

DEVELOPMENT ASSESSMENT UNIT
Minutes of the Development Assessment Unit
Shire of Augusta Margaret River
On 9 July 2019

Please note that a DAU meeting was not held as there were no Level 2 applications

PLANNING APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	DA No.
01/07/2019	A124	39 (Lot 57) Town View Terrace, Margaret River	Amendment to Approval (P218258) 4 Grouped Dwellings	P219392
01/07/2019	A11798	10B (Lot 1) Freycinet Way, Gnarabup	Dwelling Additions	P219395
01/07/2019	A12107	14 (Lot 7) Formosa Street, Margaret River	Grouped Dwelling	P219396
01/07/2019	A11950	2 (Lot 219) Kiln Way, Karridale	Dwelling Addition (Water Tank)	P219397
02/07/2019	A2555	37 (Lot 1062) Ablett Road, Cowaramup	Use Not Listed (Bulk Material Transfer) & Landscape Supplies	P219400
02/07/2019	A12503	29 (Lot 406) Hasluck Street, Cowaramup	Tavern	P219401
02/07/2019	A2736	15 (Lot 74) Barrett Street, Margaret River	Bed & Breakfast Renewal	P219402
02/07/2019	A12749	Lot 9014 John Archibald Drive, Margaret River	Subdivision	P219405
02/07/2019	A7708 A3372	14 (Lot 530) Village Green, Margaret River	Bed & Breakfast	P219406
03/07/2019	A2219	95 (Lot 8) Bussell Highway, Cowaramup	Restaurant and Brewery	P219410
03/07/2019	A1532	150 (Lot 1) Bridgelands Road, Rosa Glen	Extension of Term (P219411) Reception Centre	P219411
04/07/2019	A10127	Unit 2 40 (Lot 154) Grunters Way, Gnarabup	Dwelling	P219413
05/07/2019	A10121	84 (Lot 2) Turner Street, Augusta	Holiday House	P219414
05/07/2019	A983	10 (Lot 2) Davies Road, Augusta	Alterations and Additions to Existing Dwelling and Ancillary Dwelling	P219415
05/07/2019	A4507	Lot 175 (Reserve 37456) Salter Street, Gracetown	Take Away Food Outlet	P219416
05/07/2019	A11960	4 (Lot 211) Bole Way, Karridale	Dwelling Outbuilding and Water Tank	P219417
05/07/2019	A12749	Lot 9014 John Archibald Drive, Margaret River	Subdivision	P219418

BUILDING LICENCE APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
01/07/2019	A7101	33A Willmott Avenue, Margaret River	Alterations to existing dwelling	219273
01/07/2019	A2470	255 Wilderness Road, Margaret River	Tennis Pavillion	219274
02/07/2019	A4561	162 Lot 2 Yates Road, Margaret River	Alterations and Additions to Existing Dwelling and Swimming Pool	219275
02/07/2019	A1626	99 Cusack Road, Nillup	Shed	219276
02/07/2019	A5195	11 Lot 7 Agonis Close, Margaret River	Swimming Pool	219277
02/07/2019	A5195	11 Lot 7 Agonis Close, Margaret River	Swimming Pool Fence	219278
02/07/2019	A12780	48 Lot 119 Wise Road, Margaret River	Single Dwelling	219279
04/07/2019	A10153	21 Lot 415 Coral Vine Cross, Cowaramup	Single Dwelling and Retaining	219280
04/07/2019	A6456	16 Lot 9 Chuditch Place, Gnarabup	Additions to Existing Dwelling	219281
04/07/2019	A10127	Unit 2 40 Lot 154 Grunters Way, Gnarabup	Earthworks	219282
05/07/2019	A11568	21 Lot 13 Dempster Drive, Witchcliffe	Ancillary Accommodation	219283

