



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

**MINUTES**  
  
**of the**  
  
**ORDINARY COUNCIL MEETING - PUBLIC**  
  
**held at the**  
  
**JURIEN BAY COUNCIL CHAMBERS,**  
  
**on**  
  
**THURSDAY 27 JULY 2023**  
  
**COMMENCING AT 4.00PM**

*(THIS DOCUMENT IS AVAILABLE IN LARGER PRINT ON REQUEST)*

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## MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 JULY 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 not read aloud as there were no 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)
Mrs J Rouse	(Coordinator Infrastructure Services)
Mr L Fouché	(Executive Manager Development Services)
Mrs N Winsloe	(Executive Secretary)
Mr R Mackay	(Principal Building & Planning Officer)
Ms R Sutton	(Manager Customer & Community Services)
Ms K Jones	(Community Development officer)

#### Apologies

Nil

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 JULY 2023****Approved Leave of Absence**

Nil

**Observers**

Nil

**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 THURSDAY 22 JUNE 2023****COUNCIL DECISION**

Moved Cr Eyre, seconded Cr Shanhun

That the minutes of the Ordinary Meeting of Council held Thursday 22 June 2023 be confirmed.

CARRIED 9 / 0

**6.2 MINUTES OF THE SPECIAL COUNCIL MEETING HELD THURSDAY 17 JULY 2023****COUNCIL DECISION**

Moved Cr Gibson, seconded Cr Eyre

That the minutes of the Special Meeting of Council held Thursday 17 July 2023 be confirmed.

CARRIED 9 / 0

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

Nil

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 JULY 2023
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## 8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

## 9 REPORTS OF COMMITTEES AND OFFICERS

### 9.1 CORPORATE & COMMUNITY SERVICES

*Cr McDonald declared an Impartiality interest in Item 9.1.1 due to being a member of the Jurien Bay Football Club*

#### 9.1.1 REVIEW OF TRONOX GRANT APPLICATIONS 2023 / 2024

Location:	N/A
Applicant:	Shire of Dandaragan
Folder Path:	SODR-437506902-9455
Disclosure of Interest:	Nil
Date:	10 July 2023
Author:	Kayla Jones, Community Development Officer
Senior Officer:	Rhiarn, Manager Customer and Community Services

#### PROPOSAL

The purpose of this report is to consider the allocation of funds for the Tronox Management and Shire of Dandaragan Sporting and Recreation Facilities Fund for the 2023 / 2024 financial year.

#### BACKGROUND

The purpose of this item is to allocate a sum of money each year for “assisting local sporting clubs and community organisations to provide or improve sporting and recreational facilities and to purchase or improve items of durable equipment”. The funds are allocated by a committee, made up of two representatives from each town within the Shire of Dandaragan, a Tronox Management representative, Shire President (or Council representative), with support from the Shire’s community development staff.

Council has allocated an amount of \$15,000 in the 2023 / 2024 annual municipal budget for the Sporting and Recreation Facilities Fund, and Tronox has once again contributed to match the funding.

#### COMMENT

As indicated in the minutes of the Grant Committee meeting held 21 June 2023, this year 10 applications were submitted by sporting clubs and community organisations. The sum of all requests was \$42,737.32

The Committee recommended funding the following list of projects:

Organisation	Project Description	Project Cost (\$)	Grant (\$)
Badgingarra Community Association	Badgingarra Community Centre heating and cooling	13,676.00	6,838.00
Cervantes Historical Society Inc	Museum Cataloguing	450.00	225.00

## MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 JULY 2023

Dandaragan Community Recreation Club	Replacement of main lounge, ceiling and fan	30,000.00	10,000.00
Dandaragan Bowling Club Inc	Support handrail poles ad weather station support column	900.64	450.32
Dandaragan Saints Football Club	Dandaragan Football Club IT upgrade project	898.00	449.00
Jurien Bay Football Club	Picnic tables on verandah	9,630.00	1500.00
Jurien Bay Bowling Club	Re-upholster and repair chairs	2,750.00	1,375.00
Jurien Sport & Recreation Centre	Airius Ceiling Fans - Stadium	29,643.35	9,162.68
<b>Total</b>		<b>\$87,947.99</b>	<b>\$30,000</b>

### CONSULTATION

- Badgingarra Community Association
- Cervantes Ratepayers and Progress Association
- Advance Dandaragan
- Jurien Bay Progress Association
- Tronox Management

### STATUTORY ENVIRONMENT

There are no statutory environment implications associated with this item.

### POLICY IMPLICATIONS

Shire of Dandaragan Policy 6.1 C-6SRF01 – Sport and Recreation Funding

### FINANCIAL IMPLICATIONS

Council has made provision in the budget for \$30,000 expenditure. \$15,000 has been allocated from the Shire's municipal funds, with a matching contribution of \$15,000 from Tronox Management, totalling an allocation amount for 2023/2024 of \$30,000.

### 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.
<b>Priority Outcome</b>	<b>Our role</b>
A Shire built on the strengths of community spirit and resilient, connected communities	Recognise and support the value of our community volunteers and provide meaningful opportunities to contribute to Shire projects and improving local living.

### ATTACHMENTS

## MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 JULY 2023

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

- Minutes of the Tronox Shire of Dandaragan Grant Committee meeting on 21 June 2023 (SODR-437506902-10493)
- Tronox & Shire of Dandaragan Sporting and Recreation Facilities Fund Assessment Criteria (SODR-437506902-10478)  
**(Marked 9.1.1)**

### VOTING REQUIREMENT

Simple Majority

### OFFICER RECOMMENDATION / COUNCIL DECISION

**Moved Cr Shanhun, Seconded Cr Clarke**

**That Council:**

- 1. Receive the minutes from the Tronox Shire of Dandaragan Grant Committee meeting from 21 June 2023.**
- 2. Approve the following grant applications for the Sporting and Recreation Facilities Fund for the 2023/2024 financial year, as recommended at the committee meeting on 21 June 2023:**

Organisation	Project Description	Project Cost (\$)	Grant (\$)
Badgingarra Community Association	Badgingarra Community Centre heating and cooling	13,676.00	6,838.00
Cervantes Historical Society Inc	Museum Cataloguing	450.00	225.00
Dandaragan Community Recreation Club	Replacement of main lounge, ceiling and fan	30,000.00	10,000.00
Dandaragan Bowling Club Inc	Support handrail poles and weather station support column	900.64	450.32
Dandaragan Saints Football Club	Dandaragan Football Club IT upgrade project	898.00	449.00
Jurien Bay Football Club	Picnic tables on verandah	9,630.00	1500.00
Jurien Bay Bowling Club	Re-upholster and repair chairs	2,750.00	1,375.00
Jurien Sport & Recreation Centre	Airius Ceiling Fans - Stadium	29,643.35	9,162.68
<b>Total</b>		<b>\$87,947.99</b>	<b>\$30,000</b>

- 3. Support the Committee's recommendation not to approve the following grant applications for the Sporting and Recreation Facilities Fund for the 2023 / 2024 financial, as determined at the committee meeting held on 21 June 2023.**

Organisation	Project Description	Project Cost (\$)	Grant (\$)
Cervantes Horse Club	Greener, Safer, Stronger	3,300.00	1,650.00



<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 JULY 2023</b>
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Jurien Sport & Recreation Centre	BBQ area redevelopment – Stage 1 – Shade Structure	30,210.71	2,429.00
Total		\$33,510.71	\$4,079.00

**CARRIED 9 / 0**

## **9.1.2 REVIEW OF ENVIRONMENTAL GRANT APPLICATIONS 2023/24**

Location:	N/A
Applicant:	Shire of Dandaragan
Folder Path:	SODR-437506902-10194
Disclosure of Interest:	Nil
Date:	14 July 2023
Author:	Rhiarn Sutton, Manager Customer & Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

### **PROPOSAL**

The purpose of this report is to authorise the allocation of funds for the Shire of Dandaragan Environmental Grant for 2023 / 2024.

### **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.

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.

This will be the fifth year of the Shire of Dandaragan Environmental Grant Program. The assistance provided by the Shire is to support environmental projects and is not intended to be the sole source of funding.

Local organisations and groups were encouraged to apply for up to \$10,000 for projects on public or private land. Applicants were able to apply for a funding commitment over multiple years where they could demonstrate a compelling need, such as the commitment from Council being an essential requirement to access other

## MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 JULY 2023

external funding, or projects that would require an action over a number of years to see significant outcomes.

### COMMENT

This year the funding pool is \$20,000. The Grants Program received one application with a total funding request of \$10,000:

ORGANISATION	PROJECT DESCRIPTION	GRANT REQUEST
Christine Smith	The Farmer Gardener: Pathways to Regeneration	\$10,000
	<b>TOTAL</b>	<b>\$10,000.00</b>

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.

