

9.4.1 SPORT AND RECREATION PLAN

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| Location: | Shire of Dandaragan |
| Applicant: | N/A |
| Folder Path: | |
| Disclosure of Interest: | Nil |
| Date: | 5 August 2022 |
| Author: | Brent Bailey, Chief Executive Officer |
| Senior Officer: | N/A |

PROPOSAL

This item addresses Shire of Dandaragan Sport and Recreation Plan which is presented to Council for final endorsement following the public advertising period carried out in July.

BACKGROUND

Since early 2021 the Shire has been engaging with the local community to develop a Sport and Recreation Plan which will guide future planning and investment in recreation facilities and services. The Sport and Recreation Plan will form part of the suite of informing strategies that contribute to the Shire's integrated planning framework and Council's decision-making processes.

The project commenced with the engagement of a consultant to undertake a detailed review of the existing facilities and undertake community workshops to gather feedback and insights from community users about their needs and aspirations for future development. The consultation process for the project was undertaken across a number of phases as follows:

- Phase 1: Background research and desktop review of existing planning documents.
- Phase 2: Analysis of all data relating to previous plans, community requests, demographic considerations, a visual audit of all existing facilities, trends, and benchmarking.
- Phase 3: The development of a community survey and a series of workshops in Badgingarra, Dandaragan, Cervantes and Jurien Bay. In addition, one-on-one meetings were held with key user groups within each of the main facilities.
- Phase 4: A needs analysis was then undertaken based on the outputs of the research and the consultation process. This assisted in establishing priorities for future investment and underpinned a series of draft recommendations.
- Phase 5: The development of the consultant's draft Sport and Recreation Report including recommendations and an associated implementation plan for consideration by Councillors and staff.
- Phase 6: The final draft Sport and Recreation Report was presented for public advertising, key stakeholder engagement and public comment.
- Phase 7: The draft Sport and Recreation Report was finalised and a separate internally developed Sport and Recreation Plan to address the key findings and recommendations was drafted.

Phase 8: The draft Sport and Recreation Plan was advertised for public consultation and following this, the final version is now presented for endorsement by Council.

COMMENT

The Sport and Recreation Plan sets out four key principles to respond to the key trends and core needs of the community with respect to recreation investments.

1) Establishing a Minimum Level of Service

A key feature of the Sport and Recreation Plan sets out minimum service standards for each town's recreation precinct. This baseline commitment will guide the master planning approach and also identify where the community can pursue additional recreation assets using their own fundraising or volunteer resources which reflects how many assets in each town were traditionally built.

2) Establishing Funding Prioritisation

The Shire's recreation funding programs are rarely oversubscribed however, a key recommendation of the consultant's report was to provide clarity around prioritisation of projects and investments in the decision-making process. A detailed table has been provided which sets out 4 categories of recreation infrastructure and the primary funding sources which are applicable to them. In accordance with the consultant's report and the Shire's traditional approach to recreation investment, the highest priority is for open-access and co-located sporting facilities.

3) Masterplans for Recreation Precincts

To maximise efficiency and the availability of recreation assets to a broad range of users the Shire will develop masterplans for each recreation precinct. The consultation process identified a significant number of infrastructure issues and investment needs that require further investigation and exploration of solutions to avoid facility duplication and to obtain the most value from the Shire's limited funding sources. Masterplans will also support external funding applications and make the community's projects more competitive against other ad hoc recreation projects.

A masterplan has already been progressed for the Cervantes recreation precinct and accordingly, the Action Plan within the Sport and Recreation Plan has more content associated with that facility. As each masterplan is developed in consultation with the community, Council will need to revisit the Action Plan and determine priorities and timeframes for the development of recreation assets.

4) Ongoing Club Governance, Volunteer and Community Group Support

The Shire has provided club development support throughout the Shire for a number of years which has been valued by the community and improved the partnership between the Shire and sporting groups. The Sport and Recreation Plan promotes the continuation of this service with an ongoing internal staff allocation.

The Sport and Recreation Plan also covers a range of other key information and statements to provide greater clarity on the Shire's decision making for recreation investments. These include:

- 1) A detailed Action Plan to catalogue currently identified projects and commitments;
- 2) Current Shire funding program information;
- 3) A listing of ineligible items.

