

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
14 April to 20 April 2022

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
15/04/2022	P222267	Unit 2 24 (Strata Lot 2 of Lot 47) Freycinet, Way Gnarabup	Holiday House Renewal
14/04/2022	P222279	33 (Lot 336) Horseford Road, Margaret River	Outbuilding
19/04/2022	P222283	384 (Lot 2826) Wallis Road Witchcliffe	Extractive Industry (Extension to Term of Planning Approval P217283) 384 (Lot 2826) Wallis Road Witchcliffe
20/04/2022	P222286	870 (Lot 11) Bessell Road, Rosa Brook	Chalet & Dwelling (Change of Use Single Dwelling to Chalet & Proposed Single Dwelling)
20/04/2022	P222287	14 (Lot 20) Stewart Smith Loop, Cowaramup	Single Dwelling (Retaining)
20/04/2022	P222288	3 (Lot 162) Laurina Place, Gnarabup	Holiday House
20/04/2022	P222290	10 (Lot 13) Moondyne Ridge, Kudardup	Single House (Outbuilding)
BUILDING			
19/04/2022	222225	11 (Lot 34) Caladenia Rise, Margaret River	Unauthorised Works - Patio and Pizza Oven
19/04/2022	222226	50 (Lot 100) Coostien Road, Scott River	Single Dwelling, Garage and 2 Rainwater Tanks
20/04/2022	222229	5 (Lot 8) Trinder Drive, Margaret River	Shed and Carport
19/04/2022	222232	2 (Lot 1) Old Farm Road, Augusta	Shed
20/04/2022	222233	8 (Lot 6) Goodenia Street, Margaret River	Patio
20/04/2022	222237	35 (Lot 91) Waverley Road, Cowaramup	Conversion of a Shed into an Ancillary Dwelling

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				
03/02/2022	P222087	12 (Lot 6) Offshore Crest, Margaret River	Single House, Ancillary Dwelling and Outbuilding	Approved
15/02/2022	P222115	20 (Lot 15) Timor Place, Margaret River	Bed & Breakfast Renewal	Approved
24/02/2022	P222138	2 (Lot 48) Coronation Street, Margaret River	Holiday House (Renewal)	Approved
09/03/2022	P222178	7 (Lot 296) Farrelly Street, Margaret River	Aged Care Facility (Fence Addition)	Approved
15/03/2022	P222192	15 (Lot 215) Villers Street, Cowaramup	Single House (Patio)	Cancelled
24/03/2022	P222216	20 (Lot 10) Offshore Crest, Margaret River	Single House (Outbuilding Addition ((Existing))	Cancelled
13/04/2022	P222273	89 / 157 (Lot 688) Stevens Road, Witchcliffe	Agriculture Intensive (Farm Building)	Approved
SUBDIVISIONS				
Nil				
LOCAL LAW PERMITS				
14/04/2022	P222280	Reserve 47049, Wadandi Track	Local Law Permit renewal - permit to operate quad bike tours portion of Reserve	Approved

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
17/02/2022	P222121	2 (Lot 111) Andrews Way, Margaret River	Recreation Private (Function Centre)	Refusal

DEVELOPMENT ASSESSMENT REPORTING PROCEDURE

Assessment of Development Applications (DAs)

For the purposes of this procedure there are three types of development applications:

Level 1

DA not advertised

Level 2

DA is advertised; and

- No submissions; or
- Submission received but meets one of the following:
 - Not related to the reason the DA was advertised.
 - The development is modified to comply or to remove the element of concern to the submitter.
 - Submission is either of support, conditional support or is 'indifferent'; or is from a non-affected person.

Level 3

A submission in opposition is received from an 'affected' person or special interest group in relation to the reason the DA is advertised or the development application is recommended for refusal.

Note: This procedure applies to development applications only. It does not apply to structure plans, scheme amendments or other types of planning proposals.



