



SHIRE
of
DANDARAGAN

MINUTES
of the
ORDINARY COUNCIL MEETING
held at the
COUNCIL CHAMBER, JURIE BAY
on
WEDNESDAY 25 JANUARY 2023
COMMENCING AT 4.00PM

(THIS DOCUMENT IS AVAILABLE IN LARGER PRINT ON REQUEST)

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MEMBERS OF COUNCIL

The following members of Council were present at the meeting:

Mr. Councillor [Name] (Councillor [Name])
 Mr. Councillor [Name] (Councillor [Name])
 Mr. Councillor [Name] (Councillor [Name])

MEMBERS OF COUNCIL

The following members of Council were present at the meeting:

Mr. Councillor [Name] (Councillor [Name])
 Mr. Councillor [Name] (Councillor [Name])
 Mr. Councillor [Name] (Councillor [Name])

Mr. Councillor [Name] (Councillor [Name])
 Mr. Councillor [Name] (Councillor [Name])
 Mr. Councillor [Name] (Councillor [Name])

MEMBERS OF COUNCIL

Mr. Councillor [Name]
 Mr. Councillor [Name]

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 Mr. Councillor [Name]
 Mr. Councillor [Name]
 Mr. Councillor [Name]
 Mr. Councillor [Name]
 Mr. Councillor [Name]

Mr. Councillor [Name]
 Mr. Councillor [Name]
 Mr. Councillor [Name]
 Mr. Councillor [Name]
 Mr. Councillor [Name]
 Mr. Councillor [Name]

MINUTES OF ORDINARY COUNCIL MEETING HELD WEDNESDAY 25 JANUARY 2023

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

1.1 DECLARATION OF OPENING

The Shire President declared the meeting open at 4.00pm and welcomed those present.

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

1.2 DISCLAIMER READING

The disclaimer was read aloud as there were 3 members of the public present.

"No responsibility whatsoever is implied or accepted by the Shire of Dandaragan for any act, omission, statement or intimation occurring during this meeting."

It is strongly advised that persons do not act on what is heard, and should only rely on written confirmation of Council's decision, which will be provided within fourteen days."

2 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

Members

Councillor L Holmes	(President)
Councillor P Scharf	(Deputy President)
Councillor J Clarke	
Councillor A Eyre	
Councillor R Glasfurd	
Councillor W Gibson	
Councillor M McDonald	
Councillor R Rybarczyk	
Councillor R Shanhun	

Staff

Mr B Bailey	(Chief Executive Officer)
Mr B Pepper	(Executive Manager Infrastructure)
Mr L Fouché	(Executive Manager Development Services)
Ms R Headland	(Council Secretary & Personal Assistant)
Mr R Mackay	(Principal Planning & Building Officer)
Ms R Sutton	(Acting Manager Customer & Community Services)
Ms T Slee	(Manager Economic Development)

Apologies

Nil

MINUTES OF ORDINARY COUNCIL MEETING HELD WEDNESDAY 25 JANUARY 2023

Approved Leave of Absence

Nil

Observers

Mrs M Gazeley, Mrs J Rouse, Miss L Kynion

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 15 DECEMBER 2022

COUNCIL DECISION

Moved Cr Eyre, seconded Cr Shanhun

That the minutes of the Ordinary Meeting of Council held 15 December 2022 be confirmed.

CARRIED 9 / 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 ACCOUNTS FOR PAYMENT – DECEMBER 2022**

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Corporate Services / Finance and Rates / Creditors / Expenditure
Disclosure of Interest:	None
Date:	16 January 2023
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

To accept the cheque, EFT, BPAY and direct debit listing for the month of December 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 December 2022 totalled \$2,131,569.53 for the Municipal Fund.

Should Councillors wish to raise any issues relating to the December 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 is the following item relevant to this report:

- Cheque, EFT and direct debit listings for December 2022 (Doc Id: SODR-2042075298-50156)

(Marked 9.1.1)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Eyre, seconded Cr Scharf

That the Cheque, EFT, BPAY and direct debit payment listing for the period ending 31 December 2022 totalling \$2,131,569.53 be adopted.

CARRIED 9 / 0

9.2 INFRASTRUCTURE SERVICES

9.3 DEVELOPMENT SERVICES

9.3.1 CERVANTES AIRSTRIp HANGAR LEASE – MUNDA PASTORAL PTY LTD

Location:	Cervantes Airstrip
Applicant:	Michael Thompson, Munda Pastoral Pty Ltd
Folder Path:	Development Services / Planning / Aerodromes / Leases / Cervantes - Thompson
Disclosure of Interest:	Nil
Date:	14 December 2022
Author:	Rory Mackay, Principal Planning & Building Officer
Senior Officer:	Louis Fouche, Executive Manager Development Services

PROPOSAL

The report presents a request to Council for approval of a hangar lease at the Cervantes Airstrip.

BACKGROUND

The applicant has obtained ownership of the existing hangar within Private Hangar Site 1 (560m²) at the Cervantes Airstrip. The current lease for this site, which is held by John Bartle of Taplan Pty Ltd, expires on the 30 August 2023. As such the applicant has made application to lease the subject site from 1 October 2023 for a period of 21 years.

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Cervantes Airstrip Hangar Sites

In relation to the Jurien Bay Aerodrome, at its meeting on 23 June 2022 Council resolved as follows:

That Council:

1. *Receive the Valuation Report of Land Assets located at Jurien Bay Airport provided by Griffin Valuation Advisory.*
2. *Endorse the proposed draft lease of the Jurien Bay Aerodrome Hangar Site 5 between the Shire and Karlu Grazing Pty Ltd, and subject to public advertising in accordance with Section 3.58(3) of the Local Government Act 1995 dispose of this land inclusive of the following material terms:*
 - a. *Land: 654m² portion of Crown Reserves Reserve 35408, Lot 502 on Deposited Plan 64265.*
 - b. *Commencement Date: 1 October 2021.*
 - c. *Initial Term: At the lessee's discretion for a term not exceeding 21 years.*
 - d. *Further Term Option: At the lessee's discretion subject to the combined term and further not exceeding 21 years.*
 - e. *Commencement annual lease fee: \$1962.00 (\$3.00m²).*
 - f. *Annual rental increase: Perth Consumer Price Index for the June Quarter.*
 - g. *Market lease fee valuation review: To be conducted after the 10th year and 20th year, with an independent valuation to be undertaken by a certified practicing valuer agreed to by both the Lessor and Lessee.*
 - h. *Authorised Use: Aerodrome hangar for aircraft protection from the weather, direct sunlight; and for maintenance, repair, manufacture, assembly, and storage of aircraft.*
3. *Subject to there being no adverse submissions during the public advertising period, authorise the Chief Executive Officer to execute the lease agreement with Karlu Grazing Pty Ltd.*
4. *The Chief Executive Officer be requested to progress all other current Aerodrome hangar lease renewals based on the lease conditions and annual lease fee outlined above.*

CARRIED BY ABSOLUTE MAJORITY 8 / 0

COMMENT

A draft lease agreement was sent to the lessee in December 2022 for review. The lease agreement and the \$3m² (times the Perth

Consumer Price Index) rental rate is agreed to by the applicant. This rental rate is the same as the discounted rate Council resolved to endorse for hangar leases at the Jurien Bay Aerodrome.

Each current hangar lease in the Shire 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 applicant has sought the longest lease term permissible (21 years) by the Shire under its management order held over the airstrip, which will terminate in 2044. This term is subject to a market valuation review at commencement of the 10th year.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995 - Disposing of property 3.58.

