

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
5 May to 11 May 2022

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
06/05/2022	P222317	75 (Lot 9) Bussell Highway, Cowaramup	Liquor Store Additions (Amendment to Planning Approval P217302 (Extension to Timeframe))
06/05/2022	P222320	687 (Lot 722) Ellen Brook Road, Margaret River	Holiday House Renewal
06/05/2022	P222321	91 (Lot 36) Rainbow Cave Road, Margaret River	Holiday House Renewal (Large)
09/05/2022	P222322	4 (Lot 2) Formosa Street, Margaret River	Holiday House Renewal
09/05/2022	P222323	11 (Lot 509) Riverslea Drive, Margaret River	Holiday House Renewal
10/05/2022	P222324	3 (Lot 233) Frohawk Loop, Margaret River	Bed and Breakfast Renewal
10/05/2022	P222325	13 (Lot 20) Merino Way, Margaret River	Ancillary Dwelling & Building Envelope Variation
10/05/2022	P222326	132 (Lot 602) Ashton Street, Margaret River	Single House (Single Dwelling)
10/05/2022	P222328	20 (Lot 162) Elder Way, Margaret River	Single House (Outbuilding)
11/05/2022	P222329	64 (Lot 381) Pimelia Avenue, Margaret River	Single House (Retaining)
11/05/2022	P222330	17 (Lot 128) Hurford Place, Augusta	Single House (Retaining)
11/05/2022	P222332	3 (Lot 6) Redgate Road, Witchcliffe	Section 40
11/05/2022	P222333	3 (Lot 6) Redgate Road, Witchcliffe	Amendment to Planning Approval P218455
BUILDING			
10/05/2022	222170	4 (Lot 31) Dewar Road, Witchcliffe	Rainwater Tank
05/05/2022	222262	Lot 16 Karrack Cres, Witchcliffe	Single Dwelling, Carport with Store and Rainwater Tank
05/05/2022	222263	Unit 8 31 (Lot 2) Station Road, Margaret River	Warehouse
05/05/2022	222264	69 (Lot 11) Waverley Road, Cowaramup	Single Dwelling, Garage, Patio and Retaining Wall
05/05/2022	222265	6 (Lot 530) Riesling Street, Cowaramup	Single Dwelling, Patio, Verandah and Garage
06/05/2022	222266	67 (Lot 9) Mentelle Road, Burnside	Shed
06/05/2022	222267	122 (Lot 2) Bussell Hwy, Margaret River	Alterations and Additions - Office Fit Out Internal Works and Window Additions
06/05/2022	222268	2 (Lot 348) Duncan Street, Margaret River	Shed and Carport
10/05/2022	222269	Lot 2817 Wickham Road, Witchcliffe	Single Dwelling, Garage, Verandah and Patio
09/05/2022	222270	410 (Lot 7) Brockman Hwy, Karridale	Shed
10/05/2022	222271	44 (Lot 8) Greenwood Avenue, Margaret River	Retaining Wall
11/05/2022	222272	Lot 1004 Hawkesford Place (Margaret River Life Style Village Club House), Margaret River	Assembly Building - Alterations and Additions - Gymnasium and Swimming Pool Enclosure
10/05/2022	222273	5606 (Lot 56) Caves Road, Burnside	Single Dwelling, Carport, Deck, Patio
10/05/2022	222274	8 Earl Place, Gracetown	Single Dwelling, Deck, Retaining and Patio
10/05/2022	222275	27 (Lot 16) Station Road, Margaret River	Alterations and Additions - Internal Works and Extension to Office Building
11/05/2022	222277	29 (Lot 379) Georgiana Cross Cowaramup	Deck
11/05/2022	222278	12 (Lot 524) Chenin St, Cowaramup	Patio
11/05/2022	222279	31 (Lot 138) Grunters Way, Gnarabup	Shed

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
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PLANNING				
13/01/2022	P222022	36 (Lot 45) Jersey Street, Cowaramup	Caretakers Additions (Storage Shed)	Approved
04/03/2022	P222158	22 (Lot 51) McDermott Parade, Witchcliffe	Single House (Ancillary Dwelling)	Approved
11/03/2022	P222187	99 (Lot 114) Baudin Drive, Gnarabup	Bed & Breakfast Renewal	Approved
14/03/2022	P222191	10568 (Lot 2185) Bussell Highway Witchcliffe	Rural Workers Accommodation and Farm Building	Approved
16/03/2022	P222196	7 (Lot 343) Duncan Street, Margaret River	Single House (Shed Addition)	Approved
07/04/2022	P222228	25 (Lot 193) Alferink Crescent, Margaret River	Single House (Outbuilding Addition)	Approved
11/04/2022	P222262	Unit 10A & 10B (Lots 1 & 2) Freycinet Way, Gnarabup	Single House (Fence Addition)	Approved
SUBDIVISIONS				
08/04/2022	P222268	11 (Lot 113) Town View Terrace, Margaret River	Subdivision	Supported subject to conditions
LOCAL LAW PERMITS				
Nil				
Other				
10/02/2022	P222106	Lot 9002 Bussell Highway, Witchcliffe (Witchcliffe Eco Village)	Local Development Plan - Commercial Precinct	Approved

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
05/07/2021	P221463	Unit 1 3 (Lot 4) Station Road, Margaret River	Medical Centre (Alterations & Additions)	Referred to Council for Determination
31/01/2022	P222071	35 (Lot 1) Station Road, Margaret River	Brewery (Production Only)	Approval subject to conditions
14/02/2022	P222114	28 (Lot 5) St Alouarn Place, Margaret River	Holiday House	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 Brewery (Production Only) at 35 Station Road, Margaret River

Level 3 (Objection Received)

P222071; PTY/67

REPORTING OFFICER: Stephen Schreck
DISCLOSURE OF INTEREST: Nil

General Information	
Lot Area	1801m ²
Zone	Service Commercial
Proposed Development	<p>The application is proposing the construction of a production only brewery and associated car parking. The proposed brewery intends to begin production with 300,000 – 400,000L initially up to a maximum of 1.2 million litres annually. No public access or bar space is proposed.</p> <p>The development of the brewery is proposed in two ultimate stages (refer to Figure 4 below), with stage one being the subject of this application. Stage one will restrict activity to the western end of the block fronting Station Road.</p>
Permissible Use Class	Brewery - 'A'
Heritage/Aboriginal Sites	No.
Encumbrance	N/A
Date Received	31 January 2022



