



SHIRE
of
DANDARAGAN

MINUTES

of the

ORDINARY COUNCIL MEETING

held at the

COUNCIL CHAMBERS, JURIEN BAY

on

THURSDAY, 24 SEPTEMBER 2026

COMMENCING AT 11.00AM

THESE MINUTES ARE YET TO BE CONFIRMED

(THIS DOCUMENT IS AVAILABLE IN LARGER PRINT ON REQUEST)

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

1.1 DECLARATION OF OPENING

The Shire President declared the meeting open at 11.00 am and welcomed those present.

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

1.2 DISCLAIMER READING

The disclaimer was read aloud as there were 28 members of the public present.

"The Shire of Dandaragan accepts no responsibility for any statements or actions arising from discussion during this meeting."

Members of the public should not act on verbal comments made during the meeting and should rely on the official written confirmation of Council decisions issued within fourteen (14) days."

2 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

Members

Councillor G Lethlean	(Deputy President)
Councillor W Gibson	
Councillor R Glasfurd	
Councillor S Krakowiak	
Councillor S Young	

Staff

Mr B Bailey	(Chief Executive Officer)
Mrs R Pink	(Executive Manager of Corporate Services)
Mr A MacKenzie	(A/ Executive Manager Development Services)
Miss C Filbey	(Manager Community and Customer Services)
Mrs K Dean	(Administration & Council Support Officer)

Apologies

Councillor S Johnson

Approved Leave of Absence

Councillor T O'Gorman	(President)
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Observers

Jurien Bay District High School, Year 6 Class.

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME***Harper Madigan***

Will we have an art specialist club in town in the future?

Shire Deputy President Response

Council is a big supporter of the arts, and we love seeing creativity come to life across our Shire. The Shire has a Public Art Committee that meet quarterly to discuss potential art installations, murals and sculptures, like the new mural at the Jurien Rec Centre. You might see some new artwork popping up in Dandaragan soon.

We also have programs like the newly created Sandy Feet Arts committee that will be running workshops starting next year. We also support local artists like Andrea Gray who will be running art workshops for kids during these school holidays. Details are on the Shires website if you want your parents to book you in.

Logan Fazey

Will there be a new park this year or next year in Jurien Bay?

Shire Deputy President Response

Council regularly looks at ways to improve parks and playgrounds around town. New parks take a lot of planning, design work, and funding. This financial year the Shire will be renewing the facilities at Snook Park in Jurien Bay, and we'll start planning for what the new facilities will look like early in the new year.

Tristan Jones

Can you change the ladder at the Jetty because my friends and I have cut ourselves several times?

Shire Deputy President Response

Thank you for letting us know, Tristan. Safety is very important. Council can investigate reports like this and check whether the ladder needs repairs, maintenance, or replacement. If equipment is causing injuries, we want to know about it so we can work with the appropriate authorities to make it safer for everyone.

Casey Hamilton

Could you look at building an obstacle course playground or water playground?

Shire Deputy President Response

Council is always looking at ideas that encourage people to be active and enjoy the outdoors. We could look at some obstacle-based play at the new Snook Park play space, but due to the costs, it's unlikely we'll be in a position to be able to afford a water playground.

Asahi Turner

When is the pontoon being returned to the Jetty beach?

Shire Deputy President Response

The pontoon is removed each year during winter to help protect it from damage. We plan to return the pontoon in time for the beginning of the October school holidays, but it is subject to weather forecasts, in particular wind and swell which can cause the pontoon to break its moorings.

Stephanie Jenkins

When will the Rec Centre be upgraded?

Chief Executive Officer Response

The Shire is redeveloping the outdoor courts at the Recreation Centre this financial year as part of stage one of the redevelopment. Over the coming years, providing that we can secure grants to help up with the costs, we'll be looking to redevelop the changerooms, and verandah areas, and over the longer term as the town grows, we plan on building a second indoor court and function room.

Lucy Green

What would delay the approval process of house and shed plans? My family have been waiting for months.

Chief Executive Officer Response

Sometimes building approvals can take longer than expected for a number of reasons. Plans may need extra information, changes may be required to meet building rules, or Council may be waiting for information from other organisations and neighbours involved in the approval process. Council works hard to process applications as quickly as possible while making sure buildings are safe and meet all requirements. Some approvals are completed in days, while more complex developments may take months.

Kara Gibson and Lily Hart

Are there any plans to reduce the amount of rubbish at our beaches?

Chief Executive Officer Response

Keeping our beaches clean is very important. Everyday our works crew is out collecting rubbish, particularly around our foreshores. Council supports beach clean-up events, provides rubbish bins in beach areas, and encourages everyone to take their rubbish home when bins are full. We also work with community groups and volunteers who help keep our beautiful coastline clean. Education and community involvement, such as the Keep Australia Beautiful initiative are some of the best ways to reduce litter. We all play an important role in minimising litter on our beaches and throughout the townsites.

Mason Taylor

Are there any plans for a youth centre?

Chief Executive Officer Response

While there are currently no plans to establish a dedicated youth centre, the Shire seeks to ensure its facilities are flexible and available for a multitude of community activities. For example, the Civic Centre next door is being used today by students completing their White Card training and has previously operated as an art centre, evacuation centre and meeting venue. Where appropriate, Shire facilities may also be used to host activities and programs for young people.

Brody Nunn

Can we put a shark/ string-ray net around near the jetty?

Chief Executive Officer Response

Our beach is not suitable for the installation of a conventional shark net. Shark nets can also trap fish and other marine animals, which may be injured or killed. While swimmer safety is very important, the available options do not always provide the best outcome for both people and marine life. There are also no suitable structures along this section of beach to securely anchor a net. During winter storms, seaweed would likely collect against it, placing pressure on the net and potentially dragging it ashore. In the meantime, it is important that everyone remains shark smart. We can use resources such as the SharkSmart WA app, look out for one another around the jetty, and avoid swimming at times or in conditions when sharks may be more active and close to shore.

Brody Nunn

Is there anything to stop sharks?

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Chief Executive Officer Response

At this stage, we have not identified any shark-deterrence technology that would be suitable. However, trials are underway across Australia using emerging technologies, including drones and artificial intelligence, to monitor shark activity. These developments may provide more effective options in the future, but there is currently no single solution that can guarantee swimmer safety.

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 CONFIRMATION OF MINUTES

6.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD

COUNCIL DECISION

Moved Cr Young, seconded Cr Krakowiak

That the minutes of the Ordinary Meeting of Council held on 27 August 2026 be confirmed.

CARRIED 5 / 0

**FOR: Cr Lethlean, Cr Gibson, Cr Young,
Cr Glasfurd, Cr Krakowiak**

AGAINST: Nil

7 NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 CORPORATE & COMMUNITY SERVICES

9.1.1 ACCOUNTS FOR PAYMENT FOR THE PERIOD ENDED 31 AUGUST 2026

Location:	Shire of Dandaragan
Applicant:	N/A
File Reference:	Doc Id: SODR-2042075298-164098
Disclosure of Interest:	Nil
Date:	11 September 2026
Author:	Irina Shmeleva, Senior Finance Officer
Senior Officer:	Rebecca Pink, Executive Manager Corporate Services

PROPOSAL

To receive the Cheque, EFT, BPAY, Direct Debit and Fuel Card listing for the month of August 2026.

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, EFT, BPAY and Direct Debit (including fuel cards) payments for August 2026 totalled \$1,172,456.62 for the Municipal Fund.

Should Councillors wish to raise any issues relating to the August 2026 Accounts for payment, please do not hesitate to contact the Executive Manager prior to the Council Meeting, in order that research can be undertaken, and details provided either at the time of the query or at the meeting.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Regulation 13 of the *Local Government Financial Management Regulations 1997*.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report currently.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

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ATTACHMENTS

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

- Cheque, EFT, BPAY, Direct Debit and Fuel Card listings for August 2026 (Doc Id: SODR-2042075298-164097)
(Marked 9.1.1)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Gibson, seconded Cr Glasfurd

That Council receives the Cheque, EFT, BPAY, Direct Debit and Fuel Card payment listing for the period ending 31 August 2026, totalling \$1,172,456.62.

CARRIED 5 / 0

**FOR: Cr Lethlean, Cr Gibson, Cr Young,
Cr Glasfurd, Cr Krakowiak**

AGAINST: Nil

9.1.2 FINANCIAL STATEMENTS – MONTHLY REPORTING FOR THE PERIOD ENDING 30 JULY 2026

Location:	Shire of Dandaragan
Applicant:	N/A
File Reference:	Doc Id: SODR-2042075298-164117
Disclosure of Interest:	None
Date:	12 September 2026
Author:	Rebecca Pink, Executive Manager Corporate Services
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

To present the Monthly Financial Report for the period ending 31 July 2026 to Council for consideration in accordance with legislative requirements.

BACKGROUND

Regulations 34 and 35 of the *Local Government (Financial Management) Regulations 1996* require a monthly statement of financial activity, a monthly statement of financial position, and explanation of material variances to be presented to Council.

The report must be presented at an ordinary meeting of council within two months after the end of the month to which the statement relates. Regulations prescribe the information to be contained in the report.

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The Monthly Financial Report has been compiled to comply with the *Local Government Act 1995*, associated regulations, and to the extent they are not inconsistent with the *Local Government Act 1995* and the Australian Accounting Standards.

In accordance with Regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*, on 27 August 2026 Council adopted the annual material variance threshold of 10% for reporting budget variances within monthly financial reporting for the 2026/27 financial year, subject to a \$10,000 minimum, below which, variances are not required to be reported.

COMMENT

The Monthly Financial Report for the period ending 31 July 2026 is attached to include the following information as required by legislation:

- Statement of Financial Activity;
- Statement of Financial Position;
- Note 1 – Basis of Preparation and Significant Accounting Policies;
- Note 2 – Statement of Financial Activity Information; and
- Note 3 - Explanation of Material Variances.

As there is no legislative requirement for supplementary financial information to be considered with the Monthly Financial Report presented to Council, and to assist with compliance with the accounting standards, the supplementary information included at the back of the report is now provided as separate information to assist Councillors in understanding key movements, variances, and balances.

Councillors are invited to review the report in advance of the meeting and are encouraged to raise any queries or requests for clarification with the Executive Manager prior to the Council Meeting, to allow for relevant research to be undertaken and responses provided either in advance or at the meeting.

STATUTORY ENVIRONMENT

- *Local Government Act 1995*
- Regulation 34 and 35 of the *Local Government (Financial Management) Regulations 1996*.

POLICY IMPLICATIONS

There are no known policy implications associated with this item.

FINANCIAL IMPLICATIONS

The presentation of the Monthly Financial Report provides Council with regular updates on the Shire's financial performance and position and supports Council's governance and oversight responsibilities in accordance with the *Local Government Act 1995* and associated regulations.

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STRATEGIC IMPLICATIONS

There are no known strategic implications associated with this item.

ATTACHMENTS

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

- Financial statements for the period ending 31 July 2026 (Doc Id: SODR-2042075298-164129).

(Marked 9.1.2)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

Moved Cr Young, seconded Cr Krakowiak

That Council receive the Monthly Financial Report for the period ended 31 July 2026.

CARRIED 5 / 0

**FOR: Cr Lethlean, Cr Gibson, Cr Young,
Cr Glasfurd, Cr Krakowiak**

AGAINST: Nil

9.1.3 JURIEB BAY PROGRESS ASSOCIATION SELF SUPPORTING LOAN – PURCHASE OF A NEW FOOD VAN

Location:	Shire of Dandaragan
Applicant:	Jurien Bay Progress Association Inc.
File Reference:	Doc ID: SODR-1876983588-3082
Disclosure of Interest:	N/A
Date:	4 September 2026
Author:	Carly Filbey Manager Customer & Community Service
Senior Officer:	Rebecca Pink, Executive Manager Corporate Services

PROPOSAL

That Council consider providing the Jurien Bay Progress Association Inc. with a self-supporting loan of \$40,000 to assist with the purchase of a new fit-for-purpose food van to support the Association's markets, events and community fundraising activities.

