



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

**MINUTES**  
  
of the  
  
**ORDINARY COUNCIL MEETING**  
  
held at the  
  
**JURIEN BAY COUNCIL CHAMBERS,**  
  
on  
  
**THURSDAY 14 DECEMBER 2023**  
  
**COMMENCING AT 4.00PM**

***THESE MINUTES ARE YET TO BE CONFIRMED***  
*(THIS DOCUMENT IS AVAILABLE IN LARGER PRINT ON REQUEST)*

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MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 14 DECEMBER 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 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 was 1 member 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 R Shanahun	
Councillor S Young	

### Staff

Mr B Bailey	(Chief Executive Officer)
Mr L Fouché	(Executive Manager Development Services)
Mr B Waters	(Executive Manager Corporate & Community Services)
Mr B Pepper	(Executive Manager Infrastructure)
Mrs N Winsloe	(Executive Secretary)
Mr R Mackay	(Principal Planning & Building Officer)
Ms R Sutton	(Manager Community & Customer Service)

### Apologies

### Approved Leave of Absence

Councillor W Gibson

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 14 DECEMBER 2023****Observers**

Mr Peter House

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

Nil

**4 PUBLIC QUESTION TIME**

Nil

**5 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

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

Moved Cr Clarke, seconded Cr Shanhun

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

**CARRIED 6 / 0**

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

**AGAINST: Nil**

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

Nil

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

Peter House presented a deputation to Council in relation to item 9.4.3 speaking in favour of Council supporting the officer’s recommendation.

## 9 REPORTS OF COMMITTEES AND OFFICERS

### 9.1 CORPORATE & COMMUNITY SERVICES

#### 9.1.1 ACCOUNTS FOR PAYMENT FOR THE PERIOD ENDED 30 NOVEMBER 2023

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	SODR-2042075298-70605
Disclosure of Interest:	None
Date:	5 December 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 November 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 November 2023 totalled **\$1,507,208.14** for the Municipal Fund.

Should Councillors wish to raise any issues relating to the November 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

There are no consultation requirements relevant to this item.

#### 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.

<p><b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 14 DECEMBER 2023</b></p>
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ATTACHMENTS

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

- Cheque, EFT and direct debit listings for November 2023 (Doc Id: SODR-2042075298-70604)  
*(Marked 9.1.1)*

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 November 2023 totalling \$1,507,208.14 be received.**

**CARRIED 6 / 0**

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

**AGAINST: Nil**

**9.2 INFRASTRUCTURE SERVICES**

**9.3 DEVELOPMENT SERVICES**

**9.3.1 PROPOSED WORKFORCE ACCOMMODATION AND CAMPGROUND AMENITIES – RAC CERVANTES HOLIDAY PARK**

Location:	Reserve 30838, Lot 500 (#35) Aragon Street, Cervantes
Applicant:	RAC Tourism Assets Pty Ltd
File Ref:	SODR-1262144384-20717
Disclosure of Interest:	Nil
Date:	21 November 2023
Author:	Rory Mackay, Principal Planning & Building Officer
Senior Officer:	Louis Fouche, Executive Manager Development Services

PROPOSAL

The purpose of this report is for Council to consider granting development approval for the addition of workforce accommodation units and the replacement of campground amenities within the RAC Cervantes Holiday Park. A determination whether the proposed land use of ‘workforce accommodation’ is consistent with the objectives of the ‘Tourist’ zone, is required in the first instance.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 14 DECEMBER 2023

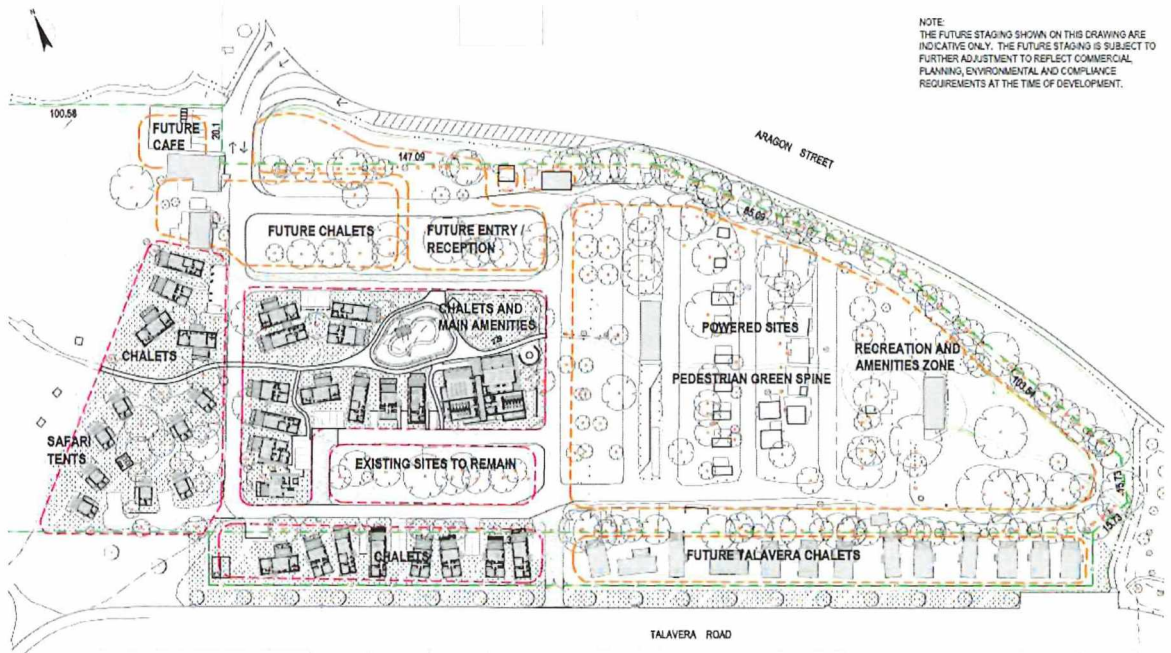


RAC Cervantes Holiday Park - Lot 500 (#35) Aragon Street

BACKGROUND

Reserve 30838 (35) Aragon Street, Cervantes is a Shire reserve which is leased long-term to RAC for the purposes of a caravan park and campground.

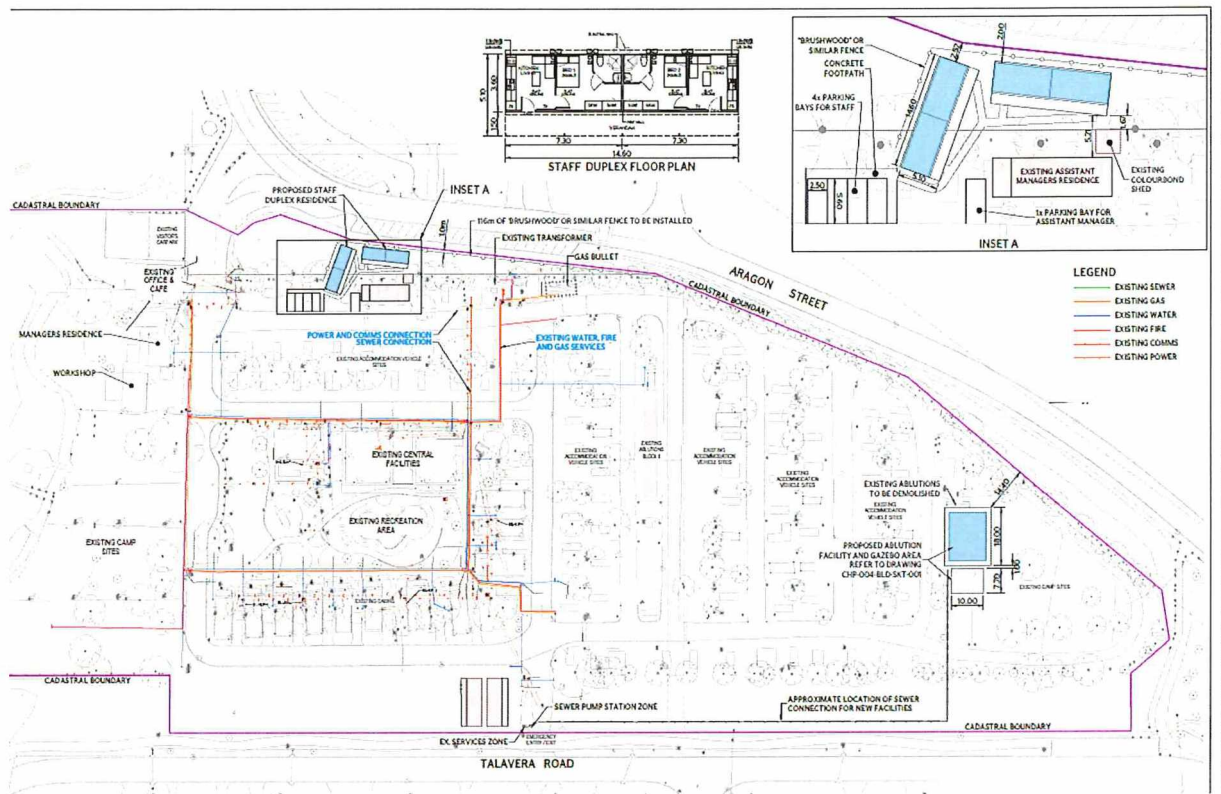
On the 17 December 2015, Council endorsed the below long-term masterplan for the indicative redevelopment of the tourist facility.



2015 RAC Cervantes Holiday Park Masterplan



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2023 Proposed Site Plan

On 26 June 2023, the land listing for the reserve 30838 was amended to include an additional 1,239m<sup>2</sup> of land excised from the Aragon Street Road Reserve as shown in the attached Deposited Plan 424647. RAC's lease agreement for the site was also updated accordingly.

In 2021, development approval was granted for the addition of an assistant manager's residence adjacent to the Aragon Street main entry. Two chalets adjacent the Talavera Road boundary were also developed at this time. The later chalets have been used for workforce accommodation rather than tourist use to date. Should development approval be granted for the subject development application, RAC has confirmed that these existing chalets will then be converted to their intended tourist accommodation use.

The proposed workforce accommodation units are two 5.1m by 14.6m, 74.46m<sup>2</sup> modular buildings, both with two single bedroom and bathroom units within.

The demolition and rebuild of the most eastern campground amenities and outdoor kitchen are also proposed with this development application.

### COMMENT

With reference to the use-not-listed provisions of the Shire's *Local Planning Scheme No.7* (Scheme) listed in the Statutory Environment section of this report, Council first needs to determine

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 14 DECEMBER 2023**

that the proposed land use of 'workforce accommodation' is compatible with the 'Tourist' zoning of the subject property before determining the development application.

At a regional level it is known that workforce accommodation is in short supply which has a distinct impact on the hospitality / service industry. The proponent has outlined the current proposal is a result of them being unable to sustainably house their workforce within established traditional housing in Cervantes.

The proposal to construct workforce accommodation units to house key personnel on site meets the relevant objective of the Tourist zone, in that the limited residential use is subsidiary to the tourism use of the holiday park. Additionally, the workforce accommodation units' design is complementary and consistent with the existing chalets onsite.

The like for like replacement/modernisation of the eastern dated campground amenities is logical and timely and is also of a design consistent with that of the existing development on site.

As a whole, the development is incidental to the existing principal approved caravan park and campground land use for the site and compatible with the ultimate purpose intended for the reserved land. As such, it is recommended that Council applies the relevant discretion by granting conditional development approval for the proposal.