SUBDIVISIONS DETERMINED

Nil

LEVEL 1 APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
16/04/2019	Lucy Gouws	3 (Lot 378) Peppermint Drive, Augusta	Dwelling Additions (Crossover Relocation)	Approved	P219252
23/04/2019	Devin Moltoni	207 (Lot 135) Blackwood Avenue, Augusta	Dwelling	Approved	P219269
30/04/2019	Leigh Medlen	2 (Lot 93) Jarrah Court, Margaret River	Grouped Dwelling (Single Bedroom Dwelling)	Approved	P219283
04/06/2019	Angela Satre	Unit 2, 16 (Strata Lot 2 of Lot 10) Town View Terrace, Margaret River	Holiday House (Renewal)	Approved	P219354
05/06/2019	Angela Satre	31 (lot 64) Karri Loop, Margaret River	Holiday House (Renewal)	Approved	P219357
06/06/2019	Angela Satre	390 (Lot 12) Roxburgh Road, Margaret River	Bed & Breakfast (Renewal)	Approved	P219358
06/06/2019	Clare Hamilton	21 (Lot 25) Wise Road, Margaret River	Home Business (Reiki Therapy)	Approved	P219359
06/06/2019	Lucy Gouws	1801 (Lot 2914) Rosa Brook Road, Margaret River	Extension of Term P217086 (6 x Chalets)	Approved	P219360
12/06/2019	Lucy Gouws	181 (Lot 122) Bussell Highway, Witchcliffe	Amendment to Local Development Plan	Approved	P219371
18/06/2019	Angela Satre	9 Nebbiolo Place, Margaret River	Bed & Breakfast (Renewal)	Approved	P219376
25/06/2019	Leigh Medlen	1018/1020 (Lot 2300) Bramley River Road, Osmington	Dwelling Addition (Garage)	Approved	P219383
25/06/2019	Lucy Gouws	27-33 (Lot 295) Tunbridge Street, Margaret River	Community Purpose Alterations and Additions	Approved	P219384
02/07/2019	Angela Satre	15 (Lot 74) Barrett Street, Margaret River	Bed & Breakfast Renewal	Approved	P219402

LEVEL 2 APPLICATIONS for determination

Nil

MANAGEMENT OF VEGETATION ON SHIRE RESERVES

Nil

LOCAL LAW PERMITS

Nil

OTHER APPLICATIONS determined under delegation

Nil

ELECTED MEMBERS ATTENTION

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
31/01/2019	Leigh Medlen	Lot 9001 Baker Close, Augusta	Rural Industry (Meadery), Rural Pursuit (Bee Hives), Rural Produce Sales (Cellar Door), Caretaker's Residence, Single Dwelling, Outbuilding, Water Tanks and Freestanding Sign	Conditional Approval	P219063

CLOSURE OF MEETING



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

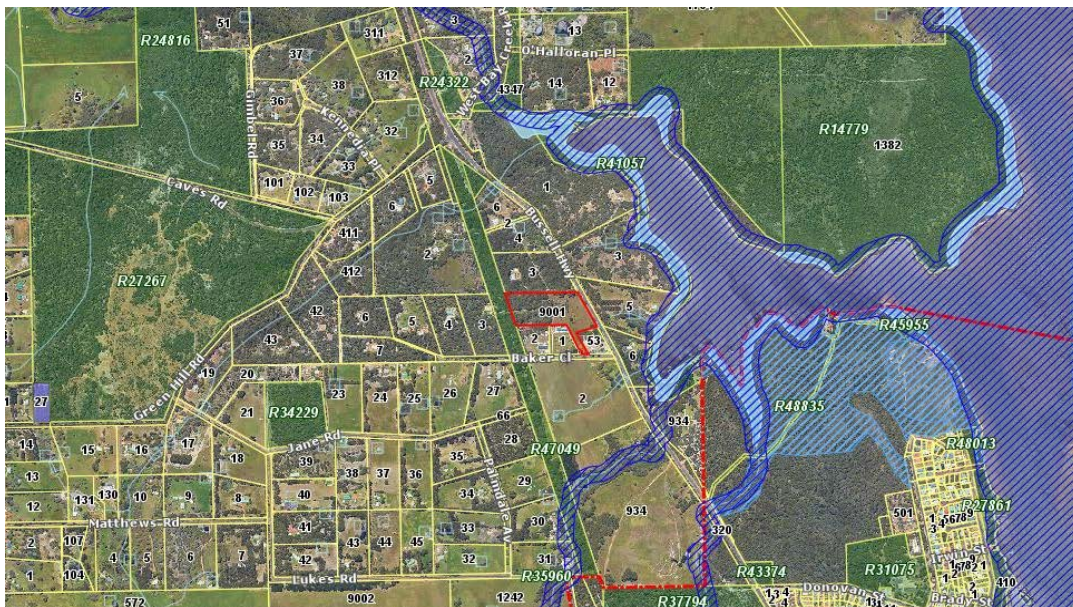
Proposed Rural Pursuit (Beehives), Rural Industry (Meadery), Rural Produce Sales (Cellar Door), Caretaker's Residence, Single Dwelling, Outbuilding, Solar Panels, Water Tanks and Freestanding Sign at Lot 9001 Bakers Close, Augusta