The following submission was received following the most recent round of public advertising.

| Respondent | Summary of Submission | Changes to Sport and Recreation Plan |
|---------------------------------|--|---|
| Jurien Bay Progress Association | Noted the level of expenditure undertaken over past few years in Jurien Bay and advised support for a rotational investment program taking into account population size and needs. | Nil – Council can execute investment decisions with this in mind during budgetary processes. The Precinct Master Plan process, when complete for all towns, will also provide an opportunity for project / town prioritisation. |

Several other minor changes have also been made to the document for added clarity including:

- Updating demographic information with the latest census data.
- Revision of Key Principles 2 – Establishing Funding Prioritisation table.
- The description for facility examples now states “**Outdoor** Infrastructure identified in minimum levels of service” to clarify the level of open access available, as compared to indoor facilities which can be locked.
- Men's Sheds added as an example in Category 3
- The Action Plan has been updated to reflect 2022-23 budget decisions.

It is now recommended that Council endorse the Sport and Recreation Plan in its final version.

CONSULTATION

Public consultation on this project was undertaken during the development of the consultant's report during 2021 and the draft plan was advertised during July for further public input.

STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

POLICY IMPLICATIONS

The Sport and Recreation Plan will influence the review and implementation of Council policies relating to sport and recreation including:

Policy 6.1 - C-6SRF01 - Sport and Recreation Funding

Objective

The objective of this Policy is to set out how the Shire of Dandaragan (Shire) will provide assistance to sporting and recreational groups for funding:

1. *capital infrastructure for sporting and recreational facilities; and*
2. *non-consumable sporting and recreational equipment.*

Policy Statement

Council recognises and values the important part that excellent sporting and recreational facilities and equipment play in the community. It is committed to ensuring that adequate funding is provided to assist in the provision and maintenance of these facilities and the groups that utilise them.

In order to meet this objective, the Shire has established the following two funds through which annual grants will be made available:

1. *Sporting and Recreational Capital Works Fund; and*
2. *Tronox Management and Shire of Dandaragan Sporting and Recreation Facilities Fund*

The Shire will also provide in-kind site works to provide a level site for the construction of buildings and other infrastructure by community groups on reserves vested within the Shire at the discretion of the Chief Executive Officer.

Policy 6.2 - C-6R02 - Reserves

Objective

To provide guidance regarding the usage and leasing arrangement of Shire Reserves.

Policy Statement

1. *Lease Provisions - Reserves*

Where Council resolves to lease a Reserve Vested in its control or resolves to lease land owned by it to a local sporting or community organisation, the following notes are to form the basis for the lease agreement:

- (a) *Length of lease to be for twenty-one (21) years unless otherwise terminated. (Maximum permissible under management order).*
 - (b) *Annual rental to be “a peppercorn.”*
 - (c) *The Lessee shall not carry out any permanent structural improvements on the reserve without the prior written approval from the Council.*
 - (d) *All structural improvements on the reserve shall be and remain at law, the property of the Shire. The Club shall have the sole use, benefit and enjoyment of the reserve and all structural improvements thereon during the operation of the lease.*
 - (e) *The Lessee shall comply with all Acts of Parliament, Orders, Regulations, Local Laws, etc, that apply to the reserve and structural improvements.*
 - (f) *The Lessee shall keep the Reserve area and all structural improvements in a maintained, clean, and tidy condition at all times and shall comply with any directions of the Council that may be issued requiring works to have the Reserve area and structural improvements placed in a maintained, clean, and tidy condition.*
 - (g) *The Lessee shall not disturb the surface soil and vegetation in a manner likely to cause erosion. If erosion damage does occur, the Club shall take remedial action as directed by the Council.*
 - (h) *The Lessee shall permit the Shire’s officers access to the Reserve and structural improvements at all reasonable times to ensure that the lease conditions are being complied with.*
 - (i) *The lease may be terminated by the Council if the Club fails to comply with provisions of the lease agreement. The Council shall give the Lessee at least thirty (30) days notice in writing requiring the Club to rectify the breach of lease before taking action to terminate the lease under this provision.*
 - (j) *The Lessee shall not assign or part with possession of any Crown lease without prior approval from the Council and the responsible Minister.*
 - (k) *The Lessee shall meet all costs in relation to preparing and stamping the lease document.*
 - (l) *Any leases entered into relating to Council’s Reserves are to include a plan completed by a licensed surveyor depicting the area of land to be leased as an attachment to the lease document.*
2. *Ovals - Seasonal Use*
Priority for the use of the Ovals shall be given to sporting organisations playing their principal sport within the appropriate season.
3. *Use of Council Sports Grounds*
Requests for the use of all Council Sports Grounds (e.g. Circus or Roadshow) and any conditions will be determined by the Chief Executive Officer.

