SHIRE

of

DANDARAGAN

MINUTES

of the

ORDINARY COUNCIL MEETING

held at the

COUNCIL CHAMBERS, JURIEN BAY

on

THURSDAY 25 JULY 2019

COMMENCING AT 4.03PM

(THIS DOCUMENT IS AVAILABLE IN LARGER PRINT ON REQUEST)

Table of Contents

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS 1

1.1 DECLARATION OF OPENING 1

1.2 DISCLAIMER READING 1

2 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE 1

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE 2

4 PUBLIC QUESTION TIME 2

5 APPLICATIONS FOR LEAVE OF ABSENCE 2

6 CONFIRMATION OF MINUTES 2

6.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD THURSDAY 27 JUNE 2019 2

7 NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION 2

8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS 2

9 REPORTS OF COMMITTEES AND OFFICERS 3

9.1 CORPORATE & COMMUNITY SERVICES 3

9.1.1 ACCOUNTS FOR PAYMENT – JUNE 2019 3

9.1.2 SHIRE OF DANDARAGAN 2019 / 2020 ANNUAL MUNICIPAL BUDGET 4

9.2 INFRASTRUCTURE SERVICES 11

9.3 DEVELOPMENT SERVICES 11

9.3.1 JURIEN BAY HOTEL – POLE SIGN 11

9.3.2 JURIEN BAY INTERPRETIVE COMPLEX INC. – POLE SIGN 15

9.3.3 PROPOSED OUTBUILDING – LOT 262 ZENDORA ROAD, ALTA MARE 19

9.3.4 ILUKA RESOURCES – EXTENSION TO MINING ACCOMMODATION CAMP 24

9.3.5 REQUEST FOR COMMENT – PROPOSED SUBDIVISION OF LOT 1 YERRAMULLAH ROAD, HILL RIVER 26

9.3.6 PROPOSED INCIDENTAL USE (SHISHA / RESTAURANT) – LOT 200 BASHFORD STREET, JURIEN BAY 30

9.4 GOVERNANCE & ADMINISTRATION 35

9.5 COUNCILLOR INFORMATION BULLETIN 35

9.5.1 SHIRE OF DANDARAGAN – JUNE 2019 COUNCIL STATUS REPORT 35

9.5.2 SHIRE OF DANDARAGAN TOURISM / LIBRARY REPORT FOR JUNE 2019 35

9.5.3 SHIRE OF DANDARAGAN – BUILDING STATISTICS – JUNE 2019 35

9.5.4 SHIRE OF DANDARAGAN – PLANNING STATISTICS – JUNE 2019 35

9.5.5 WHEATBELT SECONDARY FREIGHT NETWORK (WSFN) PRIORITISATION APPROACH 36

9.5.6 NATIONAL FARMERS FEDERATION – MEDIA RELEASE – FARMERS DISGUSTED BY YET ANOTHER UNBALANCED WATER REPORT BY THE ABC 36

10 NEW BUSINESS OF AN URGENT NATURE – INTRODUCED BY RESOLUTION OF THE MEETING 36
11 CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE PUBLIC 36
12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN 36
13 CLOSURE OF MEETING 36

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 25 JULY 2019

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

1.1 DECLARATION OF OPENING

The Shire President declared the meeting open at 4.03pm and welcomed those present.

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

1.2 DISCLAIMER READING

The disclaimer was read aloud as there were 2 members of the public present.

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

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

2 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

Members

Councillor P Scharf	(Deputy President)
Councillor J Clarke	
Councillor A Eyre	
Councillor W Gibson	
Councillor D Richardson	
Councillor R Shanhun	
Councillor D Slyns	

Staff

Mr B Bailey	(Chief Executive Officer)
Mr S Clayton	(Executive Manager Corporate & Community Services)
Mr D Chidlow	(Executive Manager Development Services)
Ms R Headland	(Council Secretary & Personal Assistant)
Mr R Mackay	(Planning Officer)
Mrs L Rushforth	(Coordinator of Visitors and Community Services)
Mr T O'Gorman	(Club Development Officer)
Ms M Perkins	(Manager of Community and Customer Service)

Apologies

Nil

Approved Leave of Absence
Councillor L Holmes
Councillor K McGlew

Observers
Mr M Sheppard, Ms R Tassone

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 CONFIRMATION OF MINUTES

6.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD THURSDAY 27 JUNE 2019

COUNCIL DECISION
Moved Cr Shanhun, seconded Cr Gibson
That the minutes of the Ordinary Meeting of Council held Thursday 27 June 2019 be confirmed.

CARRIED 7 / 0

7 NOTICES AND ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

8 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

9 REPORTS OF COMMITTEES AND OFFICERS

9.1 CORPORATE & COMMUNITY SERVICES

9.1.1 ACCOUNTS FOR PAYMENT – JUNE 2019

Location:	Shire of Dandaragan
Applicant:	N/A
Folder Path:	Business Classification Scheme / Financial Management / Creditors / Expenditure
Disclosure of Interest:	None
Date:	15 July 2019
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL

To accept the cheque, EFT and direct debit listing for the month of June 2019.

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 June 2019 totalled $1,119,562.71 for the Municipal Fund and $12,400.00 for the Trust Fund.

Should Councillors wish to raise any issues relating to the June 2019 Accounts for payment, please do not hesitate to contact the Executive Manager Corporate and Community Services prior to the Council Meeting, in order that research can be undertaken and details provided either at the time of the query or at the meeting.

CONSULTATION

- Chief Executive Officer

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS

There are no adverse trends to report at this time.

STRATEGIC IMPLICATIONS

There are no strategic implications relevant to this item.

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

- Cheque, EFT and direct debit listings for June 2019 (Doc Id: 136949)

(Marked 9.1.1)

VOTING REQUIREMENT
Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION
Moved Cr Shanhun, seconded Cr Eyre
That the Cheque and EFT listing for the period ending 30 June 2019 totalling $1,119,562.71 for the Municipal Fund and $12,400.00 for the Trust Fund be accepted.

CARRIED 7 / 0

9.1.2 SHIRE OF DANDARAGAN 2019 / 2020 ANNUAL MUNICIPAL BUDGET

Location:	N/A
Applicant:	None
Folder Path:	Business Classification Scheme / Financial Management / Budgeting / Allocations
Disclosure of Interest:	None
Date:	16 July 2019
Author:	Scott Clayton, Executive Manager Corporate & Community Services
Senior Officer:	Brent Bailey, Chief Executive Officer

PROPOSAL
To adopt the Shire of Dandaragan's Budget for the 2019 / 2020 financial year together with supporting schedules, including striking of the municipal fund rates, adoption of fees and charges, setting of elected members fees for the year and other consequential matters arising from the budget papers.

BACKGROUND
The 2019 / 2020 draft budget has been prepared in accordance with the presentations made to councillors at a budget workshop held in June 2019.

COMMENT
The budget has been prepared to include information required by the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards. The main features of the draft budget includes:

- a 1.5% overall rate increase.
- a capital works program totalling approximately $5.5m.

The estimated opening surplus includes an advance WA Local Government Grants Commission grant payment of $856,960.

