

# Commercial Tourism Activity on Crown Land

## Local Planning Policy

**VERSION 2**

December 2015

town planning services

Version	Adoption	Comment
1	23 October 2007 Council Item DS075	Final – No objections received during advertising.
1	1 July 2011 Council Item SC001	Final – Readopted under the new City of Greater Geraldton.
2	15 December 2015 Council Item DRS242	Readopted under the new LPS No. 1.

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## 1.0 CITATION

This is a local planning policy prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City of Greater Geraldton Local Planning Scheme No. 1 ('the Scheme'). It may be cited as the *Commercial Tourism Activity on Crown Land local planning policy*.

The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area. In making a determination under the Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with the Scheme.

## 2.0 BACKGROUND

Local Planning Schemes require that development approval from the local government is required PRIOR to the use or commencement or carrying out of development on reserved land within the municipality.

The local government has a responsibility to manage the lands entrusted to it for their intrinsic values and for the appreciation and benefit of present and future generations. In doing so, the local government recognises that the municipality has a beautiful and diverse natural environment which provides recreational, aesthetic and spiritual as well as material benefits for both residents and visitors alike.

It is recognised that reserves have the capacity to satisfy an important portion of the public demand for outdoor recreation and tourism, and in so doing contribute significantly to the social, physical and economic well-being of the municipality.

With public demand for beaches/rivers and reserves rapidly increasing, the local government must take every care to protect them and the safety and comfort of people who use them.

## 3.0 OBJECTIVES

- a) To ensure that commercial activities on reserves do not diminish the recreational amenity of residents or visitors who are attracted to the municipality for its natural beauty and environment.
- b) To ensure the ecologically sustainable use and protection of reserves for the benefit and enjoyment of future generations.
- c) To retain reserves (where appropriate) as places for passive and/or active recreation for residents and visitors.
- d) To regulate the level and intensity of commercial activities on reserves as necessary to ensure that it does not destroy the value and nature of the activity and the resource on which it is based.
- e) To enable appropriate (limited) opportunities for commercial tourism operators to provide services and facilities to the public to enhance their visit to the municipality.
- f) To provide criteria for assessing and determining development applications.

## 4.0 POLICY MEASURES

### 4.1 Application of Policy

- 4.1.1 This policy applies to all 'recreational' Crown reserves and immediate ocean/river foreshore and beach areas within the municipality including UCL and Crown land not managed by the local government.
- 4.1.2 The main areas the policy applies to are those on-going, commercial tourism operations which receive a commercial gain or reward from the use of the reserve or UCL. Examples include guided tours/safaris, active recreational pursuits (such as sandboarding, off-road vehicles, cycling, horse riding etc.) or the use of reserves of UCL for a hire site (such as boat, jet ski, paddle board etc.).
- 4.1.3 This policy is not intended to apply for one-off or annual events (such as a circus, weddings etc.) or recreational activities (such as personal training). These types of activities may require an event approval from the local government.
- 4.1.4 Activities are not limited to those taking place wholly on the reserve or UCL but also include activities that involve crossing the reserve or UCL, or transferring people or items on, off or over the reserve or UCL. This includes the embarking or disembarking of people/items to or from a water based activity adjoining the reserve or UCL (e.g. tour boats, canoeing, river cruises and parachuting etc.)
- 4.1.5 Scenic tours that simply traverse a reserve or UCL as part of a longer journey or passive recreational activities are generally exempt from this policy.
- 4.1.6 Uses that require exclusive use of the reserve and permanent infrastructure should apply for a lease (should the local government have power to lease the land).

### 4.2 General Terms

- 4.2.1 Applicants for commercial recreational tourism activities/hire sites are to apply to the local government for development approval. Approvals may be granted by way of a conditional Agreement. The local government will assess applications in context of compliance with specified criteria and any public comments it may receive.
- 4.2.2 All Agreement terms should be valid for a maximum of 3 years, coinciding with the nearest financial year.
- 4.2.3 Existing Agreement holders and other applicants must apply for renewal of the Agreement no later than 31 March of the application year.
- 4.2.4 At the end of the second year, a new application (and possibly re-advertising) will be required. The local government will not automatically re-issue Agreements and activities will be reviewed upon expiry of the permitted period. Where agreement numbers are limited for a particular activity or area, renewal may be subject to a competitive application process.

4.2.5 An operator must ensure that the Agreement is not held inactive and will be expected to carry out the approved activity during the peak tourist season. Failure to commence the activity by 01 January each year of the Agreement will result in immediate revocation of the Agreement and agreements may be entered into with other applicants to ensure that the approval is utilised.

4.2.6 The Agreement holder must continue to operate until the end of peak season in each year (e.g. Christmas school holidays and Easter holidays) or the Agreement could be cancelled for the next year or used as a factor not favouring renewal.

#### 4.3 General Matters to be Considered

4.3.1 The natural systems should be able to sustain the form of activity which is proposed.

4.3.2 The activity should be compatible with the vesting purpose of the land and with the preservation values of the land, e.g. they do not impinge upon rare or fragile ecosystems, or impair key features of the landscape, or increase visitor pressure on land to an unacceptable level and do not detract from the reasonable enjoyment of the land by the public.

4.3.3 Generally the widest range of activities consistent with the reserve purpose should be allowed. Uses that impair other forms of use to an unreasonable extent or place the safety of others in jeopardy should be controlled or eliminated. In certain instances, for safety reasons, priority use may be allocated to specialised recreation activities at sites that are uniquely suited to those activities (e.g. jet ski hire).

4.3.4 Sites that are likely to suffer environmental/stability problems from increased human activity or have a high conservation value will be excluded.

