

9.3.4 REDEVELOPMENT OF JURIEN BAY TOURIST PARK – LOT 302 (No.1) ROBERTS STREET, JURIEN BAY

Location:	Reserve 27406, Lot 302 (No.1) Roberts Street, Jurien Bay
Applicant:	Halsall & Associates on behalf of Summerstar Pty Ltd
Folder Path:	SODR-1262144384-14120
Disclosure of Interest:	Nil
Date:	27 July 2022
Author:	Rory Mackay, Planning Officer
Senior Officer:	Louis Fouché, Executive Manager Development Services

PROPOSAL

For Council to consider a development application for the redevelopment of the Jurien Bay Tourist Park (park).



Location Plan – 1 Roberts Street, Jurien Bay

BACKGROUND

In August 2014 Council resolved the following:

That Council:

1. endorse the Development Plan with entry/exit off Roberts Street and emergency/exit off White Street;
2. advise the owners of Jurien Bay Tourist Park that it is prepared to support a 35-year lease for the caravan park at Lot 271 Roberts Street; and
3. authorise the Chief Executive Officer to commence negotiations on the terms of a lease.

A 35-year lease agreement of Reserve 27406 (Lot 302 Roberts Street, Jurien Bay) was executed between the Shire and the proponent in January 2016.

In July 2016, development approval was granted under delegation for the redevelopment of the park in accordance with the development plan. Amendment of this approval was granted under delegation in 2018 for an additional eight chalets along the White Street boundary. To date these chalets have not been constructed.

The permitted purpose of the lease is for a tourist centre which may include a caravan park, cabins, chalets, park homes and camping, and related and ancillary uses. This coincides with the majority of the subject property being zoned 'Tourist' under the *Shire of Dandaragan Local Planning Scheme No.7* (Scheme).

A condition of the lease agreement was that the proponent was to complete the outlined stage 1 development plan works within the first five years from the commencement date (22 December 2015). Specifically, these works were:

- 8 chalets backing onto the northern Roberts Street boundary.
- Bituminising a portion of the internal accessways.
- Renovating the eastern ablutions building.

The chalets were completed within this timeframe, however the roadworks were not completed until post this timeframe and the renovation of the ablutions building has yet to be commenced.

Under the conditions of the lease agreement, the Shire can give a written notice to the proponent to complete the required works within a 12-month period. A further condition of the lease agreement provides for the proponent to request a variation of the development plan at the discretion of the Shire.

The proponent was actively involved as key stakeholder in the development of the Jurien Bay Foreshore Masterplan in 2019, prior to this document's adoption by Council in March 2020. During this process the proponent first provided draft plans of their new development plan for the park.

On 23 July 2020, Council resolved the following to enable the proponent to acquire a small triangular portion of land to the western edge of the park to 'straighten up' the alignment of the tourist park boundary with the foreshore reserve (reference image shown below).

That Council:

1. *advise the Department of Lands Planning and Heritage that it supports the realignment of boundaries between Reserves 28541 and 27406 as detailed on Deposited Plan 414324; and*
2. *amend the lease agreement with Summerstar Pty Ltd to include the portion of reserve amalgamated.*



The boundary realignment has since been finalised with the Department of Lands and the subject lot number has changed from 301 to 302.

Additionally, the small triangular portion of land added to the park land parcel is still zoned 'Parks and Recreation' and not 'Tourist' under the Scheme as per the remainder of the park (Reserve 27406) (see figure below). Under Clause 2.4.2 of the Scheme in determining a development application for reserve land, Council must have due regard to the ultimate purpose intended for the subject reserve. Reserve 27406's land purpose is 'caravan park', therefore Council can issue development approval for the whole of Reserve 27406 (Lot 302). It is proposed to extend the 'Tourist' zone to the entire Lot 302 with the review of the Local Planning Scheme.



Planning Scheme Zoning

The development application seeks to ratify the new development plan for the caravan park, with the following proposed:

- Decreasing the number of caravan/camping sites from 114 to 98 sites.
- Increasing the number of caravan/camping ensuites from 6 to 26.

