

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 JUNE 2022**Approved Leave of Absence**

Councillor P Scharf

Observers

Mrs M Gazeley, Mrs S Randall, Mrs T Mann, Mr M Newton, Mr M Ford, Mr B Larkman, and Mr R Hayman

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 CONFIRMATION OF MINUTES**6.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD 28 MAY 2022****COUNCIL DECISION**

Moved Cr Eyre, seconded Cr Shanhun

That the minutes of the Ordinary Meeting of Council held 28 May 2022 be confirmed.

CARRIED 8 / 0

7 NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 CORPORATE & COMMUNITY SERVICES

9.1.1 FINANCIAL STATEMENTS - MONTHLY REPORTING FOR THE PERIOD ENDING 31 MAY 2022

Location:	Shire of Dandaragan
Applicant:	N/A
Folder	SODR-1743450996-1912
Disclosure of Interest:	None
Date:	13 June 2022
Author:	Scott Clayton, Executive Manager Corporate and Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

To table and adopt the monthly financial statements for the period ending 31 May 2022.

BACKGROUND

In accordance with the Local Government Act 1995 and Financial Management Regulations (1996), monthly financial statements are required to be presented to Council. Circulated are the monthly financial statements for the period ending 31 May 2022.

COMMENT

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

1. Net Current Assets

Council's Net Current Assets [i.e. surplus / (deficit)] position as at the 31 May 2022 was \$2,712,504. The composition of this equates to Current Assets minus Current Liabilities less Cash Assets that have restrictions on their use placed on them, in this case Reserves and Restricted Assets. The current position indicates that Council can easily meet its short-term liquidity or solvency.

The Net Current Asset position is reflected on page 12 and reconciled with the Statement of Financial Activity on page 3 of the financial statements.

The amount raised from rates, shown on the Statement of Financial Activity (page 3), reconciles with note 6 (page 13) of the financial statements and provides information to Council on the budget vs actual rates raised.

2. Material Variances

During budget adoption a 10 percent and \$10,000 threshold for these variances to be reported was set.

Note 12 of the attached report details any significant variances.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 JUNE 2022

Should Councillors wish to raise any issues relating to the 31 May 2022 financial statements, please do not hesitate to contact the Executive Manager Corporate and Community Services prior to the Council Meeting in order that research can be undertaken and details provided either at the time of the query or at the meeting.

CONSULTATION

- Chief Executive Officer

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Financial statements for the period ending 31 May 2022 (Doc Id: SODR-1743450996-2190)

(Marked 9.1.1)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Shanhun, seconded Cr Clarke

That the monthly financial statements for the period 31 May 2022 be adopted.

CARRIED 8 / 0

9.1.2 ACCOUNTS FOR PAYMENT – MAY 2022

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	SODR-2042075298-28896
Disclosure of Interest:	None
Date:	10 June 2022
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 JUNE 2022

PROPOSAL

To accept the cheque, EFT, BPAY direct debit listing for the month of May 2022.

BACKGROUND

In accordance with the Local Government Act 1995, and Financial Management Regulations 1996, a list of expenditure payments is required to be presented to Council.

COMMENT

The cheque, electronic funds transfer (EFT), BPAY and direct debit payments for May 2022 totalled \$1,392,586.86 for the Municipal Fund.

Should Councillors wish to raise any issues relating to the May 2022 Accounts for Payment, please do not hesitate to contact the Executive Manager Corporate and Community Services prior to the Council Meeting, in order that research can be undertaken and details provided either at the time of the query or at the meeting.

CONSULTATION

- Chief Executive Officer

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

Cheque, EFT and direct debit listings for May 2022 (Doc Id: SODR-2042075298-37677)

(Marked 9.1.2)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Gibson, seconded Cr Eyre

That the Cheque and EFT listing for the period May 2022 totalling \$1,392,586.86 be adopted.

CARRIED 8 / 0

9.1.3 REVIEW OF ENVIRONMENTAL GRANT APPLICATIONS ROUND 2 - 2021/22

Location:	N/A
Applicant:	Shire of Dandaragan
Folder Path:	SODR-1876983588-1047
Disclosure of Interest:	Nil
Date:	9 June 2022
Author:	Michelle Perkins, Manager Customer & Community Services
Senior Officer:	Scott Clayton, Executive Manager Corporate & Community Services

PROPOSAL

The purpose of this report is to authorise the allocation of funds for the second round of Shire of Dandaragan Environmental Grant for 2021 / 2022.

BACKGROUND

On 24 September 2019 Council endorsed the establishment of the 2019 / 2020 Environmental Grants Program in accordance with the attached guidelines, and allocated \$30,000 from the Protection of the Environment budget towards the program. Allocation of these funds has continued annually since then.

The core objectives of the program are as follows:

- Benefit the environment through local projects.
- Involve the local community in project design and delivery.
- Raise awareness and understanding of environmental and sustainability issues.
- Support people to take action and share skills and knowledge about the local environment.
- Build the capacity of the community to address environmental sustainability.
- Deliver short-term tangible environmental results that are consistent with the Shire's long term environmental sustainability direction.

Local organisations and groups have been encouraged to apply for up to \$10,000 for projects on public or private land. Applicants are able to apply for a funding commitment over multiple years where they could demonstrate a compelling need such as commitment from Council being an essential requirement to access other external funding, or projects that would require action over a number of years to see significant outcomes.

At the 23 September 2021 Ordinary Council Meeting, Council fully funded one application for funding under the Environmental Grant program to the value of \$10,000. Council carried a motion at that time to:

Officer Recommendation / Council Decision
Moved Cr. Shanhun. Seconded Cr. Slyns
That Council:

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 JUNE 2022

“...authorise the CEO to facilitate a second grant round within the 2021/22 financial year to allocate the remaining funds of \$20,000 for the expansion of existing environmental projects or development of new environmental projects.”

Carried 8 / 0

COMMENT

This will be the third year of the Shire of Dandaragan Environmental Grants Program. The assistance provided by the Shire is to support environmental community events and activities and is not intended to be the sole source of funding. The grant guidelines are deliberately broad in the grant’s objectives in order for the Shire to receive a range of projects and initiatives to be considered on their merits.

The second round of the Shire’s Environmental Grants Program was advertised in early 2022. An Environmental Grant assessment panel met on Wednesday 18 May 2022 in Jurien Bay to review the applications received and make a recommendation to Council.

The assessment panel was made up of Brent Bailey (Shire Chief Executive Officer), Brad Pepper, (Shire Executive Manager Infrastructure), Michelle Perkins (Shire Manager Customer and Community Services) and Tyson Isles, Department of Biodiversity, Conservation and Attractions Ranger).

The applications received were reviewed by the assessment panel and marked out of 5 for each of the following 6 criteria and then these marks were added to create a score out of 30:

- Extent to which the project benefits the local natural environment.
- Applicant’s capacity to deliver a well-planned project, including applicant’s experience, skills and time.
- Extent to which the project aligns with the Shire of Dandaragan Strategic Community Plan.
- Level of volunteer participation and wider community participation.
- Extent to which the project provides community education and capacity building.
- Extent to which the applicant is contributing towards funding the project.

This round, the funding pool was \$20,000. The Grants Program received three applications with a total funding request of \$30,000:

ORGANISATION	PROJECT DESCRIPTION	GRANT REQUEST
Earthwhile Australia Pty Ltd	Healthy Farming Pathways for Sustainable Futures	\$10,000
Beemurra Aboriginal Corporation	Access Road and Bus Turn-around – Yallalie Downs Cultural Youth Camp	\$10,000
Dandaragan Golf Club	Mistletoe Mitigation Project	\$10,000
	TOTAL	\$30,000

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 JUNE 2022

A review of the applications were undertaken:

PROJECT	BENEFITS / ISSUES	RECOMMENDATIONS
Mistletoe Mitigation Project	<ul style="list-style-type: none"> ▪ Demonstrated effectiveness in controlling identified mistletoe. ▪ Builds on previous control treatments and operational support by the Shire to date. ▪ Requires ongoing treatment to ensure prevention of reinfestation ▪ Allows redgums to grow undisturbed ▪ Aligned with Shire's Envision 2029 Strategic Community Plan Environment aspiration to collaborate with the community to improve our bushland. ▪ Commitment of existing group and volunteers to support project ▪ Collaboration with local golf club ▪ Builds capacity of local community organisation. ▪ DBCA representative noted that mistletoe is a native plant that is semi-parasitic and would only kill redgums that are already under stress. Also noted that removing all mistletoe may impact key food source for some birdlife. ▪ Arborist report recommended focus on replanting other gums such as Tuarts which are hardier trees and would be less likely to succumb to damage from the native mistletoe. 	<ul style="list-style-type: none"> ▪ Fund project ▪ Provide before / after images for reporting and promotion purposes ▪ Investigate further on ways to improve biodiversity of local Dandaragan site without impacting food source for birdlife such as planting of other gum species. ▪ Coordinate mistletoe removal with Shire Parks and Gardens schedule ▪ Provide annual project report to Council / Shire ▪ Provide annual update to local newspapers identifying the project and partnership with the Shire. ▪ Project coordinator to provide project plan (breakdown) for promotion and display purposes on Shire website. ▪ Fully fund the \$10,000 requested on environmental works. ▪ Provide operational support to the group at an arranged level and type as approved by the Executive Manager Infrastructure.
Yued Youth Cultural Camp Access Road and Bus Turn-Around	<ul style="list-style-type: none"> ▪ Commitment of existing group to support project ▪ Collaboration with local Yued enterprise ▪ Builds capacity of local community organisation. ▪ Access road reduces erosion to site during on-country camps and includes revegetation of site ▪ Working party believed project had indirect environmental value, rather than direct benefits 	<ul style="list-style-type: none"> ▪ Not fund project ▪ Work with enterprise to improve application for future round

