



SHIRE
of
DANDARAGAN

MINUTES

of the

ORDINARY COUNCIL MEETING

held at the

COUNCIL CHAMBERS, JURIE BAY

on

THURSDAY 26 APRIL 2018

COMMENCING AT 4.01PM

(THIS DOCUMENT IS AVAILABLE IN LARGER PRINT ON REQUEST)

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MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 26 APRIL 2018
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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

1.1 DECLARATION OF OPENING

The Shire President declared the meeting open at 4.01pm and welcomed those present.

1.2 DISCLAIMER READING

The disclaimer was read aloud as there were 10 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 (14) days.”

2 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

Members

Councillor L Holmes	(President)
Councillor P Scharf	(Deputy President)
Councillor W Gibson	
Councillor K McGlew	
Councillor D Richardson	
Councillor R Shanhun	
Councillor A Eyre	
Councillor J Clarke	

Staff

Mr B Bailey	(Chief Executive Officer)
Mr S Clayton	(Executive Manager Corporate & Community Services)
Mr G Yandle	(Executive Manager Infrastructure)
Mr D Chidlow	(Executive Manager Development Services)
Ms R Headland	(Council Secretary & PA)
Mr R Mackay	(Planning Officer)
Ms M Perkins	(Community Development Officer)
Ms B Hearle	(Community Development (Youth) Trainee)
Mr T O’Gorman	(Community Development Coordinator / Club Development)

Apologies

Councillor D Slyn

Approved Leave of Absence

Nil

Observers

Mr Mike Sheppard, Mr Tim Bailey, Mr Mike Kulisa, Mr Ian Kelly, Mr Clinton Strugnell, Ms Casey Thackray, Mr Tiges Morton, Mr Greg Johnson, Mr Jeff Braddock and Mr Carlos Jaffari.

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Mr Mike Kulisa asked the following questions:

During the last several months two separate applications have been made to Council regarding the establishment of petrol station/convenience stores in Jurien Bay. The first application was made for a petrol station/convenience store on the corner of Murray Street and Andrews Street and the second on the corner of Bashford Street and Cook Street.

My question is in two parts:

1. On what grounds was the first application (Murray and Andrews Streets) rejected when Council were aware that if an appeal was made to State Government the proposal would be supported and what will the ultimate cost to rate payers be as a result of the action taken by Council?
2. The second part of the question is asked because of the proximity of the site at the corner of Bashford Street and Cook Street) to the St Johns Ambulance station, the Fire Station and the intersection commonly used by a large number of school students when crossing Bashford Street on their way to school.

Why did Council make the decision to re zone the land on the corner of Bashford Street and Cook Street enabling its use for a petrol station/convenience store when the positioning of such a commercial enterprise at this intersection will be detrimental to the safety of the community? Will this decision mean that the proposed by-pass will need to be brought forward?

The President thanked Mr Kulisa and advised that these questions would be taken on notice and responded to in due course.

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 CONFIRMATION OF MINUTES**6.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD 22 MARCH 2018****COUNCIL DECISION**

Moved Cr Gibson, seconded Cr Richardson

That the minutes of the Ordinary Meeting of Council held on 22 March 2018 be confirmed.

CARRIED 8 / 0

7 NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Mr Mike Sheppard congratulated the Shire and Ms Michelle Perkins on the successful running and organisation of the recent Spray the Grey Youth Festival and Skateboard Clinic, he said that he had heard no negative feedback on the festival.

Ms Casey Thackray addressed the meeting with her concerns on the proposed convenience store proposal which is adjoining her residential property in Cook Street.



Mr Jeff Braddock, the developer of the proposed convenience store, addressed the meeting on the proposal.

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9 REPORTS OF COMMITTEES AND OFFICERS

9.1 CORPORATE & COMMUNITY SERVICES

9.1.1 ACCOUNTS FOR PAYMENT – MARCH 2018

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Creditors / Expenditure
Disclosure of Interest:	None
Date:	13 April 2018
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Signature of Author:	
Senior Officer:	Brent Bailey, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

To accept the cheque, EFT and direct debit listing for the month of March 2018.

BACKGROUND

As part of the Local Government Act 1995, Financial Management Regulations 1996, a list of expenditure payments is required to be presented to Council.

COMMENT

The cheque, electronic funds transfer (EFT) and direct debit payments for March 2018 totalled \$1,536,463.94 for the Municipal Fund.

Should Councillors wish to raise any issues relating to the March 2018 Accounts for payment, please do not hesitate to contact the Executive Manager Corporate and Community Services prior to the Council Meeting, in order that research can be undertaken and details provided either at the time of the query or at the meeting.

CONSULTATION

- Chief Executive Officer

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

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STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 5: Proactive and leading local government</i>	
Business as Usual	k) Finance

ATTACHMENTS

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

- Cheque, EFT and direct debit listings for March 2018
(Doc Id: 109474)

(Marked 9.1.1)VOTING REQUIREMENT


Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION**Moved Cr McGlew, seconded Cr Clarke**

That the Municipal Fund cheque and EFT listing for the period ending 31 March 2018 totalling \$1,536,463.94 the Municipal Fund be accepted.

CARRIED 8 / 0

9.1.2 RECOGNISE VARIOUS GRANTS TOWARDS YOUTH FESTIVAL AND AUTHORISE BUDGET AMENDMENT TO YOUTH SERVICES

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Budgeting / Allocations
Disclosure of Interest:	Nil
Date:	10 April 2018
Author:	Michelle Perkins, Community Development Officer
Signature of Author:	

Senior Officer:	Scott Clayton, Executive Manager Corporate & Community Services
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Signature of Senior Officer:	
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PROPOSAL

For Councillors to recognise grants towards the Shire's Spray The Grey youth festival, and to authorise a Youth Services Budget Amendment to the same amounts.

BACKGROUND

Spray the Grey Youth Festival is now an annual event budgeted for under Youth Services, however additional funding is required from external sources in order to continue to develop the event as a high quality participatory event for young people across the Shire.

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The Shire provides Youth Services funding through its budget processes in accordance with the Community Strategic Plan and the Shire Corporate Business Plan.

In addition grants are applied for throughout the year to maximise activities held at the festival.

COMMENT

In December 2017, the Shire of Dandaragan Community Development Team was successful in obtaining a \$2,500 grant from Healthway to assist with coordination of the Spray the Grey Youth Festival 2018. The grant went towards funding of rides and amusements, and a skateboarding clinic.

In February 2018, the Shire was successful in obtaining two grants - \$5,000 from Iluka to assist with coordination of the Spray the Grey Youth Festival 2018 which went towards funding of ride hire, and a youth DJ, and \$1,500 from Department of Communities Youth Week which went towards funding of ride hire and promotional material.

In March 2018, the Shire was successful in obtaining a \$10,015 grant from Lotterywest to assist with coordination of the Spray the Grey Youth Festival 2018 which went towards funding of rides and amusements, printing and advertising, equipment hire, bus hire, insurance, ambulance attendance and supplies for a 'Chill Out Zone'.

CONSULTATION

- Scott Clayton, Executive Manager Corporate & Community Services
- Tony Nottle, Chief Executive Officer (previous)

STATUTORY ENVIRONMENT

Local Government Act 1995 Section 6.8(1)

6.8. Expenditure from municipal fund not included in annual budget

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
- (a) *is incurred in a financial year before the adoption of the annual budget by the local government; or*
 - (b) *is authorised in advance by resolution*;* or
 - (c) *is authorised in advance by the mayor or president in an emergency.*

* *Absolute Majority required*

POLICY IMPLICATIONS

There are no policy implications relevant to this item

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FINANCIAL IMPLICATIONS

The Healthway, Lotterywest, Department of Communities, and Iluka grants increases the 2017 / 18 Youth Services budget by \$19,015, funding Spray the Grey Youth Festival

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 2: Healthy, Safe & Active Community</i>	
Objectives	How the shire will contribute
2.3 Enhance vibrancy and community identity through culture and arts	a) Deliver or support the delivery of selected arts, culture and community events

ATTACHMENTS

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

- Lotterywest / Shire of Dandaragan Grant Approval Schedule - Drug Aware Spray the Grey Youth Festival (Doc Id: 107577)
- Healthway / Shire of Dandaragan Grant Letter and Sponsorship Agreement (Doc Id: 104241)
- Department of Communities Grant Approval Letter (Doc Id: 109229)
- Iluka Grant Approval Letter (Doc Id: 107220)

(Marked 9.1.2)

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Richardson, seconded Cr Shanhun



That Council recognise as a budget amendment

- 1. A Healthway grant of \$2,500;**
- 2. A Lotterywest grant of \$10,015;**
- 3. A Department of Communities Youth Week of \$1,500;**
- 4. An Iluka grant of \$5,000;**
- 5. An increase to the Youth Services Budget of \$19,015 to undertake coordination of the 2018 Spray the Grey Youth Festival.**

CARRIED BY ABSOLUTE MAJORITY 8 / 0

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9.1.3 FINANCIAL STATEMENTS - MONTHLY REPORTING FOR THE PERIOD ENDING 31 MARCH 2018

Location:	Shire of Dandaragan
Applicant:	N/A
Folder	Business Classification Scheme / Financial Management / Financial Reporting / Periodic Reports
Disclosure of Interest:	None
Date:	16 April 2018
Author:	Scott Clayton, Executive Manager Corporate and Community Services
Signature of Author:	
Senior Officer:	Brent Bailey, Chief Executive Officer
Signature of Senior Officer:	

PROPOSAL

To table and adopt the monthly financial statements for the period ending 31 March 2018.

