

SHIRE OF NORTHAMPTON

Late Items

18th November 2016

LATE ITEMS - TOWN PLANNING REPORT

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ITEM 6.3.8 PROPOSED CARAVAN & CHALET PARK, CARETAKERS DWELLING, SHOP & RESTAURANT – LOT 10646 (NO. 399) RED BLUFF ROAD, KALBARRI

LOCATION:	Lot 10646 (No. 399) Red Bluff Road, Kalbarri
APPLICANT:	Halsall & Associates
OWNER:	Summerstar Pty Ltd
FILE REFERENCE:	10.6.1.3
DATE OF REPORT:	15 November 2016
REPORTING OFFICER:	Kathryn Jackson – Acting Principal Planner
APPENDICES:	
1	Overall Development Plan
Following appendices provided as separate documents	
2	Application Report from Halsall & Associates
3	Shop/Office/Caretaker Plans
4	Chalet Plans
5	Ablution & Ensuite Plans
6	BBQ & Camp Kitchen Plans
7	Bushfire Management Plan

AUTHORITY / DISCRETION:

Quasi-Judicial – when Council determines an application within a clearly defined statutory framework, abiding by the principles of natural justice, acting only with discretion afforded it under law, and giving full consideration to Council policies and strategies relevant to the matter at hand. These decisions are reviewable by the State Administrative Tribunal.

SUMMARY:

Council is in receipt of an application for the establishment of a Caravan & Chalet Park, Caretakers Dwelling, Shop & Restaurant upon Lot 10646 (No. 399) Red Bluff Road, Kalbarri.

The subject land is zoned ‘Tourist Accommodation’ under Shire of Northampton Town Planning Scheme No. 9 – Kalbarri Townsite (the ‘Scheme’). This report recommends conditional approval of the application.

Figure 1 – Location plan for Lot 10646 Red Bluff Road, Kalbarri



BACKGROUND:

Lot 10646 was historically developed and used as a caravan and camping park, however the property has fallen into a state of disrepair since the park was closed a number of years ago. The property has been purchased by Summerstar Pty Ltd who wish to renew the site for tourist accommodation purposes.

The proposed application includes the development and construction of the following infrastructure:

- Shop/Restaurant/Caretakers building
- 16 chalets
- 72 Caravan/Camping bays
- 5 double ensuites
- 2 single ensuites
- 2 camp kitchens
- 2 ablution buildings
- 2 Recreational areas (one nature based playground located near the proposed restaurant and the other is within the park and includes pool, jumping pillow, playground and BBQ area)

A copy of the overall development plan for the site has been included as **Appendix 1** to this report.

Appendices 2-7 have been provided to Councillors as separate documents.

COMMUNITY & GOVERNMENT CONSULTATION:

Section 6.4.2 of the Scheme requires that where Council decides to give notice of an application it shall cause one of more of the following to be carried out:

- “(a) notice of the proposed development to be served on the owners and occupiers who are likely to be affected by the granting of Planning Consent stating that submissions may be made to Council by a specified date being not less than fourteen days of the service of such notice;*
- (b) notice of the proposed development to be published in a newspaper circulating in the Scheme Area stating that submissions may be made to Council by a specified date being not less than fourteen days from the publication thereof;*
- (c) sign or signs displaying notice of the proposed development to be erected in a conspicuous position on the land for the specified period from the date of publication of the notice referred to in subclause (b).*

In addition, the Shire’s ‘Consultation for Planning Proposals’ Local Planning Policy also requires that for applications that are discretionary after advertising, or may affect or impact surrounding properties, that the local government:

- “i. publish a notice of the development proposal in a newspaper circulating in the area;*
- ii. arrange for a sign or signs to be placed in a prominent position(s) on the site;*
- iii. consult the owners/occupiers of all land within a radius of 100m of the boundary of the application site for land within an urban area or within an existing settlement, or 500m radius for land within a rural area, except where it is determined by the local government that the proposal will not have any significant impact on certain portions of the area;*

- iv. *consult with the owners/occupiers of land beyond the foregoing areas where, in the opinion of the local government, there will be an impact along key transportation facilities, tourist routes or view-sheds; and/or*
- v. *consult as necessary with other affected government agencies or statutory authorities as the case requires, drawing attention to the form of the development proposal and inviting comment within a period not being less than 21 days or, where appropriate, such longer period as may be necessary to comply with relevant legislation.”*

The application was advertised for comment from 25 October until 14 November 2016. This included a notice in the Geraldton Guardian, a sign onsite, letters being sent to landowners within 100m and referrals to government agencies.