Figure 1: Site Plan

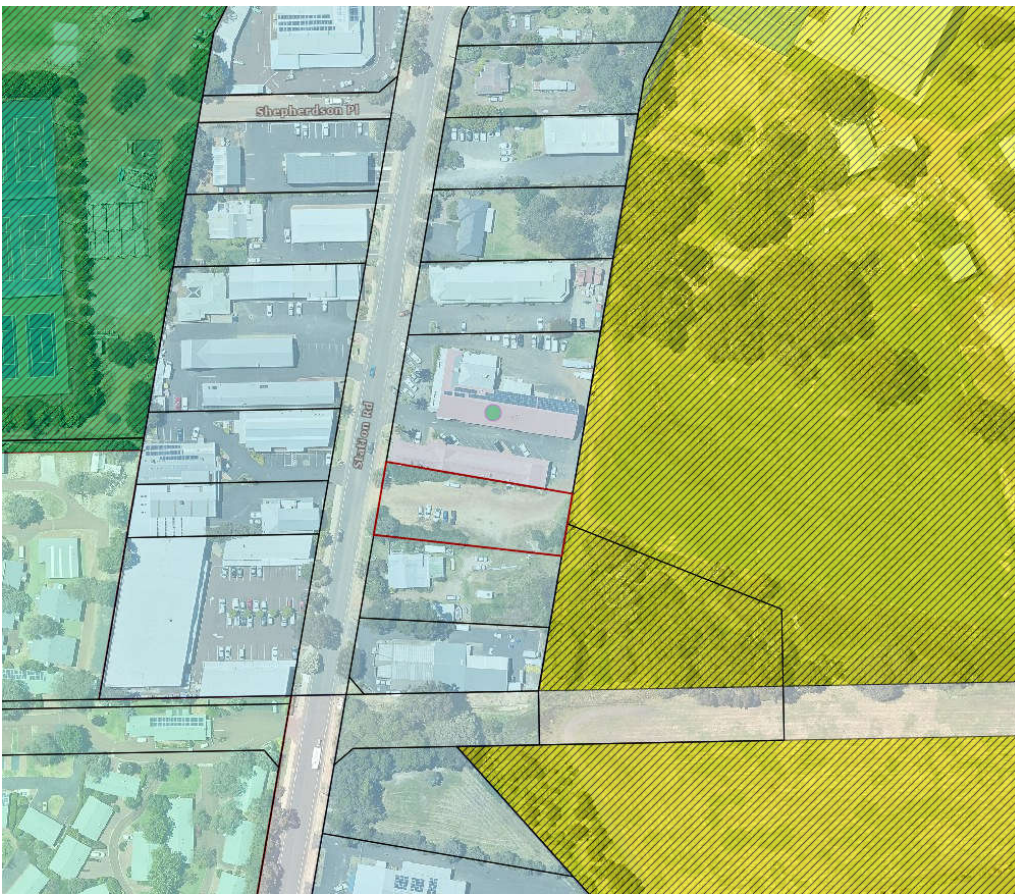


Figure 2: Locality Plan

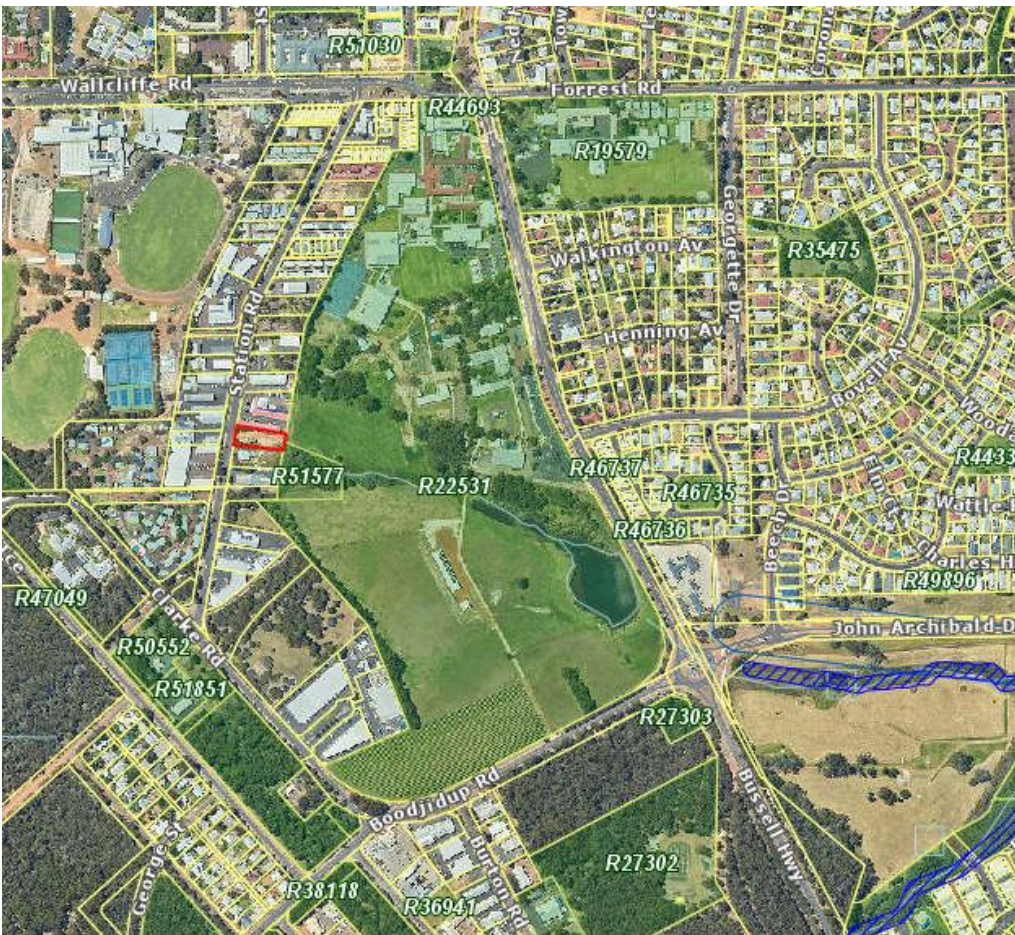


Figure 3: Locality Plan

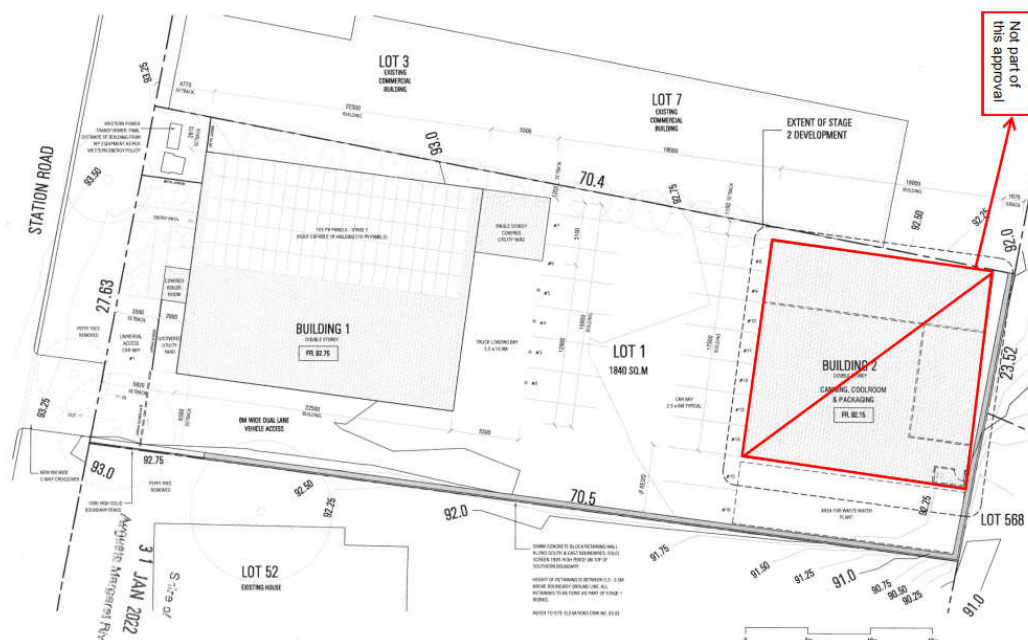


Figure 4: Site Plan

Policy Requirements			
Is the land or proposal referred to in any Council Policy?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Structure Plans and Local Development Plans (LDP's)			
Is the land in any Structure Plan Area or subject to a LDP?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Planning History			
P310 – Proposed Duplex P2719 – Proposed Fish/ Seafood Shop P22130 – Proposed Showroom P29133 – Proposed Car Wash P29336 – Proposed Car Wash and Second Storey Offices			
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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> N/A
		No. received: 1	
Details of Submission		Officer Comment	
Department of Education: The Department has reviewed the information and wishes to express concerns in relation to the separation distance between the proposed brewery and the adjoining Margaret River Senior High School. WAPC's DCP2.4 – School Sites (DCP2.4) and Draft Operational Policy 2.4 – Planning for School Sites (Draft OP2.4) requires careful consideration to ensure that school sites are located amongst or adjacent to compatible land uses. Draft OP2.4 states that uses such as licensed premises (taverns, small bars, liquor stores etc.) and industrial land uses are considered undesirable next to school sites and have real and perceived impacts on health and safety of students and amenity of schools. The EPA's Guidance for the Assessment of Environmental Factors – Separation Distances Between Industrial and Sensitive Land uses No. 3 requires a Brewery use to have a buffer distance of 200-500 metres to sensitive land uses. The proposal demonstrates no buffer distance as the subject site directly adjoins the MR High School.		Applicant Response: The proposed brewery facility will operate at a relatively small production capacity, commencing at 3-400k litres and capping at 1.2 million litres. The proposed facility is very small in the broader definition and consideration of 'breweries' with most commercial scale and breweries producing tens and hundreds of millions of litres per year. The proposed facility is likely to brew 4-5 times per week, producing 2500 litres per batch. A microbrewery of this size results in considerably less potential to impact than larger breweries. It is for this reason they are often located in situations where there is high public exposure (public places, integrated within restaurants and town centres). The EPA Guidelines should take this scale into context and be more reflective of the trend in the industry over the past 10 years. This trend has seen a proliferation of smaller scale breweries integrate well within most urban contexts rather than the large industrial scale operations previously synonymous with and dominant in the brewing industry. Notwithstanding this, it is important that due consideration is given to the impacts of any individual facility to surrounding users and the specific considerations: <u>Siting and Design</u> Brewery production will primarily be undertaken in the 1 st stage building in the west of the site, fronting station road. This ensures that the more active part of the operation involving brewing, servicing and traffic are located as far away as possible from the school site. It ensures that all traffic is accessed from Station Road, having no interaction with high school traffic or users. The second (future) stage of the facility will be primarily used for storage, distribution and packaging which will have negligible potential to have amenity impacts on surrounding uses. This 2 nd stage building also acts as a form of screen/ buffer between the high school site and manufacturing element of the facility.	