The proposed loan will enable the Association to replace its ageing food van and continue operating an important fundraising asset used at markets and events across the Shire of Dandaragan.

BACKGROUND

The Jurien Bay Progress Association Inc. has owned and operated a caravan food van at its markets and at various events across the

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Shire for many years. The existing van was originally built in 1972 and was converted into a food van in the mid-1990s.

The Association has advised that the existing van is no longer fit for purpose due to deteriorating walls and frequent failures of the fitted cooking appliances. At its March 2026 meeting, the Association resolved to seek grant funding and/or a self-supporting loan through the Shire to purchase a new modern, fit-for-purpose food van.

The total cost of the replacement food van is \$50,270. The Association has secured \$23,500 through the Shire of Dandaragan Tronox Grant round and a further \$5,000 grant from the Bendigo Bank Jurien Bay branch. An initial deposit of \$10,000, which includes the Bendigo Bank grant amount, has been paid to commence construction of the new van.

The Association has requested that the Shire consider providing an initial self-supporting loan of \$40,000 to enable completion of the purchase. The Association advises that, upon delivery of the van, the \$23,500 Tronox Grant amount would be repaid to the Shire, with the remaining loan amount to be repaid over a period of up to five years. The financial amounts stated in the Association's request will be reconciled prior to any loan drawdown and execution of the self-supporting loan agreement.

The proposed funding position, as advised by the Association, is summarised below.

Purchase price of new food van:

Description	Price
Purchase price of new food van	\$41,800
Appliance – Deep Fryer	\$ 4,070
Appliance – Hot Plates	\$ 4,400
Total Cost of Food Van	\$50,270
Initial deposit paid	-\$10,000
JBPA Payment still to be made	-\$ 270
Requested self-supporting loan	\$40,000

Successful Grants to be received in the future:

Tronox Grant	\$23,500
Bendigo Bank Grant	\$ 5,000
Total Grant Income	\$28,500

COMMENT

The Shire of Dandaragan has a demonstrated history of supporting local community organisations through self-supporting loans, particularly where assistance enables the purchase of capital items or infrastructure that delivers ongoing community benefit.

The provision of a self-supporting loan in this instance aligns with past Council practice and provides a mechanism to support the acquisition of a community asset while requiring the borrowing costs to be repaid by the beneficiary organisation.

The replacement food van will provide the Jurien Bay Progress Association with a modern and fit-for-purpose asset that can continue to support its activities at local markets and events. The Association's food van has operated for many years as part of its community and fundraising activities, and replacement of the ageing van will assist the group to continue these activities into the future.

The proposed purchase represents a capital project consistent with the purpose of Council Policy 3.3 C-3SSL03 – Self Supporting Loans. All other Policy requirements have been met by the association.

The Association has demonstrated its commitment to the project by securing external and Shire grant funding and paying an initial deposit toward construction of the new van.

The Association has provided financial information required by the Shire to support assessment of its capacity to service the proposed loan.

On this basis, the proposed self-supporting loan provides a means for Council to assist the Association to complete the purchase while ensuring the principal, interest and applicable borrowing costs are recovered from the Association over the term of the loan.

The Association has requested a loan amount sufficient to enable the immediate purchase of the van. The Association expects to receive grant funding, which will be applied to reduce the outstanding loan balance. As a result, the Association intends to repay the loan earlier than the anticipated five-year term.

CONSULTATION

- Jurien Bay Progress Association Inc.
- Chief Executive Officer
- Western Australian Treasury Corporation

STATUTORY ENVIRONMENT

Section 6.20 of the *Local Government Act 1995*

6.20. Power to borrow

- (1) *Subject to this Act, a local government may —*
- (a) *borrow or re-borrow money; or*
 - (b) *obtain credit; or*
 - (c) *arrange for financial accommodation to be extended to the local government in ways additional to or other than borrowing money or obtaining credit, to enable the local government to perform the functions and exercise the powers conferred on it under this Act or any other written law.*
- (2) *Where, in any financial year, a local government proposes to exercise a power under subsection (1) (power to borrow) and details of that proposal have not been included in the annual budget for that financial year —*
- (a) *unless the proposal is of a prescribed kind, the local government must give one month's local public notice of the proposal; and*
 - (b) *the resolution to exercise that power is to be by absolute majority.*
- (3) *Where a local government has exercised a power to borrow and —*
- (a) *it does not wish to proceed with the performance of the function or the exercise of the power for which the power to borrow was exercised; or*
 - (b) *after having completed the performance of the function or the exercise of the power for which the power to borrow was exercised, any part of the money borrowed, credit obtained or financial accommodation arranged has not been expended or utilized, the local government may resolve* to expend the money or utilize the credit or financial accommodation for another purpose if one month's local public notice is given of the proposed change of purpose.*

** Absolute majority required.*

- (4) *A local government is not required to give local public notice under subsection (3) —*
- (a) *where the change of purpose has been disclosed in the annual budget of the local government for the relevant financial year; or*
 - (b) *in such other circumstances as are prescribed.*
- (5) *A change of purpose referred to in subsection (3) is to be disclosed in the annual financial report for the year in which the change occurs.*

POLICY IMPLICATIONS**Policy 3.3 - Self Supporting Loans****FINANCIAL IMPLICATIONS**

The proposed \$40,000 self-supporting loan would be funded through a corresponding borrowing of \$40,000 by Council from the Western Australian Treasury Corporation (WATC), with the funds

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on-lent to the Jurien Bay Progress Association Inc. under a self-supporting loan arrangement.

WATC has provided an indicative five-year annuity lending quote based on rates applying on 27 July 2026. The indicative interest rate is 5.0895% per annum, with semi-annual compounding and 10 semi-annual repayments. The indicative fixed repayment is approximately \$4,580.93 every six months.

Based on the indicative WATC schedule, total principal repayments are \$40,000 and total interest over the five-year term is approximately \$5,809.25, resulting in total principal and interest payments of approximately \$45,809.25. The interest rate is indicative only and will be subject to the rate applying at the time the borrowing is executed.

All principal and interest costs associated with the borrowing will be recovered from the Jurien Bay Progress Association Inc. in accordance with the self-supporting loan agreement. The loan will be recorded as a receivable in Council's accounts, with the corresponding WATC liability reflected in borrowings. Subject to the Association meeting its repayment obligations, the arrangement is intended to result in no ongoing financial cost to the Shire.

STRATEGIC IMPLICATIONS

There are no strategic implications.

ATTACHMENTS

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

- Request for Self-Supporting Loan – Jurien Bay Progress Association Inc. dated 21 July 2026 (Doc ID: SODR-1876983588-3096).
- Food Van Quote - Kangaroo Food Trailers Pty Ltd (Doc ID: SODR-1876983588-3094).
- Policy 3.3 C-3SSL03 – Self Supporting Loans (Doc ID: SODR-1876983588-3095).
- WATC Indicative Loan Repayment Schedule – \$40,000 over 5 years. (Doc ID: SODR-1876983588-3097).

(Marked 9.1.3)

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION

**Moved Cr Young, seconded Cr Gibson
That Council:**

- 1. Authorise a budget amendment to include a self-supporting loan of \$40,000 to the Jurien Bay Progress Association Inc. for the purchase of a new food van.**

2. Subject to compliance with Part 6, Division 2 of the *Local Government Act 1995* and Regulation 17 of the *Local Government (Financial Regulations) 1996*, approve the borrowing of up to \$40,000 from the Western Australian Treasury Corporation for a term of up to five years for the purpose of providing the self-supporting loan to the Jurien Progress Association Inc.; and
3. Authorises the Chief Executive Officer to execute all documentation and undertake all actions necessary to give effect to the borrowing and loan arrangements.

CARRIED BY ABSOLUTE MAJORITY

**FOR: Cr Lethlean, Cr Gibson, Cr Young,
Cr Glasfurd, Cr Krakowiak**

AGAINST: Nil

9.1.4 DANDARAGAN COMMUNITY RESOURCE CENTRE SERVICE LEVEL AGREEMENT

Location:	Shire of Dandaragan
Applicant:	Dandaragan Community Resource Centre
File Reference:	Doc Id: SODR-1876983588-3098
Disclosure of Interest:	Nil
Date:	14 September 2026
Author:	Carly Filbey, Manager Community & Customer Services
Senior Officer:	Rebecca Pink, Executive Manager Corporate Services

PROPOSAL

That Council consider entering into a five-year Service Level Agreement with the Dandaragan Community Resource Centre (Dandaragan CRC) for the delivery of selected Shire services in the eastern portion of the Shire of Dandaragan.

BACKGROUND

Since the establishment of the Dandaragan CRC, Council has maintained an agreement with the organisation for the delivery of selected Shire services.

The Dandaragan CRC operates from the former Shire office in the Dandaragan townsite. The previous Service Level Agreement between the Shire and the Dandaragan CRC expired on 30 June 2026. It is proposed that a new Service Level Agreement be entered into for a further five-year term, commencing 1 July 2026.

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Under the proposed Service Level Agreement, the Dandaragan CRC would continue to provide the following services on behalf of the Shire:

1. Library services;
2. Rates and sundry debtor payment services;
3. Tourist information services, including assistance associated with the Dandaragan Transit Park and;
4. Banking services associated with the above activities.

COMMENT

Shire officers and representatives of the Dandaragan CRC have reviewed the service arrangements and consider that the services have been delivered satisfactorily.

The Dandaragan CRC provides an established and locally accessible point for the delivery of Shire services to residents and visitors in Dandaragan and the surrounding district. Continuing the arrangement will enable the Shire to maintain a local service presence in Dandaragan while utilising the established staffing, facilities, local knowledge and community-facing operations of the Dandaragan CRC.

A further five-year term will provide continuity and certainty in the delivery of these services and support the Dandaragan CRC's capacity to continue providing services on behalf of the Shire.

CONSULTATION

- Dandaragan CRC
- Chief Executive Officer

STATUTORY ENVIRONMENT

Section 3.57(f) *Local Government (Functions and General) Regulations 1996*

(f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier.

The Dandaragan CRC Inc. qualifies under Section 3.57(f) of the *Local Government (Functions and General) Regulations 1996* due to being the only organisation in the Dandaragan townsite with the capacity to deliver Shire Administrative services.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

An amount of \$42,000 (ex GST) per annum to provide the services on behalf of the Shire of Dandaragan.

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STRATEGIC IMPLICATIONS

Strategic Community Plan Envision 2029

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	A safe, healthy, smart and active community that values its history and supports intergenerational relationships.
Our Roles	Increase community-building by providing sustainable recreation infrastructure and services, off-peak events, community building programs and place-making concepts in our public spaces.

ATTACHMENTS

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

- Draft Service Level Agreement for the Dandaragan CRC (Doc Id: SODR-1272937250-4649).

