

Council Meeting

LATE AGENDA

28 January 2021



Shire of

Bridgetown-Greenbushes

.... simply beautiful

ITEM NO.	C.08/0121	FILE REF.	511.70
SUBJECT	RFT02 – 2021 Blackwood River Foreshore Project		
PROPONENT	Shire of Bridgetown-Greenbushes		
OFFICER	Manager Development Services (Project Manager)		
DATE OF REPORT	19 January 2021		

In accordance with Section 5.23(2) of the Local Government Act the CEO has recommended this Item be considered behind closed doors as the subject matter relates to the following matters prescribed by

Section 5.23(2):

- *A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*
- *A matter that if disclosed, would reveal –*
- *A trade secret;*
- *Information that has commercial value to a person; or*
- *Information about the business, professional, commercial or financial affairs of a person.*

In accordance with Clause 4.2 of the Standing Orders Local Law the contents of this item are to remain confidential and must not be disclosed by a member to any person other than a member of Council or an employee of the Council to the extent necessary for the purpose of carrying out his or her duties.

ITEM NO.	C.09/0121	FILE REF.	A39897
SUBJECT	Application for Planning Approval for Use Not Listed – Reception Centre		
PROPONENT	Ferraro Planning and Development Consultancy		
LANDOWNERS	Jeremy Scudds and Linda Porter		
LOCATION	Lot 142 (RSN 767) Peninsula Road Hester Brook		
OFFICER	Manager Development Services		
DATE OF REPORT	25 January 2021		

Attachment 8 Locality and Site Plans

OFFICER RECOMMENDATION

That Council:

- 1. Pursuant to Clause 3.2.5 and 4.3.3 of Town Planning Scheme No. 4, determines that the proposed Use Not Listed – Reception Centre on Lot 142 (RSN 767) Peninsula Road Hester Brook is consistent with the objective of the Rural Zone 3 – Blackwood Valley and may be considered for development approval subject to public consultation and detailed assessment.*
- 2. Directs the Chief Executive Officer to undertake necessary public consultation in relation to Point 1 above, and grants delegated authority to the Chief Executive Officer to determine the development application, where no objections are received, subject to appropriate conditions.*

Summary/Purpose

To consider a development application seeking development approval for Reception Centre (Wedding Receptions) at Lot 142 (RSN 767) Peninsula Road Hester Brook. It is recommended that Council determine that the Use Not Listed – Reception Centre is consistent with the objectives and policies of the 'Rural Zone 3 – Blackwood Valley' and may be considered for approval subject to public consultation. It is also recommended that delegated authority be granted to the Chief Executive Officer to determine the application, where no objections are received, subject to appropriate conditions.

Background

A development application has been received seeking development approval for Reception Centre at Lot 142 (RSN 767) Peninsula Road Hester Brook. The land use activity is to hold a limited number of 'wedding receptions' during the warmer months of the year.

The proposal is to hire the venue to wedding planners or individuals for wedding ceremonies and receptions. The property is a typical rural setting with a homestead, sheds and a dam with a natural amphitheater where the weddings are proposed to be held.

The applicant advises:

The natural amphitheater provides a scenic outlook commensurate with the wider scenic outlook commensurate with the wider scenic natural views offered by the Blackwood River Valley

The applicant also confirms that all buildings and facilities that are used in association with the wedding functions will be temporary by nature and include marquees, portable toilets, mobile food vehicles. The type of infrastructure that one might expect for a farm based wedding.

Patron Numbers

The application seek approval for up to 120 guests at any single event.

Access

The property is serviced by Peninsula Road that is in part sealed from Bridgetown via the Southwest Highway 3.5 km and then it becomes a typical unsealed gravel road for the remaining 4.2 Kms. Peninsula Road is managed by the local government.

The applicant has submitted a traffic impact statement prepared by Brad Brooksby – Traffic Consultant that confirms that the proposed land use will not require any road upgrading given the infrequent increases in traffic by the land use proposal.

Carparking

It is proposed to provide 33 formalised car parking bays on an unsealed pavement. This will equate to 1 car parking bay to 4 guests. There is overflow car parking available onsite if this is required. It is also proposed to provide two universal car parking bays.

Bushfire Hazard

RSN 767 Peninsula Road Hester Brook is located in a bushfire prone area. A Bushfire Management Plan (BMP) has been prepared by a level 3 FPA Accredited Practitioner to support the application as the proposal is classed as a 'vulnerable land use' in accordance with the *Statement of Planning Policy 3.7 – Planning in Bushfire Prone Areas* because it invites visitation by people unfamiliar with the area who may require direction in a bushfire event.

