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Local Development Plan – Pithara Tavern

Lot 500 Pearn Road, Pithara
Shire of Dalwallinu

December 2017

Prepared for
BBB Remote Site Services

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Introduction

This report has been produced in support of a proposed Local Development Plan (LDP) at Lot 500 Pearn Road, Pithara. The applicant is proposing the LDP to facilitate future development of the aforementioned property – hereon referred to as the 'subject site' in accordance with the Shire of Dalwallinu Local Planning Scheme No. 2 (LPS2) use classification 'Tavern and Caravan Park', which is a 'P' (Permitted Use) for the site according to LPS2 Scheme Amendment No. 3. FORMSCAPE has prepared this report on behalf of BBB Remote Services and Pithara Investments Pty Ltd – who own the Pithara Tavern.

Site Details

Refer to **Tables 1 & 2** below for a description of the land subject to this development application.

Scheme	Shire of Dalwallinu Local Planning Scheme No. 2 (LPS2)
Local Scheme Zoning	Special Use 20 (SU20)
Special Use	Tavern and Caravan Park
Lot Area	2.4518ha (24,518m^2)
Effective Street Frontage	183.121m
Orientation	Western Street Frontage

Lot	Plan/Diagram	Volume	Folio	Area (ha)
500	74401	2786	78	2.4518ha

Refer to **Appendix 1** for a copy of the Certificate of Title.

Site Description

1. The subject tenancy has an effective frontage of approximately 120.53m to Old Pithara Catchment Road, and approximately 62.591m to Pearn Road.
2. The subject lot is directly opposite lots zoned 'Railway', and adjacent to lots zoned 'Public purposes: water supply' and 'Rural' to the west, south east and north respectively, in accordance with the provisions of LPS2.
3. Pearn Road is a sealed road, and Old Pithara Catchment Road is an unsealed road.
4. The northern portion of the subject lot is within a Bush Fire Prone area.