At the conclusion of the advertising period 7 submissions had been received all from government agencies offering their comments on the proposal. A summary of their comments has been provided below:

- Department of Mines & Petroleum – No objection
- Department of Water – No objection. Suggest that drainage design and water management of the site should have regard to Water Sensitive Urban Design principles and objectives and the ‘Guidelines for the Approval of Non-drinking Waters Systems in WA Urban Developments’.
- Department of Parks & Wildlife – That the Bushfire Management Plan should not rely on firebreaks or management of land outside of the sites boundaries.
- Main Roads – No objection
- Telstra – No objection
- Water Corporation – No objection. Connection to sewer and scheme water available to the development.
- Western Power – No objection

A submission was received in relation to the land exchange application that relates to Lot 10646 which is also being presented to Council at its 18 November 2016 meeting. This submission from Department of Environment Regulation states that the site is listed as ‘Possibly Contaminated – Further investigation required’ by the Department. Department of Environment Regulation were written to during the

advertising period but have not provided comment on the development at the submission of the Agenda report to Council.

Shire staff do not believe this to be an issue in relation to the approval of this application as a memorial relating to contamination ultimately requires the landowner to remediate the site in accordance with the Department of Environment Regulations requirements prior to development upon the area of land subject to the contamination assessment. Therefore Council staff suggest that a condition of approval be applied to any approval of the park that requires that the land the subject of the contamination memorial be remediated to the satisfaction of the Department of Environment Regulation prior to commencement of works.

FINANCIAL & BUDGET IMPLICATIONS:

Nil, however should Council refuse this application and the applicant proceed to exercise their right of appeal, costs are likely to be imposed on the Shire through its involvement in the appeal process.

STATUTORY IMPLICATIONS:

Lot 10646 is zoned 'Tourist Accommodation' under the Scheme. The following table provides a list of the land uses that the application seeks approval for, the permissibility of these land uses and their definitions under the Scheme.

Land Use	Permissibility under Scheme	Scheme Definition
Caravan Park	AA - means that the use is not permitted unless Council has granted Planning Consent	means an area of land specifically set aside for the parking of caravans and park homes or for the erection of camps on bays or tent sites allocated for that purpose.
Caretakers Dwelling	IP - means that the use is not permitted unless Council considers such use is incidental to the predominant use of the land and/or buildings	means a building used as a residence by the proprietor or manager having the care of the building, plant, equipment or grounds associated with an industry or business, carried on upon the same site.
Chalet Park	AA - means that the use is not permitted unless Council has granted Planning Consent	means an area of land set aside for self contained attached or detached residential type buildings used for the purpose of a trade or business

		available for use for holiday purposes by the public at large.
Restaurant	AA - means that the use is not permitted unless Council has granted Planning Consent	means a building wherein food is prepared for sale and consumption on the premises and the expression shall include both a licensed or unlicensed restaurant; but does not include a kiosk or fast food outlet.
Shop	IP - means that the use is not permitted unless Council considers such use is incidental to the predominant use of the land and/or buildings	means any building wherein goods are kept, exposed or offered for sale by retail or hire, or within which services of a personal nature are provided (including a hairdresser, masseuse, beauty therapist or manicurist) but does not include a showroom, fast food outlet, liquor store or any other premises specifically defined elsewhere in this part.

Section 3.1.2.4 of the Scheme states the following objectives for the ‘Tourist Accommodation’ zone:

“Tourist Accommodation zone

- (a) *encourage the diversification of tourist accommodation to meet the requirements of the tourist population;*
- (b) *ensure that development proposals provide for on-site recreation, management and service areas and facilities to accommodate boat/trailer parking, in addition to the provision of walkways to allow separation of pedestrians and traffic;*
- (c) *provide for bus or coach parking associated with the development; and*
- (d) *require a high standard of building design and landscaping which complements the natural setting of the town generally and the particular site.”*

The application is considered to meet the objectives of the zone as it has provided a range of sizes for caravan/camping bays as well as providing chalet and

enquite site options. There are also two proposed recreational areas and there is ample parking for both park users and visitors, boats and trailers and the provision of a coach bay. The development will be completed to a high standard and is in keeping with the natural aspects, landforms and colours of the area.

Section 6.2 of the Scheme states that there is power to relax development standards and requirements in accordance with the following:

“6.2.1 If a development, other than a residential development, the subject of an Application for Planning Consent, does not comply with a standard or requirement prescribed by the Scheme with respect to signs, building height, setbacks, site coverage, car parking, landscaping and related matters, Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as Council thinks fit.

6.2.2 The power conferred by this Clause may only be exercised if Council is satisfied that:

- (a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;*
- (b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality; and*
- (c) the spirit and purpose of the requirement or standard will not be unreasonably departed from thereby.”*

Section 5.25 of the Scheme states in relation to the provision of water to a tourist accommodation site:

“No new dwelling house or tourist accommodation unit shall be constructed within the Scheme Area unless:

- (a) it is connected to the Water Corporation reticulated water supply; or*

- (b) *it is connected to an approved supply of potable water; or*
- (c) *it incorporates into the approved plans a roof catchment water tank having a minimum capacity of 92,000 litres.”*

The development is to be connected to the reticulated sewer and water scheme through the Water Corporation.