Major (Level 1)

P219063; PTY/11666

REPORTING OFFICER : Leigh Medlen
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	39,933m ²
Zone	Chalet and Camping
Proposed Development	<p>The proposal includes the following:</p> <ul style="list-style-type: none"> • <u>Rural Pursuit</u> – The keeping of 12 bee hives for honey production. • <u>Rural Industry</u> – Honey will be used for the production of mead within the Meadery with the annual volume anticipated to be produced being 40 x 200L barrels (8,000L per annum). • <u>Rural Produce Sales (Cellar Door)</u> – Used for the sale of tastings and consumption of mead and produce from the site. The cellar door also involves the sale of barbecue packs which can be cooked and consumed on site. The cellar door proposes to have a maximum capacity of 50 people. • <u>Caretakers Dwelling</u> – A 1 bedroom x 1 bathroom caretakers dwelling is proposed to be attached to the Meadery/Cellar Door for the purpose of attending to the production and tourism function of the site. • <u>Single Dwelling</u> – A 3 bedroom 2 bathroom dwelling is proposed on the site. • <u>Ground Mounted Solar Panels</u> – A setback of 40m to the boundary and occupying an area 10m by 5m. • <u>Outbuilding</u> – A 9.0m² outbuilding proposed setback in excess of 60m from Bussell Highway. • <u>Freestanding Sign</u> – A freestanding sign setback 5m from Bussell Highway 2.5m in height and 2.5m in width, with a total face area of 5m². • <u>Water Tanks and Outbuilding</u> – 1x120L water tank is proposed for use by the single dwelling. 2 x 120,000L water tank is proposed for use for the Meadery/cellar door operation on site and a dedicated firefighting tank.
Permissible Use Class	<p>Industry Rural (Bee Hives) – 'A' Advertising required Rural Produce Sales (Cellar Door) – 'D' Discretionary Rural Pursuit (Meadery) – 'A' Advertising required Single Dwelling – 'D' Discretionary Caretakers Dwelling – 'D' Discretionary Water Tank, Outbuilding, Solar Panels and Signage – Ancillary to the predominant use of the site.</p>
Heritage/Aboriginal Sites	None Identified
Encumbrance	Electrical Easement remains unaffected by the proposed development.
Date Received	31/01/2019 The application has been delayed due to support from Main Roads regarding the intersection of Bussell/Bakers.



Policy Requirements			
Is the land or proposal referred to in any Council Policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
If yes, state the Policy/Policies <i>Local Planning Policy No. 26 – Signage (LPP26)</i> <i>State Planning Policy 6.1 – Leeuwin Naturaliste Ridge (SPP6.1)</i>			
Officer Comment	LPP26 – Signage		
	M2 Freestanding Sign Large		
	Requirement	Provided	Comment
	Max 1 Large Freestanding sign per lot.	1 sign proposed on the lot.	Complies
	May be double faced.	Double faced.	Complies
	Max area 5.0m ²	5.0m ²	Complies
	Total height 5.0m from natural ground level.	2.5m	Complies
	Is not illuminated	Not illuminated	Complies
Min height above ground level 2.6m	0.5m	Variation	