BACKGROUND

As part of the Local Government Act 1995 and Financial Management Regulations (1996), monthly financial statements are required to be presented to Council. Circulated are the monthly financial statements for the period ending 31 March 2018.

COMMENT

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

1. Net Current Assets

Council's Net Current Assets [i.e. surplus / (deficit)] position as at the 31 March 2018 was \$4,366,797. The composition of this equates to Current Assets minus Current Liabilities less Cash Assets that have restrictions on their use placed on them, in this case Reserves and Restricted Assets. The current position indicates that Council can easily meet its short-term liquidity or solvency.

The Net Current Asset position is reflected on page 8 and reconciled with the Statement of Financial Activity on page 1 of the financial statements.

The amount raised from rates, shown on the Statement of Financial Activity (page 1), reconciles with note 6 (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 of the attached report details any significant variances.

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Should Councillors wish to raise any issues relating to the 31 March 2018 financial statements, please do not hesitate to contact the Executive Manager Corporate and Community Services prior to the Council Meeting in order that research can be undertaken and details provided either at the time of the query or at the meeting.

CONSULTATION

- Chief Executive Officer

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 5: Proactive and leading local government</i>	
Business as Usual	k) Finance

ATTACHMENTS

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

- Financial statements for the period ending 31 March 2018 (Doc Id: 109639)
(Marked 9.1.3)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Shanhun, seconded Cr Scharf

That the monthly financial statements for the period 31 March 2018 be adopted.

CARRIED 8 / 0

9.2 INFRASTRUCTURE SERVICES

9.3 DEVELOPMENT SERVICES

9.3.1 ILUKA RESOURCES LTD PROPOSED TEMPORARY CLOSURE OF PORTION OF CARO ROAD FOR MINING PURPOSES

Location: Caro Road, Cataby
 Applicant: Iluka Resources Ltd
 Folder Path: Business Classification Scheme / Roads / Road Closures / Temporary
 Disclosure of Interest: None
 Date: 1 April 2018
 Author: Rory Mackay, Planning Officer
 Signature of Author: 
 Senior Officer: David Chidlow, Executive Manager of Development Services
 Signature of Senior Officer: 

PROPOSAL

To consider a request from Iluka Resources for the temporary (approx. 10 years) closure of a portion of Caro Road, Cataby for mining purposes.

BACKGROUND

On 26 March 2015 Council resolved the following in regards to this matter:

That Council order the temporary closure of portion of Caro Road, Cataby for the purposes of mining commencing from April 2015 for a period of 10 years or the cessation of mining activities whichever occurs sooner subject to:

1. *in pursuance of Section 3.50 of the Local Government Act 1995 the CEO forward a copy of the local public notice to the Commissioner of Main Roads;*
2. *the applicant arrange alternative access with Fire and Emergency Services;*
3. *the applicant complies with the requirements of Telstra;*
4. *the applicant complies with the requirements of Western Power;*
5. *the applicant liaises with APA group in regards to working in the vicinity of an underground gas pipeline and access arrangements; and*
6. *on cessation of mining activity within the road reserve, the road is to be restored to the satisfaction of the CEO and at the cost of the applicant.*

However this decision was later revoked by Council on 25 June 2015 under the Local Government Act 1995 section 3.50 (6) on request by Iluka Resources due to road access still being required for the relocation of the Tronox mining camp.

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In revoking the decision Council also resolved to re-initiate the public notice in accordance with the Local Government Act 1995 to close portion of Caro Road, Cataby for the purposes of mining for a period of up to 10 years on commencement of the relocation of the Tronox mining camp.

Iluka Resources contacted Shire staff and informed them that they would like to revisit the temporary road closure on 22 February 2018. Correspondence confirmed Iluka Resources would like to have Caro Road closed from 1st July 2018 onwards, as this would provide for the new Tronox camp construction and relocation of existing Tronox facilities to the new site on Cataby Road.

Subsequently a public notice was initiated from 22 February 2018 to 30 March 2018 under the Local Government Act 1995 section 3.50 (4). Council is requested to consider submissions received in deciding this application (see schedule of submissions).

COMMENT

The application is for a temporary closure of the road rather than a permanent closure as there will be a need for existing properties along Caro and connecting roads to maintain legal access for any future development.

Iluka Resources have arranged alternative access arrangements with all surrounding landowners who require access to the portion Caro Road during its temporary closure.

Iluka Resources in the previous approval stated the following:

"Iluka commits to the restoration of the road and re-instatement of all services (power, communications etc.) back to pre-disturbance condition or alternate permanent re-routing of services to the satisfaction of the service utility.

This has come about as we will be entering contracts with Telstra and Western Power to permanently re-route services such that all customers requiring services during and directly after mining will not be affected."

Shire staff has been informed there has been no change to these commitments by Iluka Resources.

Additionally, there has been no change of the previous stated minimum road reserve restoration requirement of a Type 4 gravel road with the following specifications:

- pavement width 9m;
- gravel thickness 300mm;
- table drains;
- culverts at water courses with head walls and minimum diameter of 375mm (locations to be confirmed with Shire prior to reinstatement);
- guide posts and signage as directed by the Shire;
- property access crossovers;
- fencing; and

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- vegetation rehabilitation.

Infrastructure service provider Telstra have advised the proponent to liaise with them before commencing ground disturbance to ensure the relocation of their assets is not required. It is staff understanding that the proponent has or is in the process of completing this request.

Given this information Council is requested to order the temporary road closure subject to Iluka Resources meeting the above stakeholder requirement.

CONSULTATION

- Neighbouring property owners
- Department of Biodiversity, Conservation and Attractions
- Department of Primary Industries and Regional Development
- Department of Planning, Lands and Heritage
- Department of Fire and Emergency Services
- Department of Mines and Petroleum
- Main Roads
- Telstra
- Water Corporation
- Western Power
- ATCO Gas

STATUTORY ENVIRONMENT

Local Government Act 1995 - Subdivision 5 - certain provisions about thoroughfares.

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 1: Great Place for Residential and Business Development</i>	
Objectives	How the Shire will contribute
1.1 Ensure planning and land availability provides opportunity for sustainable growth and lifestyle options / choices	a) Strategic land use planning across the Shire, with a focus on coastal settlement and town centre strategy.
<i>Goat 5: Proactive and Leading Local Government</i>	
Objectives	How the Shire will contribute
1.3 Ensure timely provision of essential and strategic infrastructure	a) Provide and manage a network of roads and bridges for safe and efficient vehicle movement

ATTACHMENTS

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

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- Map 1 from Iluka Resources (Doc Id: 107713)
- Map 2 from Iluka Resources (Doc Id: 107712)
- Schedule of Submissions (Doc Id: 108010)

(Marked 9.3.1)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

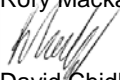

Moved Cr McGlew, seconded Cr Shanhun

That Council order the temporary closure of portion of Caro Road, Cataby for the purposes of mining commencing from 1 July 2018 for a period of 10 years or the cessation of mining activities whichever occurs sooner subject to:

- 1. in pursuance of Section 3.50 of the Local Government Act 1995 the CEO forward a copy of the local public notice to the Commissioner of Main Roads;**
- 2. the applicant complies with the requirements of Telstra; and on cessation of mining activity within the road reserve, and**
- 3. the road is to be restored to the satisfaction of the CEO and at the cost of the applicant.**

CARRIED 8 / 0

9.3.2 ROWE GROUP – PROPOSED CONVENIENCE STORE LOTS 95 & 96 BASHFORD STREET JURIEBAY

Location:	Lots 95 & 96 Bashford Street, Jurien Bay
Applicant:	Rowe Group on behalf of BPG Australia
File Ref:	Development Services Apps / Development Applications / 2018 / 21
Disclosure of Interest:	None
Date:	17 April 2018
Author:	Rory Mackay, Planning Officer
Signature of Author:	
Senior Officer:	David Chidlow, Executive Manager of Development Services
Signature of Senior Officer:	

PROPOSAL

To consider an application for planning approval for a convenience store with petrol bowsers on Lots 95 & 96 Bashford Street, Jurien Bay.

BACKGROUND

The proponent's client is in the process of finalising the purchase of Lots 95 & 96 Bashford Street (old CRC/doctors surgery and adjoining property), subject to the outcome of this development application.

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The subject land has recently been rezoned from Residential R12.5 with Additional Uses to Mixed Use by Local Planning Scheme No.7 (LPS7) Scheme Amendment 35.

Scheme Amendment 35, which Council resolved to give final adoption on 22 February 2018, is awaiting final approval from the Hon. Minister of Planning. Under planning practises in its current form Scheme Amendment 35 is termed “seriously entertained” which is generally defined as a formal document which has: been through the exhibition (public consultation) process; been adopted in its final form by Council; and submitted to the Western Australian Planning Commission for consideration.

Given the above, the objectives of the introduced Mixed Use zone are:

- *To provide for a wide variety of active uses on street level which are compatible with residential and other non-active uses on upper levels.*
- *To allow for the development of a mix of varied but compatible land uses such as housing, offices, showrooms, amusement centres, eating establishments and appropriate industrial activities which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents.*

Under the zoning table the use of “convenience store” is discretionary (D) in the Mixed Use zone. Whereby, the local government must exercise discretion in granting development approval. It should be noted under the previous Residential zoning for the subject properties the proposed development was also allowable as a “convenience store” is an advertised (A) use in the Residential zone. An advertised (A) use is only permitted where the local government has exercised its discretion by granting development approval after giving special notice in accordance with clause 64 of the deemed provisions of LPS7.