- Increasing the number of chalets from 33 to 59 (including 20, two-storey, dual key, ocean fronting chalets enabled through the 2020 boundary realignment).
- Establishing a new entry at Roberts Street with a new check in office, manager's dwelling, and associated incidental facilities.
- Installing a swimming pool and adjusting current recreation/cooking facilities.
- Replacing the existing café building with a new two-storey building (café/restaurant on ground level, function facility on first level).

The following permissible land uses for the Tourist zone under the Scheme are proposed by this development:

- Caretaker's dwelling (discretionary) – means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant.
- Chalet (advertised) – means an individual self-contained unit usually comprising cooking facilities, ensuite, living area and one or more bedrooms designed to accommodate short-stay guests, forming part of a tourism facility and where occupation by any person is limited to a maximum of three months in any 12-month period.
- Reception centre (discretionary) – means premises used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes.
- Restaurant (permitted) – means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the *Liquor Licensing Act 1988*.

COMMENT

The following comments are provided on the major components of the development.

Foreshore interface

The proponent has outlined that the significant development plan change to the western portion of the caravan park with two-storey development is a direct result of the Shire's redevelopment of the adjacent foreshore reserve in recent years. It is noted that this has changed the interrelationship with the park and the foreshore which now provides an opportunity for this portion of the caravan park to have an improved interface with the foreshore.

Council needs to be satisfied that the architectural design and overall presentation (including height) of the proposed development is in keeping to the local character of Jurien Bay, now and into the future. Prominent ocean view, gable-roofed townhouse chalets with the flexibility to provide 10 or 20 accommodation units for the park in the western portion of the site, provides a more appropriate interface with the foreshore compared to rear of the existing caretaker's dwelling, reception and restaurant buildings.

A new ground level 78m² restaurant with 94m² function centre above are also proposed in the prominent location of the current restaurant (formally operated as the Jetty Café). This building will be framed with lightweight material and clad in fibre cement with a skillion roof, to address the ocean - a common coastal building design.

The maximum proposed building height of the park redevelopment is two-storeys, which is consistent with the limit applied to the adjoining residential properties to the south. In comparison, Lot 62 Roberts Street, which is located to the north, of the application site, has the potential to be developed to a maximum height of eleven-storeys.

To this end, the foreshore fronting development of the park is deemed compatible with its setting and sympathetic to local building forms and patterns of development.

Restaurant economic competition

The location of a restaurant adjacent to the new foreshore pavilion currently under construction raised the concern of business competition in a submission received on the application. This is not a relevant planning consideration for assessment of the subject application.

Competition only becomes a relevant planning consideration if there is a prospect that there will be a reduction in the facilities available to the community. This was identified in *Kentucky Fried Chicken Pty Ltd v Gantidis (1979)*, in which the following was determined:

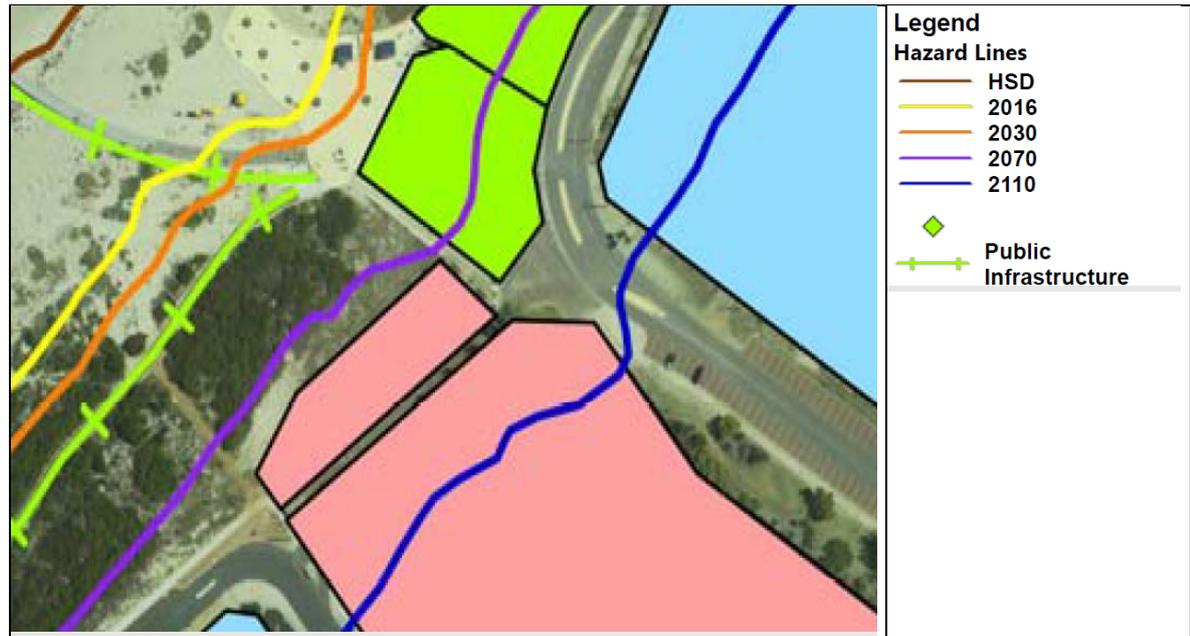
Economic competition feared or expected from a proposed use is not a planning consideration within the terms of the planning ordinance governing this matter...the mere threat of competition to existing businesses, if not accompanied by a prospect of a resultant overall adverse effect upon the extent and adequacy of facilities available to the local community if the development be proceeded with, will not be a relevant town planning consideration.

(Source: Making Good Planning decisions, DAPS Practice Notes May 2020)

Conversely, a commercial foreshore fronting reception centre is currently not offered within Jurien Bay.

Coastal planning

The whole of the subject property is located within 'Special Control Area 3 – Coastal Hazard Risk Area' under the Local Planning Scheme. However, under the Shire of Dandaragan Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) only a portion of the property is expected to be impacted by coastal processes over the 100-year planning timeframe as shown below.



In accordance with the Scheme and *State Planning Policy 2.6 Coastal Planning*, the foreshore fronting development within the predicted 100-year coastal impact line shall be time and/or event limited.

It is noted that this portion of the development is not designed to be transportable or removable, however it will be constructed of lightweight materials which can be readily disassembled and relocated at such a time that coastal hazards occur. Accordingly, relevant conditions of approval are recommended to apply, requiring the development in question to be removed upon coastal trigger points being reached.

Perimeter Fencing

The initial redevelopment plan lodgement for the subject application provided the following three options for perimeter fencing, for the areas of the park to be developed under this application:



The proponent has outlined that the following fencing changes are proposed from the existing fencing:

- Continuing the existing 1.8m high timber fence along Roberts Street to the replacement restaurant building;
- Replacing the section of fencing along White Street with timber (pinelap) fencing similar to the fencing along Roberts Street;
- Erecting 1.2m high fencing along the foreshore with individual gates to each accommodation unit accessing onto the foreshore; and
- Opening up the fencing at the new entry.

Since the application was lodged, the Development Plan has been updated to reflect the above fencing specifications. It is noted there will be no change to the Bashford Street Colorbond fencing, as the current redevelopment application does not propose changes to this portion of the park. In summary, the proposed fencing changes are supported, nevertheless, a recommended condition of approval requires the final perimeter fencing design to be approved by the Shire prior to erection. Council can provide the applicant with an indication of what type of fencing will be considered acceptable in an advice note.

Traffic and access (entry/exit)

In 2014 Council endorsed the proposed new entry/exit off Roberts Street (between Sandpiper and the Roberts Street service road) and a secondary entry/exit off White Street. This endorsement was made due to the proposed Heaton Street and Roberts Street Road reserve transfer with the developer of Lot 62 Roberts Street, which would make the current entry and exit point inaccessible by vehicle. In addition to this potential road network change, the Jurien Bay Foreshore Masterplan proposes the conversion of the jetty carpark into a town square space.