(1) *In this section -*

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

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

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

(a) the highest bidder at public auction; or

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

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

(a) it gives Statewide public notice of the proposed disposition

-
(i) describing the property concerned;

(ii) giving details of the proposed disposition; and

(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision, and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

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FINANCIAL IMPLICATIONS

Financial implications extend to the valuation rates as discussed above.

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 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.

ATTACHMENTS

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

- Lease Agreement (Doc Id: SODR-877026889-3444)
 - Cervantes Airstrip Annexure A (Doc Id: SODR-877026889-3446)
- (Marked 9.3.1)**

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Gibson, seconded Cr Shanhun

That Council:

- 1. Endorse the proposed draft lease of the Cervantes Airstrip Private Hangar Site 1 between the Shire and Munda Pastoral Pty Ltd for public advertising in accordance with Section 3.58(3) of the *Local Government Act 1995* inclusive of the following material terms:**
 - a. Land: 560sqm portion of Crown Reserve 35811, Lot 613 on Deposited Plan 182955.**
 - b. Commencement Date: 1 October 2023.**
 - c. Term: 21 Years.**
 - d. Commencement annual lease fee: \$1,680 (\$3m²).**
 - e. Annual rental increase: Perth Consumer Price Index for the June Quarter.**
 - f. Market valuation review: To be conducted after the 10th year and 20th year, with an independent valuation to be undertaken by a certified practicing valuer agreed to by both the Lessor and Lessee.**
 - g. Authorised Use: Aerodrome hangar for aircraft protection from the weather, direct sunlight; and for maintenance, repair, manufacture, assembly, and storage of aircraft.**

2. Subject to there being no adverse submissions during the public advertising period, authorise the Chief Executive Officer to execute the lease agreement with Munda Pastoral Pty Ltd.

CARRIED 9 / 0

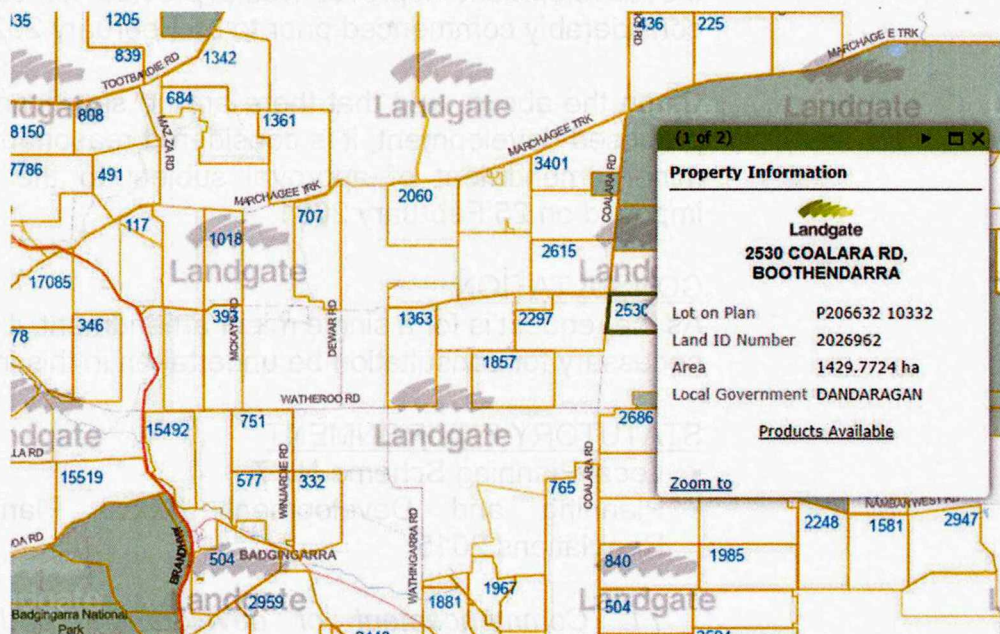
Cr McDonald declared a proximity interest in Item 9.3.2 and left the meeting at 4.08pm.

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

Location:	2530 Coalara Road, Boothendarra
Applicant:	Sustainable Beef Systems Pty Ltd on behalf of Central Stockcare Pty Ltd
File Ref:	Development Services / Applications / Development / 2020 / 79
Disclosure of Interest:	Nil
Date:	20 December 2022
Author:	Rory Mackay, Principal Planning & Building Officer
Senior Officer:	Louis Fouche, Executive Manager Development Services

PROPOSAL

The applicant is seeking a one (1) year extension of the development approval for the Coalara Feedlot scheduled to lapse on 25 February 2023.



Location Plan - Lot 10332 Coalara Rd, Boothendarra

BACKGROUND

On 25 February 2021, Council granted conditional development approval for an 8,000 head cattle feedlot on the subject property (minute extract attached). The development is planned to be developed in stages, starting with an initial stocking of 4,000 head and increasing to the total 8,000 head as the market determines.

The majority of feed and cattle infrastructure will be established during the first stage of development. The subsequent stages will see extensions added relative to the additional number of cattle to be contained on site.

The applicant has advised that Stage 1 of the feedlot did not commence in 2022 due to the lack of availability of labour and materials in a competitive demand period. It has also been stated that beef industry market conditions have not been viable to commence construction to date. Given these parameters, the applicant has requested a further 12-months to substantially commence construction of the feedlot. The applicant expects to commence construction in mid to late 2023.

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

COMMENT

As Central Stockcare remain committed to the construction of the cattle feedlot, the request for the extension of the current approval timeframe is considered reasonable. With the resolution of market issues expected to be corrected in the near future, the extension to the development approval would provide for construction to be considerably commenced prior to 25 February 2024.

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

CONSULTATION

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

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Planning and Development (Local Planning Schemes) Regulations 2015

71. Commencement of development under development approval

If development approval is granted under clause 68 —

(a) the development must be substantially commenced

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

(ii) if a period is specified in the approval — within that period; or

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(iii) *in either case — within a longer period approved by the local government on an application made under clause 77(1)(a);*

and

(b) *the approval lapses if the development has not substantially commenced within the period determined under paragraph (a).*

77. Amending or cancelling development approval

- (1) *An owner of land in respect of which development approval has been granted by the local government may make an application to the local government requesting the local government to do any or all of the following —*
- (a) *to amend the approval so as to extend the period within which any development approved must be substantially commenced.*

POLICY IMPLICATIONS

There are local no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Strategic Community Plan, Envision 2029

02 - Prosperity	The region will experience economic and population growth with increasing economic opportunities, diversifying primary production and a vibrant visitor economy.
Priority Outcomes	Our Roles
Our region is celebrated as a major contributor to the State's food production with a diverse range of agricultural, fishery and horticultural enterprises.	Collaborate with local industry to maximise economic returns by supporting and advocating research and development initiatives that have local relevance.

ATTACHMENTS

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

- Minute Extract of February 2021 Ordinary Meeting of Council (Doc Id: SODR-1262144384-10441)
- Request letter from applicant (Doc Id: SODR-1262144384-16181)

(Marked 9.3.2)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Clarke, seconded Cr Eyre

That Council:

1. pursuant to Clause 77(1)(a) of *Schedule 2: Deemed provisions for local planning schemes of the Planning and Development (Local Planning Schemes) Regulations 2015* grants a one-year extension to the development approval granted on 25 February 2021 for the animal husbandry intensive (cattle feedlot) at Lot 10331 Coalara Road, Boothendarra until the 25 February 2024; and
2. advises the applicant that the extension of time to the current development approval does not alter the other conditions of approval in relation to the development and that this decision relates specifically to the period of time upon which construction work must have substantially commenced as determined by the Shire of Dandaragan.