(Marked 9.1.4)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

**Moved Cr Krakowiak, seconded Cr Glasfurd
That Council:**

- 1. Approves entering into a five-year Service Level Agreement with the Dandaragan Community Resource Centre for the provision of selected Shire administration services in Dandaragan, for an annual amount of \$42,000 excluding GST, subject to annual CPI increases, including but not limited to:**
 - a. Library services;**
 - b. Rates and sundry debtors payment services;**
 - c. Tourist information services, including assistance associated with the Dandaragan Transit Park; and**
 - d. Banking services associated with the above activities.**
- 2. Authorises the Chief Executive Officer to finalise and execute the Service Level Agreement between the Shire of Dandaragan and the Dandaragan Community Resource Centre, on terms acceptable to the Shire Administration.**
- 3. Notes that provision for the Service Level Agreement has been included in the 2026/2027 Annual Budget.**

CARRIED 5 / 0

FOR: Cr Lethlean, Cr Gibson, Cr Young,
Cr Glasfurd, Cr Krakowiak

AGAINST: Nil

9.3 DEVELOPMENT SERVICES

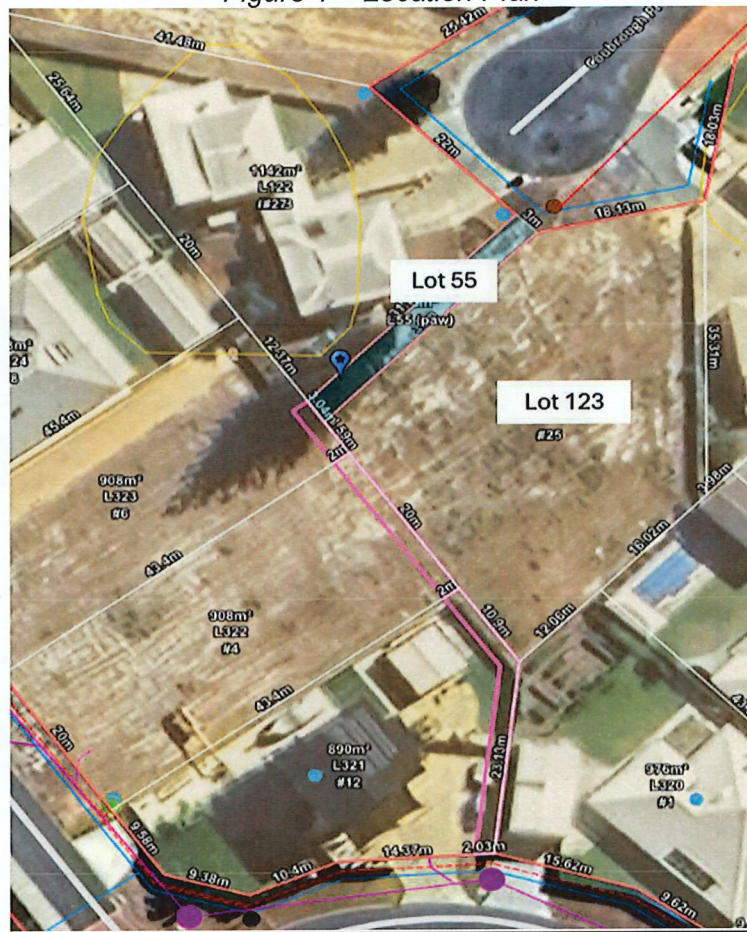
9.3.1 PROPOSED PERMANENT CLOSURE OF PEDESTRIAN ACCESS WAY

Location:	25 Coubrough Place, Jurien Bay WA 6516
Applicant:	Dene Figliomeni
Folder Path:	Doc Id: SODR-1262144384-45380
Disclosure of Interest:	Nil
Date:	14 September 2026
Author:	Alex MacKenzie, A/Executive Manager Development Services
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

The Applicant seeks to close a pedestrian access way (Lot 55) that extends along the western boundary of his property at Lot 123 Coubrough Place. The applicant has liaised with the Department of Planning, Lands and Heritage (DPLH) regarding the possibility of purchasing and amalgamating the 200m² land into Lot 123. DPLH have advised that a formal closure process must first be followed in line with the *Land Administration Act (1997)* and the *Land Administration Regulations (1998)*. Accordingly, this report seeks Council's consent to initiate the closure process and undertake advertising for public comment.

Figure 1 – Location Plan



BACKGROUND

At the time that the area was first subdivided, the Pedestrian Access Way (PAW) was also intended to serve a drainage function. Building approval records show that permits were issued for the dwellings at 12 Pinetree Circuit (2002) and 1 Sheoak Crescent (2018). These approvals indicate that, as far back as 2002, the 2m wide easement was considered to be for drainage purposes only. On this basis, the dwelling at 12 Pinetree Circuit was approved with fences extending across the easement, (while not impacting on the drainage function). In terms of pedestrian connection; it should be noted that pedestrian access to the beach continues to be available via an informal path approximately 250m to the west along Pinetree Court.

Figure 2 – Image Showing Existing Development over PAW on Pinetree Circuit



COMMENT

Noting the background above, the designation of the easement as a pedestrian access way appears to be an administrative error. Nevertheless, in order to progress the closure and amalgamation process, DPLH requires the Shire to undertake a number of steps. These include consultation with the five (5) adjoining landowners and broader community and referral of the proposal to potentially affected service providers (Western Power and Water Corp). Following this, the proposal will again be presented to Council for a determination on whether to support the closure and request DPLH to endorse the request.

This report recommends that Council resolve to refer this Closure Report to all relevant infrastructure providers and consult with anyone in the community likely to be affected by the permanent closure.

Following the above, Shire Officers will return the matter to Council to review any comments received and determine whether to proceed with the full closure.

CONSULTATION

The closure request will be advertised for public comment over a period of 30-days in accordance with the WA Planning Guidelines *Procedure for the Closure of Pedestrian Access Ways (2009)*.

STATUTORY ENVIRONMENT

Land Administration Act (1997)

POLICY IMPLICATIONS

Procedure for the Closure of Pedestrian Access Ways – Planning Guidelines (WAPC, 2009)

FINANCIAL IMPLICATIONS

Payment of the applicable application fee has been made by the applicant. The subject reserve has not been managed by the Shire and therefore the proposal does not present cost implications from a maintenance perspective.

STRATEGIC IMPLICATIONS

Nil

ATTACHMENTS

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

- Attachment 1 – Location Plan (Doc ID: SODR-1262144384-45377).
 - Attachment 2 – Site Plan (Doc ID: SODR-1262144384-44592).
- (Marked 9.3.1)**

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

**Moved Cr Gibson, seconded Cr Young
That Council:**

- 1. Authorises the Chief Executive Officer to refer the proposed closure of the Pedestrian Access Way (Lot 55 Coubrough Place, Jurien Bay) to relevant service authorities and seek public comment in accordance with the Procedure for the Closure of Pedestrian Access Way Planning Guidelines; and**
- 2. Requests that a further report be presented to Council following completion of the referral and public comment process to enable Council to consider any submissions received and determine whether to support the permanent closure of the Pedestrian Access Way.**

CARRIED 5 / 0

**FOR: Cr Lethlean, Cr Gibson, Cr Young,
Cr Glasfurd, Cr Krakowiak**

AGAINST: Nil

9.3.2 PROPOSED HOLIDAY HOUSE ON, LOT 684 (24) ADRIANA PARADE, JURIEB BAY

Location:	Lot 684 (24) Adriana Parade, Jurien Bay
Applicant:	Bradley and Therese Pearce
Folder Path:	Doc Id: SODR-1262144384-39579
Disclosure of Interest:	Nil
Date:	14 September 2026
Author:	Josh Arnott, Planning Officer
Senior Officer:	Alex MacKenzie, A/Executive Manager Development Services

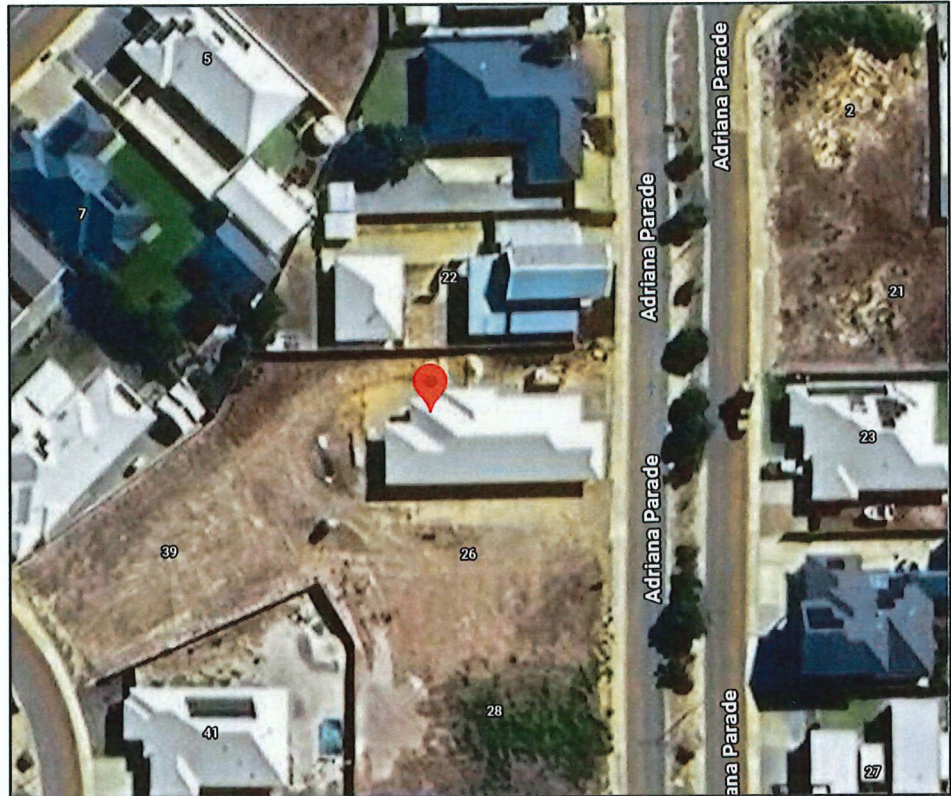
PROPOSAL

The purpose of the report is for Council to consider a development application for the change of use of Lot 684 (24) Adriana Parade, Jurien Bay from 'Single House' to 'Holiday House' to be used as a Short-Term Rental Accommodation (STRA) for a maximum of six (6) guests.

BACKGROUND

The development application proposes to change the use of the existing four (4) bedroom dwelling at Lot 684 (24) Adriana Parade, Jurien Bay (subject site) from 'Single House' to 'Holiday House' to be used as a STRA. The original application proposed to accommodate a maximum of ten (10) guests on a short-term basis, but this was revised after the advertising period to a maximum of six (6) guests.

Referral to Council is required in terms of Delegation 9.1.2 Town Planning - Other Use and Development due to written objections received.

Location Plan – Lot 684 (24) Adriana Parade, Jurien BayCOMMENT

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 is 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 Planning and Development (Local Planning Schemes) Regulation 2015 as *"all those factors which combine to form the character of an area and include the present and likely future amenity"*. The Residential Design Codes 2024 expand on this definition to include the 'liveability', comfort or quality of a place which makes it pleasant and agreeable to be in for individuals and the community. Amenity is important in the public, communal and private domains and includes the enjoyment of sunlight, outlook, privacy and quiet. It also includes protection from pollution and odours.

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

It is acknowledged that this Holiday House land use within an established residential area of Jurien Bay can negatively affect the amenity of nearby permanent residents. The objections received raised this concern as detailed in the Consultation section of this report and the Schedule of Submissions included as Attachment 4.

At present there are 149 Short Term Rental Accommodation's within the Shire. The subject property will be managed by Ray White Jurien Bay. This management arrangement provides a local point of call for neighbouring landowners/tenants surrounding the proposed Holiday House and complies with clause 7.5 Management Protocols of the Local Planning Policy 9.12 (Short-Term Rental Accommodation) which requires Holiday House property managers to reside or have their office within 30 minutes driving distance from the premises.

Assessment of the application requires consideration of the provisions and objectives of the Shire's Local Planning Framework. Additionally, due regard must also be given to Matters to be Considered under Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015 (*Deemed Provisions*).