	Not protrude above the skyline within the immediate visual catchment area.	The proposed sign is 2.5m in height which is commiserate with the wall height of a building. There is established vegetation along Bussell Highway taller than the proposed sign.	Complies. It is not considered the sign would protrude or visually impact the surrounding area.
	Advertise the business that is carried out on the lot.	Beehive sign proposed consistent with the commercial use of the property.	Complies
	Unlikely to be supported in the Rural Residential or Rural Res Zone.	Chalet and Camping.	Complies
LPS1			
60m setback to Bussell	5m	Variation	
<p>The sign proposes a variation to the minimum clearance required above ground level as well as the 60m setback requirement under Local Planning Scheme No. 1 (LPS1) from Bussell Highway. The proposed signage was referred to Main Roads who provided no objection to the sign. The clearance required from the sign to the ground is generally required to maintain the functioning of access routes and sightlines. The variations are considered unlikely to impede the functioning and sightlines of the road reserve or any internal access way given the sign is not proposed near a cross over, car parking area or access way to the site. On this basis, the variations are recommended to be supported.</p>			
<p>SPP6.1 – Amenity The development is located within the SPP6.1 policy area and is identified as part of the Augusta ‘Town Site.’ The portion of Bussell Highway within the Augusta Townsite is not identified as a Travel Route corridor. Regardless, the policy identifies Bussell Highway as the main Strategic Transport Road (north-south) while Caves Roads will retain its tourism function. Despite Bussell Highway not being identified as having landscape significance along this portion of the travel route, the intent of SPP6.1 is to ensure development would not have an adverse impact on the importance of the landscape values within the Leeuwin Naturaliste ridge. Development for tourism purposes should consider the protection of landscape values.</p>			
<p>For these reasons listed above, the landowner has committed to undertake landscape screening along the eastern boundary abutting Bussell Highway. The landowner has commenced planting within the site and intends to undertake further planting along the Bussell Highway frontage. The vegetation proposes to screen the residential development and soften the visual impact of the proposed commercial development. In this regard the proposal is consistent with the landscape values of the transport corridor and seeks to limit adverse visual impacts associated with the development.</p>			
<p>A condition reiterating the requirement of a landscape buffer is recommended.</p>			
Structure Plans and Local Development Plans (DAP)			
<p>Is the land in any Structure Plan Area or subject to a DAP? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A The application was referred to adjoining neighbors for comments and no submissions were received.	
Have agency or authority comments been received?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Nature of Submission		Officer Comment	
<p>Main Roads WA (advice received 14/2/19). The development indicates the proposal will accommodate buses and additional traffic will warrant the upgrading of the Bakers Close/Bussell Highway intersection. It is anticipated that the right turn lane widening will be required with some intersection widening and clearing of vegetation to improve sightlines. It is recommended that the proponent be required to undertake a traffic impact assessment (TIA) for the proposed development to determine requirements for upgrading the intersection of Bakers and Bussell Highway to the satisfaction of Main Roads. The proponent will then need to upgrade the intersection and any necessary improvement works in accordance with the TIA to the satisfaction of Main Roads. It is anticipated that the shire will also require the upgrading of Bakers Close to accommodate the anticipated development traffic.</p>		<p>Main Roads provided advice in April 2019 that no further upgrades to the intersection would be required. The plans have been amended to remove any bus parking for the development. It is recommended to be included as a condition of approval to limit the presence of any buses at the site to ensure the intersection in its current state can cope with the anticipated traffic demands. Should the proponent wish to accommodate buses in the future, an application to amend the approval would be required and would require consideration in consultation with Main Roads.</p>	

No vehicle access is permitted from the development to Bussell Highway.

Main Roads Advice received (30/4/19)

Main Roads had concerns regarding the proposed development which would increase traffic demands at the intersection of Bussell and Bakers Close and will increase potential for vehicle conflicts at the intersection.

It is understood that it is now proposed to delete the bus parking area from the development. With the deletion of the bus parking area, the proposed development can be supported by Main Roads.

Main Roads will investigate the removal of vegetation from the road verge adjacent to the intersection along the highway to improve the sightlines of the intersection.

DBCA

No comments on the proposal. It is considered the proposal and any potential environmental impacts will be appropriately address through the planning framework.

Western Power:

Any development on the site shall be designed and constructed to protect Western Power infrastructure and interests. It is the landowner's responsibility to ensure that the design and construction complies with the clearance requirements of the electrical infrastructure.

