

9.13 Jurien Bay Commercial Development Plan

PART A- Policy

Purpose

The purpose of the Jurien Bay Foreshore Commercial Development Plan is to achieve a vibrant and active Jurien Bay Foreshore area that will attract tourism and commercial activity to Jurien Bay, whilst balancing the potential conflicts between commercial and public use of the Foreshore.

Objectives

- Activation of the Jurien Bay Foreshore recognising that while public open space is high priority and should not be compromised, people want amenities and activities that enhance their experience of the Foreshore.
- Provide specific guidance on the requirements for the operation of commercial and community land uses on the Jurien Bay Foreshore.
- Encourage commercial operators to operate in locations that support the activation of the Jurien Bay Foreshore, while complementing the existing businesses within the Jurien Bay City Centre.
- Identify the preferred locations for particular activities and to regulate the intensity of commercial activities on the Jurien Bay Foreshore.
- The effective use and management of the Jurien Bay Foreshore resulting in a space that is people focused which promotes health and wellbeing through active and passive recreation.

Policy Statement

3.0 Application of Policy

This Policy only applies to commercial and community land uses operating in the Jurien Bay Foreshore. For the purpose of the Jurien Bay Foreshore Commercial Development Plan, the Foreshore comprises the reserved land immediately abutting the seaward side of Grigson Street and Heaton Street, extending from Cook Street to the south to Doust Street to the north (portion of Reserve 28541 and Reserve 26939), as shown on the **Policy Area Map**.

Land uses considered by the Policy include:

- Commercial use of permanent or transportable structures;
- Mobile vendors (e.g. food trucks/ice cream vans);
- 'Pop up' restaurants/bars and other seasonal or temporary commercial uses;
- Adventure tour and hire businesses;
- Annual, occasional or regularly scheduled community events (e.g. markets and fairs);
- Personal trainers and organised group fitness classes;
- Concerts; and
- Annual cultural and sporting events.

This policy should be read in conjunction with the Shire of Dandaragan's *Local Planning Policy 8.12 – Mobile and Itinerant Vendors and Commercial Activities on Reserved Land (Including Foreshore)* (LPP 8.12).

3.1 Approvals, Permits and Licensing

1.1.1 Mobile and Itinerant vendors who intend to operate on the Jurien Bay Foreshore are required to comply with the following, in accordance with LPP 8.12:

- a) Hold a valid Trading in Public Places Permit / Itinerant Food Vendors Permit granted by the Shire of Dandaragan;
- b) Hold a current *Food Act 2008* Certificate of Registration from a Western Australian Local Government if the vendor operates a Food Stall; and
- c) Obtain any other relevant approvals e.g. a Commercial Operations Licence from the Department of Biodiversity, Conservation and Attraction for use of the Jurien Bay Marine Park.

1.1.2 Development approval is required for uses where:

- a) Permanent or transportable structures are proposed; or
- b) The operation of the proposed activity is to exceed a 48-hour period or a series of dates, at the Shire's discretion.

1.1.3 Where required, a development application should be submitted to the Shire at least a month prior to the intended operation date, and should be accompanied by:

- a) A completed Shire of Dandaragan Application for Development Approval Form;
- b) Full details of the type of goods or services to be offered;
- c) A site plan demonstrating the location of the proposed operation;
- d) Floor plans and elevations of any proposed structure(s);
- e) Details of the times and dates of operation sought;
- f) Evidence of public liability insurance cover to the value of \$20 million; and
- g) Any other such information as may be required by the Shire to consider the Application.

1.1.4 Applications for community events and weddings should be made to the Shire of Dandaragan's Community Development Department via a completed Public Events or Wedding Application form and in accordance with the requirements set out in the Shire's Public Events Support Information Sheet.

1.2 Fees

1.2.1 All operators are required to pay the relevant Council adopted application costs listed within the Shire's *Schedule of Fees and Charges*.