No information has been provided to demonstrate that the users of the adjoining school site will be adequately protected from the gaseous, noise, dust, and odour impacts generated from the proposed Brewery. Therefore, the Department considers the application to be contrary to the requirements of DCP2.4 and Draft OP2.4. As such, the Department wishes to object to the proposal until it can be adequately demonstrated the school site will not be burdened by the potential impacts associated with the operation of the Brewery.

Noise

A facility of this nature has minimal potential to create noise impacts. The main evidence for this comprises of:

- All operations other than vehicle access will be constrained within the proposed buildings therefore limiting any noise impacts
- Brewing process (3-4 hours per brew) is a relatively quiet process with all mechanical activities (transfer pumps, heating, cooling, stirring, mashing, packing and canning) are located indoors and largely within the brew plant.
- Traffic movements would be substantially less than what is experienced in surrounding retail, commercial uses and educational facilities as there would be very minimal access to the site by the public. This would only be in the form of deliveries 2 – 3 times a week.
- Vehicle movements on the site for access, delivery and loading are central and will be buffered by buildings on the site and to the north. This combined with the closest school buildings being some 200m from the site ensures there is limited capacity for any noise issues for school users.

Odour

A brewing facility of this size has limited capacity for odour impact. Two key areas to address in this regard are waste water and brewing production:

- Waste water: this is traditionally the biggest concern with large scale breweries and/or facilities that rely on onsite waste water disposal options. The proposal will utilise access to reticulated sewerage at the rear of the property through a Trade Waste licence/contract with Water Corp. This eliminates the need for long term onsite storage of waste water, therefore minimising any odour concerns from this element of the proposal. It is also noted that the portion of Lot 1 where the waste water infrastructure and sewer connection is located (south east corner) does not adjoin the High School site and would also be buffered from this site (to the north east) by the proposed Stage 2 building.
- Brewing Process: The brewing process has two key points that create odour, primarily during malt production – approx. 1 hour and hop boil – approx. 1 hour. The malt process creates a mild sweet malt odour and the hop addition process a herbaceous/fruity odour depending on the hop types being used.
 - These processes are conventionally flued through stacks in the brew house and quickly dissipate into the atmosphere resulting in a narrow 'shed' on the surrounding area;
 - Experience from the current brewing facility on Bussell Highway indicates that the odour can drift up to 30m from the flue.
 - With respect to odour impacts it is critical to highlight that in 6.5 years of operation of the brewing facility on Bussell Highway that there have been no complaints of odour from surrounding patrons or surrounding users. This is despite the existing brew plant being in close proximity (25m) to a number of chalets and other short stay accommodation to the north west and within 5m of seated patrons.
 - The brewing process is largely mechanical and heat driven manufacturing which relies purely on conversion of natural ingredients such as water, barley, wheat, hops and yeast. There are no artificial chemical based additives in the process.

