

DEVELOPMENT ASSESSMENT UNIT
Minutes of the Development Assessment Unit
Shire of Augusta Margaret River
On 26 September 2017

ATTENDANCE

Angela Satre, Chris McAtee, Chris Wenman, Jason Heine

PLANNING APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	DA No.
19/09/2017	A11355	48 (Lot 892) Wilderness Road, Margaret River	Dwelling and Ancillary Dwelling	P217566
19/09/2017	A447	12 (Lot 61) Elva Street, Margaret River	Cancellation of Bed and Breakfast Approval	P217567
19/09/2017	A4720	7 (Lot 49) Cowara Court, Cowaramup	Dwelling Additions (Freestanding Games Room)	P217568
20/09/2017	A5275	52 (Lot 101) Hermitage Drive, Margaret River	Holiday House - Renewal	P217570
20/09/2017	A3205	6 (Lot 251) Warrior Way, Molloy Island	Holiday House - Renewal	P217572
22/09/2017	A5354	1 (Lot 9) Chardonnay Avenue, Margaret River	Bed and Breakfast	P217575

BUILDING LICENCE APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
19/09/2017	A12527	Lot 40 Lambertia Tce, Margaret River	Single Dwelling and Garage	217369
18/09/2017	A12397	Lot 233 Lumber Court, Karridale	Single Dwelling with Garage	217405
19/09/2017	A12545	Lot 58 Wisteria Cres, Margaret River	Single Dwelling with Garage	217407
19/09/2017	A11854	Lot 20 Knox Place, Witchcliffe	Single Dwelling with garage	217408
19/09/2017	A11662	Lot 820 Ashton Street, Margaret River	Single Dwelling	217409
19/09/2017	A8792	Lot 220 Mansfield Ave, Margaret River	Carport and patio	217410
21/09/2017	A10760	8 (Lot 66) Hudsbeth Way, Margaret River	Single Dwelling and Granny Flat	217412
21/09/2017	A12567	9 (Lot 99) Nebbiolo Place, Margaret River	Single Dwelling & Ancillary Accommodation	217413
21/09/2017	A6318	10 Rendall Close, Margaret River	Carport	217414
22/09/2017	A11851	6 (Lot 17) Hogan Place, Witchcliffe	Single Dwelling and Ancillary Accommodation	217415
22/09/2017	A12428	119 (Lot 19) Rowe Road West, Margaret River	Single Dwelling	217416
22/09/2017	A1335	29 (Lot 70) Georgette Road, Gracetown	Alterations to existing dwelling	217417
22/09/2017	A11848	7 (Lot 14) Hogan Place, Witchcliffe	Single Dwelling	217418
20/09/2017	A3562	331 (Lot 2) Wallcliffe Road, Margaret River	Alterations to Cellar	217427

SUBDIVISIONS DETERMINED

Date Rec'd	Officer	DA No.	Address	Description of Matter	Recommendation

LEVEL 1 APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
07/04/2017	Lucy Gouws	114/116 (Lot 61) Armstrong Road, Cowaramup	Retrospective Additions (Kitchen) to a Caretaker's Dwelling	Approved	P217243
17/05/2017	Angela Satre	1 (Lot 101) Walkington Avenue, Margaret River	Grouped Dwelling x 2	Approved	P217307
08/09/2017	Lara Hoole	45 (Lot 392) Devon Drive, Margaret River	Outbuilding (Shed) Ancillary to Dwelling	Approved	P217550

LEVEL 2 APPLICATIONS for determination under delegation

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
6/07/2017	AS	3 (Portion of Lot 102) Charles West Avenue Margaret River	Event Village – Cape to Cape Mountain Bike Race	Conditional approval	P217408

LOCAL LAW PERMITS

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.

OTHER APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.

COMPLIANCE

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.