A review of the applications was undertaken:

PROJECT	BENEFITS / ISSUES	RECOMMENDATIONS
The Farmer Gardener: Pathways to Regeneration	<ul style="list-style-type: none"> <li>▪ Continuation of the EarthWhile Australia project Healthy Farming Pathways</li> <li>▪ Strong community education component</li> <li>▪ Aligns with Shire of Dandaragan Envision 2029 Strategic Community Plan environmental aspirations.</li> <li>▪ Provides partnership with local community groups.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Recommend for funding.</li> <li>▪ Provide completed project report to Council / Shire</li> <li>▪ Project coordinator to provide project plan (breakdown) for promotion and display purposes on Shire website.</li> </ul>

With \$20,000 available in this round, it is recommended that "The Farmer Gardener: Pathways to Regeneration" project be funded to the value of \$10,000.

### CONSULTATION

Nil

### STATUTORY ENVIRONMENT

There are no statutory implications relevant to this item.

### POLICY IMPLICATIONS

There is no current policy associated with this proposal.

### FINANCIAL IMPLICATIONS

A suitable funding source is already contained within Council's 2023/2024 budget.

### STRATEGIC IMPLICATIONS

Shire of Dandaragan Strategic Community Plan - Envision 2029

## MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 JULY 2023

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.
<b>Priority Outcomes</b>	<b>Our Role</b>
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, roads and bushland.

### ATTACHMENTS

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

- Shire of Dandaragan Environmental Grants Program Application/ Guidelines 2023-24 (Doc Id: SODR-437506902-10202)
- Application for Environmental Grant: The Farmer Gardener: Pathway to Regeneration (Doc Id: SODR-437506902-10418, SODR-437506902-10561 & SODR-437506902-10562)  
(**Marked 9.1.2**)

### VOTING REQUIREMENT

Simple Majority

### OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Eyre, Seconded Cr Glasfurd

**That Council:**

**1. Fully fund the following 2023 / 2024 grant application:**

ORGANISATION	PROJECT DESCRIPTION	GRANT
Christine Smith	The Farmer Gardener: Pathways to Regeneration	\$10,000
	<b>TOTAL</b>	<b>\$10,000</b>

**CARRIED 9 / 0**

### **9.1.3 SELECTION OF LEEUWIN SCHOLARSHIP RECIPIENT**

Location:	N/A
Applicant:	Shire of Dandaragan
Folder Path:	Customer and Community Services/Community Development/Youth/Leeuwin/2023
Disclosure of Interest:	Nil
Date:	10 July 2023
Author:	Kayla Jones, Community Development Officer
Senior Officer:	Rhiarn Sutton, Manager Customer and Community Services

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 JULY 2023**PROPOSAL

For Council to endorse the Leeuwin Scholarship Panel recommendation for the recipient of the Leeuwin Scholarship for 2023/24.

BACKGROUND

The Shire of Dandaragan provides funding for a young person from around the Shire to participate in a Leeuwin Ocean Adventure voyage each year from its youth services budget. The fully funded fare is allocated via a scholarship program to fund passage on the Leeuwin Ocean Adventure for one successful applicant per year. Local youth between the ages of 15 and 18 years of age are eligible to apply.

The program offers a unique opportunity for young people to learn about responsibility, work within a team and build their personal development and leadership skills.

In recent years, the scholarship program has seen the following outcomes:

- 2016: Four applications received. Two voyages awarded (one allocated from carry-over funds from previous year when no applications were received)
- 2017: One application received and awarded
- 2018: One application received and awarded
- 2019: Two applications received and one awarded
- 2020: No applications received due to COVID
- 2021: Program not run due to COVID
- 2022: Four applications received and one awarded

As a part of the scholarship process, successful applicants are invited to attend a Shire Council meeting to speak about their experience of participating in the Leeuwin voyage.

COMMENT

This year, an allocation of up to \$2,500 has been included in the annual budget to fund a young person to attend a Leeuwin Youth Adventure Voyage.

In May 2023, the Shire promoted the scholarship via Jurien Bay District High School, in addition to promoting in the Shire Matters newsletter, on the Shire website and social media.

Five applications were received within the advertised period:

- Lincoln Dean, Jurien Bay
- Chilli Hicks, Jurien Bay
- Claire Wheatley, Jurien Bay
- Declan Hill, Jurien Bay
- Isabella Voss, Jurien Bay

## MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 JULY 2023

The applications were reviewed by the Shire of Dandaragan Council Leeuwin Scholarship Panel for:

1. Applicant's engagement in the application process
2. Extent to which the applicant highlighted the need for support
3. Support of application by others, i.e., teachers, community leaders, etc.
4. Whether the application was complete and the applicant eligible.

The five eligible applications were very competitive and after deliberations, the Leeuwin Scholarship Panel recommended that the scholarship be granted to Lincoln Dean from Jurien Bay. Lincoln demonstrated a strong desire to participate in the program and identified how this opportunity would benefit his development.

During the meeting, the panel discussed the merit of sending a second recipient for the Leeuwin Voyage given the strong applicant group. Council can deliberate on this and may choose to access funds from the Youth Services budget for this purpose. An alternate motion is presented below to facilitate deliberation on this matter:

That Council:

- 1) support the panel's recommendation to award the Leeuwin Scholarship for 2023/24 to Lincoln Dean from Jurien Bay.
- 2) award a second recipient for the Leeuwin Scholarship, \_\_\_\_\_, and utilise funds from the Youth Services budget (GL 28704.0807.CCS10319.00100) to meet the additional expenses.

### CONSULTATION

Shire of Dandaragan Leeuwin Scholarship Committee

### FINANCIAL IMPLICATIONS

A funding source is already contained within Council's 2023/2024 annual budget.

### STRATEGIC IMPLICATIONS

Shire of Dandaragan Strategic Community Plan - Envision 2029

4 - 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.
<b>Priority Outcome</b>	<b>Our role</b>
A region that develops and supports community leadership and collective values.	Progressively implement our Youth Plan to support youth leadership, development and involvement.

## MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 JULY 2023

### ATTACHMENTS

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

- Leeuwin Scholarship Information Pack (SODR-437506902-10269)  
(Marked 9.1.3)

### VOTING REQUIREMENT

Simple Majority

### OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Shanhun, Seconded Cr Gibson

**That Council:**

- 1) support the panel's recommendation to award the Leeuwin Scholarship for 2023/24 to Lincoln Dean from Jurien Bay.
- 2) That Council authorise the Chief Executive Officer to substitute an alternate youth leadership development program if the Leeuwin Ocean Adventure program is unavailable during the next 12 months.

**CARRIED 9 / 0**

### **9.1.4 INTERIM FINANCIAL STATEMENTS – MONTHLY REPORTING FOR THE PERIOD ENDING 30 JUNE 2023**

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Corporate Services / Department Management / Reporting / Monthly Financial Statements / 2022-2023
Disclosure of Interest:	None
Date:	17 July 2023
Author:	Rebecca Pink, Accountant
Senior Officer:	Brent Bailey, Chief Executive Officer

### PROPOSAL

To table and adopted the monthly financial statements for the period ending 30 June 2023.

### 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 30 June 2023.

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 JULY 2023**COMMENT

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

1. Net Current Assets

Council's adjusted net current assets surplus / (deficit) position as at the 30 June 2023 was \$1,761,076. Net current Asset are calculated by deducting current liabilities from current assets as reported in the Statement of Financial Position. In accordance with regulation 34 of the Local Government Financial Management Regulations (1996) the net current assets are adjusted to establish a surplus / (deficit) position within the monthly financial statements. The current position indicates that Council can easily meet its short-term liquidity or solvency.

The adjusted net current assets position is reflected on page 10 and reconciled with the Rate Setting Statement on page 3 of the financial statements.

The amount raised from rates, shown on the Rate Setting Statement (page 3), reconciles with note 2 (page 9) 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 14 (page 24) of the attached report details any significant variances.

Should Councillors wish to raise any issues relating to the 30 June 2023 financial statements, please do not hesitate to contact the Accountant prior to the Council Meeting in order that research can be undertaken and details provided either at the time of the query or at the meeting.

CONSULTATION

Nil

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.

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### 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 30 June 2023 (Doc Id: SODR-1743450996-3256)  
*(Marked 9.1.4)*

### VOTING REQUIREMENT

Simple majority

### OFFICER RECOMMENDATION / COUNCIL DECISION

**Moved Cr Rybarczyk, Seconded Cr Eyre**

**That the interim financial statements for the period 30 June 2023 be adopted.**

**CARRIED 9 / 0**

## **9.1.5 ACCOUNTS FOR PAYMENT FOR THE PERIOD ENDED 30 JUNE 2023**

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	SODR-2042075298-60134
Disclosure of Interest:	None
Date:	18 July 2023
Author:	Rebecca Pink, Accountant
Senior Officer:	Brent Bailey, Chief Executive Officer

### PROPOSAL

To accept the cheque, EFT, BPAY and direct debit listing for the month of JUNE 2023.