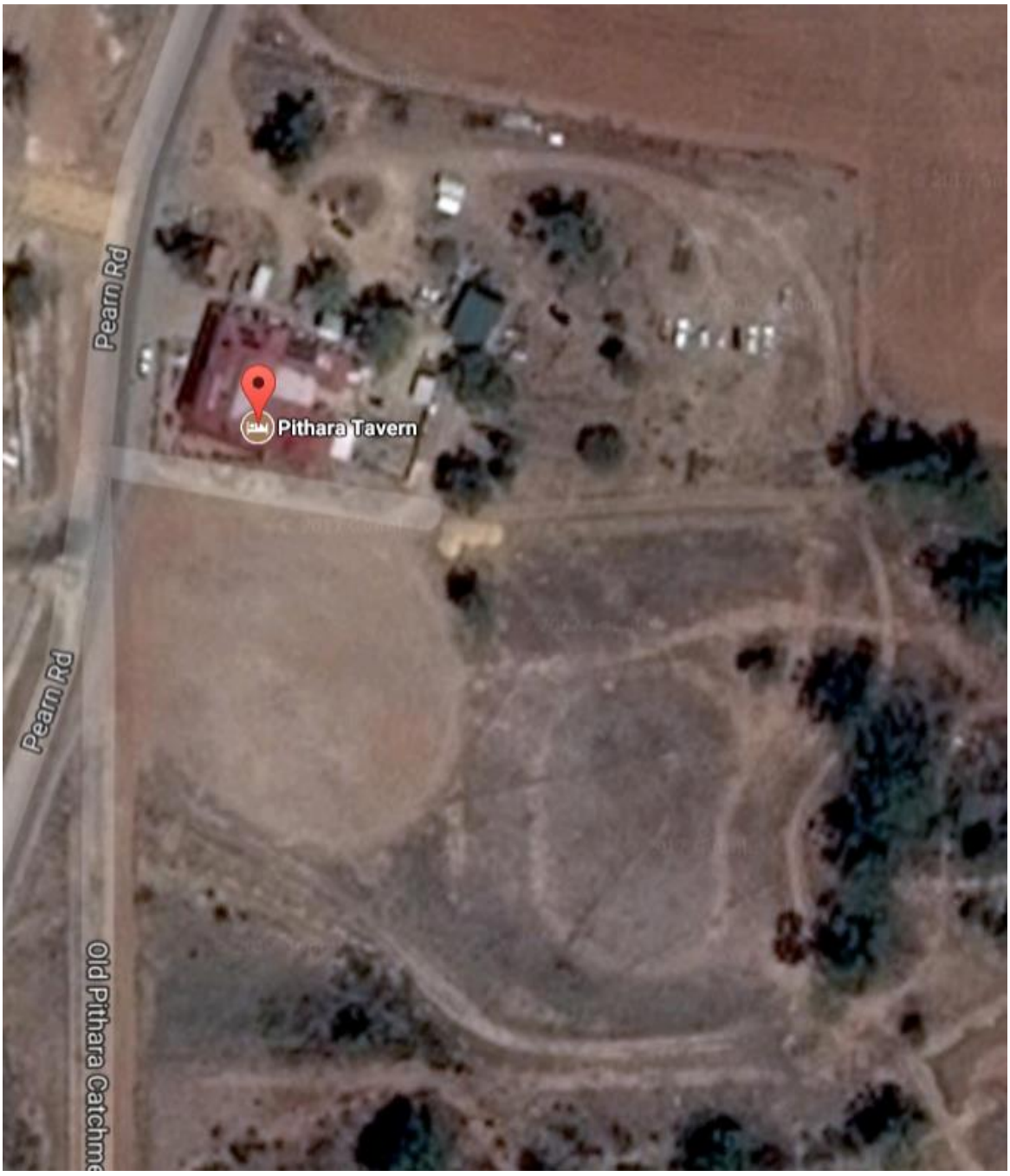

Figure 1: Subject site aerial.

Site Specific Planning Context

Amendment 3 of LPS2 features an amendment in Schedule 4 which applies to Special Use Zone 20 (SU20). Only the subject lot is zoned 'SU20' under the scheme. The scheme amendment is outlined as follows.

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
3	17/01/17	25/01/17	MLD	Amend 'Schedule 4 - Special use zones' of the Local Planning Scheme by replacing the words 'Structure Plan' in the 'Conditions' column for SU20 with the words 'Local development plan'

The subject lot is listed within the LPS2 Schedule 4 – Special use zones table, which states the following;

No	Description of land	Special use	Conditions
SU20	Lot 500 Plan Survey No 074401, off Pearn Road, Pithara	Tavern and caravan park	No additional development will occur until the Council has endorsed a Local Development Plan for the Lot.

Given the above, no development can proceed on-site until a Local Development Plan is endorsed by the Council. Henceforth, a Local Development Plan (LDP) is proposed.

Local Context

The Pithara Tavern is understood to be more than 100 years old and is considered to be the primary meeting place and accommodation within Pithara. It is understood that there are less than 300 people residing within the Pithara townsite, and that there is a shortage of accommodation sites.

The Great Northern Highway, which runs past the town site and parallel to the railway line, is to be subject to a series of upgrades scheduled to occur during 2018. This will contribute to enhanced road infrastructure for the town, as well as present a viable opportunity to establish development which will remain to benefit the locality long after the completion of road upgrades. This is because additional accommodation is required in order to enable Main Roads Western Australia (MRWA) and Highway Construction personnel, who will be responsible for the works, to stay within the locality.

The subject lot is understood to be an appropriate site to establish a caravan park due to the lot's special use zoning, and its location in respect to the townsite. The Pithara tavern is optimally separated from the main townsite by a railway line to allow for potential disturbances to local residents to be minimised. However, it is also located close enough to act as a primary social hub for the community. This, in combination with the large area of vacant land within the lot and large lot frontages to the south eastern adjacent lot, which is merely used for water catchment, makes it ideal to host a caravan park.

A caravan park located within the southern portion of the subject lot will provide a boost to the local economy, as well as provide opportunities for visitors to interact with local residents, and infrastructure which can be maintained and adapted for future accommodation purposes. In order to facilitate this, a Local Development Plan (LDP) has been prepared and proposed to the Shire accordingly.