To date, the new Roberts Street entry/exit point has not been ratified with a detailed traffic assessment. With this application the applicant, at the request of staff, has submitted a Traffic Impact Statement (TIS) in support of this newly located entry/exit. This approach was supported by conditions of development approval imposed on the applicant in 2016. It is noted White Street is proposed as an emergency entry/exit point only. The TIS prepared by Riley Consulting made the following conclusions:

- *The relocation of the site access will move current traffic movements to a point 98 metres north of Indian Ocean Drive. The level of additional accommodation provided would not be expected to significantly change the current operation of the site.*
- *To ensure the site does not cause issues to Indian Ocean Drive, queue modelling has been undertaken. The modelling predicts minimal queuing at peak times, which is contained within the subject site. The existing site office provides two caravan wait bays and this is to be replicated at the new site office location.*
- *At the time of writing this report the tourist park was operating with contactless check-ins with chalet keys placed in envelopes. However, the caravan arrivals do not actually need keys and there is discussion for caravans to be directed straight to their allocated*

space without the need to stop and check-in. This would require no caravans to stop on the site access road adjacent to the site office.

- *In the unlikely event that queuing at the site office does occur, then as has been identified, the parallel parking bays adjacent to the site access on Roberts Street could be allocated as short-term parking to provide a stopping point if the site access is blocked. It is stressed that this is not expected to occur and is mentioned as a possible management tool if needed*

As the Shire does not have a Traffic Engineer on staff, the submitted TIS was peer reviewed by a suitable qualified third-party, [Porter Consulting Engineers (Porters)]. The following conclusions were made by Porters:

- *Up to 10 on street parking bays should be removed each side of the proposed driveway on Roberts Street in order to provide appropriate sight distance between exiting vehicles and Roberts Street through traffic.*
- *A secondary driveway on White Street servicing the Tourist Park would reduce the traffic load on the Roberts Street driveway which would be beneficial at peak times when traffic volumes on Roberts Street can more than double to 2,900 vehicles per day.*
- *The identified solution of using the existing on-street parking bays at times when the internal queueing would exceed the length provided on site will result in sight line issues and potential road operational issues that have not been addressed.*
- *Dates of the traffic surveys conducted at the Tourist Park are not specified within the TIS. No detailed existing operational data of the Tourist Park is provided i.e. seasonal check-in and checkout rates. Consequently, it is uncertain if the internal queuing proposed, which relies on internal queues previously surveyed on an unspecified date and a 68% occupancy rate would be adequate during peak times in peak season.*
- *Swept paths to demonstrate the adequacy of the driveway and manoeuvrability of towing vehicles into the internal queueing areas such that vehicles will not block the driveway have not been provided.*
- *Given the proximity of the internal queuing space to Roberts Street any check-in delays or close arrival of either standard vehicles or tow vehicles would potentially result in congestion of the Roberts Street driveway and queuing onto Roberts Street. Queueing onto Roberts Street at this location is undesirable particularly during peak tourist season. Opportunities to either increase the length/number of check-in bays and/or move the check-in facility further from Roberts Street to allow longer internal queuing on the circulation road should be explored.*
- *A parking demand assessment of the surrounding Shire parking facilities with consideration to the type of parking facilities (i.e. long parking bays) is recommended. This will assist the Shire in determining the impacts of the loss of on-street parking bays associated with the new Tourist Park Roberts Street driveway*

The applicant was provided with the opportunity to respond to the above peer review and deliberations between the both the proponent and the Shire, and the respective traffic consultants took place. The following was resolved:

- Porters and Riley Consulting are in agreeance that the entry to the park is manageable based on a revised plan with four check-in bays. This should be supported by a condition of approval requiring the proponent to ensure that guests checking in at peak times are provided with guidance to move straight to their site and check in later to avoid potential congestion at the entry.
- There is still an element of disagreement regarding the management of traffic exiting the park onto Roberts Street. The particular concern is the loss on-street parallel parking on the south side of Roberts Street adjacent the proposed driveway and the interrelationship of adequate sightline distance for traffic exiting the park onto Roberts Street.
- To further help alleviate the concern of the Roberts Street exit and ensure effective traffic management during peak tourist periods, the proponent has agreed to open the emergency exit onto White Street during peak tourist periods to reduce the traffic load exiting onto Roberts Street.
- It is recommended that that a condition of approval be included requiring the proponent to submit the final design of the Roberts Street driveway for approval by the Shire (Officer will then consult with its Traffic Engineers prior to construction).