Given the development application proposes the retail sale of petroleum products (amongst the sale of convenience goods), there are environmental impact concerns of gaseous, noise, light, odour and risk. In line with the *Environmental Protection Act 1986*, the operators of an emitting industry must take all reasonable and practicable measures to prevent or minimise emissions from their premises. While state of the art facilities, best practice processes and modern pollution control equipment should be employed, emissions beyond the boundary of an industrial land use or infrastructure facility’s activities are not always avoidable.

Urban and regional planning aid on this matter is provided by *Draft State Planning Policy 4.1 Industrial Interface (SPP4.1)*. SPP4.1’s main intention is to prevent land use conflict at higher levels of the planning framework, including planning schemes and strategic planning documents. However, SPP4.1 does provide some

guidance on land use conflict between existing and proposed industry / infrastructure facilities (including land uses that may be permitted on land that is not zoned for industrial purposes) and sensitive land uses. In this context sensitive land uses include residential development, hospitals, hotels, motels, hostels, caravan parks, schools, nursing homes, child care facilities, shopping centres, playgrounds and some public buildings. SPP4.1 outlines development applications should include information on the nature and extent of any off-site impacts, and proposed management plans.

SPP4.1 states supplementary guidance is provided by the Environmental Protection Authority's *Guidance Statement No.3: Separation Distances Between Industrial and Sensitive Land Uses* (GS3). GS3 provides advice on which land uses require separation, and recommends the appropriate separation distances are assessed by planning authorities during the development application process.

GS3 recognises that site-specific studies may not be necessary in all situations and thus developed generic, non-definitive separation distances based on experience and scientific assessment. The table in Appendix 1 of GS3 includes industries that historically have been associated with amenity impacts from gaseous, dust, noise and odorous emissions. For some industries separation distance ranges are specified. For others, generic distances are not applicable and separation distances need to be determined case by case. Additionally, GS3 notes the area that may be adversely affected by industrial emissions will depend on site and process-specific factors such as the scale of the operation, plant processes and emission controls, storage of raw material and waste, local wind patterns and topography.

GS3 does not provide separation distances for convenience stores which propose the retail sale of petroleum products, but GS3 does provide a generic separation distance for service stations from sensitive land uses. GS3 gives a non-definitive buffer of 50m around service stations operating during normal business hours and a distance of 200m for those service stations operating 24 hours a day in order to protect surrounding sensitive land uses from potential risk and gaseous, noise and odour emissions associated with such development. It is noted that the separation distance extends to 200m for 24 hour service stations / convenience stores due to the concerns/requirements surrounding noise emissions.

Acknowledging the above, the development application was advertised to immediate affected landowners inviting comment for a period of 21 days, in addition to advertisement on the Shire's website and information posted on the Shire's Facebook page to ensure the target audience was given opportunity to submit their views and opinions on the proposed development.

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Council is requested to consider submissions received in deciding this development application (see schedule of submissions).

COMMENT

Under LPS7 a “convenience store” is defined as premise which is:

- (a) *used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents, **or the retail sale of petrol and those convenience goods;***
- (b) *operated during hours which include, but may extend beyond, normal trading hours;*
- (c) *which provide associated parking; and*
- (d) *the floor area of which does not exceed 300 square metres net lettable area.*

The proposed development is consistent with this definition by proposing the following characteristics:

1. The retail sale of convenience goods and petrol via four dual sided bowsers.
2. The construction of a 300m² retail building.
3. The construction of vehicle parking, signage and landscaping.
4. Operation past normal trading hours.

In addition, the proposed use will not be providing rest facilities, offering motor vehicle accessories for sale, nor will it carry out greasing, tyre repairs or minor mechanical repairs to vehicles which is associated with LPS7 “service station” and “roadhouse” definitions.

Other key aspects of the proposals are:

- An 8m high sign displaying the ‘Vibe’ corporate logo and fuel pricing to be constructed within the Bashford Street Road reserve immediately adjacent to the property.
- Fuel tanks are to be located immediately west of the fuel pumps, with a turn path analysis demonstrating that fuel tankers will be able to enter and leave the site.
- A bin store and service access for the Convenience Store is to be provided from the Right of Way (ROW).
- Vehicle crossovers are provided to Cook Street, Bashford Street and the ROW, with all crossovers facilitating the full movement of customer vehicles (entry and exit).

In total, fourteen submissions were received, of which four were in support and ten were in objection of the proposed development. Objections received raised concerns of traffic congestion and safety, setbacks, noise, light, gaseous and odour emissions, operating hours, devaluation of property and already an oversupply of related businesses in the locality.

The following Officer comments respond to the major issues of the proposed development taking into account submissions received.

Traffic Congestion and Safety Impacts:

A Transport Impact Assessment (TIA) was undertaken by Transcore for the subject site. The TIA outlined the following:

- The proposed access and egress system for the development consists of full-movement crossovers on Bashford Street and Cook Street. An additional cross-link across the laneway is proposed to connect the subject site with the adjacent shopping centre.
- The proposed development does not introduce any changes to the existing road network, with the exception of the new access point onto the laneway along the north-eastern boundary.
- The proposed access to the laneway is intended to be used exclusively for service vehicles requiring access and egress to the site.
- The majority of the trips (an estimated 80%) associated with the subject site would be 'passing-trade'. To calculate the total traffic generated, however, a conservative 60% was used. Using this figure, it was calculated that the proposed development would generate an additional 520 trips daily.
- Given the low traffic volumes on Cook Street and the laneway, capacity is not expected to arise as an issue for these crossovers.
- A capacity analysis was undertaken for the Bashford Street crossover which demonstrated that it has more than sufficient capacity to accommodate the anticipated traffic from the proposed development and will operate satisfactorily in the future. This includes during peak traffic periods which submitters have raised concerns about.
- Considering the existing traffic volumes and their capacity threshold, the impact from the proposed development would be insignificant on Bashford Street and Cook Street.
- The traffic generated by the proposed development would also have an insignificant impact on residential areas, given that approximately 80% of the traffic is expected to be passing-trade. In addition, the increase in traffic volumes will not significantly increase traffic noise.

Therefore, it is concluded that the existing road network can accommodate the traffic from the proposed development without undermining traffic operations.

Additionally, pre-lodgement of the development application the proponent met with Shire Infrastructure and Planning staff to ensure the proposed development would work in conjunction with the Shire's proposed road upgrades (in the vicinity of the proposed development) of Bashford Street (detailed within the documentation associated with Amendment No.35 to LPS7) to further alleviate any traffic concerns associated with the development. The upgrades along a length of Bashford Street between the Lindsay Street intersection to the south and Hastings Street to the northeast will propose extensive works including improved pedestrian links, roundabouts at key intersections,

landscaping and a single lane carriageway with a central median strip. In the location of the proposed development, the concept plan proposes a pedestrian footpath and a slip lane for vehicles entering the shopping centre to the north of the site. The verge in this location is approximately 27m in width, with the majority of this to be maintained as landscaping. An agreement in principal was made for the proponent to provide funding for the upgrading of footpath and associated landscape on the subject lands' road verge. This agreement will be formalised by a condition of planning approval.

Access:

The proposed Convenience Store incorporates a total of 4 vehicle crossovers as follows:

- The crossovers to Cook Street and Bashford Street will each provide full movement for customers entering and departing the premises, with the positioning and layout also designed to enable access by fuel tankers servicing the site. The exit crossover is consistent with the proposed concept plan for Bashford Street and will enable the safe and efficient movement of vehicles whilst also maintaining pedestrian safety and streetscape amenity in this location.
- Two crossovers are proposed to the northern ROW, with the eastern crossover enabling movement between the convenience store and shopping centre, whilst the north-western crossover provides access for service vehicles to the loading area and service yard.

Given the works in this location have been designed with careful consideration of traffic flow and safety in this location the proposed access of the development is deemed appropriate by Shire Staff.

Setbacks:

Under LPS7 there are no specific development standards including setbacks, with this left to the discretion of the Shire to determine. The development proposes a nil setback to Bashford Street of the fuel canopy. One submitter did object on these grounds on the belief developers shouldn't seek to utilise the public carriage way for their structures. However, the proponent outlines this would not adversely affect the amenity or streetscape in this location as the total road reserve width of Bashford Street is approximately 60m, with a verge width of 27m on the north-western side. This proposed development of road reserve is consistent with the precedence set with the vehicle parking and access of the neighbouring shopping centre which utilises a substantial portion of the reserve. Furthermore, the nil setback of the fuel canopy is consistent with the other recently developed retail fuel disturber (Caltex Service Station) in Jurien Bay who also fronts Bashford Street. Consequently, all development is setback a substantial distance from the road pavement which minimises any potential impact of building bulk to the streetscape.

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The southern side wall of the proposed convenience store building is to incorporate a nil setback with a wall 4m in height along 11m of the total 20m common boundary with No.4 Cook Street. The proponent states this aspect of the development would not adversely affect the residential amenity of No.4 through overlooking or loss of privacy, nor would it unreasonably affect access to direct sun and ventilation for habitable rooms or outdoor living areas.

Shire Planning Staff met with the landowners of No.4 Cook Street who requested for further privacy and safety reasons, that the proponent constructs the boundary fences of limestone to the proposed heights of the Colorbond fences on the submitted plans in addition to installing locked gates on the access into the loading yard. Shire Staff considered these requests reasonable and have included them as conditions of approval.