DFES:

Modification required to minor error for private driveway construction. Dual purpose tanks are not supported and a dedicated tank for firefighting purposes is to be provided. Modification required.

DWER:

- The property is located 150m from the Hardy Inlet, declared environmentally sensitive environment. The property has a low slope 1% and no drainage lines through the lot.
- The department believe that the proposal is acceptable with additional review of the following risks:
 - Sufficient water or fit for purpose supply and water balance for operational use.
 - Effluent waste disposal.
- The proponent should consider water supply. The property is located in the Blackwood Ground Water area and any groundwater abstraction in the area is subject to licensing by the department, other than supply from the shallow water table for domestic and non-intensive stock use.
- Generally, domestic water licenses will be granted however, commercial licenses would require further investigation. The department advises that any land uses changes should ensure fit for purposes water supply has been proven first.
- A water balance to determine water requirements for the following operations should be undertaken to ensure rainwater will be sufficient to include the residential house use, Meadery processing and wash down requirement, Meadery produce sales toilet facilities, landscaping requirement and firefighting requirements.
- The entire site is located within a sewerage sensitive area. The state sewerage policy should be referred to within the development plan for all sewerage treatment and management. The policy outlines appropriate groundwater separation distance and effluent management options.

Noted.

Noted. Western power advice is recommended to be included as an advice note on any approval granted.

The BMP has been modified in response to DFES comments. The BMP is consistent with the advice provided. It is recommended to be reiterated as a condition of approval that certification is provided from the Bushfire Consultant once the BMP has been implemented on site to ensure the dedicated water supply is provided for firefighting purposes and to ensure it is fitted with the appropriate valves and turnaround areas as stipulated within the BMP.

Noted. No groundwater extraction is proposed. The proponent has advised the water will be supplied by water tanks.

The applicant has confirmed the following water supply will be provided on site:
 2 x 120,000L tanks (Meadery)
 1 x 120,000L tank (residence)
 1 x 10,000L (firefighting) as detailed within the BMP.

These requirements are consistent with the provisions of LPS1. The proponent has confirmed that the provisions of the tanks has taken into consideration all ancillary and proposed development for the site.

Noted. Environmental Health were satisfied with the soil report provided for the use of onsite effluent disposal for waste water treatment which is consistent with the adjoining properties waste disposal methods.

Has the application been referred to internal departments?

Yes

No

N/A

Infrastructure:

Standard department conditions have been provided.

Environmental Health:

Standard department conditions have been provided. Soil report indicated that onsite treatment of waste water could be supported.

Due to the nature and scale of the proposal, a noise impact assessment would not be warranted in this instance. The standard noise condition has been recommended by Health and concluded a noise impact assessment would not be warranted in this instance.

Waste:

The site is located within an area that has kerbside collection available. Given the commercial nature of the use the proponent would be able to decide if they would participate in the kerbside service. There is adequate turn around areas on site for ease of access for the waste truck and no difficulties would be anticipated in servicing the property.

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
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Development Standards (Schedule 9)

Are the development Standards applicable?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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Officer Comment	Standard	Requirement	Provided	Officer Comment
Cellar Door/Meadery/Managers Residence (Incl. Water Tanks and Freestanding Sign)				
	Rear (North)	10m	>42m	Complies
	Side (East) Bussell Hwy	60m	44.94m 5m – freestanding sign	Variation
	Side (West)	* Standard to be set by LG	>50m	Complies
Single Dwelling (Incl. Water Tanks and Solar Panels)				
	Rear (North)	10m	42m	Complies
	Side (East) Bussell Hwy	60m	40m	Variation
	Side (West)	* Standard to be set by LG	>50m	Complies
Additional Provisions				
	Site Coverage	30%	2%	Complies
	Plot Ratio	0.3	0.02	Complies
	Landscaping	5%	1% lawn area 46% existing remnant vegetation to be retained.	Complies

The Meadery/Cellar Door/Caretakers Dwelling, Single Dwelling, Solar panels and Freestanding Sign present variations to the 60m setback requirement from Bussell Highway, which is considered acceptable for the following reasons:

- The proposal is consistent with the intent and purpose of the 'Chalet and Camping Zone' which encourages low impact tourism uses, which have minimal impact on the amenity and landscape character of the land.
- The proposed development has been located to avoid the areas of existing remnant vegetation which is considered a desirable development outcome in order to protect the environmental considerations of the site.
- The development is not considered to have a detrimental impact to adjoining neighbours or Bussell Highway considering there is an established pattern of development within the immediate area showing a reduced setback of 30m to Bussell Highway.
- The 60m setback distance takes up approximately 50% of the developable area on the site considering the western portion of the property is densely vegetated.
- The development makes effective use of the site, locating the proposed development within the cleared portion of the site, retaining existing vegetation and managing the appropriate bushfire risk.
- No objections have been received from Main Roads or adjoining neighbors regarding setback distances.
- There is no alternative location for the solar panels to be located outside of the 60m setback distance as it would result in the panels being shaded from the trees along the northern boundary and a loss of voltage from the meter.
- The proponent is willing to establish a landscape buffer along Bussell Highway to screen the development and reduce any potential visual impact of the development.

Whilst a variation is considered to the development standards of LPS1 they are considered appropriate in this instance as every effort has been made to effectively use the site, maintain vegetation and minimize bushfire risk. The variation is not considered to be detrimental to the amenity of the area given a reduced setback pattern has already been established within the area.

Clause 4.20 - Development in Chalet and Camping:

- Development not to adversely impact the environmental or landscape qualities of the locality.
- Maximize retention of native vegetation on the site.
- Located to avoid ridge lines, escarpments when viewed from public or private land and is situated to maximize screening of the development by vegetation or natural landforms.
- Minimum setback from 100m from State Reserve.
- Scale and nature so not to require upgrading of services.
- Tourism development to provide an onsite manager.

In respect to the above, the adjoining properties along the east and west of Bussell Highway and north and south of the site are zoned for 'Chalet and Camping' purposes which forms a corridor in which low impact tourism uses can be developed. The site is located 1.1km outside of the 'Augusta Townsite' despite being identified as part of the

Augusta Townsite under SPP6.1. This area has been earmarked under the Local Planning Strategy, SPP6.1 and LPS1 as being able to provide a tourism function. It is therefore considered that this proposal is consistent with the intent of the land and has the potential to contribute positively to a tourism corridor which has been identified for the surrounding area.

The proposal does not result in any change to the remnant vegetation and is unlikely to result in any adverse impact to the landscape qualities of the site. The development has included the provision of an onsite manager and has not warranted the upgrading of any services to cater for the development.

For these reasons the development is considered to meet the definition of a 'low impact use' and has responded to the appropriate requirements under Clause 4.20 of LPS1.

Car Parking

LPS1 / R Codes Requirement	Car Bays Required - 13	Car Bays Proposed - 16
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	Disabled Bays - 2	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply

Officer Comment

Use	Requirement	Provided
Single Dwelling	2 bays	2 bays
Caretakers Dwelling*	1 bay	1 bay
Cellar Door/Meadery**	1 bay per 25m ²	NLA of Cellar Door = 243m ² which is equivalent to 10 car bays. 13 Provided
	Total Required: 13 car bays	Total Provided: 16 car bays

*Schedule 8 of LPS1 does not have a specific car parking requirement for a Caretakers Dwelling. It is considered reasonable in this instance, that 1 car bay is provided for the caretakers dwelling given the development is proposed for a 1 bedroom caretakers dwelling.

**Schedule 8 of LPS1 does not have a specific car parking requirement for Rural Produce Sales (Cellar Door). Historically, the car parking requirement for this land use have been determined based on the standard applied for a 'Shop' with the applicable requirement of 1 bay per 25m² of Net lettable area.

Building Height

Scheme / Policy Requirement	Wall - 7m	Roof - 8m
Cellar Door/Managers Residence/Meadery	Wall – 3.6m Roof – 5.4m	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply
Single Dwelling	Wall – 2.735m Roof – 4.6m	<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

Yes. The nature of the proposal in relation to the land use classification and liquor consumption warrants some consideration in the Chalet and Camping zone.

The proposal involves the production and consumption of a liquor which could be considered akin to a 'Brewery', which is a prohibited use within the Chalet and Camping Zone.