PLANNING ASSESSMENT

Shire of Dandaragan Local Planning Scheme No.7

The subject site, identified as Lot 684 (24) Adriana Parade, Jurien Bay, is designated as 'Special Development' under Local Planning Scheme No. 7 (LPS7 or Scheme). Furthermore, the land is situated in Beachridge Estate and is governed by the Turquoise Coast Development Structure Plan.

Pursuant to the Turquoise Coast Development Plan No. 1, the subject property is categorized within land zoned for 'Residential' (R12.5) purposes. The 'Residential' zone has the following objective under LPS7:

'To provide for residential development at a range of densities with a variety of housing to meet the needs of different household types through the application of the Residential Design Codes. (Local government's intent is to provide a high standard of housing in the area within Jurien, bounded by Hastings Street, Bashford Street, Seaward Drive and Casuarina Crescent).'

The term 'Holiday House' is formally defined under Local Planning Scheme No. 7 as follows:

'means a single house (excluding Ancillary Accommodation) which might also be used from time to time for short stay accommodation for no more than six (6) people (but does not include a bed and breakfast, guesthouse, chalet and short stay accommodation unit).'

While the original application didn't meet the maximum occupancy criteria for a 'Holiday House', the applicant has revised the application to request a maximum of six (6) occupants following advertising.

Table 1 – Zoning Table of LPS7 does not explicitly list land use permissions for 'Special Development' zones. Instead, it directs towards Schedule 8 of the Scheme for determining use compatibility.

Schedule 8 stipulates that any structure plan prepared must adhere to specified conditions. Thus, the zoning assigned by the applicable structure plan is utilized as the relevant zone under Table 1 for assessing land use suitability.

A 'Holiday House' is classified as a Discretionary 'D' use within the 'Residential' zone, meaning that the use is not permitted unless the Shire exercises discretion and grants development approval.

It is acknowledged that a Holiday House activity within the established residential area of Jurien Bay can negatively affect the amenity of nearby permanent residents and therefore needs to be managed carefully.

Local Planning Policy 9.12 - Short Term Rental Accommodation

Local Planning Policy 9.12 - Short-Term Rental Accommodation (LPP9.12) applies to this application. An assessment of the proposed holiday house against the provisions of LPP9.12 is included as Attachment 3.

The variations sought by the original application can be summarised as the following:

- ten (10) guests instead of six (6);
- the overcrowding of bedrooms due to proposed maximum occupancy;
- the requirement for four (4) car bays to be provided on-site when only two (2) can be appropriately accommodated; and
- missing details in the property management plan.

However, as the occupancy has now been revised to six (6) guests, this will overcome the overcrowding variation and bring the car parking on-site into compliance. A condition to update the property management plan to include check-in/check-out details and details around management of visitors and pets will be recommended.

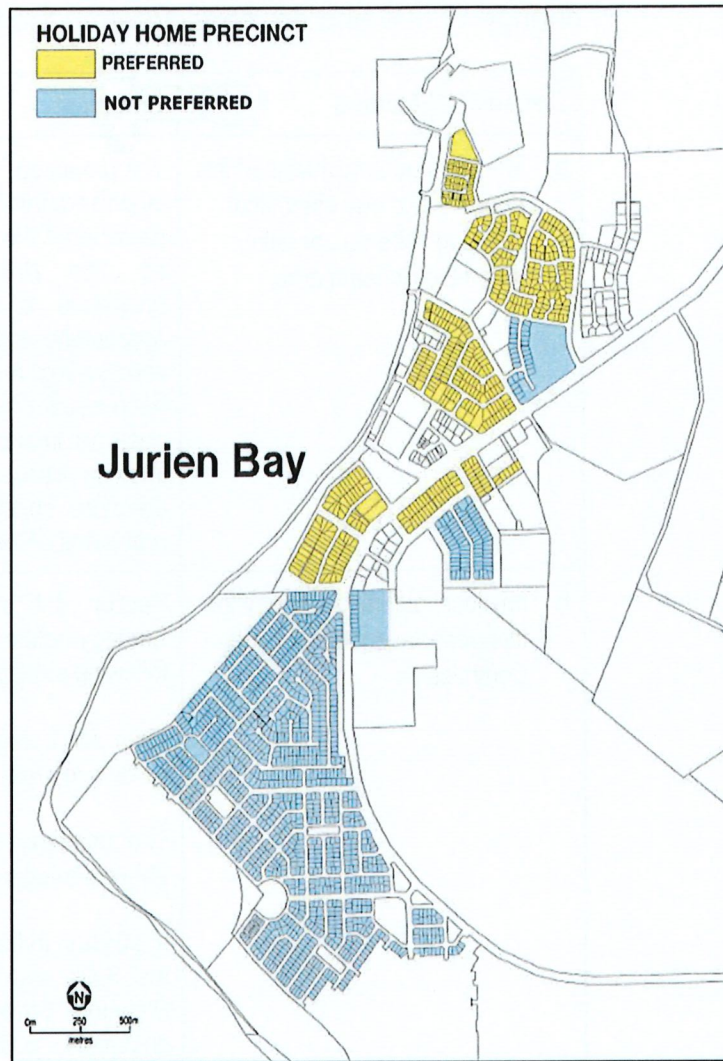
MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 SEPTEMBER 2026
Draft Local Planning Policy 9.12 - Short Term Rental Accommodation

Draft Local Planning Policy 9.12 - Short-Term Rental Accommodation has recently been prepared and will replace the existing LPP9.12 if adopted by Council. At the 27 August 2026 OCM the Council initiated the public advertising of Draft LPP9.12, which will close on 7 October 2026. The Draft LPP9.12 is now considered a seriously entertained document. The provisions of Draft LPP9.12 have been considered, but as the application was lodged prior to the public advertising of the policy, the provisions will only be given due regard.

The provisions of Draft LPP9.12 largely reflect the same provisions of the current LPP9.12 with respect to parking and bedroom requirements based on the occupancy numbers proposed. However, the Draft LPP9.12 sets out differing location criteria under Section 8.1, which is detailed below.

8.1 PREFERRED LOCATION	
Deemed-to-Comply	Performance Criteria
<p>An Unhosted STRA satisfies the deemed-to-comply standard if:</p> <p>C1.1 The dwelling is located within the 'Regional Centre' or 'Tourism' zones.</p>	<p>An Unhosted STRA satisfies the Performance Criteria provisions if:</p> <p>P1.1 When proposed in the 'Residential' or 'Special Development' zones, the dwelling is located within the 'Preferred' areas identified in the map in Appendix A.</p>

Where proposed holiday houses are not located within the 'Regional Centre' or 'Tourism' zones, they are not considered deemed-to-comply and must achieve the performance criteria for the assessment to progress. Proposals within the 'Residential' and 'Special Development' zones will be considered where they are located within the 'Preferred' areas identified in the map in Appendix A of Draft LPP9.12 (refer figure below).

Appendix A of Draft LPP9.12 - STRA Preferred Locations for Jurien Bay

24 Adriana Parade, Jurien Bay is located within the Beachridge Estate which is at the southern end of Jurien Bay townsite and located within the 'Not Preferred' location. If only assessed under the Draft LPP9.12 the proposal would not be supported based on location.

Notwithstanding the above, as noted previously the application was lodged prior to this policy being publicly advertised, and therefore the location is deemed acceptable under the current LPP9.12. If approved, the holiday house use will be reviewed in 12 months and if deemed unacceptable due to ongoing complaints then the approval will not be renewed.

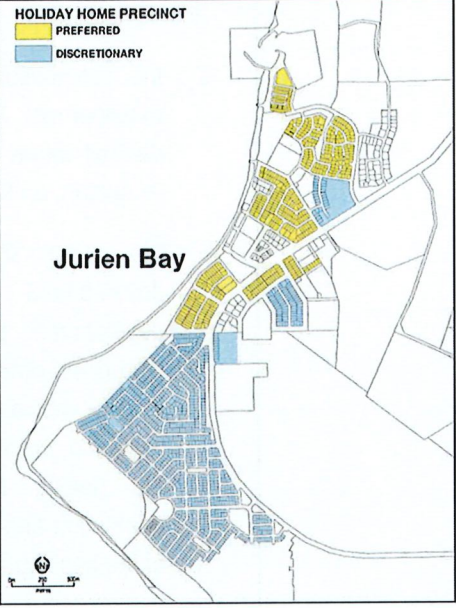
Planning and Development (Local Planning Schemes) Regulations 2015

In accordance with Schedule 2 ("Deemed Provisions") of the Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations), the Shire is to have due regard to the relevant matters for consideration outlined under Clause 67(2).

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The following matters are considered relevant to the proposed change of use and are considered in the following table.

Clause 67(2) Matters	Comment
a) The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;	The proposed 'Holiday House' is a discretionary land use within the 'Residential' zone and can be permitted if the Shire exercises discretion to do so. The 'Holiday House' must meet the provisions of LPP9.12 to be considered appropriate and thereafter be advertised to the surrounding residents. Whilst variations have been sought by the proposal, conditions have been recommended to bring the proposal back into compliance. The proposed change of use is therefore considered to meet the aims and provisions of the scheme.
f) any local planning strategy for this Scheme endorsed by the Commission	<p>Section 4.4 of the Shire's Local Planning Strategy addresses tourism and provides the following strategic direction:</p> <p><i>'Plan for a range of tourism accommodation options to meet the needs of short-stay visitors.'</i></p> <p>The proposal is considered to align with the above strategic direction.</p> <p>In addition to the Shire Local Planning Strategy, the Shire also has the 2012 Local Tourism Planning Strategy. Section 4.3.1.3 of this document outlines preferred locations for 'Holiday Homes' (refer image below) and states the following:</p> <p><i>'In areas of high residential amenity, holiday homes are generally not considered appropriate, particularly in the more recently established residential subdivisions that are located away from the attractions and facilities desired by the tourist. As mentioned previously, tourists can create conflicts with residents through noise, parking and general lifestyle differences, and these behaviours are generally less tolerated in residential suburbs. Discretionary locations are identified as those locations which buffer the preferred areas from the residential areas. All single dwellings will be assessed on their individual merits in association with the Local Planning Policy – Holiday Homes, and subject to advertising and comments. Large holiday homes will generally not be supported.'</i></p>

	 <p>The subject site is located within the 'Discretionary' area.</p> <p>Notwithstanding the above, the perceived conflicts mentioned are unsubstantiated until a 'Holiday House' has begun operating and time is allowed to monitor the impacts the use may have on the immediate locality. As 'Holiday House' uses are required to renew every financial year, this gives the Shire the ability to monitor the use and not renew the approval if amenity impacts are identified and the property has not been managed successfully.</p>
g) Any local planning policy for the Scheme area	<p>The Shire's LPP9.12 applies and the proposal has been assessed against the provisions of this policy as identified above in this agenda item. There were several non-compliances from the proposal, including guest numbers, overcrowding and parking. These have all been addressed through the reduction of the maximum occupancy to six (6) guests. This will allow the proposal to comply with the maximum occupancy permitted under the land use definition, overcome overcrowding and also require only two (2) car parking bays under LPP9.12, allowing the car parking on-site to also comply.</p>
m) The compatibility of the development with its setting,	<p>The proposed land use is commercial in nature as it allows tourists to stay at the subject site for short periods of time instead of on a long term basis. It is also a general perception that tourists</p>

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<p>including —</p> <ul style="list-style-type: none"> i. the compatibility of the development with the desired future character of its setting; and ii. the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development; 	<p>do not treat holiday homes as they would their own home given that they are on holiday. Therefore it is generally considered that these land uses can come with adverse amenity impacts including noise and anti-social behaviour.</p> <p>However, this is a generalisation associated with these proposals and the assumptions are unfounded until the holiday home begins operating and is monitored to see what impacts may arise.</p> <p>The proposal has a management plan in place which details the code of conduct that guests must adhere to. This includes quiet hours from 10pm - 7am, the eviction of guests if the code of conduct is not adhered to and the details of the property manager should neighbours have complaints about any noise or anti-social behaviour. The management plan, if administered appropriately, should safeguard surrounding residents from any impacts associated with the holiday home.</p> <p>Accordingly it is considered that the use can be compatible with adjoining developments and character of the area if appropriately managed and monitored. If it is seen to not be, the Shire has the ability to not renew the approval for the next financial year.</p>
<p>n) The amenity of the locality including the following -</p> <ul style="list-style-type: none"> i. environmental impacts of the development; ii. the character of the locality; iii. social impacts of the development. 	<p>Refer above.</p>
<p>s) The adequacy of -</p> <ul style="list-style-type: none"> i. the proposed means of access to and egress from the site; and ii. arrangements for the loading, unloading, manoeuvring and parking of vehicles; 	<p>The proposal did seek a maximum occupancy of ten (10) guests, which under LPP9.12 required four (4) car bays to be provided on-site. This would require all car bays to be in tandem to one another, which is only permitted for two (2) bays under LPP9.12.</p> <p>However, as the maximum occupancy is being reduced to six (6) guests, the on-site car parking requirement also reduces to two (2) bays, which can be in tandem. This will make the car parking compliant on-site and would be considered adequate in accordance with matter</p>

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	s).
x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals.	Refer to response to matter m) above.
y) any submissions received on the application.	Eight (8) submissions were received during the consultation period. They have been detailed and considered in the section below.