CARRIED 8 / 0

Cr McDonald re-entered the meeting at 4.09pm and the CEO advised of the decision.

9.3.3 PROPOSED OUTBUILDING – LOT 584 (NO.6) PARAKEET BEND, JURIE BAY

Location:	Lot 584 (No.6) Parakeet Bend, Jurie Bay
Applicant:	Nusteel Patios & Sheds Moora on behalf of D & D Fraser
File Ref:	Development Services / Applications / Development / 2022 / 145
Disclosure of Interest:	Nil
Date:	21 December 2022
Author:	Rory Mackay, Principal Planning & Building Officer
Senior Officer:	Louis Fouche, Executive Manager Development Services

PROPOSAL

The proponent is seeking development approval for an outbuilding with a reduced side setback at 6 Parakeet Bend, Jurie Bay.



Location Plan – Lot 584 (No.6) Parakeet Bend, Jurien Bay

BACKGROUND

The applicant is seeking development approval to construct a 61m² enclosed outbuilding with a wall height of 3.6m and a ridge height of 4.4m at the rear of the 710m² property. The outbuilding will be constructed with a steel frame clad in Colorbond steel sheeting to match the colour palette of the dwelling under construction by Country Builders WA. The outbuilding will be set back 1.5m from the rear boundary with a wall length of 6m, located 0.3m from the adjacent side boundary with a wall length of 10.2m. A four-bedroom, two-bathroom dwelling with a 35m² garage is nearing completion on the property.

An outbuilding is defined by the *Residential Design Codes (R-Codes)* (State Planning Policy 7.3) as:

An enclosed non-habitable structure that is detached from any dwelling.

The subject property is zoned Residential under the Shire's Local Planning Scheme No.7 with a density code of R12.5.

Council's *Local Planning Policy 9.4: Outbuildings Residential Areas* (Policy) outlines the following parameters for outbuildings:

	LPP9.4	Proposed
Area	71m ²	61m ²
Wall/gutter height	3.6m	3.6m
Ridge Height	4.5m	4.5m
Rear setback	1.5m	1.5m
Side setback	1.5m	0.3m

The applicant has sought the above side setback variation for increased ease of vehicle access to the outbuilding.

The development application was referred to the adjoining property owner for comment. This landowner raised concern with the reduced side setback as detailed in the consultation section. As a result, this application has been referred to Council for determination in accordance with the Delegation 9.1.2 (Town Planning – Other Use and Development).

COMMENT

Where a proposal does not meet the deemed-to-comply provisions of the Policy the decision maker is to consider the application against the design principles of the Policy (which is as per the R-Codes). The R-Codes design principles applicable for the proposed outbuilding are:

Lot boundary setback 5.1.3, P3.1

P3.1 Buildings set back from lot boundaries or adjacent buildings on the same lot so as to:

- *reduce impacts of building bulk on adjoining properties;*
- *provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and*
- *minimise the extent of overlooking and resultant loss of privacy on adjoining properties.*

Outbuildings 5.4.3, P3

Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.

The merits of the development application are stated below in relation to these (R-Codes) performance based design principles and the Policy:

- The proposed outbuilding will be located behind the existing dwelling, to the rear of the property, which is a design characteristic consistent throughout Jurien Bay.
- The reduced side setback in lieu of 1.5m meets the deemed-to-comply provision C2.1 solar access for adjoining site of the R-codes; 55m² of overshadowing of the 175m² allowed.
- The proposed position of the outbuilding allows efficient backyard driveway access.
- The proposed outbuilding will not result in ventilation, privacy or overlooking issues for adjoining properties.
- The proposed outbuilding is considered to be compatible with its setting in terms of building bulk, relative to the associated dwelling.
- The colour of the outbuilding will be complementary to the associated dwelling's design, to not detract from the streetscape or the amenity of neighbouring properties.
- A standard condition of development approval requires that stormwater be contained and controlled on the applicant's

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property. This will ensure that no gutters or downpipes / stormwater are located or run into adjoining properties.

- The proposed outbuilding will achieve the open space requirements of the R-Codes of 55% (390m²) of the property not occupied by any building.
- The proposed outbuilding will occupy only 61m² (9%) of the 710m² property.
- The proposed outbuilding is not oversized in either area or height.
- The adjoining property is vacant land which provides the landowner the ability to construct a residence to site characteristics in due course, noting the subject outbuilding is 10.2m in length in relation to a 35m long side boundary.

As the proposal is considered to meet the relevant R-Codes performance based design principles applicable for the proposed outbuilding as well as achieving orderly and proper planning, it is recommended that Council approve the subject development application, subject to conditions.

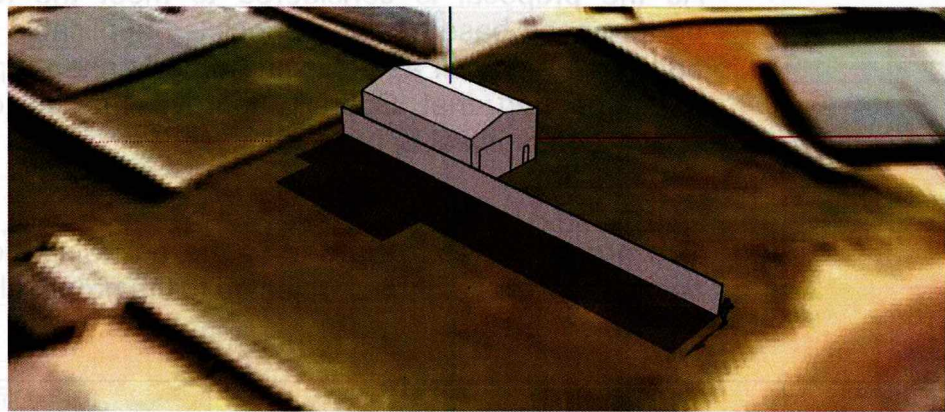
CONSULTATION

The proposal was forwarded to the adjoining side landowner for comment. This neighbour objected to the proposal as detailed in the following table.

Comments	Officer response
<p>1. After further thought and analysis, my final decision is that I do not accept their 30cm proposal for the following reasons. Upon imputing the dimensions of the shed, a hypothetical boundary fence (at 2m as per the average Perth fence heights) and a 30cm gap into a program called SketchUp, I was able to gain a picture of what the construction would look like - as below and attached. A height of 3.6m is quite imposing, and when the roof dimensions is added, its twice the height of the fence. Its higher than walls of my Perth house. Note, I was also able to add in a geo location, so the shading you can see is typical of 9.30am during winter. I intend to build my house as a L shape with the garage on the right side of the property (as stipulated in the building guidelines) which would lead into the patio and backyard area. So, my backyard sits in the right side of the property, which will be shielded from the Jurien Bay winds by the house. That's right next to the neighbours proposed shed.</p> <p>So here are my reasons for not accepting the proposal:</p> <p>2. An imposing 4m high structure looming over my backyard is not pleasant to the eye. Also, it does create extra shade in the winter months.</p> <p>3. It is 10m long, which basically lines up against over half of my backyard length.</p> <p>4. 30cm does not allow enough room for a person to walk down the side for any repairs (to building or fence), especially as its 10m long. If a fence had to be replaced due to weather damage, issues could be encountered if there was a ground height</p>	<p>1. Noted. Solar access for the R-codes is determined for midday on the winter solstice. The reduced side setback in lieu of 1.5m meets the deemed-to comply provision C2.1 solar access for adjoining site of the R-codes (i.e. 55m² of overshadowing of the 175m² allowed).</p> <p>2. The relevant building heights of the proposed outbuilding comply with the guiding local planning policy. (See table in Background section of the report). The proposed outbuilding is also considered to be compatible with its setting in terms of building bulk, relative to the associated dwelling.</p> <p>3. Noted. As per the above responses.</p> <p>4. The reduced setback may present some maintenance challenges for the subject landowner in the future, however a site visit has indicated that there is no significant ground level difference on the boundary between the two lots in question. No raised finished floor level above 100mm is proposed in this application either. The building will also be required to meet the relevant structural requirements of the National Construction Code when the Building Permit application is assessed.</p>