Parking:

Local Planning Policy 8.7 Car Parking (LPP8.7) outlines the vehicle parking requirements for a variety of land uses within the Shire. The parking requirements for the proposed convenience store are shown in the table below:

Land Use	Required Car Bays	Total Car Bays	Bicycle Racks
Convenience Store	1 bay for 20m ² Gross Floor Area	15	2 Racks

The applicant has proposed 2 bicycle racks, 9 car parking bays (including 1 disabled access bay) directly outside the store, a separate air/water access parking bay, 8 bays associated with fuel filling and 3 separate long vehicles parking bays on the North, South and East of the site respectively. The proposed vehicle parking infrastructure of 21 total vehicle parking bays (including 17 car parking bays) complies with LPP8.7's requirements.

Noise Emissions:

The use of the proposed development at all times is required to comply with the *Environmental Protection (Noise) Regulations 1997* (the Regulations). The proponent in their application did not state any measures to ensure compliance with the Regulations. Therefore to ensure compliance the following industry best practices will be enforced as conditions of approval:

- mechanical plant that will operate during the night (e.g. refrigeration condensers) shall have a low speed option;
- mechanical plant for all stores to be located as close to parapet walls as possible or behind local screens;
- all delivery vehicles should have broadband type reversing alarms fitted rather than standard tonal alarms. Where a safe practice can be provided (e.g. use of spotters), reversing alarms are to be turned off;
- mechanical plant to be regularly maintained to ensure noise

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- levels do not increase over time;
- mechanical plant to be installed using vibration isolation mounts;
 - external speakers shall not play music or the like between the hours of 7pm and 7am;
 - mechanical plant to be in line with those assumed in such developments;
 - tanker refuelling shall occur between 7am and 7pm Monday to Saturdays;
 - access grates shall be firmly seated in position and fitted with rubber gaskets to avoid excess banging; and
 - waste collection or similar activities shall occur between 7am and 7pm Mondays to Fridays and shall be undertaken in a reasonable and quiet manner.

Should the development fail to comply with the Regulations an acoustic report will be required (as a condition approval), with recommendations and requirements to be followed to rectify noncompliance to the satisfaction of the Shire.

Gaseous Emissions and Odour:

It is noted that a concern raised during the public consultation period was the potential for odour emissions to nearby residences. The buffer distance from the lot boundary to sensitive land uses is approximately 25m from the nearest fuel pump and thus does not exceed the 50m generic non-definitive separation distance for odours. However, it is noted that a standardised vapour recovery system as required under Australian Standards and State Regulations will be incorporated into the development. Such systems are designed to capture up to 85% of vapour and are considered an accepted industry standard to mitigate the odour impacts on surrounding landowners as much as reasonably possible.

The applicant is also required to obtain a Dangerous Goods Storage Licence under relevant State Legislation before the premises may operate. This would address odour and risk impacts to nearby residences.

Buffer Distances:

As the development proposal is for a 24 hour facility, the proposed development will not satisfy GS3's generic buffer distance of 200m for such premises, which when measured from the lot boundary would encompass several sensitive land use properties. However, these are only non-definitive guidelines intended to provide advice on generic separation distances between specific industry and sensitive land uses to avoid or minimise the potential for land use conflict. The distances outlined by GS3 are not intended to be absolute separation distances. As such the Shire can consider variations to these generic buffers where it is demonstrated that emissions can be adequately managed. There is further scope to allowing a variation as the development application is for the

lesser amenity impactful convenience store rather than a service station, where minor mechanical work and repair could take place.

The EPA's hierarchy for the management of industrial emissions is:

- avoidance of impacts;
- minimise the creation and discharge of waste by implementing best practice; or
- ensure environmental impacts from industrial emissions are acceptable and meet the relevant regulations and health criteria beyond the boundary of the site.

The proponent will employ best practice processes and modern pollution control equipment to minimise any emissions beyond the boundary as much as reasonable possibly. Moreover, as stated previously, the proponent will be required to meet industry regulations for obtainment of the development's operational licensing. Other environmental issues can be mitigated via conditions or advice notes of the planning approval. Therefore, Council should consider a variation to the generic 24 hour service station buffer of 200m.

Signage:

Signage within the Shire is regulated through Schedule 5 of LPS7: Exempted Advertisements and *Local Planning Policy 8.6 Advertising Devices (Signage) Policy* (LPP8.6). Under LPP8.6 signs used for the purpose of advertising the price of fuels and products are defined as a "Service Station Sign". Signage permitted in association with the Service Station Sign includes fascia signs, top hamper signs, a pole/pylon sign, a wall sign and entry/exit signage.

In accordance with the above, the applicant proposes the installation of signage in association with the proposed use as depicted on the attached development plans and includes a:

- illuminated 'Vibe' identification 'Service Station Sign' incorporating fuel pricing (with Vibe logo at top) with a total height of 8m, within the Bashford Street road reserve;
- non-illuminated Vibe yellow, red and orange flat fascia banding to canopy with Vibe logos at either end, at a height of minimum 5.5m above the finished ground level;
- non-illuminated Vibe 'Horizontal Sign' at the entrance to the convenience store; and
- numerous entry/exit signs.

The proponent outlines the following for the proposed signage:

The signage is considered to be modest in nature, placed in consolidated locations and integrated within the architectural design of the Convenience Store building. The proposed signage within the development is consistent with the relevant provisions. As per the relevant standards outlined in the Shire's Local Planning Policy, the maximum height for the 'Service Station Sign'

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is 8.0 metres. The proposed dimensions of the Vibe identification "Service Station Sign" is 8.0 metres in height and 2.0 metres in width, positioned within the Bashford Street Road Reserve.

Section 3.5 of the Local Planning Policy states that no pylon/post signage other than that erected by the Shire is to be approved within the road reserve of Bashford Street. We understand that this relates to illuminated directional signage incorporating advertising of privately owned facilities/businesses within the Town which was previously constructed along Bashford Street but has since been removed. We are of the view that the above section would not be applicable to the proposed 'Service Station Sign' as this sign is to be located immediately adjacent to the subject site and is directly relevant to the activity to be undertaken on the site.

Owing to the width of the verge in this location, it would not be practical or effective to position the sign within the property as it need to be clearly visible for motorists entering the Town, many of which may be travellers and unfamiliar with the Town. Providing ample warning will enable them to be informed of the facility with sufficient time to safely enter the site. For this reason we seek the Shire's endorsement to the proposed sign.

This explanation for the location of the proposed price board is viewed as reasonable and is endorsed at a Shire Officer level.

Economic & Social Concerns:

Objections to the proposed development raised a number of economic and social concerns. These concerns are explained in planning implementations below.

The proximity of the proposal to the existing service stations and the devaluation of property is not a relevant planning consideration. Furthermore, there is no evidence to suggest that a convenience store operating on a 24-hour basis would result in an increase in anti-social behaviour in the locality.

Operating hours may impact on the amenity of the adjoining residential developments as expectations regarding acceptable noise levels differ throughout the day. However, given the proponent will be required to ensure noise levels do not exceed acceptable noise levels as stipulated in the Regulations, a restriction on operating hours is not considered necessary.

One objector raised the concern of the Shire allowing a land use that supports the servicing of combustible engines in the contemporary world which is adopting electric vehicles as a result of the damaging effect that combustible vehicles are having on the environment. This long term vision should be considered at higher levels of the planning framework, however, until such a time as this eventuates this is not valid planning grounds to refuse a development.

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In summary, given the above, Shire staff are satisfied the development can be appropriately managed to prevent any adverse impacts on the locality and it is therefore recommended that Council resolve to grant conditional approval for the proposed convenience store.

CONSULTATION

- Surrounding landowners by letters
- General public by Shire website and Facebook page
- Shire Officers

STATUTORY ENVIRONMENT

- Local Planning Scheme No. 7
- Scheme Amendment No. 35
- Environmental Protection Act 1986
- Environmental Protection (Noise) Regulations 1997

POLICY IMPLICATIONS

- Local Planning Policy 8.7: Car Parking
- Local Planning Policy 8.6: Advertising Devices (Signage) Policy
- Draft State Planning Policy 4.1: Industrial Interface.
- EPA Guidance Statement 3: Separation Distances between Industrial and Sensitive Land Uses

FINANCIAL IMPLICATIONS

The applicant has paid a sum of \$5,555.00 for planning application as the estimated cost of the development is \$2million. This is in line with Shire's schedule of planning fees.