### BACKGROUND

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

### COMMENT

The cheque, electronic funds transfer (EFT), BPAY and direct debit payments for June 2023 totalled **\$1,368,015.52** for the Municipal Fund.

Should Councillors wish to raise any issues relating to the JUNE 2023 Accounts for payment, please do not hesitate to contact the Accountant prior to the Council Meeting, in order that research can be undertaken and details provided either at the time of the query or at the meeting.



<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 JULY 2023</b>
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CONSULTATION

Nil

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report 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 June 2023 (Doc Id: SODR-2042075298-60152)  
**(Marked 9.1.5)**

VOTING REQUIREMENT

Simple majority

**OFFICER RECOMMENDATION / COUNCIL DECISION**

**Moved Cr Shanhun, Seconded Cr McDonald**

**That the Cheque, EFT, BPAY and direct debit payment listing for the period ending 30 JUNE 2023 totalling \$1,368,015.52 be adopted.**

**CARRIED 9 / 0**

*Cr McDonald declared a financial interest in Item 9.1.6 due to being an employee and Grant Author of Community Fun Dog Show for the Jurien Bay Community Resource centre and left the room at 4.07pm*

*Cr Gibson declared an Impartiality interest in 9.1.6 due to being the President of the Jurien Bay RSL.*

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### 9.1.6 REVIEW OF COMMUNITY GRANT APPLICATIONS

Location:	N/A
Applicant:	Shire of Dandaragan
Folder Path:	Customer and Community Services / Community Development / Shire Grants Program / Community Grants / 2023
Disclosure of Interest:	Cr McDonald, Financial interest & Cr Gibson, Impartiality Interest
Date	10 July 2023
Author:	Kayla Jones, Community Development Officer
Senior Officer:	Rhiarn Sutton, Manager Customer & Community Services

#### PROPOSAL

The purpose of this report is to approve the allocation of funds for the Shire of Dandaragan Community Grants for 2023 / 2024.

#### BACKGROUND

In accordance with the Shire of Dandaragan Policy 5.1 C-5CG01 – Community Grants, the promotion of the 2023 / 24 grant round began in April 2023 when the grant program was advertised via Shire newsletters, on social media and in local newspapers around the Shire. The objective of the Community Grants is to provide funds to community-based organisations and individuals, to support the promotion and development of social, economic, recreation, art and cultural benefits for the residents of the Shire of Dandaragan.

#### COMMENT

This year, the funding pool is \$24,000. The first round of the Grants Program received a total of 9 applications with funding requests amounting to \$17,080, more than recent years.

The following table provides a summary of applications received:

ORGANISATION	PROJECT DESCRIPTION	GRANT REQUEST
Badgingarra Community Association	Ewe Hogget Expo/Competition	\$1,000.00
Cervantes Historical Society	Cervantes Commemoration	\$2,500.00
Cervantes Ratepayers & Progress Association	Cervantes 60 <sup>th</sup> Birthday Celebration	\$2,500.00
Cervantes Primary School P & C	Art Workshops	\$1,810.00
Dandaragan Bowling Club	Ladies Invitation Open Day	\$600.00
Jurien Bay Community Resource Centre	Community Fun Dog Show	\$1,870.00
Jurien Bay Regional Herbarium	Native Plant Giveaway	\$2,000.00
Jurien Bay RSL Sub-Branch	Australian Army Band Community Concert	\$2,300.00
Sport Performance All Bar None	Wildflower Festival of Running	\$2,500.00
	<b>TOTAL</b>	<b>\$17,080.00</b>

This will be the fifteenth consecutive year of the Shire of Dandaragan Community Grants Program. The assistance provided

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 JULY 2023**

by the Shire is to support community events and is not intended to be the sole source of funding.

The Community Grants Committee met on 22 June 2023 to consider the applications. Firstly, the committee considered eligibility in order to remove any ineligible applications. Most of the applications received were eligible under the grant guidelines. All Bar None was deemed is a business entity, and the Jurien Bay Herbarium is not incorporated, therefore ineligible under the grant guidelines. The Committee discussed a couple issues with events and agreed to the following:

**Applicant:** Sports Performance All Bar None  
**Request:** Wildflower Festival of Running  
**Comment:** The panel discussed their application, and although they are ineligible, the event met the Community Grant criteria and has previously been well received by the community. The panel also mentioned that this event is on Remembrance Day and were conscious that numbers may be affected by this date, however it was identified that the race would be completed by 11am.

**Applicant:** Jurien Bay Herbarium Group  
**Request:** Native Plant Giveaway Day  
**Comment:** The panel noted that the Jurien Bay Herbarium Group are not incorporated and does have public liability insurance. The panel recommended that the group seeks auspices from the Jurien Bay Men's Shed for this event in order to obtain public liability cover.

The panel have suggested to include additional information about in-kind support to guide applicants with their applications.

#### CONSULTATION

- Councillor Eyre
- Councillor Shanhun
- Councillor Clarke
- Councillor Scharf
- Shire Manager Customer and Community Services
- Shire Community Development Officer
- Shire Economic Development Manager

#### STATUTORY ENVIRONMENT

There is no statutory environment relevant to this item.

#### POLICY IMPLICATIONS

In accordance with Shire of Dandaragan Policy 5.1 C-5CG01 – Community Grants.

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### FINANCIAL IMPLICATIONS

Council has made provision in the annual budget to allocate 0.5% of the gross yield of budgeted rates income to fund recurring and annual community grants. In 2023 / 2024, \$24,000 is available.

### 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 liveability factors such as health and wellbeing services and educational opportunities.
<b>Priority Outcome</b>	<b>Our role</b>
A Shire built on the strengths of community spirit and resilient, connected communities	Recognise and support the value of our community volunteers and provide meaningful opportunities to contribute to Shire projects and improving local living.

### ATTACHMENTS

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

- Shire of Dandaragan Policy 5.1 C-5CG01 – Community Grants (Doc Id: SODR-437506902-5696)  
**(Marked 9.1.6)**

### VOTING REQUIREMENT

Simple Majority

### OFFICER RECOMMENDATION / COUNCIL DECISION

**Moved Cr Rybarczyk, Seconded Cr Shanhun**  
**That Council:**

- 1) **Council endorse the applications from Sports Performance All Bar None and Jurien Bay Herbarium to be considered for funding within the Community Grants process;**
- 2) **Fund the following grant applications to the below amount:**

ORGANISATION	PROJECT DESCRIPTION	GRANT AWARDED
Badgingarra Community Association	Ewe Hogget Expo/Competition	\$1,000.00
Cervantes Historical Society	Cervantes Commemoration	\$2,500.00
Cervantes Ratepayers & Progress Association	Cervantes 60 <sup>th</sup> Birthday Celebration	\$2,500.00
Cervantes Primary School P & C	Art Workshops	\$1,810.00
Dandaragan Bowling Club	Ladies Invitation Open Day	\$600.00
Jurien Bay Community Resource Centre	Community Fun Dog Show	\$1,870.00
Jurien Bay Regional Herbarium	Native Plant Giveaway	\$2,000.00

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Jurien Bay RSL Sub-Branch	Australian Army Band Community Concert	\$2,300.00
Sport Performance All Bar None	Wildflower Festival of Running	\$2,500.00
	<b>TOTAL</b>	<b>\$17,080</b>

**CARRIED 8 / 0**

*Cr McDonald re-entered the meeting at 4.08pm and the CEO advised of the decision.*

## 9.2 INFRASTRUCTURE SERVICES

### 9.2.1 HEAVY HAULAGE COST RECOVERY POLICY

Location:	Jurien Bay
Applicant:	Shire of Dandaragan
Folder Path:	SODR-872172829-5330
Disclosure of Interest:	Nil
Date:	7 July 2023
Author:	Julie Rouse, Coordinator Infrastructure Services
Senior Officer:	Brad Pepper, Executive Manager Infrastructure

#### PROPOSAL

For Council to adopt the Shire of Dandaragan's Heavy Haulage Cost Recovery Policy.

#### BACKGROUND

The Shire of Dandaragan's Strategic Community Plan (Envision 2019), 01 Infrastructure, focuses on working cooperatively with private enterprise to develop and maintain a dynamic network responsive to usage demand.