Further comment for bushfire risk management is detailed in the policy implications to this report.

Officer Comment

There is a land use definition of 'Reception Centre' within the Shire's Town Planning Scheme No 4 that best describes 'wedding reception' and it states as follows:

"means land and buildings used by parties for functions on formal or ceremonious occasions, but not for unhosted use for general entertainment purposes"

Reception Centre however is not listed in Table I - Zoning Table of TPS4 for the Rural Zone 3 – Blackwood Valley meaning Council can consider it as a 'Use Not Listed' for the subject property.

Council has the discretion, by Absolute Majority, to determine that the proposed 'Use Not Listed – Reception Centre' is consistent with the objectives and policies the Rural Zone 3 under TPS4 and that development approval may be granted. Should

Council determine that the proposed use is not consistent with the general and specific objectives and policies of TPS4, the proposal is therefore not permitted and must be refused.

Should Council support the 'Use Not Listed' public consultation must be undertaken as per Clause 5.2 of TPS4, and can include a sign onsite, a newspaper advertisement, website notice and direct correspondence to surrounding landowners. The application can be presented back to Council for determination following public consultation, or as recommended, delegated authority granted to the Chief Executive Officer to determine the application where no objections are received.

Statutory Environment

- Shire of Bridgetown-Greenbushes Town Planning Scheme No. 4

Clause 3.2.5 Zoning Table

In relation to a 'Use Not Listed', Clause 3.2.5 of TPS4 states that *"If the land use for a particular purpose is not specifically referred to in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use classes shown, Council may:*

- 1. determine that the use is not consistent with the objectives and purposes of the particular zone, and is therefore not permitted; or*
- 2. determine by absolute majority that the proposed use is consistent with the objectives and purposes of the Zones and thereafter follow the 'SA' procedures of **Clause 5.2** in considering an application for Planning Consent."*

Section 4.3.3 of the TPS4 states:

4.3.3 Rural Zone 3 - Blackwood Valley

Council's Objective, recognising that the zone contains areas of major landscape and historical significance, areas suitable for agriculture, afforestation or horticulture, and considerable tourist potential, will be to ensure that future development is such as to preserve and enhance the natural attributes and the economic potential of the zone.

Council's Policies will therefore be to:

- 1. assist in the introduction of viable agricultural or horticultural practices;*
- 2. carefully assess development proposals, especially for tourist and recreational uses, in the light of their effect on the areas landscape and environment.*

Council is advised that the proposal meets the objectives of Rural Zone 3 – Blackwood Valley by promoting a tourist related activity and enhancing the economic potential of the zone by taking advantage of the landscape attributes.

- Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 (Deemed Provisions)

Part 10A Local Planning Scheme Regulations 2015 relates to bushfire risk assessment. Assessment of bushfire risk is relevant, discussed below in the Policy Implications.

The ‘Matters to be considered’ under Clause 67 of the Local Planning Scheme Regulations 2015 will be further assessed following public consultation.

Integrated Planning

➤ Strategic Community Plan 2019

Key Goal 1 - Our economy will be strong, diverse and resilient

Objective 2.1 - A diverse economy that provides a range of business and employment opportunities

Strategy 1.1.1 - Encourage long term growth in the district in order to retain and enhance services

Objective 2.1.2 - A proactive approach to business development

Strategy 1.2.1 - Embrace a “can do” approach to development

Key Goal 2 - Our natural environment is valued, conserved and enjoyed

Objective 2.6 - Development is sympathetic to the landscape

Strategy 2.6.1 - Planning processes allow for a diverse range of land and development opportunities

Key Goal 5 - Our leadership will be visionary, collaborative and accountable

Objective 5.1 - Our community actively participates in civic life

Strategy 5.1.1 - The community is involved in local decision making

➤ Corporate Business Plan

Strategy 2.6.1 - Planning processes allow for a diverse range of land and development opportunities

Action 2.6.1.2 Development application process allows a balance between sensitively developed places and progressive development

➤ Long Term Financial Plan - Nil

➤ Asset Management Plans - Nil

➤ Workforce Plan - Nil

➤ Other Integrated Planning - Nil

Policy Implications

- State Planning Policy 3.7 Planning in Bushfire Prone Areas and Guidelines for Planning in Bushfire Prone Areas

The BMP has contains a Bushfire Emergency Evacuation Plan and recommendations for other bushfire risk mitigation strategies including an asset protection zone around the reception area, vehicular access and escape treatments, refuge areas and

firefighting infrastructure etc. which demonstrates compliance with the Bushfire Protection Criteria of the *Guidelines for Planning in Bushfire Prone Areas*.