Dust

The subject proposal will be fully sealed with no potential for dust impact to surrounding land uses. During the construction phase a dust management plan will be implemented to ensure amelioration of any dust produced from the site.

Gases

The brewing process does not generate any noxious or dangerous gaseous. CO₂ will be used in the carbonation of beer products and this will be stored to the west of the building, well buffered from land to the east. LPG is also used in the heating elements of the brew plant and again this will be stored in certified tanks to the west of the building along the Station Road frontage.

Both gas products will be maintained by suppliers and procedures put in place for their safe use by staff.

The size and scale of the proposed brewery ensures it has a high capacity to integrate into the amenity of the surrounding area including the users and activities adjoining Margaret River High School. An indication of the capacity of modern breweries to operate in a manner conducive to surrounding uses is evidenced in many situations throughout the world and locally. These differ significantly from the traditional large scale breweries that dominated the industry up until the last 10 years and which, given their size required more isolated and separated locations. The subject proposal has been carefully and sensitively designed to ensure all aspects of amenity and impact are addressed with respect to the particular location including the high school site.

Officer Comment:

In relation to the buffer provided in DCP2.4 and Draft OP2.4, the nearest current school building is located over 200m from the proposed brewing process and it is not reasonable to assume that the brewing process would affect patrons within this building. It is acknowledged that a newly constructed sports oval is the closest school infrastructure to the brewery. However, this infrastructure is open air, with minimal to no impact expected from the brewery.



Furthermore, Margaret River Brewhouse branding will be kept to the Station Road frontage. This will ensure that the elevation fronting the school site will present as a standard building, with little to no reference to being a brewery facility. A condition is recommended to ensure advertising signage is not permitted in the viewscape of the adjoining school site.

The EPA *Guidance for the Assessment of Environmental Factors* (the Guidelines) provides a standard buffer distance of 200 – 500m for a brewery land use. This is however stated as being dependent on size and the type of product being produced and with regard to impacts arising from gas, noise, dust and odour.

The applicant has described the brewery as being relatively small in comparison to a traditional large scale brewery. It is agreed that the overall size of the proposal is relatively small and akin to other small light industrial land uses. Furthermore, it is acknowledged that a number of breweries of similar scale operate in highly exposed locations, including tourist precincts and close proximity to residential areas.

The requirement for the buffer distance arises largely due to potential impacts from odour. Odour impacts arise due to waste management and production processes. These concerns have been reviewed by the Shire's Environmental Health section and verbal advice provided by DWER. It is considered that with appropriate management, odour impacts are capable of being suitably addressed. Further, should any issues arise, steps are able to be taken to suitably respond to this issue.

The suitability of the location is also considered in terms of the ability for potential adverse impacts to be addressed. Service Commercial zoned land provides some of the few opportunities in the town site for development of a beverage manufacturing facility connected to a reticulated waste service. This is also considered to be a preferable outcome in terms of mitigating impacts arising from waste generation in this regard.

