION

The Public Art Committee Working Group will be a primary source of community consultation.

STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

POLICY IMPLICATIONS

There are no policy implications associated with this item.

FINANCIAL IMPLICATIONS

There are no financial implications in relation to this item.

STRATEGIC IMPLICATIONS

Strategic Community Plan - Envision 2029

01 Infrastructure	The Shire will sustain a dynamic infrastructure network responsive to usage demand that attracts and retains residents and businesses.
Priority Outcomes	Our Role
Our communities contain vibrant, activated public open space 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 placemaking and design thinking.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 NOVEMBER 2023

	Increase activation of our public open space and buildings rather than increasing quantity without a demonstrated need.
Priority Outcomes	Our Role
A Shire built on the strengths of community spirit and resilient, connected communities.	Recognise and support the value of our community volunteers and provide meaningful opportunities to contribute to Shire projects and improve local living.

ATTACHMENTS

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

- Public Art Committee Terms of Reference (Doc Id: SODR-437506902-10806)
- Public Art Committee Working Group Nominations (Doc Id: SODR-437506902-11005)

(Marked 9.4.1)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council:

1. Endorse the following nominees as members of the Public Art Committee Working Group:
 1. Allison Whybrow
 2. Marilyn Gazeley
 3. Barb Green
 4. Dianne Knight
2. Appoint the following Councillors, as Council representatives for the Working Group:
 1. _____
 2. _____
 3. _____

OFFICER RECOMMENDATION

Moved Cr Shanhun, seconded Cr McDonald

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

CARRIED 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 Gibson
That Council reinstate 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 Young
That Council:

1. Endorse the following nominees as members of the Public Art Committee Working Group:
 1. Allison Whybrow
 2. Marilyn Gazeley
 3. Barb Green
 4. Dianne Knight
2. Appoint the following Councillors, as Council representatives for the Working Group:
 1. Cr Sharon Young
 2. Cr Rob Shanhun
 3. Cr Rose Glasfurd
3. Authorise the Chief Executive Officer to approve the appointment of a Dandaragan community representative to the Public Art Committee Working Group if a nomination is forthcoming.

CARRIED 7/0

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

AGAINST: Nil

Reason for variation from Officer’s recommendation: Council chose to keep the opportunity open for a community representative from Dandaragan to be added to the Public Art Committee Working Group.

9.5 COUNCILLOR INFORMATION BULLETIN

9.5.1 SHIRE OF DANDARAGAN – OCTOBER 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 October. **(Marked 9.5.1)**

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 NOVEMBER 2023

9.5.2 SHIRE OF DANDARAGAN – BUILDING STATISTICS – OCTOBER 2023

Document ID: SODR-2045798944-7227

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

9.5.3 SHIRE OF DANDARAGAN – PLANNING STATISTICS – OCTOBER 2023

Document ID: SODR- 2045798944-7228

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

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

Document ID: SODR-1876983588-1353

Attached to the agenda is monthly report for Tourism / Library for October 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 4:14pm.

These minutes were confirmed at a meeting on

Signed

Presiding person at the meeting at which the minutes were confirmed

Date