POLICY IMPLICATIONS:

Local Planning Policy – Holiday Tourist Accommodation Car Parking (2010)

The *Holiday Tourist Accommodation Car Parking - Local Planning Policy*, adopted in 2010, contains a set of provisions relating to car parking for resorts, staff parking associated with the development and boat/trailer parking. Comments are provided on each element below:

“3.2 Chalet & Cabin

- 3.2.1 *Where it is intended that the chalet or cabin is designed for one family (ie generally 1 or 2 bedroom, with single ablution facility), the general requirement for car parking shall be 1 space per unit.*
- 3.2.2 *Where it is evident that the chalet or cabin could be used by multiple families (ie generally 3 or 4 bedroom, with ensuite and additional ablution facility), the general requirement for car parking shall be 2 spaces per unit.”*

The proposal contains 2 bedroom chalets which would require 1 parking bay per site. The applicant has however provided 2 parking bays per site which would allow for 2 cars per site or car and trailer or boat.

“4.0 BOAT/TRAILER PARKING

- 4.1 *The popularity of the Shire’s coastline for recreational fishing is acknowledged by Council, and therefore there is a genuine need to ensure that adequate boat/trailer parking is provided for guests especially in development within coastal towns.*
- 4.2 *In order to safeguard the amenity of the road verges and for safety reasons, holiday/tourist accommodation development should provide*

suitable on-site areas for boat/trailer parking having regard to the location, expected clientele and scale of development.

10 boat/trailer bays have been provided throughout the park which is considered sufficient. Given the size of many of the caravan/camping bays and the provision of 2 bays for each chalets it is considered that this is compliant with the intentions of the Policy.

“5.0 ASSOCIATED STAFF/MANAGEMENT PARKING

The applicant will need to provide details on staffing numbers and management of the development and provide appropriate car parking for them.”

4 staff carparking bays plus a loading bay have been provided which is considered appropriate for the scale of the development.

STRATEGIC IMPLICATIONS:

Economy & Marketing Strategies:

- Increase support for tourism across the Shire and enable tourism to become a major and sustainable industry for the Shire.
- Improve employment opportunities for youth across the Shire.

Environment Strategies:

- Increased protection of native flora through green belts.
- Encourage developers to retain natural vegetation on project sites.

Infrastructure Strategies:

- Ensure that there is sufficient land supply to meet the needs of commerce and industry across the Shire.

Social Strategies:

- Demonstrate a proactive approach to economic and community development.

The proposed development is considered to align with a number of key objectives of the Shire of Northampton – Plan for the Future and other key strategic policy documents such as the Kalbarri Townsite Strategy.

COMMENT

Setbacks

Regulations: 6m from a road reserve, can be reduced to 2.5m if the local government is satisfied that it is safe to do so.

Scheme: Front setback: 10m
Side Setback: 3m
Rear setback: as determined by Council

It is considered that a nil boundary setback to both road frontages is appropriate for the caravan/camping bays given the large road verges and the proposed construction of a 600-800mm retaining wall along the southern and eastern boundaries which would provide additional safety to the uses within the Park giving an elevated height as compared to the road surface. There is also a nil setback proposed for the western boundary to caravan/camping bays which, given the existing rendered masonry wall on this boundary to assist in noise mitigation, this is considered appropriate. It should also be noted that Lot 15 which adjoins the subject lot to the west is also owned by Summerstar Pty Ltd.

In relation to built development the multipurpose building will be at its closest point 3m from the front boundary of the property. Given the design and layout of the Park it is considered that this should be supported.

As there is a Reserve to the south containing remnant vegetation built development (chalets) has been located a minimum of 7m from this boundary. This setback is supported by the supplied Bushfire Management Plan.

These setbacks have been assessed under the presumption that the land exchange that will see a portion of Lot 10646 in the south-east corner swapped with an equal portion of Red Bluff Beach Road road reserve to allow for the widening of the George Grey Drive Road Reserve and future construction of a footpath along this frontage that has sufficient setback from the on ground constructed road alignment. A copy of the Deposited Plan for this action has been included as **Appendix 1** to this report.

Access/Egress and internal facility roads

Regulations: Entrance to facility is to be 6m wide
Internal two-ways roads to be 6m wide

It is proposed the caravan park would be serviced by a 6m wide entry and 6m wide internal roads throughout the park. It is proposed that these access ways

would be constructed of sealed bitumen. This is compliant with the Regulations and with the desired standards of the Shire.

The applicant has also provided alongside the entryway 4 check in bays to allow for patrons to arrive and park across from the office to check in. This is considered appropriate for the scale of the development. A slip lane arrangement has been put forward previously, however the provision of 4 check in bays will supply demand on most days and times of the year. On the rare occasions such as Christmas or Easter where the Park may experience more than 4 groups arriving at the same time there is sufficient road reserve for temporary parking.

Parking

Regulations: 1 visitor bay per 20 caravan sites with minimum of 4 (72 sites = 4 bays)

Scheme: 1 bay per site plus 1 visitor bay per 5 sites (72 sites = 72 bays plus 14 visitor bays)
1 bay per 4 seat for restaurant land use (60 seats = 15 bays)

LPP: 1 / 2 Bedroom plus single ablution facility requires 1 car bay for the use "Chalet/Cabin.