1.2.2 Not-for-profit community groups and charities are exempt from fees and charges.

1.3 Leases

- 1.3.1 The Shire of Dandaragan has the power to lease portions of the Foreshore for a maximum period of 21 years.
- 1.3.2 The granting of Foreshore leaseholds will generally only be considered for the paved area adjacent the Jurien Bay Jetty within Activity Area 1 of this Policy for permanent or transportable structures.
- 1.3.3 leasehold proposals will be subject to the procedures of section 3.58 of the *Local Government Act 1995* - Disposing of property.

1.4 Location and Siting

- 1.4.1 The approved commercial activity areas (Activity Area 1 and Area 2) within the Jurien Bay Foreshore available for commercial activity are shown on the **Policy Area Map**. Existing community infrastructure is shown on the plan for reference.
- 1.4.2 Activity Area 1 is intended to accommodate all of the commercial uses such as seasonal community events and markets, recreational based commercial activities, as well as the use of permanent and transportable structures as part of lease agreements in accordance with clause 3.4.
- 1.4.3 Activity Area 2 is intended to accommodate the civic and passive use of fixed public recreational infrastructure located within this area.
- 1.4.4 All vendors are to locate and operate in accordance with their, but not limited to, development approval conditions, traders permit conditions and/or user agreements as per LPP 8.12.
- 1.4.5 The Shire of Dandaragan reserves the right to make any approved location unavailable for a set period of time for community events, infrastructure works or any other reason the Shire deems necessary.

1.5 Waste Management

- 1.5.1 All operators are to demonstrate that all waste produced as a result of the operation of their activity is appropriately managed to the satisfaction of the Shire in accordance with clause 15 of Shire's *Community Amenities, Recreation and Culture Policy 6.3: Waste Management*.

1.6 Trading Hours

- 1.6.1 Trading in the Foreshore is generally permitted to occur between the hours of 7.00am to 8.00pm each day of the week.
- 1.6.2 Variations to these trading hours may be considered by the Shire during the relevant assessment stage.
- 1.6.3 Permitted trading hours shall be included on any approval or permit issued by the Shire.

1.7 Liquor Licensing

- 1.7.1 Applications that include the sale or provision of alcohol may be required to obtain one or both of the following:
 - a) Liquor Licence issued by the Department of Racing, Gaming and

- Liquor; and/or
b) A Consumption of Alcohol Permit issued by the Shire of Dandaragan.

1.8 Noise

- 1.8.1 All activity must comply with noise levels set out in the *Environmental Protection (Noise) Regulations 1997*.
- 1.8.2 Variations to the Noise Regulations may be considered by the Shire's Environmental Health Officer, at least 60 days prior to the event.

1.9 Advertising

- 1.9.1 In the case of mobile vendors, all advertising is to be fitted to the primary vehicle or immediately adjacent to the approved trading area. In addition, one temporary A-frame sign will be permitted for all operators where:
- a) It is located within 75m of the location of the business;
 - b) It does not exceed any dimension of 1m or an area of 1m² on any side; and
 - c) It is not sited on a main thoroughfare or as to obstruct any pedestrian traffic.
- 1.9.2 In the case of events, detached signage shall only be permitted for the event holder and not the individual stallholders.

1.10 Power

- 1.10.1 Mobile vendors shall provide their own power supply unless otherwise approved by the Shire.
- 1.10.2 Temporary wiring shall not be permitted to be laid on the ground or accessible to the public unless it is adequately protected or positioned in such a manner that is not considered a safety hazard.
- 1.10.3 Generators are to be installed in accordance with the relevant standards and should be positioned to ensure supervision at all times.

1.11 Ablution Facilities

- 1.11.1 Existing ablution facilities within the Jurien Bay Foreshore are illustrated on the

Policy Area Map

Events which are anticipated to accommodate more than 500 people shall generally provide the ablution facilities set out in **Appendix 1**, in accordance with Appendix 7A – Recommended toilet facilities for temporary events of the *Guidelines on the Application of the Health (Public Buildings) Regulations*.

1.12 Other Management Considerations

- 1.12.1 Specific management requirements shall be detailed on the relevant approvals or permits issued by the Shire.

Definitions

Itinerant means a person who travels along a road looking for customers and who sells, hires or provides a product or service from a vehicle which is parked temporarily to customers who stop the vendor or come to the vendor while the vehicle is parked.