#### CONSULTATION

The proposed development was advertised on the Shire's Engage Website, Shire Matters and local newspapers from Friday 3 November to Monday 4 December 2023. No submissions were received.

#### STATUTORY ENVIRONMENT

Planning and Development (Local Planning Schemes) Regulations 2015:

##### Schedule 1: Model provisions for local planning schemes

'Workforce Accommodation' is defined as a:

- premise, which may include modular or relocatable buildings, used—*
- (a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on temporary basis; and*
  - (b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors*

##### Schedule 2: Deemed provisions for local planning schemes

#### *64. Advertising applications*

##### *(1) The local government —*

- (a) must advertise a complex application for development approval in accordance with subclause (3); and*

- (b) *must advertise an application for development approval in accordance with subclause (4) if the application is not a complex application and —....*
  - (v) *is of a kind identified elsewhere in this Scheme as an application that is required to be advertised; and*
- (c) *may advertise any other application for development approval in accordance with subclause (4).*

Local Planning Scheme No 7 (Scheme):

The subject property is zoned 'Tourist' under the Scheme. The objectives of the Tourist zone are:

- *To provide for tourism development and uses associated with tourism development, including retailing and service facilities where such facilities are an integral part of the development and are of a scale appropriate to the needs of the development.*
- *To allow limited residential uses where appropriate and subsidiary to the tourism use.*

The proposed development of 'Workforce Accommodation' is a land use not listed within the Scheme. As such Clause 3.4.2 of the Scheme applies, as follows:

*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.*

As the use is not listed in the Scheme, the advertising procedure of clause 64 (1)(c) of the Deemed provisions for local planning schemes was undertaken, as noted in the consultation section.

As the development is incidental to the existing principal approved caravan park and campground land use for the site, it is considered that it is consistent with the objective of the Tourist zone.

POLICY IMPLICATIONS

Western Australian Planning Commission Position Statement: Workforce Accommodation (2018) -

*Generally, proposals for workforce accommodation for operational workforces that are outside the jurisdiction of the Mining Act or State Agreement Acts should be located in a town and integrated with town services, in so far as practicable.*

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FINANCIAL IMPLICATIONS

The proponent has paid the required development application fee of \$2,471 for the development which is estimated to cost \$800,000.

STRATEGIC IMPLICATIONS

- Local Planning Strategy 2020  
*Economy Strategic Directions – Support growth of the tourism sector by assisting operators to provide a range of products to cater for differing consumer experiences and expectations.*
- Strategic Community Plan – Envision 2029

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

ATTACHMENTS.

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

- Development Plans (Doc Id: SODR-1262144384-20720 & SODR-1262144384-20721, SODR-1262144384-20722 & SODR-1262144384-20723)
- Deposited Plan 424647 (Doc Id: SODR-877026889-3512)  
**(Marked 9.3.1)**

VOTING REQUIREMENT

Simple majority.

**OFFICER RECOMMENDATION / COUNCIL DECISION**

Moved Cr McDonald, seconded Cr Clarke

That Council:

- A. determine that the proposed land use of 'workforce accommodation' is consistent with the objectives of the 'Tourist' zone in accordance with clause 3.4.2 a) of the *Shire of Dandaragan Local Planning Scheme No.7*; and
- B. grant development approval for the addition of workforce accommodation units and the replacement of campground amenities upon Lot 500 Aragon Street, Cervantes subject to the 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. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the Shire of Dandaragan.
3. All areas of outdoor storage must be screened from public view, to the satisfaction of the Shire of Dandaragan prior to occupation of the development.
4. 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 impacts. 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.
5. 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:

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

CARRIED 6 / 0

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

**AGAINST: Nil**

*Cr Glasfurd declared a financial interest in Item 9.3.2 as she stands to benefit financially from the proposed development and left the room at 4.04pm.*

### **9.3.2 PROPOSED METEOROLOGICAL MASTS – WADDI WIND FARM**

Location:	Lot 3899 (No.914) Mullering Road, Cataby & Lot 3 Waddi Road, Cooljarloo
Applicant:	Tilt Renewables Pty Ltd
File Ref:	SODR-1262144384-19883
Disclosure of Interest:	Nil
Date:	21 November 2023
Author:	Rory Mackay, Principal Planning & Building Officer
Senior Officer:	Louis Fouche, Executive Manager Development Services

#### PROPOSAL

The purpose of this report is for Council to consider granting development approval for the erection of three temporary and two permanent meteorological masts (met masts) upon Waddi Wind Farm properties; Lot 3899 Mullering Road, Cataby and Lot 3 Waddi Road, Cooljarloo. A determination whether the proposed land use of ‘renewable energy facility’ is consistent with the objectives of the ‘Rural’ zone, is required in the first instance.

#### BACKGROUND

The proposed Waddi Wind Farm is located approximately 15km north-west of Dandaragan. Development approval for the Waddi Wind Farm renewable energy facility was issued by the Shire of Dandaragan in December 2011, and has been amended three times in 2015, 2016 and 2019 collectively.

An incidental development application for an existing temporary wind met mast was also approved in 2011 and amended in 2016 and 2023. On 24 August 2023, Council resolved the following regarding this existing met mast:

*That Council: pursuant to Clause 77(1)(a) of Schedule 2: Deemed provisions for local planning schemes of the Planning and Development (Local Planning Schemes) Regulations 2015 grant the amendment for Condition 1 of development approval granted on 21 April 2016 for a wind monitoring mast on 3899 Mullering Road, Cataby to now read as follows:*

- 1. The temporary wind monitoring tower, the subject of this approval, is to be removed within 3 months of the commissioning*

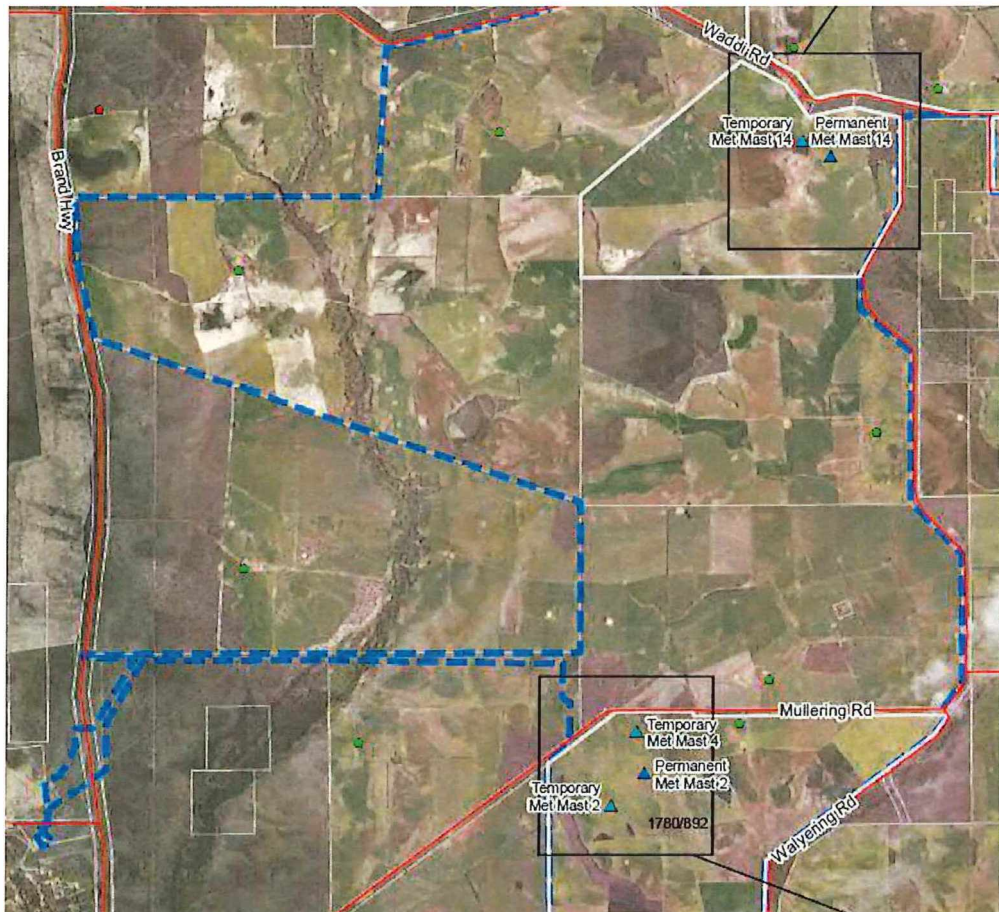
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*of the Waddi Wind Farm, to the satisfaction of the Shire of Dandaragan.*

The proponent has lodged a further development application to enable the five proposed met masts to be constructed prior to the wind farm development to further improve calibration and monitoring of the wind resource at the development site.

The additional five met masts proposed are labelled as follows:

- Permanent Met Mast 2
- Permanent Met Mast 14
- Temporary Calibration Met Mast 2
- Temporary Calibration Met Mast 4
- Temporary Calibration Met Mast 14



*Proposed met mast locations map*

The temporary calibration met masts will be removed at the commissioning of the Waddi Wind Farm, while the permanent met masts will be maintained over the life of the wind farm development.

The met masts will record wind and environmental data at the development site to support calibration of the Waddi Wind Farm including the following:

- The Wind Turbine power performance test in accordance with IEC61400-12-1, which is the international standard for wind turbines.
- Noise compliance tests during operations.

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- Monitoring of the wind farm performance over the life of the project.

The met masts will be 99m in height above natural ground level (the hub height of the subsequent final selected wind turbine model) and will be constructed with a guyed, lattice mast design.

#### COMMENT

With reference to the use-not-listed provisions of the Shire's *Local Planning Scheme No.7* (Scheme) listed in the Statutory Environment section of this report, Council first needs to determine that the proposed land use of 'renewable energy facility' is compatible with the 'Rural' zoning of the subject property before determining the development application.

The proponent has submitted a detailed report supporting the proposed development against the applicable State and local planning frameworks.

The proposed additional met masts will allow for improved calibration of the Waddi Wind Farm (WWF) development and will result in no adverse environmental, amenity or visual impacts to the surrounding locality and/or sensitive land uses due to their insignificant appearance on existing cleared farmland.

Additionally, the met masts will remain incidental to approved wind farm development which has previously been accepted to be compatible with the Shire's Rural zone in which the development is located within as the historical broadacre farming (agriculture – extensive) land uses will continue to function around the renewable energy facility (not being compromised).

Given the above, it is recommended that Council apply relevant discretion by granting conditional development approval.

#### CONSULTATION

The development application was referred to all landowners surrounding the approved WWF development site from Wednesday 11<sup>th</sup> October to Friday 24<sup>th</sup> November. No formal submissions were received, however the owner/operator of the Waddi Bush Airstrip sought clarification of the layout of the met masts to safeguard pilot approaches and take-offs from this nearby airstrip.

#### STATUTORY ENVIRONMENT

Planning and Development (Local Planning Schemes) Regulations 2015:

Schedule 2: Deemed provisions for local planning schemes

*64. Advertising applications*

*(1) The local government —*

- (a) must advertise a complex application for development approval in accordance with subclause (3); and*



- (b) *must advertise an application for development approval in accordance with subclause (4) if the application is not a complex application and —....*
  - (v) *is of a kind identified elsewhere in this Scheme as an application that is required to be advertised; and*
- (c) *may advertise any other application for development approval in accordance with subclause (4).*

#### Local Planning Scheme No 7 (Scheme):

The subject property is zoned 'Rural' under the Scheme. The objectives of the Rural zone are:

*To provide for a range of rural activities such as broadacre and diversified farming so as to retain the rural character and amenity of the locality, in such a way as to prevent land degradation and further loss of biodiversity.*

The proposed development of 'renewable energy facility' is a land use not listed within the Scheme as such Clause 3.4.2 of the applies, as follows:

*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.*

As the use is not listed in the Scheme, the advertising procedure of clause 64 (1)(c) of the Deemed provisions for local planning schemes was undertaken, as noted in the consultation section.