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 JUNE 2022

Healthy Farming Pathways for Sustainable Futures	<ul style="list-style-type: none"> ▪ Trial of alternative farming techniques to reduce chemical build-up in environment ▪ Commitment of local farmers to investigate new farming techniques on working farms ▪ Strong collaboration between multiple local community organisations in addition to organisations outside the immediate area. ▪ Strong community education component ▪ Aligns with Shire of Dandaragan Envision 2029 Strategic Community Plan environmental aspiration to collaborate with the community to improve our waterways and bushland. 	<ul style="list-style-type: none"> ▪ Fund project ▪ Recommend project coordinator relay ongoing results and outcomes to West Midland Group. ▪ Provide before / after images for reporting and promotion purposes ▪ Provide annual project report to Council / Shire ▪ Provide annual update to local newspapers identifying the project and partnership with the Shire. ▪ Project coordinator to provide project plan (breakdown) for promotion and display purposes on Shire website. ▪ Undertake community education activities ▪ Invite Councillors and key staff to briefings on-site and update with progress.
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Further information was requested by the review working party regarding the Healthy Farming Pathways for Sustainable Futures project and responses to these questions were provided by the applicant:

1. *How are trials to be run?*

The proposal is more a project than a trial in the sense it seeks to explore not only what is being done but how and why:

▪ *Pre-seeding*

Farmer interviews held on site to:

- *Explore reasons for participant's current/previous use of broad-spectrum chemicals*
- *Explore alternative pathways to broad-spectrum chemical use.*
- *Map individual action plans for each farmer to implement at least one alternative involving at least 20hectares.*
- *Soil sampling – physical (infiltration and compaction testing), chemical (via SWEF [Analytical Laboratories]) looking at available and total pools of minerals in soil) and biological (qualitative assessment of diversity of types of microbes plus fungal to bacterial ratio and microbial carbon measures).*

▪ *During the project*

- *Engagement with farmers to gather information about the processes being used, the challenges being faced and how the paddock is performing. The information gathering will include phone calls, site visits and photos.*
- *Community survey will be conducted through the local newspaper and likely social media. The aim of the survey is*

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 JUNE 2022

to deepen understanding of community perceptions about the use of broad-spectrum chemicals and will be repeated towards the end of the project.

- *A soil science-based seminar to be held in Dandaragan open to the community*
- *Sharing of information about the trial and what is happening on the properties with the wider community via local newspaper and social media.*
- *Post-harvest (of hay, crop, cattle)*
 - *Farmer interviews to gather information regarding chemical usage, other inputs, challenges, satisfaction level with regards to the action they took, and where to in the future.*
 - *Soil sampling – physical (infiltration and compaction testing), chemical (via State-wide Equipment Program (SWEP) looking at available and total minerals in soil) and biological (qualitative assessment of diversity of types of microbes plus fungal to bacterial ratio and microbial carbon measures.)*
 - *A field day on one of the participants' properties with the public invited to share the findings and provide a report.*

2. What control measures will be in place?

As this is not a trial as such, there will be no formal control measures. Comparisons of measures will be considered/presented. There will also be some reflection on how the views of the participants changed during the trial.

3. What research methodology will be used?

The methodology will be predominantly qualitative using an interpretive interactionist/case study approach.

After reviewing, the working group scored the projects as follows:

Project / Organisation	Score /30
Mistletoe Mitigation Project – Dandaragan Golf Club	21.8
Yued Youth Cultural Camp Access Road and Bus Turn-Around – Beemurra Aboriginal Corporation	14.4
Healthy Farming Pathways for Sustainable Future – Earthwhile Australia	23.9

With \$20,000 available in this round, it was recommended that Dandaragan Golf Club and Earthwhile Australia be funded to the value of \$10,000 each, however in this round, funding was not recommended for the Beemurra Aboriginal Corporation project due to the lower score allocated by the working party and the lesser perceived environmental benefits.

The working group acknowledged that this is the first time that Beemurra have applied for funding through this stream, and it was identified that Shire officers could continue to work with the organisation to encourage them to reapply in future rounds for projects that more directly relate to on-ground environmental work.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 JUNE 2022

CONSULTATION

- Chief Executive Officer
- Executive Manager Infrastructure
- Coordinator Infrastructure Services
- Tyson Isles, DBCA Ranger
- Jonathan Epps, Arboriculturist
- Nathan Craig, Executive Officer, West Midlands Group

STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

A suitable funding source is already contained within Council's 2021/2022 budget – GL 27060.1004.00201.00100 – Environmental Grant Program.

STRATEGIC IMPLICATIONS

Shire of Dandaragan Strategic Community Plan - Envision 2029

03 – Environment	The Shire will be a responsible custodian of the environment, working with community groups and other entities to increase renewable energy initiatives, vegetation cover and rehabilitate public land throughout the local region.
Priority Outcome	Our role
Our region is acknowledged for environmental practices, projects and initiatives that enhance the environment and our liveability within it.	Collaborate with the community to improve our waterways, coastal reserves, road reserves and bushland.

ATTACHMENTS

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

- Shire of Dandaragan Environmental Grants Program Application / Guidelines 2021-22 (Doc Id: SODR-437506902-7936)
- Application for Environmental Grant: Mistletoe Mitigation Project – Dandaragan Golf Club (Doc Id: SODR-437506902-9206)
- Application for Environmental Grant: Access Road and Bus Turn-Around – Beemurra Aboriginal Corporation (Doc Id: SODR-437506902-9207)
- Application for Environmental Grant: Healthy Farming Pathways for Sustainable Futures – Earthwhile Australia (Doc Id: SODR-437506902-9208)

(Marked 9.1.3)

VOTING REQUIREMENT

Simple Majority

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 JUNE 2022

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Shanhun, seconded Cr Rybarczyk

- 1. That Council approve the following grant applications for the Shire of Dandaragan Environmental Grant for round 2 of 2021 / 2022 financial year, as recommended at the review panel meeting on 18 May 2022:**

Organisation	Project	Amount \$
Dandaragan Golf Club	Mistletoe Mitigation Project	\$10,000
Earthwhile Australia	Healthy Farming Pathways for Sustainable Futures	\$10,000

- 2. Decline the following grant application:**

Organisation	Project	Amount \$
Beemurra Aboriginal Corporation	Yued Youth Cultural Camp Access Road and Bus Turn-Around	\$10,000

CARRIED 8 / 0

9.2 INFRASTRUCTURE SERVICES

9.2.1 SHIRE OF DANDARAGAN 5 YEAR OPERATIONAL ROAD PLAN 2022 - 2027

Location:	Jurien Bay
Applicant:	Shire of Dandaragan
Folder Path:	SODR-872172829-2434
Disclosure of Interest:	Nil
Date:	13 June 2022
Author:	Julie Rouse, Coordinator Infrastructure Services
Senior Officer:	Brad Pepper, Executive Manager Infrastructure

PROPOSAL

This report seeks Council's endorsement to adopt the Shire of Dandaragan's new 5 Year Operational Road Plan 2022 – 2027.

BACKGROUND

Over past years, and in an operational capacity, various Shire officers, holding the Works Manager or current Executive Manager Infrastructure roles, have developed operational road plans as a way of coordinating and managing road reconstructions and road upgrade projects across the Shire's road network.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 JUNE 2022

These plans have provided a guide to Shire officers to plan for future capital works to be undertaken on select roads to ensure the Shire continues to provide a safe and efficient network of public roads for travel and transport.

Each year, a number of these projects consist of road reconstructions, supported by external funding from the State Government through Main Roads WA's Regional Road Group (RRG). When applying for future RRG funding, Shire officers are required to complete Multi-Criteria Assessment (MCA) forms for each RRG project identified, in order to seek approval to progress capital works.

Newly revised MCA forms now include a section within the Project Summary asking whether local government Councils have endorsed a 5 Year Road Plan. This information has not been requested in the past, and while not point based, it benefits local governments in the competitive assessment process to tick this box as part of the MCA to clearly show the project has Council support for future capital road expenditure.

COMMENT

The purpose of this plan is to set out the major road projects for forthcoming years by identifying existing network gaps and prioritising the Shire's road network infrastructure investment required to continue to provide a safe and efficient road infrastructure network.

This 5 Year Operational Road Plan does not mandate the delivery of each road project contained within in it, within a particular year, but acts purely as a guide for future planning and is mostly reliant upon the Shire's ability to secure future road funding from external funding avenues for this purpose.

CONSULTATION

Internal

Executive Manager Infrastructure
Coordinator Infrastructure Services

External

Main Roads WA

STATUTORY ENVIRONMENT

There is no statutory environment relevant to this item.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 JUNE 2022

FINANCIAL IMPLICATIONS

Budget implications will be based upon future annual budgets adopted by Council over a 5-year period, and approved external road funding, as outlined in the new 5 Year Operational Road Plan in identifying priority road network projects.

STRATEGIC IMPLICATIONS

Strategic Community Plan - Envision 2029

01 - Infrastructure	The Shire will work cooperatively with private enterprise and government agencies to develop and maintain a dynamic infrastructure network responsive to usage demand that attracts and retains residents and businesses.
Priority Outcomes	Our Roles
Our agricultural industry is supported with an effective road infrastructure network that facilitates an efficient and safe supply chain.	Continued improvements to the rural road network by maximizing external funding sources and delivering infrastructure projects to a high standard Implementing an effective, proactive road maintenance program that is sensitive to industry seasonality.
Our investments in public assets are based on responsible and sustainable asset custodianship.	Modernise the Shire's Asset Management Planning framework to sustainably manage our existing asset network and consider asset expansion within sustainable levels of service. Work with community groups to review existing facilities, plan for renewal and ascertain the feasibility of any proposed new facilities. Increase activation of our public open spaces and buildings rather than increasing quantity without a demonstrated need.
Our built environment responds to the accessibility and connectivity needs of all residents providing equitable access and opportunity for participation.	Provide a well-designed and safe transport and shared path network that connects people to their destinations and encourages non-motorised journeys within townsites. Progressively implement the accessibility recommendations from our Age Friendly Community Plan and Disability Access and Inclusion Plan.