Budget Implications

The required development application fee has been paid to consider the application, with additional fees to be charged for a newspaper advertisement should Council give preliminary support for the Use Not Listed.

Should Council not give support for the Use Not Listed and/or the application is ultimately refused, the applicant may exercise a right of review (ie. appeal) with the State Administrative Tribunal, additional staff time and potential legal costs are likely to be incurred.

Whole of Life Accounting – Not applicable

Risk Management

No risks to the Shire. Bushfire risks are mitigated through compliance with the *Guidelines for Planning in Bushfire Prone Areas*.

Should Council not give support for the Use Not Listed and/or the application is ultimately refused, the applicant may exercise a right of review (ie. appeal) with the State Administrative Tribunal.

Voting Requirements – Absolute Majority

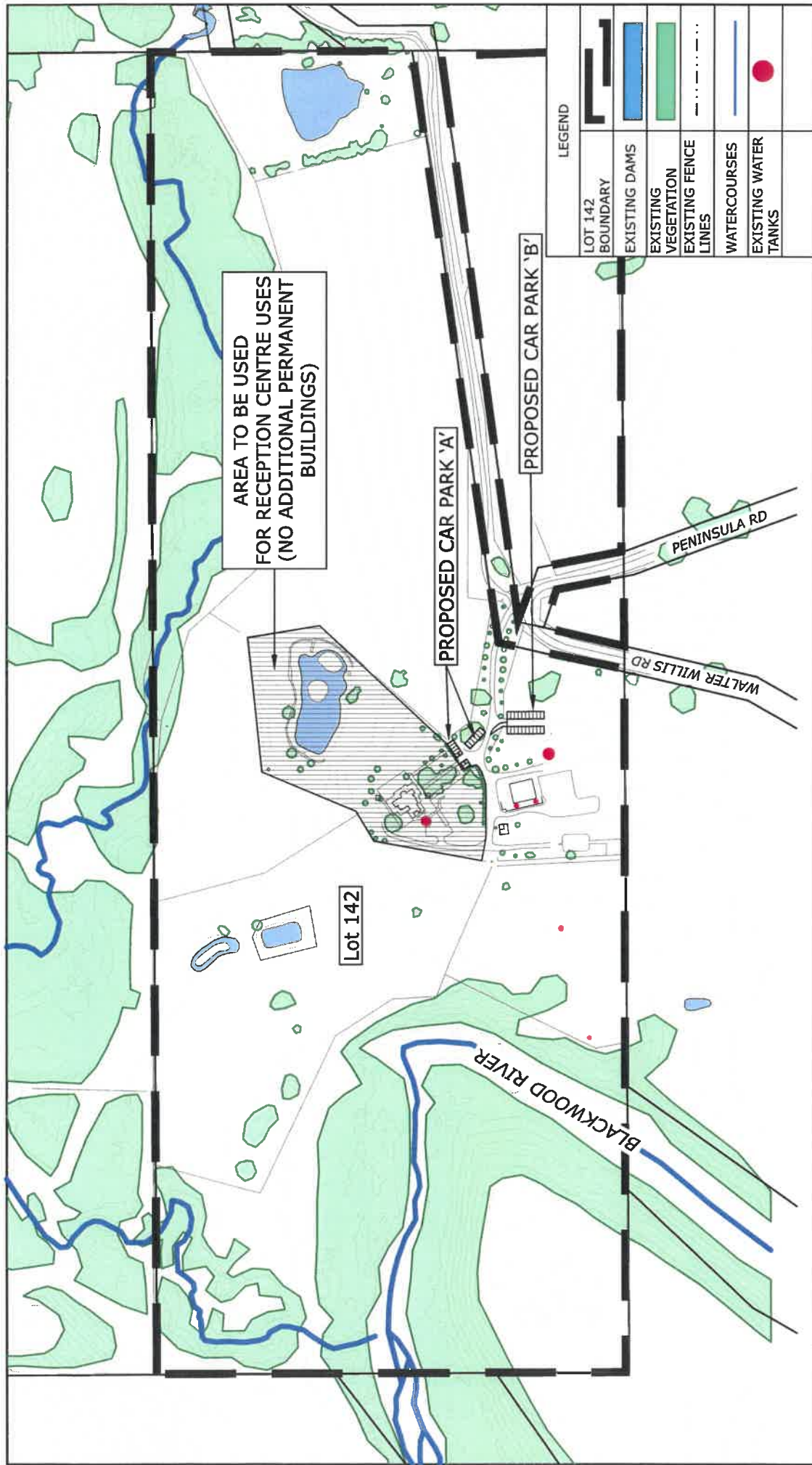


FIGURE 1

PROPOSED CHANGE OF USE FROM
'RURAL PURSUIT'
TO
'RURAL PURSUIT & RECEPTION CENTRE'