Budget highlights include;

- $1.1m to gravel re-sheet over 47km of rural gravel roads.
- Reconstruction of a 1.7km section of North West Road.
- Reconstruction of an 870m section of Sandy Cape Road.
- Reconstruction of 3.4km sections of Jurien East Road.
- Reconstruction of 2.5km sections of Dandaragan Road.
- An increased focus on gravel road maintenance.
- An increased focus on sealed road shoulder maintenance.
- Extension of footpath on Dandaragan Road, Dandaragan.
- The construction of a residence in Dandaragan to be rented to the WA Housing Authority for Government Regional Officer Housing.
- Re-roof a section of the Badgingarra Community Centre.
- Completion of Stage 2 of the Cervantes Community Centre upgrade.
- Replacement of the playground at the Jurien Bay Foreshore.
- Replacement of the TV rebroadcast tower in Cervantes
- Installation of a fast fill water point in Dandaragan for fire-fighting purposes.
- Installation of disabled beach access at the Marina in Jurien Bay.
- Funding to continue the extremely successful Spray the Grey Youth Festival
- Continued commitment to lease and sub-lease the Badgingarra Research Station to the West Midlands Group.
- Development of a Shire Arts and Culture Plan.
- North Head / World War II oral history project.
- Participation in the Astro Tourism Towns.
- Foreshore masterplans for Jurien Bay and Cervantes.
- Strategic waste management review.
- Local Tourism development strategy.
- Jurien Bay aerodrome masterplan.
- Economic development strategy.

CONSULTATION

- Chief Executive Officer
- Executive Manager Development Services
- Acting Executive Manager Infrastructure
- Manager Building Services
- Key Community Groups

STATUTORY ENVIRONMENT

Section 6.2 of the Local Government Act 1995 requires that not later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, (Absolute Majority required) in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the next following 30 June.

Divisions 5 and 6 of the Local Government Act 1995 refer to the setting of budgets and raising of rates and charges. The Local Government (Financial Management) Regulations 1996 details the form and content of the budget. The draft 2019 / 2020 budget as presented is considered to meet statutory requirements.

Section 6.2 of the Local Government Act 1995 deals with the waiving of debts.

POLICY IMPLICATIONS
The budget is based on the principles contained in the Strategic Community Plan.

FINANCIAL IMPLICATIONS
Specific financial implications are itemised in the draft 2019 / 20 budget attached for adoption.

STRATEGIC IMPLICATIONS
The draft 2019 / 2020 budget has been developed based on the Strategic Community Plan.

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

- Shire of Dandaragan Draft 2019 / 2020 Annual Municipal Budget (Doc Id: 137036)

(Marked 9.1.2)

VOTING REQUIREMENT
OFFICER RECOMMENDATION 1 Absolute majority
OFFICER RECOMMENDATION 2 Absolute majority

OFFICER RECOMMENDATION 1 / COUNCIL DECISION 1
Moved Cr Eyre, seconded Cr Shanhun
PART A – MUNICIPAL FUND BUDGET FOR 2018 / 2019
Pursuant to the provisions of Section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, the Council adopt the Budget as contained in Attachment 9.1.2 (Doc Id: 137036 of this agenda and the minutes, for the Shire of Dandaragan for the 2019 / 2020 financial year which includes the following:

- **Statement of Comprehensive Income by Nature and Type showing a net loss result for that year of $2,569,031.**
- **Statement of Comprehensive Income by Department showing a net loss result for that year of $2,569,031.**
- **Statement of Cash Flows.**
- **Rate Setting Statement showing an amount required to be raised from rates of $6,318,338.**
- **Notes to and forming part of the Budget.**
- **Budget Program Schedules.**
- **Transfers to / from Reserve Accounts.**

PART B – GENERAL AND MINIMUM RATES, INSTALMENT PAYMENT ARRANGEMENTS

1. for the purpose of yielding the deficiency disclosed by the Budget adopted at Part A above, Council pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995 impose the general and minimum rates on Gross Rental Values and general and minimum rates on Unimproved Values.
   1.1 General Rates
   - General (GRV) 8.0156 cents in the dollar.
   - General (UV) 0.7115 cents in the dollar.

   1.2 Minimum Rates
   - General (GRV) $947.
   - Lesser (GRV) (Dandaragan & Badgingarra) $715.
   - General (UV) $894.
   - Lesser (UV) (Non Mining) $715.
2. pursuant to section 6.45 of the Local Government Act 1995 and regulation 64(2) of the Local Government (Financial Management) Regulations 1996, Council nominates the following due dates for the payment in full or by instalments:
   - Full payment and 1st instalment due date 13 September 2019.
   - 2nd instalment due date 13 November 2019.
   - 3rd instalment due date 13 January 2020.
   - 4th and final instalment due date 13 March 2020.
3. pursuant to Section 6.46 of the Local Government Act 1995, Council offers a discount of 5% to ratepayers who have paid their rates in full, including arrears and service charges, on or before 13 September 2019 or 35 days after the date of service appearing on the rate notice, whichever is the later.
4. pursuant to section 6.45 of the Local Government Act 1995 and regulation 67 of the Local Government (Financial Management) Regulations 1996, Council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of $6.67 ($20 total) for each instalment after the initial instalment is paid.
5. pursuant to section 6.45 of the Local Government Act 1995 and regulation 68 of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 5% where the owner has elected to pay rates and service charges through an instalment option.
6. pursuant to section 6.51(1) and subject to section 6.51(4) of the Local Government Act 1995 and regulation 70 of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 10% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.

PART C – FEES AND CHARGES FOR 2019 / 2020

1. **pursuant to section 6.16 of the Local Government Act 1995, Council adopts the Fees and Charges included in the draft 2019 / 2020 budget included as Attachment 9.1.2 of this agenda and minutes.**
2. **pursuant to section 6.16 of the Local Government Act 1995, Council cap the maximum any one customer, as individually identified by the "customer ID" held by Avdata, will pay for the 2019 / 2020 financial year towards landing fees at $20,000 ex GST**
3. **pursuant to section 67 of the Waste Avoidance and Resources Recovery Act 2007, Council adopt the following charges for the removal and deposit of domestic and commercial waste:**

Rubbish Service Level 1		
Collection of one rubbish bin weekly and one recycling bin fortnightly	$	357.00
Pensioner Rate	$	309.00
Rubbish Service Level 2		
Collection of one rubbish bin weekly and two recycling bin fortnightly	$	434.00
Pensioner Rate	$	386.00
Rubbish Service Level 3		
Collection of one rubbish bin weekly and three recycling bin fortnightly	$	511.00
Pensioner Rate	$	463.00
Rubbish Service Level 4		
Collection of one rubbish bin weekly and four recycling bin fortnightly	$	588.00
Pensioner Rate	$	540.00
Rubbish Service Level 5		
Collection of one rubbish bin weekly and five recycling bin fortnightly	$	665.00
Pensioner Rate	$	617.00
Rural Facility Pass		
Rural 240l Disposal Charge	$	149.00

4. **pursuant to section 67 of the Waste Avoidance and Resources Recovery Act 2007, and section 6.16 of the Local Government Act 1995 Council adopt the following charges for the deposit of domestic and commercial waste:**

General refuse	per m^3	$	28.00[§]
[§] *General waste, generated by the activities of an incorporated community group based in the Shire of Dandaragan will incur a charge equal to 25% of the fee otherwise payable.*			
Builders Waste	per m^3	$	28.00
Clean bricks and concrete slabs (resalable)			Free
Separated recyclables			Free
Clean fill			Free
Scrap metal			Free
Motorcycle Tyres	each	$	3.00
Car Tyres without rims	each	$	4.00
4x4 Tyres without rims	each	$	7.50
Truck Tyres without rims	each	$	16.00
4x4 & Car tyres with rims	each	$	16.00
Truck Tyres with rims	each	$	35.00
Car tyres contaminated	each	$	12.00
Light truck contaminated	each	$	20.00
Truck tyre contaminated	each	$	40.00
Super single tyre	each	$	32.00
Bobcat tyre	each	$	12.00
Bobcat tyre contaminated	each	$	40.00
Tractor tyre 0m – 1m	each	$	80.00
Tractor tyre Large 1m to 2m	each		Not accepted
Earth mover tyre small 0m – 1m			Not accepted
Earth mover tyre large 1.m - 1.5m			Not accepted
Earth mover tyre large 1.5m – 2m			Not accepted
Asbestos (see note 1)	per m^3	$	75.00
Freezers, Fridges, Air conditioners (see note 2)	each	$	15.00
Used Oil	per litre		Free
Oil Filters	each		Free
Uncontaminated green waste i.e. No weeds			Free
Large tree stumps	per m^3	$	28.00
Power Poles	per m^3	$	28.00
Problematic wastes (See note 3))	per m^3	$	75.00
Emergency opening fee	per hour	$	100.00

Note: Waste that originates from the Perth Metropolitan Area will incur the Department of Regulations current Landfill Levy, plus a 10% administration fee.