ATTACHMENTS

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

- Shire of Dandaragan's 5 Year Operational Road Plan 2022 – 2027 relevant to this report (Doc Id: SODR-1637154062-392)

(Marked 9.2.1)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Gibson, seconded Cr Eyre

That Council endorse the Shire of Dandaragan's 5 Year Operational Road Plan 2022 – 2027.

CARRIED 8 / 0

9.3 DEVELOPMENT SERVICES

9.3.1 PROPOSED POLE SIGN – MURRAY STREET ROAD RESERVE

Location:	Murray Street Road Reserve, Jurien Bay
Applicant:	Dashell Normington, Gangsta's Paradise Gym
Folder Path:	SODR-1262144384-14183
Disclosure of Interest:	Nil
Date:	7 June 2022
Author:	Rory Mackay, Planning Officer
Senior Officer:	Louis Fouche, Executive Manager of Development Services

PROPOSAL

Council is requested to consider granting development approval and a signage permit for a proposed pole sign in the Murray Street Road Reserve, for the new Jurien Bay fitness gym. Landowner's consent from Council for the applications are required in the first instance.

BACKGROUND

Shop 16 at 12 Murray Street ('Jurien Central') previously operated as a fitness gym for several years before market conditions forced its closure.

A new operator has obtained the shop's lease and is progressing the reopening of the gym as the 'Gangsta's Paradise Gym', requiring business signage.

The operator has sought approval for a pole sign to be placed in the abutting road reserve.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 JUNE 2022



Jurien Central Murray Street Frontage

The sign to be erected will be located within the Murray Street Road Reserve, adjacent the eastern carpark entry and stand a total of 2m tall with sign face measurements of 1.8m wide and 1m high. The sign is not proposed to be illuminated. The location of the sign on the property is marked on the street image below.



Given that the sign is located within the road reserve which is under the care, control and management of the Shire, Council is required to give landowner's consent for the applications. Should Council not grant this consent, the applications cannot proceed. (Determination of the applications is then not required).

This sign is not classified as an exempt sign under Schedule 5 of *Local Planning Scheme No.7* and no Delegated Authority is provided under *Local Planning Policy 9.5 Advertising Devices (LPP 9.5)*, therefore a decision by Council is required.

COMMENT

Part 3 (Business Sign Posting – Townsites) of the Signs Policy has specific requirements for business signs in townsites:

<p>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 JUNE 2022</p>
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Business signs approved by the Chief Executive Officer under the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law are to be in accordance with the following:

- a) The signs to be professionally manufactured fingerboard type with white lettering minimum 120 mm high on blue board 200 mm deep.*
- b) The sign legend to be brief e.g. "Jurien Bay Chalets" and contain the international symbol when applicable.*
- c) The signs are to be erected on the existing road name signposts, immediately below the road name sign plate.*
- d) The applicant to be responsible for all costs associated with the purchase, erection and maintenance and replacement (when necessary) of the signs. The Chief Executive Officer to approve and control siting and erection.*
- e) All signs are to conform to the requirement of Local Planning Policy 8.6 Advertising Devices (Signage).*

The Shire of Dandaragan reserves the right to instruct the applicant to modify, relocate, remove and maintain the signs as is deemed necessary.

Effectively the Signs Policy only supports business direction / fingerboard signs on road name signpost within townsites. The policy does not make provision for other business sign types within thoroughfares or public places. The application is therefore inconsistent with this policy.

Clause 1.1 - Design and Amenity of LPP 9.5 outlines the following relevant to this sign proposal:

- The design, number, or variety of signs within an area shall not be injurious to the amenity or natural beauty of the locality.*
- All signs shall be simple and provide for instant recognition.*
- A sign shall not contain any discriminatory or offensive material.*
- Materials of construction and placement bear consideration of long-term maintenance and repairs.*
- Every sign shall be designed to utilise colour schemes and materials that fit in with the overall style of the surrounding development and/or precinct. (size, placement / location and style)*

With reference to LPP 9.5, there is a possibility that the name of the premises may be considered contentious or offensive to some members of the public and the supporting signage within a Shire managed road reserve may attract complaints.

Placing the sign in the designated location on the landscaped road verge area satisfies the following relevant standards of clause 1.2 – Safety of LPP 9.5:

- Be structurally sound and capable of withstanding any forces to which it would be reasonably subjected to without collapsing,*

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 JUNE 2022

deforming, or moving from the position on which it was erected or displayed.

- Not obstruct the passage of or so as to create a hazard for vehicles or pedestrians.
- Not be located such that it obscures or is likely to be confused with traffic signals or signs.

As the sign will be on Shire land (in the Murray Street Road reserve), Clause 3.8.3 of LPP 9.5 also applies:

3.8.3 Where a sign / advertisement is proposed to be placed in, or overhang, a public place or street, the owner of the property / applicant will be required where appropriate, to provide a public liability insurance policy indemnifying the Shire against all actions, suits, claims, damages, losses, and expenses made against or incurred by the Shire arising from the approval. The applicant and/or landowner may be required by the Shire to –

- a. take out a public liability insurance policy in the name of the owner or applicant and the Shire, for an amount considered appropriate to the risk involved;*
- b. keep that insurance policy current for the duration of the approval;*
- c. include a clause in the policy which prevents the policy from being cancelled without the written consent of the Shire;*
- d. include a clause in the public liability insurance policy, which requires the owner or applicant and the insurance company, to advise the Shire if the policy lapses, is cancelled or is no longer in operation;*
- e. on the request of an authorised person, provide for the inspection of a certificate of currency for the required insurance policy.*

It is concluded that the proposed sign has limited amenity impacts and would be placed in a relatively safe location. However, the building façade has sufficient room either on the window, walls or above the awning for the placement of alternative signage. This option as utilised by adjoining businesses, will avoid the need for the proposed pole sign and the potential to create an undesirable precedent for proliferation of business signs in road reserves which is consistent with Council's past approach towards signage in road reserves.

It is therefore recommended that Council does not provide landowner consent for the development application and signage permit, in order to be consistent with former like applications. This recommendation does not allow the development application and permit for a pole sign to proceed.

Council may determine otherwise and grant landowner consent as well as development approval and a sign permit, subjects to conditions. As such, an alternative motion to approve the applications is provided below.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 JUNE 2022

Alternative Recommendation

That Council:

1. Agrees to provide landowner's consent for the development application and permit for a pole sign to be erected on the Murray Street Road Reserve adjacent Lot 915, Jurien Bay.
2. Grant development approval and a sign permit to Gangsta's Paradise Gym for the pole sign to be erected on the Murray Street Road Reserve adjacent Lot 915, Jurien Bay in accordance with the following conditions:
 - a) All development shall be in accordance with the attached submitted documentation and shall not be altered without the prior written approval of the Shire of Dandaragan.
 - b) The Shire of Dandaragan takes no responsibility for any damage to, theft of or claims arising from the placement of the sign on the road reserve.
 - c) The applicant shall for the duration of sign erection hold a public liability insurance policy indemnifying the Shire of Dandaragan against all actions, suits, claims, damages, losses, and expenses made against or incurred by the Shire of Dandaragan arising from this signage approval.

Advice:

- A. Prior to sign erection a 'Dial Before You Dig' inquiry is strongly advised to avoid any essential services located within the road reserve.
- B. 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

CONSULTATION

Nil

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Local Government Property Local Law 2019
- Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2019

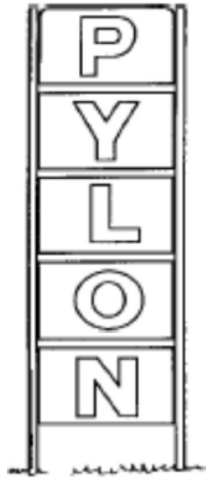
POLICY IMPLICATIONS

Policy 7.3 C-7S03 – Signs

Local Planning Policy 9.5 Advertising Devices (Signage):

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 JUNE 2022

Pole or Pylon Sign



DEFINITION:

A sign supported by one or more piers and not attached to a building and includes a detached sign framework supported by one or more piers to which sign infill's may be added.

REQUIREMENTS:

- a) Max 6m above the level of the ground immediately below it;
- b) Not exceed 4m² in area unless approved by the Shire;
- c) Be supported on one or more piers or columns of brick, stone, concrete, timber or steel of sufficient size and strength to support the sign under all conditions;
- d) Not within 2m of side boundaries of the lot on which is it erected unless the lot abuts an intersecting street or right-of-way, where the Shire may authorise the erection of the sign at a distance less than 2m;
- e) Not be within 6m of another sign erected on the same lot;

Where pylon signs are to be erected on a lot on which a factory tenement building or small shops are erected or are to be erected the Shire may require all pylon signs to be incorporated into one sign in which case:

- a) All of the constituent or infill signs are of an equal size; and
- b) One constituent or infill sign is provided for each business, shop or unit on the lot.

APPLICATION:

Requires Planning Approval (Council Approval).