L Porter & J Scudds
Lot 142 (767) Peninsula Road
Hester Brook
SHIRE OF BRIDGETOWN - GREENBUSHES

Date Drawn	12 JUNE 2020
REV B	10 Aug 2020
REV C	17 AUG 2020
REV D	17 AUG 2020
REV E	18 AUG 2020

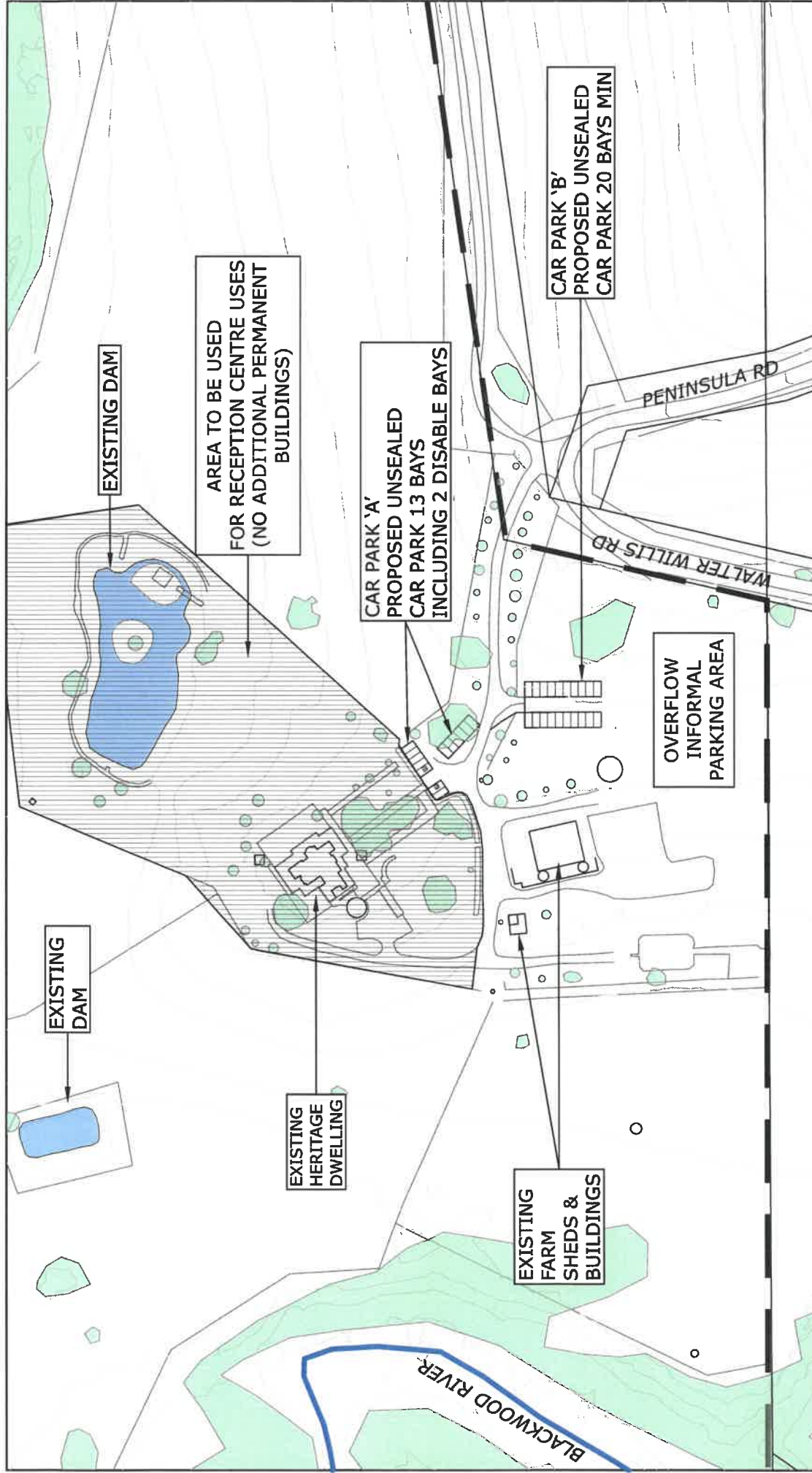


FIGURE 2

PROPOSED CHANGE OF USE FROM
'RURAL PURSUIT'
TO
'RURAL PURSUIT & RECEPTION CENTRE'

