

Shire of Dandaragan
PO Box 676
JURIEN BAY WA 6516

PRELIMINARY DISCUSSION PAPER | JURIEN BAY FORESHORE COMMERCIAL DEVELOPMENT PLAN

Introduction and Purpose

The purpose of this Discussion Paper is to consider the relevant issues and factors to be addressed within a Jurien Bay Foreshore Commercial Development Plan – Planning Policy ('the Jurien Bay Foreshore Policy').

The general intent of the Jurien Bay Foreshore Policy is to achieve a vibrant and active environment along the Jurien Bay Foreshore that will encourage tourists to Jurien Bay, whilst balancing the potential conflicts between commercial and public use of the foreshore reserve.

Background to Existing Local Planning Policy

In November 2014, The Shire of Dandaragan adopted Local Planning Policy 8.12 - *Mobile and Itinerant and Commercial Activities on Reserved Land (Including Foreshore)*.

LPP 8.12 applies to foreshore land within the towns of Jurien Bay and Cervantes and is primarily for the purpose of guiding the preparation and assessment of mobile and itinerant food vendor applications, and applications for commercial recreational tourism activity.

It is considered LPP 8.12 requires review and thereafter, either preparation of an amended policy, or preparation of a separate policy, to properly provide for the assessment and approval of a range of commercial activities within the Jurien Bay Foreshore.

Scope of Jurien Bay Foreshore Commercial Development Plan Policy

For the purpose of the Jurien Bay Foreshore Policy, 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 R26939). The study area is defined on the Jurien Bay Foreshore Policy Area Map at **Appendix A**.

NORTH PERTH & FORRESTDAL

Level 1, 252 Fitzgerald Street, Perth
Unit 1/2 Hensbrook Loop, Forrestdale
PO Box 316, Kelmscott WA 6991

T: 0892289291

T: 08 94951947

E: metro@harleydykstra.com.au

ABN 77 503 764248



In preparing the Jurien Bay Foreshore Policy, consideration is to be given to the following matters as detailed in the 'Consultant Request for Quote' dated March 2017:

- *The existing policy framework - 'Local Planning Policy 8.12 Mobile and Itinerant Vendors and Commercial Activities on Reserved Land (Including Foreshore)'.*
- *Governance and decision making for foreshore trader licences such that Council can establish an appropriate risk framework for maintaining the foreshore amenity, improving tourist experiences and income generation (in lieu of rates).*
- *Infrastructure requirements such as water, power, sewer and ablution facilities availability for a range of trader / pop up / kiosk type vendors in the study areas, includes potential sharing of infrastructure with the caravan park.*
- *Potential conflicts between public and commercial activities on the foreshore.*
- *Competition with existing nearby food outlets.*
- *Competition between traders and any restrictions on numbers/types.*
- *The granting of leases of land thereby restricting activities to set boundaries or permitting unrestricted access to traders with possibly a restriction on numbers based on types of traders i.e. food vans, adventure tour activities, hire businesses such as kayaks etc.*
- *Responsibility for providing public amenities.*
- *Proposed development on Lot 62 Roberts Street and changes to the north section of the foreshore.*
- *Jurien Bay Caravan Park Management Plan.*

The draft Foreshore Policy shall include a map of the foreshore showing areas designated for commercial purposes. This map may include setbacks / buffers from existing food premises.

Existing Foreshore Development and Improvements

The Jurien Bay Foreshore–South extending between Cook Street and Roberts Street has recently undergone significant landscaping and infrastructure works to complement previous development of Dobbyn Park (extending between Roberts Street and Doust Street).



Plate 1 – Foreshore South



Plate 2 – Foreshore South (note paved area adjacent to Jetty Café to right of image)

Planning Framework

Local Planning Scheme No. 7

The Jurien Bay Foreshore Policy area is reserved for parks and recreation under the Shire of Dandaragan Local Planning Scheme No. 7 (LPS 7). Clause 2.4 of LPS 7 provides for the Use and Development of Local Reserves (refer to section on Governance and Approvals below).