	<p>Therefore, the ability to mitigate impacts with the location of the site has been considered against recommended buffer distances and with regard to the merits of the proposal. As mentioned above, breweries can vary in size, and the EPA Guidelines present the opportunity to vary the buffer distance. In this case the standard 200m is arbitrary and would not adequately reflect what is occurring on the development site or in the broader locality. Further, there is considered to be adequate opportunity to manage potential adverse impacts arising from the proposal with onsite management and connection to the Water Corporation's reticulated system. Written confirmation of the Water Corporations conditional support to the proposed connection to their reticulated system has been provided with the application.</p> <p>While the concerns are noted, they are not considered to warrant refusal or further modification of the development as a result and appropriate conditions are recommended included requirements for connection to the reticulated system as proposed.</p>
Internal Department Comments	Officer Comments
<p>Waste:</p> <p>Doesn't appear to be any mention of waste generation or similar aspects likely to be a result of development.</p>	<p>Conditions are recommended to any approval granted requiring a Waste Management Plan (WMP) including solid waste management. The WMP is considered suitable to ensure potential odour impacts are mitigated.</p> <p>Liquid waste is proposed to be discharged to the Water Corporation sewer. Conditions are recommended requiring connection to the Water Corporation sewer.</p>
<p>Environmental Health:</p> <p>Conditions are recommended.</p> <p>Property connected to reticulated sewer and requires a Trade Waste Permit from Water Corp. Other licences include Australian Government Brewery Licence, Liquor Licence and Brewery Distributor Agreement.</p> <p>A WMP including solid waste management, to be required as a condition of approval.</p> <p>Odour issues can also be addressed as a nuisance and are considered manageable.</p>	<p>Environmental Health comments are noted and conditions recommended to any approval.</p> <p>The application was not referred to the Department of Water and Environmental Regulation, however, the relevant waste management requirements were considered in the assessment of the application.</p> <p>The proposal is classified as an alcoholic beverage manufacturing premises with a capacity of more than 350kL or more per year. This proposal however is not classified as a Category 25 facility, that would have a design capacity as a prescribed premises regulated under Part V of the <i>Environmental Protection Act 1986</i>, because the proposed liquid waste is to be discharged into a private sewer. Accordingly, the proposal does not warrant referral to DWER.</p> <p>A condition is recommended to any approval granted requiring connect of the facility and discharge of liquid waste to a reticulated private sewer including Water Corporation sewer.</p> <p>The DWER <i>Industry Regulation Fact Sheet Beverage Manufacturing</i> states that emissions and discharges from manufacturing alcoholic and non-alcoholic beverages can include:</p> <ul style="list-style-type: none"> • solid and liquid wastes (for example marc, lees, washdown water); • potentially contaminated stormwater; • odour; and • noise. <p>Some solid waste will be generated however with regular management and offsite disposal, this waste stream is considered capable of management to mitigate nuisance impacts including odour impacts. A Waste Management Plan is a recommended requirement of any approval to be granted.</p>
<p>Infrastructure:</p> <p>Recommended conditions regard stormwater management, construction of parking areas, and construction of pedestrian paths.</p>	<p>Conditions are recommended as per Infrastructure advice.</p>
Assessment of Application	
Is the land referred in the Heritage Inventory?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
The neighbouring property is listed as having moderate heritage significance. There are no impacts to this site as a result of the proposal.	
Are there any Contributions applicable?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>DCA1; DCA2b; DCA2 apply to this site. Contributions for DCA1 and DCA2 apply at the time of subdivision and are therefore not relevant to this development application.</p> <p>Contribution DCA2b relates to stormwater infrastructure in Station Road. The contribution applies to development on all applicable lots based on impervious areas to be developed on site and the lot size. The figure is calculated on a case by case basis. A condition is recommended to any approval reflecting the requirement for payment of this contribution.</p>	
Are there any compliance issues in relation to existing development?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Development Standards (Schedule 9)	
Are the development Standards applicable?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Officer Comment	Service Commercial:		
	Requirement:	Proposed:	Comment:
	Front Setback: 10m	4.6m	Variation:
	The surrounding streetscape consists of Nil and minimal setbacks. The proposed 4.6m is relatively consistent with the surrounding streetscape. The front setback area is to be provided with landscaping which will soften the visual impact.		
	Rear Setback: Shire Discretion	Stage 2: Nil.	Stage 2:
	Side Setback: Nil.	Stage 1 – North: 1.2m South: 6m Stage 2 – North: Nil. South: 3.6m	Complies.
	Site Coverage: 75% Max	41%	Complies.
	Landscaping: 5%	6.9%	Complies.
	Clause 4.27.1:		
	Development in the Service Commercial Zone will be considered having regard to the following: a) The purpose and objective of the Zone; b) The nature of the use and development on nearby properties; c) The likely impact of the proposed development on the streetscape and the appearance of the development when viewed from the Street; d) The impact on nearby properties in terms of amenity and character of established land uses and development; and e) Where land uses not contained within buildings are proposed, the degree to which the activities on the site will impact upon or be compatible with land uses and development on nearby properties.		
Officer Comment:			
a) The purpose of the 'Service Commercial' zone is to provide a wide range of uses including the potential for industry – light and industry – service, service commercial, warehousing, bulky goods, wholesale, showrooms and trade display. While this application is listed as a 'Brewery' land use, it functions in a way that is similar to an Industry – Light. The intended Brewery is consistent with the purpose of the zone. The objectives of the zone discuss appropriate locations for service commercial activities, combining the need for facilities involving warehousing, wholesaling and distribution, encourage landscaped areas and provide land uses that will not compete with the Town Centre. The proposed Brewery development is an appropriate service commercial land use (as shown by the purpose of the zone), will involve the production, warehousing, wholesaling and distribution of brewed products, incorporate landscaping within the front setback area and would not be considered a use appropriate for the Town Centre and therefore will not compete with other Town Centre uses. b) The Service Commercial zone currently consists of a wide range of land uses including bulky goods showrooms, retail shops, restaurants, trade displays, consulting rooms, vet clinic and private recreation. The proposed Brewery is immediately adjacent to several large retail stores to the west. To the north, there is a mix of restaurant, and small scale shops. Existing buildings to the northern boundary consist of a nil setback, the brewery is however proposing to landscape the northern boundary. The proposed landscaping will assist in reducing any impact or bulk on the neighbouring land uses. The property to the South consists of an old single dwelling. It is plausible that the neighbouring dwelling will be redeveloped in the future. c) The proposed Brewery is sympathetic to the surrounding streetscape, following a similar setback distance, utilising landscaping within the front setback and being constructed of materials and colours similar to the surrounding buildings. The site is currently vacant and often used as an informal car park. The development of the site will positively contribute to the existing streetscape. d) The proposed Brewery is consistent with the surrounding character and will have minimal impact on the amenity of surrounding land uses. Potential amenity impacts are proposed to be mitigated through the management of odour, noise, wastewater and dust. The Brewery is proposed to be for production only and will not result in a high number of vehicle trips or public entering the site. e) All land uses are proposed to be contained within the building.			
Car Parking			

LPS1		Car Bays Required – Brewery – 1 bay per 6m ² or 1 bay per 6 persons Industry – Light – 1 bay 50m ²		Car Bays Proposed – 16 bays <table border="1"> <tr> <th colspan="2">Stage 1 - NLA</th> <th>Bays Required</th> </tr> <tr> <td>Ground Floor: 380m²</td> <td></td> <td>7.5 bays</td> </tr> <tr> <td>First Floor: 58m²</td> <td></td> <td>1.5 bays</td> </tr> <tr> <td>Total: 438m²</td> <td></td> <td>9 bays</td> </tr> </table>		Stage 1 - NLA		Bays Required	Ground Floor: 380m ²		7.5 bays	First Floor: 58m ²		1.5 bays	Total: 438m ²		9 bays
Stage 1 - NLA		Bays Required															
Ground Floor: 380m ²		7.5 bays															
First Floor: 58m ²		1.5 bays															
Total: 438m ²		9 bays															
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 - 1	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply														
Officer Comment	The proposed car parking to be provided is adequate. The proposed brewery is for production only, with no access to the general public and no public bar area. As such the car parking provided will be sufficient to accommodate staff on site.																
Building Height																	
Scheme / Policy Requirement		Wall - 7m	Roof - 8m														
State the proposed building height		Wall – 7.75m	<input type="checkbox"/> Complies <input checked="" type="checkbox"/> Doesn't Comply														
		Roof – 7.75m															
Officer Comment	<p>The development proposes a variation to the wall height requirements of LPS1. The proposed variation is to accommodate a skillion roof design, with the high side being towards the south. The highest point of the proposed building is setback 6.5m from the southern boundary and is unlikely to impact on the ability for the lot to the south to access northern light.</p> <p>In addition, the overall building footprint is relatively small and will not have a large impact on the streetscape, despite being higher than other buildings fronting Station Road.</p> <p>The proposed building height is seen as appropriate to facilitate street activation from the upstairs office, as well as housing the brewery equipment. The building will not have a negative impact on the street and the variation to the wall height is appropriate to facilitate compliance with the 8m maximum height.</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	Yes.																
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?			Yes. The site is currently void of any vegetation. The proposed development will include landscaping within the front setback and to the northern boundary.													
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 neighbourhood?			No.													
v.	Is the development likely to comply with AS3959 at the building permit stage?			Yes.													
Other Comments																	
Any further comments in relation to the application?																	
Officer Comment	<p>The proposed Brewery (Production Only) is compliant with the requirements of the Service Commercial zone. The proposed site is currently vacant and has been vacant for a long period of time with a number of previous development applications not proceeding. The brewery facility will offer a suitable style building for the zone, as well as having a positive impact on the surrounding streetscape.</p> <p>While an objection was received from the Department of Education, the overall size and operation of the brewery facility will mitigate the potential for impacts on the Margaret River High School site and other land uses in the locality.</p> <p>The proposed development has the potential to fill a currently vacant site with a suitable building and land use. The proposal will provide for a positive streetscape outcome and is recommended for conditional approval.</p>																

OFFICER RECOMMENDATION

That the Manager of Planning and Regulatory Services 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 Brewery (Production Only) subject to compliance with the following conditions:

CONDITIONS

1. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent.