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| <p>difference between the two properties (perhaps causing the shed to slump downwards).</p> <p>5. I still don't see why they need a door at the front when just around the corner is another door. They could quite easily reduce the width of the structure.</p> <p>6. This is a massive building that resembles more of a factory unit than a suburban shed. I'm sure you wouldn't allow a house to be built 30cm from the fence boundary. I am not at all comfortable with the 30cm they are requesting. You can see on the maps you attached in the original email; they have whited out where they originally had placed the shed, which seems like they were abiding by the 1.5m rule in the beginning.</p> <p>7. Preferably, I don't want a shed of that size at all, but I guess that's out of my hands. However, I'm only prepared to allow 1.2m minimum.</p> | <p>5. The area of outbuilding is 10m² under the maximum outbuilding area contemplated under the guiding local planning policy for the subject property.</p> <p>6. As listed above, the proposed outbuilding is within size limits of the guiding Local Planning Policy and the reduced setback has been assessed as meeting the applicable design principles of the R-Codes.
The original proposal complied with the standard 1.5m setback and was later amended to the subject reduced setback of 0.3m.</p> <p>7. Noted.</p> |
|--|--|



Submitter's SketchUp image

STATUTORY ENVIRONMENT

- Planning and Development (Local Planning Schemes) Regulations 2015
 - Deemed provisions for local planning schemes
- Cl.67. Consideration of application by local government
- Local Planning Scheme No 7:
 - Clause 4.2 of the Scheme outlines *State Planning Policy 3.1 - Residential Design Codes* is to read as part of the Scheme.

POLICY IMPLICATIONS

Local Planning Policy 9.4 Outbuildings Residential Areas

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

ATTACHMENTS

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

- Site plan (Doc Id: SODR-1262144384-16205)

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- Elevation plan (Doc Id: SODR-1262144384-16222)
(Marked 9.3.3)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Eyre, seconded Cr Scharf

That Council grant development approval for an outbuilding at Lot 584 Parakeet Bend, Jurien Bay subject to following conditions and advice:

Conditions

1. All development shall be carried out only in accordance with the details of the application as approved herein and any approved plan. Subject to any modifications required as a consequence of any conditions of this approval the approved plans shall not be altered without the prior written approval of the Shire of Dandaragan.
2. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the Shire of Dandaragan.
3. The outbuilding is not to be used for human habitation, to the satisfaction of the Shire of Dandaragan.

Advice Notes

A. This is a development approval of the Shire of Dandaragan under its *Local Planning Scheme No.7* only. The applicant/landowner is advised that it is their responsibility to ensure that the proposed development complies with all other applicable legislation, local laws, licensing requirements and/or legal agreements that may relate to the development.

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 this determination.

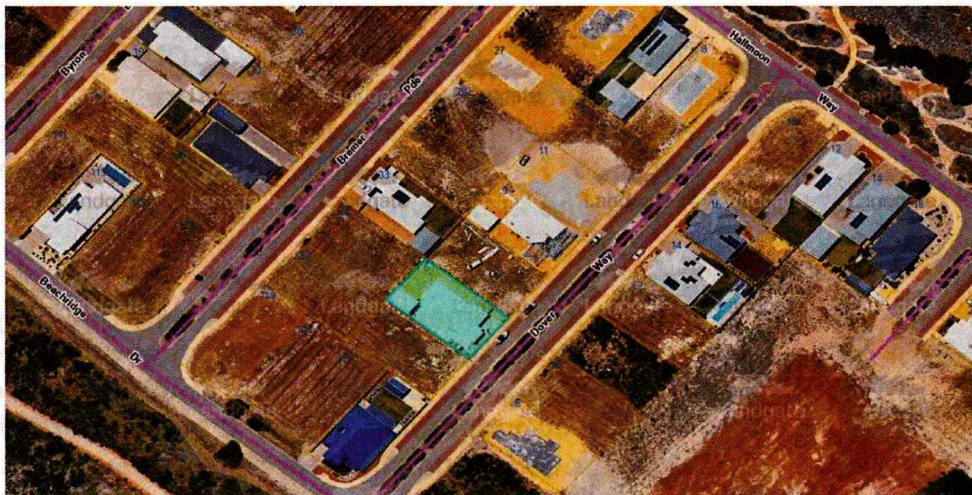
CARRIED 8 / 1

9.3.4 PROPOSED HOLIDAY HOUSE – LOT 1028 (NO.5) DOVER WAY, JURIE BAY

Location:	Lot 1028 (No.5) Dover Way, Jurien Bay
Applicant/Landowner:	TM Gomm
File Ref:	Development Services / Applications / Holiday House / 2022 / 131
Disclosure of Interest:	Nil
Date:	22 December 2022
Author:	Rory Mackay, Principal Planning & Building
Officer Senior Officer:	Louis Fouché, Executive Manager Development Services

PROPOSAL

The proponent is seeking development approval for the use of Lot 1028 (No.5) Dover Way, Jurien Bay as a commercial holiday house.



Location Pan – Lot 1028 (No.5) Dover Way, Jurien Bay

BACKGROUND

The proponent originally lodged a development application to seek approval to accommodate up to eleven guests for short stay bookings, not exceeding three consecutive months. The applicant subsequently revised their application to a guest capacity of eight (after advertising and assessment of the application), following officer advice that the application would be recommended for refusal.

Two submissions were received during the advertising of the application (both of which objected to the proposal) resulting in a Council determination being required for the application in accordance with Delegation 9.1.2 (Town Planning – Other Use and Development).

The subject property and surrounding area are zoned 'Special Development 1' with density coding of R20 under the Shire's *Local Planning Scheme No.7* (Scheme).

Local Planning Policy 9.12 Short-Term Rental Accommodation (Policy) has been adopted by Council to guide the assessment of holiday house development applications. The subject application for up to eight guests within a single dwelling is classified as a 'Holiday House' under the Policy. The Policy has the following objectives:

- To support the role of un-hosted short-term rental accommodation as part of the tourism industry.
- To provide for the safety of guests who may be less familiar with the dwelling and surrounding environment.
- To establish development standards for unhosted short-term rental accommodation to avoid off-site impacts and maintain the desired amenity of the Residential, Rural Residential and Regional Centre zones.

- *To encourage the provision of good quality, well managed unhosted short-term rental accommodation.*

There are currently no commercial holiday houses approved in close proximity to this proposal.

COMMENT

Dwellings provide places for people to shelter, to retreat, to eat and to gather. While temporary accommodation (such as a holiday house) may be said to also provide these, the intensity, and the manner of these two land uses is not the same. This is because in the context of a holiday house, the premises are not being occupied as a dwelling (permanent residence) but for tourist accommodation.