It is recommended that the proponent covers the cost of the detailed design and construction of the crossover including making good the portion of the on-street car parking that will be impacted.

Car parking requirements

The proponent has chosen to landscape and pedestrianise the old entry rather than install additional parking bays for guests. This is consistent with the Shire's Foreshore Masterplan implementation to date.

However, under Table 2 (site and development requirements) of the Scheme and *Local Planning Policy 9.6 Car Parking (LPP9.6)*; the following car parking requirements apply for the proposed restaurant and reception centre:

1 bay for every 10sqm of gross lettable area or 1 for every 4 seats provided, whichever is the greater.

Calculations across the submitted floor plan result in shortfall of 24 bays (11 for the restaurant and 13 for the function centre), none of which have been provided by the proponent.

Under Clause 4.8 of the Scheme and LPP9.6 Council has the discretion where it is satisfied that adequate parking is available nearby the development to request a cash in lieu payment from the developer for their shortfall of parking spaces provided.

A car parking cash-in-lieu payment is to include:

- a. The land value component for each car bay, determined by the Valuer General or by a licensed valuer appointed by the local government, based on an area of 27.5 m² per car bay inclusive of manoeuvring area; and
- b. The estimated construction cost as determined by the local government or by a person nominated by the local government who is competent in the field of architecture or engineering, with any associated cost for this service to be funded by the party requesting the parking concession.

There are some 68 bays available within the Roberts Street Road Reserve excluding those provided at the existing jetty car park.

The restaurant land use (now closed) has operated for many years with a significant number of seats with no parking provided onsite. The redevelopment of this building will result in a like for like land use, however the point of differentiation, is that the proponent believes that given the foreshore pavilion café under construction adjacent, the patronage to the park's restaurant will be predominantly caravan_park guests rather than general public.

The new reception centre land use proposed above the restaurant is intended to attract groups of people to stay at the park to use the function facilities as an additional park attraction. It is envisaged that this will be the predominant use of the reception centre, however general public use will not be excluded. As more formal occasions or events will take place in the evening when vehicle use of the foreshore and Roberts Street has declined, it is expected that sufficient on-street parking will be available for use of the reception centre which would not generally jeopardise general public parking in the locality, particularly after normal business hours. A condition of approval has been recommended, requiring that the reception centre be predominantly used by visitors to the caravan park, to the satisfaction of the Shire.

Given the above reasoning it is recommended that Council does not require a cash-in-lieu parking bay payment from the proponent, subject to a condition restricting the reception centre use to predominantly park patronage.

It could be reasonable for Council to seek cash-in-lieu payment for the shortfall of parking bays provided by the proponent by motioning the following draft condition:

Prior to lodging an application for a building permit and in accordance with the Shire of Dandaragan Local Planning Scheme No.7 and Local Planning Policy 9.6 Car Parking, the applicant must arrange with the Shire of Dandaragan to make a cash contribution in lieu of the provision of [X] car parking bays for the approved restaurant and/or reception centre land use.

Note: Funds received shall be used for the upkeep of public parking in the locality.

Chalets vs caravan/camping spaces

The below table details the change in proposed numbers of chalet units vs caravan/camping spaces between the 2016 development plan and the current proposed development plan.

