

ADDENDUM TO LATE REPORT

11.2.3 REQUEST TO AMEND CONDITION 3 OF DEVELOPMENT APPROVAL P219147 - MARGARET RIVER SURF PRO.

This report has been updated to reflect a revised recommendation following discussions with the applicant, Surfing WA.

MODIFIED RECOMMENDATION

1. In accordance with clause 77 (4)(b), approve the applicants request to modify condition 3 relating to approval P218521 in part, by amending it such that it reads as follows:
North Point at Gracetown is approved to be used as a temporary competition location for a maximum of two (2) days, each year over the five (5) years from the date of this approval, with these two days not being utilised for either semi-final or final rounds of competition. A further two (2) days of competition may be held at North Point for the purpose of holding semi-final or final rounds of competition should conditions at approved alternative locations be agreed as unsuitable by the Shire. Prior to any semi-final or final rounds being held at North Point, the proponent is to provide a request to the Shire in writing to utilise North Point, outlining the basis as to why conditions at alternative locations are unsuitable. Semi-final or final rounds of competition may then not be held at North Point without the Shire's written approval.
2. Add an additional advice note to the approval which reads:
Management plans submitted as required by the Local Law Permit process, will be required to demonstrate measures to ensure that the number of spectators attending finals/semi-finals at North Point do not exceed the capacity of the infrastructure available to support those visitors. This may include security measures to discourage spectators where capacity has been reached and the provision of alternative viewing opportunities from other locations (e.g. televised coverage at Surfers Point).

11.2.3 REQUEST TO AMEND CONDITION 3 OF DEVELOPMENT APPROVAL P219147 - MARGARET RIVER SURF PRO.

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| LOCATION/ADDRESS | Surfers Point, (Reserve 41545), the Box, (Reserve 8428), Rivermouth (Reserve 41545) in Prevelly and North Point, (Reserve 27618) in Gracetown as temporary contest locations for the Margaret River Pro. Along with associated Sites for parking which includes 622 (Lot 503) Wallcliffe Road, Rifflebutts (Reserve 41545), Mitchell Drive (Reserve 26228), Gnarabup Oval (Reserve 46732), portion of Bay view Drive (Reserve 27618) and Gracetown Oval (Reserve 37456) |
| APPLICANT/LANDOWNER | Surfing WA Tim Thirsk |
| FILE REFERENCE | PTY/11020 |
| REPORT AUTHOR | Matt Cuthbert, Acting Manager Planning and Development Services |
| AUTHORISING OFFICER | Acting Director Sustainable Development |

IN BRIEF

- On the 27th February 2019, Council at its ordinary meeting approved the use of various Shire reserves for the purposes of conducting the annual World Surf League (WSL) International Surfing Event 'The Margaret River Pro' for a period of 5 years, subject to conditions.
- The applicant requests that Council amend condition 3 of the approval to allow North Point in Gracetown to be used for finals and for a period of up to 4 days.

RECOMMENDATION

1. In accordance with clause 77 (4)(b), approve the applicants request to modify condition 3 relating to approval P218521 in part, by amending it such that it reads as follows:
North Point at Gracetown is approved to be used as a temporary competition location for a maximum of two (2) days, each year over the five (5) years from the date of this approval, with these two days not being utilised for either semi-final or final rounds of competition. A further two (2) days of competition may be held at North Point for the purpose of holding semi-final or final rounds of competition should conditions at approved alternative locations be agreed as unsuitable by the Shire. Prior to any semi-final or final rounds being held at North Point, the proponent is to provide a request to the Shire in writing to utilise North Point, outlining the basis as to why conditions at alternative locations are unsuitable. Semi-final or final rounds of competition may then not be held at North Point without the Shire's written approval.
2. Add an additional advice note to the approval which reads:
Management plans submitted as required by the Local Law Permit process, will be required to demonstrate measures to ensure that the number of spectators attending finals/semi-finals at North Point do not exceed the capacity of the infrastructure available to support those visitors. This may include security measures to discourage spectators where capacity has been reached and the provision of alternative viewing opportunities from other locations (e.g televised coverage at Surfers Point).