Plans and Specifications	P1 – P11 received by the Shire on 31 January 2022
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2. If the development, the subject of this approval, is not substantially commenced within two (2) years from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has lapsed, development is prohibited without further approval being obtained.
3. The building shall not exceed eight (8) metres in height from natural ground level in accordance with the provisions of Local Planning Scheme No.1.
4. The Brewery the subject of this approval, is only permitted to produce beer, cider or spirits for consumption off the premises. Onsite consumption is not permitted without further planning approval.
5. Prior to the issue of a building permit, suitable evidence and details shall be submitted to the Shire demonstrating that all liquid waste from the Brewery will at all times be discharged to the Water Corporations' reticulated sewer.
6. The development shall be connected to a reticulated sewer system. Details of hydraulics design and Water Corporation approval shall be submitted prior to occupation.
7. The development shall be connected to the Water Corporations reticulated water supply to the specifications of the Water Corporation and to the satisfaction of the Shire, prior to occupation of the development.
8. Liquid waste or spill from produce loading, unloading and storage shall be contained on site and diverted to an approved onsite treatment and disposal system. Under no circumstances shall liquid waste be discharged onto land or water or to a stormwater drainage system.
9. Prior to lodging of a building permit for the development, a Landscape Plan shall be prepared to the satisfaction of the Shire and shall show the following:
 - a) The location, name and mature heights of existing and proposed trees and shrubs and ground covers on the subject site, in the parking area and the adjoining street verge(s);
 - b) Any lawns and paved areas to be established;
 - c) Any natural landscaped areas to be retained; and
 - d) Those areas that are to be reticulated or irrigated are demonstrated to be designed using water sensitive principles.
10. Landscaping shall be implemented, in accordance with the approved Landscape Plan, prior to occupation/use of the development and shall be maintained at all times.
11. Prior to lodging of a building permit, a schedule of colour and texture of the building materials shall be submitted and approved prior to the commencement of any work(s) and shall be implemented accordingly.
12. Advertising signage is not permitted on the eastern elevation of the buildings in the viewscape of the adjoining school site.
13. Prior to lodging of a building permit application, the proponent shall pay the required developer contribution costs for providing community and / or common infrastructure as established through the Local Planning Scheme No.1 – Schedule 11 Community Infrastructure Development Contribution Plan for Development Contribution Areas (refer to advice note 'e').
14. Goods or materials shall not be stored either temporarily or permanently in the parking, driveway or landscape areas.
15. Prior to lodging a building permit application, a detailed **Stormwater Management Engineering Plan** shall be prepared to the satisfaction of the Shire and submitted to the Shire showing drainage details, storage capacity, lid levels, drainage pipe inverts, sump connections details, slow release, offsite infrastructure connection details. The Shire's written acceptance of the Stormwater Management Plan must be provided with the building permit application (refer to advice note 'b').
16. Prior to practical completion of the development, stormwater management systems on the subject site shall be constructed in accordance with the accepted **Stormwater Management Engineering Plan** referred to in abovementioned condition and shall thereafter be maintained.
17. Prior to lodging a building permit application, a detailed **Vehicle Parking Construction Engineering Plan** shall be prepared in accordance with the Australian Standard AS 2890 to the satisfaction of the Shire and submitted to the Shire showing construction details including pavement levels, thickness, cross fall, lighting proposal and drainage disposal method. The Shire's written acceptance of the Vehicle Parking Engineering Plan(s) must be provided with the building permit application (refer to advice note 'b').

18. Prior to occupation of the development, vehicle parking areas shall be designed, sealed, lit, drained and thereafter maintained in accordance with accepted **Vehicle Parking Construction Plan(s)**, the Australian Standard AS 2890 and the Shire's Standards and Specifications.
19. Prior to lodging a building permit, a detailed **Pedestrian Path Construction Plan** shall be prepared in accordance with the Shire's Standards and Specifications. The Pedestrian Path Construction Plan shall be prepared to the satisfaction of the Shire and shall be submitted to the Shire showing construction details. The Shire's written acceptance of the Pedestrian Path Construction Plan must be submitted at the time of lodging a building permit (refer to advice note 'c').
20. Prior to occupation, the pedestrian path system shall be constructed at the full cost of the proponent and in accordance with the accepted **Pedestrian Path Construction Plan**.
21. Noise emissions resulting from the development or use of the land shall not exceed the assigned levels in the *Environmental Protection (Noise) Regulations 1997*, and shall not unreasonably interfere with the health, welfare and amenity of an occupier of another premises.
22. The development or use of the land shall not cause or permit to cause the escape of dust, smoke, fumes, offensive matter or foul odours in such quantity or of such nature as to unreasonably impact on the amenity of the locality.
23. Lighting shall be internally directed and/or shielded so that light over spill does not unreasonably affect the amenity of adjoining properties.
24. Any external fan, air conditioner or similar equipment shall be installed and located so that there is no loss of amenity to the locality by appearance, noise, emissions or otherwise, to the satisfaction of the Shire.
25. Prior to issue of a building permit for the development, a Waste Management Plan must be prepared and submitted to the satisfaction of the Shire. The Waste Management Plan must address the following:
 - Ownership, maintenance and management of waste receptacles;
 - Categories (solid waste, landfill, recycling, FOGO, etc.) and volumes of waste expected to be produced;
 - Bin storage area and types of receptacles – showing quantity and placement of bins in storage area;
 - Method of collection and disposal of waste including access, circulation and collection times for the servicing of waste bins/receptacles;
 - Hygiene and noise, odour and vermin control;
 - Health, safety and environmental considerations, particularly focussed around manual handling, and prevention of accidental spills and releases; and
 - Waste avoidance and staff education on avoiding waste.
26. The accepted Waste Management Plan, required in abovementioned condition 25, shall be implemented on site from commencement of the use and at all times thereafter.