#### POLICY IMPLICATIONS

Western Australian Planning Commission Position Statement: Renewable Energy Facilities (2020):

*Renewable energy facility means 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.*

#### FINANCIAL IMPLICATIONS

The proponent has paid the required development application fee of \$4,270 for the development which is estimated to cost \$1,500,000.

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 14 DECEMBER 2023**

**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 region is celebrated as a major contributor to the State's food production with a diverse range of agricultural, fishery and horticultural enterprises..	Collaborate with local industry to maximise economic returns by supporting and advocating research and development initiatives that have local relevance

**ATTACHMENTS**

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

- Submitted Development Application 100/23 Report (Doc Id: SODR-1262144384-19884) Electronic only.  
**(Marked 9.3.2)**

**VOTING REQUIREMENT**

Simple majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Shanhun, seconded Cr Clarke**

**That Council:**

- A. determine that the proposed land use of 'renewable energy facility' is consistent with the objectives of the 'Rural' zone in accordance with clause 3.4.2 a) of the *Shire of Dandaragan Local Planning Scheme No.7*; and**
- B. grant development approval for the erection of five (5) meteorological masts on Lot 3899 Mullering Road, Cataby and Lot 3 Waddi Road, Cooljarloo; subject to the following conditions and advice:**

**Conditions:**

- A. All development shall be in accordance with the approved development plans and accompanying documentation submitted by Tilt Renewables dated August 2023, which forms part of this development approval, to the specifications and satisfaction of the Shire of Dandaragan, subject to any modifications required as a consequence of any condition(s) of this approval.**
- B. The temporary calibration meteorological masts, which from part of this approval, are to be removed within three (3) months of the commissioning of the Waddi Wind Farm renewable energy facility, to the satisfaction of the Shire of Dandaragan.**
- C. Prior to commencement of decommissioning the permanent meteorological masts, the proponent must submit and have approved by the Shire of Dandaragan, and thereafter implement to the satisfaction of the Shire of Dandaragan, a Decommissioning and Rehabilitation**

Management Plan addressing the rehabilitation of the development site post decommission of the approved use.

- D. Prior to commencement of construction, the proponent must submit and have approved by the Shire of Dandaragan, and thereafter implement to the satisfaction of the Shire of Dandaragan, a Construction Management Plan addressing the following matters:
- i. How materials and equipment will be delivered and removed from the site;
  - ii. How materials and equipment will be stored on the site;
  - iii. Traffic management arrangements for contractors;
  - iv. Construction waste disposal strategy and location of waste disposal bins;
  - v. How risks of wind and/or water borne erosion and sedimentation will be minimised during and after the works; and
  - vi. Other relevant matters likely to impact on the surrounding properties.

**Advice:**

1. 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.
2. 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.
3. 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.
4. 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 Dandaragan Local Planning Scheme No.7* and may result in legal action being initiated by the Shire of Dandaragan.

**CARRIED 5 / 0**

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

**AGAINST: Nil**

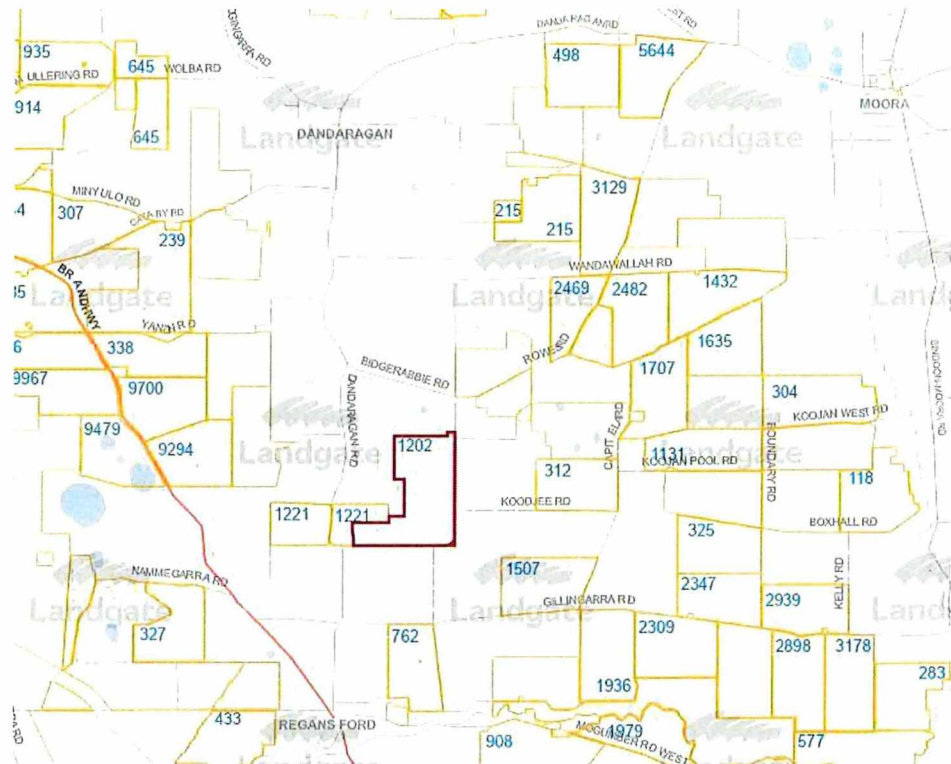
*Cr Glasfurd re-entered the meeting at 4.05pm and the CEO advised of the decision.*

**9.3.3 PROPOSED TELECOMMUNICATIONS INFRASTRUCTURE - LOT 8 (NO.1202) DANDARAGAN ROAD, YATHROO**

Location:	Lot 8 (#1202) Dandaragan Road, Yathroo
Applicant:	CPS Technology & Infrastructure on behalf of Optus Mobile Pty Ltd
Landowner:	Bidgerabbie Development Co Pty Ltd
File Path:	SODR-1262144384-20908
Disclosure of Interest:	Nil
Date:	28 November 2023
Author:	Rory Mackay, Principal Planning & Building Officer
Senior Officer:	Louis Fouche, Executive Manager Development Services

**PROPOSAL**

The purpose of this report is for Council to consider granting development approval for the erection of a telecommunications tower and associated infrastructure on Lot 8 (No.1202) Dandaragan Road, Yathroo. A determination whether the proposed land use of ‘telecommunications infrastructure’ is consistent with the objectives of the ‘Rural’ zone, is required in the first instance.



Location Plan - Lot 8 (No.1202) Dandaragan Road, Yathroo

### BACKGROUND

The proponent is proposing to install a new mobile phone base station within the locality of Yathroo as a part of Round 5 of the Mobile Black Spot Program (MBSP) from the Federal Government which is aimed at improving and extending mobile phone coverage in regional and remote Australia.

Yathroo was identified by the MBSP and included in Round 5 of this program as the locality lacks mobile network services, of which are increasingly relied upon by emergency services in the event of natural disasters, emergency and extreme weather events. The new mobile phone base station seeks to provide reliable, high quality mobile phone services to this locality including the latest 5G technology.

The proposed telecommunications infrastructure will include the following:

- a new 50-metre-high lattice tower;
- three (3) panel antennas on a triangular headframe mounted on the tower;
- one (1) parabolic antenna mounted on the tower;
- ancillary equipment including Remote Radio Units (RRUs) mounted on the headframe;
- one (1) 4-bay outdoor equipment unit (ODU) on a concrete base;
- ancillary equipment associated with the safe operation of the facility, including but not limited to, equipment housing, cable trays, cable ladders, cabling, earthing, and electrical works.

COMMENT

With reference to the use-not-listed provisions of the Shire's *Local Planning Scheme No.7* (Scheme) listed in the Statutory Environment section of this report, Council first needs to determine that the proposed land use of 'telecommunications infrastructure' is compatible with the 'Rural' zoning of the subject property before determining the development application.

The proposed mobile phone base station development is supported for the following reasons:

- The development will have minimal impact on the visual amenity of the locality and will not be clearly visible from surrounding properties due to existing screening vegetation. This is a result of the rigid site selection process whereby five other sites were considered.
- The development requires no vegetation clearing or conflict with the established agriculture land use as the chosen site is on segmented cleared land.
- The development will not be in proximity to existing sensitive land uses (homesteads).
- Any traffic impacts associated with construction will be of short-term duration and are not anticipated to have a significant adverse impact on the surrounding road network. In the unlikely event that a road closure would be required, Optus would request permission from the relevant authorities.
- The development will provide a needed public benefit of enhanced mobile phone services to the Yathroo locality and the Brand Highway major thoroughfare in accordance with Shire's Local Planning Strategy and Community Strategic Plan.
- The development provides co-location opportunities for State police, environmental, fire and emergency services.
- With adherence with the submitted Bushfire Management Plan, the development can meet the Acceptable Solutions of the Bushfire Protection Criteria under *State Planning Policy 3.7 Bushfire Planning*.
- The development is considered to be compatible with the existing principal broadacre farming (agriculture – extensive) land use for the site and compatible with the objective of the Rural Zone.

Given the above, it is recommended that Council applies the relevant discretion by granting conditional development approval for the proposal.

CONSULTATION

As no owners or occupiers of properties were identified in the vicinity of the development who are likely to be negatively affected by the granting of development approval, no consultation was undertaken.

STATUTORY ENVIRONMENT

Local Planning Scheme No. 7

Telecommunications infrastructure is defined in the Scheme as:

*means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network.*

As this proposed land use class is not listed within the Zoning Table of the Scheme, the use-not-listed provisions of the Scheme apply:

*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.*

The Scheme objective for the Rural zone of which the subject property is zoned is:

*To provide for a range of rural activities such as broadacre and diversified farming so as to retain the rural character and amenity of the locality, in such a way as to prevent land degradation and further loss of biodiversity.*

#### POLICY IMPLICATIONS

State Planning Policy 3.7 Bushfire Planning –

The development site is declared 'Bushfire Prone' is therefore subject to meeting the Acceptable Solutions of the Bushfire Protection Criteria (Guidelines). The development can comply with the four elements of: location; siting and design of development; vehicular access; and water if the submitted Bushfire Management Plan is adhered to by the applicant, landowner and the Shire respectively.

State Planning Policy 5.2 Telecommunication Infrastructure –  
*Balance the need for effective telecommunications services and effective roll-out of networks, with the community interest in protecting the visual character of local areas.*

#### FINANCIAL IMPLICATIONS

The proponent has paid the required development application fee of \$1,221.44 for the development which is estimated to cost \$381,700.

#### STRATEGIC IMPLICATIONS

Local Planning Strategy 2020

Actions Utility Infrastructure – Telecommunications:

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*In consultation with network providers, seek improvement to the quality of telecommunications and technology infrastructure throughout the Shire.*

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

- Development application report (SODR-1262144384-20912)
- Development plans (SODR-1262144384-20913)

**(Marked 9.3.3)**

#### VOTING REQUIREMENT

Simple Majority.

#### OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Clarke, seconded Cr Young

That Council:

- A. determine that the proposed land use of 'telecommunications infrastructure' is consistent with the objectives of the 'Rural' zone and is therefore permitted in accordance with clause 3.4.2 a) of the *Shire of Dandaragan Local Planning Scheme No.7*; and
- B. grant development approval for telecommunications infrastructure upon Lot 8 (No.1202) Dandaragan Road, Yathroo, 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 applicant/landowner must implement all of the recommendations contained in the Bushfire Management Plan prepared by Kathy Nastov (BPAD 27794) dated 1 November 2023 and approved by the Shire of Dandaragan for the duration of the development.
3. Prior to the commencement of the development, the Asset Protection Zone (APZ) must be established, and the



property thereafter maintained in accordance with the Bushfire Management Plan as approved by the Shire of Dandaragan.

4. A Section 70A Notification pursuant to the *Transfer of Land Act 1893* (or as amended) must be placed on the titles of all lots, at the full cost of the applicant, alerting landowners to the existence of the approved Bushfire Fire Management Plan and advising landowners of their obligations in respect to the use and ongoing management of the land.

Advice:

- 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 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 6 / 0

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

AGAINST: Nil

*Item 9.3.4 was withdrawn by the Chief Executive Officer and will be tabled at a future meeting pending further information on the matter.*

#### 9.3.4 PROSECUTION OF THE UNAUTHORISED DEMOLITION OF A DWELLING - LOT 10 (NO.15) GRIGSON STREET, JURIEN BAY

Location:	Lot 10 (No.15) Grigson Street, Jurien Bay
Folder Path:	SODR-1071571820-936
Disclosure of Interest:	Nil
Date:	29 November 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 authorising the prosecution of the landowner and demolition contractor involved in

the unauthorised demolition of a single storey dwelling on Lot 10 (No.15) Grigson Street, Jurien Bay.



Location plan of Lot 10 (No.15) Grigson Street, Jurien Bay at April 2023.

#### BACKGROUND

The Shire's legislative responsibilities protect individuals and the community as a whole. These responsibilities are relevant to those on whom the law places a duty as well as those whom the law protects. While it is ultimately the responsibility of individuals and other bodies, organisations and businesses to comply with the law, the Shire's Authorised Persons are required to carry out activities which enforce compliance.

The Shire administers its statutory responsibilities under the applicable legislation, in a fair, unbiased and equitable manner in the interest of public health, safety and amenity. Each compliance investigation undertaken by the Shire is assessed on a case by case basis on its merits.

In the subject case, a single storey dwelling built in 1960, which was known to contain asbestos (as per the building application lodged at construction) was demolished in July 2023 without a demolition permit. Shire staff contacted both the landowner and the contractor who undertook the demolition work - both of which have made admission that the demolition took place at this time.

The demolition contractor does hold a 'Class B' licence to remove asbestos under the Work Health and Safety (General) Regulations 2022, as confirmed by the Department of Mining, Industry Regulation and Safety. Only 3m<sup>3</sup> of asbestos was recorded as being disposed of at the Jurien Bay Refuse Disposal Site as confirmed by the Shire's landfill attendant.

A 'Class B' asbestos removal is defined as the removal of:

- more than 10m<sup>2</sup> of non-friable asbestos; and
- asbestos containing dust associated with the removal of more than 10m<sup>2</sup> of non-friable asbestos containing material.

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Non-friable asbestos (or bonded asbestos) contains material such as cement or rubber, which stabilises the product to give it a non-friable structure. Friable asbestos means any material that contains asbestos and is in the form of a powder or can be easily crumbled, pulverised or reduced to a powder by hand when dry.

The applicable building standards in respect of demolition work, of which a permit is assessed against, ensures that the building material removed as part of a demolition:

- does not cause a collapse of remaining buildings (or portion of);
- is treated to prevent dust being a nuisance to the locality; and
- is removed from the site and not burned or buried on site.

A demolition contractor is also required to provide a permit authority with evidence that the building to be demolished at the time of the demolition will be disconnected from any electrical or gas supply service, and that the building has been treated so as to ensure that it is not infested by rodents.

The following are general standard demolition permit conditions:

1. The demolition site is to be cordoned off with a suitable hazard barrier tape and warning signs. People without personal protective equipment (PPE) are to be prevented from entering the site.
2. Asbestos containing material (ACM) is to be removed in accordance with WorkSafe requirements.
3. ACM to be wrapped, taped and labelled prior to transport and discarded by prior arrangement at the Jurien Bay Refuse Disposal Site.
4. Any dust from the site is to be suppressed effectively to prevent a nuisance to adjacent properties.
5. If the site reveals remnant asbestos material residues, samples are to be taken and submitted to a registered NATA testing laboratory for asbestos identification.
6. If asbestos material is detected by the NATA laboratory, the building site is to be remediated by removing the top 100mm over the building site in the same protected manner as if it was asbestos containing material (ACM).
7. The site is to be covered with wet river sand or mulch to stop the spread of airborne dust which may contain asbestos fibres.
8. No materials are to be burnt or buried on the site.
9. All machinery and equipment used in the demolition is to be thoroughly cleaned before leaving the site.
10. The attached 'BA7 Notice of Completion' along with the receipt(s) from the Jurien Bay Refuse Disposal Site is to be lodged with the permit authority within 7 days of the completion of the work.

#### COMMENT

It is recommended that Council authorise the prosecution of the subject landowner and demolition contractor for this serious offence for the following reasoning:

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1. With no demolition permit application being lodged the Shire is unable to determine whether the demolition was undertaken to the applicable building standards. The ability for the Shire to appropriately condition a forthcoming permit was also removed.
2. The dwelling contained asbestos which if not removed correctly poses significant public health impacts to the surrounding neighbours and passers-by in a prominent foreshore location of Jurien Bay.
3. The offence cannot be mitigated (i.e., the dwelling cannot practically be rebuilt). At a minimum, there will need to be confirmation that all demolished material was removed from the site and that the site is not contaminated with asbestos fibres.
4. Prosecution will act as a deterrent to others who might consider committing the same or similar offence.
5. The prosecution is considered to be in the public's interest.

### CONSULTATION

Legal advice has been obtained from the Shire's solicitors.

### STATUTORY ENVIRONMENT

#### Building Act 2011

10. *No demolition work without a demolition permit*

*A person must not do demolition work unless —*

*(a) a demolition permit is in effect for the demolition work;*

*or*

*(b) the demolition is incidental to building work comprising the renovation, alteration, extension, improvement or repair of a building or an incidental structure, and a building permit is in effect for the building work; or*

*(c) a demolition permit is not required for the demolition work under Part 5 or regulations or an order mentioned in Part 5 Division 1;*

*or*

*(d) the work is done in accordance with a building order; or*

*(e) the work is done in the course of taking action under section 118(2).*

*Penalty:*

*(a) for a first offence, a fine of \$50 000;*

*(b) for a second offence, a fine of \$75 000;*

*(c) for a third or subsequent offence, a fine of \$100 000 and imprisonment for 12 months.*

66. Regulations

*(4) The regulations may provide that a demolition permit is not required for demolition work of a kind specified by the regulations.*

#### 133. Prosecutions

*(1) A prosecution for an offence against this Act may be commenced by, and only by —*

*(a) a permit authority or a person authorised to do so by a permit authority; or*

*(b) a local government or a person authorised to do so by a local government.*

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- (2) Subsection (1) does not limit the functions of the Director of Public Prosecutions under the Director of Public Prosecutions Act 1991 section 11.
- (3) A prosecution for an offence against section 9, 10, 29(1) or (2), 37(1) or (2), 38(1) or (2), 76(1), 77, 78(1), (2) or (3), or 79(1) or (2) may be commenced within 6 years after the offence was allegedly committed, but not later.

Building Regulations 2012

31. Applicable building standards in relation to demolition work (s. 3 and 38)

- (2) For subregulation (1), the applicable building standards in respect of demolition work are as follows —
  - (a) material removed or displaced from a building or incidental structure being demolished —
    - (i) must not be placed in such a way as to cause a floor of the building or incidental structure to collapse; and
    - (ii) must be sprayed with water or otherwise treated to prevent any nuisance from dust; and
    - (iii) must be removed from the demolition site; and
    - (iv) must not be burned on the demolition site;
  - (b) ensuring that each electrical or gas service to the building or incidental structure being demolished is disconnected by the provider of the service no later than the day on which the demolition work is completed.

42. Demolition work for which demolition permit not required (s. 10(c))

A demolition permit is not required for the following demolition work —

- (a) demolition of a Class 10 building or incidental structure if —
  - (i) the floor area of the building does not exceed 40 m<sup>2</sup>; and
  - (ii) the demolition work will not adversely affect the safety and health of the occupants or other users of the building or incidental structure or of the public; and
  - (iii) the building or incidental structure is not the subject of an order, agreement or permit under the Heritage Act;
- (b) demolition work for which a demolition licence was not required under the former provisions if —
  - (i) the demolition work commenced before commencement day; or
  - (ii) a contract to do the demolition work was entered into before commencement day.

POLICY IMPLICATIONS

Enforcement and Prosecution Guidelines – as outlined.

4.1.1 A prosecution may be discontinued in the following circumstances:

- (a) Should the prosecution complaint be wrong at law or there is an error in the charges;
- (b) Should the prosecution involve a mistake of fact;

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- (c) *Should the alleged offender be deceased, cannot be located or is declared bankrupt;*
- (d) *Upon legal advice;*
- (e) *Where the age, state of physical health and/or mental health of the alleged offender is a determining factor;*
- (f) *In consultation with or following comments made by the court; or*
- (g) *After consultation with the legal representative of the defendant or personally with the defendant if the defendant is unrepresented.*

#### FINANCIAL IMPLICATIONS

The maximum first offence penalty for undertaking demolition work without a demolition permit (where required) is \$50,000.

The Shire will seek to recover its fair and reasonable costs, either by consent or by order of the Court.

#### STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

#### ATTACHMENTS

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

- Site Photo 27 November 2023 (Doc Id: SODR-1071571820-945)
- Enforcement and Prosecution Guidelines (Doc Id: SODR-1071571820-792)

***(Marked 9.3.4)***

#### VOTING REQUIREMENT

Simple Majority

#### OFFICER RECOMMENDATION

That Council, pursuant to Sections 10 and 133 of the *Building Act 2011*, authorise the prosecution of the landowner (Craig Antony Ryan) and demolition contractor (Raymond Leigh Eyden) for the unauthorised demolition of a single storey dwelling on Lot 10 (No.15) Grigson Street, Jurien Bay.

### **9.3.5 PROPOSED HOLIDAY HOUSE – LOT 19 (NO.23) LESUEUR DRIVE, JURIEN BAY**

Location:	Lot 19 (No.23) Lesueur Drive, Jurien Bay
Applicant/Landowner:	S J & H M Keene
File Ref:	SODR-1262144384-15722
Disclosure of Interest:	Nil
Date:	1 December 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 use of Lot 19 (No.23) Lesueur Drive, Jurien Bay as a commercial holiday house.



Location Pan – Lot 19 (No.23) Lesueur Drive, Jurien Bay

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 seeks to accommodate up to seven adult guests for short stay bookings, not exceeding three consecutive months across four bedrooms.

The application was advertised to immediate neighbouring landowners from 19 October 2023 until 17 November 2023. One submission was received, objecting to the proposal. The objection results 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 seven 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.*

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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:

- 27 Lesueur Drive
- 43 Lesueur Drive
- 4 Elizabeth Way

Overall, there are 87 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 75 approved commercial holiday houses, which represents 4.8% 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.

It is acknowledged that if not managed appropriately, this tourist land use within an established residential area of Jurien Bay can



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negatively affect the amenity of nearby permanent residents. The objection received raised this concern as detailed in the consultation section below.