SITE AND SURROUNDS

The applicants request relates only to the North Point competition area which utilises infrastructure on two separate reserves. The first is zoned National Park and Nature Reserve (see **Figure 1** below) and is under the care, control and management of DBCA. The second is the southern portion of North Point, Reserve 27618, south of the boat ramp, which is zoned Parks and Recreation, and is within the responsibility of the Shire.

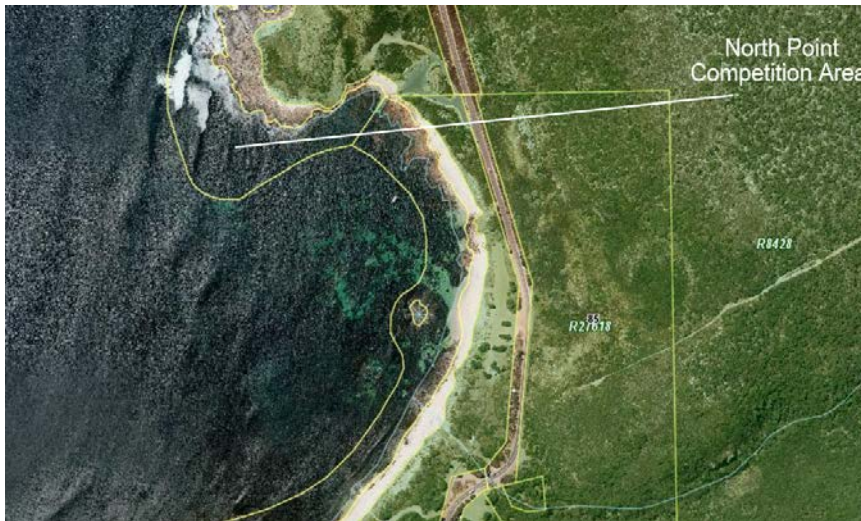


Figure 1: Location of North Point

BACKGROUND

The officers report considered by Council on the 27th February 2019, recommended approval to the use of North Point for a total of 4 days or 32 hours during the competition period each year.

Council by way of its decision modified Condition 3 of the approval such that North Point can only be used for 2 days each year over the 5 year approval period and that semi-finals and finals cannot be held at North Point.

The reason listed in the minutes of the February 27th meeting relating to the modification to condition 3 is:

“The use of North Point for the Margaret River Pro for up to four days falls outside the scope of the LPP8 and the definition of a Minor Event. Cowaramup Bay and North Point does not have appropriate infrastructure for spectators to view the surfing competition. Most spectators will congregate at Town Beach to view the surfing at North Point, an area which is not included in the development application and therefore not managed by the conditions of approval, including conditions regarding protection of vegetation. There is potential for significant numbers of spectators over four days to cause damage to native vegetation. In 2018, approval was granted for a maximum of two days of competition at North Point. An increase to four days for 2019 is significant, and is an unreasonable deviation from LPP8.”

PROPOSAL

Condition 3 currently reads as follows:

“North Point at Gracetown is approved to be used as a temporary competition location for a maximum of two (2) days, each year over the five (5) years from the date of this approval and the semi-finals and finals shall not be held at North Point.”

The applicant seeks rewording of Condition 3 such that it reads:

“North Point at Gracetown is approved to be used as a temporary competition location for a maximum of four (4) days, each year over the five (5) years from the date of this approval.”

The reasons given by the applicant in support of their request can be found at Attachment 1 but in summary are:

- In order to avoid any future cancellation of the event, having scope to use North Point for potentially up to four days is critical.