ELECTED MEMBERS ATTENTION

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
6/07/2017	AS	3 (Portion of Lot 102) Charles West Avenue Margaret River	Event Village – Cape to Cape Mountain Bike Race	Conditional approval	P217408

CLOSURE OF MEETING



DEVELOPMENT APPLICATION ASSESSMENT (DAU)
Report to Manager Planning and Development Services

Proposed Use Not Listed 'Event Village' for the Cape to Cape Mountain Bike Race at 3 (Lot 102) Charles West Avenue Margaret River

Major (Level 2)

P217408; PTY/11586

REPORTING OFFICER : Angela Satre
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	2866m2
Zone	Town Centre
Proposed Development	<p>The 2017 Cape to Cape Mountain Bike Race is proposed to be launched with an Event Village over a portion of Lot 102. The event is proposed to be held from 11am on Wednesday, 18 October to 9pm on Sunday, 22 October.</p> <p>The Event Village is a site for competitors, support crew and locals to gather and includes displays and tents, a stage for presentations and live music, a large screen, 8 food trucks & 3 beverage vendors, a licensed pop up bar and entertainment.</p> <p>In response to concerns raised during the advertising period, the location of the event was amended from Reuther Park to Lot 102. The proposed event time frames are unchanged from those advertised in the planning application.</p>
Permissible Use Class	n/a
Heritage/Aboriginal Sites	No
Encumbrance	n/a
Date Received	06/07/2017 (amended proposal received 19/9/17)



Policy Requirements	
Is the land or proposal referred to in any Council Policy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If yes, state the Policy/Policies Local Planning Policy 9 – Events Assessment Policy (LPP9)	
Officer Comment	The proposal will be assessed under the Shire's Environmental Health policies (LPP9) and local laws. This provides an additional layer of assessment to the

	proposal prior to the event. These policies and provisions are not however relevant to the processing of the planning application. Notwithstanding, as part of the Environmental Health Event Application, land owners surrounding the proposed site for the Event Village at Lot 102 will be notified of the proposal in a 'letter drop' by the proponent.	
Structure Plans and Local Development Plans (DAP)		
Is the land in any Structure Plan Area or subject to a DAP?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Advertising/Agency Referrals		
Has the application been referred to adjoining landowners/agency? The original application for the event to be held at Reuther Park was advertised to the public. This raised six submission.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Has a submission been received by Council? A total of six submissions were received during the advertising period including: <ul style="list-style-type: none"> • Three objections from members of the public; • One submission of support from a member of the public; • One submission 'indifferent' with concerns raised about market competition; and • One submission from the Department of Education noting no objection but raising comment about the event potentially conflicting with school operations. 		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A No. received: <u>6</u>
Have agency or authority comments been received?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Name	Nature of Submission	Officer Comment
Department of Education	One submission has been received from the Department of Education advising that they have no objection to the proposal ' <i>...but wish to ensure that during the weekday operations of the event these do not impinge on the operations of the adjacent Margaret River High Senior High School and Primary School.</i>	Due to concerns regarding pedestrian traffic conflicts associated with students access the school sites, the proposed event was relocated to Lot 102. This is a considerable distance from the school sites and will not impact access to the schools.
Owner of a premises within 250m of Reuther Park	Objection: <ul style="list-style-type: none"> • Impost to local traffic; • Incorrect public space particularly given alcohol would be served; • '<i>[t]his event should be run at the sports ground...could we consider the locals for a change and not allow this event please...</i>'. 	Noted – the proponent has proposed an alternative location.
Public submitter	Objection: <ul style="list-style-type: none"> • Concern about parking and travelling issues for those accessing Centrelink and KipMcGrath Centres. Many of these would be elderly and people with children. 	Noted – the proponent has proposed an alternative location.
Shire Resident	Objection: <ul style="list-style-type: none"> • Not suitable for this location in town. • Additional vehicles so close to two schools increases risk of accidents. • Difficulty for children walking too and from the schools at different times during the day. • Particular concern with corner of Wallcliffe Rd/Bussell Highway intersection which is already difficult to negotiate. 	Noted – the proponent has proposed an alternative location.
Shire Resident	Support	Noted
Owner of adjoining business	Indifferent:	Noted – the proponent has proposed an alternative location.