4.3.5 If an application is received for an existing activity by a previous Agreement holder of that activity and on the same site, the local government will give preference to the previous Agreement holder where no recorded breach of any condition has been noted by the local government.

#### 4.4 Land-Based Activities

4.4.1 If the local government's roads, car parks or dual use paths are to be used, then the activity will be assessed in terms of whether it will create a danger to other users of the accessway/areas or will create an obstruction to traffic movement or will result in a major loss of car parking spaces.

4.4.2 Where appropriate, activities should be located adjacent to constructed public car parking areas and public conveniences (within 100m). The applicant may be required to contribute towards the construction of the public facilities. Approved applications may be required to contribute towards the upkeep of the local public infrastructure and facilities if considered necessary as a consequence of that activity.

4.4.3 If the beach is to be used then the activity must be determined as compatible with the beach environment.

- 4.4.4 Hire sites adjacent to foreshore areas must be related to the hire of beach-related equipment. A range of complementary operations may be permitted in the same vicinity if there are sufficient facilities and impacts are minor.
- 4.4.5 Beach site activities are not to damage, or lead to degradation of coastal or other natural environment. All applications are beach sites are to be assessed to ensure that community demands outweigh commercial demands. Passive and informal recreation use of the beach will be the dominant use.
- 4.4.6 All activities are to demonstrate that they will not create a public nuisance to adjacent residential areas in context of noise, traffic etc. and not create a conflict with the main beachgoers.

#### 4.5 Water-Based Activities

- 4.5.1 Permission will be given to the use of the beach area for guided tours/hiring of water based equipment, provided the applicants is prepared to comply with the terms of any licence (or other approval) of the relevant authority of the water body.
- 4.5.2 The activities are not to dominate the main informal water-based activity, conflict with the designated water based activity or create a public danger.
- 4.5.3 All activities must be located adjacent to constructed public car park areas and public conveniences.
- 4.5.4 The activity is not to damage, or lead to the degradation of, the coastal or marine environment.
- 4.5.5 All activities are not to create a public nuisance to nearby residents, or affect residential amenity and is not to create public nuisance to other regular water-based activities.
- 4.5.6 In the case of jet ski hire activity and other motorised craft, signage shall give adequate notice of warning that the particular area is not suitable for informal recreation use.

#### 4.6 Information from the Applicant

In assessing and determining applications, the local government will be guided by the following selection criteria:

- a) Demonstrated successful experience in the activity to a high professional standard;
- b) Demonstrated history and experience of environmentally acceptable operations;
- c) Demonstrated appropriate level of knowledge and understanding of local conditions, natural and cultural history, ecological process and possible constraints;
- d) Demonstrated experience in meeting Agreement conditions, including the prompt payment of fees;
- e) Demonstrated ability to provide appropriate safety requirements and duty of care responsibilities;

- f) Demonstrated capability to promote interpretive and educational information that ensure clients are receiving instructions in minimal impact techniques, environmental protection and ethics of appropriate behaviour; and
- g) Demonstrated \$10 million public liability insurance cover.

#### 4.7 Signage and Structures

4.7.1 The local government may permit the use of a maximum of 1 temporary sandwich board sign or similar in the immediate vicinity of an approved activity/hire site for the purposes of marking the location of the activity. All other advertising signs are subject to a separate application for development approval in accordance with the Scheme.

4.7.2 The use of bunting, fencing, sheds or other similar structures for activities is generally not supported.

#### 4.8 Activities and Locations

4.8.1 Based on experience of the impacts of previous/similar activities (within or outside the municipality), the fragile nature of certain areas, and/or the dominant public use of certain areas, the local government is of the view that certain activities should not be supported in certain areas and also that a restriction on the number of certain activities in certain areas should be prescribed.

4.8.2 These restrictions (if any) are attached to this policy and are based on knowledge and experience at this time and may be amended from time to time by the local government as further knowledge and experience is accumulated.

#### 4.9 Applications for Approval

Applicants should address the criteria as outlined in clause 4.6 and provide the local government with the following information:

- a) Previous relevant experience of the applicant(s);
- b) Full details of type of service to be operated;
- c) Preferred location of operation (with alternatives);
- d) Diagram of layout of service when in operation showing location of equipment, trailers, signs, operators table etc.;
- e) Hours and dates of operation;
- f) Method of operation, e.g. hourly hire, 15 minute rides, day trips, and proposed charges to clients;
- g) Type and numbers of equipment to be hired/used including details of make, age, special features etc.;
- h) All of the intended safety measures – i.e. marker buoys, rescue boats, signs etc.;
- i) A cover note or similar statement from an insurance company indicating a willingness to promote insurance coverage (minimum \$10million public liability coverage required);

- j) Any on-site storage requirements (if permitted);
- k) Intended signage (may require additional separate approval); and
- l) Any additional information specific to the individual service to be provided.

#### 4.10 Processing of Applications

4.10.1 Where the land is NOT under the care, control and management of the local government, the consent of the owner (i.e. the crown via the Department of Lands) is required to process the application.

4.10.2 All applications will be advertised in accordance with the Local Planning Scheme procedure prior to final determination.

#### 4.11 Fees

4.11.1 The application fee shall be the same as for a Local Development Plan.

4.11.2 As commercial activity will increase the number of visitors on reserves, and as these commercial operators will benefit by commercial gain from the use of the reserve or UCL, it is considered appropriate to charge an annual \$500 fee (GST inclusive) for the use of the land.

4.11.3 Revenue collected from these fees will be used for management, including the improvement of visitor services and facilities and the protection of the natural environment.

## 5.0 DEFINITIONS

**Recreational reserve** means those reserves or UCL areas within the municipality that are predominantly used, or intended to be used for recreational or conservation purposes.