L Porter & J Scudds
Lot 142 (767) Peninsula Road
Hester Brook
SHIRE OF BRIDGETOWN - GREENBUSHES



SCALE 1:1,500 @ A3

Date Drawn	12 JUNE 2020
REV B	10 AUG 2020
REV C	17 AUG 2020
REV D	17 AUG 2020
REV E	18 AUG 2020

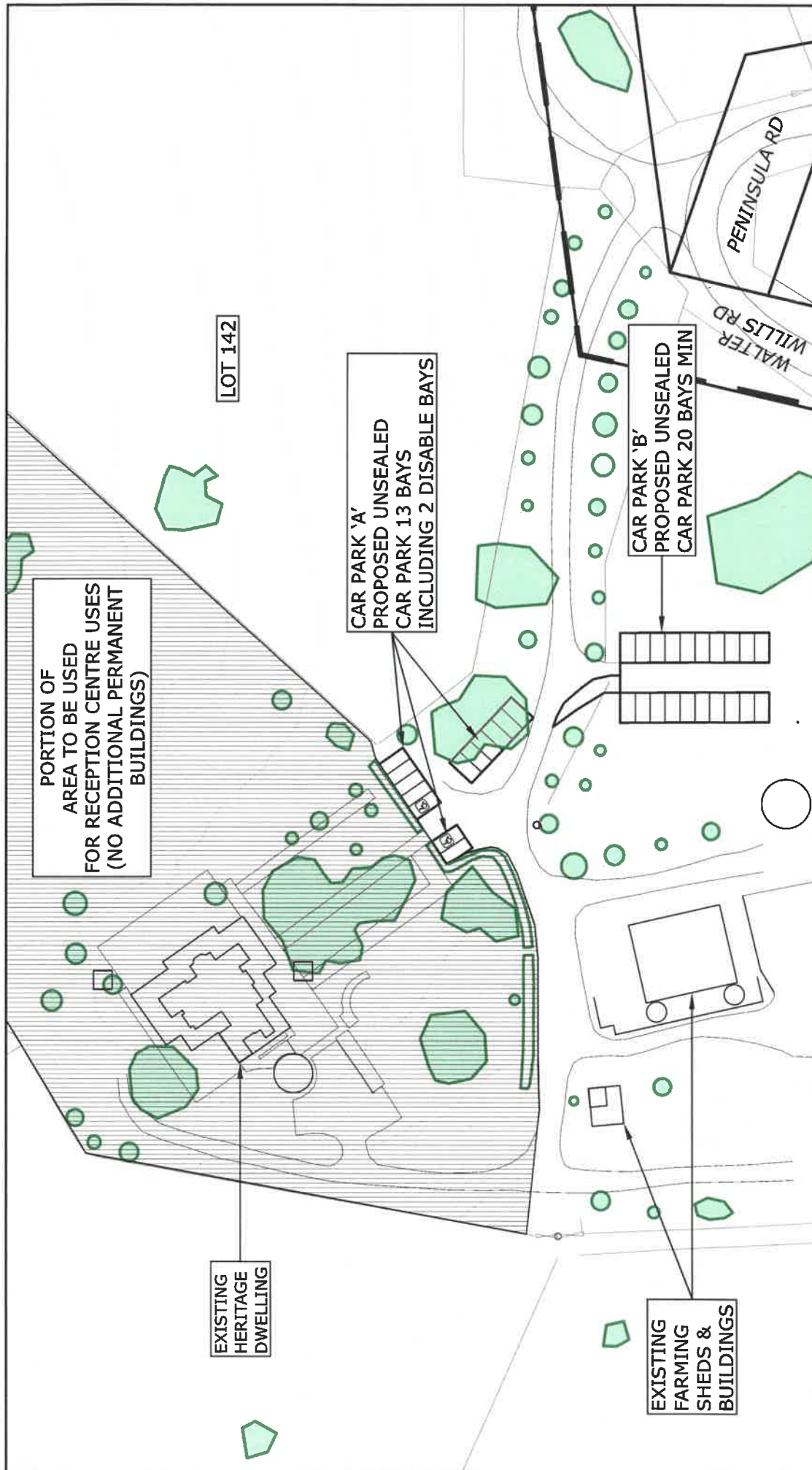


FIGURE 3

PROPOSED CHANGE OF USE FROM
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TO
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L Porter & J Scudds
Lot 142 (767) Peninsula Road
Hester Brook
SHIRE OF BRIDGETOWN - GREENBUSHES



