

DEVELOPMENT ASSESSMENT UNIT
Minutes of the Development Assessment Unit
Shire of Augusta Margaret River
On 15 January 2019

ATTENDANCE

Chris Wenman, Jason Heine, Clare Hamilton, Angela Satre, Leigh Medlen

PLANNING APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	DA No.
07/01/2019	A3229	9 (Lot 196) Fairlawn Place, Molloy Island	Dwelling Additions	P219007
08/01/2019	A2235	940 (Lot 2) Bramley River, Road Osmington	Dwelling Addition (Water Tank)	P219009
08/01/2019	A12173	6 (Lot 3) Brookside Boulevard, Cowaramup	Home Business (Hairdresser)	P219010
08/01/2019	A12499	5 (Lot 401) Hasluck Street, Cowaramup	Shops	P219011
08/01/2019	A12524	9 (Lot 37) Lambertia Terrace, Margaret River	Dwelling	P219012
08/01/2019	A12371 A7581	Lots 2195, 2232 and 2233 Treeton Road, Cowaramup	Boundary Realignment	P219013
09/01/2019	A12429	125 (Lot 20) Rowe Road West, Witchcliffe	Building Envelope Relocation	P219014
10/01/2019	A2199	12 (Lot 33) Station Road, Margaret River	Built Strata	P219015
10/01/2019	A3201	17 (Lot 12) Bayview Drive, Gracetown	Holiday House (Large)	P219016
11/01/2019	A724	98 (Lot 38) Albany Terrace, Augusta	Section 40	P219017
11/01/2019	A10044	5 (Lot 112) Yongar Place, Burnside	Holiday House, Ancillary Accommodation and Building Envelope Variation	P219018
11/01/2019	A10572	Unit 1 9 (Lot 1) Grunters Way, Gnarabup	Holiday House	P219019
11/01/2019	A3606	5 (Lot 197) Auger Way, Margaret River	Addition to Light Industry	P219021

BUILDING LICENCE APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
07/01/2019	A2648	55 Hawkesford Place, Margaret River	Garage and Alfresco	218593
07/01/2019	A11494 A4397	61 (Lot 3159) Bussell Highway, Cowaramup	Alterations and Additions to Ablution Block and Hall	219008
07/01/2019	A11576	25 (Lot 21) Eldridge Avenue, Witchcliffe	Shed	219009
08/01/2019	A3518	33 (Lot 7) York Street, Augusta	Shed	219010
08/01/2019	A70	30 (Lot 1360) Brockman Highway, Karridale	Shed	219011
09/01/2019	A12208	20 (Lot 22) Trinder Drive, Margaret River	Single Dwelling	219012
10/01/2019		363 Winton Street, Margaret River	Single Dwelling	219013
10/01/2019	A12072	20 (Lot 75) McDowell Road, Witchcliffe	Single Dwelling and Rainwater Tank	219014
10/01/2019	A2199	12 (Lot 33) Station Road, Margaret River	Building Approval Certificate - Strata	219015
10/01/2019	A2296	114 (Lot 42) Blackwood Avenue, Augusta	Single Dwelling	219016
11/01/2019	A11567	44 (Lot 12) Eldridge Avenue, Witchcliffe	Extension of Time	219017
11/01/2019	A3606	5 (Lot 197) Auger Way, Margaret River	Verandah	219018

SUBDIVISIONS DETERMINED

Nil

LEVEL 1 APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
17/12/18	Robyn Fergusson	2 (Lot 8) Higgins Street, Margaret River	Holiday House (Renewal)	Approved	P218799

LEVEL 2 APPLICATIONS for determination

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
4/12/18	Leigh Medlen	2 (Lot 111) Rosa Brook Road, Margaret River	Amendment to P216619 – Extended Operating Hours	Conditional Approval	P218770

LOCAL LAW PERMITS

Nil

OTHER APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
10/01/2019	Nick Logan	12 (Lot 33) Station Road, Margaret River	Built Strata	Approved	P219015