	2016 Plan	2022 Plan
Caravan/camping sites	114	98
Chalet units	42	59
Permanent sites	15	15
Total sites	171	172

With the current proposal there is a shift towards chalet development as a result of the revised foreshore two-storey development now proposed, on the back of chalets commanding the highest annual occupancy rates. Furthermore, 20 private ensuite camping sites are also proposed. Both these forms of accommodation are at a higher nightly cost to visitors. This goes against the Shire's *Local Planning Strategy (2020)* and the State's *Planning for Tourism Guidelines (Draft 2021)* which supports the retention and development of caravan parks as affordable holiday accommodation. Dispensation can however be given to the number of caravan/camping sites retained as noted with the State's draft guidelines.

Summary

Three recommendations are proposed for Council's consideration.

1. Landowner consent to the development application as Council is the Lessor of the development site and holder of the management order for the subject Crown Reserve.
2. On the proviso of the above, provide conditional development approval for the subject development application.
3. Action the land lease amendments between the Shire and the proponent based on the new development plan and lot number.

CONSULTATION

The development application was advertised via the Shire's website, social media page and Shire Matters newsletter from 3 February 2022 to 16 March 2022.

A single submission was received from the Jurien Bay Chamber of Commerce as follows:

Whilst the proposed Development Plan asserts an improved interface with the jetty precinct, there are some questions that arise, namely:

1. *How will the close proximity of the pavilion site impact or be impacted by, the proposed café/function centre?*
2. *The drawn boundary fencing on the plan for the Tourist Park implies that the two storey cabins and café/function centre won't have direct access to the jetty precinct, so how or where will non-Park guests access the planned café/function centre?*

3. *The Chamber's submission on the Shire's recent CBD Design Plan and consequent community consultation resulted in a high community preference for making Roberts and Heaton Streets one-way from Bashford Street to Doust Street, so how does that reconcile with the proposed new access/egress point on Roberts Street for caravans, opposite the bakery?*
4. *There has been some disquiet about the further removal of caravan park bays in favour of an increased number of higher yielding cabins, however this is not inconsistent with the Chamber's submission to Council on the CBD Design Plan whereby a focus on more cabin accommodation and less caravan traffic in that location was favoured.*

The above questions raised by the Chamber of Commerce have been addressed in the comment section of this report, except the third query on making Roberts Street one way. Consideration was given to this outcome in negotiations with the proponent regarding the new entry/exit, however with the final proposed design to be an entry and exit in both directions, this redesign of Roberts Street would not be able to proceed unless there is a future reconsideration of park layout and access and exit by the proponent.

STATUTORY ENVIRONMENT

- Local Planning Scheme 7
- Caravan and Camping Regulations 1997

POLICY IMPLICATIONS

- State Planning Policy 2.6 State Coastal Planning Policy
- Coastal Hazard Risk Management and Adaptation Plan
- Local Planning Policy 9.6 Car Parking
- State Position Statement: Planning for Tourism (Draft 2021) and associated Guidelines

FINANCIAL IMPLICATIONS

The applicant has paid the required development application fee.

The applicant is also required to reimburse the Shire the cost of the peer review of the TIS (\$6,215 to date) in accordance Regulation 49(1)(e) with *Planning and Development Regulations 2009*.

STRATEGIC IMPLICATIONS

Local Planning Strategy 2020

As outlined.

Local Tourism Planning Strategy

Redevelopment shall be *subject to a detailed master plan being prepared that offers clarity and a commitment to the redevelopment, including provision of a range of caravan park accommodation to satisfy tourist demand.*

Jurien Bay City Centre Strategy

The existing caravan park provides poor visual amenity with closed fencing and limited shade tree landscaping along the street frontages, particularly White Street. This should be improved and a relevant comparison is the street frontage treatment of the Cervantes Caravan Park, with open style fencing and mature trees along the street boundary.

The above direction has been discussed with the proponent, with their preference being for enclosed fencing along White Street for park security and safety reasons. As discussed previously this fencing will be upgraded to pinelap fencing to match that along Roberts Street.

Furthermore, a landscaping plan is conditioned to be submitted and implemented, and thereafter maintained to the satisfaction of the Shire. This plan will consider the above vegetation and shading improvement recommendations.