Proposed Local Development Plan

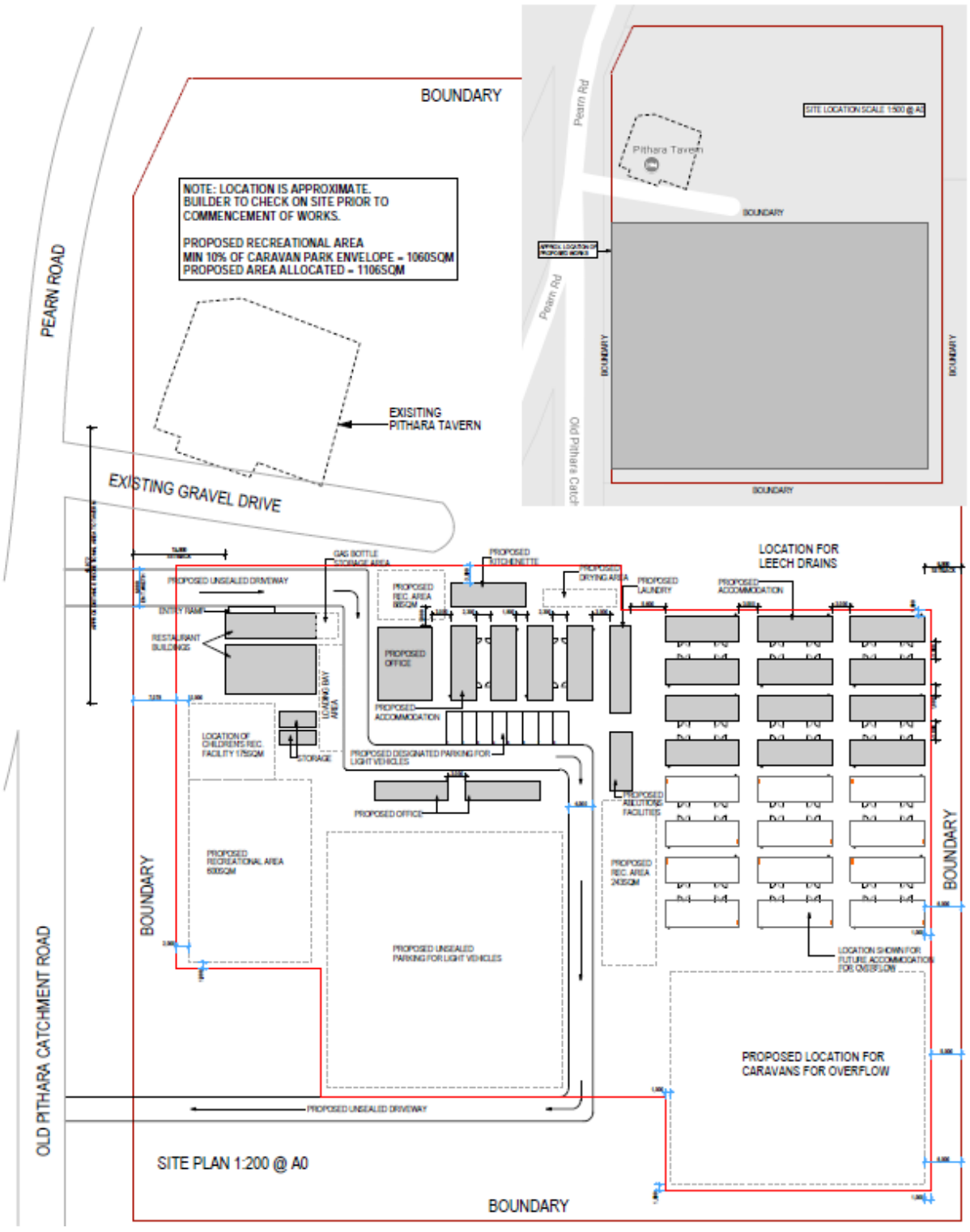

Figure 2: Proposed Local Development Plan (Image not to scale. Text not included)

The proposed LDP has been developed with the intention of supporting the development of a caravan park towards central portion of the lot to the south of the Pithara Tavern without the need to obtain planning approval. It is understood that the LDP will ensure that compliant development within the lot which would not require planning approval would respect the site and surrounding local context, and be consistent with the approved special use – 'Tavern and caravan park'.

However, in order to ensure that development complies with the permitted land use, it is important to ensure that development is in accord with the parameters defined with the definition of that use. This is also integral in respect to the creation of LDP provisions in that they ideally shall reflect on standard development principles and practices.

The rationale behind the proposed LDP, which is to support desirable development, is discussed in the following sections of this report.