- Given the change in dates from March/April to May/June the likelihood of big surf is possible. If the swell size and wind is too unsafe to use the primary location at Surfers Point, then the event has the option to use North Point to complete the competition.
- The use of North Point will only be used as a backup location, if Surfers Point or the Box is completely un-surfable.
- The event will address all reasonable concerns in managing the environment at Town Beach and rigidly maintain responsible stewardship when the competition is on.
- The use of North Point for an additional 2 days represents less than 1% of available days in a calendar year to use this location.

CONSULTATION AND ADVICE

The request to amend conditions has not been subject to consultation and the time period within which the applicant has requested a decision be made does not allow for such. In any event the applicants request is consistent with the terms under which the application was originally advertised and therefore the results of the original consultation process remain valid.

Of the 65 submissions received, 7 objected to the use of Northpoint. Submitters objected to the perceived impact on the local environment and disruption to local amenity by way of noise and traffic, and a disruption to local access of the coastal area.

PLANNING FRAMEWORK

Local Planning Scheme (LPS1)

Clause 77(b) of the Deemed Provisions of LPS1 allows an applicant to request that Council amend or delete any condition to which the approval is subject.

DISCUSSION / OFFICERS COMMENTS

Four days vs Two days

North Point was initially approved as a potential contest venue in December 2015 for the 2016 MR Pro. In the years since, several days of competition heats have been held there. Progressive improvements have been made to the management measures for the event at North Point. It is likely that further improvements will be required and implemented through future years. This level of detail is largely included in the associated permit process and is refined and updated on an annual basis. These details relate to operational management matters such as traffic control, pedestrian movement, parking and other significant controls over the event.

North Point is identified by LPP8 as a competition area for Club Events and Minor Events. A Minor Event is defined as up to 70 competitors which the MR Pro complies with, having only 52 competitors. However, LPP8 also states that:

- i) Only two minor events will be approved in any calendar year;
- ii) Approval will be for a period of up to four continuous days in duration on a non-exclusive use basis; and
- iii) A 'Surfing Competition Ballot Application Form' must be submitted to the Shire by December 1st for the following calendar year.

Given that the policy allows for an event to be held at North Point for up to 4 days, this element of the subject proposal is consistent with the amount of competition use envisaged by the policy. The non-compliance arises as a result of the applicant requiring "exclusive use" of the break during the time that the competition is being held at that location. The reasons as to why the break is required to be used exclusively by surfers competing in a highly contested world class event are easily understood and it would be difficult to envisage a competition of this nature being managed in any other way.

The applicants arguments regarding the need to have flexibility are noted. North Point will only be used if conditions are unfavorable at Surfers Point. The uncertainties which arise from a reliance upon the weather to commence and then complete the event within a defined time-frame call for some form of contingency. On this basis staff remain supportive of a 4 day window, however only in the event of a genuine contingency, i.e. If conditions at alternative locations (Surfers Point, Southside or the Box) are un-surfable. It is proposed that two days of general heat competition to be permitted at North Point, and a further two days for semi-finals and finals as a contingency and subject to written approval of the Shire.

Finals at North Point

The recommendation put to Council at its previous meeting did not include conditions specifying the location of semi/finals. This is perhaps explained by the fact that in all previous years, finals have been held at Surfers Point and there was no indication provided by the applicant during the assessment of the proposal that this would change in 2019.

The applicant has advised that it "*is critical that semi-finals and finals are included in the Development Application as not having these defeats the purpose of holding the event at North Point*". This however is not reflective of past years where North Point has been used for up to 2.5 days but never for semi finals or finals.

For the purposes of assessing this element of the proposal against LPP8, it would be difficult to arrive at a view that the most significant and highly anticipated part (finals) of the premier event in the Margaret River surfing calendar is in any way 'minor'. This is despite the fact that the number of competitors surfing in this part of the event (finals) would be less than in the heats.