Proposed:

- Exclusive use within Park
 - 2 parking spaces per caravan/camping bay = 66 bays x 2 parking = 132 bays
 - 1 parking space per 6 smaller camping bays = 6 bays
 - 2 bays per chalet = 16 bays
 - 10 boat/trailer bays
 - 1 coach/bus parking bay
 - 4 staff parking bays
 - 1 loading bay
- Visitor/Restaurant Parking Bays
 - 21 external parking bays within road reserve
 - compacted gravel overflow parking area

It is considered that there is sufficient parking within the caravan park for its users and associated boats and trailers.

The external carparking is primarily for visitors and restaurant patrons. Strictly reading the requirements of the Scheme it would require 14 visitor bays and 15 bays for the restaurant giving a total of 29 bays. It is considered that given the restaurant will have a portion of its clientele staying within the park itself and therefore not requiring parking bays, and ample space on each caravan camping bay for visitor parking, that the 21 parking bays and compacted gravel overflow parking areas provided external to the Park are adequate for the development of these land uses. It should also be noted that given the design of the carparking area on the northern side of Red Bluff Beach Road that should the Shire wish to construct its own formal parking area for the Red Bluff tourist node then this design would allow the Shire to easily extend the carparking further west towards the existing ablution block.

Recreational Areas

Regulations: 1/10 of the total area of the facility, 2/3 to be provided in one area

KTS: Require on-site management and high level of facilities including adventure playground area, half courts tennis and basketball, pool / water playground and covered BBQ areas.

Proposed: 2570m² internal recreation area
748m² nature playground area
Total: 3,318m² (21,661m² total site area = 15% recreational area
It is considered that the amount and type of recreational facilities is compliant with the Regulations.

The proposed development is also considered to comply with the relevant Scheme requirements for landscaping which far exceeds 10%. A Landscaping Plan requirement is suggested as part of the approval recommendation.

Ablution, Toilet and Laundry Facilities

All provided facilities are required to comply with the requirements of the Caravan Parks and Camping Grounds Regulations. On application for a building licence for each of the structures the proponent will be required to demonstrate building plans that demonstrate compliance with the Regulations in order to obtain

the necessary Caravan Park and Camping Ground licence from the Shire's Health Officers. The plans that have been provided demonstrate that adequate facilities have been provided and in appropriate locations.

Shop/Office/Caretakers

The Shop, Office and Caretakers Residence are considered to be incidental to the predominant use of the land for Tourist Accommodation.

Whilst the Scheme contains separate car parking provisions for an office and shop use they are not considered to be relevant to this application given that the uses are incidental to the Park.

Water

The Scheme is clear in stating that no new tourist accommodation unit shall be constructed in the Scheme Area unless:

- (a) *it is connected to the Water Corporation reticulated water supply; or*
- (b) *it is connected to an approved supply of potable water; or*
- (c) *it incorporates into the approved plans a roof catchment water tank having a minimum capacity of 92,000 litres."*

In the case of the proposed development, it will be serviced with both reticulated water and sewerage services.

Power

The development will be connected to power with the necessary approvals being gained from Western Power for any connections and required upgrades.

Stormwater

The Application for Planning Approval does not presently contain a stormwater management strategy. It is considered that this will need to occur as part of the detailed design phase and as such should Council grant planning approval to the proposal a condition will be placed on the approval requiring stormwater and drainage plans to be submitted and approved by the local government.

Rubbish Removal

There are various bin storage locations within the park. As a condition of approval it is suggested that those areas that can be viewed from the street be required to be appropriately screened.

Bushfire Management

The applicant has supplied a Bushfire Management Plan (BMP) for the development as per the requirements of State Planning Policy 3.7 Planning in Bushfire Prone Areas. This Policy relates to habitable built development and therefore it is based on the construction of the chalets. Existing habitable buildings such as the caretakers residence are not required to be taken into consideration in the assessment nor the restaurant, office or shop as they are not deemed habitable or to come under the legislation requirements to be constructed in accordance with AS3959.2009 Construction of Buildings in Bushfire Prone Areas.

A submission has been received from the Department of Parks and Wildlife stating that the BMP should not rely on the maintenance or installation of elements outside of the lots boundaries. As the applicant is required to comply with the Bushfire Management Plan if they cannot meet the requirements of this plan then the onus would be on the applicant/landowner to provide to the local government a revised BMP. Should the distances specified within the BMP not be able to be achieved the chalets potentially would be required to be constructed at a higher BAL rating per AS3959.2009.

CONCLUSION:

The proposed development is considered to meet the requirements and intent of *Shire of Northampton Town Planning Scheme No. 9 – Kalbarri, Kalbarri Townsite Strategy* and the *Caravan and Camping Grounds Regulations 1997*. Whilst a few minor variations are sought, it is considered that the overall development addresses the key objectives of the "Tourist Accommodation" zone and the "Red Bluff Tourism Precinct". Furthermore, these minor variations are considered to be consistent with orderly and proper planning of the locality and the non-compliance is not considered to have any adverse effect on the occupiers or users of the development or the inhabitants of the locality.

It is therefore recommended that Council grant planning approval subject to a number of conditions.