For example, it was noted in Hope and City of Joondalup [2007], that outdoor areas are routinely used more intensively and for longer hours in short stay accommodation than would often be the case for permanent residential use. Additionally, each time a booking begins, and ends, people enter and leave the premises; this regular movement of different people into and out of the premises has consequential amenity impacts on the surrounding locality.

'Amenity' is defined within the Deemed Provisions of LPS7 to mean:

All those factors which combine to form the character of an area and include the present and likely future amenity.

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

It is acknowledged that this tourist land use within an established residential area of Jurien Bay has the potential to adversely affect the amenity of nearby permanent residents. The objections received raised this concerned as detailed in the consultation section below.

The premises will be managed locally by Professionals Jurien Bayview Realty who currently manages more than thirty (30) commercial holiday houses in Jurien Bay with one incident reported to the Shire in the last two (2) years. This management arrangement provides a local point of call for neighbouring landowners / tenants surrounding the proposed holiday and complies with clause 7.5 Management Protocols of the Policy which requires holiday house property managers to reside or have their office 30 minutes driving distance from the premises and be contactable between 9am and 5pm Monday to Saturday (excluding public holidays) and 9am to 12pm on Sundays and public holidays.

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An assessment of the proposal against the deemed-to-comply criteria of the Policy is displayed in the following table.

Deemed-to-comply Provision	Proposed
<u>Utility Servicing</u> The premises is: <ol style="list-style-type: none"> 1. connected to reticulated water for the exclusive use of the premises; and 2. located within the Shire's kerbside refuse collection area; and 3. connected to reticulated sewerage, or there is an approved on-site effluent disposal system with adequate capacity for the proposed number of guests. 	<u>Compliance</u> Connected to reticulated water and sewerage; and has an active rubbish collection service.
<u>Vehicle Parking</u> The premises will have constructed on-site car parking bays, consistent with the size and manoeuvrability criteria set out in the Residential Design Codes of Western Australia, but with no more than any of two bays arranged one behind the other in accordance with the following rates: 9-12 guests = minimum of 4 bays	<u>Compliance</u> 5 front parking bays. On-street car parking is also available on Dover Way.
<u>Dwelling Design</u> <ol style="list-style-type: none"> 1. The premises is an existing, lawful dwelling. 2. There is 5.5m² per guest in each bedroom utilising beds. 3. Bedrooms in a premises are provided in accordance with the following rates: 8-12 guests = 4 bedrooms 4. Bathrooms and toilets are provided in accordance with the following rates: 7-12 guests = 1 or 2 bathrooms and 2 toilets 	<u>Compliance</u> <ul style="list-style-type: none"> ▪ Lawful 4 bedroom dwelling ▪ 3 bathrooms and 3 toilets ▪ 1st bedroom (2 guests, queen bed) – 12m² ▪ 2nd bedroom (2 guests, queen bed) – 11m² ▪ 3rd bedroom (2 guests, double bed) – 11m² ▪ 4th bedroom (2 guests, double bed) – 11m²
<u>Overcrowding</u> Each occupant over the age of 10 years has 14m ³ of airspace within a bedroom for sleeping purposes. Each occupant 10 years and under has 8m ³ of airspace within a bedroom for sleeping purposes.	<u>Compliance</u> <ul style="list-style-type: none"> ▪ 1st bedroom (2 guests, queen bed) – 32m³ ▪ 2nd bedroom (2 guests, queen bed) – 30m³ ▪ 3rd bedroom (2 guests, double bed) – 30m³ ▪ 4th bedroom (2 guests, double bed) – 30m³

Given the above, granting conditional development approval is recommended until 30 June 2023. On cessation of this period, any

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complaints received against the premises will be reviewed before renewal for another 12-month period is provided (if forthcoming).

CONSULTATION

The original application for eleven guests was advertised to immediate neighbouring landowners from 2 December 2022 until 22 December 2022. As detailed previously, two objections were received from surrounding landowners.

Comment	Officer Response
<p>I own property in South Yunderup and one of my good neighbours opened their house to commercial bed and breakfast facilities.</p> <p>Firstly, they were absolutely shocked by the behaviour of some of their guests and after a short period of six months they closed down their service.</p> <p>I absolutely oppose this application for a commercial holiday house.</p> <p>This area is a quality residential area and not a commercial area. We purchased the properties to enjoy the quiet ambience of the area and will not accept undesirable behaviour of short term holiday makers.</p>	<p>Noted.</p> <p>The subject landowner has made use of their rights afforded to them under <i>Local Planning Scheme No.7</i> to apply for a development application for a holiday house.</p> <p>The application must be assessed on its town planning merits including the Shire's Local Planning Framework. This assessment is provided in the body of the report.</p>
<p>We own the block of land at X and object to the Commercial Holiday House approval for the following reasons:</p> <ul style="list-style-type: none"> antisocial behaviour to neighbour's loud music, parties parking hazards 4. up to 11 people in a residential house is too many 5. shortage of long-term rentals in Jurien Bay 6. once you approve 1 commercial holiday home there will be lots more 7. elderly and retired people live in this neighbourhood 8. decrease in property values, if this approval proceeds we will be considering not building on our land. 	<ol style="list-style-type: none"> 1. A guest code of conduct which amongst other matters covers guest noise – 'noise should generally cease after 9pm Sunday through to Thursday and after midnight Friday and Saturday'. The property manager will be responsible for upholding the guest code of conduct as per a condition of development approval. Anti-social behaviour can also be reported to the Police after normal business hours. 2. See 1 above. 3. The proposed holiday house meets the deemed-to-comply policy provision for onsite car parking. 4. The applicant has subsequently revised the guest capacity to a new limit of eight guests. 5. Noted. The application needs to be considered on its town planning merits as noted in the response to the first submission above. 6. Any residential landowner in the Shire may make a development application for use of their dwelling for short stay accommodation purposes. 7. Noted.

	8. There is no evidence provided that the property values have decreased in the locality as the result of commercial holiday houses being permitted by the Shire.
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STATUTORY ENVIRONMENT

- Deemed Provisions for local planning schemes
 - 67. Consideration of application by local government
 - (2) *In considering an application for development approval (other than an application on which approval cannot be granted under subclause (1)), the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application*—
 - (a) *the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
 - (b) *the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*
 - ...
 - (g) *any local planning policy for the Scheme area;*
 - ...
 - (n) *the amenity of the locality including the following —*
 - (i) *environmental impacts of the development;*
 - (ii) *the character of the locality;*
 - (iii) *social impacts of the development;*
 - ...
 - (y) *any submissions received on the application;*
- Local Planning Scheme No.7 – as outlined.
- Health Local Laws 2005:
 - Overcrowding
 - 3.2.2 *The owner or occupier of a house shall not permit—*
 - a) *a room in the house that is not a habitable room to be used for sleeping purposes; or*
 - b) *a habitable room in the house to be used for sleeping purposes unless—*
 - (i) *for every person over the age of 10 years using the room there is at least 14 cubic metres of air space per person; and*
 - (ii) *for every person between the ages of 1 and 10 years there is at least 8 cubic metres of air space per person; or*
 - c) *any garage or shed to be used for sleeping purposes.*

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Strategic Community Plan – Envision 2029

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

ATTACHMENTS

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

- Holiday house management documents (Doc Id: SODR-1262144384-16364)
- Floor plan (Doc Id: SODR-1262144384-16225)

(Marked 9.3.4)

VOTING REQUIREMENT

Simple majority.