Community Consultation - Submissions Received

Eight (8) submissions were received against the application, with the schedule of submissions included as Attachment 4. Objections raised referred to the impact on the neighbourhood amenity due to noise, anti-social behaviour, limited on-site parking, the incompatibility of the land use, the non-compliance to maximum occupancy sought, and local housing shortages.

These objections have been noted and addressed below:

1. Noise and anti-social behaviour

The assumption that there will be excessive noise and anti-social behaviour is unproven as the use has not commenced. A management plan has been prepared which outlines guest etiquette expectations and the protocol to lodge complaints and the property manager's process to address them. If this is not upheld the Shire cannot renew the approval for the development after 30 June 2027.

2. Limited on-site parking

The original proposal at the time of advertising sought a maximum occupancy of ten (10) guests. This would have required an on-site car parking provision of four (4) car bays, which would require more than two (2) cars to park in tandem. This is not compliant with LPP9.12 which only permits 2 cars to park in tandem. The applicant has since reduced the maximum occupancy to six (6) guests, which will reduce on-site parking requirement to 2 bays making it compliant with LPP9.12.

3. Incompatibility of the land use

The land use is a 'D' (discretionary) use within the 'Residential' zone, meaning that it can be permitted if the Shire exercises its discretion. If the maximum occupancy is reduced as proposed in the recommendation, the parking will become compliant, and the perceived impacts associated with the land use will likely reduce as well. The use would only be incompatible if it resulted in adverse amenity impacts on the adjoining residents, it is therefore considered that the use should operate until 30 June 2027 and the

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renewal be provided based on any impacts it may have created during that period.

4. Maximum occupancy sought

Post advertising the applicant has reduced the maximum occupancy from ten (10) guests to six (6) to bring it into compliance with the LPS7 definition and LPP9.12.

5. Local housing shortages

This objection is noted, but the applicant and landowners have the right to propose to use their property as a 'Holiday House'. To refuse an application for a 'Holiday House' on the basis that there is a perception that there is not enough long-term rentals in the area is not considered orderly and proper planning. The proposed change of use should be considered on its merits.

Alternate Recommendation

Despite the rationale of the above assessment supporting a recommendation of approval; the following points are detailed for the purposes of presenting a counter argument should Council elect to refuse the application:

1. The proposed 'Holiday House' does not comply with the maximum occupancy, overcrowding or on-site car parking provisions under the Shire of Dandaragan's Local Planning Policy 9.12 - Short Term Rental Accommodation.
2. The proposed 'Holiday House' is considered to result in negative impacts on the amenity of the adjoining residential properties.
3. The proposed 'Holiday House' does not fall within the 'Preferred' location for holiday homes identified under Draft Local Planning Policy 9.12 - Short Term Rental Accommodation.

SUMMARY

While the original application sought approval for a Holiday House accommodating up to ten (10) guests, which would have resulted in variations to Local Planning Policy 9.12 in relation to maximum occupancy, on-site parking and overcrowding requirements. To address these issues and reduce potential impacts on neighbouring residents, the applicant has reduced the proposed occupancy to a maximum of six (6) guests. This reduction brings the use into compliance with the Holiday House definition under LPS7, overcomes the overcrowding, reduces the parking requirement from four (4) bays to two (2) bays which can be accommodated on-site, and is expected to lessen concerns regarding noise, vehicle parking and residential amenity. With the proposed occupancy restriction, management plan and annual renewal process in place,

the application is considered capable of operating in a manner that is compatible with the locality and can be appropriately monitored.

The proposed change of use falls within the 'Non-Preferred' location for a holiday house under Draft Local Planning Policy 9.12 (as outlined in this report). However, under the current LPP9.12 there is no location criteria, and the proposal is identified as being generally compliant. Accordingly, consideration has been given to the point that this application was lodged prior to the Draft LPP9.12 being made publicly available and therefore is still recommended for approval subject to conditions.

CONSULTATION

The surrounding neighbours were consulted for a period of 14 days, and eight (8) objections were received. The objections have been addressed above, and the schedule of submissions is provided in Attachment 4.

STATUTORY ENVIRONMENT

Local Planning Scheme No.7, refer to the planning assessment section of this report.

POLICY IMPLICATIONS

Local Planning Policy 9.12 (Short-Term Rental Accommodation), refer to the planning assessment section of this report.

FINANCIAL IMPLICATIONS

The relevant Development Application fee has been received from the applicant.

STRATEGIC IMPLICATIONS

Shire of Dandaragan Council Plan

Prosperity	The region will experience economic and population growth with increasing economic opportunities, diversifying primary production and a vibrant visitor economy.
Priority Outcomes	Our Shire has a contemporary land use planning system that responds to and creates economic opportunities

ATTACHMENTS

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

- Attachment 1 – Site Plan & Floor Plan (Doc Id: SODR-1262144384-44050).
- Attachment 2 – Property Management Plan (Doc Id: SODR-1262144384-44049).
- Attachment 3 – Planning Assessment (Doc Id: SODR-1262144384-44097).

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- Attachment 4 – Schedule of Submissions (Doc Id: SODR-1262144384-44048).

(Marked 9.3.2)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council grant Development Approval for a holiday house at Lot 684 (24) Adriana Parade, Jurien Bay subject to the following conditions and advice notes:

Conditions:

1. All development shall be carried out only in accordance with the details of the application as approved herein and plans P1 (Site Plan), P2 (Floor Plan) and P3-P7 (Property Management Plan), dated 27 August 2026. 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. This approval shall run with the applicant (Right in Personam). Therefore, if a subsequent purchaser buys the property, the new purchaser will not be able to use the property for a commercial holiday house without obtaining a new development approval.
3. The total number of guests to be accommodated in the holiday house shall not exceed six (6). The Property Management Plan is to be amended in accordance with this maximum guest occupancy.
4. The Property Management Plan is to be updated to include guest check-in and check-out times, details on management of visitors and management of pets. The revised Property Management Plan is to be submitted to the Shire for approval prior to the operation of the 'Holiday House' use.
5. The holiday house shall be operated in accordance with the approved Property Management Plan, Code of Conduct and Fire and Emergency Plan.
6. The listed 'Property Manager' shall undertake the duties listed on the 'Property Management Plan' submitted with the subject development application.
7. All parking shall be accommodated on site.
8. A sign up to 0.2m² in area listing the approved property manager's contact details must be displayed on a fence, gate

or entry statement to the premises to the satisfaction of the Shire of Dandaragan prior to the commencement of the use.

9. This development approval is valid until 30 June 2027. The Holiday House land use shall 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. The applicant is advised that the commercial holiday house approval shall expire on 30 June each year. The first annual renewal fees will be waived for un-hosted accommodation which receives initial development approval within six (6) months of 30 June in the same calendar year.
- C. Non-compliance with conditions of approval and complaints received during the approval period will be considered when the Shire considers renewal of development applications.
- D. Under the *Short-Term Rental Accommodation Act 2024*, all providers of STRA (Short Term Rental Accommodation) within Western Australia, both hosted and un-hosted, are required to register their property with the STRA Register

(<https://www.wa.gov.au/organisation/departments-of-local-government-industry-regulation-and-safety/short-term-rental-accommodation-register>)
- E. 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.
- F. 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*

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 SEPTEMBER 2026

2005. An application must be submitted within 28 days of the determination.

COUNCILLOR ALTERNATE MOTION

Moved Cr Lethlean / Seconded Cr Krakowiak

That Council refuses the application for development approval for a Holiday House (Short-Term Rental Accommodation) at Lot 684 (24) Adriana Parade, Jurien Bay for the following reasons:

- 1. The proposed Holiday House does not comply with the maximum occupancy, overcrowding and on-site car parking provisions of Local Planning Policy 9.12 - Short-Term Rental Accommodation.**
- 2. The proposed 'Holiday House' is considered to result in negative impacts on the amenity of the adjoining residential properties.**
- 3. The proposed 'Holiday House' does not fall within the 'Preferred' location for holiday homes identified under Draft Local Planning Policy 9.12 - Short Term Rental Accommodation.**
- 4. The proposed 'Holiday House' cannot be supported when having due regard to Clause 67a), f), g), m), n), s), x) and y) of the Planning and Development (Local Planning Schemes) Regulations 2015.**

FOR: Cr Lethlean, Cr Krakowiak, Cr Gibson

AGAINST: Cr Glasfurd, Cr Young

CARRIED 3 / 2

9.3.3 PROPOSED HOLIDAY HOUSE ON, LOT 35 (11) TAHITI PLACE, JURIEN BAY

Location:	Lot 35 (11) Tahiti Place, Jurien Bay
Applicant:	Lucia Dunstan
Folder Path:	Doc Id: SODR-1262144384-39579
Disclosure of Interest:	Nil
Date:	14 September 2026
Author:	Josh Arnott, Planning Officer
Senior Officer:	Alex MacKenzie, A/Executive Manager Development Services

PROPOSAL

The purpose of the report is for Council to consider a development application for the change of use of Lot 35 (11) Tahiti Place, Jurien Bay from 'Single House' to 'Holiday House' to be used as a Short-

Term Rental Accommodation (STRA) for a maximum of eight (8) guests.

BACKGROUND

The development application proposes to change the use of the existing four (4) bedroom dwelling at Lot 35 (11) Tahiti Place, Jurien Bay (subject site) from 'Single House' to 'Holiday House' to be used as a STRA. The original application proposed to accommodate a maximum of ten (10) guests on a short-term basis, but this was revised after the advertising period to a maximum of eight (8) guests.

Referral to Council is required in terms of Delegation 9.1.2 Town Planning - Other Use and Development due to written objections received.

Location Plan – Lot 35 (11) Tahiti Place, Jurien Bay



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 is 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 Planning and Development (Local Planning Schemes) Regulation 2015 as "*all those factors which combine to form the character of an area and include the present and likely future amenity*". The Residential Design Codes 2024 expand on this definition to include the 'liveability', comfort or quality of a place which makes it pleasant and agreeable to be in for individuals and the community. Amenity is important in the public, communal and private domains and includes the enjoyment of sunlight, outlook, privacy and quiet. It also includes protection from pollution and odours.