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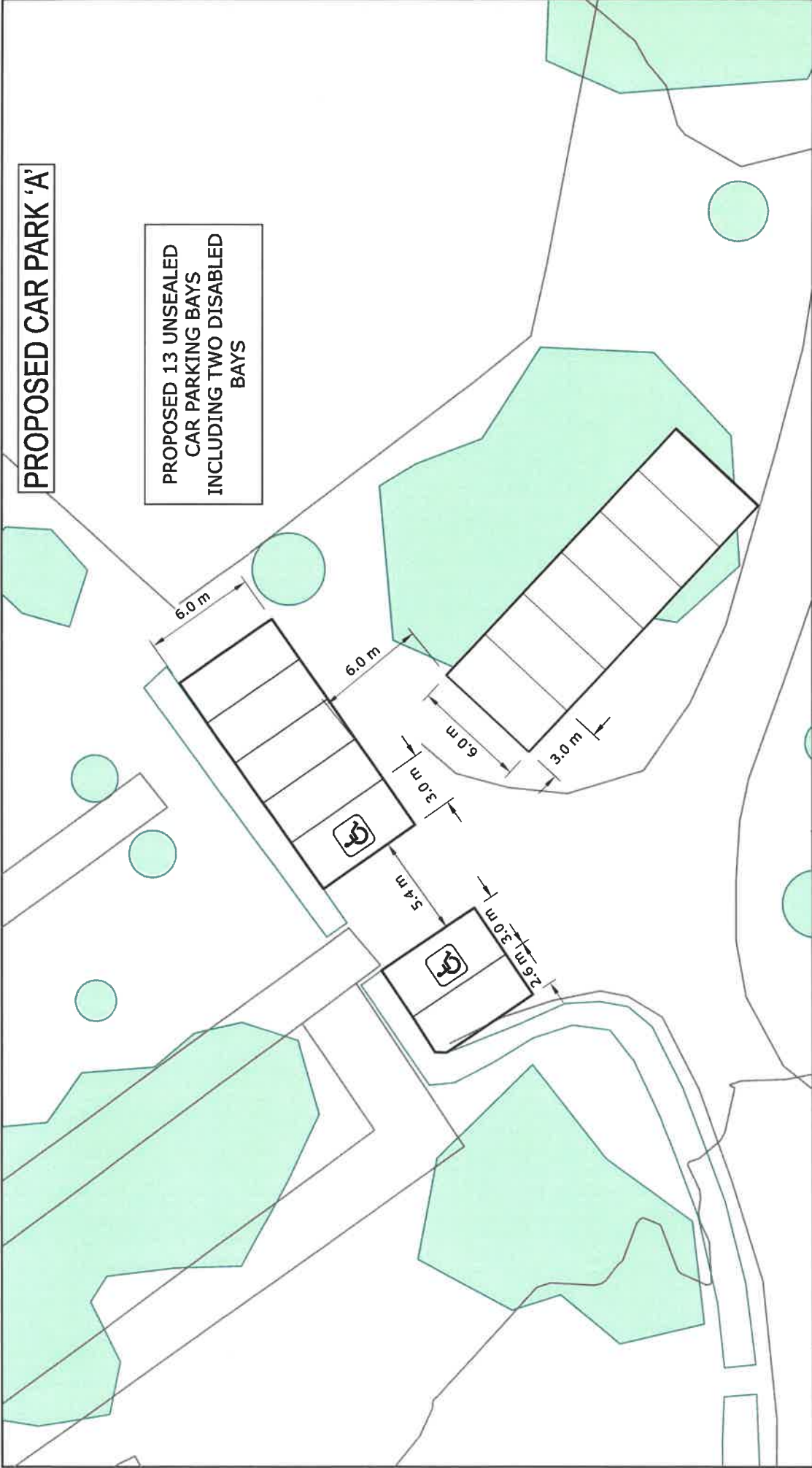