FINANCIAL IMPLICATIONS

The applicant has paid the standard development application fee of \$147. If approved by Council the applicant will be required to pay a further sum of \$30 for a signage permit under the relevant local laws.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Signage Plan (Doc ID: SODR-1262144384-14179)
- Site Plan (Doc ID: SODR-1262144384-14223)

(Marked 9.3.1)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Shanhun, seconded Cr Clarke

That Council does not provide landowner's consent for the development application and signage permit for a pole sign to be erected on the Murray Street Road Reserve adjacent Lot 915, Jurien Bay for the following reasons:

- 1. The proposed sign pole will be inconsistent with Policy 7.3 C-7S03 – Signs.**
- 2. The 'Jurien Central' building façade and site provide opportunities for alternative signage.**

3. **Granting landowners consent, development, and signage permit approvals, could create an undesirable precedent, leading to the proliferation of commercial signage in road reserves in the Shire of Dandaragan.**

CARRIED 8 / 0

9.3.2 MOORE CATCHMENT COUNCIL – GREEN JOBS PLAN PROPOSAL

Location:	Lot 15 Dinner Hill Road, Badgingarra
Applicant:	Moore Catchment Council
File Path:	SODR-877026889-3252
Disclosure of Interest:	Nil
Date:	26 May 2022
Author:	Rory Mackay, Planning Officer
Senior Officer:	Louis Fouche, Executive Manager Development Services

PROPOSAL

To a consider providing use of Shire managed land to the Moore Catchment Council as part of the Greens Jobs Plan program.

BACKGROUND

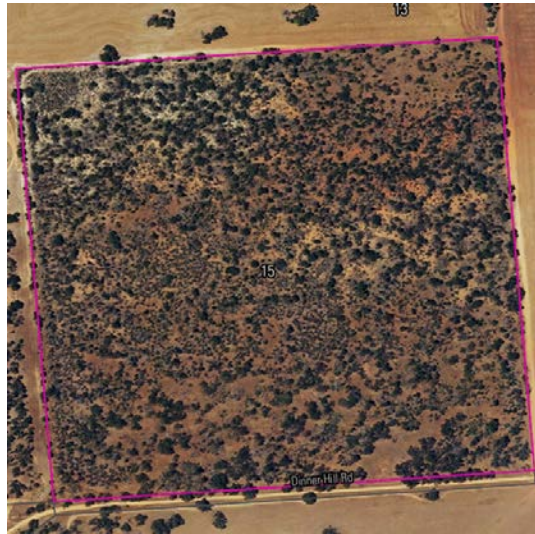
In 2021, the WA State Government committed to invest \$60.3 million in the Green Jobs Plan. This program includes:

- \$15 million to set up a Native Vegetation Rehabilitation Scheme
- \$8 million for the Offsets Funds for Recovery program
- \$2 million to extend the conservation sanctuary at Whiteman Park
- \$5 million to improve and increase roadside vegetation in the Agricultural region
- \$3.3 million for extension of the Pilbara Environmental Offsets Fund
- \$2 million for foreshore protection along the Swan and Canning River systems
- \$25 million for the Healthy Estuaries WA program

The Moore Catchment Council (MCC) is making application under the Offsets Funds for Recovery program and has reached out to the Shire to obtain use on any cleared land surplus to Shire needs which can be planted out and not cleared in perpetuity.

The MCC would like to plant seedlings this winter and follow-up with fencing, weeding, rehabilitation, and infill planting in subsequent years. This project work will be undertaken by the Yued Working on Country Team from Moora on behalf of the MCC.

Potential Shire land for the project identified in the Shire's Land Rationalisation Strategy 2019 was forwarded to the MCC for their consideration. The following parcels have been deemed suitable for the listed activities:

Lot 15 Dinner Hill Road, Badgingarra

The cleared area (as outlined in the attachment) on the site is to be sprayed for weeds, then tree lines ripped and planted with 500 to 750 Marri (*Corymbia calophylla*) seedlings with tree guards. Smaller species, similar to trees currently in the balance bush area, will be used as infill. An ongoing weeding / spraying program is proposed to eliminate tagasaste growth.

The Shire needs to agree that the area will not be cleared in the future.

Reserve 15916 Dandaragan

From 2023 – 2026, subject to negotiations with the adjoining landowner (using the majority of the property for farming / cropping

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 JUNE 2022

purposes), the MCC proposes to collect seed from the existing piece of bush for the growing of provenance seedlings, fence the area, with access gates for fire breaks and fire control, weed control (both manual and mechanical), rip and plant over a three-year period.

It is noted the MCC is also investigating Crown Reserves within the Shire managed by the Department of Planning, Lands and Heritage for project inclusion.

COMMENT

Lot 15 Dinner Hill Road is a 40ha freehold property owned outright by the Shire. The 2019 Land Rationalisation Strategy recommended that options of property disposal be explored as the parcel was considered surplus to Shire needs. As the landowner, the Shire is responsible for standard rural property maintenance and compliance with the Shire's annual Firebreak and Fuel Reduction Notice.

Given the site is predominately covered in trees / vegetation, it is not conducive to any broadacre farming practices without a substantial clearing permit approval. The site could be developed for residential lifestyle purposes however, the isolated property location for such development is not supported under the State and Local Planning Framework, which preferences this form of development within the immediate catchment of an established townsite. Therefore, the only other identified use for the site is as vegetation offset and/or carbon credit offering.

The proposal from the MCC for ongoing property maintenance and improvement to the native vegetation further supports and improves this land output. It is therefore recommended that the Shire enters into a Memorandum of Understanding (MOU) with the MCC for a period of three years to enable the Green Jobs Plan for the subject property. This will transfer the burden of ongoing property management from the Shire to the MCC for this period. During the three-year period it is recommended that the Shire explore options to use the site as vegetation clearing permit offset area for Shire roadworks and/or explore carbon credit options for the site to potentially dispose of at end of the (MOU).

Reserve 15916 is a 65ha Crown Reserve set aside for the purposes of water. It is accessed from an unconstructed portion of the Kayanaba Road Reserve. As shown in the satellite imagery, a large portion of the reserve has been cropped for several years by the adjoining broadacre farmer. This long-term use may require further negotiation with the adjoining landowner. The 2019 Land Rationalisation Strategy recommended the site be retained.

The MCC acknowledge that their proposal for this site is subject to further negotiations. As such it recommended that the Shire consults with the adjoining landowner to ascertain the interest of either relinquishing the land within the reserve currently cropped to enable

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 JUNE 2022

the MCC's activities; or their interest in taking complete ownership, should the land be converted to freehold. Should the MCC approach be supported, this will enable another opportunity to set aside land for clearing offset or carbon credit. Should the farmer wish to obtain the Parcel, subject to negotiations with the Department of Planning, Lands and Heritage, this will remove the management burden from the Shire.

Given the current unresolved issues as noted above, it is proposed that this parcel of land not be included in the MCC project at this stage.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

- Local Planning Scheme No. 7
- Land Administration Act 1997

POLICY IMPLICATIONS

2019 Land Rationalisation Strategy

FINANCIAL IMPLICATIONS

There are now financial implications relevant to this item.

STRATEGIC IMPLICATIONS

Strategic Community Plan – Envision 2029

02 – Prosperity	The region will experience economic and population growth with increasing economic opportunities, diversifying primary production and a vibrant visitor economy.
Priority Outcomes	Our Roles
Our Shire has a contemporary land use planning system that responds to, and creates, economic opportunities.	Identify and activate underutilised economic and land assets to promote employment and economic activity.
03 – Environment	The Shire will be a responsible custodian of the environment, working with community groups and other entities to increase renewable energy initiatives, vegetation cover and rehabilitate degraded public land throughout the local region.
Priority Outcomes	Our Roles
Our region is acknowledged for environmental practices, projects and initiatives that enhance the environment and our liveability within it.	Collaborate with the community to improve our waterways, coastal reserves, road reserves and bushland.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 JUNE 2022

04 – Community	The Shire's resident 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 region that develops and supports community leadership and collective values.	Provide governance support for community groups to deliver their objectives.

ATTACHMENTS

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

- Project Area 5 Northern Coastal Carnabys (Doc Id: SODR-877026889-3246)
- MCC Green Jobs Plan Proposal Doc Id: (SODR-877026889-3247)
- Project Area 5 Northern Coastal Carnabys (Doc Id: SODR-877026889-3248)
- Badgingarra L15 Dinner Hill Road (Doc Id: SODR-877026889-3249)
- Dandaragan R15916 (Doc Id: SODR-877026889-3250)
- Dinner Hill L15 Reserve (Doc Id: SODR-877026889-3251)

(Marked 9.3.2)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Clarke, seconded Cr Eyre

That Council:

- 1. enter into a Memorandum of Understanding with the Moore Catchment Council for period of three years for the land care management of Lot 15 Dinner Hill Road, Badgingarra;**
- 2. decline the Moore Catchment Council's land care management proposal for Reserve 15916; and**
- 3. authorise the Chief Executive Officer to negotiate management and divestment of Reserve 15916 Dandaragan and present the outcomes of the negotiations back to Council for approval.**

CARRIED 8 / 0

9.3.3 BEEKEEPING LOCAL PLANNING POLICY

Location:	Rural Residential, Rural Smallholdings & Special Use - Rural Development (except Category 3) zoned land in the shire
Folder Path:	SODR-877026889-3258
Disclosure of Interest:	Nil
Date:	7 June 2022
Author:	Rory Mackay, Planning Officer
Senior Officer:	Louis Fouche, Executive Manager of Development Services

PROPOSAL

For Council to consider advertising a draft local planning policy for beekeeping.

BACKGROUND

During the 2021/22 summer period Development Services received several complaints regarding beekeeping within the Shire's lifestyle/rural residential estates of Alta Mare and Jurien Bay Heights.

Council repealed the Local Law for Beekeeping in 2019 resulting in any beekeeper being required to be classed as a 'nuisance' under the *Health Act 1911* to enable the Shire to actively intervene in beekeeping issues. It was also noted that beekeeping can be regulated in terms of the Local Planning Scheme (Scheme).