ADVICE NOTES

- a) You are advised of the need to comply with the requirements of the following other legislation:
 - (i) This is not a Building Permit. A Building Permit must be issued by the relevant Permit Authority before any work commences on site as per the *Building Act 2011*;
 - (ii) *Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises; and
 - (iii) The *Bush Fires Act 1954* as amended, Section 33(3), Annual Bush Fires Notice applies to this property.
- b) Engineering plans are required to be developed and designed by a suitably qualified engineer and submitted to the Shire's Asset Services department (PH 9780 5274) The plans shall include a feature survey of the Shires road reserve as part of the submission.
- c) Pedestrian paths shall remain continuous at vehicle crossovers and shall be reinforced with mesh.
- d) Works in a road reserve, including any pruning or clearing of vegetation, are prohibited without first obtaining written approval of the Shire. The proponent will be required to submit and implement a Traffic Management Plan for all works in a road reserve. The TMP is required to be prepared by a licenced Traffic Manager in accordance with MRWA Traffic Management Code of Practice and Australian Standards AS1742.3-2002 for any works on or within the road reserve (including road).
- e) In respect to condition 13, the contribution required for this property is **\$Insert Amount**, however it is to be noted that this will be indexed annually. Please find attached/request from the Planning Department the contributions and bonds quote which will confirm the required fee and provide methods of payment. The fee applicable will be determined at the time of payment and may vary from the above figure. The fees is payable following the commencement of any development on the owner's land within the development contribution area (for practical purposes contributions are payable at Building Permit stage).
- f) Noise from the construction site before 0700 hours or after 1900 hours on any day, or at any time on Sundays and public holidays, should not exceed the assigned levels prescribed in the *Environmental Protection (Noise) Regulations 1997*.
- g) Rubbish enclosure areas adequate to service the development are to be constructed and provided in accordance with the Shire of Augusta Margaret River *Health Local Laws 1999* prior to the occupation or use of the development to the satisfaction of the Local Government.



DEVELOPMENT APPLICATION ASSESSMENT
Report to Manager Planning and Development Services
Proposed Holiday House at 28 St Alouarn Place, Margaret River

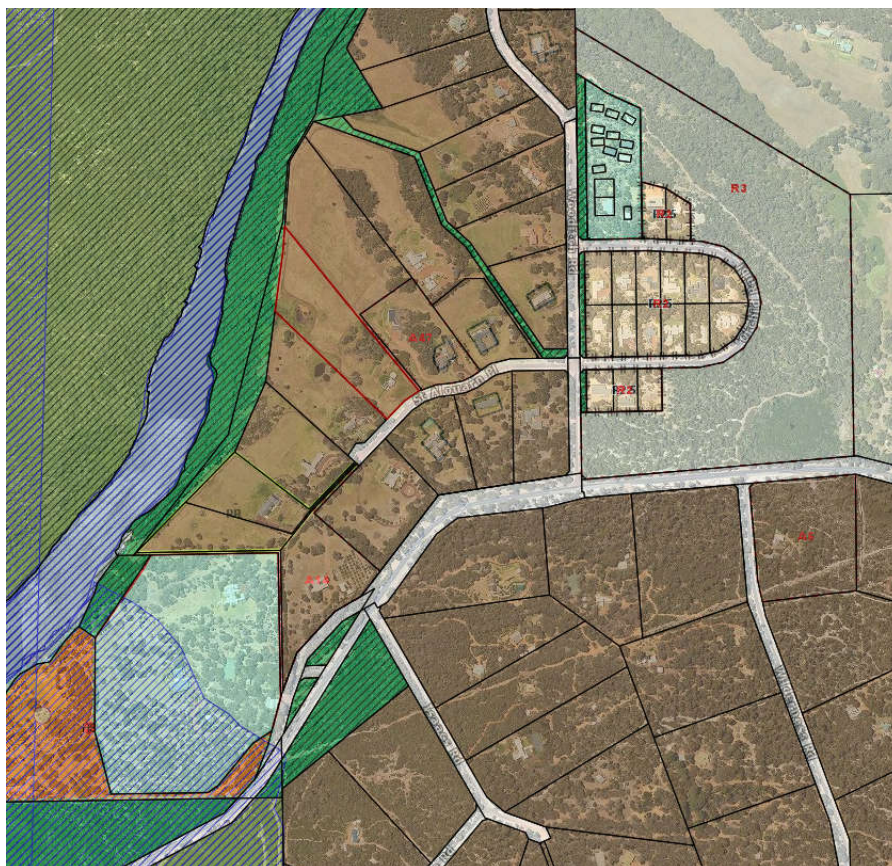
(Level 2) DFES objection

P222114; PTY/5494

REPORTING OFFICER: Stephen Schreck

DISCLOSURE OF INTEREST: Nil

General Information	
Lot Area	26,043m ²
Zone	Rural Residential
Existing Development	<input checked="" type="checkbox"/> Single House <input type="checkbox"/> Grouped Dwelling
Proposed use	<p>A planning application has been received for a Holiday House for up to four (4) short stay guests.</p> <p>The Holiday House was previously operating without approval and investigated by the Shire. The operation of the Holiday House ceased, and the owner is now seeking formal approval to commence operating.</p>
Permissible Use Class	'A' – discretionary use
Advertising Required	Yes – completed
Reason not exempted from planning approval?	Discretionary uses are not permitted unless the Shire exercises its discretion by granting development approval.
Heritage/Aboriginal Sites	N/A
Encumbrance	N/A
Date Received	14 February 2022
Date of Report	27 April 2022



Have there been any objections?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No While no objections from the public were received DFES advise that the proposal is not supported.
Comments Received	
Nature of Submission	Officer Comments