Note 1: A $75.00 minimum charge applies to all asbestos quantities

Note 2: All fridges, freezers and white goods will be chargeable regardless of its gassed state

Note 3. Problematic Waste includes waste that requires additional handling i.e. animal carcasses, construction waste that requires further processing etc.

PART E – ELECTED MEMBERS' FEES AND ALLOWANCES FOR 2019 / 2020

1. pursuant to section 5.99 of the Local Government Act 1995 and regulation 34 of the Local Government (Administration) Regulations 1996, Council adopts the following annual fees for payment of elected members in lieu of individual meeting attendance fees:
   President $ 24,720
   Councillors $ 15,965
2. pursuant to section 5.99A of the Local Government Act 1995 and regulations 34A and 34AA of the Local Government (Administration) Regulations 1996, Council adopts the following annual allowances for elected members:
   ICT Allowance $ 3,500
3. pursuant to section 5.98(5) of the Local Government Act 1995 and regulation 33 of the Local Government (Administration) Regulations 1996, Council adopts the following annual local government allowance to be paid in addition to the annual meeting fee:
   President $ 16,000
4. pursuant to section 5.98A of the Local Government Act 1995 and regulations 33A of the Local Government (Administration) Regulations 1996, Council adopts the following annual local government allowance to be paid in addition of the annual meeting allowance:
   Deputy President $ 4,000

PART F – MATERIAL VARIANCE REPORTING FOR 2019 / 20

In accordance with regulation 34(5) of the Local Government (Financial Management) Regulations 1996, and AASB 1031 Materiality, the level to be used in statements of financial activity in 2019 / 2020 for reporting material variances shall be 10% or $10,000, whichever is the greater.

CARRIED BY ABSOLUTE MAJORITY 7 / 0

OFFICER RECOMMENDATION 2 / COUNCIL DECISION 2

Moved Cr Slyns, seconded Cr Eyre

In accordance with Section 6.12 of the Local Government Act 1995, Council:

1. waive 100% of the Jurien Bay Airstrip / Aerodrome Landing Fee for the first four landings each calendar month for each customer as individually identified by the "customer ID" held by Avdata;
2. waive 100% of the Jurien Bay Airstrip / Aerodrome Landing Fee for landings undertaken by the Royal Flying Doctors Service and student pilots.

CARRIED BY ABSOLUTE MAJORITY 7 / 0

9.2 INFRASTRUCTURE SERVICES

9.3 DEVELOPMENT SERVICES

9.3.1 JURIEN BAY HOTEL – POLE SIGN

Location:	Lot 4 (#5) White Street, Jurien Bay
Applicant:	Jurien Bay Hotel
Folder Path:	Development Service Apps / Development Applications / 2019 / 56
Disclosure of Interest:	Nil
Date:	5 July 2019
Author:	Rory Mackay, Planning Officer
Senior Officer:	David Chidlow, Executive Manager of Development Services

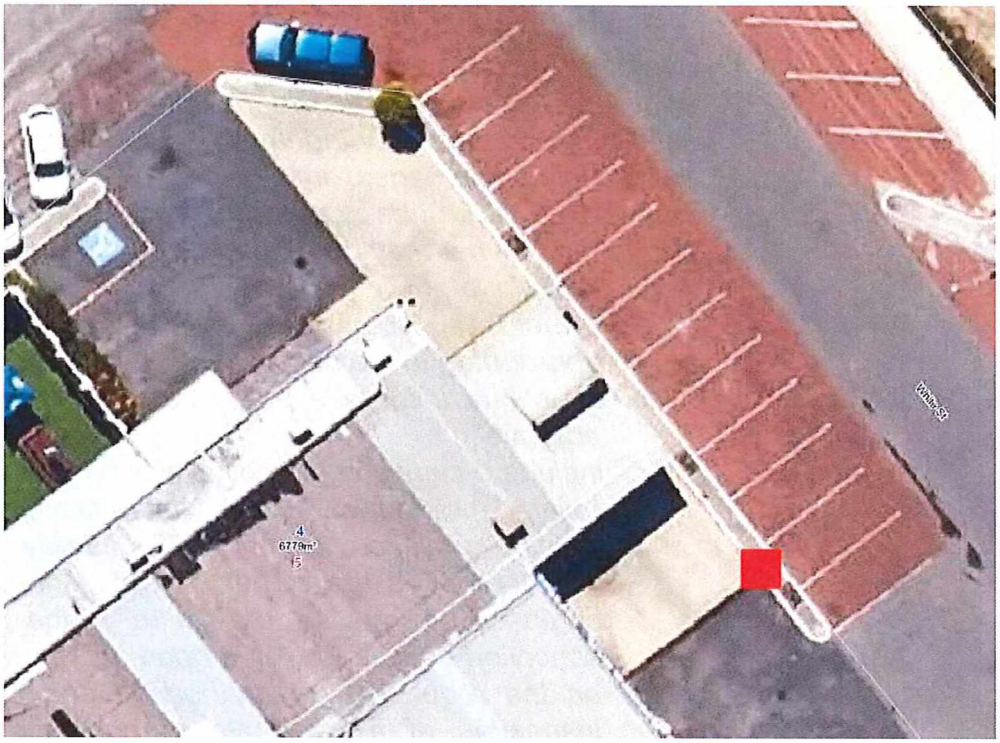
PROPOSAL

The Jurien Bay Hotel (JBH) is seeking development approval for the erection of a pole sign adjoining the boundary with the White Street road reserve.

BACKGROUND

JBH has received sponsorship from Iron Jack Australian Lagers, a beverage brand operated by Swan Brewery. As part of the sponsorship deal Swan Brewery has requested JBH to install a new pole sign on their primary street access to advertise the Iron Jack brand and the establishment's name, an example from another premise is attached to this item.

The sign to be erected will be located within JBH's property confides and stand a total of 3m tall with sign box measurements of 1.8m wide and 1.2m high. The sign is also proposed to illuminate during business hours like other signs currently displayed on the premise. The location of the sign on the property is marked as a red square on the aerial image below:



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

COMMENT

The sign will contain the following design standards listed in clause 1.1 - Design and Amenity of LPP 9.5:

- Simple and provide for instant recognition.
- Not contain any discriminatory or offensive material.
- Materials of construction and placement bear consideration of long-term maintenance and repairs.

Placing the sign in the designated location on the kerbing between car-parking and the drive-through bottle-shop access satisfies the following relevant standards of clause 1.2 – Safety of LPP 9.5:

- Be structurally sound and capable of withstanding any forces to which it would be reasonably subjected to without collapsing, deforming or moving from the position on which it was erected or displayed.
- Not obstruct the passage of or so as to create a hazard for vehicles or pedestrians.
- Not be located such that it obscures or is likely to be confused with traffic signals or signs.