STRATEGIC IMPLICATIONS

- Jurien Bay City Centre Strategy 2012
- 2016 – 2026 Strategic Community Plan

<i>Goal 1: Great Place for Residential and Business Development</i>	
Objectives	How the Shire will contribute
1.2 Ensure effective and efficient development and building services	a) Process development applications and undertake building regulation functions and services
1.4 Ensure Shire is "open for business" and supports industry and business development	b) Identify and engage with future new business and industry opportunities
<i>Goal 5: Proactive and Leading Local Government</i>	
Objectives	How the Shire will contribute
5.3 Ensure community is well informed and facilitate community engagement in visioning, strategic planning and other significant decisions that affect the community	a) Consult and engage with the community on issues, projects and decisions that affect them b) Provide relevant and timely information through the Council website, newsletters, and local media

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ATTACHMENTS

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

- Supporting Information and Plans (Doc Id: 109368)
- Schedule of Submissions (Doc Id: 108969)
- Relevant Section Bashford St Upgrade Concept Plan (Doc Id 109576)

(Marked 9.3.2)

VOTING REQUIREMENT

Simple majority

OFFICE RECOMMENDATION

That Council grant planning approval for a Convenience Store on Lots 95 & 96 Bashford Street, Jurien Bay subject to the following conditions:

1. All development shall be in accordance with the attached approved plans dated 26 April 2018 and subject to any modifications required as a consequence of any conditions of this approval (see conditions 21 & 22). The endorsed plans shall not be modified or altered without the prior written approval of the local government.
2. Prior to commencing any clearing or earthworks onsite, the proponent must submit and have approved a dust management plan in accordance with Shire Policy 7.9 Dust management requirements for development works within the Shire of Dandaragan.
3. All internal access roads, driveways, parking and service bays shall be constructed to an impervious sealed, kerbed, drained and line marked standard to the satisfaction of the Shire's Chief Executive Officer or his designated representative. All car parking bays will comply with AS2890 Part 1 Parking Facilities – Off Street Car Parking.
4. All vehicle crossovers are to be designed, constructed and drained to the satisfaction of the Shire's Chief Executive or his designated representative prior to use of the approved development.
5. All proposed / endorsed landscaping works are to be completely installed prior to use of the development. In certain circumstances (such as those brought about by adverse seasonal conditions, for example) such works (or their final completion) may be allowed to be deferred for up to a maximum six months.
6. Such a deferral must be requested in writing and any approval thereto would be conditional upon a bond of 100% of the estimated cost of the proposed/endorsed landscaping works being deposited by the proponent, and held in trust by Council, until such time as the required works are installed and / or finished.
7. Should such required works not be installed and/or finalised by the end of the agreed (maximum six month) deferral period, Council reserves the right to undertake the necessary works

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- immediately thereafter, with all and any attendant costs being charged to the proponent through a deduction from the deposited bond.
8. All landscaping within the site and along the road reserves shall be implemented and maintained to a high standard for a period of four (4) years by the proponent in accordance with the approved Landscape Plan and the list of plant species as endorsed by the Chief Executive Officer or his designated representative.
 9. The proponent shall liaise with the Shire's Chief Executive Officer or his designated representative to establish an implementation program for cost sharing arrangements for areas to be landscaped outside of the properties.
 10. All external lighting shall comply with the requirements of AS4282 – Control of Obtrusive Effects of Outdoor Lighting to prevent any obtrusive light spill onto neighbouring properties.
 11. Roof downpipes must not openly discharge onto the ground or paved surface. All downpipes must discharge into a suitable piped stormwater drainage system.
 12. No site earthworks or development shall occur that will cause additional runoff of stormwater to adjacent properties.
 13. A gross pollutant trap must be incorporated as part of the internal drainage system.
 14. The Water Corporation must be contacted to determine if a grease arrestor (grease trap) needs to be installed, and regularly emptied as per the Environmental Protection (Controlled Waste) Regulations 2004.
 15. The Water Corporation must be contacted to determine if a hydrocarbon arrestor (petrol trap) needs to be installed, and regularly emptied as per the Environmental Protection (Controlled Waste) Regulations 2004.
 16. Refuse bin areas adequate to service the development shall be provided to the satisfaction of the Shire's Chief Executive Officer or his designated representative prior to use of the development.
 17. At all times the use of the development shall comply with the Environmental Protection (Noise) Regulations 1997 (the Regulations). Should the use of the development fail to comply with the Regulations; an acoustic report will be required with recommendations to be followed to rectify noncompliance to the satisfaction of the Chief Executive Officer or his designated representative.
 18. The following industry best practices for noise mitigation shall be installed prior and/or undertaken at all times during the use of the development:
 - a) Mechanical plant that will operate during the night (e.g. refrigeration condensers) shall have a low speed option;
 - b) Mechanical plant for all stores to be located as close to parapet walls as possible or behind local screens;
 - c) All delivery vehicles should have broadband type reversing alarms fitted rather than standard tonal alarms. Where a safe practice can be provided (e.g. use of spotters),

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- reversing alarms are to be turned off;
- d) Mechanical plant to be regularly maintained to ensure noise levels do not increase over time;
 - e) Mechanical plant to be installed using vibration isolation mounts;
 - f) External speakers shall not play music or the like between the hours of 7pm and 7am;
 - g) Mechanical plant to be in line with those assumed in such developments;
 - h) Tanker refuelling shall occur between 7am and 7pm Monday to Saturdays;
 - i) Access grates shall be firmly seated in position and fitted with rubber gaskets to avoid excess banging; and
 - j) Waste collection or similar activities shall occur between 7am and 7pm Mondays to Fridays and shall be undertaken in a reasonable and quiet manner.
19. At all times the development is to comply with the following guidelines:
- a. Department of Mines and Petroleum's Storage and handling of dangerous goods - Code of practice.
 - b. Department of Water and Environmental Regulation's - Water Quality Protection Notes (WQPN):
 - WQPN 10: Contaminant spills - emergency response;
 - WQPN 49: - Service stations;
 - WQPN 62: Tanks for underground chemical storage;
 - WQPN 64: Tanks - closure of underground chemical storage;
 - WQPN 65: Toxic and hazardous substances - storage and use; and
 - WQPN 68: Mechanical equipment wash down.
20. The proponent is to construct boundary limestone fences to the height level of the proposed boundary Colorbond fences on the dated approved plans. All costs of said fences are to be borne by the proponent.
21. The proponent is to construct lockable permanent screened gates to the 'loading yard' denoted on the dated approved plans.

Advice Notes:

1. With reference to drainage conditions, all stormwater drainage shall be designed and constructed at the applicant's cost and in accordance with the requirements of local government and the current Australian Rainfall and Run-off Manual. Stormwater retention of run-off from roof and or other paved / impervious areas shall be provided on site. The design is to ensure the discharge of stormwater from the developed site is so as to restrict discharge to that which existed prior to development. Design overflow from soak wells and site drainage shall ensure no discharge onto or through adjoining properties. Details on the site specific design of control and disposal of stormwater from the site are to be submitted with the building application.

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2. Noise levels from any compressors or other mechanical equipment is to not disturb the amenity of nearby sensitive land uses.
3. Grant of planning consent is not a building permit. A building permit must also be obtained for this development.
4. This approval shall expire if the development hereby approved has not been substantially commenced within two years of the date hereof - or within any extension of that time (requested in writing prior to the approval expiring) that may be granted by Council. Any extension of approval that may be granted would be for a maximum 12 months and also subject to the receipt of a 'renewal fee' in accordance with the 'Planning Services Fees and Charges Schedule' adopted each year by Council.
5. The applicant be advised that "should you be aggrieved by this decision, or any conditions imposed, there is a Right of Review under the Planning and Development Act 2005. An application for Review must be submitted in accordance with Part XIV of the Planning and Development Act within 28 days of the date of this decision to:

The State Administrative Tribunal
GPO Box U1991
PERTH WA 6845"

Moved Cr Eyre, seconded Cr Scharf

That Council grant planning approval for a Convenience Store on Lots 95 & 96 Bashford Street, Jurien Bay subject to the following conditions:

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5. All proposed / endorsed landscaping works are to be completely installed prior to use of the development. In certain

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circumstances (such as those brought about by adverse seasonal conditions, for example) such works (or their final completion) may be allowed to be deferred for up to a maximum six months.

6. Such a deferral must be requested in writing and any approval thereto would be conditional upon a bond of 100% of the estimated cost of the proposed/endorsed landscaping works being deposited by the proponent, and held in trust by Council, until such time as the required works are installed and / or finished.
7. Should such required works not be installed and/or finalised by the end of the agreed (maximum six month) deferral period, Council reserves the right to undertake the necessary works immediately thereafter, with all and any attendant costs being charged to the proponent through a deduction from the deposited bond.
8. All landscaping within the site and along the road reserves shall be implemented and maintained to a high standard for a period of four (4) years by the proponent in accordance with the approved Landscape Plan and the list of plant species as endorsed by the Chief Executive Officer or his designated representative.
9. The proponent shall liaise with the Shire's Chief Executive Officer or his designated representative to establish an implementation program for cost sharing arrangements for areas to be landscaped outside of the properties.
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required with recommendations to be followed to rectify noncompliance to the satisfaction of the Chief Executive Officer or his designated representative.

18. The following industry best practices for noise mitigation shall be installed prior and/or undertaken at all times during the use of the development:
- k) Mechanical plant that will operate during the night (e.g. refrigeration condensers) shall have a low speed option;
 - l) Mechanical plant for all stores to be located as close to parapet walls as possible or behind local screens;
 - m) All delivery vehicles should have broadband type reversing alarms fitted rather than standard tonal alarms. Where a safe practice can be provided (e.g. use of spotters), reversing alarms are to be turned off;
 - n) Mechanical plant to be regularly maintained to ensure noise levels do not increase over time;
 - o) Mechanical plant to be installed using vibration isolation mounts;
 - p) External speakers shall not play music or the like between the hours of 7pm and 7am;
 - q) Mechanical plant to be in line with those assumed in such developments;
 - r) Tanker refuelling shall occur between 7am and 7pm Monday to Saturdays;
 - s) Access grates shall be firmly seated in position and fitted with rubber gaskets to avoid excess banging; and
 - t) Waste collection or similar activities shall occur between 7am and 7pm Mondays to Fridays and shall be undertaken in a reasonable and quiet manner.
19. At all times the development is to comply with the following guidelines:
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 - WQPN 10: Contaminant spills - emergency response;
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 - WQPN 64: Tanks - closure of underground chemical storage;
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20. The proponent is to construct boundary limestone fences to the height level of the proposed boundary Colorbond fences on the dated approved plans. All costs of said fences are to be borne by the proponent.
21. The proponent is to construct lockable permanent screened gates to the 'loading yard' denoted on the dated approved plans.