DEVELOPMENT APPLICATION ASSESSMENT
Report to Manager Planning and Development Services

Proposed Recreation Private (Function Centre)
2 (Lot 111) Andrews Way, Margaret River

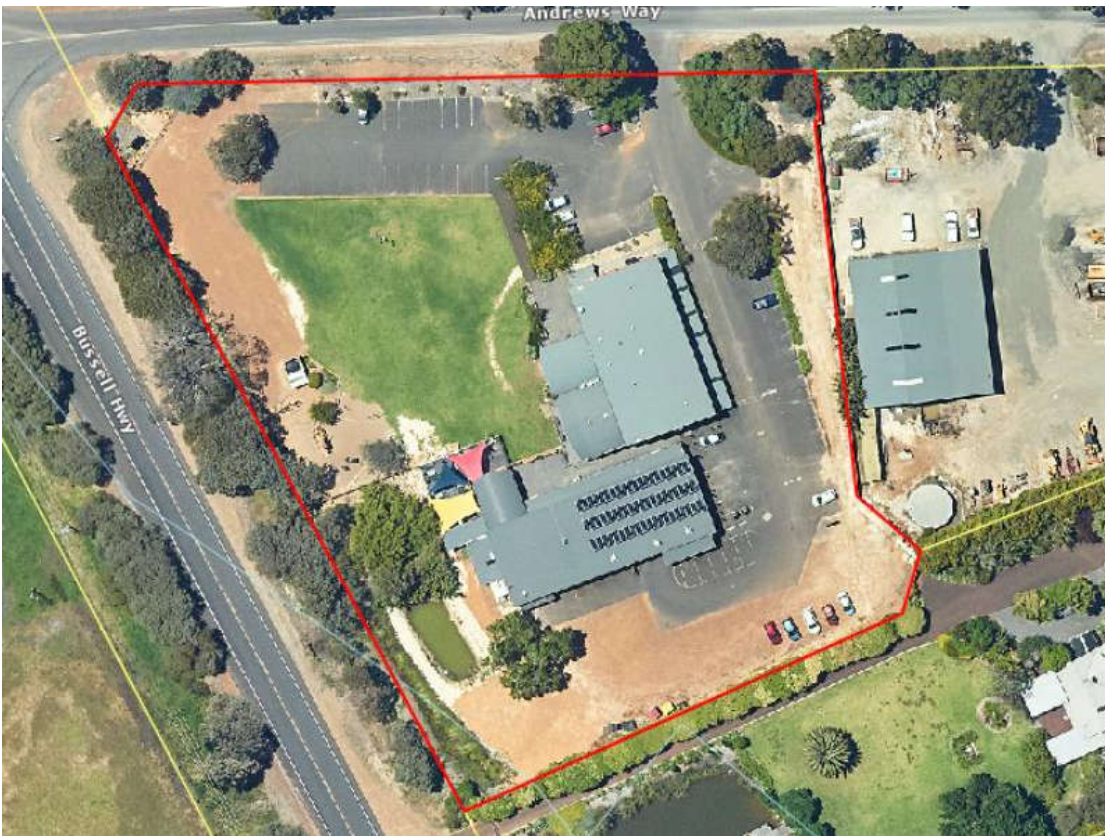
Level 3

P222121; PTY/11757

REPORTING OFFICER : **Sophie Moscardini**
DISCLOSURE OF INTEREST : **Nil.**

General Information	
Lot Area	11,596m ²
Zone	Future Development
Proposed Development	<p>Development approval is sought for a change of use from Shop to Recreation Private for the purpose of holding acrobat classes and private functions. The proposal includes the following:</p> <ul style="list-style-type: none"> • The proposal will consist of hosting functions including birthday and tourist group events and will be accessible for all ages. • The venue will host aerial and neo burlesque instructional classes, followed by the opportunity to take part in the activity as well as enjoy a range of canapes and platters from locally sourced produce (sourced from the Fodder Shop). • Operating hours proposed from 9am to 9m Monday to Saturday. • Group numbers ranging from 1 – 20 people. • The proposal will be marketed as a 'Paradise Circus' and Aerial Artistry Experience' • The proposal includes the installation of three wall signs at the subject site that will replace the existing Vasse Virgin signage. • There is no development component to the proposal.
Permissible Use Class	'A' Recreation Private – Advertising required.
Heritage/Aboriginal Sites	No Aboriginal Heritage Sites identified.
Encumbrance	<ul style="list-style-type: none"> • *M502837 Notification lodged on 20/12/2013. <p>Covenant Burden Created Under Section 150 & PD Act to Main Roads, WA – See Deposited Plan 400635 (Restriction of Access – No Road Vehicle Access to & from Bussell Highway).</p>
Date Received	17/02/2022