Roads, in general, are designed and constructed to fit their intended purpose with the serviceable life of a road dependent upon the quantity and type of heavy vehicle passes. Typically, roads are designed to last for a period of up to 50 years or more, during which time it can be anticipated that they will be subjected to additional heavy haulage traffic over time.

Given recent increases in additional road freight tasks within the Shire's road network, and the Shire's ability to recover costs from damage associated with these types of works on a road asset beyond what it was reasonably designed for, a draft Policy was prepared so that ratepayers are no longer expected to bear additional costs of road repairs caused by an industry or mining operation undertaking heavy haulage freight tasks.

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This draft Policy, which was presented to Council in May 2023 for approval to advertise for public comment, proposes heavy haulage operations be charged a fair rate to offset the cost of additional maintenance and reduction in the life of Shire roads so that the Shire's Road network can be maintained to the same serviceable standard that the community expects.

### COMMENT

Following Council's endorsement for the draft Policy to be advertised for public comment at its Ordinary Council Meeting in May 2023, one comment was received following advertising placed on the Shire's Engage Dandaragan website and Facebook page, and the Shire's June 2023 edition of Shire Matters. Hard copies of the draft Policy were also circulated to all Shire public libraries.

The Western Australian Local Government Association made a submission during the advertising period suggesting that the Policy wording "heavy haulage operator" be revised to "heavy haulage operations" to ensure clarity that the consignor of the freight is responsible for the costs being generated and not the truck driver or transport company that has been contracted for the works. Any reference to "a party operating a Restricted Access Vehicle (RAV)" or "Operator" as written throughout the draft Policy has now been replaced with the term "freight generator" for additional clarity. As a result of these comments, the draft Policy, as originally presented to Council, has been amended accordingly.

Any authority to enter into an agreement with a freight generator under this policy shall be approved by the Chief Executive Officer following the preparation and signing of a Road User Agreement between parties, as per Attachment 2 of this item – an Agreement Template as prepared by McLeod's Barristers and Solicitors.

### CONSULTATION

Local community members

Western Australian Local Government Association (WALGA)

### STATUTORY ENVIRONMENT

The development and implementation of a Heavy Haulage Cost Recovery Policy is based on the *Road Traffic (Administration) Act 2008* Section 1342 – Road authority may recover expenses of damage caused by heavy traffic, and Section 132(4) which states "*A person against whom expenses are or may be recoverable under this section may enter into an agreement with the road authority for payment to it in respect of heavy traffic, and on making the payment as agreed the person is not to be subject to any proceedings under this section*".

### POLICY IMPLICATIONS

The primary purpose of this Policy is to maintain the serviceability of Shire roads that industry or mining operations use, with the exclusion of traditional agricultural produce haulage tasks, excluding feedlots of a scale that require a development application,

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to avoid impacts on key regional employment and business markets of the region.

### FINANCIAL IMPLICATIONS

Each future heavy haulage cost recovery will differ and use of WALGA's *Sealed and Unsealed Local Roads from Additional Freight Tasks User Guides* will assist Shire officers to determine the correct amount to be charged to each freight generator subject to the type of vehicle and the distance travelled, among other conditions.

Shire administrative resources will be impacted by implementing the Heavy Vehicle Haulage Cost Recovery Policy and developing an internal process so that financial accounts can be established to receive and hold funds charged via the cost recovery process. Costs recovered under this Policy will offset any increased maintenance costs resulting from additional heavy freight.

### STRATEGIC IMPLICATIONS

Strategic Community Plan - Envision 2029

01 - Infrastructure	The Shire will work cooperatively with private enterprise and government agencies to develop and maintain a dynamic infrastructure network responsive to usage demand that attracts and retains residents and businesses.
<b>Priority Outcomes</b>	<b>Our Roles</b>
Our 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 maximising 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.

### ATTACHMENTS

Circulated with the agenda are the following documents:

- Amended Shire of Dandaragan's Heavy Haulage Cost Recovery Policy relevant to this report (*Doc Id: SODR-872172829-5143*)
- Draft Road User Agreement Template (*Doc Id: SODR-872172829-5332*)

### VOTING REQUIREMENT

Simple Majority

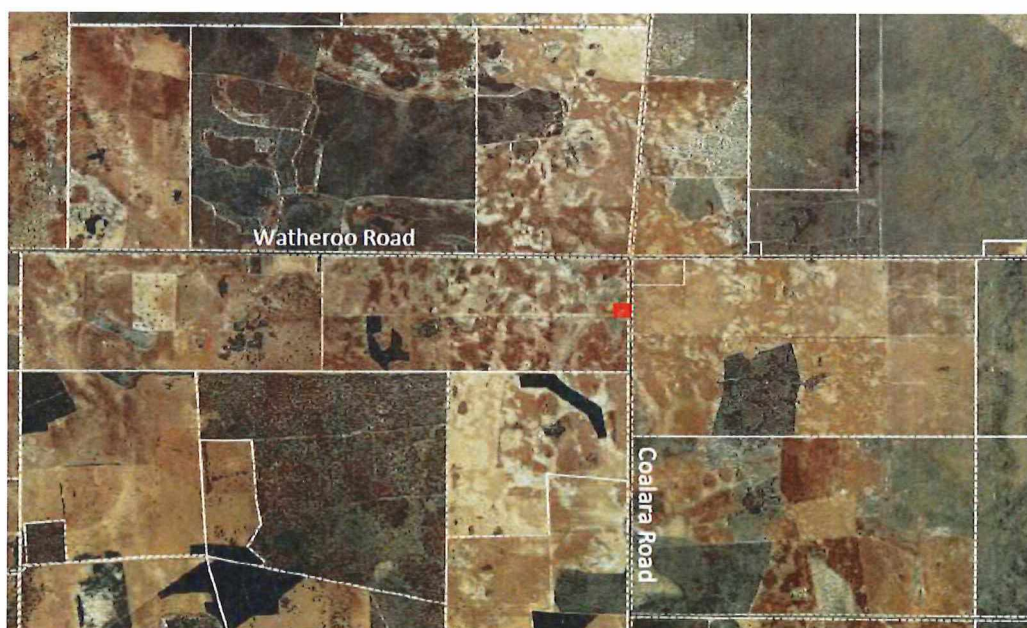


**OFFICER RECOMMENDATION / COUNCIL DECISION****Moved Cr Eyre, Seconded Cr Shanhun****That Council adopt the Shire of Dandaragan's Heavy Haulage Cost Recovery Policy.****CARRIED 9 / 0****9.3 DEVELOPMENT SERVICES****9.3.1 PROPOSED TELECOMMUNICATIONS INFRASTRUCTURE – LOT 10142 (NO.2166) WATHEROO ROAD, BADGINGARRA**

Location:	Lot 10142 (#2166) Watheroo Road, Badgingarra
Applicant:	Rise Urban on behalf of Australian Academic Research Network
Landowner:	JS GL Laurisson
File Path:	SODR-1262144384-18440
Disclosure of Interest:	Nil
Date:	5 July 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 facility on Lot 10142 (No. 2166) Watheroo Road, Badgingarra. 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 10142 (No. 2166) Watheroo Road, Badgingarra.

**BACKGROUND**

The proponent, Australian Academic Research Network is an internet service provider for Australian research and educational organisations.



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The proposed telecommunications facility will provide improved telecommunications and internet services to the Wheatbelt and Mid-west regions by repeating/boosting the signal of the broadband as it travels along the fibre optic network.

The development will be sited on a 2,047m<sup>2</sup> leased portion of the subject property at the north-west corner of the property's crossover to Coalara Road and will include:

- 4 rows of ground-mounted solar panel arrays, with 336 panels in total providing the primary source of electricity;
- 9m high wind turbine providing a secondary source of electricity;
- backup generator;
- 27m<sup>2</sup> Controlled Environment Vault (CEV) with a roof-mounted solar panel;
- 11m<sup>2</sup> storage shed;
- 2.4m high chainlink fence around the perimeter of the leased area with recessed gates connecting to the site crossover to Coalara Road
- 2m landscaping strip (for screening purposes) along the southern boundary and at the south-west corner of the leased area.

No towers or masts are required for the proposed telecommunications development.

The subject property is zoned Rural under the *Shire of Dandaragan Local Planning Scheme No.7* (Scheme) and is currently used for broadacre farming (agriculture – extensive).

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, Council first needs to determine that the use is compatible with the Rural zoning (and therefore permitted) and secondly, grant development approval for the proposed telecommunications infrastructure for the following reasoning. The development:

- is not expected to have an adverse impact on visual amenity of the locality due to its size and screening by existing and proposed vegetation;
- will provide a needed public benefit of enhanced education and research broadband internet services to the Wheatbelt and Mid-west regions in accordance with Shire and State strategy; and
- requires no vegetation clearing and only minor obstruction to the established farming land use as the modest development site adjoins the Coalara Road property boundary.