Statutory Planning Land Use Framework

Shire of Dalwallinu Local Planning Scheme 2

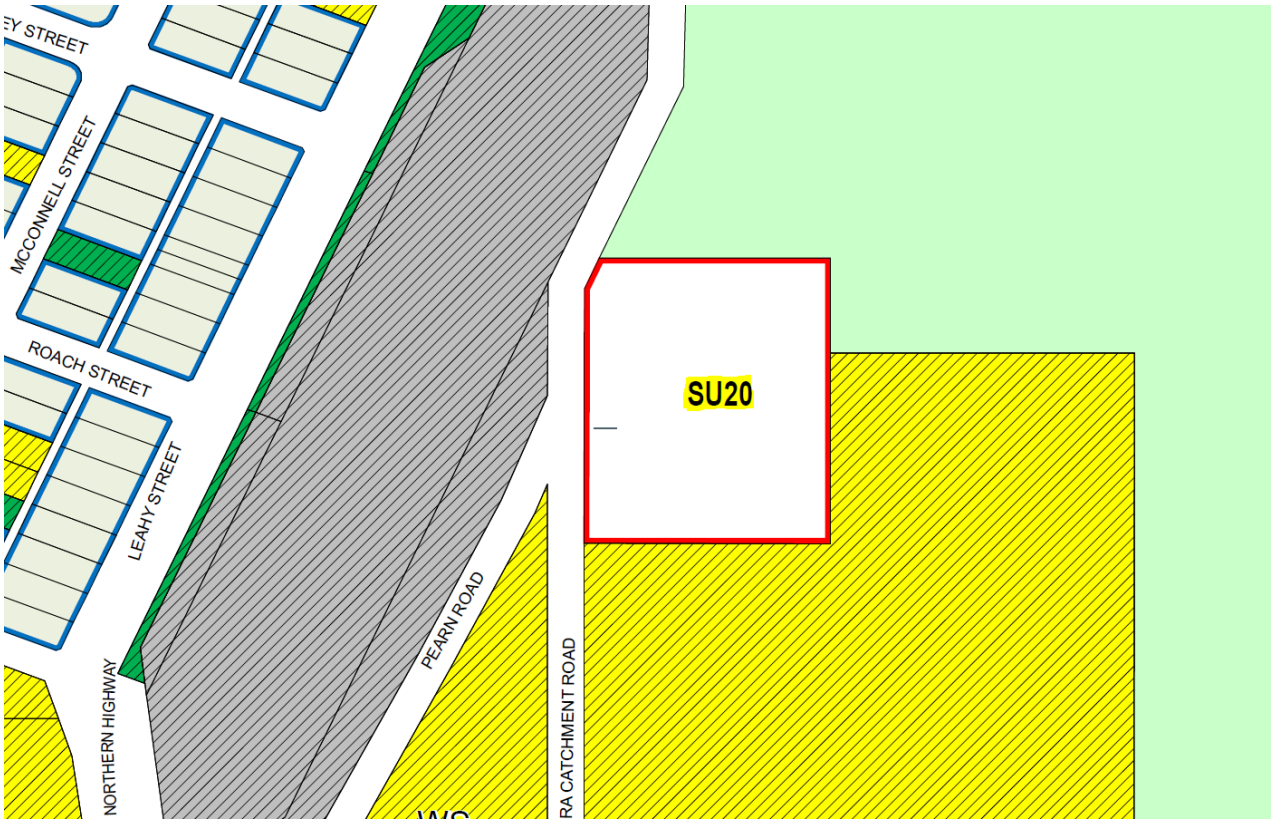

Figure 3: LPS2 Map Extract depicting subject lot (outlined in red).