Mobile means working in one place for a short period of time and then moving on to operate in another place.

Pop-up means a seasonal or temporary hospitality land use activity.

Public Place includes a road or place which the public are allowed to use, whether or not the road or place is on private property.

Permanent Structure means any building that has a permanent foundation, solid load bearing walls, and is solid in its built form.

Stallholder means a person owning or running a stall at a market.

Temporary Use means a use that is in existence for less than 48 hours, or a longer period agreed by the local government, in any 12-month period.

Trading Area means the approved or permitted individual operating area, as granted by the Shire of Dandaragan.

Transportable Structure means any building that is brought to a property, held in place primarily by its own mass or affixed to the ground and includes, but not limited to, sea containers, decommissioned railway carriages, transport conveyances and prefabricated buildings.

Vendor means someone who promotes, exchanges or hires goods or services for money.

Legislation relevant to this policy

- Local Planning Scheme No.7
- Local Planning Policy 8.12: Mobile and Itinerant Vendors and Commercial Activities on Reserved Land
- Local Government Property Local Law
- Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law
- Policy 6.3: Waste Management
- Local Government Act 1995
- Environmental Protection (Noise) Regulations 1997
- Food Act 2008
- Liquor Control Act 1988
- Health (Public Buildings) Regulations 1992

Appendix 1 – Recommended Toilet Facilities for Temporary Events

Total Attendance	Male Facilities			Female WC's	Hand Basins	
	WC's	Urinals Trough or wall hung			Male	Female
Up to 1000	2	1.5 Metres	3	5	1	1
1000 – 2000	3	3 Metres	6	10	2	2
2000 – 3000	4	4.5 Metres	9	15	3	3
3000 – 4000	5	6 Metres	12	20	4	4
4000 – 5000	6	7.5 Metres	15	25	5	5
5000 – 6000	7	9 Metres	18	30	5	6
6000 – 7000	8	10.5 Metres	21	35	6	7
7000 – 8000	9	12 Metres	24	40	7	8
8000 – 9000	10	13.5 Metres	27	45	8	9
9000 – 10000	11	15 Metres	30	50	9	10
10000 – 11000	12	16.5 Metres	33	55	9	11
11000 – 12000	13	18 Metres	36	60	10	12
12000 – 13000	14	19.5 Metres	39	65	11	13
13000 – 14000	15	21 Metres	42	70	12	14
14000 – 15000	16	22.5 Metres	45	75	13	15
15000 – 16000	17	24 Metres	48	80	13	16
16000 – 17000	18	25.5 Metres	51	85	14	17
17000 – 18000	19	27 Metres	54	90	15	18
18000 – 19000	20	28.5 Metres	57	95	16	19
19000 – 20000	21	30 Metres	60	100	17	20
20000 – 21000	22	31.5 Metres	63	105	17	21
21000 – 22000	23	33 Metres	66	110	18	22
22000 – 23000	24	34.5 Metres	69	115	19	23
23000 – 24000	25	36 Metres	72	120	20	24
24000 – 25000	26	37.5 Metres	75	125	21	25
25000 – 26000	27	39 Metres	78	130	21	26
26000 – 27000	28	40.5 Metres	81	135	22	27
27000 – 28000	29	42 Metres	84	140	23	28
28000 – 29000	30	43.5 Metres	87	145	24	29
29000 – 30000	31	45 Metres	90	150	25	30

Females increase at the rate of 1 WC per 100 Females.

Males increase at the rate of 1 WC per 500 males plus 1.5 metres urinal or 3 urinals

Per 500 males. (This table uses 500mm as 1 urinal space – BCA uses 600 mm).

Hand wash basins 1 per 5 WC's or urinals.

These figures are for events where alcohol is available.

Duration of event

More than 8 hours

6 hours but less than 8 hours

4 hours but less than 6 hours

Less than 4 hours

If no alcohol then reduce the above table by

Be flexible – Utilise experience to ascertain the relevance of this table to your events.

Percentage of the table values

100%

80%

75%

70%

50%

Policy Number	9.13 - Jurien Bay Commercial Development Plan
Adopted by Council	28 February 2019
Amended	