To provide greater clarity on beekeeping in the Shire, the Shire can introduce a local planning policy to guide the assessment of development applications for beekeeping under the land use class 'rural pursuit', which is defined in the Scheme as:

"any premises used for —

- (a) the rearing or agistment of animals;*
- (b) the stabling, agistment or training of horses;*
- (c) the growing of trees, plants, shrubs, or flowers for replanting in domestic, commercial or industrial gardens; or*
- (d) the sale of produce grown solely on the lot, but does not include agriculture – extensive or agriculture –intensive"*

Under the Zoning Table of the *Shire of Dandaragan Local Planning Scheme No.7* (Scheme) a rural pursuit land use is a discretionary (D) use within the 'Rural Residential' and 'Rural Smallholdings' zones but an advertised (A) use within the 'Special Use – Rural Development' zone (except in Category 3, where it is an (X) use not permitted by the Scheme).

COMMENT

To address the current community concerns, the proposed policy is focused on addressing beekeeping on properties zoned Rural Residential, Rural Smallholdings and Special Use – Rural Development in the Shire. Townsite properties, Rural / farming properties and nature reserves are excluded.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 JUNE 2022

To date beekeeping within townsites has not been a noted issue. Should this become an issue, the nuisance provisions of the Health Act provide scope to respond accordingly. Otherwise, beekeepers with up to two hives are exempt from requiring development approval. Should a townsite beekeeper have more than two hives, it will not be permitted as the rural pursuit land use is not permissible within townsite zones under the Scheme.

It is proposed that beekeeping development approvals will be issued subject to conditions, including an approval period of 12 months (requiring annual renewal). This will enable the Shire to monitor complaints received and compliance with relevant conditions during the year before renewal of approvals are issued.

Development applications subject to the policy will be advertised to surrounding neighbours for comment. Applications will be assessed against the Western Australian Apiarist's Society *Best-Practice Guidelines of Urban Beekeeping*.

Applicants will be required to submit a 'Beekeeping Management Plan' under the policy. At a minimum a beekeeping management plan shall incorporate the following:

- Introduction/Background
 - Maximum number of beehives proposed onsite;
 - Duration beehives will be kept onsite;
 - Details of prior bee keeping experience; and
 - Agreement to register the beehives under the Department of Primary Industries and Regional Development (as amended); and
- Context
 - Details of the beehive specification including design drawings and photographs.
 - Include a site plan showing the location of beehives at the address where they will be kept.
 - The site plan is to include the location of:
 - A permanent water supply on the lot within 10 metres of the beehives;
 - Any fences surrounding the beehives;
 - Property boundaries;
 - Expected food sources and flight paths; and
 - All structures on the property.
- Contingency Plan
 - Detail the ways to reduce the occurrence of a swarm, including but not limited, to re-queening bees, regularly checking beehives, and replacing their water supply.
- Summary
 - Why the proposal is acceptable; and
 - Responsibilities of landowner and registered beekeeper.

It is recommended that Council adopt the draft policy for the purposes of advertising and seek comment from the public for a period of 35

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 JUNE 2022

days. On cessation of this period all submissions will be considered accordingly in the final modification of the revised policy to be represented to Council.

CONSULTATION

As outlined.

STATUTORY ENVIRONMENT

- *Health (Miscellaneous Provisions) Act 2011 Section 182:*
A nuisance shall be deemed to be created in any of the following cases —
(2) where any animal is so kept as to be a nuisance or injurious or dangerous to health;
- *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013:*
 Controls registration and movement of hives
- *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 Council in consideration of community sentiment for various types of development and land use. Additionally, these policies also aid in providing a foundation for delegation to be set in order to assist in streamlining the approval processes and establishing relative levels of compliance.

POLICY IMPLICATIONS

The draft LPP is aimed to improve procedural and governance aspects of the Shire's development control responsibilities for beekeeping.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 JUNE 2022

FINANCIAL IMPLICATIONS

If the policy is implemented, development applications will be required for beekeeping in Rural Residential, Rural Smallholdings and Special Use - Rural Development (except Category 3) zoned land in the shire. Application fees will be in accordance with the Shire's Schedule of Fees and Charges.

STRATEGIC IMPLICATIONS

- Strategic Community Plan Envision 2029

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

ATTACHMENTS

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

- Draft Beekeeping Policy (SODR-877026889-3265)
(Marked 9.3.3)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Gibson, seconded Cr Rybarczyk

That Council pursuant to Clause 4 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* adopts, for the purpose of advertising, *Draft Local Planning Policy: Beekeeping* as provided as an attachment to this report and seek public comment for a minimum period of 35 days.

CARRIED 8 / 0

9.4 GOVERNANCE & ADMINISTRATION

9.4.1 DRAFT SPORT AND RECREATION PLAN

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	
Disclosure of Interest:	Nil
Date:	8 June 2022
Author:	Brent Bailey, Chief Executive Officer
Senior Officer:	N/A

PROPOSAL

This item addresses the draft Shire of Dandaragan Sport and Recreation Plan which is presented to Council for endorsement for the purposes of public advertising and comment.

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 has now been drafted.

The consultant's draft report (of which the final version is attached to this item), was advertised to the community for review and input in October 2021. The Shire received a range of submissions and representations from members of the community to improve and enhance the report and make it more reflective of community values and priorities. A common critique was the length of the document in

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 JUNE 2022

addition to concerns about some of the consultant's observations about the current condition of some recreation facilities. The community also contributed additional content to correct some of the information relating to the history of various clubs and facilities.

Following this stage of public consultation, a separate focussed Sport and Recreation Plan has been developed by Shire staff to respond to the content and recommendations in the consultant's report and deliver a more succinct document for the community. This internally developed draft Sport and Recreation Plan aims to articulate the Shire's future direction and respond to a number of the key recommendations within the consultant's report.

COMMENT

The draft 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.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 JUNE 2022

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 draft 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.

It is recommended that Council endorse the draft Sport and Recreation Plan for public advertising to receive comment and contribution before final adoption.

CONSULTATION

Public consultation on this project was undertaken during the development of the consultant's report during 2021. This agenda item recommends a further period of community input before finalising the Shire's Sport and Recreation Plan.

STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

POLICY IMPLICATIONS

There are no specific policy implications for this item currently. Once the plan has been out for further public comment and the Plan is then adopted by Council there may be current policies that will require updating.

FINANCIAL IMPLICATIONS

There are no financial implications associated with releasing the draft Sport and Recreation Plan for public consultation.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 JUNE 2022

STRATEGIC IMPLICATIONS

Strategic Community Plan – Envision 2029

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

ATTACHMENTS

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

- Draft Sport and Recreation Plan (Doc Id: SODR-1272937250-1245)
- Final Consultant's report. (Doc Id: SODR-1272937250-1229)

(Marked 9.4.1)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Rybarczyk, seconded Cr Glasfurd

That Council endorse the draft Sport and Recreation Plan document for public consultation until 31 July 2022.

CARRIED 8 / 0

9.4.2 POLICY MANUAL REVIEW

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	
Disclosure of Interest:	Nil
Date:	8 June 2022
Author:	Brent Bailey, Chief Executive Officer
Senior Officer:	N/A

PROPOSAL

The purpose of this report is for Council to adopt the reviewed and amended Shire of Dandaragan Policy Manual following an administrative review of the previously adopted version.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 JUNE 2022

BACKGROUND

The Local Government Act 1995 provides that one of the key roles of Council is to determine the Local Government's policies. The Council's policies are periodically reviewed to ensure that they are accurate and relevant to the present operating conditions and community expectations.

During the current review process, a collaborative document was circulated to Councillors and staff to gather contributions and recommendations to be presented to Council. The outcome of this collaboration is that a number of policy amendments are recommended for Council endorsement and 4 policies are recommended for removal.

COMMENT

The proposed amendments have been presented within the agenda attachments as a tracked changes document for endorsement. The changes to the policy manual are summarised as follows:

Policy	Policy Number	Proposed Amendments
Purchasing and Tender	Policy 1.1 - C-1PAT01 -	Minor changes reflecting that there is now a separate Code of Conduct for Council and Employees.
Pre-qualified Panel of Suppliers	Policy 1.2 - C-1PPS02 -	No changes
Regional Price Preference	Policy 1.3 - C-1RPP03 -	No changes
Legal Representation	Policy 1.4 - C-1LR04 -	No changes
Women in Local Government	Policy 1.5 - C-1WLG05 -	Minor changes reflecting that there is now a separate Code of Conduct for Council and Employees.
Disability Access and Inclusion	Policy 1.7 - C-1DAI07 -	Minor changes to update strategies identified in Council's currently endorsed Disability Access and Inclusion Plan and the reviewed updated version approved for public comment.
Shire Corporate Crest Logo	Policy 1.8 - C-1SCCL08 -	No changes
Public Interest Disclosure	Policy 1.9 - C-1PID09 -	Minor changes reflecting that there is now a separate Code of Conduct for Council and Employees.
Appointment of Acting CEO	Policy 1.10 - C-1AACEO010 -	No changes
Meeting Structure and Community Participation	Policy 1.11 - C-1MSCP011 -	This policy is recommended to be removed as the content has been endorsed in greater detail within Council's Corporate Governance Framework document.
Complaints Handling	Policy 1.12 - C-1CH012 -	Minor changes reflecting that there is now a separate Code of Conduct for Council and Employees.
Elected Members Entitlements and	Policy 1.13 - C-1EMEPD013 -	Minor amendments to correct the template Councillor email address reference.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 JUNE 2022