<p>DFES: The application is not supported as it does not meet the intent of Element 5 (A5.5a and 5.5b): Vehicular Access.</p> <p>Vegetation Classification: Vegetation plot 7 cannot be substantiated as Class B Woodland with the limited information and photographic evidence available. The crown canopy cover appears to exceed 30%. The BMP should detail specifically how the Class B Woodland classification was derived as opposed to Class A Forest. If unsubstantiated, the vegetation classification should be revised to consider the vegetation as per AS3959, or the resultant BAL ratings may be inaccurate.</p> <p>Siting and Design: The BAL ratings cannot be validated for the reason outlined in the above table. The decision maker to be satisfied compliance with A5.4a can be achieved.</p> <p>Vehicular Access: A5.5a & 5.5b: The Guidelines require a no-through road distance of no more than 200m where it adjoins an Extreme BHL. Occupants are required to travel a distance of 490m for the site to Wallcliffe Road. However, it is not until the intersection of Wallcliffe and Wilderness Roads where access to two destinations become available, a distance of approximately 780m. The BMP, (including Plate 8), acknowledges access traverses an Extreme BHL. However, the BMP incorrectly states compliance with A5.5b. This is not supported as access exceeds 200m. The proponent should demonstrate compliance or provide substantiated evidence of a performance principle-based solution.</p> <p>A5.5c: The BMP states A5.5c is not applicable. Given the issues above, the BMP is required to address A5.5c.</p>	<p>The BMP submitted with the application seeks to demonstrate compliance with the Guidelines namely the acceptable solutions in Element 5 as follows:</p> <ul style="list-style-type: none"> • A BAL-29 risk rating for the building is identified with the establishment of a managed APZ. • A5.5a is unable to be achieved and the application should therefore be assessed against A5.5b. The BMP states that the Holiday House is compliant with the requirements of A5.5b. The BMP assessed the total distance from the site to the intersection of Wooditch Road and Wallcliffe Road. The total distance was assessed as being 476m. Along the total distance of the route to Wallcliffe Road, only 198m was assessed as having an extreme vegetation BHL. The BMP was therefore deemed as being compliant, on the basis that the total route contained lesser than 200m of extreme BHL vegetation and an overall distance of less than 500m with a moderate BHL vegetation. • The site is serviced by a reticulated water supply and meets acceptable solution A5.6. <p>The above assessment is contradictory to the DFES advice as discussed in more detail below.</p> <p>Officer Comment</p> <p>Vegetation Classification: The BMP practitioner was contacted for additional justification of the Class B – Woodland classification. The practitioner advised that while DFES rely on aerial photography to determine canopy cover, vegetation is required to be classified based on the total fuel load which includes both canopy and understorey (in accordance with AS3959:2018). Plot 7 was classified as Class B – Woodland with regard to an understorey fuel load of managed grassland. Notwithstanding, the practitioner also clarified that the BAL-29 rating was reached via assessment of on-site vegetation. As such the classification of Plot 7, on the neighbouring site, as Woodland or Forest would not alter the BAL rating at the building.</p> <p>Siting and Design: The classification for the site as BAL29 is therefore accepted based on the practitioner's advice and Acceptable Solution A5.4 is considered to be met in the application.</p> <p>Vehicular Access: DFES have assessed vehicle access against Acceptable Solutions A5.5a and A5.5b in the Guidelines. The BMP assessed vehicular access in terms of demonstrating compliance with A5.5a or A5.5b. This is contradictory to the assessment of DFES and as such, the Shire sought clarification on the Guidelines interpretation with DPLH. An officer from DPLH provided clarity, stating that assessment of both A5.5a and A5.5b must be undertaken in this case. DPLH also confirmed that from the information provided, DFES' assessment and advice was consistent with their approach. The DPLH advice also provided clarity regarding the assessment to an intersection which provides two-way access. In this case the nearest two-way access comes at the intersection of Wallcliffe Road and</p>
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		<p>Wilderness Road which provides access both east and south.</p> <p>Despite the BMP stating compliance, when both DFES and DPLH interpretation of the Guidelines is applied, the proposed Holiday House is unable to comply with A5.5b.</p> <p>The BMP did not assess the application against A5.5c. However, given the existing development pattern the proposed Holiday House is unable to comply with A5.5c.</p> <p>The result is an application that is non-compliant with the requirements of Acceptable Solution 5.5 – Vehicular Access.</p>
Policy Requirements		
Policy Element	Provision	Comment
Location	Coastal settlement	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Urban area located within Policy Plan 1?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Within 50m of Village Centre zone?	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Located outside of Policy Plan 1 but comprise of an area not less than 1ha?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Design / Layout	One parking bay per bedroom, Or two bays for grouped dwellings	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	minimum 120,000 (plus firefighting provision) rainwater tank?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Reticulated water supply provided.
	Existing or proposed on site effluent disposal system sized accordingly to number of guests?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Decks and balconies located away from the bedrooms of neighbouring dwellings?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Decks and balconies located close to the living and dining areas of neighbouring dwellings, provided with suitable screening?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Each bedroom accommodates a maximum of two persons?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Fire	If within bushfire prone area a BAL provided?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	For sites with a BAL above Low, a BMP prepared by accredited consultant and where required referred to DFES for comments?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	BAL rating at BAL-40 or FZ?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Management	Management Plan submitted?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	BEEP provided	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Manager, or employee permanently resides 35m drive from Site?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	House Rules?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Amplified music may not be played outside between the hours of 10pm to 10am	Require as a condition
	Display the manager's 24hr contact details	Require as a condition
Conclusion	<p>The development application has been submitted with supporting information in a BMP, prepared by a suitably qualified practitioner, seeking to demonstrate compliance with the Acceptable Solutions in Element 5 of the Guidelines.</p> <p>No public objections to the proposal were received during the advertising period and the land use would otherwise appear to be low impact and suitable in the locality.</p> <p>A number of short stay uses exist in the locality including along St Alouarn Place, however, these operate under existing approvals or have been able to achieve compliance with the Guidelines and SPP3.7 through provision of an emergency access way.</p> <p>Upon referral of the application to DFES, a disparity in the interpretation in the Guidelines in relation to Vehicle Access was highlighted. Further advice from DPLH confirmed the application of the access requirements and that the site does not meet the Acceptable Solutions at 5.5b.</p> <p>It is noted that other holiday house proposals in the Shire have been refused for failure to comply with this standard in the Guidelines albeit that their assessment related to previous version 1.3 of the Guidelines.</p>	

	Accordingly, with regard to the advice of the DPLH and DFES, the application is recommended for refusal.
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OFFICER RECOMMENDATION

That the Manager Planning and 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 a Holiday House at 28 Saint Alouarn Place, Margaret River for the following reasons:

REASONS:

1. The proposal is inconsistent with Clause 67 of the *Deemed Provisions of Local Planning Scheme No. 1*, consideration of application by local government, with specific regard to subclauses (c), (q) and (r) which require the local government to have due regard to any State Planning Policy, the suitability of the land for the development taking into account the possible risk of bushfire, and the possible risk to human health and safety.
2. The proposal does not comply with *State Planning Policy 3.7 – Planning in Bushfire Prone Areas* Specifically Element 5 – Vehicular Access of the *Guidelines for Planning in Bushfire Prone Areas* as the site is located further than 200m from the intersection of Wallcliffe Road and Wilderness Road.
3. The proposal does not comply with the *Guidelines for Planning in Bushfire Prone Areas*, particularly Acceptable Solution 5.5b with the vegetation abutting Wooditch Place and Wilderness Road being higher than a 'Moderate' BHL.
4. Approval of the proposal would set an undesirable precedent for approval of similar development applications, where vulnerable land uses are proposed on sites with access that poses an extreme fire risk, and this would not be in the interests of the community as a whole.
5. Approval of the proposal would be inconsistent with the direction provided by SPP 3.7 section 6.11 which requires that "where a landowner/proponent has not satisfactorily demonstrated that the relevant policy measures have been addressed, responsible decision-makers should apply the precautionary principle".