The premises will be managed locally by a local business on nearby Bashford Street. This management arrangement provides a local point of call for neighbouring landowners/tenants surrounding the proposed holiday and complies with clause 7.5 Management Protocols of the Policy which requires holiday house property managers to reside or have their office 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>connected to reticulated water for the exclusive use of the premises; and</li> <li>located within the Shire's kerbside refuse collection area; and</li> <li>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 bays arranged one behind the other in accordance with the following rates: 7-8 guests = minimum of 3 parking bays</p>	<p><u>Compliance</u> Double driveway with single gated rear access for parking vehicles on the premises.</p>
<p><u>Dwelling Design</u></p> <ol style="list-style-type: none"> <li>The premises is an existing, lawful dwelling.</li> <li>There is 5.5m<sup>2</sup> per guest in each bedroom utilising beds.</li> <li>There is 3.5m<sup>2</sup> per guest in each bedroom utilising bunks.</li> <li>Bedrooms in a premises are provided in accordance with the following rates: 5-7 guests = 3 bedrooms</li> <li>Bathrooms and toilets are provided in accordance with the following rates: 7-12 guests = 1 or 2 bathrooms and 1 toilet</li> </ol>	<p><u>Compliance</u></p> <ul style="list-style-type: none"> <li>▪ Lawful 4-bedroom dwelling</li> <li>▪ 2 bathroom and 2 toilets</li> <li>▪ 1<sup>st</sup> bedroom - 2 guests - 16m<sup>2</sup></li> <li>▪ 2<sup>nd</sup> bedroom - 2 guest - 11m<sup>2</sup></li> <li>▪ 3<sup>rd</sup> bedroom – 2 adult guests - 11m<sup>2</sup></li> <li>▪ 4<sup>th</sup> bedroom - 1 adult guest - 9m<sup>2</sup></li> </ul>
<p><u>Overcrowding</u> Each occupant over the age of 10 years has 14m<sup>3</sup> of airspace within a bedroom for sleeping purposes.</p>	<p><u>Compliance</u></p> <ul style="list-style-type: none"> <li>▪ 1<sup>st</sup> bedroom – 2 adult guests - 38m<sup>3</sup></li> <li>▪ 4<sup>th</sup> bedroom - 1 adult guest – 21.6m<sup>3</sup></li> </ul>

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Each occupant 10 years and under has 8m <sup>3</sup> of airspace within a bedroom for sleeping purposes.	<p>Non-Compliance</p> <ul style="list-style-type: none"> <li>▪ 2<sup>nd</sup> bedroom - 2 adult guests – 26.4m<sup>3</sup></li> <li>▪ 3<sup>rd</sup> bedroom - 2 adult guests – 26.4m<sup>3</sup></li> </ul>
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Where a proposal does not meet the deemed-to-comply provisions of the Policy, it is required to be assessed against the relevant performance criteria to determine its acceptability. The following performance criteria relate to the outlined non-compliance for the subject proposal.

*Overcrowding - The Shire is satisfied the proposed maximum number of occupants can meet the sleeping airspace requirements by use of a suitable habitable room which is not a bedroom.*

The sleeping of two adult guests within the 2<sup>nd</sup> and 3<sup>rd</sup> bedrooms will result in a minor 1.6m<sup>3</sup> variation for each room to the deemed-to-comply provision for overcrowding. It is considered that the intent of the subject performance requirements of having a sufficient size dwelling for seven adult guests which prevents overcrowding within the proposed holiday house, is achieved as it is reasonable that two guests be permitted to sleep within the 2<sup>nd</sup> and 3<sup>rd</sup> bedrooms. Furthermore, recent previous development approvals considered in terms of the latest form of *Local Planning Policy 9.12* have allowed minor performance-based variations to the deemed-to-comply provisions (generally not exceeding two guests per bedroom).

Given the 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

As detailed previously, one objection was received from surrounding landowners.

Comment	Officer Response
We are writing in response to your document ID: SODR-62144384-20408 regarding the application for a proposed commercial holiday house at 23 Lesueur Drive, Jurien Bay. Being neighbouring landowners to the property, we strongly oppose this application for this change in land use.	Noted. The applicant has submitted a development application which when assessed on its merits against the Local Planning Framework and Specifically <i>Local Planning Policy 9.12 Short-Term Rental Accommodation</i> , warrants approval.

### 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.*

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The owner or occupier of the house can seek direction from the local government to vary the above requirements via the exercise of discretion. In this instance discretion is recommended as the variation in relation to the cubic space within the 2<sup>nd</sup> and 3<sup>rd</sup> bedrooms is of minor nature and the room design complies with the Building Code of Australia in terms of ceiling height.

**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).

**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 item relevant to this report:

- Holiday house management plan (SODR-1262144384-21067) **(Marked 9.3.5)**

**VOTING REQUIREMENT**

Simple majority.

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr McDonald, seconded Cr Shanhun**

**That Council approve the development application for the proposed Holiday House at Lot 19 (No.23) Lesueur Drive, 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 seven (7) adult guests at all times.
  4. 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 30 November 2023 for the life of the development.
  5. The listed 'Property Manager' shall undertake the duties listed on the 'Property Management Plan' submitted with the subject development application date stamped 30 November 2023 for the life of the development.
  6. All vehicle parking 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 6 / 0**

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

AGAINST: Nil

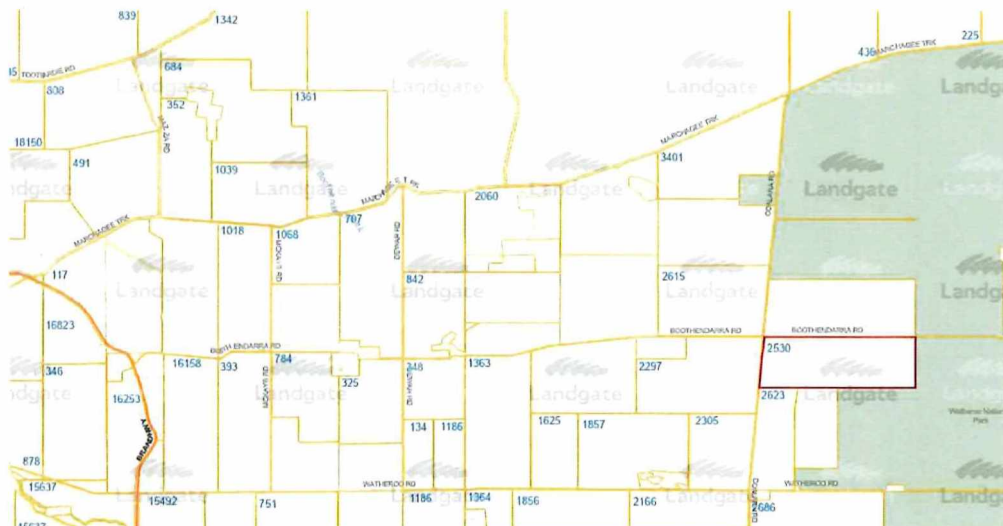
*Cr McDonald declared an impartiality interest in item 9.3.6 as her family farm is located on Marchagee Track and her sister was a former employee of the applicant.*

**9.3.6 REQUEST FOR TIME EXTENSION TO DEVELOPMENT APPROVAL – CATTLE FEEDLOT – LOT 10332 COALARA RD, BOOTHENDARRA**

Location:	Lot 10332 (No.2530) Coalara Road, Boothendarra
Applicant:	Sustainable Beef Systems Pty Ltd on behalf of Central Stockcare Pty Ltd
File Ref:	SODR-1262144384-21075
Disclosure of Interest:	Nil
Date:	4 December 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 a one (1) year extension of the development approval for the ‘Coalara Feedlot’ at Lot 10332 (No.2530) Coalara Road, Boothendarra, which is scheduled to lapse on 25 February 2024.



Location Plan - Lot 10332 (No.2530) Coalara Road, Boothendarra

**BACKGROUND**

On 25 February 2021, Council granted a two-year conditional development approval for an 8,000 head cattle feedlot on the subject property. (Minute extract attached). The development is planned to be developed in stages, starting with an initial stocking of 4,000 head and increasing to the total 8,000 head as the market determines. The majority of feed and cattle infrastructure will be established during the first stage of development. The subsequent

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stages will see extensions added relative to the additional number of cattle to be contained on site.

On 25 January 2023, Council granted a one-year substantial commencement extension for the subject development until 25 February 2024.

The applicant has advised that Stage 1 of the feedlot did not commence in 2023 due to the lack of availability of labour and materials in a competitive demand period. It has also been stated that beef industry market conditions have not been viable to commence construction to date. Given these parameters, the applicant has requested a further an extension of 12-months to substantially commence construction of the feedlot. The applicant expects to commence construction in mid to late 2024.

In terms of the Deemed Provisions for Local Planning Schemes “substantial commencement” means that some substantial part of work in respect of a development approved under a planning scheme has been performed as determined by the responsible authority.

#### COMMENT

As the proponent Central Stockcare remains committed to the construction of the cattle feedlot, the request for the extension of the current approval timeframe is considered reasonable. With the resolution of market issues expected to be corrected in the near future, the extension to the development approval would provide for construction to be substantially commenced prior to 25 February 2025.

Given the above, and that there are no significant changes to the proposed development, it is considered reasonable to approve the minor amendment subject to the other original conditions imposed on 25 February 2021.

#### CONSULTATION

As the request is for a single minor amendment, it is not considered necessary for consultation to be undertaken in this instance.

#### STATUTORY ENVIRONMENT

- Schedule 2: *Deemed Provisions for local planning schemes of the Planning and Development (Local Planning Schemes) Regulations 2015:*

*Clause 71. Commencement of development under development approval*

*If development approval is granted under clause 68 —*

*(a) the development must be substantially commenced*

*(i) if no period is specified in the approval — within the period of 2 years commencing on the date on which the determination is made; or*

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- (ii) if a period is specified in the approval — within that period;  
or  
(iii) in either case — within a longer period approved by the local government on an application made under clause 77(1)(a);  
and  
(b) the approval lapses if the development has not substantially commenced within the period determined under paragraph (a).

**77. Amending or cancelling development approval**

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

- (a) to amend the approval so as to extend the period within which any development approved must be substantially commenced.

**POLICY IMPLICATIONS**

There are local no policy implications relevant to this item.

**FINANCIAL IMPLICATIONS**

The applicant has paid the required \$295 fee for the request to amend the cattle feedlot's development approval.

**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 region is celebrated as a major contributor to the State's food production with a diverse range of agricultural, fishery and horticultural enterprises.	Collaborate with local industry to maximise economic returns by supporting and advocating research and development initiatives that have local relevance.

**ATTACHMENTS**

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

- Minute Extract of February 2021 Ordinary Meeting of Council (SODR-1262144384-10441)
- Request letter from applicant (SODR-1262144384-21077)  
**(Marked 9.3.6)**

**VOTING REQUIREMENT**

Simple majority



**OFFICER RECOMMENDATION / COUNCIL DECISION**

Moved Cr Clarke, seconded Cr Shanhun

That Council:

1. pursuant to Clause 77(1)(a) of *Schedule 2: Deemed Provisions for Local Planning Schemes of the Planning and Development (Local Planning Schemes) Regulations 2015*, grants a one-year extension to the development approval granted on 25 February 2021 and extended on 25 January 2023, for the animal husbandry intensive (cattle feedlot) at Lot 10331 Coalara Road, Boothendarra until 25 February 2025; and
2. advises the applicant that the extension of time to the current development approval does not alter the other conditions of approval in relation to the development and that this decision relates specifically to the period of time upon which construction work must have substantially commenced as determined by the Shire of Dandaragan.