Policy	Policy Number	Proposed Amendments
Professional Development		<p>Updated references to remove "InfoExpert" as the specified Records Management System.</p> <p>Minor changes reflecting that there is now a separate Code of Conduct for Council and Employees.</p> <p>Inclusion of "ride-share" as an approvable transport option for reimbursement when attending conferences.</p> <p>Removal of reference to "facsimile".</p>
Risk Management	Policy 1.14 - C-1RM014 -	Content revisions required to update references to current standard AS / ISO 31000:18
Attendance at Events Policy	Policy 1.15 - C-1AEP015 -	No changes
Employee Achievement Award and Recognition	Policy 2.1 - C-2EAAR01 -	No changes
Occupational Safety and Health	Policy 2.2 - C-2OSH02 -	Recently updated.
Staff Professional Development, Conferences and Study Tours	Policy 2.3 - C-2SPDCST03 -	No changes
Staff Housing	Policy 2.4 - C-2SH04 -	Updated reference to staff member responsible for Building Services.
Staff Use of Vehicles	Policy 2.5 - C-2SUOV05 -	Content included for CEO to authorise occasional use of sundry equipment by staff members – e.g. trailers, mowers.
Equal Employment Opportunity	Policy 2.6 - C-2ME06 -	No changes
Severance Gratuity Payment	Policy 2.7 - C-2SGP07 -	No changes
Organisational Structure and Designation of Senior Employees	Policy 2.8 - C-2OSDSE08 -	No changes
Investments	Policy 3.1 - C-3I01 -	No changes
Significant Accounting Policy	Policy 3.2 - C-3SAP02 -	No changes
Self-Supporting Loans	Policy 3.3 - C-3SSL03 -	No changes
Asset Management	Policy 3.4 - C-3AM04 -	No changes

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 JUNE 2022

Policy	Policy Number	Proposed Amendments
Corporate Credit Card	Policy 3.5 - C-3CCC05 -	No changes
Domestic Waste Management	Policy 4.1 - C-4DWM01 -	Inclusion of provision of discretion for Executive Manager Infrastructure to increase CBD bin collections when required in peak periods.
Food and Regulation Compliance Enforcement Policy	Policy 4.2 - C-4FRCEP02 -	This policy is recommended for removal as it simply references State Government guidelines which are implemented as part of usual practices for Environmental Health Officers.
Community Grants	Policy 5.1 - C-5CG01 -	Inclusion of reference to currently budgeted small grants for leadership development activities available to local schools.
Community Engagement	Policy 5.2 - C-5CE02 -	Add consultation where relevant throughout the document, not just engagement. Correct minor grammatical and other errors.
Honorary Freeman within the Shire of Dandaragan	Policy 5.3 - C-5HFSD03 -	Minor changes regarding confidentiality of nominations provision.
Provision Management and Maintenance of Community Centres	Policy 5.4 - C-5PMMCC04 -	Inclusion of reference to annual budgetary provisions as a funding source for building improvements. Updates made to employee position reference. Correction of facility names. Correction of date Information Resource Manual was last adopted by Council from 1993 to 2006. Replace "Shire Communities" with "Shire's four town's ratepayer (progress) groups" in Assessment of Applications" section. Include reference to the SRFF assessment criteria when providing direction on assessment in "Assessment of Applications" section.
Public Art and Percent for Art Policy	Policy 5.5 - C-5PAPAP05	No changes
Sport and Recreation Funding	Policy 6.1 - C-6SRF01 -	Amendments made to identify contribution towards site works included in policy 7.2 recommended for removal.
Reserves	Policy 6.2 - C-6R02 -	No changes
Acquisition of Road Making Material	Policy 7.1 - C-7ARMM01 -	No changes
Plant and Equipment	Policy 7.2 - C-7PE02 -	This policy is recommended for removal. The Shire no longer has public porta-toilets available to hire and other content has been relocated as mentioned above.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 JUNE 2022

Policy	Policy Number	Proposed Amendments
Signs	Policy 7.3 - C-7S03 -	No changes
Street Trees and Streetscapes	Policy 7.4 - C-7TSRRF04 -	Minor grammar changes.
Restricted Access Vehicle Routes	Policy 7.5 - C-7TSRRF05 -	No current changes. This policy is recommended for major review however input is required from the Main Roads WA Heavy Vehicles Office which will require additional time.
Exploratory Drilling on Road Reserves	Policy 7.6 - C-7EDRR06 -	No changes.
Dust Management Requirements for Development Works within the Shire of Dandaragan	Policy 7.7 - C-7DMRDW07 -	No changes.
Waste Management at Jurien Bay, Badgingarra, Cervantes and Dandaragan	Policy 7.8 - C-7WMJBBCD08 -	Policy is duplicated in Policy 4.1 and removal is recommended.
Verge Bond Policy	Policy 7.9 - C-7VBP09 -	Minor changes made to objective and policy statement to clarify intent.
Bush Fire Act Administration Matters	Policy 8.1 - C-8BFAAM01 -	Minor revisions made to update staff title. Amendments made to item addressing standard operating procedures to align with DFES until the Shire's procedures are complete and endorsed by the Bushfire Advisory Committee and Council.
Bush Fire Act Advisory Committee Meetings	Policy 8.2 - C-8FO02 -	It is recommended that this policy is deleted and replaced by a Council endorsed Terms of Reference for the Committee which is a better format for the content currently included.
Bush Fire Control Officer Appointments	Policy 8.3 - C-8FO03 -	No changes.
Camping and Cooking Fires	Policy 8.4 - C-8CCFP04 -	Minor changes removing a duplication of sentence, references to the policy name and clarify terms associated with permitted small camping or cooking fires.
Beach Closure Policy	Policy 8.5 - C-8BCP05 -	Removed duplication of legislative context in procedure.

In addition to these itemised changes, Council will note that the reference to "Previous Policy Number..." has been deleted. This reference was a tracking tool associated with the previous policy manual review when major formatting and content changes were made in 2019/2020. Subject to Council's endorsement of the revised

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 JUNE 2022

document there will also be revision to policy numbering in the final published version.

CONSULTATION

- Councillors
- Internal staff

STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 2.7 – Role of Council

2.7. Role of council

(1) *The council —*

- (a) *governs the local government’s affairs; and*
- (b) *is responsible for the performance of the local government’s functions.*

(2) *Without limiting subsection (1), the council is to —*

- (a) *oversee the allocation of the local government’s finances and resources; and*
- (b) *determine the local government’s policies.*

POLICY IMPLICATIONS

This item constitutes a review of Council’s Policy Manual.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

Strategic Community Plan – Envision 2029

04 – Community	The Shire’s resident population will be the fastest growing population in the region supported by increased community recreation and cultural opportunities and access to key livability factors such as health and wellbeing services and educational opportunities
Priority Outcomes	Our Roles
A region that develops and supports community leadership and collective values.	Provide an industry leading local government organisation promoting community confidence and support in our decision-making processes.

ATTACHMENTS

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

- Tracked changes document (Doc Id: SODR-1792953452-2325)
(Marked 9.4.2)

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION**Moved Cr Eyre, seconded Cr Shanhun****That Council endorse the Shire of Dandaragan Policy Manual review as provided within the agenda attachments Doc Id: SODR-1792953452-2325.****CARRIED 8 / 0****9.4.3 CERVANTES RECREATION PRECINCT MASTER PLAN**

Location:	Jurien Bay
Applicant:	n/a
Folder Path:	SODR-1272937250-1243
Disclosure of Interest:	N/A
Date:	6 June 2022
Author:	Tony O’Gorman, Economic Development Manager
Senior Officer:	Brent Bailey, Chief Executive Officer.

PROPOSAL

This item requests that Council receive the report on the Cervantes Recreation Precinct Master Plan and release the document for further public consultation with the Cervantes Community.

BACKGROUND

At the November Council meeting, Council adopted the following recommendation.

COUNCIL DECISION 2***Moved Cr Gibson, seconded Cr Shanhun******That Council:***

- 1. Endorse the Cervantes Recreation Precinct Working Group Terms of Reference as indicated in the attachments Doc Id: SODR-1272937250-870 with an amendment to increase the Councillor representation on the Working Group to two elected members and increase the maximum community representation to 7 and total working group membership to a maximum of 9 total representatives.***
- 2. Authorise the Chief Executive Officer to call for community member nominations for the Cervantes Recreation Precinct Working Group.***
- 3. Appoint Councillors Rybarczyk and Scharf as the Council representatives.***
- 4. Appoint Councillor Rybarczyk as the Chair of the Working Group.***
- 5. Authorise the Chief Executive Officer in consultation with the Chair to appoint the community members to the Working Group.***
- 6. That the Quorum for the working group be 50%+1 of the total appointed Councillor and Community Representatives.***

CARRIED 7 / 0

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 JUNE 2022

The Cervantes Recreation Precinct Working Group has held a number of meetings between November 2021 and May 2022, including a community meeting on 16 February 2022. The Group explored many options to accommodate the numerous sporting and recreation groups from the town and the opportunities to accommodate them on the Recreation Reserve 35290.

Consulting Great Southern and MCG Architects were appointed to facilitate the Master Planning process and have provided the Cervantes Sport and Recreation Precinct Master Plan, Needs Assessment Report for Council to consider.

COMMENT

The draft Sport and Recreation Plan recommends that the Recreation Reserves in each town be the subject of a master planning process involving consultation with each of the sport and recreation groups in each town.

The Cervantes Recreation Precinct Master Plan is the first recreation reserve master plan to be completed. The Cervantes Recreation Precinct Working Group was formed and held their initial meeting in November 2021.

A community meeting was held on 16 February 2022 to invite the wider Cervantes community to provide their insights on their aspirations for the recreation precinct. A range of options were put forward and the working group took those options and investigated the opportunities to accommodate as many of the options as possible.

The ensuing assessment report drafted by the consultants provides agreed options and priorities for the community to consider. The following list provides the Cervantes Recreation Precinct Working Group recommended projects and their priority in terms of implementation.

1. Men's Shed lease be dealt with first.
2. CCRC Entrance and new library.
3. Repurposing the old library etc.
4. Football Club change rooms, umpire's rooms.
5. Skate Park redevelopment.
6. Multi court Development.