However, there is a slight overhang of the sign over the White Street car-parking of 300mm at a height of 1.8m above a kerb which is elevated 200mm above the carpark, making the effective overhang height 2m. Clause 3.8.3 of LPP 9.5 states the following in this regard:

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

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

Provided the minor overhang proposed, the officer does not recommend Council request public liability insurance from the applicant for the sign.

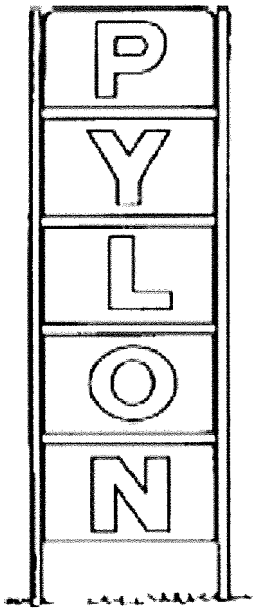
Given the sign's minimal amenity impacts and safe and recognisable location, it is the Officer's recommendation Council approve the development application for a Signs and Hoardings Licence, subjects to conditions.

CONSULTATION
Nil

STATUTORY ENVIRONMENT
- Local Planning Scheme No 7

POLICY IMPLICATIONS
- Local Planning Policy 9.5 Advertising Devices (Signage):

Pole or Pylon Sign



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

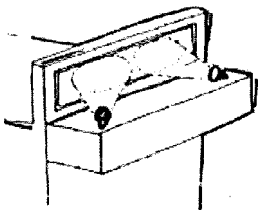
REQUIREMENTS:
a) Max 6m above the level of the ground immediately below it;
b) Not exceed 4m² in area unless approved by the Shire;
c) Be supported on one or more piers or columns of brick, stone, concrete, timber or steel of sufficient size and strength to support the sign under all conditions;
d) Not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

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

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

APPLICATION:
Requires Planning Approval (Council Approval).

Illuminated Sign



DEFINITION:
A sign which can be lighted either from within or without the sign by artificial light provided, or mainly provided for that purpose and which does not emit a flashing light.

REQUIREMENTS:
a) be constructed entirely of non-flammable materials;
b) be maintained to operate as an illuminated sign;
c) not be displayed where may be confused with or mistaken for the stop of tail light of a vehicle;
d) no encouraged to be of flashing, pulsating, chasing or running lights; and
e) Use a low level of illumination.

APPLICATION:
Requires Planning Approval (Council Approval).

FINANCIAL IMPLICATIONS

The applicant has paid the standard development application fee of $147. If approved by Council the applicant will be required to pay a further sum of $30 for a Signs and Hoardings Licence.

STRATEGIC IMPLICATIONS

Strategic Community Plan - Envision 2029

02 – Prosperity	The Shire will experience broad economic and population growth with decreasing economic barriers, diversified agriculture and fisheries output and vibrant visitor economy.

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

- Development Application 56/19 (Doc Id: 136553)

(Marked 9.3.1)

VOTING REQUIREMENT
Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION
Moved Cr Shanhun, seconded Cr Clarke
That Council grant development approval and a Signs and Hoarding Licence to Jurien Bay Hotel for the pole sign to be erected on Lot 4 White Street, Jurien Bay in accordance with the following conditions:

1. **all development shall be in accordance with the attached submitted documentation and shall not be altered without the prior written approval of the local government**
2. **the sign shall use a low level of illumination.**
3. **the sign shall not illuminate outside of operating hours of the establishment.**
4. **Council takes no responsibility for any damage to, theft of or claims arising from the overhang of the sign into the road reserve.**

Advice:

1. **Approval is valid for a period of two years. If the development has not substantially commenced within this period, the approval will lapse.**
2. **The applicant is advised 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 30 days of the receipt of this decision to:**

The State Administrative Tribunal
GPO Box U1991
PERTH WA 6845

CARRIED 7 / 0

9.3.2 JURIEN BAY INTERPRETIVE COMPLEX INC. – POLE SIGN

Location:	Adjacent Lot 503 Bashford Street, Jurien Bay
Applicant:	Jurien Bay Interpretive Complex Incorporated
Folder Path:	Development Service Apps / Development Applications / 2019 / 57
Disclosure of Interest:	Nil
Date:	5 July 2019
Author:	Rory Mackay, Planning Officer
Senior Officer:	David Chidlow, Executive Manager of Development Services

PROPOSAL

The Jurien Bay Interpretive Complex (JBIC) is seeking development approval for the erection of a sign adjacent their Bashford Street leased area to advertise the future land use.

BACKGROUND

A lease for a portion of Reserve 31884 was executed for the JBIC on 6 December 2018. Since this date one of the subgroups, the Jurien Bay Lions Club have constructed a storage shed on the premise. The other groups which form part of the Complex are not in position to date to build and have requested approval for a sign be erected on the Bashford street road reserve adjacent the site area to promote community awareness of the site's future as a museum and arts centre.

The sign will be erected on two 1.8m poles driven 0.6m into the ground. The sign itself will be 1.8m wide and 1m high. The image to be displayed on the sign is attached to this item. The location of this sign is shown by a red square in the aerial image below.

This sign is not classified as exempt signs under Schedule 5 of *Local Planning Scheme No.7* and no Delegated Authority is provided under *Local Planning Policy 9.5 Advertising Devices* (LPP 9.6), therefore a decision by Council is required.

COMMENT

The sign will contain the following design standards listed in clause 1.1 - Design and Amenity of LPP 9.5:

- Simple and provide for instant recognition.
- Not contain any discriminatory or offensive material.

Placing the sign in the designated location satisfies the following relevant standards of clause 1.2 – Safety of LPP 9.5:

- Be structurally sound and capable of withstanding any forces to which it would be reasonably subjected to without collapsing, deforming or moving from the position on which it was erected or displayed.
- Not obstruct the passage of or so as to create a hazard for vehicles or pedestrians.
- Not be located such that it obscures or is likely to be confused with traffic signals or signs.

Given the sign's minimal amenity impacts and safe and recognisable location, it is the Officer's recommendation Council approve the development application for a Signs and Hoardings Licence, subjects to conditions. This application will be subject to a separate approval from Main Roads WA before sign erection given the regional road status of Bashford Street/Indian Ocean Drive.

CONSULTATION
Nil

STATUTORY ENVIRONMENT

- Local Planning Scheme No 7
- Local Government Act 1995 Section 6.12:

6.12. Power to defer, grant discounts, waive or write off debts

(1) Subject to subsection (2) and any other written law, a local government may —

(a) when adopting the annual budget, grant a discount or other incentive for the early payment of any amount of money; or*

(b) waive or grant concessions in relation to any amount of money; or

(c) write off any amount of money, which is owed to the local government.

** Absolute majority required.*

(2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.

(3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.

(4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

POLICY IMPLICATIONS

- Local Planning Policy 9.5 Advertising Devices (Signage)

FINANCIAL IMPLICATIONS
Being a community group, the applicant has asked for Council to waive the fees involved, which are a $147 development application fee and a $30 signs and hoardings licence fee.

STRATEGIC IMPLICATIONS

Strategic Community Plan - Envision 2029

02 – Prosperity	The Shire will experience broad economic and population growth with decreasing economic barriers, diversified agriculture and fisheries output and vibrant visitor economy.