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### 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:

‘Agriculture – extensive’ is defined in the Scheme as:  
*means premises used for the raising of stock or crops but does not include agriculture – intensive or animal husbandry – intensive.*

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

As this proposed land use class is not listed within the Zoning Table of the Scheme, the use-not-listed provisions of the Scheme apply:  
 3.4.2. *If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may —*

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

### 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.

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### STRATEGIC IMPLICATIONS

- State Planning Strategy 2050: provides recognition and support for an improved and reliable telecommunications network across the State.
- 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.

### Strategic Community Plan – Envision 2029:

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

### ATTACHMENTS

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

- Development report (SODR-1262144384-18448)
- Development plans (SODR-1262144384-18450)  
**(Marked 9.3.1)**

### VOTING REQUIREMENT

Simple Majority.

### OFFICER RECOMMENDATION / COUNCIL DECISION

**Moved Cr Clarke, Seconded Cr Glasfurd**

**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 10142 Watheroo Road, Badgingarra subject to following condition and advice:**

#### **Condition**

**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.**

**Advice:**

- i. 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.
- ii. 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.

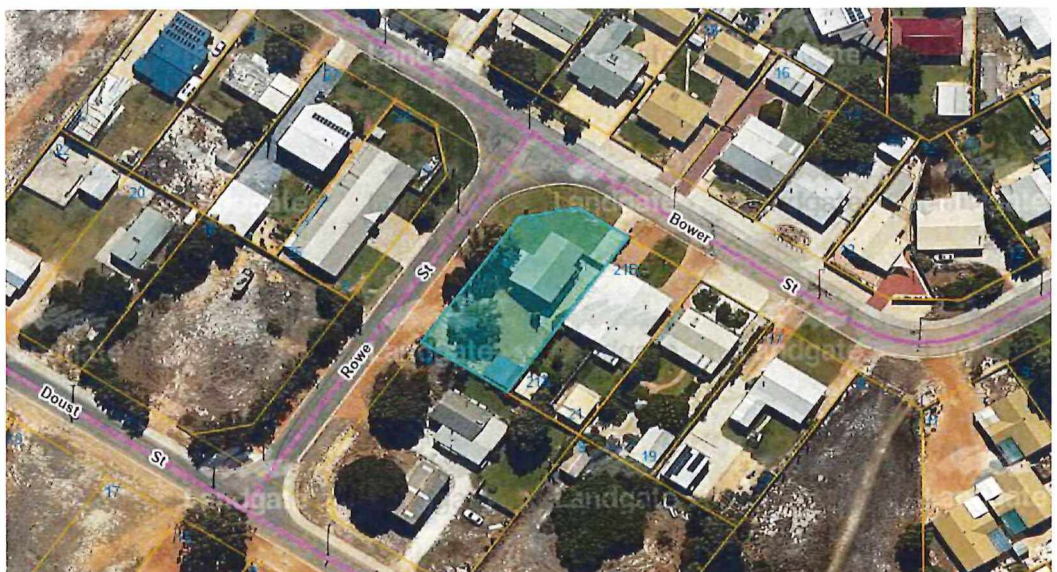
CARRIED 9 / 0

### 9.3.2 PROPOSED HOLIDAY HOUSE – LOT 364 (NO.23) BOWER STREET, JURIE BAY

Location:	Lot 364 (No.23) Bower Street, Jurien Bay
Applicant/Landowner:	Maxine McKenzie on behalf of Speccy Enterprises Pty Ltd
File Ref:	
Disclosure of Interest:	Nil
Date:	6 July 2023
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 364 (No.23) Bower Street, Jurien Bay as a commercial holiday house.



Location Plan – Lot 364 (No.23) Bower Street, Jurien Bay

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### BACKGROUND

The proponent has lodged a development application to seek approval to accommodate up to six guests for short stay bookings, not exceeding three consecutive months.

The subject property is currently under offer. If development approval is forthcoming for this holiday house proposal, the approval will run with the land. Therefore, the new owner(s) could continue the holiday house land use under the approval conditions imposed.

The application was advertised to immediate neighbouring landowners from 25 May 2023 until 23 June 2023. One submission was received, which objected to the proposal. The objection results in a Council determination being required for the application in accordance with Delegation 9.1.2 (Town Planning – Other Use and Development).

The subject property and surrounding area are dual coded 'Residential' with a density coding of R12.5/R25 under the Shire's *Local Planning Scheme No.7* (Scheme). The higher density of R25 can only be obtained once a property is connected to deep sewerage, which the subject property is not.

*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 eleven 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 un-hosted 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 un-hosted short-term rental accommodation.*

There are currently 14 commercial holiday houses approved in close proximity to this proposal:

- 10 Bower Street
- 16 Bower Street
- 1/21 Bower Street
- 47 Bower Street
- 49 Bower Street
- 1/53 Bower Street
- 3 Westlake Way
- 10 Westlake Way
- 12 Westlake Way

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- 14 Westlake Way
- 17 Westlake Way
- 19 Westlake Way
- 7 Hasting Street
- 11 Hasting Street

There are 91 commercial holiday houses approved in the townsites of Jurien Bay and Cervantes: this is 4.4% of the 2069 dwellings in these towns recorded on 2021 Census date.

For Jurien Bay specifically, there are 85 approved commercial holiday houses: this is 5.5% of 1573 dwellings in Jurien Bay recorded on the 2021 Census date.

The precinct bounded by Bower and Hasting Streets makes up 15% of all approved holiday houses in the Shire. 20% of the 70 dwellings in this precinct are used as commercial holiday houses.

#### COMMENT

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

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

'Amenity' is defined within the Deemed Provisions of LPS7 to mean: *All those factors which combine to form the character of an area and include the present and likely future amenity.*

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

It is acknowledged that if not managed appropriately, this tourist land use within an established residential area of Jurien Bay can negatively affect the amenity of nearby permanent residents. The objection received raised this concern as detailed in the consultation section below. Further to this, the precinct that the premises is located within has the highest number of approved commercial holiday house than any other precinct in the Shire. This



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cumulative effect can further impact the character of the precinct and the amenity of permanent residents within.

The Local Planning Framework limits which areas of the Shire commercial holiday houses can be permissible or not. Currently commercial holiday houses are permissible in all Residential zones. A particular limit on the number of commercial holiday house approvals would be inconsistent with the Shire's Local Planning Framework and applications refused on this basis would be subject to review by the State Administrative Tribunal.

As the proposal meets the deemed-to-comply provisions as shown above, granting conditional development approval is recommended until 30 June 2024. On cessation of this period, any complaints received against the premises will be reviewed before renewal for another 12-month period is provided (if forthcoming).

The premises is proposed to be managed by Professionals Jurien Bayview Realty who manages around two thirds of the approved commercial holiday houses. This property management arrangement complies with Clause 7.5 Management Protocols of the Policy which outlines that the designated property manager must reside or have their office within 30 minutes driving distance from the premises and be contactable between 9am and 5pm Monday to Saturday (excluding public holidays) and 9am to 12pm on Sunday and public holidays.

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

Deemed-to-comply Provision	Proposed
<u>Utility Servicing</u> The premises is: <ol style="list-style-type: none"> <li>connected to reticulated water for the exclusive use of the premises; and</li> <li>located within the Shire's kerbside refuse collection area; and</li> <li>connected to reticulated sewerage, or there is an approved on-site effluent disposal system with adequate capacity for the proposed number of guests.</li> </ol>	<u>Compliance</u> Connected to reticulated water and an approved septic system; 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: 4-6 guests = minimum of 2 bays	<u>Compliance</u> Large side access gravel parking area in addition to single front driveway

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<p><u>Dwelling Design</u></p> <ol style="list-style-type: none"> <li>1. The premises is an existing, lawful dwelling.</li> <li>2. There is 5.5m<sup>2</sup> per guest in each bedroom utilising beds.</li> <li>3. Bedrooms in a premises are provided in accordance with the following rates: 5-7 guests = 3 bedrooms</li> <li>4. Bathrooms and toilets are provided in accordance with the following rates: 1-6 guests = 1 bathrooms and 1 toilet</li> </ol>	<p><u>Compliance</u></p> <ul style="list-style-type: none"> <li>▪ Lawful 3-bedroom dwelling</li> <li>▪ 1<sup>st</sup> bedroom (2 guests, queen bed) – 18m<sup>2</sup></li> <li>▪ 2<sup>nd</sup> bedroom (2 guests, queen bed) – 12.8m<sup>2</sup></li> <li>▪ 3<sup>rd</sup> bedroom (2 guests, 2 single beds) – 14.4m<sup>2</sup></li> <li>▪ 1 bathroom and 1 toilet</li> </ul>
<p><u>Overcrowding</u></p> <p>Each occupant over the age of 10 years has 14m<sup>3</sup> of airspace within a bedroom for sleeping purposes.</p> <p>Each occupant 10 years and under has 8m<sup>3</sup> of airspace within a bedroom for sleeping purposes.</p>	<p><u>Compliance</u></p> <ul style="list-style-type: none"> <li>▪ 1<sup>st</sup> bedroom (2 guests, queen bed) – 48.6m<sup>3</sup></li> <li>▪ 2<sup>nd</sup> bedroom (2 guests, queen bed) – 34.56m<sup>3</sup></li> <li>▪ 3<sup>rd</sup> bedroom (2 guests, 2 single beds) – 38.88m<sup>3</sup></li> </ul>