Council have been requested as per the priority list to deal with the Mens Shed lease as a matter of urgency to enable the group to proceed to apply for grants from funding bodies. A pre-requisite of many of the funding opportunities is that the group require evidence of ownership or a lease on a section of land on which to establish the Mens Shed.

The recommendation to Council is that the report is received and advertised to the Cervantes community for their further consideration

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 JUNE 2022

and comment prior to the Cervantes Recreation Precinct Master Plan being adopted by Council.

CONSULTATION

- Cervantes Recreation Precinct Working Group
- Cervantes Residents
- Consulting Great Southern
- MCG Architects

STATUTORY ENVIRONMENT

There are no statutory environment implications relevant to this item.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

Future financial contributions will be required from the annual budget process and through external funding sources based on priorities identified in the Master Plan and in keeping with the overall Sport and Recreation Plan.

STRATEGIC IMPLICATIONS

Strategic Community Plan Envision 2029

04 - Community	The Shire's resident population will grow more than the WA regional average supported by increased community 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

ATTACHMENTS

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

- Cervantes Recreation Precinct Master Plan Assessment Report
(Doc Id: SODR-1272937250-1244)

(Marked 9.4.3)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION**Moved Cr Rybarczyk, seconded Cr Shanhun****That Council endorse the draft Cervantes Recreation Precinct Plan document for the purposes of public advertising until 31 July 2022.****CARRIED 8 / 0****9.4.4 ARRANGEMENTS FOR MANAGEMENT OF VOLUNTEER BUSH FIRE BRIGADES / SPECIAL GENERAL MEETING OF BUSH FIRE ADVISORY COMMITTEE**

Location:	Shire of Dandaragan
Applicant:	Bush Fire Control Officer
Folder Path:	SODR-890489631-1667
Disclosure of Interest:	None
Date:	8 June 2022
Author:	William Miller, Emergency Management Coordinator
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

To receive the minutes of the Bush Fire Advisory Committee Special Meeting and to inform the Shire's response to WALGA's Arrangements for Management of Volunteer Bush Fire Brigades (BFB): Proposed Advocacy Position.

BACKGROUND

A Special Meeting of the Shire's Bush Fire Advisory Committee (BFAC) was held on Wednesday 8 June 2022 at the Badgingarra Community Centre to consider the proposed advocacy position document and supporting information supplied by WALGA on "The Arrangements for Management of Volunteer Bush Fire Brigades".

The advocacy position statement prepared by WALGA proposes that the State Government modify the management arrangements of bush fire brigades as part of the consolidation of WA's emergency services legislation. The Consolidated Emergency Services Act is legislative process by which the Bush Fires Act 1954, Fire Brigades Act 1942 and Fire and Emergency Services Act 1998 will be amalgamated into a single piece of legislation. Another major driver for considering changing the way bush fire brigades are managed has been the introduction of the Work Health and Safety Act 2020. Extensive commentary is provided within WALGA's advocacy position document which is provided as an attachment to this item and should be reviewed when considering this matter.

WALGA's advocacy position provides a range of different management arrangements for consideration and are listed as follows:

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 JUNE 2022

3. Where management of Bush Fire Brigades is transferred to DFES in accordance with 1(a), DFES should be resourced to undertake the additional responsibility.

WALGA are seeking responses to the proposed advocacy position in the following format:

- 1) *Does your Local Government manage BFBs?*
- 2) *Does your Local Government support the proposed Advocacy Position on arrangements for the management of Bush Fire Brigades? Why or why not?*
- 3) *Does your Local Government have any further suggestions or changes to the proposed Advocacy Position?*
- 4) *For Local Governments that manage BFBs, is your Local Government's preference to continue to manage BFBs or to transfer responsibility to the State Government?*
- 5) *Is your response endorsed by Council? If so, please include the Council paper and resolution.*
- 6) *Do you have any further comments to make?*

COMMENT

The advocacy position document and supporting information was circulated to the Shire's fire control officers and considered at a special meeting of the BFAC to provide Council with a consensus view from the local brigade network's perspective.

During the BFAC meeting, a lengthy, contrasting, and thorough discussion was held to review the various options presented by WALGA. While the group identified that each proposal had its advantages and disadvantages the preferred option was determined as follows:

Moved Aubrey Panizza Seconded Cameron Rosenthal

That the Bushfire Advisory Committee recommends that Council respond to WALGA with an endorsement of Option Two from the Arrangements for Management of Volunteer Bush Fire Brigades: Proposed Advocacy Position document as modified:

"Improvements - continue with the current arrangements for Local Government management of BFBs with additional support provided by the State Government with respect to increased funding and better access to training resources and other financial support."

Carried Unanimously

The BFAC retained the view that for the Shire of Dandaragan, the most effective means of addressing the local incident management needs for bush fires is provided by the current model, and that this

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 JUNE 2022

would be enhanced by additional resource investment from the State Government to address modern day risks.

The current operating model is thought to support a local firefighting culture that delivers the highest membership, community support, volunteer motivation and preferred path for local decision making at an administrative and incident level when compared to a centralised state-run operating model. The Shire's brigade leaders felt that keeping management of bush fire brigades in the hands of local people is key to keeping the community safe from the risk of bush fire and that local knowledge and tactics relevant to the area's bespoke conditions is the optimal approach to fighting rural bush fires.

A primary concern for the BFAC was that the proposed hybrid model would ultimately lead to a mandated outcome where legislative and political processes would result in a standardised, centralised model being applied throughout the State. While the BFAC respected the rights of other local governments to elect their preferred approach, it was felt that the proposed hybrid model presented an undesirable risk of centralisation for our local community.

While the BFAC position is a vital reference point for Council to consider in relation to this matter, Council has a range of other decision-making factors to formulate a holistic and strategically developed response including:

- 1) Is local government still an appropriate body to coordinate an emergency service, which operates in an extremely risky environment, as part of its core business.
- 2) Is local government still the right entity to hold the duty of care for bush fire volunteers (which are now effectively part of the Council workforce) and provide the necessary training and resources to undertake bush fire incident management safely and effectively.
- 3) Can Council meet all the requirements and standards of workplace safety under the Work Health and Safety Act 2020 or does this new legislation present an unacceptable risk to the Shire's business.
- 4) Does the local government sector have the expertise, resources, and capacity to support the bush fire brigade network, now and into the future.
- 5) Would a shift in management arrangements to a centralised model have an unacceptable, detrimental impact on our own brigade capacity, motivation, and incident management outcomes (particularly for Level 1 fires which are the predominant incident within the Shire of Dandaragan).
- 6) The Ferguson Report (Waroona Fire), handed down a series of recommendations pertinent to rural bush firefighting. A key recommendation was the establishment of a centralised rural fire service to address a number of shortcomings of the current model of managing complex bush fires in Western Australia.
- 7) Should Council support the BFAC's recommendation to not endorse a model that provides other local governments an

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 JUNE 2022

avenue to hand over responsibility where they may not have the resources or capacity to manage bush fire brigades.

The Officer's recommendation reflects on the tremendous value that the Shire's brigade network has delivered over its history and the express views of the BFAC that retaining a local management structure will deliver the best operational outcomes for the community. Despite this recommendation, Council should be mindful of the escalating expectations and resource requirements which will be ongoing should local governments continue to take responsibility for an emergency management / response workforce.

CONSULTATION

Bush Fire Advisory Committee

STATUTORY ENVIRONMENT

Bush Fires Act 1954

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

Strategic Community Plan – Envision 2029

03 – Environment	The Shire will be a responsible custodian of the environment working with community groups and other entities to increase renewable energy initiatives, vegetation cover and rehabilitate degraded public land throughout the local region
Priority Outcomes	Our Roles
The Shire be prepared for and respond to the challenges of climate change.	Implement effective planning and projects that reduce the risk to property, infrastructure and the environment. Increase community awareness and preparedness for the impacts of climate change and its major local risks such as bush fires.

ATTACHMENTS

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

- Minutes BFAC Special Meeting Wednesday 8 June 2022 (Doc Id: SODR-890489631-1668)
- WALGA Advocacy Position Document (Doc Id: SODR-890489631-1689 & SODR-890489631-1688)
(Marked 9.4.4)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr McDonald, seconded Cr Eyre

That Council:

1. **Receive the unconfirmed minutes of the Fire Control Advisory Committee Special Meeting held on 8 June 2022.**
2. **Endorse the Bushfire Advisory Committee's recommendation as follows:**
That the Shire of Dandaragan respond to WALGA with an endorsement of Option Two "Improvements - continue with the current arrangements for Local Government management of bush fire brigades with additional support provided by the State Government with respect to increased funding and better access to training resources and other support."
3. **Authorise the Chief Executive Officer to respond to WALGA's survey in accordance with this position.**

CARRIED 8 / 0

9.4.5 JURIEN BAY AERODROME HANGAR LEASE – KARLU GRAZING PTY LTD

Location:	Jurien Bay Aerodrome
Applicant:	Peter & Terri Manns, Karlu Grazing Pty Ltd
Folder Path:	SODR-877026889-3256
Disclosure of Interest:	Nil
Date:	10 June 2022
Author:	Rory Mackay, Planning Officer
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

For Council to approve a lease at the Jurien Bay Aerodrome with Karlu Grazing and determine a request from the lessee for a reduced lease fee.

BACKGROUND

The applicant has held a 654m² ground lease (Hangar Site 5) at the Jurien Bay Aerodrome since September 2011. During this lease term the applicant has constructed and used a 300m² hangar. This lease expired 9 August 2021 and to date has not been renewed.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 JUNE 2022



Jurien Bay Aerodrome Hangar Sites

A new draft lease agreement was sent to the lessee in November 2021 for review. The lease agreement is generally agreed to by the lessee however, they are seeking Council to review the lease rate and the lease term.