VOTING REQUIREMENT:

Absolute Majority Required: No

OFFICER RECOMMENDATION – ITEM 6.3.8	APPROVAL
<p>That Council grant planning approval for the proposed Caravan Park, Chalet Park, Restaurant, Shop and Caretakers Residence upon Lot 10646 (No. 399) Red Bluff Road, Kalbarri subject to the following conditions:</p>	
1.	<p>Development shall be in accordance with the attached approved plan(s) dated 18 November 2016 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the Local Government;</p>
2.	<p>This approval constitutes development approval only and is valid for a period of five (5) years from the date of approval. If the development has not substantially commenced within the five (5) year period the approval shall lapse and be of no further effect;</p>
3.	<p>Development works are not permitted to be undertaken upon the land subject to the land exchange (Landgate Concept Plan 217A 17/6/2016) until this action has been finalised and the land amalgamated into Lot 10646;</p>
4.	<p>Development works are not permitted to be undertaken upon the area of Lot 10646 which is subject to the Contaminated Sites Act 2003 memorial listed upon the Certificate of Title as ‘possibly contaminated – investigation required’ until such time that the applicant can provide written advice to the local government demonstrating that remediation of the area has been achieved to the approval of the Department of Environment Regulation.</p>
5.	<p>The development shall be connected to reticulated sewer and water to the requirements of the Water Corporation and to the approval of the Local Government, with all costs met by the applicant;</p>
6.	<p>The crossovers to the caravan park, internal parking areas and the internal access roads are to be paved/sealed, kerbed, line marked,</p>

- drained and thereafter maintained to the satisfaction of the Local Government;**
- 7. Plans detailing the external parking areas are required to be submitted and approved by the Local Government prior to commencing work;**
 - 8. A dual use path being constructed along the northern road reserve of Red Bluff Beach Road as indicated by dashed lines upon the plan named 'Development Plan – Final' and dated 10 November 2016. This dual use path is to be constructed to the specifications and location of the Local Government, with all costs met by the applicant.**
 - 9. The applicant is to prepare, submit and adhere to stormwater and drainage plans to the approval of the Local Government, with all costs met by the applicant;**
 - 10. The applicant is to implement the requirements of the Bushfire Management Plan dated 18 October 2016 (Revision 0) to the satisfaction of the Local Government with amendments to this document being undertaken and implemented as required with all costs met by the applicant.**
 - 11. All loading and unloading to take place within the boundaries of the premises and undertaken in a manner so as to cause minimum interference with other vehicular traffic;**
 - 12. Rubbish storage areas are to be screened where they are visible from the street to the satisfaction of the Local Government;**
 - 13. A landscaping plan should be submitted and implemented on street verges and within areas of the site as they are developed. The plan shall specify any vegetation that is to be retained and utilise plants and trees that will assist in softening the appearance of the development and provide safe shade and wind protection. Species shall be appropriate for the locality and are not to present a weed risk to the surrounding reserves.**
 - 14. The applicant is to prepare, submit and adhere to a Dust Management Policy prior to the commencement of any clearing or earthworks and the land thereafter stabilised to the approval of the Local Government.**

Advice Notes:

- a) It is recognized the whole park may not be developed initially (in the first stage). Establishment of any aspect of the park such as a camping area or numerous chalets is considered substantial commencement for the purposes of this approval.
- b) In relation to the external parking areas contained within the road reserve, the applicant is to submit plans to the local government that include details such as the size, location, road surface finish, line marking, kerbing, drainage, footpaths etc of the parking areas and how it relates into the existing road surface of Red Bluff Beach Road.
- c) In relation to the Dual Use Path the Local Government is prepared to accept the developer paying to the Local Government the costs of such works. It is estimated by the Local Government that the concrete footpath would cost \$150 per lineal metre to supply and install. This would provide an estimated contribution from the applicant of \$19,500 gst incl. (based on being 2.2m wide and 130m in length). This amount would potentially be paid to the Local Government and held in a trust account until ready to be expended on the construction of the footpath. This should not be more than 12 months from the receipt of monies from the developer. As it is unknown when the path would be constructed a detailed quote is to be provided at the request of the applicant at the time of construction. Any unspent funds are to be returned to the applicant at the completion of the project. Should funds be inadequate due to cost changes since the issue of the updated quote no further funds will be required from the developer.
- d) In relation to stormwater and drainage the applicant is to provide plans and calculations that demonstrate the management of water within the park and where the water will be directed for drainage. Where drainage is proposed to be directed onto neighbouring land a written undertaking/agreement is to be provided demonstrating permission to direct water onto that land and in the event that circumstances change or permission is revoked that the applicant acknowledges their responsibility to redirect the drainage of the park at their expense.