## CONSULTATION

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

Comment	Officer Response
<ol style="list-style-type: none"> <li>1. Thank you for the token notification of the proposed development application. I wish to object to this application. My long-term home is surrounded by Air BnB / holiday houses, along with Bower St in general. This has done no favours to the development of residences in Bower Street nor its permanent residents. In fact, it has done the opposite. What once used to be a quiet friendly street is now an extremely transient street with no sense of 'community' or security whatsoever.</li> <li>2. There is quite often no consideration given from those on holidays as to the party noise levels during the night with respect to those of us who have to get up and go to work the next day. Unfortunately, your restrictions to the number of people per home do not work and no one polices this. There will quite often be numerous</li> </ol>	<ol style="list-style-type: none"> <li>1. Noted. 20% of the dwellings in the precinct bounded by Bower and Hasting Streets are approved as commercial holiday houses. However, the subject development application meets the deemed-to-comply provisions of the guiding local planning policy and warrants development approval until 30 June 2024.</li> <li>2. The applicant has listed the details of a local property manager who can be contacted should any management issues arise. These contact details will be forwarded and will be required in a condition of approval to be displayed on a sign displayed at the property's front entry.</li> </ol>



# MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 JULY 2023

people in these homes at any given time, with tents set up in the back yards along with caravans as well. The continual yapping of dogs which get left behind whilst their owners are out can quite often fray your nerves.

3. Whilst I don't object to Tourism in our town at all I feel that it is way past time that the Shire of Dandaragan started to make moves to restrict short stay holiday housing / Air BnB. Short stay for workers is not a problem and allocation should be provided for these people, but short term for holiday / weekend takers should not be considered amongst the residential areas. The Shire should be advocating for this sort of accommodation to be in a central area – not amongst residents. The town and businesses of Jurien Bay are starting to suffer from these developments.

1. The continual approval of these developments is hindering 'central' accommodation construction.

2. It is becoming impossible to find accommodation for workers – Business is suffering badly from this, and it is a continual complaint.

3. It is hindering the stable permanent growth of our town and our community.

4. Numerous residents of our town who are in the vicinity of short stay

The property manager will be responsible for upholding the guest code of conduct as per a condition of development approval which amongst other matters covers guest noise (including noise made by their animals) – 'noise should generally cease after 9pm Sunday through to Thursday and after midnight Friday and Saturday'. Property management issues are also encouraged to be reported to the Shire for consideration with the application for renewal of the holiday house's development approval for the successive twelve-month period.

The Police is responsible for attending to anti-social behaviour after hours.

3. Noted. The Shire is continually monitoring the number of commercial holiday houses in Jurien Bay and Cervantes. Currently under 5% of the dwellings in Jurien Bay and Cervantes are used as commercial holiday houses. The local planning framework limits which areas of the Shire commercial holiday houses are permissible or not. Currently commercial holiday houses are permissible in all Residential zones.

1. The Shire is working with industry, regional and State Government agencies to identify solutions to workforce accommodation issues in the region.

2. Free market economic policy, which requires resolution by market forces, falls outside of the realm of statutory town planning assessment.

3. See response to 3.2 above.

4. See response to comment 2 above re. the property

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 JULY 2023**

<p>accommodation are fed up with problems which arise from them. Whilst it is all well and good for the owners of these developments to have their rights to do what they want with these houses, their long-term interests are with their bank account only and not the stability and growth of our community / town.</p>	<p>manager, noise and anti-social behaviour.</p>
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The above submitter provided a further response upon review of this agenda item as outlined and responded to below.

Comment	Officer Response
<p>5. As mentioned in our previous objection it is a shame that the Shire is not restricting these applications – both in Jurien and Cervantes. However, in speaking with residents who are faced with the same circumstances, none have had any success with objections nor complaints.</p>	<p>5. See Response 1 and 3 above. As noted in the Comments section of the report, a particular limit on the number of commercial holiday house approvals would be inconsistent with the Shire's Local Planning Framework (including Local Planning Policy 9.12) and applications refused on this basis would be subject to review by the State Administrative Tribunal. The number and location of holiday homes in the Shire will be considered in the ongoing review of the Shire's Local Planning Framework. Submissions / objections to development applications have to be considered on their planning merit in the same way as the application themselves are considered. See Response 2 above re. complaints received on holiday homes.</p>
<p>6. We note that in the minutes there are 85 such dwellings in the town of Jurien Bay, of which our locality hosts 15%. One would think that would be reason enough to review Shire's approval of this application. Yes, the building and application meet Shire criteria but it in no way meets the effect on local residents nor the development/improvement of our area.</p>	<p>6. Noted. See Response 1, 3 and 4 above.</p>
<p>7. If I have understood the terms correctly, the owner will have a 12 month 'licence' for the property to be a holiday accommodation and bookings cannot exceed 3 consecutive months. This unfortunately still gives a great deal of scope for disturbances and no</p>	<p>7. Commercial holiday house approvals are required to be renewed on 30 June each year. During the assessment of the application for renewal, unresolved</p>

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 JULY 2023**

legal grounds for the Shire to stand on if there are continual complaints which may arise from this dwelling.

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|---|---|
| <p>8. 85 holiday homes, even half of this, has an enormous effect on the steady growth and development of our town. That is homes which permanent residents cannot take up which has a flow on effect to both the school and steady growth of business. Yes, funds are received from tourists, but they are minimal in comparison to what a permanent resident will spend in the town. There is no excuse for needing these homes for tourism – that can be accommodated for in development of tourist accommodation in suitable areas.</p> <p>9. Consideration should also be given to the future release of blocks in relation to the permanent growth of both Jurien Bay and Cervantes. Cervantes has very little potential at present to expand at all – which basically puts them at a standstill for growth. Jurien Bay is reliant upon the release and development of blocks from Ardross. Building costs are still at all time high and the new 'modernised' Aboriginal Cultural Heritage Act has just completely turned the world of Developers upside down. Looking into the near future it would be reasonable to think there is going to be no hurry at all to release any more blocks for sale – which then again has a flow on effect on permanent growth of our area. This again points to the benefits of restricting holiday accommodation in residential dwellings, leaving them for occupancy of permanent residents. Once again, have no objection to Tourism at all – very beneficial industry to any town. However, tourism is fluctuating and always has been. The permanent growth to our towns is of far greater importance at present for the continual flow of income and development.</p> | <p>8. issues with the property management are considered by the Shire. It should be noted that there is no trend of non-compliance in this regard.</p> <p>9. See Response 3 above. The proponent has exercised the rights to seek development approval available for properties zoned Residential under the Shire's Local Planning Scheme and has submitted an application compliant with relevant policy in the Local Planning Framework.</p> <p>10. Noted. These matters as well as the number and location of holiday homes in the Shire will be considered in the ongoing review of the Shire's Local Planning Framework.</p> |
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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.

## MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 JULY 2023

### 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 (SODR-1262144384-17779)
- Holiday house floor plan (SODR-1262144384-18513)  
*(Marked 9.3.2)*

### VOTING REQUIREMENT

Simple majority.

### OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr McDonald, Seconded Cr Glasfurd

That Council approve the development application for the proposed Holiday House at Lot 364 (No.23) Bower Street, 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 six (6) 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 18 May 2023.

5. The listed 'Property Manager' shall undertake the duties listed on the 'Property Management Plan' submitted with the subject development application date stamped 18 May 2023.
6. All vehicle parking must be confined to the Holiday House premises, to the satisfaction of the Shire of Dandaragan.
7. A sign up to 0.2m<sup>2</sup> in area clearly listing the approved property manager's contact details is to be erected / placed on a frontage wall, fence, or entry statement to the premises to the satisfaction of the Shire of Dandaragan prior to the commencement of the development.
8. This development approval is valid until 30 June 2024. The Holiday House land use should cease before or on this date unless otherwise approved in writing by the Shire of Dandaragan.