On 22 April 2021 Council considered an item relating to establishing a market valuation for leases at the Jurien Bay Aerodrome. At that meeting Council resolved the following:

That Council subject to 14 days public advertising in accordance with Section 3.58 (2) of the Local Government Act 1995:

1. *endorse the \$5m², per annum ground lease rate to be applied to each current lease within the Jurien Bay Airport;*
2. *endorse the \$3.5m², per annum ground lease rate to be applied to the flying club and flying school new leases respectively; and*
3. *endorse the annual application of the Consumer Price Index to each rate.*

The endorsed lease rates were based on an independent market rental valuation prepared by Griffin Valuation Advisory (valuer). This market-based approach to lease charges was a departure from the former methodology for charging lease fees associated with hangar sites. Prior to this decision Council had charged leaseholders a standard fee for their site equivalent to the minimum annual rate imposed on a Gross Rental Value (GRV) basis for the townsite of Jurien Bay. This methodology had no market valuation basis which would usually be considered as part of a land disposal (including by way of lease) process.

A market rental value is defined by:

The estimated amount for which a property, or space within a property, should lease on the date of valuation between a willing lessor and a willing lessee on appropriate lease terms in an arm's

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 JUNE 2022

length transaction, after proper marketing wherein the parties had each acted knowledgeably, prudently, and without compulsion.

Each current lease is a ground lease. A ground lease is generally structured around the notion that the tenant will develop or construct a significant improvement on the land for its own use. During the ground lease term, the tenant will typically own and depreciate the improvements. At the end of the term, ownership of the improvements may revert to the Shire or the ground lessee is required to remove them.

The valuer determined the market rental value on the basis of comparable rental evidence of similar type rental properties within as near similar locality as the subject site / property. This method of valuation is referred to as the Direct Comparison Approach that takes into consideration factors such as location, condition, and lettable area. The comparisons were on the basis of vacant possession and to let on a per annum and per square metre basis, taking into consideration the commercial location, current use and quality of the improvements. The market comparison method takes into consideration the current land use and characteristics of the subject property when compared to the market evidence.

The valuation report as attached, recommends setting the lease rate at an amount between \$3/m² and \$5/m² for the ground area associated with the hangar leases. The valuation report also established a separate lease rate of \$3.5/m² rate for the recently approved flying club and flying school ventures which are in a different location and substantially larger and undeveloped. The following table outlines the valuation amount when the highest rate is charged.

Lease	Lease Area	Hangar Area	Ground Lease Annual Rent
1	560m ²	165m ²	\$2,800
2	560m ²	139m ²	\$2,800
3	560m ²	144m ²	\$2,800
4	840m ²	208m ²	\$4,200
5	654m ²	300m ²	\$3,270
Flying Club	<2500m ²	-	<\$8,750
Flying School	<2500m ²	-	<\$8,750

Of the five currently leased sites, only Site 1 has a current lease in place at the former GRV lease rate. This lease has an expiry date of 31 October 2026. The other four sites do not have a current lease agreement and Shire staff have been negotiating with the former leaseholders to progress a new lease. The lease rate determined by Council has been contested in most cases with each former lessee reluctant to sign on at the new, higher value lease rate.

<p>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 JUNE 2022</p>
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With respect to this applicant's lease, the lessee has also requested a 10-year lease rather than the proposed 5-year, plus 5-year lease option, which is modelled in the template lease document. Commentary on this matter is expanded further on in this report.

COMMENT

Lease rate

The lessee has requested the proposed lease rate of \$5/m² be reduced to \$2/m² for the reduced area of the actual hangar footprint - 300 m². The following commentary has been extracted from correspondence with the lessee outlining their justification for a reduced lease rate for Council's consideration and determination:

- *This is more in line with comparable regional Airports who offer similar facilities to Jurien Bay (see attached valuation by Acumentis).*
- *The Griffin Valuation report commissioned by the Shire, has based its recommendations upon the assumption that there are basic services of power, water, phone etc (Page 8) supplied to the Airport Hangars. This is not the case.*
- *The Griffin Valuation Report used the airports of Kalgoorlie, Albany, Carnarvon and Esperance as comparatives. This is not appropriate, for the following reasons: All of these Airports are large regional sites, with commercial flights regularly operating. They supply far more than the basic services of power, water and phone, with sewerage, asphalt runways and taxiways, security, public transport, maintenance services and tie down points for aircraft available.*
- *The Griffin Valuation report determined the rate of \$3-\$5/m² be applied, not \$5/m² as you have indicated. (Page 14) This, combined with the fact that their assessment assumed that the basic services are available, really calls into question whether \$3/m² is a fair and equitable charge.*

The valuer's assessment of the airside leases was based on evidence obtained from country airports between Carnarvon and Esperance which have shown airside lease of between \$5-\$ 8/m² for varying leased areas. The valuer notes that the Jurien Bay Aerodrome is not a regional regular public transport (RPT) operated airport and is therefore not required to be certified or registered with the Civil Aviation Safety Authority, it does however have a PAL System capable of 24-hour operation, i.e. Royal Flying Doctor Service use. The airport is also strategically located within close proximity of the Jurien Bay townsite.

Further clarification has been sought from the valuer regarding the comparisons used, whereby it was stated that ideally, they would prefer the use of smaller like for like airports, however such airport managers are not forthcoming with the exact market rate figures. Nonetheless, using their expertise they discount the rates of more superior airports to derive the assessed rate for Jurien Bay on the

<p>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 JUNE 2022</p>
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factors outlined in the background – as noted in the Griffin Valuation report while the comparable sites are listed at between \$5-\$ 8/m², the valuation assessed for the Jurien Bay Airport is \$3-\$5/ m².

The lessee has also referred to the valuation report used for the Denmark airport. This report completed by Acumentis (WA) Pty Ltd in February 2020 determined that sites at the Denmark airport would hold a market value of \$2.50/m². While there are similarities between the sites there are also some distinct differences as follows:

1. The Shire of Denmark also charges minimum rates on each hangar site (\$1,141 in 2021/22). When combined a 654m² site would be charged approximately \$4.24m² annually. The Shire of Dandaragan template lease document does not propose to charge any Council rates on the leased sites and accordingly this has been taken into account by the Griffin Valuation Advisory report for the Jurien Bay Aerodrome.
2. The Shire of Denmark airport has an active volunteer user group who undertakes a substantial amount of maintenance activities at the airport which reduces the overall cost to Council. Activities undertaken by the Denmark Airport Association include lighting maintenance, weed control, and construction of new fencing. (Source: Shire of Denmark, Denmark Airport Information Sheet).

While not prepared for the Shire of Dandaragan, an observer of this publicly available document prepared by Acumentis (WA) Pty Ltd, would note two other similar sites are used as market evidence:

- Manjimup - \$3.35m² plus minimum rates (currently \$988). When combined a 654m² site would be charged approximately \$4.87m² annually.
- Augusta (2017 lease) - \$4.00/m² plus minimum rates (currently \$1,335). When combined a 654m² site would be charged approximately \$6.04/m² annually.

The lessee has also contested the valuation based on the valuation report's "*assumption that there are basic services of power, water, phone etc (Page 8) supplied to the Airport Hangars.*" With reference to the report, the actual terminology used is "*All the usual services including water, electricity and telephone are available to the subject site*". The subject site is taken to be the Jurien Bay Aerodrome in general. At this time there is electricity supply available in proximity to the Royal Flying Doctor Service facility 300m away from the existing hangars and a limited water supply is being explored to leverage the Shire's water tanks and bore water supply to the site approximately 90m away from the existing hangars. The water supply has not been completed to date. There are no fixed line telecommunications to the site, however mobile phone coverage is readily available. It is not clear in the valuer's report what financial recognition might have been applied to this assumption of utilities available.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 JUNE 2022

On the basis of the information discussed above, Shire staff are satisfied that the valuation presented for the Jurien Bay Aerodrome is a reasonable reflection of an appropriate market lease rate.

In the original item presented for Council's decision, the officer's recommendation supported adopting the valuer's calculation of rental returns which denoted the higher rate from the valuation range (\$5m²). This recommendation was supported by Council. This valuation remains a reasonable approach for the disposal of a community asset for which a return should be expected, in addition to the forecast investment pipeline outlined in the Jurien Bay Aerodrome Masterplan. This includes the imminent asphaltting of the currently unsealed areas in front of the hangars that are within the hangar leases. As outlined in the original report presented to Council with the lease rates, Council reserves the right to discount the rate and record this concession given to the local aviation industry, should such a need or purpose arise, or adopt the lower end (\$3m²) of the valuation as its determination of fair market value.

Should a reduced lease rate be resolved by Council, this will be utilised in subsequent private hangar lease negotiations for the Jurien Bay Aerodrome and incorporated into the Annual Budget's Schedule of Fees and Charges.

Lease term

The lessee has requested a 10-year lease term in lieu of a 5-year plus 5-year lease option as follows:

"I would like to request consideration of retaining the lease term at 10 years with either a 5 or 10 year option. This is after discussion with other hangar owners and also the bank.

The 5-year plus 5-year lease term provides the option to renew at the lessee's sole discretion. This arrangement is written into the template lease document to safeguard lessees with an earlier opt out option should their circumstances change, and they are not able to assign the lease to another party. The lessee's request for a 10-year lease is not contested by staff and is recommended for Council endorsement.

Lease Area

The lessee has sought to minimise the total lease fee by requesting a reduced lease area as follows:

"The ground Lease areas currently charged are ~400m² above that of the area of each hangar site. The opportunity to review the ground lease area and specify the final area we wish to include in our lease was offered in your letter dated the 5/11/21. As I understand it, this has subsequently been withdrawn, and I would like to confirm that this option remains available to us, as per your correspondence referred to above"

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 23 JUNE 2022

These minutes were confirmed at a meeting on

Signed

Presiding person at the meeting at which the minutes were confirmed

Date