Policy Requirements		
Is the land or proposal referred to in any Council Policy?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<i>Local Planning Policy 26 - Signage Policy</i>		
<p>The proposal includes the installation of signage to replace the existing signs occupied by the previous Shop use (Vasse Virgin – see figure below).</p>		
<p>The signs are defined within LPP26 as wall signs and an awning sign and require planning approval due to their size (two signs: 3 x 1.5m and one sign: 1m x 3m). The proposed signs are keeping with the development of the site as they are already existing and will simply advertise the approved use on site. There is not an excess of advertising signage on the site and therefore the signage is considered appropriate.</p>		
Structure Plans and Local Development Plans (LDP's)		
Is the land in any Structure Plan Area or subject to a LDP?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, state the Policy/Policies	East Margaret River Structure Plan.	

Officer Comment	<p>The site is located within Structure Plan Area 5 and LPS1 requires any land use and development to be in accordance with the East Margaret River Structure Plan (EMRSP). The EMRSP in relation to the site states:</p> <p><i>"Restricted Tourism Related Commercial Uses Tourism related uses well suited to a rural setting including farm produce shops, art and craft sales, café, nursery and other similar uses which do not provide convenience goods and services and do not compete with function of the town centre or neighborhood centres. Approval of such uses shall be at the discretion of the Council."</i></p> <p>The proposed use is inconsistent with the intent of the structure plan. The use is not suited to the rural tourist related uses on site. The proposal does not fit in with the rural uses such as the Fodder Shop and Yahava. Despite the operator proposing to provide local produce on site this is simply a small addition to the proposed private recreation use which is incompatible.</p>		
Planning History			
<p>There is an extensive planning history for the subject site which includes the following planning approvals:</p> <p>P20418 Garden Centre, Shop, Café, Office Administration refused 15/01/2000. P28248 Appeal against refusal 25/05/2001. P22183 Pylon Sign x 1 approved 22/04/2002. P22259 Sail Cloth Enclosure Ancillary to Garden Centre/Café/Office/Workshop approved 06/06/2002. P26058 Shade House – Extension to Garden Centre approved 09/03/2006. P26393 Water Tank approved 08/11/2006. P29420 Sign x 2 approved 23/02/2010. P210036 Change of Use of Part of Building to Shop approved 16/03/2010. P210121 Signs x 3 approved 05/05/2010. P210231 Retail and Light Industry (Shop and Manufacture of Baked Goods) approved 14/09/2010. P211059 Subdivision approved 15/04/2011. P213092 Café with Ancillary Retail, Coffee Roasting, Coffee Tasting and Drive-through Coffee Sales approve 06/08/2013. P213235 Minor Amendment to East Margaret River Structure Plan approved 16/12/2013. P214246 Compliance - Use of Property. Continued use of light industry (earth moving) and cease of use garden centre. Both do not have to operate. Matter concluded 13/06/2014. P214559 Signage approved 28/11/2014. P214565 Art & Craft Centre (Change of Use from Storage Area to Art & Craft Centre) approved 22/01/2015. P215242 Café – Additions (to existing Drive-through Coffee Outlet) approved 22/06/2015. P215266 Café - Additions (Pergola) approved 22/07/2015. P215661 Café with Ancillary Retail approved 23/12/2015. P216619 Small Bar approved 05/04/2017. P217649 Small Bar Additions (Ablutions) approved 04/12/2017. P217794 Commercial Additions (Solar Panels) approved 12/01/2018. P218770 Small Bar (Amendment Operating times) Maximum number of patrons 120 with operating hours are restricted to between 11am to 9pm Monday to Sunday approved 22/01/2019. P219226 Public Event – KezaRays Grand Opening and Night Market – Friday 12/04/2019. P219543 Public Event Brookfield Connect Garden Market – Sunday 22/09/2019. P220165 Small Bar Addition (Play Area and Terrace) approved 24/04/2020. P220237 Section 40 – Small Bar approved 08/05/2020.</p>			
Advertising/Agency Referrals			
Has the application been referred to adjoining landowners/agency?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Has a submission been received by Council?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A
No. received:			
Details of Submission		Officer Comment	
Support – The business will be a good addition to Doust's Corner and a unique attraction for locals and tourism.		Submission is noted.	
Assessment of Application			
Is the land referred in the Heritage Inventory?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Are there any Contributions applicable?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Are there any compliance issues in relation to existing development?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
R Codes			
Are R Codes applicable?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Development Standards (Schedule 9)			
Are the development Standards applicable?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Car Parking			
LPS1 / R Codes Requirement	Car Bays Required – 6 bays	Car Bays Proposed – 130 car bays on site.	
Dimensions	2.5m x 5.5m	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply	
Turning Bay/Circles and vehicle manoeuvring	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply		
Disabled Bays	Disabled Bays – yes	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply	