COMPLIANCE

Nil

ELECTED MEMBERS ATTENTION

Nil

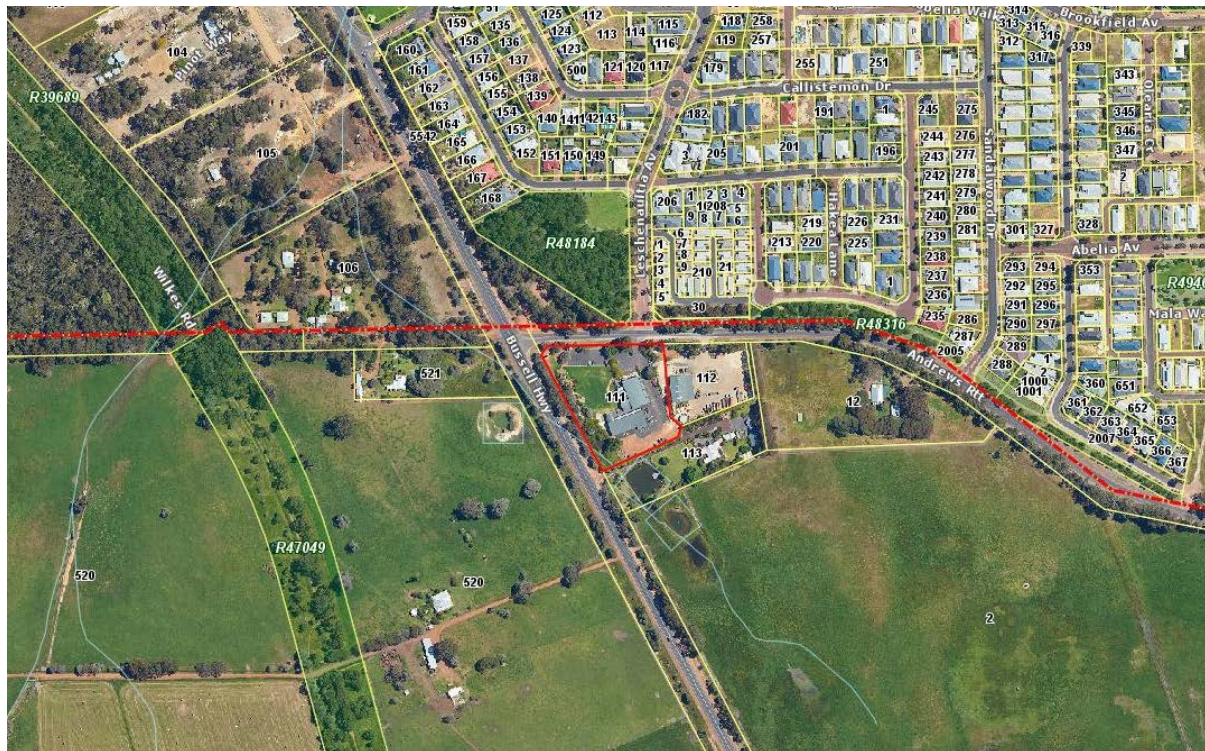
CLOSURE OF MEETING



DEVELOPMENT APPLICATION ASSESSMENT (DAU)
Report to Manager Planning and Development Services
Proposed Small Bar (Amendment to Approval P216619 - Extended Operating Times) at No. 2 (Lot 111) Rosa Brook Road, Margaret River

Major (Level 2) : **P218770; PTY/11757**
REPORTING OFFICER : **Leigh Medlen**
DISCLOSURE OF INTEREST : **Nil**

General Information	
Lot Area	11,596m ²
Zone	Future Development – Structure Plan Area 5
Proposed Development	<p>Planning approval was granted for a Small Bar (P216619) in April 2017. This application seeks to amend a condition on the approval to increase the operating hours of the Small Bar. The existing operating hours are:</p> <ul style="list-style-type: none"> - 10am to 6pm Sunday to Wednesday; and - 10am to 7pm Thursday to Saturday. <p>The proposed operating hours are:</p> <ul style="list-style-type: none"> - Monday to Sunday – 11am to 9pm.
Permissible Use Class	'A' – Advertising Required.
Heritage/Aboriginal Sites	None Identified.
Encumbrance	Covenant burden relating to restricted access (not impacted).
Date Received	04/12/2018





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 (DAP)	
Is the land in any Structure Plan Area or subject to a DAP?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, state the Policy/Policies	East Margaret River Structure Plan
Officer Comment	<p>The site is located within Structure Plan Area 5 and LPS1 requires any land use and development to be in accordance with the East Margaret River Structure Plan (EMRSP). The EMRSP in relation to the site states:</p> <p><i>“Restricted Tourism Related Commercial Uses Tourism related uses well suited to a rural setting including farm produce shops, art and craft sales, café, nursery and other similar uses which do not provide convenience goods and services and do not compete with function of the town centre or neighbourhood centres. Approval of such uses shall be at the discretion of the Council.”</i></p> <p>The small bar was considered under the previous assessment as: <i>The proposed small bar is compatible with the other uses on the site. The application included written support from the other businesses operating on the site.</i></p>
Advertising/Agency Referrals	
Has the application been referred to adjoining landowners/agency?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Has a submission been received by Council?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A No. received: 6 Submissions
The application was advertised to 63 adjoining nearby properties. Six submissions were received during the public consultation period from six adjoining nearby landowners. Five of the submissions were in support of the application and one submission objected to the proposal.	
As part of the application lodged, the proponent submitted a petition for the proposal with 70 signatures of support from community members within the Augusta Margaret River Shire.	
Have agency or authority comments been received?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
Nature of Submission	Officer Comment