FIGURE 4

**PROPOSED CHANGE OF USE FROM
'RURAL PURSUIT'
TO
'RURAL PURSUIT & RECEPTION CENTRE'**



SCALE 1:200 @ A3

Date Drawn	12 JUNE 2020
REV B	10 Aug 2020
REV C	17 Aug 2020
REV D	17 Aug 2020
REV E	18 Aug 2020

L Porter & J Scudds
Lot 142 (767) Peninsula Road
Hester Brook
SHIRE OF BRIDGETOWN - GREENBUSHES

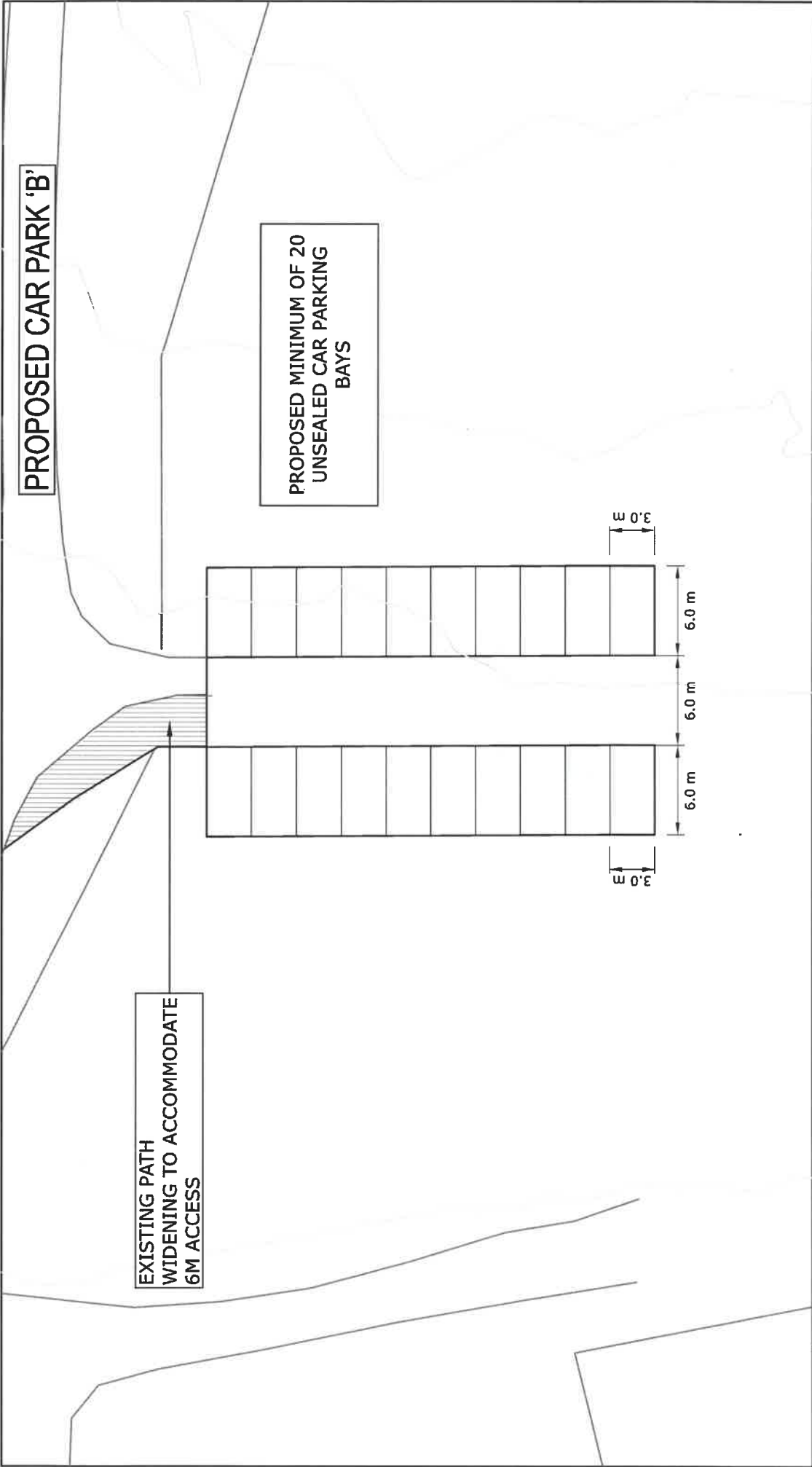


FIGURE 5

PROPOSED CHANGE OF USE FROM
'RURAL PURSUIT'
TO
'RURAL PURSUIT & RECEPTION CENTRE'