Jurien Bay CBD Draft Urban Design Plan 2021

- *The Central Tourism District upgrades focus on creating a safe and connected CBD. They try to balance the commercial interests of the Caravan Park while creating multiple approaches for a walkable CBD. The ideas are long term and will require stakeholder engagement. (Page 19)*
- *The Northern CBD is an important landmark location for visitors and locals arriving in Jurien Bay CBD. The mature trees, clear sight lines to the foreshore, tourism focused businesses and valuable public space, make it the perfect place to locate a 'green heart.'*

Development of the Green Heart will take time to establish, and works are recommended to be staged in immediate, medium term and long-term activities. (Page 24)

This Plan is still in draft format and is yet to be finalised. The proposed development is considered to be generally consistent with the draft plan, with some exceptions as discussed elsewhere in the report (i.e. public pedestrian access and impact on opportunity to undertake closure or partial closure of Roberts Street).

Strategic Community Plan – Envision 2029:

02 – Prosperity	The region will experience economic and population growth with increasing economic opportunities, diversifying primary production and a vibrant visitor economy.
Priority Outcomes	Our Roles
Our Shire has a contemporary land use planning system that responds to, and creates, economic opportunities.	Ensuring that our planning framework is modern and meets the needs of industry, small business and emerging opportunities.

MINUTE EXTRACT- ORDINARY COUNCIL MEETING HELD THURSDAY 25 AUGUST 2022
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The Shire is home to a successful and growing market for domestic and international tourism.	Support the development of new products and services that increase the attraction of the region to the tourism market, in particular Indigenous cultural experiences.
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ATTACHMENTS

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

- Development Application 08/22
- Peer Review of TIS (Doc Id: SODR-1262144384-14229)
- Jurien Bay Chamber of Commerce Submission (Doc Id: SODR-1262144384-13517)

(Marked 9.3.4)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION 1 / COUNCIL DECISION 1

Moved Cr Scharf, seconded Cr Clarke

That Council provide landowner consent for development application 08/22 for Reserve 27406, Lot 302 Roberts Street, Jurien Bay.

CARRIED 8 / 0

OFFICER RECOMMENDATION 2 / COUNCIL DECISION 2

Moved Cr Eyre, seconded Cr Clarke

That Council grant development approval for the proposed redevelopment of the Jurien Bay Tourist Park at Reserve 27406, Lot 302 Roberts Street, Jurien Bay subject to the following conditions and advice notes:

Conditions

1. **Development may be carried out only in accordance with the details of the application as approved herein and any approved plan. Subject to any modifications required as a consequence of any conditions of this approval the approved plans shall not be altered without the prior written approval of the Shire of Dandaragan.**
2. **Any additional development which is not in accordance with the application the subject of this approval or any condition of approval will require the further approval of the Shire of Dandaragan.**
3. **A schedule of the colour and texture of the building materials, demonstrating that the proposed development complements the surrounding area, must be submitted to and approved by the Shire of Dandaragan, prior to lodging an application for a building permit. The development must be finished, and thereafter maintained, in accordance with the schedule provided to and approved by the Shire of Dandaragan, prior to occupation or use of the development.**