ATTACHMENTS

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

- Sign application (Doc Id: 136579)
- Request to waive fee (Doc Id: 136946)

(Marked 9.3.2)

VOTING REQUIREMENT

Absolute Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Richardson, seconded Cr Eyre

That Council:

1. **waive the fees relevant for the sign application (DA57/2019) from the Jurien Bay Interpretive Complex Inc.; and**
2. **grant development approval for a Signs and Hoardings Licence to the Jurien Bay Interpretive Complex subject to following conditions and advice:**
   a) **All development shall be in accordance with the attached submitted documentation and shall not be altered without the prior written approval of the local government**
   b) **Council takes no responsibility for any damage to, theft of or claims arising from a sign within the road reserve.**
   c) **The sign is to be placed at least 6m from the sealed edge of Bashford Street.**
   d) **Approval from Main Roads WA.**

Advice:

The applicant is advised 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 30 days of the receipt of this decision to:

The State Administrative Tribunal
GPO Box U1991
PERTH WA 6845

CARRIED BY ABSOLUTE MAJORITY 7 / 0

9.3.3 PROPOSED OUTBUILDING – LOT 262 ZENDORA ROAD, ALTA MARE

Location:	Lot 262 Zendora Road, Jurien Bay
Applicant:	R Knight
Folder Path:	Development Service Apps / Development Applications / 2019 / 37
Disclosure of Interest:	Nil
Date:	8 July 2019
Author:	Rory Mackay, Planning Officer
Senior Officer:	David Chidlow, Executive Manager Development Services

PROPOSAL

For Council to consider a development application for 300m^2 outbuilding on Lot 262 Zendora Road, Alta Mare (the Site).

Location Plan – Lot 262 Zendora Road, Alta Mare

BACKGROUND

Current building improvements to the Site are limited to an 12m x 7.5m, 90m^2 outbuilding. This proposal seeks to remove this outbuilding and replace with a 24.55m x 15m, 300m^2.

Clause 12 of *Local Planning Policy 9.3: Outbuildings and Temporary Accommodation in Rural Residential and Special Use – Rural Development Zones* (L PP 9.3) reads:

12. The following approval processes apply to the related area and height specifications for outbuildings in Rural Residential and Special Use-Rural Development zones:

External Cladding	Floor Area (In Aggregate)	Wall Height	Ridge Height	Neighbour Consultation	Determination by Council
Zincalume, White Colorbond and Off White Colorbond	Up to 12m^2	Up to 2.4m	Up to 4.2m	Not required	Not required
Non-Reflective Material	Up to 216m^2	Up to 4.0m	Up to 5.5m	Not required	Not required
	> 216m^2 – 300m^2	> 4.0m – 4.2m	Up to 5.5m	Required	Only required if objections received from adjoining landowners
Non-Reflective Material Hill River Heights	Up to 120m^2	Up to 3.6m	Up to 4.5m	Not required	Not required

The outbuilding proposes the non-reflective material height and area maximums outlined above and therefore was advertised to neighbouring landowners for comment. Two neighbour objections were received; resulting in the application being in front of Council for a decision.

COMMENT

The proposal is required to satisfy the following from clause 14 of LPP 9.3:

- the outbuilding will be compatible with the setting;
- the amenity of the locality will not be adversely affected; and
- the height, bulk, scale, orientation and appearance of the outbuilding is acceptable in relation to development on adjoining land or on other land in the locality.

The outbuilding contains an internal storage loft and external balcony accessed via an internal staircase. The balcony addresses the rear of property in the direction of the ocean. The balcony is covered by a 56m^2 incidental lean-to which is an extension of the outbuilding's roof form. The balcony/lean-to will be approximately 190m from the rear property boundary.

The Alta Mare estate boundary setbacks are 20m front, 10m side and 30m rear. The proposed outbuilding will be situated 52m from the front boundary and 40m from the nearest side boundary. A drone picture of the existing outbuilding from the front boundary is shown below.

The existing shed has a wall height of 3m and a ridge of 3.8m. The proposed will increase this by 1.2m and 1.7m respectively. The area will also increase by 210m^2, the majority of this being in front of the existing footprint.

The applicant has proposed the largest permitted outbuilding to store and protect recreational, earthmoving and fire-fighting plant equipment from the elements.

Given the proposal is within the size maximums and located in an appropriate location on the Site, the officer recommends Council approve the development application subject to conditions, including a condition that the outbuilding not be used for human habitation.

CONSULTATION

The application was advertised to neighbouring landowners from 7 June to 28 June 2019. A total of two submission were received as the detailed in the table below.

Submitter	Submission	Officer Response
DC & PHJ Hicks	The proposed outbuilding will detract from the area, being residential into more Industrial. As there are many people living in sheds already, this looks like another to be used as a residence (as like the balcony in the plan) Land clearing for building envelope has already been ignored, the complete lot has been cleared. If you cannot enforce the restrictions imposed on the area you need to consider compensation for those that have done the right thing. We pay full rates, but people building large sheds and living in them don't.	The proposed outbuilding is within the size provisions for Rural Residential zoning of the property. A condition of approval will ensure the outbuilding is not used for human habitation. A condition of approval will ensure the site is adequately revegetated. The Shire enforces the non-human habitation of outbuildings unless they have been sufficiently converted to a dwelling in accordance with the Building Code of Australia.
BC & LC Hicks	Not keeping with the amenity of the estate.	The proposed outbuilding is within the size

		provisions for Rural Residential zoning of the property.

STATUTORY ENVIRONMENT
Local Planning Scheme No.7

POLICY IMPLICATIONS
Local Planning Policy 9.3: Outbuildings and Temporary Accommodation in Rural Residential and Special Use – Rural Development Zones:

Lean-to's

9. *Subject to compliance with other provisions, lean-to's not exceeding a roof area of 54m² and not resulting in a total roof area of greater than 216m² do not require consultation with adjoining landowners and shall be approved.*
10. *The Council may approve applications for lean-to's that exceed the size limits defined in Clause 9 where the following criteria apply:*
    a) *The lean-to is located to the rear of an existing outbuilding or is otherwise located in a way that Council considers makes it difficult to see the lean-to from street frontage(s) and any other key view points;*
    b) *The Council comes to the conclusion that the lean-to will not adversely affect the streetscape or amenity of the area;*
    c) *The lean-to is adequately screened with landscaping to lessen the visual impact on adjoining properties and streetscape; and*
    d) *Notification to adjoining landowners has been obtained.*
11. *All lean-to's shall be constructed of materials that match or complement the outbuilding to which they are attached.*

FINANCIAL IMPLICATIONS
The applicant has paid the required development application fee.

STRATEGIC IMPLICATIONS
Local Planning Strategy 2019: Actions – Rural Living:
Prevent use of sheds in rural residential areas for unauthorised residential purposes.

Strategic Community Plan - Envision 2029

02 – Prosperity	The Shire will experience broad economic and population growth with decreasing economic barriers, diversified agriculture and fisheries output and vibrant visitor economy.