<p>Five submissions of Support</p> <ul style="list-style-type: none"> - Smaller local bars should be encouraged. - Opening until 9pm will improve options for people to use the premises for dinner and after work options. - The bar is in an ideal position and we would support the bar more often with later closing times. <p>One Objection</p> <ul style="list-style-type: none"> - More alcohol fuelled drivers on the roads. - Increased noise in otherwise a quiet neighbourhood. 	<p>Noted.</p> <p>Noted Objection. Not a valid planning consideration. A Small Bar is a licensed premises under the <i>Liquor Control Act 1988</i>, which governs the responsible service of alcohol.</p> <p>The Small Bar occupies the indoor area, a portion of the veranda and a small portion of lawn to the east of the building which is screened from residences to the south east by existing buildings on site. The Small Bar has a permitted maximum capacity, under the Public Building Certificate of Approval as well as the Liquor License, for up to 100 people.</p> <p>No complaints have been received due to the existing Small Bar operation including regarding noise.</p> <p>In response to the concern raised, the applicant confirms that amplified music will not be played, as required by a condition of the original approval which is unchanged by this application. The applicant advises that, should extended operating hours be approved, occasional live music may be hosted up to 7.30pm. The live musicians are not permitted to amplify the music. The position of the live music would occur in the corner of the veranda, orientated east towards Bussell Highway and adjacent agricultural land and away from the residential area located approximately 120m from the Small Bar. The proposed location of the live music is unlikely to generate adverse noise impacts towards the residential area on the basis that it would be shielded by the remaining development on site, is well setback (120m) from the closest dwelling and will be orientated away from sensitive land uses. Notwithstanding, the Small Bar is required to operate in accordance with the <i>Environmental Protection (Noise) Regulations 1997</i> in all circumstances.</p> <p>The potential impacts to amenity as a result of the proposal have been carefully considered. It is not anticipated that the extended operating hours will be detrimental to the surrounding locality or negatively detract from the area. The proposal is still consistent with the land use definition of a 'Small Bar' limited in occupancy numbers and restrictions regarding amplified music.</p>
<p>Has the application been referred to internal departments?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>
<p><u>Environmental Health:</u></p> <ul style="list-style-type: none"> - There are no records of any noise complaints or any other complaints submitted to the Environmental Health Unit related to the operation of this small bar. - The hours of operation for a small bar still comply with the requirements of the Department of Racing, Gaming and Liquor. - Noise emissions resulting from the development or 	<p>Noted. Environmental Health comments are reflected in the original approval.</p>

use of the land shall not exceed 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.	
Assessment of Application	
Is the land referred in the Heritage Inventory?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there any Contributions applicable?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there any compliance issues in relation to existing development?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
R Codes	
Are R Codes applicable?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Development Standards (Schedule 9)	
Are the development Standards applicable?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Car Parking	
LPS1 / R Codes Requirement	Car Bays Required - 57 Car Bays Proposed -63
Dimensions	2.5 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	Provided <input type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply
Officer Comment	The current proposal to increase the operating hours does not impact the provision of the car parking on site given there are no changes to patron numbers or floor area.
Building Height	
Officer Comment	The building height has not changed as a result of the proposal.
Clause 67	
A. 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
B. 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
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	Approval of the amendment request is recommended to be supported. Condition number 3 of the approval (P216619) is recommended to be amended from: The operating hours are restricted to between 10am to 6pm Sunday to Wednesday and 10am to 7 pm Thursday to Saturday. To: The operating hours are restricted to between 11am to 9pm Sunday to Monday.

OFFICER RECOMMENDATION

That the Acting Manager of Planning and Development Services grants Planning Consent under Delegated Authority Instrument No. 16 pursuant to Clause 68(2) of the Deemed Provisions of Local Planning Scheme No. 1 for Small Bar (Amendment to Approval P216619 - Extended Operating Times) at 2 (Lot 111) Rosa Brook Road, Margaret River 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 received at the Shire on 21 March 2017; P2 received at the Shire on 13 March 2017; and P3 received at the Shire on 1 December 2016
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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 operating hours are restricted to between 11am to 9pm Monday to Sunday.
4. The number of patrons are restricted to a maximum of 120.
5. No amplified music is permitted to be played.
6. The use shall at all times comply with the definition of "small bar" under the Local Planning Scheme No.1.
7. This approval allows for the installation of limited kitchen facilities for the reheating and serving of food that has been prepared off-site. The serving of food shall be ancillary to the selling of liquor (for onsite consumption) under the approved small bar land use. (See advice note 'b')
8. Vehicle parking areas, access ways and crossover(s) shall be designed, constructed, sealed, kerbed, drained, line marked and thereafter maintained in accordance with Australian Standard AS 2890.1 – 2004 and the Shire's standards and specifications, prior to occupation of the development

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) The small bar land use allows the selling of liquor for consumption on-site without having a meal. The serving of food must be ancillary to the small bar use.
- c) Noise emissions resulting from development/use of premises for the approved purpose shall not exceed the assigned levels in the *Environmental Protection (Noise) Regulations 1997*, and shall not unreasonably interfere with the health, welfare, convenience, comfort or amenity of an occupier of any other premises. (H)
- d) A liquor license for 'small bar' is to be obtained from the Department of Racing, Gaming and Liquor, WA.
- e) The proponent will need to demonstrate sufficient toilets for an additional 120 patrons and staff in accordance with the Building Code Australia.
- f) It is advised that the use is required to comply with the Health (Public Buildings) Regulations 1992 which limits the occupancy to 100 people, despite the Planning Approval granted, which is considered consistent with the use of a 'Small Bar' under the Local Planning Scheme No.1