- e) **In relation to the Bushfire Management Plan (BMP) the applicant is advised that they are required to liaise with the Department of Parks and Wildlife and make amendments to the BMP as necessary. The applicant/landowner is to ensure that the requirements of the BMP are met at all times to ensure compliance with State Planning Policy 3.7 Planning in Bushfire Prone Areas and AS3959.2009 Construction of Buildings in Bushfire Prone Areas with amendments made to the BMP as necessary.**
- f) **In relation to dust management it is suggested that a short document would contain information pertaining to dust suppression and land stabilisation strategies/techniques, weather conditions and the timing of earthworks.**
- g) **The applicant is advised that no signs within the road reserve are to be erected without the Local Government's approval.**
- h) **Any lighting device is to be positioned and shielded as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries or cause any glare nuisance to any nearby residents or passing motorists in accordance with AS 4282 – Control of Obtrusive Effects of Outdoor Lighting;**
- i) **The applicant is advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation. It is the applicant's responsibility to obtain any additional approvals required before the development/use lawfully commences.**
- j) **Where an approval has so lapsed, no development/land use shall be carried out without the further approval of the Local Government having first been sought and obtained.**
- k) **Any additions to or change of use of any part of the building or land (not the subject of this approval) requires further application and planning approval for that use/addition. The applicant is reminded of the provisions of Regulation 17 of the Planning and Development (Development Assessment Panels) Regulations 2011.**

- 1) Should the applicant be aggrieved by the decision of the Council (in part or whole) a right of appeal exists to the State Administrative Tribunal within twenty-eight (28) days from the date of the decision.**

ITEM 6.3.9 LAND EXCHANGE (ROAD CLOSURE AND WIDENING) - KALBARRI

FILE REFERENCE: 10.6.4 (A1698)
DATE OF REPORT: 14 November 2016
APPLICANT: Halsall & Associates
LANDOWNER: Summerstar Pty Ltd
REPORTING OFFICER: Kathryn Jackson – Acting Principal Planner
RESPONSIBLE OFFICER: Garry Keeffee – Chief Executive Officer
APPENDICES:
Appendix 1 – Land Exchange Plan

AUTHORITY / DISCRETION:

Executive the substantial direction setting and oversight role of the Council. For example, adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

SUMMARY:

Council is in receipt of an application for a proposed land exchange along the northern and eastern property boundaries of Lot 10646 Red Bluff Road, Kalbarri.

The land exchange proposal has now been advertised with the application and received submissions presented to Council for final approval.

BACKGROUND:

Council has received a request for the initiation of a land exchange from Halsall & Associates who are representing Summerstar Pty Ltd, the landowner of Lot 10646 Red Bluff Road, Kalbarri.

The land exchange would effectively see a 299m² portion of Lot 10646 along its George Grey Drive frontage be subdivided from the lot and amalgamated into the road reserve. In exchange, a 299m² area of road reserve along the lots Red Bluff Road frontage is to be amalgamated into Lot 10646.

The applicant has previously met staff from the Department of Lands onsite to discuss the land exchange with the Department expressing their support of the proposal. The proposed road closure and road widening plan has been prepared by the Department of Lands and provided to the applicant for submission to the Council.

A copy of the proposed road closure and road widening plan has been included as **Appendix 1** to this report.

Lot 10646 has previously been used as a caravan park but the site has been left unused for many years with most infrastructure having been removed or in a very run down state. Council however is now also in receipt of an application for the

establishment of a caravan park, chalets, restaurant, shop, office and caretakers upon the site which is also being presented to Council at its 18 November 2016 meeting.

Figure 1 - Locality Plan Lot 10646 Red Bluff Road & George Grey Drive, Kalbarri



COMMUNITY & GOVERNMENT CONSULTATION:

Section 58 of the Land Administration Act 1997 provides for the closure of public roads and requires an application to be publicly advertised for a period of 35 days in accordance and include the following actions:

- Notice being placed in a locally circulating newspaper detailing the proposed closures;
- Letters being sent to surrounding landowners/occupiers;
- Letters being sent to relevant government agencies; &
- A sign detailing the proposed road closures being erected onsite.

The application has not been advertised in accordance with the above requirements. At the conclusion of the advertising period 6 submissions were received all from Government Agencies. A summary of each submission is provided below:

- Department of Parks & Wildlife – No objection
- Main Roads WA – No objection

- Telstra – No objection
- Water Corporation – No objection
- Western Power – No Objection
- Department of Environment Regulation – Property is listed as ‘possibly contaminated – investigation required’

Correspondence has been received from the Department of Environment Regulation (DER) relating to Lot 10646 and a memorial that has been listed on the properties Certificate of Title giving notification that the site is ‘possibly contaminated – investigation required’ following a preliminary site inspection in May 2011 which identified fibre cement material (to be assessed to determine if contains asbestos) around the site of demolished buildings and the presence of three underground fuel storage tanks and an unbunded drum storage area. DER then proceed to advise that the land exchange is unlikely to impact land exchange but strongly recommends further investigation.

The portion of Lot 10646 which is subject to the road widening action will ultimately be amalgamated into the George Grey Drive road reserve and therefore becomes the responsibility of the Shire of Northampton. As this land is located at the George Grey Drive road frontage and the area of potential contamination is located surrounding the existing caretakers residence upon the site it is not considered that this land exchange needs be effected by the potential contaminated site status afforded by DER.

