

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

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

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:
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 to why conditions at Surfers Point are unsuitable. Finals may not be held 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.

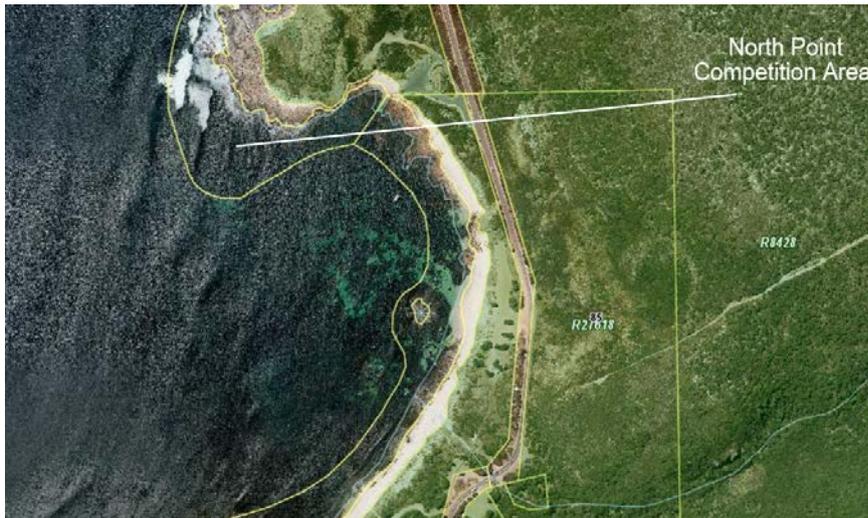


Figure 1: Location of North Point

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.

DICUSSION / 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 and is therefore not addressed via the change to Condition 3. 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.

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, an alternative condition is available which would insure against finals being held at North Point when acceptable conditions are present at 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 4 days but excluding finals, 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 and the semi-finals and finals shall not be held at North Point.*
- 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

Goal 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

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

1. Applicants Request

RECOMMENDATION / COUNCIL DECISION

Background:

Surfing WA has been the licensee of the Margaret River Pro since 1985 and has significant experience in organizing and managing the event from all aspects including environment, community and compliance.

Surfing WA has applied to the Augusta Margaret River Shire on three occasions to use the surfing break known as North Point as a back up venue for the Margaret River Pro.

The Shire has in the past granted approval for use for two days including running the finals.

Over the past 3 years, North Point has been used for only 2.5 days.

Surfing WA successfully managed the entire area of Gracetown and was supported by DBCA officers, the Cowboy Boardriders, the Augusta Margaret River Football Club and the WSL security team.

Post reporting on the event from the Gracetown Progress Association, Cowboy Boardriders and DBCA officers and Shire Rangers was that there was little or zero impact on the environment, traffic and parking was successfully managed, spectators were always well behaved and cooperated with our on-site team when requested to move out of sensitive areas.

At the Shire post event stakeholders debrief meeting, Surfing WA received complimentary and positive responses in relation to how well managed the site was and there was no negative feedback.

The Margaret River Pro has the full support of the Gracetown Progress Association and the Cowboy Boardriders.

The rationale for Surfing WA to request four days and to enable the scheduling of semi-finals and final at North Point:

The driving motivation behind this request is to avoid any potential situations that may lead to future event cancellation.

For that reason alone, after consulting key stakeholders in event planning for Margaret River Pro 2019, it was resolved to request that the existing event approval for North Point access of 2 days be extended up to 4 days to eliminate any possible risk of cancelling the event.

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.

Plus, given the dates being shifted from March/April into late May/June the potential for Surfing Point breaks to be unavailable may arise during the event window.

The events of 2015 in which no permit existed, and the 2018 event scenario have only reinforced the need to ensure that proper approvals pre-event are in place, as opposed to seeking special consideration and permission during the event period.

The request, whilst unlikely to occur, does form an important component of our risk matrix and scenarios based on considerations at the Margaret River Pro 2019 and is driven by the desire to avoid any future event cancellation.

Surfing WA has a proven track record on managing the environment and is confident that it can adequately manage all areas surrounding Town Beach.

Surfing WA has, through the traffic management plan, a strategy to contain the number of vehicles that can access the Gracetown area.

WSL will not promote the fact that the event will be moved to North Point and always will encourage spectators to remain at Surfers Point to view the event on the big screens.

Request to reconsider the motion:

Surfing WA formally requests that the Shire of Augusta- Margaret River Councillors reconsider their motion based on the following reason:

1. That in order to avoid any future cancellation of the event having scope to use North Point for potentially up to four days is critical
2. Re-instate the capacity to run semi finals and finals so in the likely event that the competition cannot be finished at Surfer Point then North Point must form part of the option to avoid cancelling the event
3. 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
4. That the use of North Point will only be used as a backup location, if Surfers Point or the Box is completely un-surfable
5. The event will address all reasonable concerns in managing the environment at Town Beach and rigidly maintain responsible stewardship when the competition is on
6. The use of North Point from 2 to 4 only represents less than 1% of available days in a calendar year to use this location.

In closing, if it would assist Councillors in their deliberations, Surfing WA would be available to convene – onsite at North Point to discuss issues in scope regarding the Development Application at a convenient time, prior to the March 27 council meeting.