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

It is acknowledged that this Holiday House land use within an established residential area of Jurien Bay can negatively affect the amenity of nearby permanent residents. The objections received raised this concern as detailed in the Consultation section of this report and the Schedule of Submissions included as Attachment 4.

At present there are 149 active Short Term Rental Accommodation's within the Shire. The subject property will be managed by Ray White Jurien Bay. This management arrangement provides a local point of call for neighbouring landowners/tenants surrounding the proposed Holiday House and complies with clause 7.5 Management Protocols of the Local Planning Policy 9.12 (Short-Term Rental Accommodation) which requires Holiday House property managers to reside or have their office within 30 minutes driving distance from the premises.

Assessment of the application requires consideration of the provisions and objectives of the Shire's Local Planning Framework. Additionally, due regard must also be given to Matters to be Considered under Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015 (*Deemed Provisions*).

PLANNING ASSESSMENT

Shire of Dandaragan Local Planning Scheme No.7

The subject site, identified as Lot 35 (11) Tahiti Place, Jurien Bay, is designated as 'Residential' (R12.5) under Local Planning Scheme No. 7 (LPS7 or Scheme). The 'Residential' zone has the following objective under LPS7:

'To provide for residential development at a range of densities with a variety of housing to meet the needs of different household types through the application of the Residential Design Codes. (Local government's intent is to provide a high standard of housing in the area within Jurien, bounded by Hastings Street, Bashford Street, Seaward Drive and Casuarina Crescent).'

The term 'Holiday House' is formally defined under Local Planning Scheme No. 7 as follows:

'means a single house (excluding Ancillary Accommodation) which might also be used from time to time for short stay accommodation for no more than six (6) people (but does not include a bed and breakfast, guesthouse, chalet and short stay accommodation unit).'

While the application generally meets the criteria for a 'Holiday House', it specifically requests a maximum of eight (8) occupants. Consequently, a variation to the standard occupancy limit has been sought.

A 'Holiday House' is classified as a Discretionary 'D' use within the 'Residential' zone, meaning that the use is not permitted unless the Shire exercises discretion and grants development approval.

It is acknowledged that a Holiday House activity within the established residential area of Jurien Bay can negatively affect the amenity of nearby permanent residents and therefore needs to be managed carefully.

Local Planning Policy 9.12 - Short Term Rental Accommodation

Local Planning Policy 9.12 - Short-Term Rental Accommodation (LPP9.12) applies to this application. An assessment of the proposed holiday house against the provisions of LPP9.12 has been included as Attachment 3.

The variations sought can be summarised as the following:

- eight (8) guests instead of six (6); and
- the overcrowding of bedrooms due to proposed maximum occupancy results in some rooms only being usable for children.

It is recommended that a condition be applied to reduce the maximum occupancy to six (6) guests, which would also overcome the overcrowding variation.

Draft Local Planning Policy 9.12 - Short Term Rental Accommodation

Draft Local Planning Policy 9.12 - Short-Term Rental Accommodation has recently been prepared and will replace the existing LPP9.12 if adopted by Council. At the 27 August 2026 OCM the Council initiated the public advertising of Draft LPP9.12, which

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 SEPTEMBER 2026

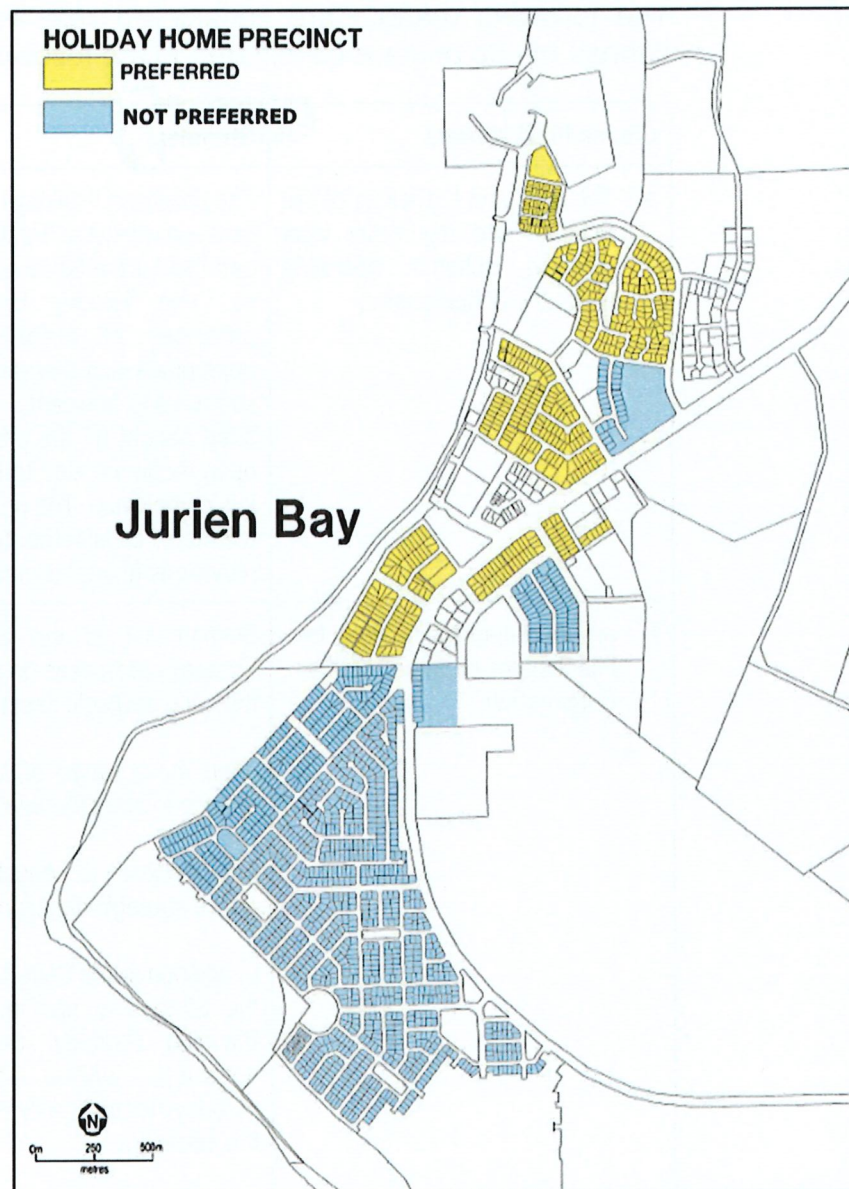
will close on 7 October 2026. The Draft LPP9.12 is now considered a seriously entertained document. The provisions of Draft LPP9.12 have been considered, but as the application was lodged prior to the public advertising of the policy, the provisions will only be given due regard.

The provisions of Draft LPP9.12 largely reflect the same provisions of the current LPP9.12 with respect to parking and bedroom requirements based on the occupancy numbers proposed. However, the Draft LPP9.12 sets out differing location criteria under Section 8.1, which is detailed below.

8.1 PREFERRED LOCATION	
Deemed-to-Comply	Performance Criteria
<p>An Unhosted STRA satisfies the deemed-to-comply standard if:</p> <p>C1.1 The dwelling is located within the 'Regional Centre' or 'Tourism' zones.</p>	<p>An Unhosted STRA satisfies the Performance Criteria provisions if:</p> <p>P1.1 When proposed in the 'Residential' or 'Special Development' zones, the dwelling is located within the 'Preferred' areas identified in the map in Appendix A.</p>

Where proposed holiday houses are not located within the 'Regional Centre' or 'Tourism' zones, they are not considered deemed-to-comply and must achieve the performance criteria for the assessment to progress. Proposals within the 'Residential' and 'Special Development' zones will be considered where they are located within the 'Preferred' areas identified in the map in Appendix A of Draft LPP9.12 (refer figure).

Appendix A of Draft LPP9.12 - STRA Preferred Locations for Jurien Bay



11 Tahiti Place, Jurien Bay is located within the 'Not Preferred' location just beyond the southern edge of the 'Preferred' location. If only assessed under the Draft LPP9.12 the proposal would not be supported based on location.

Notwithstanding the above, as noted above the application was lodged prior to this policy being publicly advertised, and therefore the location is deemed acceptable. If approved, the holiday house use will be reviewed in 12 months and if deemed unacceptable due to ongoing complaints then the approval will not be renewed.

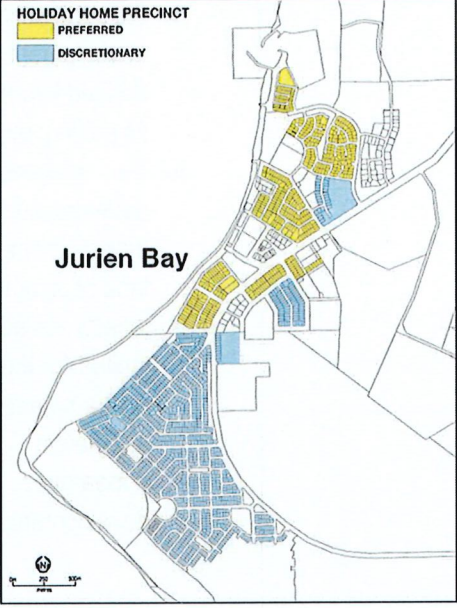
Planning and Development (Local Planning Schemes) Regulations 2015

In accordance with Schedule 2 ("Deemed Provisions") of the Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations), the Shire is to have due regard to the relevant matters for consideration outlined under Clause 67(2).

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The following matters are considered relevant to the proposed change of use and are considered in the following table.

Clause 67(2) Matters	Comment
a) The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;	The proposed 'Holiday House' is a discretionary land use within the 'Residential' zone and can be permitted if the Shire exercises discretion to do so. The 'Holiday House' must meet the provisions of LPP9.12 to be considered appropriate and thereafter be advertised to the surrounding residents. Whilst variations have been sought by the proposal, conditions have been recommended to bring the proposal back into compliance. The proposed change of use is therefore considered to meet the aims and provisions of the scheme.
f) any local planning strategy for this Scheme endorsed by the Commission	<p>Section 4.4 of the Shire's Local Planning Strategy addresses tourism and provides the following strategic direction:</p> <p><i>'Plan for a range of tourism accommodation options to meet the needs of short-stay visitors.'</i></p> <p>The proposal is considered to align with the above strategic direction.</p> <p>In addition to the Shire Local Planning Strategy, the Shire also has the 2012 Local Tourism Planning Strategy. Section 4.3.1.3 of this document outlines preferred locations for 'Holiday Homes' (refer image below) and states the following:</p> <p><i>'In areas of high residential amenity, holiday homes are generally not considered appropriate, particularly in the more recently established residential subdivisions that are located away from the attractions and facilities desired by the tourist. As mentioned previously, tourists can create conflicts with residents through noise, parking and general lifestyle differences, and these behaviours are generally less tolerated in residential suburbs. Discretionary locations are identified as those locations which buffer the preferred areas from the residential areas. All single dwellings will be assessed on their individual merits in association with the Local Planning Policy – Holiday Homes, and subject to advertising and comments. Large holiday homes will generally not be supported.'</i></p>

	 <p>The subject site is located within the 'Discretionary' area.</p> <p>Notwithstanding the above, the perceived conflicts mentioned are unsubstantiated until a 'Holiday House' has begun operating and time is allowed to monitor the impacts the use may have on the immediate locality. As 'Holiday House' uses are required to renew every financial year, this gives the Shire the ability to monitor the use and not renew the approval if amenity impacts are identified and the property has not been managed successfully.</p>
<p>g) Any local planning policy for the Scheme area</p>	<p>The Shire's LPP9.12 applies and the proposal has been assessed against the provisions of this policy as identified above in this agenda item. There are several non-compliances from the proposal, including guest numbers and overcrowding. To address this, a condition has been recommended to reduce the maximum occupancy to six (6) guests. This will allow the proposal to comply with the maximum occupancy permitted under the land use definition and overcome overcrowding requirements under LPP9.12.</p>
<p>m) The compatibility of the development with its setting, including —</p>	<p>The proposed land use is commercial in nature as it allows tourists to stay at the subject site for short periods of time instead of on a long term basis. It is also a general perception that tourists</p>