The finals could be expected to generate a greater level of interest amongst the community with more people inclined to watch the event from the site. Substantial investment has been made into the Surfers Point location for the purposes of accommodating events such as the MR Pro on the basis that the majority of the event would be held at this location. Given that Cowaramup Bay has a limited carrying capacity due to its size, parking availability, and infrastructure, Council 's decision to include a condition to preclude North Point being used at this time could be considered appropriate. However, if Council was of a mind to reconsider this condition, a reasonable alternative condition is available which would insure against semi-finals and finals being held at North Point when acceptable conditions are present at alternative approved locations including Surfers Point.

Change to Conditions

There are three potential options available to Council in responding to the applicant's request. They are:

- To refuse the applicants request;
- To accept the applicants request in part by allowing potential use of North Point for up to 2 days but excluding semi-finals and finals, and a further 2 days as a contingency for semi-finals and final, by replacing condition 3 with the following:
 3. *North Point at Gracetown is approved to be used as a temporary competition location for a maximum of two (2) days, each year over the five (5) years from the date of this approval, with these two days not being utilised for either semi-final or final rounds of competition. A further two (2) days of competition may be held at North Point for the purpose of holding semi-final or final rounds of competition should conditions at approved alternative locations be agreed as unsuitable by the Shire. Prior to any semi-final or final rounds being held at North Point, the proponent is to provide a request to the Shire in writing to utilise North Point, outlining the basis as to why conditions at alternative locations are unsuitable. Semi-final or final rounds of competition may then not be held at North Point without the Shire's written approval.*
- 4. To accept the applicants request in full by replacing condition 3 with the following:
 3. *North Point at Gracetown is approved to be used as a temporary competition location for a maximum of four (4) days, each year over the five (5) years from the date of this approval. Prior to any final being held at North Point, the proponent is to provide a request to the Shire in writing outlining the basis as why conditions at Surfers Point are unsuitable. Finals may not be held without the Shire's written approval.*

STRATEGIC PLAN / POLICY IMPLICATIONS

Community Strategic Plan 2036 (CSP)

Corporate Business Plan 2018-2022

Key Result Area 3: Managing Growth and Sustainability

Community Outcome 3.1: Clearly defined areas for growth and renewal

Strategic Response: Implement Local Planning Scheme No. 1

Service level strategy/plan: Provide planning services

FINANCIAL IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Environmental

Surfing WA is required to run the event in such a manner that minimises any impact to the environment. Before and after Site inspections will be undertaken by both Shire staff and DBCA to ensure Surfing WA returns the Sites to their original condition. If the Sites are not returned to the satisfaction of the Shire and DBCA, Surfing WA will be required to undertake the necessary rehabilitation measures.

Whilst Shire staff are of the view that the event is well run and causes minimal environmental disruption, there is understandably a high degree of concern amongst some members of the community that the increasing popularity of the event could lead to serious environmental degradation if not properly managed.

Social

The Margaret River Pro is a free, family friendly event that promotes a healthy wellbeing message through elite sport. Surfing WA hosts a number of free behind the scenes tours for local people with a disability. Local school children and the Shire's Youth Advisory Committee are invited to meet world class surfing professionals and are exposed to opportunities for further information and training in the field of events management.

The event necessarily causes a disruption to the 'normal' use of the affected beaches and foreshore areas during the time the event is running which is of serious concern to some community members.

Economic

International coverage of the event serves to promote the Margaret River Region for destination awareness purposes, as well as the Margaret River brand name for trade, export and investment opportunities. The reach impact of the coverage is measured by value of media imprints, which in 2017 was \$13.9m USD in news coverage, \$5m USD in event webcast/broadcast coverage and \$20.8 million USD value in social media imprints. In 2017 Surfing WA's direct expenditure into the region as a result of the Drug Aware Margaret River Pro was approximately \$1.5m.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

1. In accordance with clause 77 (4)(b), approve the applicants request to modify condition 3 relating to approval P218521 in part, by amending it such that it reads as follows:

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2. Add an additional advice note to the approval which reads:

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ATTACHMENTS

1. Applicants Request