ATTACHMENTS
Circulated with the agenda is the following item relevant to this report:
- Outbuilding plans (Doc Id: 136637)

(Marked 9.3.3)

VOTING REQUIREMENT
Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION
Moved Cr Gibson, seconded Cr Shanhun
That Council grant development approval for an outbuilding upon Lot 262 Zendora Road, Jurien Bay subject to the following conditions and advice:

1. **All development shall be in accordance with the attached plans date stamped 25 July 2019 subject to any modifications required as a consequence of any conditions of this approval and shall not be altered without the prior written approval of the local government.**
2. **The building materials being of non-reflective nature and colour consistent with the predominant colours of the individual site.**
3. **The outbuilding is not be used for human habitation unless a separate approval is granted to do so by the local government.**
4. **Due to the deficiency of vegetation on the property, landscaping should be undertaken and maintained with the plant species listed in the provisions of the Alta Mare Rural Residential estate (*Local Planning Scheme No.7*: Clause 4.12 – Development in a Rural Residential Zone; as well as Schedule 7.3 – Additional Specific Provisions for Lot 1 and Lot 2, Portion of Victoria Location 10602 Jurien Road, Jurien Bay).**
5. **The lean-to is to remain as open on all sides excluding any existing walls attached to. This condition may be varied by any future approvals.**

Advice:

1. **Stormwater is to be managed on site or directed to a suitable disposal system in accordance with *AS3500 Plumbing and Drainage.***
2. **The applicant be advised this is planning approval only and not a building permit. A building permit must be obtained for this development.**
3. **If the development the subject of this approval is not substantially commenced within a period of two (2) years the approval shall lapse and be of no further effect.**
4. **Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.**
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 Act within 28 days of the date of this decision to:

The State Administrative Tribunal
GPO Box U1991
PERTH WA 6845"

CARRIED 7 / 0

9.3.4 ILUKA RESOURCES – EXTENSION TO MINING ACCOMMODATION CAMP

Location:	Lot 2080 Cataby Road, Dandaragan
Applicant:	Iluka Resources
Folder Path:	Development Services App / Development Application / 2019 / 63
Disclosure of Interest:	Nil
Date:	9 July 2019
Author:	Rory Mackay, Planning Officer
Senior Officer:	David Chidlow, Executive Manager Development Services

PROPOSAL

A development application has been received from Iluka Resources for the addition of six accommodation units at the existing mining accommodation camp at Lot 2080 Cataby Road, Dandaragan.

BACKGROUND

The then Wheatbelt JDAP granted development approval in August 2012 to Iluka Resources for a mining accommodation camp at Lot 2080 Cataby Road and relocation and redevelopment of the Tronox mining accommodation camp at Lot 2065 Cataby Road.

The Iluka campsite at Lot 2080 was later amended to a reduce size and was able to be approved by Council on 23 February 2017.

With the Iluka Cataby mine now operational, management has identified the need for further worker accommodation.

COMMENT

The application is an extension to a use not listed with the Zoning Table of Local Planning Scheme No.7 and is therefore not provided with any delegated authority; resulting in the decision being before Council.

There is currently 44 onsite accommodation units, this minor application is for a further six units.

The accommodation extension is in a logical manner to limit disturbance to trees, firebreaks and drainage as outlined in the attached site plan.

CONSULTATION
Deemed to not be required in this minor instance.

STATUTORY ENVIRONMENT
- Local Planning Scheme No 7

POLICY IMPLICATIONS
There are no policy implications relevant to this item.

FINANCIAL IMPLICATIONS
The estimated cost of development is $600,000.00 resulting in a $1957.00 development application fee for the Shire.

STRATEGIC IMPLICATIONS
Strategic Community Plan - Envision 2029

02 – Prosperity	The Shire will experience broad economic and population growth with decreasing economic barriers, diversified agriculture and fisheries output and vibrant visitor economy.

ATTACHMENTS
Circulated with the agenda is the following item relevant to this report:
- Accommodation extension plans (Doc Id: 136689)

(Marked 9.3.4)

VOTING REQUIREMENT
Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION
Moved Cr Richardson, seconded Cr Shanhun
That Council grant development for the extension to the mining accommodation camp at Lot 2080 Cataby Road, Dandaragan subject to the following conditions:

1. **All development shall be in accordance with the attached plans date stamped 25 July 2019 subject to any modifications required as a consequence of any conditions of this approval and shall not be altered without the prior written approval of the local government.**
2. **The proponent shall maintain the solid and liquid waste management program for the approved development.**
3. **Upon the closure or cessation of use of the mining accommodation camp land use, the proponent shall remove all infrastructure and return the site to its former agricultural use, or a use otherwise agreed by Council.**

CARRIED 7 / 0

9.3.5 REQUEST FOR COMMENT – PROPOSED SUBDIVISION OF LOT 1 YERRAMULLAH ROAD, HILL RIVER

Location:	Lot 1 Yerramullah Road, Hill River
Applicant:	Ross McLoughlin Consulting Surveyors
File Ref:	Development Services Apps / Subdivision Applications / WAPC 158190 - Lot 1 Yerramullah Road
Disclosure of Interest:	Nil
Date:	10 July 2019
Author:	Rory Mackay, Planning Officer
Senior Officer:	David Chidlow, Executive Manager Development Services

PROPOSAL

To consider an application for the subdivision of Lot 1 Yerramullah Road, Hill River (the Site) and make a recommendation to the Western Australian Planning Commission (WAPC).

BACKGROUND

This application is for subdivision of the Site (80.13ha) into two lots of approximately 50.56ha and 39.57ha respectively.

The subject land is zoned "Rural".

Subdivision of Rural zoned land is guided by State and local government planning policies and controls. *State Planning Policy 2.5: Rural Planning* (SPP 2.5), seeks to protect Rural land from incompatible uses.

SPP 2.5 does not provide a minimum lot size and requires this matter to be addressed in local planning strategies but apart from specific circumstances, subdivision of broadscale agricultural land is not encouraged.

It is the view of the WAPC that there are sufficient, suitably sized and located Rural lots to cater for intensive and emerging primary production land uses. Creation of new rural lots through ad-hoc, unplanned subdivision will not be permitted.

In contemplating subdivision proposals on rural land, WAPC policy is:

(a) the creation of new or smaller rural lots will be by exception and in accordance with *Development Control Policy 3.4: Subdivision of rural land*;
(b) the creation of new or smaller rural lots by exception may be provided for in other State Planning Policies and/or a local planning strategy or scheme;
(c) no other planning instruments besides those listed at (a) or (b) can provide for the subdivision of Rural land; and
(d) the introduction of new dwelling entitlements or other sensitive land uses should not limit or prevent primary production from occurring.

Clause 6.2 Subdivision for other purposes of *Development Control Policy 3.4: Subdivision of rural land* states:

New lots for existing or proposed land uses such as recreation facilities, public utilities, rehabilitation of degraded land, extractive industries, or uses necessary to the rural use of the land such as abattoirs and processing works (including buffers), may be created through subdivision. The WAPC may approve subdivision for these purposes if a development approval has been granted, or where development of the intended land use has substantially commenced.

Where appropriate the WAPC may preclude sensitive land uses on the new lot(s).

Clause 6.6 Homestead lots states:
The creation of homestead lots is intended to allow primary producers to continue to occupy their dwelling when they cease to farm, and provide settlement opportunities in areas where land fragmentation is limited and unlikely to increase.
Homestead lots are to be created in a manner that is consistent with the rural character and landscape of a locality. Homestead lots may be facilitated through boundary rationalisation or the creation of a new lot.

Homestead lots may therefore be created to enable an approved existing house on a rural lot to continue to be occupied provided that:

a) the land is in the DC 3.4 Homestead lot policy area;
b) the homestead lot has an area between one and four hectares, or up to 20 hectares to respond to the landform and include features such as existing outbuildings, services or water sources;
c) there is an adequate water supply for domestic, land management and fire management purposes;
d) the dwelling is connected to a reticulated electricity supply or an acceptable alternative is demonstrated;
e) the homestead lot has access to a constructed public road;
f) the homestead lot contains an existing residence that can achieve an appropriate buffer from adjoining rural land uses;
g) a homestead lot has not been excised from the farm in the past;
h) the balance lot is suitable for the continuation of the rural land use, and generally consistent with prevailing lot sizes, where it can be shown that this is consistent with the current farming practices at the property; and
i) the dwelling on a homestead lot must be of a habitable standard and may be required to be certified as habitable by the local government.