Advice Notes:

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1. With reference to drainage conditions, all stormwater drainage shall be designed and constructed at the applicant's cost and in accordance with the requirements of local government and the current Australian Rainfall and Run-off Manual. Stormwater retention of run-off from roof and or other paved / impervious areas shall be provided on site. The design is to ensure the discharge of stormwater from the developed site is so as to restrict discharge to that which existed prior to development. Design overflow from soak wells and site drainage shall ensure no discharge onto or through adjoining properties. Details on the site specific design of control and disposal of stormwater from the site are to be submitted with the building application.
2. Noise levels from any compressors or other mechanical equipment is to not disturb the amenity of nearby sensitive land uses.
3. Grant of planning consent is not a building permit. A building permit must also be obtained for this development.
4. This approval shall expire if the development hereby approved has not been substantially commenced within two years of the date hereof - or within any extension of that time (requested in writing prior to the approval expiring) that may be granted by Council. Any extension of approval that may be granted would be for a maximum 12 months and also subject to the receipt of a 'renewal fee' in accordance with the 'Planning Services Fees and Charges Schedule' adopted each year by Council.
5. The applicant be advised that "should you be aggrieved by this decision, or any conditions imposed, there is a Right of Review under the Planning and Development Act 2005. An application for Review must be submitted in accordance with Part XIV of the Planning and Development Act within 28 days of the date of this decision to:

The State Administrative Tribunal
GPO Box U1991
PERTH WA 6845"

MOTION TO AMEND

Moved Cr Shanhun, seconded Cr McGlew

That the recommendation be amended to amend condition 20 and include a new condition 22.

20. The proponent is to construct boundary limestone fences to the height level of 2.8m above natural ground level. All costs of said fences are to be borne by the proponent.
22. The proponent is to construct a front fence of limestone construction with automatic gates and timber inserts on neighbouring property Lot 97 (4) Cook Street in accordance with Council's Local Laws and to the satisfaction of the Chief Executive Officer.

CARRIED 7 / 1

SUBSTANTIVE MOTION AND COUNCIL DECISION

That Council grant planning approval for a Convenience Store on Lots 95 & 96 Bashford Street, Jurien Bay subject to the following conditions:

1. All development shall be in accordance with the attached approved plans dated 26 April 2018 and subject to any modifications required as a consequence of any conditions of this approval (see conditions 21 & 22). The endorsed plans shall not be modified or altered without the prior written approval of the local government.
2. Prior to commencing any clearing or earthworks onsite, the proponent must submit and have approved a dust management plan in accordance with Shire Policy 7.9 Dust management requirements for development works within the Shire of Dandaragan.
3. All internal access roads, driveways, parking and service bays shall be constructed to an impervious sealed, kerbed, drained and line marked standard to the satisfaction of the Shire's Chief Executive Officer or his designated representative. All car parking bays will comply with AS2890 Part 1 Parking Facilities – Off Street Car Parking.
4. All vehicle crossovers are to be designed, constructed and drained to the satisfaction of the Shire's Chief Executive or his designated representative prior to use of the approved development.
5. All proposed / endorsed landscaping works are to be completely installed prior to use of the development. In certain circumstances (such as those brought about by adverse seasonal conditions, for example) such works (or their final completion) may be allowed to be deferred for up to a maximum six months.
6. Such a deferral must be requested in writing and any approval thereto would be conditional upon a bond of 100% of the estimated cost of the proposed/endorsed landscaping works being deposited by the proponent, and held in trust by Council, until such time as the required works are installed and / or finished.
7. Should such required works not be installed and/or finalised by the end of the agreed (maximum six month) deferral period, Council reserves the right to undertake the necessary works immediately thereafter, with all and any attendant costs being charged to the proponent through a deduction from the deposited bond.
8. All landscaping within the site and along the road reserves shall be implemented and maintained to a high standard for a period of four (4) years by the proponent in accordance with the approved Landscape Plan and the list of plant species as endorsed by the Chief Executive

- Officer or his designated representative.
9. The proponent shall liaise with the Shire's Chief Executive Officer or his designated representative to establish an implementation program for cost sharing arrangements for areas to be landscaped outside of the properties.
 10. All external lighting shall comply with the requirements of AS4282 – Control of Obtrusive Effects of Outdoor Lighting to prevent any obtrusive light spill onto neighbouring properties.
 11. Roof downpipes must not openly discharge onto the ground or paved surface. All downpipes must discharge into a suitable piped stormwater drainage system.
 12. No site earthworks or development shall occur that will cause additional runoff of stormwater to adjacent properties.
 13. A gross pollutant trap must be incorporated as part of the internal drainage system.
 14. The Water Corporation must be contacted to determine if a grease arrestor (grease trap) needs to be installed, and regularly emptied as per the Environmental Protection (Controlled Waste) Regulations 2004.
 15. The Water Corporation must be contacted to determine if a hydrocarbon arrestor (petrol trap) needs to be installed, and regularly emptied as per the Environmental Protection (Controlled Waste) Regulations 2004.
 16. Refuse bin areas adequate to service the development shall be provided to the satisfaction of the Shire's Chief Executive Officer or his designated representative prior to use of the development.
 17. At all times the use of the development shall comply with the Environmental Protection (Noise) Regulations 1997 (the Regulations). Should the use of the development fail to comply with the Regulations; an acoustic report will be required with recommendations to be followed to rectify noncompliance to the satisfaction of the Chief Executive Officer or his designated representative.
 18. The following industry best practices for noise mitigation shall be installed prior and/or undertaken at all times during the use of the development:
 - a) Mechanical plant that will operate during the night (e.g. refrigeration condensers) shall have a low speed option;
 - b) Mechanical plant for all stores to be located as close to parapet walls as possible or behind local screens;
 - c) All delivery vehicles should have broadband type reversing alarms fitted rather than standard tonal alarms. Where a safe practice can be provided (e.g. use of spotters), reversing alarms are to be turned off;
 - d) Mechanical plant to be regularly maintained to ensure noise levels do not increase over time;
 - e) Mechanical plant to be installed using vibration isolation mounts;

- f) External speakers shall not play music or the like between the hours of 7pm and 7am;
 - g) Mechanical plant to be in line with those assumed in such developments;
 - h) Tanker refuelling shall occur between 7am and 7pm Monday to Saturdays;
 - i) Access grates shall be firmly seated in position and fitted with rubber gaskets to avoid excess banging; and
 - j) Waste collection or similar activities shall occur between 7am and 7pm Mondays to Fridays and shall be undertaken in a reasonable and quiet manner.
19. At all times the development is to comply with the following guidelines:
- a. Department of Mines and Petroleum's Storage and handling of dangerous goods - Code of practice.
 - b. Department of Water and Environmental Regulation's - Water Quality Protection Notes (WQPN):
 - WQPN 10: Contaminant spills - emergency response;
 - WQPN 49: - Service stations;
 - WQPN 62: Tanks for underground chemical storage;
 - WQPN 64: Tanks - closure of underground chemical storage;
 - WQPN 65: Toxic and hazardous substances - storage and use; and
 - WQPN 68: Mechanical equipment wash down.
20. The proponent is to construct boundary limestone fences to the height level of 2.8m above natural ground level. All costs of said fences are to be borne by the proponent.
21. The proponent is to construct lockable permanent screened gates to the 'loading yard' denoted on the dated approved plans.
22. The proponent is to construct a front fence of limestone construction with automatic gates and timber inserts on neighbouring property Lot 97 (4) Cook Street in accordance with Council's Local Laws and to the satisfaction of the Chief Executive Officer.

Advice Notes:

1. With reference to drainage conditions, all stormwater drainage shall be designed and constructed at the applicant's cost and in accordance with the requirements of local government and the current Australian Rainfall and Run-off Manual. Stormwater retention of run-off from roof and or other paved / impervious areas shall be provided on site. The design is to ensure the discharge of stormwater from the developed site is so as to restrict discharge to that which existed prior to development. Design overflow from soak wells and site drainage shall ensure no discharge onto or through adjoining properties. Details on the site specific design of control and disposal of stormwater from the site are to be submitted with the


- building application.
2. Noise levels from any compressors or other mechanical equipment is to not disturb the amenity of nearby sensitive land uses.
 3. Grant of planning consent is not a building permit. A building permit must also be obtained for this development.
 4. This approval shall expire if the development hereby approved has not been substantially commenced within two years of the date hereof - or within any extension of that time (requested in writing prior to the approval expiring) that may be granted by Council. Any extension of approval that may be granted would be for a maximum 12 months and also subject to the receipt of a 'renewal fee' in accordance with the 'Planning Services Fees and Charges Schedule' adopted each year by Council.
 5. The applicant be advised that "should you be aggrieved by this decision, or any conditions imposed, there is a Right of Review under the Planning and Development Act 2005. An application for Review must be submitted in accordance with Part XIV of the Planning and Development Act within 28 days of the date of this decision to:

**The State Administrative Tribunal
GPO Box U1991
PERTH WA 6845"**

CARRIED 6 / 2

9.4 GOVERNANCE & ADMINISTRATION

9.4.1 SALE OF LOT 96 (NO 74) BASHFORD STREET, JURIE BAY

Location:	Lot 96 (74) Bashford Street, Jurien Bay
Applicant:	Ray White Real Estate Jurien Bay, on behalf of BPG Pty Ltd
Folder Path:	Business Classification Scheme / Council Properties / Acquisition and Disposal / Land Developments
Disclosure of Interest:	Nil
Date:	6 April 2018
Author:	Brent Bailey, Chief Executive Officer
Signature of Author:	

PROPOSAL

This item seeks Council approval for a variation of contract for the sale of land associated with Lot 96 Bashford Street, Jurien Bay. The recommendation seeks to endorse a sale contract variation allowing a revised development proposal accommodating the construction of a convenience store which includes fuel supply pumps.