LPS2 lists 'Tavern and caravan park' as a permitted land use in respect to the subject lot, yet does not provide a definition of the use. Although LPS2 Table 1 – Zoning Table lists 'Caravan Park' as a use class, LPS2 does not provide a definite for that use either. Meanwhile, 'Tavern' is not listed within the LPS2 zoning table. LPS2 Schedule 1 — 'Dictionary of defined words and expressions' outlines the following in respect to word definitions within the scheme;

> *Unless listed below the words and expressions used in the Scheme have the same meaning as the general definitions and land use definitions contained in Schedule 1 of the Town Planning Amendment Regulations 1999 (the Model Scheme text). Where a definition is listed below and there is a conflict of interpretation of words the meaning of the word or term, the definition listed below shall prevail, unless the word or expression applies to residential development (Clause 1.7 refers).*
>
> *…*

> *"Short Stay accommodation" - means accommodation comprising two or more cabins, apartments, chalets, cottages, or flats which, by way of trade or business, or for the purpose of any trade or business is held out as being available or is made available for holiday purposes for occupation by persons other than the proprietor for a period of less than 3 months. Short Stay accommodation may include a dining area or restaurant.*

Although the LDP, which involves transportable ERGO W440 units, may appear to resemble a 'Short Stay accommodation' land use, it is important to note that this land use intends to support holiday purposes and trade of business centred upon the renting out of accommodation to visitors for periods of less than three months. Meanwhile caravan parks are not deemed to be as 'holiday centred', and do not centre upon the renting out of caravans or camps as the primary function of a particular site.

In respect to the subject lot, LPS2 notes the following beneath LPS2 Clause 4.7 – Special use zones;

> *Note: Special use zones apply to special categories of land use which do not comfortably sit within any other zone in the scheme.*

Planning and Development (Local Planning Schemes) Regulations 2015

Clause 16 of Part 1 – 'Preliminary' of Schedule 1 – 'Model provisions for Local Planning Schemes' for Planning and Development (Local Planning Schemes) Regulations 2015 (LPSR 2015) outlines the following objectives in relation to 'Special Use Zones':

Zone name	Objectives
Special Use Zone	• To facilitate special categories of land uses which do not sit comfortably with any other zone. • To enable the Council to impose specific conditions associated with the special use.

The proposed LDP is considered to reflect on the objectives for Special Use Zones given that neither LPS2 or LPSR 2015 provide any definition for a 'Tavern and caravan park use' However, LPSR 2015 does refer to 'Caravan Park' and 'Tavern' land uses individually. These are defined under LPSR 2015 Schedule 1 – Division 1 – 'general definitions used in Scheme' Part 6 Clause 38 as follows:

> …
>
> ***caravan park*** *means premises that are a caravan park as defined in the Caravan Parks and Camping Grounds Act 1995 section 5(1);*
>
> …
>
> ***tavern*** *means premises the subject of a tavern licence granted under the Liquor Control Act 1988;*
>
> …

Accordingly, the definitions of the 'Caravan park' and 'Tavern' land uses, which fall within the scope of the 'Tavern and caravan park' Special Land Use referred to within LPS2, are to be found in relation to the Caravan Parks and Camping Grounds Act 1995 and Liquor Control Act 1988 respectively.

Caravan Parks and Camping Grounds Act 1995

Section 5(1) of the Caravan Parks and Camping Grounds Act 1995 (CPCG Act 1995) provides the following definition of 'caravan park';

> ***caravan park*** *means an area of land on which caravans, or caravans and camps, are situated for habitation;*

Given the above, it is understood that the subject lot has the scope to feature a combination of camps and caravans within the premises. As this definition does not outline whether the ratio of caravans to camps makes any difference in how the land use is defined, it is understood that a caravan park can feature a minimum of two caravans and any number of camps. This is further supported by the CPCG Act 1997 definition of 'camping ground', which does not provide scope for caravans to be situated on-site. CPCG Act 1997 Section 5(1) defines 'camping ground' as follows;

> ***camping ground*** *means an area of land on which camps, but not caravans, are situated for habitation but does not include any land prescribed for the purposes of this definition;*

In respect to the above and the LDP, which is intended to cater to transportable ERGO W440 units, the term 'camp' is outlined as follows;

> ***camp*** *means any portable shed or hut, tent, tent fly, awning, blind or other portable thing used as or capable of being used for habitation and includes a vehicle of a prescribed type or in prescribed circumstances;*

Consequently, portable installations which can be used for habitation are considered to be permitted within caravan parks as defined in CPCG Act 1997 and applied to LPSR 2015 and LPS2 respectively.