**Advice notes:**

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

CARRIED 9 / 0

### 9.3.3 RETROSPECTIVE HOLIDAY HOUSE – LOT 247 (NO.20) CATALONIA STREET, CERVANTES

Location:	Lot 247 (No.20) Catalonia Street, Cervantes
Applicant/Landowner:	Marilyn Williams
File Ref:	SODR-1262144384-18025
Disclosure of Interest:	Nil
Date:	10 July 2023
Author:	Rory Mackay, Principal Planning & Building Officer
Senior Officer:	Louis Fouché, Executive Manager Development Services



### PROPOSAL

The proponent is seeking retrospective development approval for the use of Lot 247 (No.20) Catalonia Street, Cervantes as a commercial holiday house.



Location Pan – Lot 247 (No.20) Catalonia Street, Cervantes

### BACKGROUND

The proponent was requested to lodge a retrospective development application for the use continuation of the subject property as a commercial holiday house.

The proponent has lodged a development application to seek approval to accommodate up to eight guests for short stay bookings, not exceeding three consecutive months.

The application was advertised to immediate neighbouring landowners from 9 June 2023 until 7 July 2023. One submission was received, objecting to the proposal. The objection results in a Council determination being required for the application in accordance with Delegation 9.1.2 (Town Planning – Other Use and Development).

The non-compliance of the application with *Local Planning Policy 9.12 Short-Term Rental Accommodation* in relation to the deemed-to-comply provisions relating to dwelling design (bedroom areas) and overcrowding also warrants referral to Council.

The subject property and surrounding area are zoned 'Residential' with dual density coding of R12.5 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

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 JULY 2023</b>
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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 is currently only one other commercial holiday house approved in proximity to this proposal at 35 Brown Street.

There are 91 commercial holiday houses approved in the townsites of Jurien Bay and Cervantes: this is 4.4% of the 2069 dwellings in these towns recorded on 2021 Census date.

#### COMMENT

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

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

'Amenity' is defined within the Deemed Provisions of LPS7 to mean:  
*All those factors which combine to form the character of an area and include the present and likely future amenity.*

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

It is acknowledged that if not managed appropriately, this tourist land use within an established residential area of Cervantes can negatively affect the amenity of nearby permanent residents. The objection received raised this concern as detailed in the Consultation section of this report.



# MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 JULY 2023

The premises will be managed locally by the Pinnacles Visitor Centre. This management arrangement provides a local point of call for neighbouring landowners/tenants surrounding the proposed holiday and complies with clause 7.5 Management Protocols of the Policy which requires holiday house property managers to reside or have their office within 30 minutes driving distance from the premises and be contactable between 9am and 5pm Monday to Saturday (excluding public holidays) and 9am to 12pm on Sunday and public holidays.

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

Deemed-to-comply Provision	Proposed
<u>Utility Servicing</u> The premises is: <ol style="list-style-type: none"> <li>connected to reticulated water for the exclusive use of the premises; and</li> <li>located within the Shire's kerbside refuse collection area; and</li> <li>connected to reticulated sewerage, or there is an approved on-site effluent disposal system with adequate capacity for the proposed number of guests.</li> </ol>	<u>Compliance</u> Connected to reticulated water and an approved septic system; 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: 7-8 guests = minimum of 3 bays	<u>Compliance</u> Single driveway with rear access for parking vehicles on the premises.
<u>Dwelling Design</u> <ol style="list-style-type: none"> <li>The premises is an existing, lawful dwelling.</li> <li>There is 5.5m<sup>2</sup> per guest in each bedroom utilising beds.</li> <li>There is 3.5m<sup>2</sup> per guest in each bedroom utilising bunks.</li> <li>Bedrooms in a premises are provided in accordance with the following rates: 8 – 12 guests = 4 bedrooms</li> <li>Bathrooms and toilets are provided in accordance with the following rates:</li> </ol>	<u>Compliance</u> <ul style="list-style-type: none"> <li>Lawful 4-bedroom dwelling</li> <li>1<sup>st</sup> bedroom (2 guests, queen bed) – 13.3m<sup>2</sup></li> </ul> <u>Non-compliance</u> <ul style="list-style-type: none"> <li>1 bathroom and 1 toilet</li> <li>2<sup>nd</sup> bedroom (2 guests, queen bed) – 6.48m<sup>2</sup> (less than 11m<sup>2</sup> required)</li> <li>3<sup>rd</sup> bedroom (2 guests, 2 single beds) – 8.4m<sup>2</sup> (less than 11m<sup>2</sup> required)</li> </ul>

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8 – 12 guests = 1 or 2 bathrooms and 2 toilets	<ul style="list-style-type: none"> <li>4<sup>th</sup> bedroom (2 guests, double bed) – 8.64m<sup>2</sup> (less than 11m<sup>2</sup> required)</li> </ul>
<p><u>Overcrowding</u> Each occupant over the age of 10 years has 14m<sup>3</sup> of airspace within a bedroom for sleeping purposes.</p> <p>Each occupant 10 years and under has 8m<sup>3</sup> of airspace within a bedroom for sleeping purposes.</p>	<p><u>Compliance</u></p> <ul style="list-style-type: none"> <li>1<sup>st</sup> bedroom (2 guests, queen bed) – 31.92m<sup>3</sup></li> </ul> <p><u>Non-Compliance</u></p> <ul style="list-style-type: none"> <li>2<sup>nd</sup> bedroom (2 guests, queen bed) – 15.55m<sup>3</sup> (less than 28m<sup>3</sup> required)</li> <li>3<sup>rd</sup> bedroom (2 guests, 2 single beds) – 20.16m<sup>3</sup> (less than 28m<sup>3</sup> required)</li> <li>4<sup>th</sup> bedroom (2 guests, double bed) – 20.74m<sup>3</sup> (less than 28m<sup>3</sup> required)</li> </ul>

Where a proposal does not meet the deemed-to-comply provisions of the Policy, it is required to be assessed against the relevant performance criteria to determine its acceptability. The following performance criteria relate to the outlined non-compliance for the subject proposal.

*Dwelling Design - The Shire is satisfied that the dwelling design in terms of bedroom configuration is appropriate to accommodate the proposed maximum number of guests.*

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

As assessed in the above table, bedrooms 2-4 are small bedrooms and are not considered suitable for sleeping more than one guest whether that be an adult or child as variations of 20% to 41% will result to the dwelling design deemed-to-comply provisions.

In terms of overcrowding, the proposed sleeping configuration will result in variations of 25% to 44% to the deemed-to-comply provision. It is therefore recommended that the holiday house be restricted to a maximum guest capacity of five guests, within bedrooms 2-4 to only sleep one guest each.

With the holiday house restricted to five guests, the proposal meets the deemed-to-comply provisions for Dwelling Design and Overcrowding. Given this compliance, granting conditional development approval is recommended until 30 June 2024. On cessation of this period, any complaints received against the premises will be reviewed before renewal for another 12-month period is provided (if forthcoming).

## MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 JULY 2023

### CONSULTATION

As detailed previously, an anonymous objection was received from surrounding landowners.

<u>Comments</u>	<u>Officer Response</u>
1. We have had bad experiences in the past with music, excessive alcohol and language noise with another neighbour. Police and the Shire Council were involved. It was a party house most weekends.	1. Noted, however previous experience with another neighbour is not a valid consideration for this development application. A guest code of conduct which amongst other matters covers guest noise – 'please consider our neighbours by minimising noise from TVs, music and social gatherings between the hours of 10pm and 8am'. The property manager will be responsible for upholding the guest code of conduct as per a condition of development approval. The property manager's contact details will be forwarded and will be required to be displayed on a sign at the property's front entry. The Police is also responsible for responding to anti-social behaviour after hours.
2. We accept that it is a holiday town and short term accommodation could be several days to 3 weeks not 3 months. We have had no real issues with short term holiday makers. The occupancy rate has been quite low apart from when it was rented out as a permanent residence. In all probability, the 3-month tenants will be project contract workers and casual workers. They start work early with general talking, getting ready for work and then vehicles starting and leaving which disturb us.	2. The threshold between short stay accommodation and permanent accommodation is 3-months. Therefore, should development approval be forthcoming a short stay guests would be within their rights to stay with the dwelling for period not exceeding 3 months. The coming and going of traffic from the premises would be the same if the property was rented or occupied on a permanent basis for this type of worker guest/tenant/owner.
3. Will the present amenities, facilities be sufficient for sustained periods of time for 8 adults?	3. The proposal has been assessed as suitable to accommodate five guests. (See Comments section of the report). The property is non-compliant in relation to facilities as the premises has a single toilet in lieu of the two toilets required

# MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 JULY 2023

<p>4. Loss of property value? As the Lobster Shack project definitely lowered real estate values.</p> <p>5. In concluding would you or an individual Councillor or other party live in our house tolerate a worst-case scenario?</p>	<p>under the guiding assessment policy.</p> <p>4. No evidence has been provided to demonstrate that the property values have decreased in the locality as the result of commercial holiday house land uses being permitted by the Shire.</p> <p>5. The applicant has submitted a retrospective development application which when assessed on its merits, warrants conditional approval at a five-guest maximum. Nonetheless, as holiday house approvals expire annually any unresolved issues to the satisfaction of the Shire will be considered in the application for renewal of the holiday house's development approval for the successive twelve-month period. Property management and anti-social behaviour should also be addressed by the property manager and the Police as noted in 1 above.</p>
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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;

## MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 JULY 2023

(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.*

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

### POLICY IMPLICATIONS

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

### FINANCIAL IMPLICATIONS

The applicant has paid the required fee for the retrospective development application (\$885), which by way of penalty is three times the standard fee (\$295).