BACKGROUND

The background of the sale of Lot 96 Bashford Street was covered in reports to Council at its ordinary meetings held on 27 October 2016 and 24 November 2016. The items were discussed as a matter behind closed doors due to the commercial nature of the development proposed and under Section 5.23(2)(h) of the Local Government Act 1995 as the Shire was considering a price for the sale of a property.

At the meeting held 27 October 2016, it was resolved:

That Council:

1. *acknowledge the market valuation of \$380,000 to \$420,000 for Lot 96 (No 74) Bashford Street, Jurien Bay as provided in attachment 11.1.1 (Doc id:74982); and*
2. *agree to advertise the proposed sale of Lot 96 (No 74) Bashford Street, Jurien Bay to BPG Pty Ltd for the amount of \$400,000 in accordance with Section 3.58 of the Local Government Act 1995.*

CARRIED 7 / 0

At the meeting held 24 November 2016, it was resolved:

That Council:

1. *acknowledge that having met its requirements under section 3.58 of the Local Government Act 1995 that after the advertising period that no submissions were received in relation to the proposed sale of Lot 96 (No 74) Bashford Street, Jurien Bay at the value of \$400,000 to BPG Pty Ltd via private treaty;*
2. *agree to sell Lot 96 (No 74) Bashford Street to BPG Pty Ltd via private treaty for the amount of \$400,000 in accordance with the Special Conditions as outlined in Doc ID: 76799; and*
3. *authorise the President and the Chief Executive Officer to sign and affix the common seal in relation to all documentation associated with the sale of Lot 96 (No 74) Bashford Street Jurien Bay on its behalf.*

CARRIED 8 / 0

The commercial nature of the revised proposed development is now in the public realm as it has been advertised as a development application for public submissions. The sale value (\$400,000) of the property has also been advertised in accordance with the requirements of Section 3.58 of the Local Government Act 1995.

Following the first advertising period on the property sale transaction it was noticed that an administration error advertised the purchaser to be another business owned by Mr Braddock. This was not the intended purchaser as indicated on the offer. The error was rectified by readvertising the disposal.

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Following the closing date of the second round of advertising, Council resolved the following at its ordinary meeting held 25 January 2017:

That Council's decision for item 11.1.1 from the Council Meeting held on the 24 November 2016 being:

"That Council:

- 1. acknowledge that having met its requirements under section 3.58 of the Local Government Act 1995 that after the advertising period that no submissions were received in relation to the proposed sale of Lot 96 (No 74) Bashford Street, Jurien Bay at the value of \$400,000 to BPG Pty Ltd via private treaty;*
- 2. agree to sell Lot 96 (No 74) Bashford Street to BPG Pty Ltd via private treaty for the amount of \$400,000 in accordance with the Special Conditions as outlined in Doc ID: 76799; and*
- 3. authorise the President and the Chief Executive Officer to sign and affix the common seal in relation to all documentation associated with the sale of Lot 96 (No 74) Bashford Street Jurien Bay on its behalf."*

Be revoked.

CARRIED BY ABSOLUTE MAJORITY 6 / 0

That Council:

- 1. acknowledge that having met its requirements under section 3.58 of the Local Government Act 1995 that after the advertising period closing on the 23 December 2016 that no submissions were received in relation to the proposed sale of Lot 96 (No 74) Bashford Street, Jurien Bay at the value of \$400,000 to Jeffrey Lisle Braddock as trustee for Jurien Bay Trust via private treaty;*
- 2. agree to sell Lot 96 (No 74) Bashford Street to Jeffrey Lisle Braddock as trustee for Jurien Bay Trust via private treaty for the amount of \$400,000 in accordance with the Special Conditions as outlined in Doc ID: 76799; and*
- 3. authorise the President and the Chief Executive Officer to sign and affix the common seal in relation to all documentation associated with the sale of Lot 96 (No 74) Bashford Street, Jurien Bay on its behalf.*

CARRIED 6 / 0

The matter can now be dealt with as part of ordinary Council business without closing the meeting to the public however, the contract of sale remains as a confidential attachment in accordance with the objectives of Section 5.23 (2)(c) of the Local Government Act 1995 and the contract for sale itself.

Since the sale of land contracts were signed, the developer has submitted revised plans for the site. These development plans are also being presented to Council for development approval at the April meeting following local neighbour and wider community

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consultation. The new development plans require Council to consider and authorise a variation to the contract for sale documents if the sale is to proceed under the purchasers current proposed plans.

COMMENT

Originally the sale contract documentation approved a mixed use development consisting of commercial retail and short stay residential development. The original development included a drive through liquor store, retail and fast food outlet on the ground floor and short stay accommodation on the first floor. The revised proposal which, has been submitted for development approval, seeks to construct a convenience store with fuel pumps. The term convenience store is taken from the Shire's Town Planning Scheme and is a term applied to this size store which is less than 300m².

The CEO has deemed that the revised development plans are materially different to the original plans agreed to in the contract for sale. Accordingly, the buyer now seeks approval from Council for a variation under the following clauses of Annexure B in the Special Conditions of the sale contract to proceed with the property purchase:

11.2 The Buyer agrees with the Seller not to make any substantial or material change to the Development unless otherwise agreed in writing by the Seller. The Seller shall determine any such request in its absolute discretion.

*11.3 The Seller agrees with the Buyer that:
(a) if the Buyer seeks to vary the Development, the Seller will consider and determine that request within a reasonable period of time.*

To progress the sale of this property under the purchaser's revised plans, Council will need to approve the revised development plans and authorise the Shire President and the CEO to sign a variation to the contract of sale. If Council does not support the revised development plans the contract for sale may lapse in accordance with the special conditions within the contract for sale.

CONSULTATION

- Executive Manager Development Services
- McLeod's Barrister and Solicitors

STATUTORY ENVIRONMENT

The advertising requirements for the disposal of this property have been met in accordance with Section 3.58 of the Local Government Act 1995.

Local Government Act 1995

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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.
- (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

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discussion of such a matter, are matters prescribed for the purposes of section 5.23(2)(h).

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

The property sale has been forecast to provide income of \$400,000 which has been allocated to the Economic Development Initiatives Reserve in the 2017 / 2018 budget.

Costs associated with the maintenance and incidentals for Lot 96 Bashford Street would also be removed.

STRATEGIC IMPLICATIONS

2016 - 2026 Strategic Community Plan

<i>Goal 1: Great Place for Residential and Business Development</i>	
Objectives	How the Shire will contribute
1.1 Ensure planning and land availability provides opportunity for sustainable growth and lifestyle options/choices	a) Strategic land use planning across the Shire, with a focus on coastal settlement and town centre strategy c) Activate Growth Plan
1.4 Ensure Shire is "open for business" and supports industry and business development	b) Identify and engage with future new business and industry opportunities c) Realise potential of Council controlled of lazy land assets

ATTACHMENTS

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

- Contract for Sale including the original offer and acceptance BPG Pty Ltd (Doc Id: 77085) - Confidential
 - Plans of the new proposal of the convenience store with petrol pumps - Lots 95, 96 Cnr Bashford & Cook Street - Old CRC site (Doc Id: 109091)
 - Request for Variation from Buyers (Doc Id: 109658)
- (Marked 9.4.1)**

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Gibson, seconded Cr Richardson


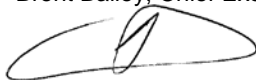
That Council:

- 1. agrees to the request from BPG Pty Ltd to vary the original proposed development for Lot 96 (No 74) Bashford Street, Jurien Bay to a convenience store which includes fuel supply pumps in accordance with the revised development plans (Doc Id: 109091); and**
- 2. authorises the Shire President and the Chief Executive Officer to sign and affix the common seal in relation to all**

documentation associated with the variation to the sale of Lot 96 (No 74) Bashford Street, Jurien Bay on its behalf.

CARRIED 8 / 0

9.4.2 WASTE SERVICE ANNUAL CHARGE

Folder Path: Business Classification Scheme / Waste Management / Fees & Charges / Fee Structure
 Date: 16 April 2018
 Author: Scott Clayton, Executive Manager Corporate and Community Services
 Signature of Author: 
 Senior Officer: Brent Bailey, Chief Executive Officer
 Signature of Senior Officer: 

PROPOSAL

To authorise local advertising of proposed compulsory annual waste service charges to identified properties in the Shire of Dandaragan effective 1 July 2018.

BACKGROUND

Under the now deleted section 112A of the Health Act 1911 a "Local government may prescribe part of a district in which occupier of premises shall not remove rubbish without permission."