Caravan Parks and Camping Grounds Regulations 1997

While CPCG Act 1995 and LPSR 2015 outline the scope in respect to the nature of permitted developments and use of land, Caravan Parks and Camping Grounds Regulations 1997 (CPCGR 1997) provides for more specific design parameters for caravan park developments. Such parameters have formed the basis for the provisions of the LDP, given that LPS2 does not outline specific development requirements regarding caravan parks, and because caravan parks are required to be developed in accord with the provisions of CPCG Act 1995 and CPCGR 1997.

Regulation 11(2) outlines the following in respect to how long one may camp within land;

> *(2) Written approval may be given for a person to camp on land referred to in subregulation (1)(a) for a period specified in the approval which is longer than 3 nights —*
>
> *(a) by the local government of the district where the land is situated, if such approval will not result in the land being camped on for longer than 3 months in any period of 12 months; or*
> *(b) by the Minister, if such approval will result in the land being camped on for longer than 3 months in any period of 12 months; or*
> *(c) despite paragraph (b), by the local government of the district where the land is situated —*
> *(i). if such approval will not result in the land being camped on for longer than 12 consecutive months; and*
> *(ii). if the person owns or has a legal right to occupy the land and is to camp in a caravan on the land while a permit has effect in relation to the land.*

Accordingly, the LDP is to include extent the legal right for persons to be permitted to camp within the subject lot for longer than 3 months within a period of no longer than 12 consecutive months in accordance with the lease agreement between the landowner and the caravan park operators.

Local Development Plan Design Parameters

The proposed LDP has been designed to take into consideration the requirements of the Caravan Parks and Camping Grounds Regulations 1997, and the objectives and relevant provisions of the Shire's LPS2.

Overview

The requirements of the LPD is to be congruent with those of the Shire of Dalwallinu Local Planning Scheme No. 2 (LPS2) and Caravan Parks and Camping Grounds Regulations 1997. The LDP merely expands upon them in respect to the nature of the subject lot and local context. Where requirements are not mentioned in the LDP, other relevant requirements of the Local Planning Scheme and Caravan Parks and Camping Grounds Act 1995 and Caravan Parks and Camping Grounds Regulations 1997 shall apply.

Variations

Variations to LDP requirements can be accepted so long as they do not contravene the provisions of the Shire of Dalwallinu Local Planning Scheme No. 2 (LPS2) and Caravan Parks and Camping Grounds Regulations 1997, and are accepted by local government.

General Requirements

The rationale behind the general development requirements of the LDP are explained upon in the following table.

LDP Clause 3 – General Requirement	Comment
Any development within the defined caravan park area is required to be in accord with the provisions of the Caravan Parks and Camping Grounds Act 1995 and Caravan Parks and Camping Grounds Regulations 1997.	LPS2, LPSR 2015, CPCG Act 1995 and CPCGR 1997 are statutory documents which cannot be contravened, unlike provisions of policies such as the Western Australian Residential Design Codes , which are not binding in itself in a legal sense.
A caravan park within the defined caravan park area is not permitted to operate without an approved caravan licence.	This is a requirement of the Caravan Parks and Camping Grounds Act 1995.
The lot must feature a minimum of three caravan sites available and/or occupied by caravans at any one time.	The featuring of at least three caravan sites ensures that the LDP will be consistent with the definition of a 'caravan park', as defined in Section 5(1) of the CPCG Act 1995.
Building Protection and Fire Hazard Separation zones are to be provided where applicable.	This requirement is to ensure that the proposed caravan park will duly take fire safety into consideration.
Development is to maximise the protection of remnant native vegetation/natural landforms/water features and limit the extent of clearing required.	This requirement is to ensure that a caravan developed within the lot is environmentally reasonable and will cause minimal disturbance to the natural environment.

Capacity

The capacity of a caravan park within the LDP area is to be limited to 130 residents unless otherwise deemed acceptable by the local government. This is in order to regulate development and the intensity of land use on-site.

Streetscape

The history of the Pithara Tavern and its association with the local community is to be respected. As a result, LDP provisions have been devised to ensure that the Pithara Tavern will remain the most visually prominent building within the lot as viewed from Pearn Road, and that a caravan park development will not detract from the building, which can be considered a local landmark.

LDP Clause 12 takes the Pithara Tavern into further consideration, requiring caravan park vehicles to be parked within 15m of the Pearn Road alignment. This ensures that parked vehicles will not unduly detract from the views of the building from the street.