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Scharf, seconded Cr Eyre

That Council approve the development application for the proposed Holiday House at Lot 1028 (No.5) Dover Way, Jurien Bay, subject to following conditions and advice:

Conditions

1. All development shall be carried out only in accordance with the details of the application as approved herein and any approved plan. Subject to any modifications required as a consequence of any conditions of this approval the approved plans shall not be altered without the prior written approval of the Shire of Dandaragan.
2. The Holiday House must not cause nuisance or degrade the amenity of the neighbourhood in any way, including by reason of the emission of noise, light, odour, fumes, smoke, vapour or other pollutant, or impact on public safety or otherwise, to the satisfaction of the Shire of Dandaragan.
3. The total number of people to be accommodated in the Holiday House shall not exceed eight (8) guests at all times.

4. The Holiday House shall be operated be in accordance with the 'Code of Conduct', and the 'Fire and Emergency Plan' submitted with the subject development application date stamped 17 January 2023.
5. The listed 'Property Manager' shall undertake the duties listed on the 'Property Management Plan' submitted with the subject development application date stamped 17 January 2023.
6. All vehicle parking must be confined to the Holiday House premises and the constructed on-street parking areas in the immediate proximity of the application site.
7. A sign up to 0.2m² in area listing the approved property manager's contact details is to be erected / placed on a frontage wall, fence, or entry statement to the premises to the satisfaction of the Shire of Dandaragan prior to the commencement of the development.
8. This development approval is valid until the 30 June 2023. The Holiday House land use should cease before or on this date unless otherwise approved in writing by the Shire of Dandaragan.

Advice Notes

- A. This is a development approval of the Shire of Dandaragan under its *Local Planning Scheme No.7*. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/landowner to obtain any other necessary approvals, consents, permits, and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
- B. In relation to condition 6, parking is not permitted on road verges, footpaths, vacant lots etc. in order not to adversely affect the amenity of the locality.
- C. Development approval does not affect the existing and future use of the premises as a Single House.
- D. Under the *Shire of Dandaragan Health Local Laws 2005* each guest of a holiday house ten years and older requires fourteen cubic metres of airspace to sleep.
- E. If the applicant/landowner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. An application must be submitted within 28 days of the determination.

CARRIED 9 / 0

9.3.5 PROPOSED TELECOMMUNICATIONS INFRASTRUCTURE - LOT 3 (NO.12051) BRAND HIGHWAY, COOLJARLOO

Location:	Lot 3 (#12051) Brand Highway, Cooljarloo
Applicant:	Australia Tower Network Pty Ltd
Landowner:	Tronox Management Pty Ltd
File Path:	Development Services / Applications / Development / 2022 / 143
Disclosure of Interest:	Nil
Date:	10 January 2023
Author:	Rory Mackay, Principal Planning & Building Officer
Senior Officer:	Louis Fouche, Executive Manager Development Services

PROPOSAL

To consider a development application for the construction of a telecommunications tower and associated infrastructure on Lot 3 (No. 12051) Brand Highway, Cooljarloo (Tronox mine site). A determination whether the proposed land use of 'telecommunications infrastructure' is consistent with the objectives of the 'Rural' zone, is required in the first instance.



Location Plan - Lot 3 (No. 12051) Brand Highway, Cooljarloo

BACKGROUND

The proponent, Australia Tower Network (ATN) is working in partnership with Optus Mobile (Optus). Optus has engaged ATN to acquire and deploy new mobile telecommunications base station sites around Australia to help facilitate the ongoing expansion of the Optus mobile network, including the subject proposal.

Optus have determined that the current level of service is inadequate and improved mobile telephone and mobile broadband internet coverage is required within the Cooljarloo and Cataby localities.

Optus will be the anchor tenant at the proposed ATN facility; however, the facility will be available to other Australia's mobile

carriers, government agencies and other wireless service providers via co-location.

The subject property is zoned Rural under the Shire of Dandaragan Local Planning Scheme No.7 (Scheme). The property forms part of Tronox's mineral sands mining operation in the Cooljarloo locality.

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

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

COMMENT

With reference to the use-not-listed provisions of the Scheme, it is recommended that Council first determine that the use is compatible with the Rural zoning and secondly, grant development approval for the proposed telecommunication infrastructure for the following reasoning. The development:

- is not expected to have an adverse impact on visual amenity of the locality or be clearly observed from the Brand Highway which is 1km away;
- will provide a needed public benefit of enhanced mobile phone and mobile broadband internet services to the Cooljarloo locality and the Brand Highway major thoroughfare in accordance with Shire strategy; and
- requires no vegetation clearing or obstruction to the established mining land use as the chosen site is adjacent mine site offices within an existing car park.

CONSULTATION

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

STATUTORY ENVIRONMENT

Local Planning Scheme No. 7

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

As this proposed land use class is not listed within the Zoning Table of the Scheme, the use-not-listed provisions of the Scheme apply:
 3.4.2. *If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably*

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be determined as falling within the type, class or genus of activity of any other use category the local government may —

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

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Application fee received.

STRATEGIC IMPLICATIONS

- Local Planning Strategy 2020

Actions Utility Infrastructure – Telecommunications:

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

- 2021-2029 Strategic Community Plan – Envision

02 - Prosperity	The region will experience economic and population growth with increasing economic opportunities, diversifying primary production and a vibrant visitor economy.
Priority Outcomes	Our Roles
Our region is celebrated as a major contributor to the State's food production with a diverse range of agricultural, fishery and horticultural enterprises.	Advocate and facilitate the reduction in economic barriers such as access to water, electricity, logistics infrastructure and telecommunications.

ATTACHMENTS

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

- Development application report 5/22 (Doc Id: SODR-1262144384-16138)
 - Development plans (Doc Id: SODR-1262144384-16139)
- (Marked 9.3.5)**

VOTING REQUIREMENT

Simple Majority.

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Shanhun, seconded Cr Eyre

That Council:

- A. determine that the proposed land use of 'telecommunications infrastructure' is consistent with the objectives of the 'Rural' zone and is therefore permitted in accordance with clause 3.4.2 a) of the *Shire of Dandaragan Local Planning Scheme No.7*; and
- B. grant development approval for telecommunications infrastructure upon Lot 3 Brand Highway, Cooljarloo subject to following condition and advice:

Condition

- 1. All development shall be carried out only in accordance with the details of the application as approved herein and any approved plan. Subject to any modifications required as a consequence of any conditions of this approval the approved plans shall not be altered without the prior written approval of the Shire of Dandaragan.
- 2. Prior to lodging an application for a building permit, a plant pathogens and weeds management plan for the subject site must be submitted to, and approved to, and thereafter implemented to, the satisfaction of the Shire of Dandaragan.

Advice

- A. This is a development approval of the Shire of Dandaragan for 'Telecommunications Infrastructure' under its *Local Planning Scheme No.7* only. The applicant/landowner is advised that it is their responsibility to ensure that the proposed development complies with all other applicable legislation, Australian standards, local laws, licensing requirements and/or legal agreements that may relate to the development.
- 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.

CARRIED 9 / 0

9.4 GOVERNANCE & ADMINISTRATION

9.4.1 REPRESENTATION REVIEW SUBMISSION

Location:	Shire of Dandaragan
Applicant:	Not Applicable
Folder Path:	Office of the CEO / Governance / Boundaries and Amalgamations / Electoral
Disclosure of Interest:	Nil
Date:	17 January 2023
Author:	Brent Bailey, Chief Executive Officer
Senior Officer:	Not Applicable

PROPOSAL

The purpose of this report is for Council to consider its preferred option for enacting the reduction in Councillor numbers which has been mandated by the Minister for Local Government's local government reform process.