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<p>i. the compatibility of the development with the desired future character of its setting; and</p> <p>ii. the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;</p>	<p>do not treat holiday homes as they would their own home given that they are on holiday. Therefore it is generally considered that these land uses can come with adverse amenity impacts including noise and anti-social behaviour.</p> <p>However, this is a generalisation associated with these proposals and the assumptions are unfounded until the holiday home begins operating and is monitored to see what impacts may arise.</p> <p>The proposal has a management plan in place which details the code of conduct that guests must adhere to. This includes quiet hours from 10pm - 7am, the eviction of guests if the code of conduct is not adhered to and the details of the property manager should neighbours have complaints about any noise or anti-social behaviour. The management plan, if administered appropriately, should safeguard surrounding residents from any impacts associated with the holiday home.</p> <p>Accordingly it is considered that the use can be compatible with adjoining developments and character of the area if appropriately managed and monitored. If it is seen to not be, the Shire has the ability to not renew the approval for the next financial year.</p>
<p>n) The amenity of the locality including the following -</p> <p>i. environmental impacts of the development;</p> <p>ii. the character of the locality;</p> <p>iii. social impacts of the development.</p>	<p>Refer above.</p>
<p>x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals.</p>	<p>Refer to response to matter m) above.</p>
<p>y) any submissions received on the application.</p>	<p>Two (2) submissions were received during the consultation period, one (1) email and one (1) phone call. They have been detailed and considered in the section below.</p>

Community Consultation - Submissions Received

Two (2) submissions were received against the application, with the schedule of submissions included as Attachment 4. One (1) objection was received via email and one (1) submission (neither objecting nor supporting) was received via phone call. The objection raised referred to the impact on the neighbourhood amenity due to noise, anti-social behaviour, limited on-site parking, the incompatibility of the land use and the non-compliance to maximum occupancy sought.

These objections have been noted and addressed below:

1. Noise and anti-social behaviour

The assumption that there will be excessive noise and anti-social behaviour is unproven as the use has not commenced. A management plan has been prepared which outlines guest etiquette expectations and the protocol to lodge complaints and the property manager's process to address them. If this is not upheld the Shire cannot renew the approval for the development after 30 June 2027.

2. Limited on-site parking

The current proposal seeks a maximum occupancy of eight (8) guests. This requires an on-site car parking provision of three (3) car bays, which can be adequately provided on-site. Notwithstanding this, a condition is proposed in the recommendation restricting the maximum occupancy to six (6) guests, which would reduce on-site parking provision to 2 bays, resulting in less vehicles being on-site and within the street associated with the property.

3. Incompatibility of the land use

The land use is a 'D' (discretionary) use within the 'Residential' zone, meaning that it can be permitted if the Shire exercises its discretion. If the maximum occupancy is reduced as proposed in the recommendation the perceived impacts associated with the land use will likely reduce as well. The use would only be incompatible if it resulted in adverse amenity impacts on the adjoining residents, it is therefore considered that the use should operate until 30 June 2027 and the renewal be provided based on any impacts it may have created during that period.

4. Maximum occupancy sought

It is proposed to include a condition to reduce the maximum occupancy from eight (8) guests to six (6) to bring it into compliance with the LPS7 definition and LPP9.12.

Alternate Recommendation

Despite the rationale of the above assessment supporting a recommendation of approval; the following points are detailed for

the purposes of presenting a counter argument should Council elect to refuse the application:

1. The proposed 'Holiday House' does not comply with the maximum occupancy provisions under the Shire of Dandaragan's Local Planning Policy 9.12 - Short Term Rental Accommodation.
2. The proposed 'Holiday House' is considered to result in negative impacts on the amenity of the adjoining residential properties.
3. The proposed 'Holiday House' does not fall within the 'Preferred' location for holiday homes identified under Draft Local Planning Policy 9.12 – Short Term Rental Accommodation.

SUMMARY

While the application seeks approval for a Holiday House accommodating up to eight (8) guests (revised from 10), the proposal does not fully comply with Local Planning Scheme No. 7 and Local Planning Policy 9.12 in relation to maximum occupancy and overcrowding requirements. To address these issues and reduce potential impacts on neighbouring residents, it is recommended that approval be granted subject to a condition limiting occupancy to a maximum of six (6) guests. This reduction brings the use into compliance with the Holiday House definition under LPS7, overcomes the overcrowding, and is expected to lessen concerns regarding noise, vehicle parking and residential amenity. With the proposed occupancy restriction, management plan and annual renewal process in place, the application is considered capable of operating in a manner that is compatible with the locality and can be appropriately monitored.

The proposed change of use falls within the 'Non-Preferred' location for a holiday house under Draft Local Planning Policy 9.12 (as outlined in this report). However, under the current LPP9.12 there is no location criteria, and the proposal is identified as being generally compliant. Accordingly, consideration has been given to the point that this application was lodged prior to the Draft LPP9.12 being made publicly available and therefore is still recommended for approval subject to conditions.

CONSULTATION

The surrounding neighbours were consulted for a period of 14 days, and two (2) submissions were received (one objection, one neither objecting nor supporting). The objection has been addressed

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 SEPTEMBER 2026

above, and the schedule of submissions is provided in Attachment 4.

STATUTORY ENVIRONMENT

Local Planning Scheme No.7, refer to the planning assessment section of this report.

POLICY IMPLICATIONS

Local Planning Policy 9.12 (Short-Term Rental Accommodation), refer to the planning assessment section of this report.

FINANCIAL IMPLICATIONS

The relevant Development Application fee has been received from the applicant.

STRATEGIC IMPLICATIONS

Shire of Dandaragan Council Plan

Prosperity	The region will experience economic and population growth with increasing economic opportunities, diversifying primary production and a vibrant visitor economy.
Priority Outcomes	Our Shire has a contemporary land use planning system that responds to and creates economic opportunities

ATTACHMENTS

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

- Attachment 1 – Site Plan & Floor Plan (Doc Id: SODR-1262144384-44060).
- Attachment 2 – Property Management Plan (Doc Id: SODR-1262144384-44061).
- Attachment 3 – Planning Assessment (Doc Id: SODR-1262144384-44094).
- Attachment 4 – Schedule of Submissions (Doc Id: SODR-1262144384-44062).

(Marked 9.3.3)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL MOTION

Moved Cr Glasfurd, seconded Cr Young

That Council grant development approval for a holiday house at Lot 35 (11) Tahiti Place, Jurien Bay subject to the following conditions and advice notes:

Conditions:

- 1. All development shall be carried out only in accordance with the details of the application as approved herein and plans P1 (Site Plan), P2 (Floor Plan) and P3-P7 (Property**

Management Plan), dated 27 August 2026. 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. This approval shall run with the applicant (Right in Personam). Therefore, if a subsequent purchaser buys the property, the new purchaser will not be able to use the property for a commercial holiday house without obtaining a new development approval.
3. The total number of guests to be accommodated in the holiday house shall not exceed six (6). The Property Management Plan is to be amended in accordance with this maximum guest occupancy.
4. The holiday house shall be operated in accordance with the approved Property Management Plan, Code of Conduct and Fire and Emergency Plan.
5. The listed 'Property Manager' shall undertake the duties listed on the 'Property Management Plan' submitted with the subject development application.
6. All parking shall be accommodated on site.
7. A sign up to 0.2m² in area listing the approved property manager's contact details must be displayed on a fence, gate or entry statement to the premises to the satisfaction of the Shire of Dandaragan prior to the commencement of the use.
8. This development approval is valid until 30 June 2027. The Holiday House land use shall 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. The applicant is advised that the commercial holiday house approval shall expire on 30 June each year. The first annual

- renewal fees will be waived for un-hosted accommodation which receives initial development approval within six (6) months of 30 June in the same calendar year.
- C. Non-compliance with conditions of approval and complaints received during the approval period will be considered when the Shire considers renewal of development applications.
- D. Under the Short-Term Rental Accommodation Act 2024, all providers of STRA (Short Term Rental Accommodation) within Western Australia, both hosted and un-hosted, are required to register their property with the STRA Register (<https://www.wa.gov.au/organisation/departments-of-local-government-industry-regulation-and-safety/short-term-rental-accommodation-register>)
- E. 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.
- F. 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.

FOR: Cr Young, Cr Glasfurd

AGAINST: Cr Lethlean, Cr Krakowiak, Cr Gibson

LOST: 2 / 3

COUNCIL DECISION

Moved Cr Lethlean / Seconded Cr Gibson

That Council refuses the application for development approval for a Holiday House (Short-Term Rental Accommodation) at Lot 35 (11) Tahiti Place, Jurien Bay for the following reasons:

- 1. The proposed Holiday House does not comply with the maximum occupancy provisions of Local Planning Policy 9.12 - Short-Term Rental Accommodation.**
- 2. The proposed Holiday House is considered likely to result in adverse impacts on the residential amenity of adjoining and nearby properties.**
- 3. The subject property is located within an area identified as a "Not Preferred" location for Holiday Houses under Draft Local Planning Policy 9.12 - Short-Term Rental Accommodation.**
- 4. The proposed 'Holiday House' cannot be supported when having due regard to Clause 67a), f), g), m), n), s), x) and y) of the Planning and Development (Local Planning Schemes) Regulations 2015.**

FOR: Cr Lethlean, Cr Krakowiak, Cr Gibson

AGAINST: Cr Glasfurd, Cr Young

CARRIED 3 / 2

COUNCIL DECISION

Moved Cr Young / Seconded Cr Gibson

That Council adjourn the meeting at 11.41am for a short recess to allow the visiting school student to depart for lunch.

**FOR: Cr Lethlean, Cr Krakowiak, Cr Gibson,
Cr Young, Cr Glasfurd**

CARRIED 5 / 0

Note: All Elected members and staff remained in Council Chambers during the recess.

COUNCIL DECISION**Moved Cr Young / Seconded Cr Gibson****That the Council meeting be reconvened at 11.50am.****FOR: Cr Lethlean, Cr Krakowiak, Cr Gibson,
Cr Young, Cr Glasfurd****CARRIED 5 / 0****9.4 GOVERNANCE & ADMINISTRATION****9.4.1 MEDICAL SERVICES AGREEMENT - NOVATION OF CONTRACT**

Location:	Not Applicable
Applicant:	Spectrum Health Group Pty Ltd / Family Doctor Pty Ltd
File Reference:	Doc Id: SODR-1792953452-2615
Disclosure of Interest:	Nil
Date:	11 September 2026
Author:	Brent Bailey, Chief Executive Officer
Senior Officer:	Not Applicable

PROPOSAL

Council is requested to consider a matter arising from the proposed sale of Spectrum Health Group Pty Ltd.'s business, which may result in a novation of the Medical Services Agreement and associated lease of the Jurien Bay Medical Centre to Family Doctor Pty Ltd. Under the existing Agreement, any assignment or novation requires the prior written consent of Council.

The proposed transaction has implications for the ongoing delivery of medical services, the continuity of lease obligations, and Council's contractual position, particularly noting that Spectrum Health Group Pty Ltd may not continue as an operating entity following completion of the sale.