4. Detailed plans of the proposed fencing and an installation staging plan are to be submitted to and approved by the Shire of Dandaragan. The fencing must be installed, and thereafter maintained, in accordance with the plans provided to and approved by the Shire of Dandaragan, prior to occupation or use of each development stage noted within the approved installation staging plan.
5. A detailed landscaping and reticulation plan for the subject site and/or the road verges must be submitted to, and approved to, the satisfaction of the Shire of Dandaragan, and must include the following:
6. The location, number and type of proposed trees and shrubs including planter and/or tree pit sizes and planting density;
 - Any lawns to be established;
 - Any existing vegetation and/or landscaped areas to be retained; and
 - Any verge treatments.
7. The approved landscaping and reticulation plan must be fully implemented within the first available planting season after the initial occupation of the development, and maintained thereafter, to the satisfaction of the Shire of Dandaragan. Any species which fail to establish within the first two planting seasons following implementation must be replaced in consultation with and to the satisfaction of the Shire of Dandaragan.
8. Existing trees identified on the approved site plan must be retained and protected in accordance with *AS 4970-2009* and to the satisfaction of the Shire of Dandaragan.
9. This development approval for the portion of development seaward of the 2110 Coastal Hazard Line [Chalets (dual key), Restaurant, and Reception Centre] as identified within the *Shire of Dandaragan Coastal Hazard Risk Management and Adaption Plan* (as amended) shall expire upon the earliest occurrence of any one of the following events:
 - a. the most landward part of the Horizontal Shoreline Datum being within 40 m of the most seaward part of the subject portion of development; or
 - b. a public road no longer being available or able to provide legal access to the subject portion of development; or
 - c. when water, sewerage or electricity to the subject portion of development is no longer available as they have been removed/decommissioned by the relevant authority due to coastal hazards.
10. Upon the expiration of the development approval in accordance with Condition 9, the proponent shall at the proponent's cost:
 - a. remove the development; and
 - b. rehabilitate the land to its pre-development condition, to the specifications and satisfaction of the Shire of Dandaragan.
11. Prior to occupation or use of the development all associated access ways, vehicle parking, service/loading bays, traffic

- calming measures and sign posting are to be completed in accordance with the applicable International and/or Australian Standards to the satisfaction of the Shire of Dandaragan.
12. The development shall not interfere with, restrict access to, or in any way inhibit public access and use of the Jurien Bay foreshore to the satisfaction of the Shire of Dandaragan.
 13. The proponent shall submit detailed engineering plans to the Shire of Dandaragan for the approval of the new Roberts Street crossover.
 14. Prior to the closure of the existing Roberts Street crossover, the new Roberts Street crossover shall be constructed and thereafter maintained in accordance with the approved design. The proponent shall be responsible for all costs related to the construction and maintenance of the crossover excluding any existing on-street parking which is not dissected by the new crossover.
 15. For the life of the development, to the satisfaction of the Shire of Dandaragan, wherever possible during peak tourist visitation periods, guests shall be provided with check-in details prior to on-site arrival which direct them to their booking site to avoid congestion at the development's reception facilities.
 16. For the life of the development, to the satisfaction of the Shire of Dandaragan, wherever possible during peak tourist visitation periods, the White Street emergency exit shall be opened for vehicles to exit to reduce traffic congestion on Roberts Street.
 17. The Reception Centre shall predominantly be allocated for and used by visitors booked into the Jurien Bay Tourist Park, to the satisfaction of the Shire of Dandaragan.

Advice Notes

- A. This is a development approval only. The applicant is advised that it is their responsibility to ensure that the proposed development complies with all other applicable legislation, local laws, licensing requirements and/or legal agreements that may relate to the development.
- B. The applicant is advised that the Horizontal Shoreline Datum means the active limit of the shoreline under storm activity, as defined in *State Planning Policy 2.6 – State Coastal Planning Policy (2013)*.
- C. In relation to condition 4, the applicant is advised that fencing along White Street constructed consistent with the existing fencing along Roberts Street, will be acceptable.
- D. If you are aggrieved by the conditions of this approval you have the right to request that the State Administrative Tribunal (SAT) review the decision, under Part 14 of the *Planning and Development Act 2005*.
- E. Failure to comply with any of the conditions of this development approval constitutes an offence under the

provisions of the *Planning and Development Act 2005* and the *Shire of Dandaragan Local Planning Scheme No.7* and may result in legal action being initiated by the Shire of Dandaragan.

CARRIED 8 / 0

OFFICER RECOMMENDATION 3 / COUNCIL DECISION 3

Moved Cr Scharf, seconded Cr Eyre

That Council authorises the Chief Executive Officer to execute updates to the land lease related to Reserve 27406, Lot 302 Roberts Street, Jurien Bay in accordance with the new development plan approved for the Jurien Bay Tourist Park.

CARRIED 8 / 0