Further the deleted section goes on to state "Where a local government ... contracts for the efficient execution within its district or any part of its district of the work specified in section 112(1)(a), every occupier of premises within a prescribed part of that district or of that part of the district of the local government as the case may be shall ... pay to the local government ... the prescribed charge or the charge according to the scale published in accordance with section 113."

Under this old legislation the "prescribed parts" of the Shire of Dandaragan were limited to within town site boundaries and the Alta Mare subdivision.

In effect this prescription forces the ratepayer with a house on their property to be issued with a rubbish collection service charged annually with the rates.

Prescription was limited to only Alta Mare outside of townsite boundaries as this is the only "special rural" type development rated using the Gross Rental Value method.

COMMENT

There appears to be a growing problem with rate payers in unimproved rated Rural Residential and Special Use / Rural

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Development estates, and vacant and shed only properties in Alta Mare dumping rubbish illegally due to bin services and rural facility passes not being compulsory.

Currently rubbish and recycling bins are issued once a dwelling has been built and 'Notice of Completion' has been received by the Shire for Alta Mare.

Recently, the skip bin permanently located at the Jurien Bay information bay has been rapidly filling up with domestic waste. Anecdotal evidence suggests these are residents and occupiers from Rural Residential and Special Use / Rural Development estates who are not issued any type of waste service and are disposing of their waste when visiting town.

The removal of the skip bin was trialled for a period of time, but this did not stop the dumping of domestic waste in overflowing sulo bins or directly on the ground.

Historically, bin services have only been made compulsory for prescribed properties with a completed dwelling. Sheds cannot be constructed in town without a dwelling and vacant blocks were believed to not be domestic waste generating. While this assumption still holds true for town site properties it is clearly not the case for Rural Residential and Special Use / Rural Development estates.

Be it illegal occupation of sheds or owners camping on blocks with no structures there is clearly an issue with domestic waste being generated in these sub-divisions no matter the status of the property.

The Caravan Parks and Camping Grounds Regulations allow campers to camp for up to 3 days in every one month on land that they own. Various properties located in the Rural Residential and Special Use / Rural Development estates, that don't contain dwellings, are being used by their owners and friends to camp on from time to time.

As they haven't been issued with rubbish bins any waste produced by these persons is either dumped illegally, or discarded into Shire bins that are designated to recreational areas. Very few attend the tip site and pay the prescribed fee. This leads to overfilling of public bins and waste being blown out of the waste bins causing littering and detracting from the amenity of the area.

The provision of waste services in the Shire is one of, if not the only service that is not funded by general rates revenue or grant income.

The rubbish charges as determined each year during the budget process (plus any income at the tip gate) aim to recover the entire cost of providing waste services including, but not limited to,

domestic collection, street bins, tip maintenance and waste transfer.

Therefore those people who are generating residential waste without a rubbish service but using public bins are being subsidised by those that do pay the charge.

After some considerations it was recognised that properties located in the Rural Residential and Special Use / Rural Development estates with vacant blocks or blocks with non-habitable sheds should be provided with a waste service similar to rural properties whereby they pay an annual charge that allows them to take the equivalent on 1 sulo bins worth of domestic waste to the waste site weekly. They will also be issued with the additional 4 tip passes.

Furthermore, it is the opinion of the administration that a full rubbish collection service be charged to properties in all Rural Residential and Special Use / Rural Development estates with a completed dwelling or a shed authorised for human habitation.

CONSULTATION

- Principal Environment Health Officer
- Executive Manager Development Services

STATUTORY ENVIRONMENT

The deleted section of the Health Act referred to above has been replaced by relevant clauses in the Waste Avoidance and Resource Recovery Act 2007 as follows;

Waste service means —

- (a) the collection, transport, storage, treatment, processing, sorting, recycling or disposal of waste; or*
- (b) the provision of receptacles for the temporary deposit of waste; or*
- (c) the provision and management of waste facilities, machinery for the disposal of waste and processes for dealing with waste;*

67. Local government may impose receptacle charge

- (1) A local government may, in lieu of, or in addition to a rate under section 66, provide for the proper disposal of waste, whether within its district or not, by making an annual charge per waste receptacle, payable in one sum or by equal monthly or other instalments in advance, in respect of premises provided with a waste service by the local government.*
- (2) The charge is to be imposed on the owner (as defined in section 64(1)) or occupier, as the local government may decide, of any premises provided with a waste service by the local government.*

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- (3) *The provisions of the Local Government Act 1995 relating to the recovery of general rates apply with respect to a charge referred to in subsection (1).*
- (4) *In the case of premises being erected and becoming occupied during the year for which payment is to be made, the charge for the service provided is to be the sum that proportionately represents the period between the occupation of the premises and the end of the year for which payment is made.*
- (5) *Notice of any charge made under this section may be included in any notice of rates imposed under section 66 or the Local Government Act 1995, but the omission to give notice of a charge does not affect the validity of the charge or the power of the local government to recover the charge.*
- (6) *A charge may be limited to premises in a particular portion of the area under the control of the local government.*
- (7) *Charges under this section may be imposed in respect of and are to be payable for all premises in respect of which a waste service is provided, whether such premises are rateable or not.*
- (8) *A local government may make different charges for waste services rendered in different portions of its district.*

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no financial implications for 2017 / 2018 financial year.

The Shire sets waste services charges annually as part of the budget adoption process.

STRATEGIC IMPLICATIONS

2016 – 2026 Strategic Community Plan

<i>Goal 1: Great Place for Residential and Business Development</i>	
Objectives	How the Shire will contribute
1.3 Ensure timely provision of essential and strategic infrastructure	k) Provide household and commercial waste management services

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr McGlew, seconded Cr Shanhun

That Council, authorise local public advertising of a proposal, effective 1 July 2018 and in accordance with section 67 Waste Avoidance and Resource Recovery Act 2007.

1. to apply a compulsory annual rubbish charge, as determined by the annual fees and charges adoption, for all approved dwellings within designated town site boundaries, and;
2. to apply a compulsory annual rubbish charge, as determined by the annual fees and charges adoption, for all approved dwellings within Rural Residential and Special Use / Rural Development estates, and;
3. to apply a compulsory annual rubbish charge, as determined by the annual fees and charges adoption, for all approved Temporary Accommodation in Rural Residential and Special Use / Rural Development estates where approval is for a person(s) to stay within an adapted habitable (self-contained) outbuilding while constructing their permanent dwelling , and;
4. to apply a compulsory annual rural facility pass charge, as determined by the annual fees and charges adoption, for all vacant properties and properties with outbuildings for non-habitation within Rural Residential and Special Use / Rural Development estates.

CARRIED 8 / 0

9.5 COUNCILLOR INFORMATION BULLETIN

9.5.1 SHIRE OF DANDARAGAN – MARCH 2018 COUNCIL STATUS REPORT

Document ID: 108794

Attached to the agenda is a copy of the Shire's status report from the Council Meeting held 22 March 2018. **(Marked 9.5.1)**

9.5.2 SHIRE OF DANDARAGAN – EXECUTIVE MANAGER INFRASTRUCTURE REPORT – APRIL 2018

Document ID: 109568

Attached to the agenda is a copy of the Shire of Dandaragan's Executive Manager Infrastructure Report for April 2018. **(Marked 9.5.2)**

9.5.3 SHIRE OF DANDARAGAN – BUILDING STATISTICS – MARCH 2018

Document ID: 109453

Attached to the agenda is a copy of the Shire of Dandaragan Building Statistics for March 2018. **(Marked 9.5.3)**

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9.5.4 SHIRE OF DANDARAGAN – PLANNING STATISTICS – MARCH 2018

Document ID: 109050

Attached to the agenda is a copy of the Shire of Dandaragan Planning Statistics for March 2018. **(Marked 9.5.4)**

9.5.5 DEPARTMENT BIODIVERSITY, CONSERVATION & ATTRACTIONS – DECLARED RARE FLORA

Document ID: 108839

Attached to the agenda is correspondence advising of Declared Rare Flora being located within the Shire of Dandaragan **(Marked 9.5.5)**

9.5.6 STABLE FLY ACTION GROUP – NEWSLETTER ISSUE 22

Document ID: 109180

Attached to the agenda is Stable Fly Action Group Newsletter Issue 22 – April 2018 **(Marked 9.5.6)**

9.5.7 WALGA – STATE COUNCIL AGENDA – MAY 2018

Document ID: 109423

The next State Council will be held on 4 May 2018 and a copy of the agenda can be found on the WALGA website at – <http://walga.asn.au/About-WALGA/Structure/State-Council/Agendas-and-Minutes.aspx>

9.5.8 SHIRE OF DANDARAGAN TOURISM / LIBRARY REPORT FOR MARCH 2018

Document ID: 109451

Attached to the agenda is monthly report for Tourism / Library for March 2018 **(Marked 9.5.8)**

9.5.9 CAPITAL WORKS PROGRAM

Document ID: 100509

Attached to the agenda is the Capital Works Program Report – 11 April 2018 **(Marked 9.5.9)**

9.5.10 JARDINE LLOYD THOMPSON PTY LTD (JLT) ALLEGATIONS

Document ID: 109659

Attached to the agenda is correspondence from WALGA and Media Release into the JLT Allegations **(Marked 9.5.10)**

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

Nil

11 CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE PUBLIC

Nil

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12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13 CLOSURE OF MEETING

The presiding member declared the meeting closed at 4.43pm.

These minutes were confirmed at a meeting on

Signed

Presiding person at the meeting at which the minutes were confirmed

Date