Local planning guidance on the matter is given in the Shire's *Local Planning Strategy*:

The Shire has a general presumption against subdivision of land creating lots less than 300 ha, to protect the productive capacity of

agricultural land. However, the Shire will consider subdivision for intensive agricultural use where it can be clearly demonstrated that subdivision will be beneficial to viable and sustainable agricultural production and land management on the subject land and the subdivision will not be prejudicial to similar production and management of adjoining lands.

The Shire may support development of a smaller lot where the lot is a minimum of 40 ha in size and all the following criteria are met:

- *An agronomists report or similar demonstrates that each new lot will contain a minimum of 30 ha of land with a high capacity rating (class 1 or 2) for annual or perennial horticultural production;*
- *A hydrologist's report or similar demonstrates that each new lot has long term, secure access to a supply of water of a sufficient quantity and quality as applicable to the potential agricultural production of that land and the DWER is prepared to agree that the capture of the water is within the limits of an endorsed water allocation management plan or is within the sustainable yield for that sub catchment; and*
- *The total lot area incorporates the minimum area of 30 ha of high capability land. Additional provision should be made for the water capture and/or storage area (as necessary) plus an area for farm infrastructure and buildings with sufficient setback from adjoining properties so as not to restrict potential agricultural productivity on those properties, setbacks from watercourse and wetlands, plus the retention of any remnant vegetation that should be protected from clearing.*

COMMENT

Given the uniqueness of the application, staff have chosen not to process this request under delegated authority.

This item is presented at this meeting as comments to the WAPC on the proposed subdivision are due by 20 August 2019.

The subdivision seeks to portion off the existing homestead and aquaculture venture (commercial production of finfish, sliver perch and rainbow trout) from the remaining general broadacre farming land use. A battle-axe lot configuration is proposed with a 550m access leg to the homestead/aquaculture lot. This design gives consideration to the undulating landform exhibited and provides a buffer between the two rural land uses.

This proposal is generally in accordance with the WAPC and Shire exemptions for small lot rural subdivision. Shire planning staff have recommended Council advise the WAPC they support the application with model subdivision conditions.

CONSULTATION

The Shire has been requested to comment on the subdivision application by the WAPC.

STATUTORY ENVIRONMENT
- Planning and Development Act 2005
- Local Planning Scheme No 7

POLICY IMPLICATIONS
- State Planning Policy 2.5 - Rural Planning
- Development Control Policy 3.4 - Subdivision of rural land

FINANCIAL IMPLICATIONS
There are no financial implications relevant to this item.

STRATEGIC IMPLICATIONS
Local Planning Strategy 2019

The purpose of the 'Rural' zone is to provide for the sustainable use of rural land which primarily accommodates a range of rural pursuits compatible with the capability of the land and which retains the rural character and amenity of the locality within the Shire for future generations.
The Council's objectives and strategies in managing and guiding land use, subdivision and development within the 'Rural' zone are to:
- *encourage the protection of the land resource and rural infrastructure;*
- *encourage the use of cleared rural land for commercial agricultural production including for grazing, cropping, tree farming and intensive agriculture where appropriate;*
- *support the Rural zone as a flexible zone to cater for a wide range of rural land uses that support primary production and value adding, small-scale tourism, environmental protection and biodiversity conservation;*
- *support other land uses on rural land where it adequately demonstrated that the proposed land use will not constrain existing or potential rural land uses;*
- *only support the subdivision of rural land for agricultural purposes where it is consistent with State policy or where substantive evidence is provided that that subdivision will not be detrimental to viable and sustainable agricultural production and land management on the subject land and on adjoining lands;*

Strategic Community Plan - Envision 2029

02 – Prosperity	The Shire will experience broad economic and population growth with decreasing economic barriers, diversified agriculture and fisheries output and vibrant visitor economy.

ATTACHMENTS
Circulated with the agenda are the following items relevant to this report:
- Subdivision Application 158190 (Doc Id 136662)

(Marked 9.3.5)

VOTING REQUIREMENT
Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION
Moved Cr Richardson, seconded Cr Gibson
That Council advise the Western Australian Planning Commission that it supports the proposed application for a two-lot subdivision at Lot 1 Yerramullah Road, Hill River and provides the following recommended standard conditions:

1. **Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision. (Local Government)**
2. **A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:**

   ***'A mains potable water supply is not available to the lot(s).'* (Local Government)**
3. **A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:**

   ***'A reticulated sewerage service is not available to the lot(s).'* (Local Government)**

CARRIED 7 / 0

9.3.6 PROPOSED INCIDENTAL USE (SHISHA / RESTAURANT) – LOT 200 BASHFORD STREET, JURIEN BAY

Location:	Lot 200 (#72) Bashford Street, Jurien Bay
Applicant:	Metro Petroleum Jurien Bay
File Ref:	Development Services Apps \ Development Application / 2019 / 58
Disclosure of Interest:	Nil
Date:	11 July 2019
Author:	Rory Mackay, Planning Officer
Senior Officer:	David Chidlow, Executive Manager of Development Services

PROPOSAL
To consider a development application for the incidental land use of a shisha smoking bar and/or outdoor restaurant on Lot 200 Bashford Street, Jurien Bay which has a primary land use as a convenience store.

BACKGROUND

Council granted development approval subject to several conditions for a convenience store upon the subject property on 26 April 2018. The land use became operational in late 2018.

The applicant operates a standalone shisha bar in the Perth metropolitan area and has identified a possible opportunity to replicate this in a smaller form to the outdoor area behind convenience store. The applicant also wishes to offer outdoor dining in this space.

An incidental land use is of minor, casual, or subordinate nature which cannot exist without the principal use or building and located on the same lot. Thus, incidental in scale and use to the main development, which is the convenience store in this circumstance.

The subject property is zoned Regional Centre under *Local Planning Scheme No.7*. This zoning has the following objectives:

- *Provide a range of services and uses to cater for both the local and regional community, including but not limited to specialty shopping, restaurants, cafes and entertainment.*
- *Ensure that there is a provision to transition between the uses in the regional centre and the surrounding residential areas to ensure that the impacts from the operation of the regional centre are minimised.*
- *Provide a broad range of employment opportunities to encourage diversity and self-sufficiency within the Centre.*
- *Encourage high quality, pedestrian-friendly, street-oriented development that responds to and enhances the key elements of the Regional Centre, to develop areas for public interaction.*
- *Ensure that the provision of residential opportunities within the Regional Centre, including high density housing and tourist accommodation that supports the role of the regional centre and meets the needs of the community.*

The relevant development provisions in the Regional Centre zone are as follows:

- *Development to be in accordance with the Jurien Bay City Centre Strategy Plan or any successive document.*
- *Development shall address matters including, but not limited to, achieving high quality built form, appropriate setbacks to street boundaries and adjoining residential zoned lots, site responsive design, landscaping, efficient access and parking to the satisfaction of the local government.*

COMMENT

The WA Department of Health have recently released a *Shisha and the law* factsheet (attached to this item) to provide guidance on the regulation of this smoking activity.

The key point of the factsheet for this application is that shisha can only be smoked in an outdoor area where food or drink is not being consumed. That is why the applicant is proposing outdoor

dining or shisha smoking exclusive of each and never at the same time.