The *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) at Schedule 1

– *Model provisions for local planning schemes*, introduced new local reserve classifications including objectives for the various reserves. As part of a future Scheme Review, the classification of the foreshore reserve is likely to be amended to conform to the model provisions.

This notwithstanding, the designated purpose of the foreshore reserve for “Foreshore Management and Recreation” (with power to lease) under the management order held by the Shire of Dandaragan appears consistent with the range of uses likely to be contemplated by the Jurien Bay Foreshore Policy.

SPP 2.6 - State Coastal Planning

Objectives of SPP 2.6 with particular relevance to the Jurien Bay Foreshore Policy follow:

- *ensure the identification of appropriate areas for the sustainable use of the coast for housing, tourism, recreation, ocean access, maritime industry, commercial and other activities.*
- *Provide for public coastal foreshore reserves and access to them on the coast.*

SPP 2.6 also recognises coastal foreshore reserves are required to accommodate a range of functions and values.

The Shire is well advanced with the preparation of Coastal Erosion Hazard Maps and a Coastal Adaption Plan. Further, the use of the foreshore reserve under the Jurien Bay Foreshore Policy will not involve private investment in significant built form. Rather, built form is likely to only comprise temporary/ removable structures. Accordingly, the preparation of a Jurien Bay Foreshore Policy as described in this Discussion Paper is considered to be consistent with SPP 2.6.

Development Application for Mixed Use Tourism Development at Lot 62 Roberts Street

Council is in receipt of a Development Application for a Mixed Use Tourism Development at Lot 62 Roberts Street. Statutory advertising of the proposal concludes on 29 September 2017. Due to the substantial nature of the proposal, mix of land uses and proximity to the foreshore, this development, should it proceed, is likely to significantly influence the future use of the adjacent foreshore and hence should be given due consideration as part of the preparation of the Foreshore Policy.

Infrastructure Requirements

Access to infrastructure and services including car parking, ablution facilities, water, power and sewer would be required for a range of traders, pop up and kiosk vendors within the foreshore area.

There are existing ablution facilities in the following locations:

- At the southern end of the Jurien Bay Foreshore Policy Area - at the intersection of Cook Street/Grigson Street.
- North of the jetty – near the intersection of Roberts Street and Heaton Street.



Plate 3 – Grigson Street/Cook Street Ablution Facility



**Plate 4 – Dobbyn Park including ablution facility to right of image
(Source: Jurien Bay City Centre Strategy Plan 2012)**

It is understood reticulated sewer has recently been extended along Cook Street to Grigson Street, although further clarification is sought as to whether the abluent block has been connected to reticulated sewer, or if other upgrades to the existing southern abluent facility are proposed.

The existing Dobbyn Park abluent facility is serviced by a conventional effluent disposal system. It is understood this facility would not be sufficient to accommodate increased demand.

Skate Park – One of Four Potential Locations

The foreshore site indicated, is one of a number of sites proposed for the development of a skate park / youth space. At the time of writing, the project is still in its' infancy and has not been approved by Council, however should be considered when looking at the use of the foreshore as a whole



Potential Use Categories and Demand

Management and co-ordination of the following potentially competing uses may require consideration within the foreshore reserve:

- Public Uses (picnic/birthday parties);
- Mobile vendors (food trucks/ice cream vans etc.);
- ‘Pop up’ restaurants/bars and other seasonal commercial uses;
- Adventure tour and hire businesses;
- Annual, occasional or regularly scheduled community events (markets, fairs);
- Personal trainers – group classes;
- Concerts; and
- Annual cultural and sporting events.

Management Considerations and Locational Criteria

Any proposed use of the foreshore reserve should be assessed for suitability having regard to the following matters (in no particular order):

- Safety;
- Proximity to/competition with established commercial activities;
- Waste management;
- Climatic factors (prevailing wind etc.);
- Requirement for substantial works or permanent structures;
- Availability of services (sewer, power, water, drainage);
- Access, traffic and car parking;
- Noise, visual amenity or other environmental impacts;
- Socially/culturally appropriate; and
- Compatibility of uses.