Fees and Charges set in accordance with Council's Annual Budget will apply.

4. Fencing - Adjoining Council Controlled Land

a) Council will not contribute financially to the erection of fencing which adjoins Council controlled land (e.g. Reserves, Public Access Ways, and Road Reserves). Drainage Reserves that are required to be fenced will be carried out as part of the cost of subdivision as per the Dividing Fence Act.

b) Council will contribute 50% of the cost of fencing in relation to Council owned freehold land.

5. Lights - Shire Ovals

Permission to erect lights on Shire ovals will only be granted subject to all future maintenance and running costs etc being the responsibility of the organisation that installs the lights.

6. Shade Structures over Playgrounds - Community Requests

Council will consider applications from community groups / organisations for the erection of shade structures over playgrounds under the following conditions:

a) all costs associated with the construction, maintenance and future capital replacement would be the responsibility of the community group and not the Shire of Dandaragan which is to be acknowledged in writing;

b) all structures are to comply with relevant standards and building requirements;

c) community group applications for approval to construct shade structures are to be considered by Council for approval prior to accepting any funding from third parties or grant providers; and

d) shade structures will become an asset of the Shire of Dandaragan.

FINANCIAL IMPLICATIONS

The Sport and Recreation Plan sets out a range of improvement and planning projects. As these projects are progressed, associated financial analysis will be undertaken to refine costings and incorporate these into the Shire's Long Term Financial Plan.

STRATEGIC IMPLICATIONS

Strategic Community Plan – Envision 2029

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| 04 - Community | The Shire's population will be the fastest growing population in the region supported by increased community recreation and cultural opportunities and access to key liveability factors such as health and wellbeing services and educational opportunities |
| Priority Outcomes | Our Roles |
| A safe, healthy, smart, and active community that values its history and supports intergenerational relationships | Increase community-building by providing sustainable recreation infrastructure and services, off-peak events, community building programs and place-making concepts in our public spaces |

MINUTE EXTRACT- ORDINARY COUNCIL MEETING HELD THURSDAY 25 AUGUST 2022ATTACHMENTS

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

- Sport and Recreation Plan (Doc Id: SODR-1272937250-1328)
(Marked 9.4.1)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Clarke, seconded Cr Eyre

That Council endorse the Shire of Dandaragan Sport and Recreation Plan as an informing strategy in the Shire's Integrated Planning Framework.

CARRIED 8 / 0

9.3.7 ADOPTION OF MODIFIED LOCAL PLANNING POLICY 9.12 SHORT-TERM RENTAL ACCOMMODATION

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| Location: | Land zoned Residential, Rural Residential, Regional Centre or Special Development Zone 1 under Local Planning Scheme No.7. |
| Folder Path: | SODR-877026889-3318 |
| Disclosure of Interest: | Nil |
| Date: | 3 August 2022 |
| Author: | Rory Mackay, Planning Officer |
| Senior Officer: | Louis Fouché, Executive Manager of Development Services |

PROPOSAL

For Council to consider adopting the amended Local Planning Policy for un-hosted short-term rental accommodation.

BACKGROUND

On 25 October 2018, Council adopted a local planning policy to regulate short-term accommodation offered through commercial un-hosted holiday homes.

In December 2021, the Department of Planning, Lands and Heritage released a draft position statement, 'Planning for Tourism' following the 2019 Legislative Assembly's Economics and Industry Standing Committee Report – *'Levelling the playing field – managing the impact of the rapid increased of short-term rentals in Western Australia'*.

The rapid increase of peer-to-peer online booking platforms has contributed to a significant rise in short-term rentals; coupled with limited interstate and international travel in the last two years. This has led to management and compliance stress for the Shire primarily in the popular tourist locations of Jurien Bay and Cervantes.

The costs of increased commercial holiday homes include a possible threat or disruption to housing affordability and availability; disruption to the amenity of local neighbourhoods and the sense of community; and the threat or disruption to existing tourist accommodation providers.

As such the Draft Position Statement recommends local governments with areas subject to high supply of short-term rental accommodation and relatively stable housing growth are encouraged to monitor the situation and adjust policy settings as appropriate.