BACKGROUND

On 24 January 2018, Council entered into a Medical Services Agreement with Spectrum Health Group Pty Ltd for the provision of medical services to the Jurien Bay community. The Agreement also incorporates the lease of the Jurien Bay Medical Centre, with the lease expressly linked to the provision of those services.

Spectrum Health Group Pty Ltd previously proposed a transaction involving Avid Health Holdings Pty Ltd. That proposed transaction was discontinued by the parties.

Spectrum Health Group Pty Ltd has since advised the Shire of a separate proposed change in ownership and/or business structure involving Family Doctor Pty Ltd, which may result in the Medical

Services Agreement and associated lease being transferred to that entity. While the request may be described as an assignment, officers consider that a novation may be the more appropriate mechanism if Spectrum Health Group Pty Ltd will not continue as the operating entity following completion of the sale. The appropriate legal mechanism will be determined and documented by the Shire's lawyers if Council supports the proposal.

The existing Agreement includes a single extension option only, which has been implemented and expires on 31 October 2027. There are no further rights of extension, and any continuation of medical services beyond that date would require Council to consider a new contractual arrangement.

COMMENT

Spectrum Health Group Pty Ltd has submitted a new request seeking Council's consideration of an assignment or novation of the Medical Services Agreement and associated lease to Family Doctor Pty Ltd, subject to formal transaction and legal documentation.

Clause 7.2 of the Medical Services Agreement provides that the Medical Services Provider must not assign the whole or any part of the contract, including the lease of the Medical Centre, without the prior written consent of the Shire, which may be granted subject to conditions determined by Council.

Clause 6.11 further provides that the lease of the Medical Centre is directly tied to the provision of medical services and terminates if services cease.

Accordingly, Council approval is required before any assignment or novation of the lease can occur.

Information provided to date includes:

- A high-level description of the proposed transaction.
- Details of the proposed incoming entity.
- Confirmation of the intention to maintain continuity of medical services to the Jurien Bay community.

Further detailed information, including final transaction structure and legal documentation, would be required prior to any assignment taking effect.

Based on the information provided, Family Doctor Pty Ltd appears to have substantial experience and operational capacity to hold the Medical Services Agreement. Established in 2008 and wholly owned by general practitioner Dr Rodney Aziz, Family Doctor reports that it owns and operates 114 medical and dental practices across six Australian states, including metropolitan and regional locations and practices operating under a range of leasing arrangements.

The information pack describes a centralised head office structure supporting finance, payroll, information technology,

telecommunications and operations, with local practice managers responsible for day-to-day operations. It also reports a cash-flow-positive operating model, 2025 revenue of approximately \$100 million, a capital adequacy ratio of 45.6 per cent, KKR as financier and 100 per cent founder equity. These representations indicate established systems, scale and financial capacity; however, appropriate verification and due diligence should be completed before the novation takes effect.

If Spectrum Health Group Pty Ltd will not continue as the operating entity following completion of the proposed transaction, any consent should ensure that the Medical Services Agreement and associated lease are transferred wholly to Family Doctor Pty Ltd. This should include all contractual rights, obligations and liabilities, with no unintended residual reliance on Spectrum Health Group Pty Ltd.

Although the supplied information indicates that Family Doctor Pty Ltd is an established and experienced practice operator, Council may wish to make any consent subject to satisfactory due diligence and conditions addressing service continuity of medical services, compliance with the Agreement's service standards and KPIs, financial and insurance compliance, corporate accountability, and execution of legal documentation formally binding Family Doctor Pty Ltd to all existing contractual obligations and risk allocations under the Medical Services Agreement and associated lease.

In determining whether to consent to the proposed novation or assignment, Council may consider, among other things:

- The capability and experience of the proposed incoming entity to deliver medical services in accordance with the Agreement.
- The relatively short period remaining on the current Medical Services Contract.
- Continuity of services and impact on the local community.
- Compliance with all contractual obligations, including KPIs and service standards.
- Financial and operational capacity of the proposed assignee.
- Any conditions Council considers appropriate to protect the Shire's interests.

Council may:

1. Approve consent in principle to the novation or assignment of the lease, subject to conditions, including execution of a formal deed of assignment or novation to the satisfaction of the Chief Executive Officer – (Officer's Recommendation); or
2. Request further information before making a determination; or
3. Decline to grant consent to the proposed assignment.

CONSULTATION

- Spectrum Health Group Pty Ltd
- Family Doctor Pty Ltd

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 24 SEPTEMBER 2026**STATUTORY ENVIRONMENT**

There are no statutory implications. The matter is governed by the terms of the existing Medical Services Agreement and Council's contractual authority.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There are no direct financial implications arising from consideration of the request. Ongoing lease arrangements would continue in accordance with the existing Medical Services Agreement, subject to Council's decision.

STRATEGIC IMPLICATIONS

The proposal aligns with the Shire of Dandaragan Council Plan, which details a Community Outcome of being a safe, active and healthy community. The ongoing access for General Practice and Medical Services is essential for this outcome.

ATTACHMENTS

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

- Correspondence from Spectrum Health Group Pty Ltd – request for assignment or novation (Doc ID: SODR-1739978813-10298).
- Family Doctor Information Pack for Landlords (Doc ID: SODR-1739978813-10286).

(Marked 9.4.1)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

**Moved Cr Gibson, seconded Cr Young
That Council:**

- 1. Consents in principle to the assignment or novation of the Medical Services Agreement from Spectrum Health Group Pty Ltd to Family Doctor Pty Ltd, subject to satisfactory due diligence and the following conditions:**
 - a) Execution of a deed of assignment or novation to the satisfaction of the Chief Executive Officer;**
 - b) The incoming entity being bound by all existing and future obligations under the Medical Services Agreement and lease;**
 - c) No release or waiver of Council's rights in respect of any breach, liability or claim arising prior to the novation, unless such liability is expressly assumed by the incoming entity;**

- d) Demonstration of clinical, operational and financial capability to meet all service requirements and KPIs;
 - e) Provision of insurance certificates of currency prior to the assignment taking effect;
 - f) Confirmation that continuity of medical services will be maintained without interruption; and
 - g) Payment of the Shire's reasonable legal and administrative costs associated with the assignment or novation process;
2. Authorises the Chief Executive Officer to negotiate and execute any necessary legal documentation, including a deed of assignment or novation, subject to legal advice and on terms acceptable to the Shire.

CARRIED 5 / 0

**FOR: Cr Lethlean, Cr Gibson, Cr Young,
Cr Glasfurd, Cr Krakowiak**

AGAINST: Nil

9.4.2 STATUTORY COMPLIANCE AUDIT RETURN 2025

Location:	Shire of Dandaragan
Applicant:	N/A
File Reference:	Doc Id: SODR-1739978813-10262
Disclosure of Interest:	Nil
Date:	26 August 2026
Author:	Kristy Dean, Administration & Council Support Officer
Senior Officer:	Rebecca Pink, Executive Manager Cooperate Services

PROPOSAL

To adopt the statutory Compliance Audit Return for the period 1 January 2025 to 31 December 2025.

BACKGROUND

Local governments in Western Australia are required to complete, on an annual basis, a Compliance Audit Return (CAR). The Return is a self-assessment of compliance with the *Local Government (Audit) Regulations 1996* and covers areas of compliance considered high risk as follows:

- Financial interest disclosures;
- Procurement and tendering;
- Delegation and use of delegated power;
- The recruitment and appointment of the Chief Executive Officer; and
- Integrated planning and reporting.

The 2025 CAR is the first return to be administered by the Local Government Inspectorate following its establishment on 1 January 2026. The completed CAR was reviewed by the Audit, Risk and Improvement Committee (ARIC) at its meeting held on 23 September 2026 before being presented to Council for consideration. Following Council's review and adoption, a certified copy of the return, together with any ARIC recommendations, the relevant Council minutes and any additional explanatory or qualifying information, must be submitted to the Local Government Inspector by 30 September 2026.

COMMENT

For the period 1 January 2025 to 31 December 2025, the CAR demonstrates that the Shire achieved the required level of compliance across the areas assessed. Completion of the return involved reviewing the Shire's relevant records, registers, procedures and decision-making processes against the prescribed statutory requirements. The outcome provides assurance that appropriate governance and administrative controls were in place and that the Shire's obligations in relation to financial interest disclosures, procurement and tendering, delegated authority, Chief Executive Officer recruitment and integrated planning and reporting were addressed during the reporting period.

The CAR also supports transparency and accountability by providing the Audit, Risk and Improvement Committee and Council with a formal opportunity to consider the Shire's compliance performance, identify any matters requiring clarification or improvement, and ensure that follow-up action is undertaken where necessary. Following endorsement by the Audit, Risk and Improvement Committee, the CAR will be presented to Council for adoption before being submitted to the Local Government Inspector together with a certified copy of the return, the relevant Council minutes and any additional explanatory information required. This process will enable the Shire to meet its statutory reporting obligations within the prescribed timeframe and maintain a clear record of its compliance review and approval process.

CONSULTATION

- Chief Executive Officer
- Executive Manager Corporate Services
- Human Resources

STATUTORY ENVIRONMENT

Section 7.13(1)(i) of the *Local Government Act 1995* requires local governments to undertake an audit of compliance in the prescribed manner and approved form. Regulation 14 of the *Local Government (Audit) Regulations 1996* requires the Chief Executive Officer to prepare the CAR and provide it to the ARIC for review. Regulation 15 requires the adopted and signed CAR, together with any recommendations, the relevant Council minutes and any additional explanatory or qualifying information, to be provided to the Local

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Government Inspector. Transitional provisions require the 2025 CAR to be submitted by 30 September 2026.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Compliance Audit Return 2025 (Doc Id: SODR-1739978813-10289).
- Audit, Risk, Improvement Committee Minutes (Doc Id: SODR-2042075298-164388).

(Marked 9.4.2)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

Moved Cr Young, seconded Cr Glasfurd

That Council adopts the Compliance Audit Return for the period 1 January 2025 to 31 December 2025.

CARRIED 5 / 0

**FOR: Cr Lethlean, Cr Gibson, Cr Young,
Cr Glasfurd, Cr Krakowiak**

AGAINST: Nil

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9.5 COUNCILLOR INFORMATION BULLETIN

9.5.1 SHIRE OF DANDARAGAN – BUILDING STATISTICS – AUGUST 2026

Document ID: SODR-2045798944-38789

Attached to the agenda is a copy of the Shire of Dandaragan Building Statistics for August 2026. **(Marked 9.5.1)**

9.5.2 SHIRE OF DANDARAGAN – PLANNING STATISTICS – AUGUST 2026

Document ID: SODR-2045798944-38792

Attached to the agenda is a copy of the Shire of Dandaragan Planning Statistics for August 2026. **(Marked 9.5.2)**

9.5.3 SHIRE OF DANDARAGAN – ENVIRONMENTAL HEALTH STATISTICS – AUGUST 2026

Document ID: SODR-2045798944-38794

Attached to the agenda is a copy of the Shire of Dandaragan Environmental Health Statistics for August 2026. **(Marked 9.5.3)**

9.5.4 SHIRE OF DANDARAGAN TOURISM / LIBRARY / COMMUNITY ACTIVITIES REPORT FOR AUGUST 2026

Document ID: SODR-1876983588-3089

Attached to the agenda is monthly report for Tourism / Library for August 2026. **(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

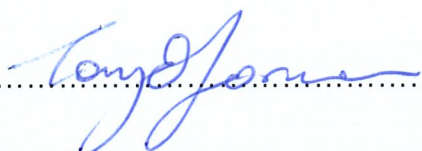
12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13 CLOSURE OF MEETING

The presiding member declared the meeting closed at 11.56am.

These minutes were confirmed at a meeting on 22 October 2026

Signed 

Presiding person at the meeting at which the minutes were confirmed

Date 22 October 2026