BACKGROUND

In July 2022, the Minister for Local Government announced a final package of local government reforms. These included:

- The introduction of preferential voting;
- Directly elected Mayors and Presidents for band 1 and 2 local governments;
- Councillor numbers based on population; and
- Removal of wards for band 3 and 4 local governments.

The Minister has advised that the Bill to amend the Local Government Act 1995 is likely to be introduced to Parliament in early 2023. The Minister has provided the Shire of Dandaragan with the option of a voluntary pathway or a default action and in October 2022, Council elected to take the voluntary pathway.

Following this decision, the attached discussion paper has been distributed within the community to undertake public consultation, outlining a number of different options for the reduction in Councillor numbers. There was 1 submission received which are provided within the attachments.

COMMENT

The following timeline demonstrates how the voluntary pathway has progressed.

Process	Timeframe	Status
Council resolves to undertake the voluntary pathway via a ward and representation review.	27 th October 2022	Complete
Council formally advise the DLGSC of Council's decisions.	28 th October 2022	Complete
A comprehensive discussion paper is developed and adopted by Council at a Special Council Meeting in November.	14 th November 2022	Complete
Council advertises that it is conducting a review and the associated public	15 th November 2022	Complete

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submission period opens (minimum 6 weeks) and the discussion paper is made available to the community for consideration, and public submissions are invited on the matter.		
Public submission period closes.	16 th January 2023	Complete
Assessment of all submissions are considered against the relevant factors to be considered, and a draft report is prepared for Council decision.	17 th January 2023	Complete
A report is presented to Council on the outcome of the public submissions and the proposed changes. Council resolves to adopt a preferred option for submitting to the Advisory Board.	25 th January 2023	Pending
The preferred option is submitted to the Advisory Board via the formal report, for the Board's consideration and recommendation.	27 th January 2023	Pending
The Advisory Board considers the Council's review report, and a recommendation is submitted to the Minister, which can either be accepted or rejected.	February to June 2023	Pending
If accepted gazettal occurs and changes are in effect for the October 2023 election.	June 2023	Pending

Council is now required to determine its future Councillor numbers and phase in preferences to meet the proposed statutory requirements of the State Government in time for the October 2023 local government elections. The table below provides a summary of the options which were presented in the discussion paper released for public consultation.

Options resulting in 7 Elected Members	
Option 1	Reduce the number of elected members to seven (7) at the 2023 election (3 vacant Councillor positions will be contested).
Option 2	Reduce the number of elected members to seven (7) at the 2023 election with all Council positions to be declared vacant.
Option 3	Reduce the number of elected members to eight (8) at the 2023 election and seven (7) at the 2025 election.
Options resulting in 6 Elected Members	
Option 4	Reduce the number of elected members to six (6) at the 2023 election (2 vacant Councillor positions will be contested).
Option 5	Reduce the number of elected members to six (6) at the 2023 election with all Council positions to be declared vacant.

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Option 6	Reduce the number of elected members to seven (7) at the 2023 election and six (6) at the 2025 election.
Option 7	Reduce the number of elected members to eight (8) at the 2023 election and six (6) at the 2025 election.
Options resulting in 5 Elected Members	
Option 8	Reduce the number of elected members to five (5) at the 2023 election (1 vacant Councillor position will be contested).
Option 9	Reduce the number of elected members to five (5) at the 2023 election with all Council positions to be declared vacant.
Option 10	Reduce the number of elected members to seven (7) at the 2023 election and five (5) at the 2025 election.
Option 11	Reduce the number of elected members to six (6) at the 2023 election and five (5) at the 2025 election.

While there has not been a significant response from the public consultation process, the retention of the greater number of Councillors has been a common theme in formal submissions, Council's original local government reform submission to the Minister and informal comments on the topic.

The officer's recommendation supports Option 3 with the changes phased in over the next two election cycles while retaining the maximum number of elected members. In implementing this change, at each of these elections there would be a reduction in the number of available vacancies if the proposal is supported by the Local Government Advisory Board and the Minister.

CONSULTATION

Public consultation has been undertaken as detailed above.

STATUTORY ENVIRONMENT

Local Government Act 1995

Schedule 2.2 — Provisions about names, wards and representation

1. Terms used

*In this Schedule, unless the contrary intention appears —
affected electors, in relation to a submission, means electors whose eligibility as electors comes from residence, or ownership or occupation of property, in the area directly affected by the submission;*

review means a review required by clause 4(4) or 6 or authorised by clause 5(a);

submission means a submission under clause 3 that an order be made to do any or all of the things referred to in section 2.2(1), 2.3(3) or 2.18(3).

2. Advisory Board to make recommendations relating to new district

- (1) *When a local government is newly established, the Advisory Board —*
 - (a) *at the direction of the Minister; or*
 - (b) *after receiving a report made by a commissioner appointed under section 2.6(4) after carrying out a review, is, in a written report to the Minister, to recommend the making of an order to do all or any of the things referred to in section 2.2(1)(a), 2.3(2) or 2.18(1).*
- (2) *In making its recommendations under subclause (1) the Advisory Board is to take into account the matters referred to in clause 8(c) to (g) so far as they are applicable.*
3. *Who may make submissions about ward changes etc.*
 - (1) *A submission may be made to a local government by affected electors who —*
 - (a) *are at least 250 in number; or*
 - (b) *are at least 10% of the total number of affected electors.*
 - (2) *A submission is to comply with any regulations about the making of submissions.*
4. *Dealing with submissions*
 - (1) *The local government is to consider any submission made under clause 3.*
 - (2) *If, in the council's opinion, a submission is —*
 - (a) *one of a minor nature; and*
 - (b) *not one about which public submissions need be invited, the local government may either propose* to the Advisory Board that the submission be rejected or deal with it under clause 5(b).*

** Absolute majority required.*
 - (3) *If, in the council's opinion —*
 - (a) *a submission is substantially similar in effect to a submission about which the local government has made a decision (whether an approval or otherwise) within the period of 2 years immediately before the submission is made; or*
 - (b) *the majority of effected electors who made the submission no longer support the submission, the local government may reject the submission.*
 - (4) *Unless, under subclause (2) or (3), the local government rejects, or proposes to reject, the submission or decides to deal with it under clause 5(b), the local government is to carry out a review of whether or not the order sought should, in the council's opinion, be made.*

[Clause 4 amended: No. 49 of 2004 s. 68(2) (4).]
5. *Local government may propose ward changes or make minor proposals*
A local government may, whether or not it has received a submission —

- (a) carry out a review of whether or not an order under section 2.2, 2.3(3) or 2.18 should, in the council's opinion, be made; or
- (b) propose* to the Advisory Board the making of an order under section 2.2(1), 2.3(3) or 2.18(3) if, in the opinion of the council, the proposal is —
 - (i) one of a minor nature; and
 - (ii) not one about which public submissions need be invited;
 or
- (c) propose* to the Minister the making of an order changing the name of the district or a ward.

* Absolute majority required.