The application has however been discussed with the Department of Racing, Gaming and Liquor (DRGL). For the purposes of liquor licensing, DRGL consider mead to be a wine. Therefore, the Meadery is classified as a Rural – Industry rather than a Brewery or a Winery given the unique nature of product. The outlet for the sale of produce made from mead produced on site is classified as Rural Produce Sales. This is a discretionary use in the zone similar to a Winery, which is also discretionary.

DRGL have also confirmed that the most appropriate form of licensing for the proposal is a 'producer's license'. This license type has recently been amended to allow onsite consumption of liquor. The producer's license can accommodate wine (mead) and would require further application for spirits or if any liquors were produced with an alcohol content above 20%.

When providing their own liquor, produced under a producer's license, a meal is not required to be served. If the proponent seeks to sell liquor other than that made at the premises, this would only be considered as part of a Licensed Restaurant or alternative

	<p>specific land use class. The proposal does involve the ancillary sale of barbecue packs of meat with any additional food provided by patrons in a picnic arrangement. The proponent advises that the barbecue packs are limited to a 'single freezer' in volume and there is no food preparation to be undertaken on site. The intention is to provide the opportunity for patrons to have food only on an ancillary basis. A condition is recommended to ensure that there is no food preparation on site.</p> <p>To ensure consistency with the land use classifications it is recommended that a condition is applied to ensure the liquor products sold from the Rural Produce Sales (Cellar Door) are only from on site produce. Furthermore a condition is also recommended limiting operating hours to up to 6pm.</p>
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?	No vegetation is proposed to be removed.
iii. Has adequate provision been made for access for the development or facilities by disabled persons?	This will be assessed at the building permit stage of development. The location of the disabled car parking bays have been discussed with the Building Department. It was advised that the location of the disabled car bays are the closest bays available to the building in respect to the remainder of the car parking area, which would meet the requirements in terms of access.
iv. Is development likely to cause detriment to the existing and likely future amenity of the neighbourhood?	The site is located within Visual Management Category 'A.' The use of reflective colours is recommended to be limited by a condition of approval.
v. Is the development likely to comply with AS3959 at the building permit stage?	A BAL report, BMP and Emergency Evacuation Plan have been prepared by an accredited bushfire consultant and have been referred to DFES for comments. The Bushfire Management Plan has been updated in accordance with the advice received from DFES and is therefore considered appropriate.
Other Comments	
Any further comments in relation to the application?	
Officer Comment	Conditional approval is recommended.

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 Rural Pursuit (Bee Hives), Rural Industry (Meadery), Rural Produce Sales (Cellar Door), Caretakers Dwelling, Single Dwelling, Outbuilding, Water tanks, Solar Panels and Freestanding Sign at Lot 9001 Bakers Close, Augusta subject to compliance with the following conditions:

CONDITIONS

- 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 Offices on 17 June 2019; P2 – P8 received at the Shire Offices on 31 st January 2019 and P9 received at the Shire Offices on 17 June 2019.
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- 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.
- Prior to lodging a building permit application, a detailed Stormwater Management 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').
- Prior to practical completion of the development, stormwater management systems on the subject site shall be constructed in accordance with the accepted Stormwater Management Plan referred to in abovementioned condition and shall thereafter be maintained.
- All stormwater and drainage run-off from the development shall be detained within the lot boundaries managed to pre-development flow regimes and/or disposed offsite by an approved connection to the Shire's drainage system in accordance with the Shire of Augusta Margaret River Standards & Specifications.
- The walls and roof of the structures on site shall be clad in a non-reflective material and painted in a colour of natural or earth toning consistent with the existing landscape and existing development. To this end, reflective materials (including but not limited to 'silver' sheeting) or reflective colours as cladding/external painting (including but not limited to white, cream, off white or pale grey) are prohibited.
- All loading and unloading shall take place within the boundaries of the premises.