Building and Caravan Heights

The LDP provisions in relation to building and caravan heights are intended to ensure that developments do not appear out-of-scale in respect to the Pithara Tavern. The LDP provisions also ensure that development will not exceed the height of the Pithara Tavern.

Setbacks

Although the CPCGR 1997 requires a setback of only 6m from the caravan park facility to the street, a 12m street setback is being required by the LDP in this instance in order to ensure that the Pithara tavern remains the most prominent building within the lot and can be viewed upon driving along Pearn Road and Old Pithara Catchment Road.

Meanwhile, the minimum 6m setback requirement of camps, caravans, and buildings from lot boundaries ensures that there is sufficient room for emergency vehicles to access and traverse around the caravan park and lot.

In relation to the other setback provisions, these reflect on the setback requirements as outlined in CPCGR 1997 which apply to caravan parks.

Open Space

The minimum open space requirement of 80% of the lot area reflects on that of the Western Australian Residential Design Codes (R-Codes) requirements for 'R2' coded developments. This is to ensure that building bulk is kept to a minimum and in order to ensure that development within the LDP respects the rural character of the locality.

Recreational Area

The recreational area requirements of CPCGR 1997 Schedule 7 Division 5 Clause 18 have been expanded upon within the LDP in order to ensure that the part of the required recreational area can complement the existing Pithara Tavern. The requirement for two-thirds of the required recreational area to be within 50m from the tavern enables tavern guests to readily access and utilize the facilities. This, in combination with the requirement for the recreation facilities to be visible from either the street or tavern, allows for caravan park residents and existing Pithara town-site residents to readily interact with one-another, resulting in a more integrated community.

The visibility requirement also enables for appropriate supervision of children, who may utilize the children recreational facilities, which are required under the provisions of CPCGR 1997.

Vehicle Access

Vehicle access is to be designed so that driveways are not located too close to any side lot boundaries or street poles in order to maintain sufficient separation distances. Vehicle access within and around the caravan site and lot is also to be design to ensure that vehicles can enter and leave the lot directly to a street in forward gear, thus affording motorists sufficient visibility along the street and increased pedestrian safety.

The LDP vehicle access provision also allows for some scope for communal streets connecting to other lots, should land owners of neighbouring lots desire an alternative vehicle access route to their property for any reason. This however, would depend on whether the local government considers it to be acceptable.

Pedestrian Access

LDP provisions relating to pedestrian access intend to ensure that sufficient pedestrian access is afforded between the caravan park, tavern, and street. This encourages an integrated development and contributes to increased pedestrian safety.

Parking

The LDP makes mention that car parking is to be provided in accordance with the relevant provisions of CPCGR 1997 in order to ensure that adequate parking is to accompany development within the lot. Moreover, an additional provision relating to long-term parking within the caravan park facility not being permitted within 15m of the Pearn Road alignment has been included in order to ensure that the amenity of the Pithara Tavern is not unduly compromised.

Incidental Development

Provisions within the LDP relating to incidental development are intended to reinforce the need to abide by the relevant provisions of CPCGR 1997, and the LDP unless otherwise considered acceptable by the local government.

Services, Utilities, and Facilities

In addition to reinforcing requirements of CPCGR 1997, LDP provisions relating to services, utilities, and facilities are intended to ensure that at least one laundry facility is within 100m of the tavern in order to provide synergy with existing development on-site. The need for sufficient effluent disposal for the lot as required by the satisfaction of the local government is also reinforced.

Anticipated Developments

Main Roads Western Australia and BBB Remote Site Services

The caravan park is to be developed by BBB Remote Site Services, in which part of the caravan park will cater to people employed by Main Roads Western Australia (MRWA) and Highway Construction. Numerous camps are to be provided on site, in addition to some caravans. The proposal also provides additional area for caravan park sites towards the south eastern portion of the property, which is open to the public. The proposal is understood to also provide some future scope for camp-sites to be reconfigured as caravan sites following May 2019.

Figure 4: Artist depiction of nature of development the LDP is to facilitate.

Camps

The camps are to consist of four bedroom ERGO W440 transportable units, and two bedroom accommodation unit transportables, which are reconfigured ERGO W440 units. The ERGO W440 transportables will be up to approximately 3.4m in height (including footings) from the natural ground level. Meanwhile, the two bedroom ERGO W440 transportables are dimensioned 7.2m in length, 3m in width, and below 4m in height (including footings.)