In addition the Council is also at its November 2016 meeting considering an application for the construction of a caravan park, chalets, restaurant, shop, office and caretakers upon the site, and as part of the officer recommendation there is a suggested approval condition requiring that prior to the commencement of any works upon Lot 10646 that the applicant be required to submit and undertake all necessary remediation actions to the satisfaction of DER to remove the Contaminated Site memorial from the lot or provide written confirmation from DER that the proposed works are permitted to be undertaken in accordance with the Contaminated Sites Act 2003.

FINANCIAL & BUDGET IMPLICATIONS:

Council charges a fee of \$657 gst incl. for road closures under its Planning Services Fees Schedule, and this fee is intended to recoup the cost of advertising the proposal.

All other costs associated with the road closure and widening actions such as surveying and settlement costs are to be met by the applicant.

STATUTORY IMPLICATIONS:

The Land Administration Act 1997 (as amended) provides the statutory process to be followed in regard to road closures.

The road closure actions are to be advertised in accordance with Section 58 of the Land Administration Act 1997, with the matter and any submissions presented to a further meeting of Council for final consideration.

POLICY IMPLICATIONS:

Nil.

COMMENT

The amalgamation of a portion of Lot 10646 into the George Grey Drive road reserve effectively provides a greater setback distance between the active road pavement and the site. This is considered a positive outcome in that it will increase the safety of the eastern part of the property from road users, reduce road noise and provide a more consistent road reserve width along this section of the road.

The portion of Red Bluff Beach Road reserve that the owner will receive in lieu of this road widening will not affect the use of Red Bluff Beach Road and will serve to straighten the boundary line of Lot 10646 along this road frontage.

VOTING REQUIREMENT:

Absolute Majority Required: No.

CONCLUSION:

That Council support the application for the land exchange and advise the Minister for Lands accordingly.

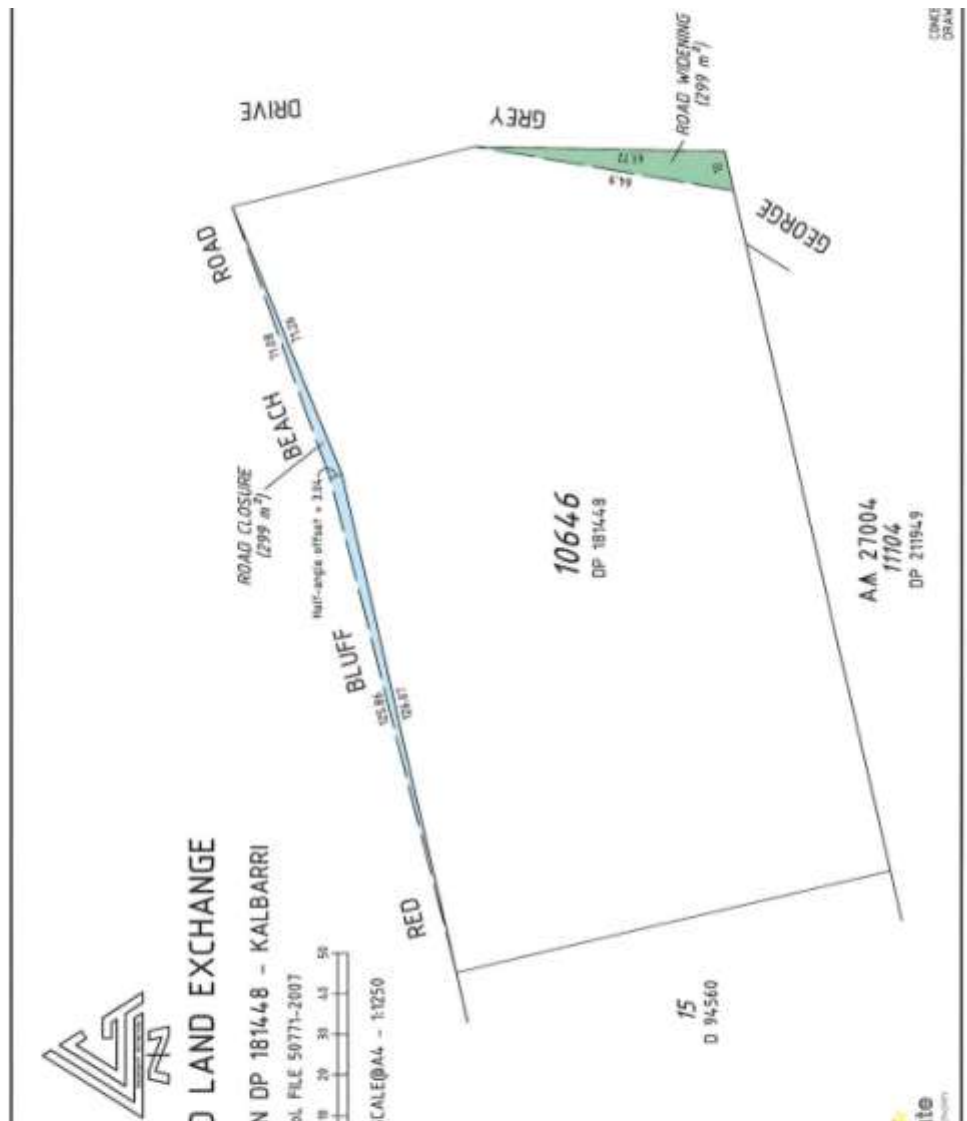
OFFICER RECOMMENDATION – ITEM 6.3.9

That Council:

- 1. Pursuant to Section 58 of the Land Administration Act 1997, request the Minister for Lands to approve the closure of a portion of the Red Bluff Beach Road road reserve as shown upon Concept Plan 217A dated 17 June 2016 and the amalgamation of this land into the adjoining Lot 10646; &**

- 2. Support the road widening action as shown upon Concept Plan 217A dated 17 June 2016 for the amalgamation of a portion of Lot 10646 into the adjoining George Grey Drive road reserve.**

APPENDIX 1. LAND EXCHANGE PLAN



ADMINISTRATION & CORPORATE REPORT

6.5.4	DEDICATION OF ROADS – WIDENING AND SEALING OF NORTH WEST COASTAL HIGHWAY	2
6.5.5	CHANGE OF USE FOR KALBARRI SPECIFIED AREA RATE	4

6.5.4 DEDICATION OF ROADS – WIDENING AND SEALING OF NORTH WEST COASTAL HIGHWAY

LOCATION:	North West Coastal Highway
FILE REFERENCE:	12.1.6
DATE OF REPORT:	17 November 2106
REPORTING OFFICER:	Garry Keeffe
APPENDICES:	1. Location Plans of widening

SUMMARY:

Council to formally approve of excision of land for dedicated land as a road pursuant to Section 56 of the *Land Administration Act 1997*.

BACKGROUND:

At the June 2016 meeting, Council approved the dedication of land the subject of Main Roads WA land dealings as part of the widening of the North West Coastal Highway.

Advice has now been received from Main Roads WA that as a portion of the road widening also includes the excision of a portion of land from Reserve 9573, which has a Management Order in the favour of the Shire of Northampton for the purposes of "Tourism". The reserve is an old school site reserve but has the tourism use as was to become an information bay that has never eventuated. Council must now also provide consent for the excision of the portion of land as shown on plan 1560-069 for the road widening requirements.

STATUTORY IMPLICATIONS:

State: Land administration Act 1997 – Section 56

VOTING REQUIREMENT:

Simple Majority Required:

OFFICER RECOMMENDATION – ITEM 6.5.4

That Council approves of the excision of land from Reserve 9573 for road widening requirements of the North West Coastal Highway as per Main Roads Plan 1560-069.

6.5.5 CHANGE OF USE FOR KALBARRI SPECIFIED AREA RATE

LOCATION:	Kalbarri
FILE REFERENCE:	3.1.13
DATE OF REPORT:	17 November 2016
REPORTING OFFICER:	Garry Keeffe

SUMMARY:

Council to approve use of 2016/17 Specified Area Rate to account for shortfall in renewing Kalbarri entry statements that were funded from a 2015/16 Specified Area Rate as requested by the Kalbarri Visitors Centre.

BACKGROUND:

Within the 2015/16 Budget, an amount of \$15,000 was raised through a Specified Area Rate on the Kalbarri townsite to assist with the funding of renewing the entry statements into Kalbarri. The rate was based on the ongoing "Tourism Promotion and Infrastructure Rate" that is levied primarily each year to assist with tourism promotion and infrastructure in Kalbarri.

The KVC who are managing the project were unable to undertake the works in 2015/16 due to delays on design approval, and therefore the amount raised by the SAR was placed in reserve, as per the requirements of the Local Government Act 1995, and is to now be utilised in 2016/17 on the project.

The KVC has now advised that as the original quotes for the works are over 18 months old, the end result is that the project will have a cost overrun of \$5,385. To assist in covering these extra costs the KVC is requesting that Council approve the use of the 2016/17 SAR totaling \$20,000 levied for TV Advertising component of the tourism promotion programme, to cover the above shortfall.

COMMENT:

As the request to use the SAR for 2016/17 is in compliance with the SAR specifications, being for tourism promotion and infrastructure, the use is in accordance with the provisions of the Local Government Act 1995, however must be approved by Council. Management supports the request.

FINANCIAL & BUDGET IMPLICATIONS:

There are no financial implications to Council for the use of the 2016/17 SAR to assist with the entry statements renewal.

STATUTORY IMPLICATIONS:

State: Local Government Act 1995

VOTING REQUIREMENT:

Due to the request being a change to use of funds in the adopted budget, an absolute majority of Council is required.

OFFICER RECOMMENDATION – ITEM 6.5.5

That Council approve the use of \$5,385 of the 2016/17 Specified Area Rate of \$20,000 levied on the Kalbarri townsite properties for the purpose of Tourism Promotion and Infrastructure, to assist with the completion of the Kalbarri town entry statements as requested by the Kalbarri Visitors Centre.