	<ul style="list-style-type: none"> Concerned that food trucks would sell similar product and compete with local business. 	
Has the application been referred to internal departments?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
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		
Officer Comment	<p>It is noted that the event will occupy 58 parking bays that have been constructed to service the Settlers Tavern and Shopping complex. This area was developed for parking to service these developments in peak periods but is not critical to the functioning of these businesses which rely on the parking area to the east. For this reason the use of this parking area for a 'one off event' is considered acceptable.</p> <p>In relation to parking generated, additional parking is to be directed to Gloucester Park. The proponent states that they will promote to all riders the original plan to park at the football oval as spill over parking and then walk down the hill into town to get to the Event Village. This addresses any parking demand likely to be generated by the event.</p>	
Building Height		
Scheme / Policy Requirement	Wall –n/a	Roof - 10m
State the proposed building height	Wall – 3.5m Roof – 4.0m	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply
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	<p>Yes – The proposal has been lodged as a 'Use not Listed' given an event, that is open without a charge to patrons, is not specifically defined in <i>Local Planning Scheme No. 1</i>. Pursuant to LPS1 clause 4.4, the use has been determined to be consistent with the objectives of the Town Centre zone to:</p> <ul style="list-style-type: none"> establish a focal centre; to allow for a range of activities infrastructure and services; to establish an efficient and vibrant commercial and tourism centre through business integration and civic focus; and by ensuring the use is compatible with the character of the town centre and maintains streetscape character and values by not changing the streetscape and being suitably located away from the street frontage and main pedestrian and vehicle traffic ways. 	
A. In the opinion of the officer:		
i. Are utility services available and adequate for the development?	Yes – addressed by Environmental Health requirements.	
i. Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land?	Yes – no likely impacts given the site is located on a car park.	
ii. Has adequate provision been made for access for the development or facilities by disabled persons?	Yes	
iii. Is development likely to cause detriment to the existing and likely future amenity of the neighbourhood?	No – the site is well setback from residences.	
iv. Is the development likely to comply with AS3959 at the building permit stage?	Yes – the site is not in an extreme bushfire prone area and a Bushfire Management Plan is not required pursuant to Statement of Planning Policy 3.7.	

Other Comments	
Any further comments in relation to the application?	
Officer Comment	It is considered that the amended proposal for the event on Lot 102 is a more suitable outcome that addresses the concerns raised during the advertising period. Conditional approval is recommended.

OFFICER RECOMMENDATION

That the 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 a Use Not Listed 'Event Village' for the Cape to Cape Mountain Bike Race at 3 (Lot 102) Charles West Avenue 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 – P2 received at the Shire offices on 19 September 2017.
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2. If the development, the subject of this approval, is not substantially commenced within six months 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. (P)
3. The Event Village, the subject of this Development Approval, is permitted to operate only from 11am on Wednesday, 18 October to 9pm on Sunday, 22 October 2017.
4. Event setup is permitted from midday to 9pm on Tuesday 17 October 2017. Event dismantling is permitted from 9am to 4pm Monday 23 October 2017.
5. The number of patrons for the Event Village shall not exceed 1000 people at any one time without further planning approval.
6. The Event shall at all times be conducted in accordance with the approved Management Plans. (P)
7. The Event shall not interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, dust, waste water, waste products, oil or otherwise. (P/H)

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) Prior to the staging of an event, the applicant shall consult with the Shires Event Officer with the view to submitting an Event Application. (EH)
- c) Depending on the scale/nature of the event the applicant shall consult with relevant services including police, Fire and Rescue, Bush Fire Services, SES, St John Ambulance, Hospital and any other service prior to the holding of an event. (E)
- d) The applicant shall complete and submit to Council an application in accordance with Health (Public Buildings) Regulations 1992, and Council's LPP9 Events Assessment Policy prior to use of the development as a Public Building for the holding of a temporary public event. (H)
- e) The applicant shall prior to use of development as a Public Building for the holding of a temporary public event during a Restricted and Prohibited Burning period submit to Council for approval a bush fire hazard assessment and Fire Management Plan. (E)

- f) Noise emissions resulting from the event 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. (EH)
- g) The Proponent is advised that sanitary conveniences shall be provided for patrons and employees in accordance with the Health (Public Building) Regulations 1992; Building Code of Australia 2004; Sewerage (Lighting, Ventilation and Construction) Regulations 1971 and Council's PE.44 Event Assessment Policy.(H)
- h) Signage associate with the events may require prior planning approval from the Shire. (P)
- i) The Proponent is advised that prior to use of development as a Public Building for the holding of a temporary public event, prepare and submit for Council approval a traffic management plan.