### STRATEGIC IMPLICATIONS

Strategic Community Plan – Envision 2029:

02 Prosperity	The region will experience economic and population growth with increasing economic opportunities, diversifying primary production and a vibrant visitor economy.
<b>Priority Outcomes</b>	<b>Our Roles</b>
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.

<b>MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 JULY 2023</b>
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**ATTACHMENTS**

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

- Holiday house management documents (SODR-1262144384-18029 & SODR-1262144384-18548)  
*(Marked 9.3.3)*

**VOTING REQUIREMENT**

Simple majority.

**OFFICER RECOMMENDATION / COUNCIL DECISION**

Moved Cr Shanhun, Seconded Cr Gibson

That Council approve the development application for the proposed Holiday House at Lot 247 (No.20) Catalonia Street, Cervantes, 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 five (5) guests at all times. The approved bedroom sleeping configuration is as follows:
  - a. Bedroom 1 – two (2) guest maximum; and
  - b. Bedrooms 2, 3 and 4 – one (1) guest maximum each.
4. The Holiday House shall be operated in accordance with the 'Code of Conduct', and the 'Fire and Emergency Plan' submitted with the subject development application date stamped 31 May 2023.
5. The listed 'Property Manager' shall undertake the duties listed on the 'Property Management Plan' submitted with the subject development application date stamped 31 May 2023.
6. All vehicle parking must be confined to the Holiday House premises, to the satisfaction of the Shire of Dandaragan.
7. A sign up to 0.2m<sup>2</sup> in area clearly listing the approved property manager's contact details is to be erected / placed on a frontage wall, fence, or entry statement to the premises to the satisfaction of the Shire of Dandaragan prior to the commencement of the development.
8. This development approval is valid until 30 June 2024. The Holiday House land use should cease before or on this date

## MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 JULY 2023

unless otherwise approved in writing by the Shire of Dandaragan.

**Advice notes:**

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

CARRIED 9 / 0

### 9.3.4 PROPOSED OUTBUILDING – LOT 487 (NO.6) CALADENIA WAY, JURIEN BAY

Location:	Lot 487 (No.6) Caladenia Way, Jurien Bay
Applicant:	Nusteel Patios & Sheds Moora
Landowner:	Annabel Pizzata
File Ref:	SODR-1262144384-18183
Disclosure of Interest:	Nil
Date:	13 July 2023
Author:	Rory Mackay, Principal Planning & Building Officer
Senior Officer:	Louis Fouche, Executive Manager of Development Services

*This item was withdrawn by the Executive Manager of Development Services due to the applicant submitting a revised building plan which complies with Council's Policy and which can be considered under delegation.*

## 9.4 GOVERNANCE & ADMINISTRATION

## 9.5 COUNCILLOR INFORMATION BULLETIN

### 9.5.1 SHIRE OF DANDARAGAN – JUNE COUNCIL STATUS REPORT

Document ID: SODR-1739978813-6419

Attached to the agenda is a copy of the Shire's status report from the Council Meeting held [Time]. **(Marked 9.5.1)**

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

Document ID: SODR-2045798944-5170

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

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

Document ID: SODR-2045798944-5171

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

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

Document ID: SODR-1876983588-1317

Attached to the agenda is monthly report for Tourism / Library for June 2023. *(Marked 9.5.4)*

**9.5.5 CORRESPONDENCE FROM THE OFFICE OF THE HON RITA SAFFIOTI MLA**

Document id: SODR-1739978813-6712

Attached to the agenda is a copy of correspondence from Hon Rita Saffioti MLA regarding Jurien Bay Boat Harbour. *(Marked 9.5.5)*

**9.5.6 CORRESPONDENCE REGARDING NOTICE OF GAZETTAL**

Document ID: SODR-1739978813-6721

Attached to the agenda is the correspondence regarding reducing councillor numbers. *(Marked 9.5.6)*

**9.5.7 CORRESPONDENCE REGARDING PROPOSED CHANGES TO WA ELECTORAL BOUNDARIES**

Document ID: SODR-878193511-10884

Attached to the agenda is the correspondence regarding reducing councillor numbers. *(Marked 9.5.7)*

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

**11 CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE PUBLIC**

Section 5.23 of the Local Government Act 1995 stipulates that all Council Meetings are generally open to the public. Section 5.23 goes on to identify specific situations in which the Council or committee may close to members of the public the meeting, or part of the meeting.



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In situations where it is deemed that a meeting or part of a meeting must be closed to the public, Section 5.23 (3) states "A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting."

*For a decision to be recorded in the minute a formal motion must be passed by Simple majority clearly stating the reason for the closure in accordance with Section 5.23 of the Local Government Act 1995.*

Local Government Act 1995

**5.23. Meetings generally open to public**

- (1) Subject to subsection (2), the following are to be open to members of the public —
  - (a) all council meetings; and
  - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
  - (a) a matter affecting an employee or employees;
  - (b) the personal affairs of any person;
  - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
  - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
  - (e) a matter that if disclosed, would reveal —
    - (i) a trade secret;
    - (ii) information that has a commercial value to a person; or
    - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;
  - (f) a matter that if disclosed, could be reasonably expected to —
    - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
    - (ii) endanger the security of the local government's property; or
    - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
  - (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
  - (h) such other matters as may be prescribed.

## MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 JULY 2023

- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

Local Government (Administration) Regulations 1996

4A. Meeting, or part of meeting, may be closed to public —  
s. 5.23(2)(h)

The determination by the local government of a price for the sale or purchase of property by the local government, and the discussion of such a matter, are matters prescribed for the purposes of section 5.23(2)(a) and (h).

### 11.1 GOVERNANCE

#### OFFICER RECOMMENDATION / COUNCIL DECISION

**Moved Cr Clarke, Seconded Cr Shanhun**

That the meeting be closed to members of the public at 4:10pm in accordance with Section 5.23 (2) (a) and (c) of the Local Government Act 1995 and Regulation 4A of the Local Government (Administration) Regulations 1996 to allow Council to discuss Item 11.1.1 Sale of Council Vehicle By Private Treaty respectively.

**CARRIED 9 / 0**

*Staff Rhiarn Sutton, Julie Rouse, Louis Fouché, Rory Mackay, Nikita Winsloe and Kayla Jones left the meeting at 4.10pm*

#### 11.1.1 SALE OF COUNCIL VEHICLE BY PRIVATE TREATY

Location:	Not Applicable
Applicant:	Scott Clayton
Folder Path:	SODR-129784381-1
Disclosure of Interest:	Nil
Date:	29 June 2023
Author:	Brent Bailey, Chief Executive Officer
Signature of Author:	Not Applicable

*This report has been abridged due to the confidential nature of the content that is contained within this report.*

#### OFFICER RECOMMENDATION / COUNCIL DECISION

**Moved Cr Gibson, Seconded Cr Eyre**

**That Council, after meeting the requirements of Section 3.58 of the Local Government Act 1995, authorise the CEO to dispose of the 2022 Toyota Prado GXL to Mr Scott Clayton for the amount of \$55,000 including GST.**

**CARRIED 9 / 0**

#### COUNCIL DECISION

**Moved Cr Eyre, seconded Cr Shanhun**

**That the Meeting be reopened to the public at 4:12pm.**

**MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 27 JULY 2023****CARRIED 9 / 0**

*Staff Rhiarn Sutton, Julie Rouse, Louis Fouché, Rory Mackay, Nikita Winsloe and Kayla Jones re-entered the meeting at 4.12pm*

**12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**13 CLOSURE OF MEETING**

The presiding member declared the meeting closed at 4.13pm.

These minutes were confirmed at a meeting on August 24 2023  
.....

Signed Rory Mackay.....

Presiding person at the meeting at which the minutes were confirmed

Date Rory Mackay.....