CARRIED 6 / 0

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

AGAINST: Nil

## 9.4 GOVERNANCE & ADMINISTRATION

### 9.4.1 ENDORSE CLUB DEVELOPMENT PLAN

Location:	N/A
Applicant:	Shire of Dandaragan
Folder Path:	SODR-1272937250-1384
Disclosure of Interest:	Nil
Date:	29 November 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 endorse the Club Development Plan.

#### BACKGROUND

The Shire of Dandaragan has successfully obtained funding from the Department of Local Government, Sport and Culture Industries for a three-year period to support the implementation of our Club Connect Program which was endorsed by Council on the 27 April 2023.

#### *OFFICER RECOMMENDATION / COUNCIL DECISION*

*Moved Cr Eyre, seconded Cr Glasfurd*

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*That Council authorise a budget amendment to;*

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

*CARRIED BY ABSOLUTE MAJORITY 8 / 0*

The program aims to provide a series of club development opportunities for our clubs around the Shire. In conjunction with this funding, the Shire is required to complete a Club Development Plan, which is to be endorsed within the first year of the funding period. By endorsing this plan, the Shire ensures its capability to deliver this project to our local sport and recreation clubs, thereby contributing to the improvement of their development, facilities, and opportunities in the community.

#### COMMENT

The Shire of Dandaragan Club Development Plan (CDP) outlines a three-year strategy aimed at increasing the capacity and capability of clubs across the shire by:

- Improving the governance and administration of clubs;
- Encouraging opportunities to increase community participation in sport and recreation;
- Ensuring clubs and volunteers are informed and supported;
- Providing infrastructure that is safe, accessible, functional and sustainable to manage;
- Encouraging sporting pathways for high performance athletes;
- Increase partnership and engagement with relevant peak state sporting bodies.

#### CONSULTATION

Nil

#### STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

#### POLICY IMPLICATIONS

There are no policy implications associated with this item.

#### FINANCIAL IMPLICATIONS

The Shire has received \$21,966 in funding to support the implementation of this Club Development Plan.

#### STRATEGIC IMPLICATIONS

Strategic Community Plan - Envision 2029

04 Community	The Shire's resident population will grow more than the WA regional average supported by increased community
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	recreation and cultural opportunities and access to key liveability factors such as health and wellbeing services and educational opportunities.
<b>Priority Outcomes</b>	<b>Our roles</b>
A region that develops and supports community leadership and collective values	Provide governance support for community groups to deliver their objectives.

ATTACHMENTS

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

- Shire of Dandaragan Club Development Plan (Doc Id: SODR-1272937250-1612)

**(Marked 9.4.1)**

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

**Moved Cr McDonald, seconded Cr Glasfurd**

**That Council endorse the Club Development Plan (Doc Id. SODR-1272937250-1612)**

**CARRIED 6 / 0**

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

**AGAINST: Nil**

#### **9.4.2 ADOPT AMENDED SPORT AND RECREATION FUNDING POLICY**

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	SODR-1876983588-1244
Disclosure of Interest:	Nil
Date:	28 November 2023
Author:	Rhiann Sutton, Manager Customer and Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

This item seeks Council’s consideration to increase funding allocated to the Tronox Management and Shire of Dandaragan Sporting and Recreation Facilities Fund via an amendment to Policy 6.1 C-6SRF01 Sport and Recreation Funding.

BACKGROUND

The purpose of the Sport and Recreation Funding Policy is to support sporting and recreational groups by providing funding for

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sporting and recreational facilities and non-consumable equipment. The policy was last reviewed by the Council on 23 May 2019.

The Council policy recognises the significant role that sporting and recreation facilities and equipment play in the community. Currently, Council allocates \$15,000 to the Tronox Management and Shire of Dandaragan Sporting and Recreation Facilities Fund each financial year which is matched by Tronox Management (\$30,000 in total). The allocation has not been increased since the commencement of this grant program.

Tronox have agreed to increase their contribution to \$25,000 providing there is the same allocation from the Shire. The combined, increased total funding pool if supported by Council will be \$50,000. The increase in grant funding would support an increase in total project costs, supporting our clubs in more significant projects.

In addition to the funding level increase, during a meeting between Shire staff and Tronox's Senior Community and Stakeholder Relations Officer on 10 October 2023, it was noted that there is a need to update the grant guidelines and application forms.

#### COMMENT

As demonstrated in the attached amended policy, the following changes are proposed:

- Funding levels have been increased;
- Funding cycle dates have been moved forward to enable projects to commence on the first day of the financial year and be completed within the same financial year;
- The grant assessment committee will use the following assessment criteria to consider and prioritise applications:
  - membership base;
  - demonstration of need for the equipment/project; and
  - demonstration of the group's financial sustainability.

The amended grant assessment criteria aim to assist the committee in evaluating applicants' projects based on merit. Previously, Shire staff and Tronox representatives have noted that the committee assessed applications, focusing on the applicants' financial statements and income from external sources rather than the project itself. The policy change will promote an equitable approach, shifting the emphasis on the project rather than the club's fundraising capability.

In addition to increasing the total grant pool which will deliver greater recreation benefits to the community, Shire officers believe that the changes to the administrative aspects of the policy will provide an equitable assessment of grant applications.

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CONSULTATION

Nil

STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

POLICY IMPLICATIONS

Policy 6.1 C-6SRF01 Sport and Recreation Funding Policy will be amended as reflected in attachment (Doc. Id SODR-461937211-1179)

FINANCIAL IMPLICATIONS

The increased contribution will raise the annual budget expenditure for Tronox/Shire of Dandaragan Grant to \$50,000.

STRATEGIC IMPLICATIONS

Strategic Community Plan – Envision 2029

04 - Community	The Shire's resident population will grow more than the WA regional average supported by increased community recreation and cultural opportunities and access to key liveability factors such as health and wellbeing services and educational opportunities.
<b>Priority Outcomes</b>	<b>Our roles</b>
A Shire built on the strengths of community spirit and resilient, connected communities.	Recognise and support the value of our community volunteers and provide meaningful opportunities to contribute to Shire projects and improving local living.

ATTACHMENTS

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

- 6.1 C-6SRF01 – Existing Sport and Recreation Funding Policy (Doc Id: SODR-878193511-2595)
- 6.1 C-6SRF01 – Amended Sport and Recreation Funding Policy (Doc Id: SODR-461937211-1179)

**(Marked 9.4.2)**

VOTING REQUIREMENT

Simple Majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr McDonald, seconded Cr Young**

**That Council adopt the amended Policy 6.1 C-6SRF01 Sport and Recreation Funding and acknowledge the amended Management Procedures (Doc Id: SODR-461937211-1179).**

**CARRIED 6 / 0**

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

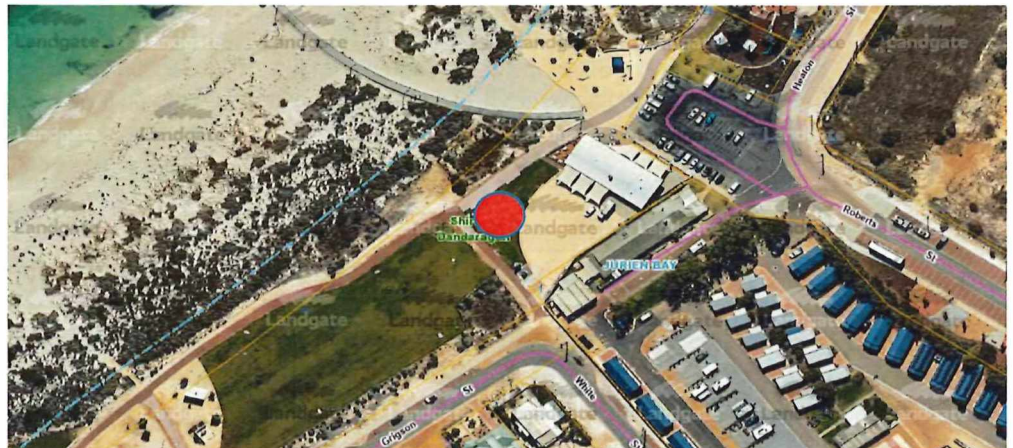
AGAINST: Nil

### 9.4.3 JURIEN BAY BEACH CAFÉ GROUND LEASE REQUEST

Location:	Jurien Bay Foreshore Reserve 28541, Part Lot 303 (25) Roberts Street, Jurien Bay
Applicant:	Planning Solutions for Jurien Bay Beach Café Pty Ltd
Folder Path:	SODR-129784381-1009
Disclosure of Interest:	Nil
Date:	27 October 2023
Author:	Louis Fouché, Executive Manager Development Services
Senior Officer:	Brent Bailey, Chief Executive Officer

#### PROPOSAL

The purpose of the report is for Council to consider an Expression of Interest (EOI) to lease a portion of Reserve 28541 for the purpose of retail containers.



*Location Plan - Reserve 28541, Part Lot 303 (25) Roberts Street, Jurien Bay*

#### BACKGROUND

A proposal has been received from Jurien Bay Beach Café Pty Ltd to lease approximately 470m<sup>2</sup> of Reserve 28541 to the south of the existing café and install four refurbished sea containers on the site. The proposal is described as an expansion of the Jurien Bay Beach Café with “family focused entertainment activities comprising retail containers and casual seating areas”.

The activities to be accommodated in the retail units include uses such as an ice cream parlour, juice bar, bike hire, gift shop, and retail outlets for tourism and local goods. The outlets will operate throughout the year, depending on demand from 6:00am to 8:00pm.

The containers are to be clad with timber slats and shade sails are to be installed next to the retail units. The proposal is described as

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contemporary and complementary to the built form aesthetic of the Jurien Bay foreshore.

The ground lease request is for a 10-year period with options to renew after six and five years respectively as first and second options.

Reserve 28541

Further details of the proposal are provided in Attachment marked 9.4.3.

At its meeting of 28 September 2023 Council resolved as follows:

*Moved Cr Scharf, seconded Cr Gibson*

*That Council authorise the CEO to advertise the lease and development proposal as described in the Expression of Interest from the Jurien Bay Beach Café Pty Ltd for a portion of Reserve 28541, Part Lot 303 (25) Roberts Street, Jurien Bay for public comment.*

*CARRIED 5 / 3*

The lease and development proposal has been advertised in accordance with the Council resolution as discussed in the Consultation section of this report.

#### COMMENT

Should the proposed ground lease be supported by Council, a development application will be required. Such application would have to be assessed against the Local Planning Framework (LPF). An assessment of the proposal against the LPF was therefore provided in the report to Council of 28 September 2023. Further detail on the LPF is provided in the Statutory Environment, Strategic Environment and Policy Environment of this report. A summary of the relevant areas is provided below.

#### Jurien Bay Foreshore Masterplan (Masterplan)

The Masterplan provides the direction for future development on the foreshore. The Jurien Bay Beach Café and the proposed retail lease area are located in the Town Square precinct of the Jurien Bay Foreshore Masterplan.

Sea container development options are shown as illustration of potential retail options in this precinct. Provision is made in the plan for event and market spaces directly south of the proposed lease site on Fauntleroy Park.

The plan replaces the existing paved amphitheatre directly south of the Beach Café with lawn, footpaths and a playground. The proposal presented in this Expression of Interest departs from this direction, however is an indication that alternative designs could be acceptable and that the Masterplan may have to be reviewed in the future. The future of the secondary playground at the location of the proposal could be included in this review.

Although not fully consistent with the Masterplan, the proposal is considered to be generally consistent with its intent, providing activation of the foreshore with a design theme respecting its local environment.