Officer Comment	<p>Schedule 8 sets out the parking requirements for land uses within the Shire. There is no specific land use for Private Recreation however there is a requirement for a Function Room which requires 1 space per 4 persons the building is designed to accommodate. Given the description of the proposal this calculation has been used to assess the parking for the proposed use.</p> <p>The subject tenancy (shop 2) covers 73m² and is designed to accommodate groups of 1 – 20 people. The maximum number of staff on site at any one time is 2 and therefore the building will accommodate a maximum of 22 people which requires 5.5 car parking spaces.</p> <p>The previous approval has been approved for a Shop which requires 1 space per 25m². Given the floor area this would require 3 bays. Therefore, the new use requires an additional 3 bays.</p> <p>Despite this the entire site provides 130 car bays which provides excess bays to the current uses on site. Therefore, there are adequate bays on site to provide the 6 required bays.</p>
Clause 67	
In the opinion of the officer, would approval of the planning consent be appropriate under Clause 67 of the Deemed Provisions of the Scheme?	
Officer Comment	No. The proposal is not consistent with LPS 1 where by development within the Future Development Zone is required to be consistent with the applicable Structure Plan.
In the opinion of the officer	
i. Are utility services available and adequate for the development?	Yes.
ii. Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land?	N/A.
iii. Has adequate provision been made for access for the development or facilities by disabled persons?	Yes.
iv. Is development likely to cause detriment to the existing and likely future amenity of the neighborhood?	No.
v. Is the development likely to comply with AS3959 at the building permit stage?	N/A.
Other Comments	
Any further comments in relation to the application?	
Officer Comment	The proposal is inconsistent with the applicable structure plan which sets out uses which are compatible with the subject site. Refusal is recommended.

OFFICER RECOMMENDATION

That the Manager Planning & Regulatory Services REFUSE TO GRANT Planning Consent under Delegated Authority Instrument No. 34 pursuant to Clause 68(2) of the Deemed Provisions of Local Planning Scheme No. 1 for the proposed Recreation Private (Function Centre) at 2 (Lot 111) Andrews Way, Margaret River for the following reasons:

1. The proposal is inconsistent with the Deemed Provisions of *Local Planning Scheme No. 1*, Matters to be Considered, at Clause 67 with specific regard to the following subclauses:
 - a. The proposal is inconsistent with aims and provisions of *Local Planning Scheme No. 1* namely development within the Future Development Zone.
 - b. Any structure plan or local development plan that relates to the site namely the East Margaret River Structure Plan which states the following in relation to uses at the subject site. *“Restricted Tourism Related Commercial Uses: Tourism related uses well suited to a rural setting including farm produce shops, art and craft sales, café, nursery and other similar uses which do not provide convenience goods and services and do not compete with the function of the town centre or neighbourhood centres. Approval of such uses shall be at the discretion of the Council.”* A private recreation land use providing burlesque classes is not suited to a rural setting and does not fit in character of the locality which offers tourism related uses.
 - c. The amenity of the locality including the following –
 - i. The character of the locality. The proposed private recreation land use, providing burlesque classes is not suited to the existing rural character of the locality.