8. Prior to lodging a building permit application, a detailed Vehicle Parking Construction Plan(s) shall be prepared to the satisfaction of the Shire and submitted to the Shire showing construction details including pavement levels, thickness, cross fall and drainage disposal method. The Shire's written acceptance of the Vehicle Parking Engineering Plan must be provided with the building permit application (refer to advice note 'b').
9. Prior to occupation of the development, vehicle parking areas shall be designed, 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. Crossover shall be designed, constructed, sealed, and drained in accordance with the Shire's standards and specifications, prior to occupation of the development.
Crossover shall be designed, constructed, sealed, and drained in accordance with the Shire's standards and specifications, prior to occupation of the development.
10. Works are prohibited within the road reserve including any pruning or clearing of vegetation without prior written approval of the Shire. The Proponent shall submit and implement a Traffic Management Plan 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).
11. Disabled parking bay and statutory signs shall be located convenient to the building entrance and shall be designed in accordance with AS2890.6 Parking Facilities Part 6: Off Street Parking for People with Disabilities to the satisfaction of the Shire.
12. The approved sign shall be maintained in good condition at all times to the satisfaction of the Shire.
13. The Freestanding Sign shall only display the names of the business operating on the subject site and shall not be illuminated.
14. 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.
15. 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 Shire.
16. The Bushfire Emergency Evacuation Plan shall be displayed in a conspicuous location within the development at all times.
17. Certification shall be provided to the Shire by an accredited Bushfire Consultant that all bushfire management actions detailed in the accepted Bushfire Management Plan (Version 2.1 and dated 20/3/19) have been implemented prior to commencement of the use (refer to advice note 'k').
18. Buses are not included within this approval and are not permitted on site (refer to advice note 'j').
19. No access is permitted from Bussell Highway to the site.
20. A Landscape Plan shall be prepared to the satisfaction of the Shire and shall be submitted to the Shire prior to the commencement of development. The Landscape Plan shall be drawn to scale and shall show the following:
 - a) The location, name and mature heights of existing and proposed trees and shrubs and ground covers in the buffer area notated on approved plan 'P1';
 - b) Any lawns and paved areas to be established;
 - c) Any natural landscaped areas to be retained; and
 - d) An implementation and planting schedule to demonstrate installation of plantings prior to commencement of the use.
21. 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.
22. The tastings and onsite consumption of liquor associated with the Rural Produce Sales (Cellar Door) is hereby limited to liquor only produced from products grown, reared or produced on the subject site.
23. The Rural Produce Sales (Cellar Door) the subject of this consent, is permitted to operate only between 10am and 6pm each day.
24. The development the subject of this consent does not include a Restaurant and therefore serving of meals to the public for consumption is not permitted.

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 submitted to the Shire's Asset Services department (PH 9780 5274).
 - c) An apparatus for the onsite treatment and disposal of waste water shall be installed in accordance with the Health (*Treatment of Sewage and Disposal of Effluent & Liquid Waste*) Regulations 1974 and to the satisfaction of the Local Government/Department of Health prior to occupation of the building.
 - d) Onsite effluent disposal system shall have a minimum 1.2 metre vertical separation from highest known level of groundwater and shall not be constructed closer than 30 metres from any well, bore, stream, river or water course intended for consumption by humans (including non-perennial streams).
 - e) The development is to provide a potable water source in accordance with Shire of Augusta Margaret River Health Local Laws 1999. Rain water storage tank(s) should be sealed to prevent the ingress of dust and to prevent mosquito breeding. A first flush diverter should be installed in line to enable flushing of dust and other sources of contamination deposited on roof catchment and in drainage lines, to minimise contaminants entering water storage tank.
 - f) The proposed activity is required to comply with the Food Act 2008 and the Australia New Zealand Food Standards Code. Wine making, preparation, storage and processing areas shall comply with the requirements of the *Shire of Augusta Margaret River Health Local Laws 1999* and *Food Act 2008*.
 - g) Beehives are required to comply with the Shire's Health Local Laws 1999, Part 6, and Division 7.
 - h) 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.
 - i) Any development on the site shall be designed and constructed to protect Western Power infrastructure and interests. It is the landowner's responsibility to ensure that the design and construction complies with the clearance requirements of the electrical infrastructure.
 - j) An amended development application would be required for the consideration of bus parking or bus traffic in consultation with Main Roads WA.
 - k) Please note, dual tanks are not supported and a dedicated 10,000L water tank for firefighting purposes is required to be supplied in accordance with approved Bushfire Management Plan.
 - l) Noise emission 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.