The proposed rear area to be operated for the incidental use was originally approved for the purposes of a staff only access loading yard. However, since operation stock has been alternatively delivered via the front shop access door with additional stock not shelved stored on spare shop floorspace and not within staff only areas.

Approximately one third of this rear area will be sectioned off for protection of the store's utilities and various equipment. The remainder will be utilised for the shisha smoking and/or outdoor restaurant quarters.

The incidental use as a restaurant is not supported due to this not meeting the definition of the currently approved convenience store. The land use of a convenience only permits the sale of takeaway items and does not provide the opportunity to serve sit-down meals. A change of land use to a roadhouse would allow the restaurant incidental use but result in the requirement of complete and exclusive toilets facilities for male, female and disabled patrons and additional car parking bays. The site is currently built to capacity with no area for the addition of both these facilities, hence the officer recommendation of refusal for this proposed land use.

The primary concern with the shisha proposal is possible adverse noise impacts of the incidental use on adjoining sensitive land uses (residences). Additionally, the *Environmental Protection (Noise) Regulations 1997* do not regulate the noise to be created; human noise. Human noise, which is hard to quantify, is generally a subjective nuisance as expectations regarding acceptable noise levels differ throughout the day. Nonetheless, the applicant notes this as a critical matter to be mitigated has therefore not proposed a time on which the rear area should be closed to the public.

It was hoped through consultation to adjoining neighbours a consensus would be reached on an appropriate time to shut the shisha. This was not forthcoming due to no submissions being received. Staff have consequently proposed a closing time of 10pm to 10am. It will be the responsibility of business operator to ensure noise is kept to a minimum during operation.

Second-hand-smoke is another warranted concern with the development. However, large limestone and Colorbond walls separate the adjoining Residential land uses from the smoking area and the locality's prevailing winds travel away from the residences to minimise possible adverse impacts.

External to the onsite concerns, a public interest exists as a collective, in the form of not promoting smoking. This due to part of

the Public Health Plan for WA requiring all local governments to create their own public health plan to *'empower and enable people to make healthy lifestyle choices'* by 2022. With this imminent, approving such a development could be viewed as promoting smoking.

The deciding question is whether the impacts of the development can be managed efficiently to a reasonable outcome via conditions of approval/ongoing management; or whether these impacts are unreasonable due to the adjoining sensitive land uses and approval is irresponsible for the interest of contemporary public health in the State.

The officer is of the view that the incidental land use can be managed effectively, and the concern of public health is not substantiated on planning grounds; as shisha is no less of a threat than over the counter cigarette purchases, given customers will make a choice to enter the rear area and smoke the shisha product.

Nevertheless, given the lack of a precedent to guide decision making an alternative recommendation is provided below:

Alternative Recommendation B
That Council refuse development approval for the incidental land use of a shisha bar upon Lot 200 Bashford Street, Jurien Bay for the following reasons:
1. Potential noise and health impacts on adjoining sensitive land uses (Residential).
2. Inconsistent with the State of WA direction for public health (smoking).

The Executive Manager Development Services (EMDS) supports alterative recommendation B above.

CONSULTATION
Surrounding landowners by mail

STATUTORY ENVIRONMENT
Local Planning Scheme No. 7

POLICY IMPLICATIONS
WA Department of Health Shisha and the law fact sheet

FINANCIAL IMPLICATIONS
The applicant has paid the required development application fee.

STRATEGIC IMPLICATIONS
Jurien Bay City Centre Strategy Plan: denoted the subject property as mixed use; *a logical extension for commercial uses between the existing shopping centre and Cook Street to*

accommodate shops, restaurants and offices as well as residential units and tourist accommodation.

Strategic Community Plan - Envision 2029

02 – Prosperity	The Shire will experience broad economic and population growth with decreasing economic barriers, diversified agriculture and fisheries output and vibrant visitor economy.
04 - Community	The Shire's resident population will grow more than the WA regional average supported by increased community recreation and cultural opportunities and access to key liveability factors such as health and wellbeing services and educational opportunities.

ATTACHMENTS

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

- Supporting Information and Plan (Doc Id 136878)
- WA Department of Health Shisha and the Law fact sheet (Doc Id: 133138)
- Proposed location Plan (Doc Id: 137203)
- Image of Dividing Fence (Doc Id: 137206)

(Marked 9.3.6)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Eyre, seconded Cr Shanhun

A. That Council refuse development approval for the incidental land use of a restaurant upon Lot 200 Bashford Street, Jurien Bay for the reason of this not being permitted under the primary land use as a convenience store and requiring a change of land use to restaurant which would require additional toilet and car parking facilities on-site.

B. That Council grant development approval for the incidental land use of shisha upon Lot 200 Bashford Street, Jurien Bay subject to the following conditions:

1. **all development shall be in accordance with the attached approved plans dated 25 July 2019 and subject to any modifications required because of any conditions of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.**
2. **shisha smoking shall only operate to the area denoted on the approved plan.**
3. **the area of the incidental use shall be closed to the public from the hours of 10pm to 10am daily.**
4. **signage should be displayed making it clear that no food or drink can be consumed while in shisha smoking is taking place.**

5. **the word 'shisha' and images of the related smoking devices shall not be used in any physical or electronic advertising.**
6. **the shisha area shall be managed to ensure noise is kept to a minimum during operation.**

Advice Notes:
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 7 / 0

9.4 GOVERNANCE & ADMINISTRATION

9.5 COUNCILLOR INFORMATION BULLETIN

9.5.1 SHIRE OF DANDARAGAN – JUNE 2019 COUNCIL STATUS REPORT

Document ID: 136397

Attached to the agenda is a copy of the Shire's status report from the Council Meeting held 27 June 2019. ***(Marked 9.5.1)***

9.5.2 SHIRE OF DANDARAGAN TOURISM / LIBRARY REPORT FOR JUNE 2019

Document ID: 137012

Attached to the agenda is monthly report for Tourism / Library for June 2019 ***(Marked 9.5.2)***

9.5.3 SHIRE OF DANDARAGAN – BUILDING STATISTICS – JUNE 2019

Document ID: 136547

Attached to the agenda is a copy of the Shire of Dandaragan Building Statistics for June 2019. ***(Marked 9.5.3)***

9.5.4 SHIRE OF DANDARAGAN – PLANNING STATISTICS – JUNE 2019

Document ID: 136548

Attached to the agenda is a copy of the Shire of Dandaragan Planning Statistics for June 2019. ***(Marked 9.5.4)***

9.5.5 WHEATBELT SECONDARY FREIGHT NETWORK (WSFN) PRIORITISATION APPROACH

Document ID: 136616

Attached to the agenda is a copy of the Wheatbelt Secondary Freight Network prioritisation approach ***(Marked 9.5.5)***

9.5.6 NATIONAL FARMERS FEDERATION – MEDIA RELEASE – FARMERS DISGUSTED BY YET ANOTHER UNBALANCED WATER REPORT BY THE ABC

Document ID: 136636

Attached to the agenda is a National Farmers Federation media release advising that ABC's 4Corners programme failed to provide viewers a factual and balanced analysis of irrigation and water management in the Murray Darling Basin ***(Marked 9.5.6)***

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

Nil

11 CONFIDENTIAL ITEMS FOR WHICH MEETING IS CLOSED TO THE PUBLIC

Nil

12 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13 CLOSURE OF MEETING

The presiding member declared the meeting closed at 4.09pm.

MINUTES OF ORDINARY COUNCIL MEETING HELD THURSDAY 25 JULY 2019

These minutes were confirmed at a meeting on 22 August 2019

Signed .....

Presiding person at the meeting at which the minutes were confirmed

Date 22 August 2019