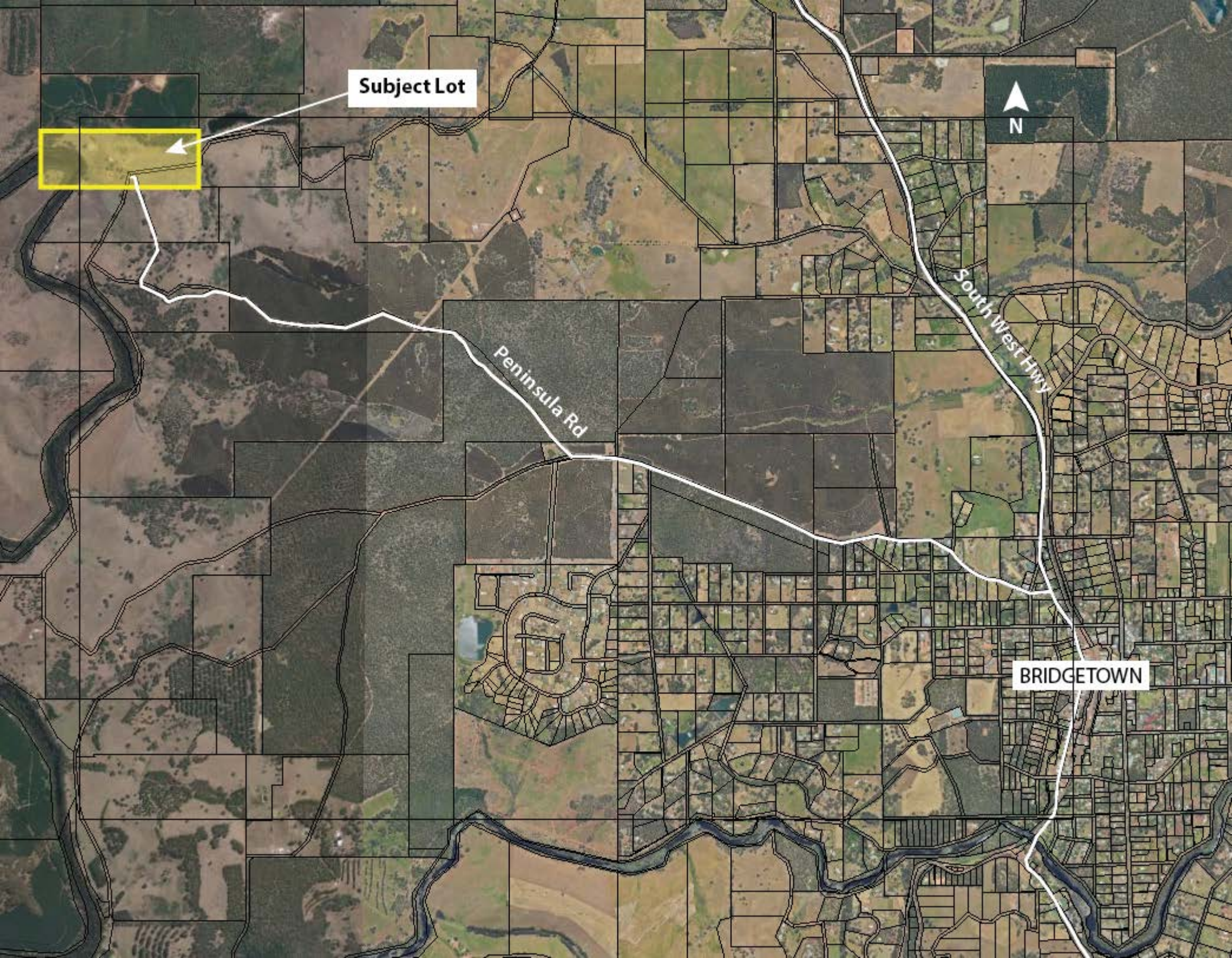
L Porter & J Scudds
Lot 142 (767) Peninsula Road
Hester Brook
SHIRE OF BRIDGETOWN - GREENBUSHES

SCALE 1:250 @ A3

0m 10m 15m

Date Drawn	12 JUNE 2020
REV B	10 AUG 2020
REV C	17 AUG 2020
REV D	17 AUG 2020
REV E	18 AUG 2020

fpdc
Ferraro planning and development consultancy



Subject Lot



South West Hwy

Peninsula Rd

BRIDGETOWN