Having particular regard to access and servicing considerations, two nodes for potential commercial uses are apparent:

- The southern end of the Jurien Bay Foreshore Policy Area - near the intersection of Cook Street/Grigson Street. The UDLA Concept Landscape Plan identified a 'commercial area' as potentially suitable for markets, food trucks and other commercial uses.
- On the paved area in front of the Jetty Café. This area was also identified as a potential commercial area on the UDLA Concept Landscape Plan.

Governance and Approvals

LPS 7 requires development approval to be obtained prior to use or development of a local reserve, except where exempted from requiring development approval under the Regulations.

The Regulations, at Schedule 2 – deemed provisions for local planning schemes Part 7, clause 61, provides for temporary uses to be exempt from requiring planning approval as follows:

“temporary use which is in existence for less than 48 hours, or a longer period agreed by the local government, in any 12 month period”.

LPP 8.12 provides for the granting of approvals and agreements to mobile and itinerant vendors and commercial recreational tourism operators. Agreements are with individual parties and are not

transferable. In the case of commercial recreational tourism operators, all agreements and permits are non-exclusive and do not grant the proponent the right to occupy or use a particular portion of a reserve.

Given the management order for Reserve 28541 provides the Shire with a power to lease portions of the reserve, the option of granting leases to certain types of commercial operators should be contemplated. Potential benefits of leasing portions of the reserve (including subleasing) include:

- The ability to restrict certain activities to specified areas and boundaries (such as pop up/kiosk type vendors). As well as being a tool to avoid conflicts between potentially competing uses, concentrating complementary activities in an activity node is more likely to activate these areas and achieve a more vibrant foreshore area.
- Providing increased security for commercial activities and hence the ability to achieve increased fees and/or contributions towards provision and maintenance of public facilities.

A more formalised approach to use and management of the foreshore (in certain circumstances underpinned by a planning approval) appears to be preferable to an ad hoc approach where operators vie for 'prime locations' which may in turn is more likely to lead to increased conflict.

Further consideration needs to be given to the real impact of itinerant vendors (food trucks) on established commercial premises. Currently, LPP 8.12 does not permit vendors to operate within 100m of an outlet selling a similar product if that outlet is open. This approach potentially places a large impost on Shire resources in the event of complaints from established commercial operators and risks sterilising the use of the foreshore rather than establishing a vibrant destination for tourists and residents.

Summary of Key Issues

The following key issues require further consideration, discussion and input from the Shire to assist preparation of the Jurien Bay Foreshore Policy:

- Categorising the various uses and determining the most appropriate governance and approval requirements for the various use categories, including potentially placing limits on the number of operators within particular categories.
- Establishing preferred location(s) for commercial activities (southern node, central node adjacent to Jetty Café, both nodes or potentially alternative locations).
- Maintaining exclusion areas around existing businesses as against introducing/trialling an activity node model to encourage a critical mass of complementary uses around activity nodes.
- Reviewing infrastructure capacity and/or constraints including the need for upgrades to existing ablution facilities.

Appendix A

Jurien Bay Foreshore Policy Area Map

JURIEN BAY



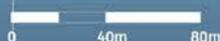
Jurien Bay Foreshore Policy Area Map

Plan No. | 21224-04A
Date | 26/09/17
Drawn | JPW
Checked | DM
Revision | A

PERTH & FORRESTDALE:
Lvl 1, 252 Fitzgerald St
PERTH WA 6000
1/2 Hensbrook Loop,
FORRESTDALE WA 6112
T: 08 9495 1947
E: metro@harleydykstra.com.au

COPYRIGHT:
This document is and shall remain the property of HARLEY DYKSTRA. The document may only be used for the purpose for which it was commissioned and in accordance with the terms of engagement for the commission. Unauthorised use of this document in any form whatsoever is prohibited.

Scale | 1:3000@A3



NOTE: This plan has been prepared for planning purposes. Areas, Contours and Dimensions shown are subject to survey

LEGEND

Policy Area



Harley Dykstra

PLANNING & SURVEY SOLUTIONS