The above was the catalyst for a review of the Shire's 2018 policy. The following policy modifications have been made following review:

- Rename the policy from 'holiday homes' to 'short-term rental accommodation' to ensure it captures both hosted and un-hosted accommodation types.
- Provide clear definitions on the different forms of short-term accommodation.
- Revise policy objectives accordingly.

- Provide clear exclusions and exemptions consistent with the State's Position Statement. Traditional bed and breakfast establishments will now be excluded from requiring development approval, however, registration as a food premises will still be required under health legislation.
- Strengthen car parking requirements.
- Ensuring the property has sufficient essential services - water, wastewater and waste.
- Revise standards for maximum permissible occupancy numbers based on number of bedroom / bathroom.
- Tighten requirements and expectations for holiday home managers, including having a complaint management process and installing an onsite sign with contact details visible from the street.
- Increase requirements and expectations for guests through code of conduct improvements.

On 28 April 2022, Council resolved to advertise the modified policy to the local tourism industry and the wider public. This advertising was undertaken from 3 May 2022 to 17 June 2022. Two submissions were received which have been considered accordingly in the drafting of the final modified policy proposed to be adopted.

COMMENT

No policy changes are recommended as result of the comments received during the public exhibition period. As such, it is recommended that Council adopts the modified policy as first presented.

Nevertheless, as noted in the Background section of the report, commercial holiday homes / un-hosted short-term rental accommodation could potentially have adverse effects on neighbourhoods. The increasing numbers of holiday homes in the Shire requires ongoing monitoring and if necessary, further review of the LPP in the future to ensure that these affects are duly considered and appropriately responded to.

CONSULTATION

Two submissions were received on the modified policy. One submission noted support for the policy as presented, while the other sought clarification on several points of the policy and its implementation, which were responded to by staff. The submissions and responses are attached to this item for Council's reference.

STATUTORY ENVIRONMENT

Planning and Development (Local Planning Schemes) Regulations 2015:

The ability to prepare a Local Planning Policy (LPP) is afforded to the Council under Clause 3 of Schedule 2 in the *Deemed Provisions for Local Planning Schemes* (Deemed Provisions). The Deemed Provisions allow the Shire to prepare policies in respect to any matter

related to the planning and development of the Shire. Policies may apply to a particular class or matter and relate to one or more parts of the Shire's Local Planning Scheme area. Clauses 5 and 6 of the Deemed Provisions allow Council to amend or rescind its planning policies.

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

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

POLICY IMPLICATIONS

State Position Statement: Planning for Tourism (Draft 2021) and associated Guidelines.

The amended LPP is aimed to improve procedural and governance aspects of the Shire's development control responsibilities for short-term accommodation.

FINANCIAL IMPLICATIONS

No change to the application fee is proposed.

A separate matter for Council deliberation is whether or not to rate commercial short-term accommodation properties differentially to standard residential dwellings to best capture the commercial reward these property owners receive. This has been implemented in a number of other jurisdictions and would be considered through Council's rating review strategy.

STRATEGIC IMPLICATIONS

- Local Planning Strategy 2020
Tourism – Actions:
In consultation with State agencies and the tourism industry, monitor trends and plan for a range of accommodation forms/types in response to requirements of the tourism sector.
- Strategic Community Plan Envision 2029:

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| 02 - Prosperity | The region will experience economic and population growth with increasing economic opportunities, diversifying primary production and a vibrant visitor economy. |
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| MINUTE EXTRACT- ORDINARY COUNCIL MEETING HELD THURSDAY 25 AUGUST 2022 |
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| Priority Outcomes | Our Roles |
|--|---|
| Our Shire has a contemporary land use planning system that responds to, and creates, economic opportunities. | Ensuring that our planning framework is modern and meets the needs of industry, small business and emerging opportunities. |
| The Shire is home to a successful and growing market for domestic and international tourism. | Support the development of new products and services that increase the attraction of the region to the tourism market, in particular Indigenous cultural experiences. |

ATTACHMENTS

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

- Local Planning Policy 9.12 Short-Term Rental Accommodation (Doc Id: SODR-877026889-3080)
 - Submission and response (Doc Id: SODR-877026889-3317)
- (Marked 9.3.7)**

VOTING REQUIREMENT

Simple Majority.

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Eyre, seconded Cr Rybarczyk

That Council, pursuant to Clause 4 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts *Local Planning Policy 9.12: Short-Term Rental Accommodation* as provided as an attachment to this report.

CARRIED 8 / 0