#### Amenity and Design

Given the prominent foreshore location of the Pavilion Café, the amenity of the locality should be given careful consideration.

The material, colours and textures used with structures in this location, should complement its surroundings, however, need not totally replicate it.

In addition, the built form between the cafe and Fauntleroy Park will also create a visual barrier, thus impeding the visual link from the café to the southern section of the reserve. The most prominent views from the café are however to the ocean (west). The café already creates a visual barrier from the southern section of the reserve to the north.

The containers will also affect views from the ground floor of some proposed units at the Jurien Bay Tourist Park. This impact is discussed further under a separate heading in the report.

Consideration should also be given to the activation and occupancy of the sea container units. In particular the potential impact that the built form is likely to have on the surrounding foreshore precinct when they are not open and servicing customers.

These details could be further considered with the assessment of a development application.

#### Jurien Bay Tourist Park

The proposed redevelopment of the Jurien Bay Tourist Park at Reserve 27406, Lot 302 Roberts Street, Jurien Bay in August 2022, proposes double storey unit development fronting the Pavilion Café location. It should be noted that there is no generic legal right to a view.

The foreshore reserve area has a general public presence, with some retail components including the Beach Café, markets and other itinerary vendors already established in the general proximity. It should be acknowledged that the proposed retail units will introduce some concentrated noise and other human activity closer to the approved units on the caravan park. Human activity and associated noise should however be expected on the foreshore reserves as retail activity is specifically proposed in the Foreshore Masterplan and Policy 9.13 - Jurien Bay Commercial Development Plan. This aspect can be further controlled with relevant conditions of development approval as well as lease conditions (if necessary), specifically prescribing permitted hours of operation.



### Commercial Competition

Although proposed as an extension to the retail function of the Beach Café, the retail units could present some level of competition with other retail operators in Jurien Bay. Competition is not generally considered as a planning consideration, however the Shire as landowner could consider whether it wishes to contribute to the provision of additional retail space in Jurien Bay as part of the determination to grant a lease.

### Infrastructure

It is expected that the sea container modules would require electrical, water and sewer / wastewater connections. The proponent suggests that the Shire be responsible for costs associated to bringing infrastructure to the site, with the lessee responsible for internal costs.

It is understood that the required infrastructure is available in relatively close proximity to the proposed lease area. The estimated cost of providing services to the proposed ground lease area is estimated at \$50,000. This is a substantial cost given the absence of budget, with the sole benefit of the servicing derived by the proponent. With further reference to the legal advice received, it is recommended that the lessee be fully responsible for all costs associated with its proposed development, including all services costs.

The existing paved amphitheatre directly south of the Beach Café will be impacted by the proposal as one of the retail units is to be located on it. The amphitheatre is not indicated to be retained in the Foreshore Masterplan and is replaced by lawn, footpaths and a playground. Detailed design of how this area will be modified by the applicant should also be provided and considered as part of the Development Application.

### Alternative Options

Although alternative locations for retail units on the foreshore could be considered, the proposed location is favoured by the proponent due to its proximity to the Jurien Bay Beach Café and the availability of infrastructure services.

The build to rent option noted in a submission received on this proposal is not currently funded in the Shire's Budget but could be considered at a later date subject to the outcome of this proposal. A similar outcome has been utilised by the City of Busselton in their foreshore precinct.

Council may wish to delay a decision on the expression of interest until a review of the Jurien Bay Foreshore Masterplan has been completed. Council has also previously indicated that a review of both the Jurien Bay and Cervantes Foreshore Masterplans are warranted following the recent completion of the Coastal Adaptation Investigation. A review of the proposal in relation to the Masterplan is provided separately in this report.

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Council may also give consideration to advertising an expression of interest to other interested parties who may wish to lease and develop the site. It is noted that no other expressions of interest were received during the public advertising of the proposal.

Landowner's consent

The reserve is in the care, control and management of the Shire of Dandaragan and approval for development will also require consent from Council as 'Landowner'. The Shire is not obliged to provide landowner's consent / agree to any proposal in relation to land that it is responsible for.

Development Application

If Council is willing to progress the proposal, the proposed development will require an application for development approval.

Building Permit

If approved, the structures, including the shade sails will require a Building Permit, including structural engineering.

Lease

The proposed lease is subject to approval by the Minister for Land. The general maximum lease period approved by the Minister is 21 years.

The ground lease request is for a 10 year period with options to renew after six and five years respectively as first and second options, thus totalling 21 years.

It is recommended that the lease be tied to the lease of the Jurien Bay Beach Café rather than supporting a combined 21 year lease for the container proposal, if the request is supported. This arrangement will prevent potential conflict between separate leaseholders, should the leaseholder of the café change in the future. If the proposal is supported, as the landowner Council may also determine a lessor period of lease term with due regard for a reasonable period of time for capital investments to be recouped.

The Jurien Bay Beach Café lease commenced on 10 October 2022 with an initial five year lease term and two further term options of five years. (Total of 15 years concluding on 10 October 2037).

Summary

The potential retail sea container development is generally consistent with the relevant strategies, master plan and policies for the location. It is therefore recommended that Council agree to offer a ground lease tied to the terms of the Jurien Bay Beach Café lease, subject to relevant conditions.

CONSULTATION

The lease and development proposal has been publicly advertised on the Shire Website and Facebook page from 2 October to 1

November 2023. Some submissions received had both positive and negative comments, however of the total number of 41 submissions received, 31 are considered supportive of the proposal, while ten are considered opposed to the proposal. Responses to the submissions are provided in Attachment marked 9.4.3.

Should the proposal be supported by Council, public consultation as required in terms of the Local Planning Scheme could also be undertaken as a Development Application will be required.

Advice has been sought from the Department of Planning, Lands and Heritage (Land Management Central), who indicated that the proposed lease would be suitable noting the purpose of the reserve being 'Foreshore management and recreation' and links to the existing cafe.

The Shire's solicitors have provided advice in relation to the proposed ground lease. Comments of note include:

- The Shire may wish for the lease of the area to be linked to the Café lease and the term could reflect the remaining term of the café lease.
- With ground leases of this nature, the lessee is generally fully responsible for all costs associated with its proposed development, including all services costs. The land is generally provided on an "as is" basis. If the Shire was willing to contribute, it may prefer to place a cap on its contribution.
- It may be more appropriate for an agreement to lease to be granted or a conditional lease. (I.e. the lease does not commence until all Development Applications are obtained or all work is completed)

The valuation advice from the Shire's valuers is summarised in the Financial Implications section of this report.

### STATUTORY ENVIRONMENT

Local Government Act 1995 Section 3.58 - Disposing of Property

#### **3.58. Disposing of property**

(1) *In this section —*

*dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;*

*property includes the whole or any part of the interest of a local government in property, but does not include money.*

(2) *Except as stated in this section, a local government can only dispose of property to —*

*(a) the highest bidder at public auction; or*

*(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

(3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*

- (a) *it gives local public notice of the proposed disposition —*
- (i) *describing the property concerned; and*
  - (ii) *giving details of the proposed disposition; and*
  - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
- and*
- (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

Deemed Provisions (Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015)

Local Planning Scheme No.7 (Scheme).

Foreshore Reserve 28541 is reserved for 'Parks and Recreation' under the Scheme.

In accordance with Clause 2.4.2 of the Scheme, in determining a development application for reserve land, Council must have due regard to:

- a. the matters set out in Clause 67 of the Deemed Provisions (Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015); and
- b. the ultimate purpose intended for the Reserve. (In terms of the Management Order, the purpose of the Foreshore Reserve is 'foreshore protection' and 'recreation').

The whole of the subject property is located within 'Special Control Area 3 – Coastal Hazard Risk Area' under the Local Planning Scheme. However, under the Shire of Dandaragan Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) and is expected to be impacted by coastal processes over the 100-year planning timeframe. Relocatable buildings could be accommodated subject to relevant planning and lease conditions.

POLICY IMPLICATIONS

Local Planning Policy 9.7 Shipping Containers

The LPP specifically states that shipping containers will not be permitted on local reserves and Tourist Zones, indicating that these containers, (when not converted for another purpose i.e. bar, kiosk etc.) are not considered to be suitable in these locations. Departure from this policy should have significant planning merit to be favourably considered.

Key considerations that will be taken into account for proposed sea containers include the following:

- The container shall be located in accordance with the setback prescribed under Local Planning Scheme No.7 and relevant development guidelines for the locality;
- In 'Special Use – Rural Development' and 'Rural Residential' zones the container shall be located to the rear of buildings so as to not be prominently visible from the street;
- In 'Commercial' or 'Regional Centre' zones the sea container is to be located so as to not be highly visible from the street. If the container cannot be placed so as to be generally concealed from the street then the
- Shire will require the installation of screening to a minimum height equal to that of the container.
- The container shall be painted to match or at the very least compliment the other buildings on the lot;
- The container shall not be located over septic tanks, leach drains or utilities; and
- Should the container falls into disrepair, or become unsightly, the Shire may direct it be upgraded or removed.

#### Policy 9.13 Jurien Bay Commercial Development Plan

##### Objectives:

- *Activation of the Jurien Bay Foreshore recognising that while public open space is a high priority and should not be compromised, people want amenities and activities that enhance their experience of the Foreshore.*
- *Provide specific guidance on the requirements for the operation of commercial and community land uses on the Jurien Bay Foreshore.*
- *Encourage commercial operators to operate in locations that support the activation of the Jurien Bay Foreshore, while complementing the existing businesses within the Jurien Bay City Centre.*
- *Identify the preferred locations for particular activities and to regulate the intensity of commercial activities on the Jurien Bay Foreshore.*
- *The effective use and management of the Jurien Bay Foreshore resulting in a space that is people focused which promotes health and wellbeing through active and passive recreation.*

The proposed development is situated within Activity Area 1 which is intended to accommodate all of the commercial uses such as seasonal community events and markets, recreational based commercial activities, as well as the use of permanent and transportable structures as part of lease agreements. The proposal (including potential lease of additional reserve space) at the Jurien Bay foreshore is considered to be consistent with Policy 9.13.

#### FINANCIAL IMPLICATIONS

The estimated cost of providing electricity, water and waste services to the proposed ground lease area is estimated at \$50,000. This

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amount is not included in the 2023/2024 budget. It is not recommended that Council support this request from the proponents.

Asset Valuation Advisory provided the following commercial market valuation:

- Serviced Market Rental Value: \$26,000 excl. GST p.a.
- Unserviced Market Rental Value: \$ 18,000 excl. GST p.a.

The proposed ground lease could therefore yield the following total rent return over the life of the recommended lease:

<b>Serviced Market Rental Value:</b>	
Return over initial 4 year term:	\$104,000 excl. GST
Return over 3 terms (4yr + 5yr + 5yr):	\$364,000 excl. GST
<b>Unserviced Market Rental Value:</b>	
Return over initial 4 year term:	\$72,000 excl. GST
Return over 3 terms (4yr + 5yr + 5yr):	\$252,000 excl. GST

The rent return in the table above does not include indexation (periodic CPI and Market Rent reviews).

Council will need to consider whether the rental return is value for money in the context of the broader benefits and costs of introducing sea container retail space into the foreshore area.

### STRATEGIC IMPLICATIONS

#### Strategic Community Plan – Envision 2029

01 – Infrastructure	The Shire will work cooperatively with private enterprise and government agencies to develop and maintain a dynamic infrastructure network responsive to usage demand that attracts and retains residents and businesses.
<b>Priority Outcomes</b>	<b>Our Roles</b>
Our communities contain vibrant activated public open 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 principles of placemaking and design thinking.