These camps are considered to be in accord with the definition of a camp as defined in CPCG Act 1995 as they are transportable and habitable. Each camp will also be connected to electricity and potable water, and can be readily moved from their site within 24 hours.

Camp sites have been designed so that they can generally cater for either up to two ERGO W440 transportables, or up to five two bedroom transportables. The ERGO W440 transportable features one shower, toilet and hand basin per bedroom.

Figure 5: Artist depiction of ERGO W440 Transportable.

Caravans

The caravans to be provided will be readily able to move between other caravan sites and positioned so that they are located at least 3m from caravans and buildings not within the same site. Each caravan will also feature a refrigerator and stove, as required by Clause 5 of CPCGR 1997 Schedule 7 Division 1. BBB Remote Site Services will supply three caravans. The remaining caravan area is to accommodate sites for caravans of other occupants and visitors to the lot.

Figure 6: Depiction of BBB Caravan Series Accommodation.

Buildings

Offices

The caravan park is to feature multiple office buildings. There are to be two general office buildings located towards the centre of the caravan park facility area. The larger Project Manager's Office has been designed to allow for MRWA employees to work together in a communal fashion while also serving as a main area for visitors to go to, should they wish to speak to MRWA personnel. All office buildings can be readily reconfigured to facilitate other uses in the future should it be required.

Restaurant

The restaurant within the caravan park is to feature a kitchen, dining area, and general recreational area. The restaurant comprises of two components – a kitchen, and dining area or 'mess hall'.

The dining area is considered to be part of the recreational area as it allows for ample social interaction opportunities and is intended to be a casual, communal meeting area in addition to an area where people can eat and drink together. It must be noted however, that both components can be transported.

Figure 7: Image of kitchen component being transported.

Recreation Facilities

The proposed caravan park facility features ample room to allow for future recreational facilities in addition to those discussed. In particular, a children's recreation facility can be readily located in close proximity to the tavern and viewable from the street. The kitchenette is also considered to be a recreational facility, and features an internal room with a toilet and hand basin.

Other Buildings

The other buildings on-site which are understood to be permitted in accordance with Clause 11, Division 3 of CPCGR 19957 include two storage structures, gas bottle storage area, ablution block, and laundry. It is understood that the ablution block may also be considered as recreational facilities as they provide amenity and duly contribute to the leisurely enjoyment of caravan park occupants.

Conclusion

The following report has been submitted to accompany a proposed Local Development Plan which has been created in order to facilitate the development of a caravan park within the subject lot. The landowner wishes to develop within and use their property in a lawful manner. It is the landowner's intention to allow for a functional caravan park carefully managed to have little or no negative impact to neighbouring properties, and intended to compliment the Pithara Tavern and locality. The proposed Local Development Plan has been demonstrated to be in accordance with relevant planning framework, and features provisions which encourage optimal town planning outcomes. Given that the design proposal has been able to suitably address relevant planning provisions, the Local Development Plan proposal is tendered for the Shire's approval.

Please do not hesitate to contact the undersigned, should you wish to discuss any aspects of the proposal further.

Yours faithfully,

David D'Orazio

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Appendix 1 – Certificate of Title

WESTERN AUSTRALIA

REGISTER NUMBER	
500/DP74401	
DUPLICATE EDITION	DATE DUPLICATE ISSUED
1	1/7/2013

RECORD OF CERTIFICATE OF TITLE

UNDER THE TRANSFER OF LAND ACT 1893

VOLUME 2786 FOLIO 78

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

REGISTRAR OF TITLES

LAND DESCRIPTION:

LOT 500 ON DEPOSITED PLAN 74401

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

PITHARA INVESTMENTS PTY LTD OF LOT 1011 PEARN ROAD, PITHARA
(T M232166) REGISTERED 5 APRIL 2013

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
Lot as described in the land description may be a lot or location.

----------END OF CERTIFICATE OF TITLE----------

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND:	DP74401.
PREVIOUS TITLE:	LR3093-818, 2073-988.
PROPERTY STREET ADDRESS:	NO STREET ADDRESS INFORMATION AVAILABLE.
LOCAL GOVERNMENT AREA:	SHIRE OF DALWALLINU.

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