6. Local government with wards to review periodically

- (1) A local government the district of which is divided into wards is to carry out reviews of —
 - (a) its ward boundaries; and
 - (b) the number of offices of councillor for each ward, from time to time so that not more than 8 years elapse between successive reviews.
- (2) A local government the district of which is not divided into wards may carry out reviews as to —
 - (a) whether or not the district should be divided into wards; and
 - (b) if so —
 - (i) what the ward boundaries should be; and
 - (ii) the number of offices of councillor there should be for each ward, from time to time so that not more than 8 years elapse between successive reviews.
- (3) A local government is to carry out a review described in subclause (1) or (2) at any time if the Advisory Board requires the local government in writing to do so.

7. Reviews

- (1) Before carrying out a review a local government has to give local public notice advising —
 - (a) that the review is to be carried out; and
 - (b) that submissions may be made to the local government before a day fixed by the notice, being a day that is not less than 6 weeks after the notice is first given.
- (2) In carrying out the review the local government is to consider submissions made to it before the day fixed by the notice.

8. Matters to be considered in respect of wards

Before a local government proposes that an order be made —

- (a) to do any of the matters in section 2.2(1), other than discontinuing a ward system; or
- (b) to specify or change the number of offices of councillor for a ward, or proposes under clause 4(2) that a submission be rejected, its council is to have regard, where applicable, to —
- (c) community of interests; and

- (d) *physical and topographic features; and*
- (e) *demographic trends; and*
- (f) *economic factors; and*
- (g) *the ratio of councillors to electors in the various wards.*

9. Proposal by local government

On completing a review, the local government is to make a report in writing to the Advisory Board and may propose to the Board the making of any order under section 2.2(1), 2.3(3) or 2.18(3) it thinks fit.*

** Absolute majority required.*

10. Recommendation by Advisory Board

(1) *Where under clause 5(b) a local government proposes to the Advisory Board the making of an order under section 2.2(1), 2.3(3) or 2.18(3), and the Board is of the opinion that the proposal is —*

- (a) *one of a minor nature; and*
- (b) *not one about which public submissions need be invited, the Board, in a written report to the Minister, is to recommend the making of the order but otherwise is to inform the local government accordingly and the local government is to carry out a review.*

(2) *Where under clause 9 a local government proposes to the Advisory Board the making of an order of a kind referred to in clause 8 that, in the Board's opinion, correctly takes into account the matters referred to in clause 8(c) to (g), the Board, in a written report to the Minister, is to recommend the making of the order.*

(3) *Where a local government proposes to the Advisory Board the making of an order of a kind referred to in clause 8, or that a submission under clause 4(2) be rejected, that, in the Board's opinion, does not correctly take into account the matters referred to in that clause —*

- (a) *the Board may inform the local government accordingly and notify the local government that a proposal that does correctly take those matters into account is to be made within such time as is set out in the notice; and*
- (b) *if the local government does not make a proposal as required by a notice under paragraph (a), the Board may, in a written report to the Minister, recommend* the making of any order under section 2.2(1), 2.3(3) or 2.18(3) it thinks fit that would correctly take into account those matters.*

** Absolute majority required.*

(4) *Where a local government fails to carry out a review as required by clause 6, the Advisory Board, in a written report to the Minister, may recommend* the making of any order under section 2.2(1), 2.3(3) or 2.18(3) it thinks fit that would correctly take into account the matters referred to in clause 8.*

** Absolute majority required.*

11. Inquiry by Advisory Board

- (1) For the purposes of deciding on the recommendation, if any, it is to make under clause 10(3)(b) or (4), the Advisory Board may carry out any inquiry it thinks necessary.*
- (2) The Advisory Board may recover the amount of the costs connected with an inquiry under subclause (1) from the local government concerned as if it were for a debt due.*

12. Minister may accept or reject recommendation

- (1) The Minister may accept or reject a recommendation of the Advisory Board made under clause 10.*
- (2) If the recommendation is accepted the Minister can make a recommendation to the Governor for the making of the appropriate order.*

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

A reduction in Councillor representation numbers will reduce budgetary provisions for elected member expenses and allowances by approximately \$45,000.

Counteracting these potential savings, future budget decisions could potentially determine that increasing Councillor representation workloads should be compensated with adjustments to fees and allowances.

Optional Preferential Voting will also incur additional costs arising from the counting of votes as it is a more labour intensive process. It is likely that savings generated from the reduction in the number of Councillors will be reduced by the increased costs of the Western Australian Electoral Commission conducting a more complex electoral process. The final true financial implications will be able to be quantified at the October 2023 Council election.

STRATEGIC IMPLICATIONS

Community Strategic 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 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 an industry leading local government organisation promoting community confidence and support in our decision-making process

MINUTES OF ORDINARY COUNCIL MEETING HELD WEDNESDAY 25 JANUARY 2023

ATTACHMENTS

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

- Local Government Reform – Review of Wards and Representation Discussion Paper 2022 (Doc Id: SODR-878193511-2848)
- Public Submissions (Doc Id: SODR-878193511-2876)

VOTING REQUIREMENT

Absolute Majority

OFFICERS RECOMMENDATION

That Council authorises the Chief Executive Officer to report to the Local Government Advisory Board that the proposal of the Shire of Dandaragan is to reduce the number of elected members at the Shire of Dandaragan to eight (8) at the 2023 election and seven (7) at the 2025 election.

COUNCIL DECISION

Moved Cr Shanhun, seconded Cr Scharf

That Council authorises the Chief Executive Officer to report to the Local Government Advisory Board that the proposal of the Shire of Dandaragan is to reduce the number of elected members to seven (7) at the 2023 election (3 vacant Councillor positions will be contested).

CARRIED BY ABSOLUTE MAJORITY 5 / 4

Note: Reason for the variations from Officer's Recommendation

Council's preference was to introduce the changes to elected member numbers in one election cycle.

9.5 COUNCILLOR INFORMATION BULLETIN

9.5.1 SHIRE OF DANDARAGAN – DECEMBER COUNCIL STATUS REPORT

Document ID: [SODR-1739978813-6076]

Attached to the agenda is a copy of the Shire's status report from the Council Meeting held 15 December 2022. **(Marked 9.5.1)**

9.5.2 SHIRE OF DANDARAGAN – BUILDING STATISTICS – DECEMBER 2022

Document ID: [SODR-2045798944-4161]

Attached to the agenda is a copy of the Shire of Dandaragan Building Statistics for December 2022. **(Marked 9.5.2)**

9.5.3 SHIRE OF DANDARAGAN – PLANNING STATISTICS – DECEMBER 2022

Document ID: [SODR-2045798944-4160]

MINUTES OF ORDINARY COUNCIL MEETING HELD WEDNESDAY 25 JANUARY 2023

Attached to the agenda is a copy of the Shire of Dandaragan Planning Statistics for December 2022. **(Marked 9.5.3)**

9.5.4 SHIRE OF DANDARAGAN TOURISM / LIBRARY / COMMUNITY ACTIVITIES REPORT FOR DECEMBER 2022

Document ID: [SODR-1876983588-1214]

Attached to the agenda is monthly report for Tourism / Library for December 2022. **(Marked 9.5.4)**

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

Nil

11 CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE PUBLIC

Nil

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

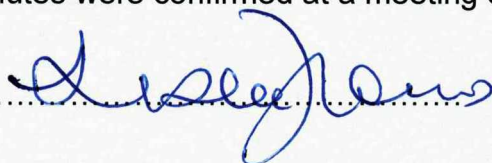
Nil

13 CLOSURE OF MEETING

The presiding member declared the meeting closed at 4.18pm.

These minutes were confirmed at a meeting on 23 February 2023

Signed



Presiding person at the meeting at which the minutes were confirmed

Date

23 February 2023