#### The Jurien Bay Foreshore Masterplan

The Plan aims to:

- Strengthen the foreshore promenade;
- Create opportunities for art and interpretation;
- Create a town square at the beach;
- Create a sense of arrival;
- Improve foreshore amenity;
- Create inspiring play opportunities;
- Provide shelter from the elements;
- Provide a space that is inclusive and welcoming for all;

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- Provide events and meeting places; and
- Retain Jurien Bay's sense of place and uniqueness .

The Jurien Bay Beach Café is located in the Town Square precinct of the Jurien Bay Foreshore Masterplan. Due consideration should be given to the plan, however this does not preclude variations considered appropriate by Council.

#### ATTACHMENTS

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

- Expression of Interest (Doc id: SODR-129784381-1014)
- Jurien Bay Foreshore Masterplan excerpt (Doc id: SODR-129784381-1011)
- Schedule of Submissions (Doc id: SODR-129784381-1119)
- Market Valuation – Confidential (Doc id: SODR-129784381-1312)

**(Marked 9.4.3)**

#### VOTING REQUIREMENT

Simple Majority.

#### COUNCILLOR MOTION:

That Council:

Moved Cr Shanhun, seconded Cr Young

1. Hold in abeyance the consideration of the unsolicited Expression of Interest from Jurien Beach Café Pty Ltd, to lease a portion of Reserve 28541, Part Lot 303 (25) Roberts Street, Jurien Bay, pending a review of the Jurien Bay Foreshore Masterplan and associated public consultation process.
2. Subject to budgetary constraints, request the Chief Executive Officer to initiate a review of the Jurien Bay Foreshore Masterplan and associated public consultation process.
3. On receipt of the revised draft Jurien Bay Foreshore Masterplan, consider and make determinations on details as to how the site should be best designed, configured, managed, serviced, resourced, and allocated prior to any further consideration of the Expression of Interest from Jurien Beach Café Pty Ltd.

Motion Lost 2 / 4

FOR: Cr Shanhun, Cr Young

AGAINST: Cr O’Gorman, Cr McDonald, Cr Clarke, Cr Glasfurd,

**OFFICER RECOMMENDATION / COUNCIL DECISION**

Moved Cr Clarke, seconded Cr Glasfurd

That Council:

1. After considering public submissions and meeting the requirements of Section 3.58(3) of the Local Government Act 1995, subject to the approval of a development application for the proposal, authorise the disposal of property and approve the CEO to offer “Jurien Bay Beach Café Pty Ltd” a ground lease inclusive of the following material terms:
  - a. Land / Premises: Jurien Bay Foreshore Reserve 28541, Part Lot 303 (25) Roberts Street, Jurien Bay. The ground lease area shall be generally in accordance with the site plan reflected in Attachment marked 9.4.3.
  - b. Initial Term: 3 to 4 years concluding on 9<sup>th</sup> October 2027 (aligned with the lease for the Jurien Bay Beach Café having commenced 10 October 2022).
  - c. Further Term Options: 2 further terms of 5 Years.
  - d. Rent: \$18,000 p.a. excluding GST.
  - e. Rent Review: Perth CPI with Market Rent Reviews every three years aligned to the Jurien Bay Beach Café Lease - being 2025, 2028, 2031, and 2034.
  - f. Services: The land is provided on an “as is” basis. The lessee will be fully responsible for all costs associated with its proposed development, including all services costs.
  - g. Proposed Business Use: Shops, Fast Food Outlets and uses ancillary thereto.
2. Authorise the Chief Executive Officer to finalise lease negotiations which will include determining the commencement date of the lease with the Jurien Bay Beach Café Pty Ltd.
3. Authorise the Chief Executive Officer to submit the lease to the Minister for Lands for final approval.

**CARRIED 4 / 2**

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

**AGAINST: Cr Shanhun, Cr Young**

*Cr Young declared a financial interest in item 9.4.4 as St John Ambulance is her employer and left the room at 4.22pm.*



#### 9.4.4 ST JOHN AMBULANCE CERVANTES SUB-BRANCH: NEW BUILDING DONATION REQUEST

Location:	Lot 596 Casals Street (Part Reserve 30824), Cervantes.
Applicant:	St John Ambulance, Cervantes Sub –branch
Folder Path:	SODR-757425863-2361
Disclosure of Interest:	Nil
Date:	4 December 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 consider a request from the Cervantes Sub-branch of St John Ambulance to make a financial contribution towards the building of a new St John Ambulance Sub-Centre in Cervantes.

#### BACKGROUND

On 28 October 2021, Council resolved to:

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

At its meeting of 27 April 2023, Council approved a development application for a community purpose (ambulance sub-centre) to be developed on Lot 596 Casals Street (Reserve 30824), Cervantes, subject to relevant development conditions. This Lot size is 2000m<sup>2</sup>.

The Cervantes Sub-branch of St John Ambulance is seeking financial support to fund the building of a new St John Ambulance Sub-Centre in Cervantes. The current facility was built in 1998 and there have been few improvements to the building since it opened. The existing subcentre is on 882m<sup>2</sup> and on a Management Order to the Shire of Dandaragan.

The Cervantes St John Ambulance Sub-Centre committee has advised that:

- the building project is fully supported and approved by St John Ambulance WA.
- Planning approval has been granted by the Shire of Dandaragan.
- A Building Permit will be applied for shortly.
- A licenced builder has been engaged for the project.

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The Shire has provided to the Cervantes St John Ambulance Sub-Centre a portion of Reserve 30824, Cervantes to St John Ambulance for the purpose of a new St John Ambulance facility.

The Shire has also arranged for this reserve to be included in a Management Order in favour of St John Ambulance in accordance with Council's resolution of 28 October 2021.

The cost estimate for the proposed new Sub-Centre building project is \$820,432 (subject to costing on final plans). The annual cost to operate the Cervantes Sub Centre is upwards of \$100,000.

The Sub-Centre has provided information on its current bank balances as follows:

Working account	\$103,549.69
Three term Deposits	<u>\$789,977.31</u>
Total funds	\$893,527.00

The Cervantes Sub-Centre committee has committed \$650,000 to the project. The committee has requested donations and grants from:

- Bendigo Bank
- Beyond Bank
- RAC WA
- LotteryWest
- Development WA
- Tronox
- Iluka
- Various Wind Farms

The sub-branch has asked Council to contribute towards the building of the capital asset.

Further information on the program is available within the St John Ambulance Cervantes Sub Centre presentation contained in attachment marked 9.4.4.

#### COMMENT

It is the Council's standard process to call for requests for funding from local organisations during the Shire's annual budget process or through specific grant or funding programs. Council applies significant research and consideration to prioritising the suite of project submissions it receives from the community.

The Cervantes St John Sub-Branch has approached the Shire outside of the usual budget process.

Council has a number of options in this regard:

- 1) It can approve out of budget expenditure for the donation request for an agreed amount, with consideration of the financial implications below.

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- 2) It may approve the donation request for an agreed amount and allocate funds in the 2024/2025 draft budget for payment next financial year.
- 3) It may defer their request until the 2024/2025 budget process.
- 4) It may refuse the request.

The options provided under 1, and 2 may both result in the establishment of an undesirable precedent when it comes to providing funding to community projects, by creating an expectation for Council to contribute to many similar projects across the Shire.

Generally, Council provides a significant contribution to community led building projects through the granting of the use of a parcel of reserve land for an annual peppercorn lease.

Council's decision for Lot 596 Casals Street (Part Reserve 30824) to be included in a Management Order in favour of St John Ambulance is not the norm for community buildings in the shire. Usually, the property would remain subject to a Management Order in favour of the Shire of Dandaragan, so that the Shire retains the opportunity to utilise the land for any future requirements – community or commercial, pending the intended use, reservation or zoning.

The current property market value based on recent sales, in freehold tenure (\$300, 000 - \$400,000) is an indication of the benefit / contribution provided by Council to St John Cervantes with the transfer of the Management Order.

Should Council consider supporting a current or future donation from the operational budget (or the Cervantes Community Infrastructure Reserve of \$268,594), it should be noted that such a decision will reduce the amount available for Council to allocate to fund the proposed redevelopment of the Cervantes Community Sport and Recreation Centre which includes a new library space and change rooms (or other similar community projects in Cervantes).

This planned Cervantes Community Sport and Recreation Centre building redevelopment will be a significant project for Council and the Cervantes community, and one where any grant funding sourced from the likes of the Department of Local Government, Sport and Cultural Industries will require significant matched funding from Council.

The Cervantes Sub-Branch President has indicated that it has sufficient funds of its own to commence the project, and as St John Ambulance WA is underwriting the project, there will be no shortfall in funding for the building project. The committee has also advised that it has a number of donation requests and grant applications in the pipeline. If successful, these applications may

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see the sub-branch reach, or surpass, their fundraising goals for the capital project.

**CONSULTATION**

Cervantes Sub-Branch of St John Ambulance

**STATUTORY ENVIRONMENT**

Local Government Act 1995

6.8. Expenditure from municipal fund not included in annual budget

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

\* *Absolute majority required.*

**POLICY IMPLICATIONS**

There are no policy implications relevant to this item.

**FINANCIAL IMPLICATIONS**

The 2023/2024 budget contains no provision for this project and accordingly, if Council chooses to support the request this financial year, the decision will need to be by absolute majority.

This project is not one of the existing prioritised Council budget projects.

**STRATEGIC IMPLICATIONS**

Strategic Community Plan - Envision 2029

04 - Community	The Shire's resident population will grow more than the WA regional average supported by increased community recreation and cultural opportunities and access to key liveability factors such as health and wellbeing services and educational opportunities.
Priority Outcomes	Our roles
A safe, healthy, smart and active community that values its history and supports intergenerational relationships	Advocate for continued improvements in medical, educational and support services from other levels of government and the private sector that facilitates aging, living and learning within the Shire.

**ATTACHMENTS**

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

- Letter from Cervantes Sub Centre of St John Ambulance (Doc

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SODR-757425863-2358)

- Proposal overview from Cervantes Sub Centre of St John Ambulance (Doc SODR-757425863-2357)

*(Marked 9.4.4)*

VOTING REQUIREMENT

Simple Majority – Officer's recommendation.

Absolute Majority - Required if Council elects to provide a contribution as an out of budget expense.

**OFFICER RECOMMENDATION / COUNCIL DECISION**

Moved Cr McDonald, seconded Cr Clarke

That Council:

Defer the request from St John Ambulance Cervantes Sub – branch for a donation from Council towards the building of a new St John Ambulance Sub-Centre in Cervantes until the 2024/2025 budget process; and request that the Cervantes Sub-branch committee provide a summary of grants, donations and other funds secured to support the building of the St John Ambulance Sub – Centre at Cervantes.

**CARRIED 5 / 0**

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

**AGAINST: Nil**

*Cr Young re-entered the meeting at 4.23pm and the CEO advised of the decision.*

**9.5 COUNCILLOR INFORMATION BULLETIN**

**9.5.1 SHIRE OF DANDARAGAN – NOVEMBER 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 November 2023. *(Marked 9.5.1)*

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

Document ID: SODR-2045798944-7242

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

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

Document ID: SODR-2045798944-7243

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

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

Document ID: SODR-1876983588-1363

Attached to the agenda is monthly report for Tourism / Library for November 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 4.24 pm.

These minutes were confirmed at a meeting on 22 February 2024

Signed MM

Presiding person at the meeting at which the minutes were confirmed

Date 22 February 2024