



DEVELOPMENT APPLICATION REPORT

REEF GALLERY
8118 BORDEN-BREMER BAY ROAD
BOXWOOD HILL

1. PROPOSAL OVERVIEW

Owner	Wayne Michael Pittard 8118 Borden-Bremer Bay Road BREMER BAY WA 6338
Applicant	Tara Pittard 8118 Borden-Bremer Bay Road BREMER BAY WA 6338
Development Value	\$300,000
Planning Fee	\$960
Location	No. 8118 (Lot 202) Borden-Bremer Bay Road, Boxwood Hill
Certificate of Title	Vol. 2722 Fol. 86 on Deposited Plan 63839
Estimated Date Completion	January 2025

The Reef Gallery development proposal includes construction of a new shed gallery building 28m long by 12m wide with 4m wide verandah attached to the front side that will be divided into 3 spaces as follows:

- 1 space to display collection of repurposed agricultural and domestic items (furniture) along with homegrown seasonal garden produce (fruit/vegetables) for sale;
- 1 space to display for sale of locally produced art/jewellery/soaps/candle items etc.; and
- 1 space to provide local artists a space to work together on exhibitions and occasionally to host artist workshops.

Outdoor activities for visitors would include tours of the extensive existing gardens and landscaped areas. The gallery will be open during tourist season on a daily basis between 10am-4pm. The maximum number of visitors expected at any one-time is 20.

The building will be located nearby existing residence/sheds at the front of the property (see images below) and will be located adjoining the established garden areas. The 10 bay car parking area will be located at the front of the building.

The building walls will be clad with a combination of timber panelling and zincalume to match the colours/materials on existing buildings. The front side will have an on-building sign attached to the fascia displaying the gallery attractions.

The proposal is intended to attract locals in town and visitors to Bremer Bay and potentially tour companies coming to town and will promote local tourism by providing a new unique destination for visitors to the area. A pylon sign (2m wide by 1m high) displaying the gallery logo, attractions and open/closed is proposed at the driveway entrance onto Borden-Bremer Bay Road.

The proposal will enhance the sustainable use of the property and will not create any land degradation issues. The footprint of the development is small (1000m² including buildings and car parking etc.), in relation to the size of the overall property (482 hectares).



Aerial image of 8118 Borden-Bremer Bay Road bordered in red



Aerial image showing position of Reef Gallery building in red

2. PLANNING REPORT

2.1 Regional Context

The property is located in the Shire of Jerramungup and on the Borden-Bremer Bay Road 35km to the west of nearby the Bremer Bay townsite.

Bremer Bay is on the South Coast, 180km north-east of Albany, the major town in the Great Southern region and 97km from Jerramungup, the main centre in the Shire. Bremer Bay provides a range of services and facilities to residents and visitors and has developed tourism activities and facilities including Fisheries Beach Marina, Quaalup Homestead and Museum, Wellstead Museum, Bremer Bay Resort, Gnornbup Winery, Bremer Bay Brewery, Whale tours, Charters, tourist accommodation including motel, caravan parks/B&B's and provides access to the extensive coastline and pristine beaches for fishing, diving, snorkelling, scuba diving and surfing.

2.2 Local Context

The site is located 35km west of the Bremer Bay town centre. The site is allocated as 'Rural' in the Shire of Jerramungup Local Planning Strategy.

There is extensive agricultural uses to the north and west of the development site and Reserve 818 for Water and Stopping Place (400m) and 116 Yenteyerrup Road (1km) used for rural pursuits to the south of the development site. The main southern boundary of the property adjoins the large coastal Reserve 27102 surrounding Wray Bay. The site is over 5km from the shoreline at Wray Bay. The eastern boundary of the property adjoins Reef Beach Road approx. 2.3km away from the development site.

The Reef Gallery proposal is intended to attract locals in town and visitors to Bremer Bay and provide existing tour companies with another attraction to visit without causing adverse impacts on existing agricultural operations in the locality.

2.3 Physical Characteristics

The development site has the following characteristics and features:

- It is flat and cleared;
- It has an elevation of approx. 52m AHD;
- It is over 140m from the front boundary and effectively screened from Borden-Bremer Bay Road by existing roadside vegetation and farm trees;
- The immediate surrounding area contains a dwelling, sheds and extensive reticulated gardens; and
- The closest residence off-site is over 800m north-east of the gallery building.

2.4 Soil Types and Land Capability

The soil types are suitable for the construction of the Reef Gallery building and on-site effluent disposal system required.

The proponents will require a Building Permit and Health Approval for the on-site effluent disposal system and water supply from the Shire prior to commencing any works.

2.5 Existing Services

2.5.1 Roads

The site has access/egress onto the Borden-Bremer Bay Road which is sealed with open stormwater drains and connects Bremer Bay to Boxwood Hill (to the west) located on the South Coast Highway.

2.5.2 Drainage

The property generally drains towards a minor depression running north-south across the property. There is no Shire drainage infrastructure available.

2.5.3 Water Supply

The site is not connected to the reticulated water supply system operated by Water Corporation.

2.5.4 Wastewater Disposal

The site contains an existing dwelling which is serviced by an on-site wastewater disposal system.

2.5.5 Power and Telecommunications

The site is serviced with power and communications.

2.6 Heritage

The Department of Planning, Lands and Heritage Aboriginal Cultural Heritage Inquiry System has no known sites of Aboriginal cultural significance on the property. While noting this, developers have an obligation under the *Aboriginal Heritage Act 1972* to protect places and objects in Western Australia that are important to Aboriginal people because of the connections to their culture.

The site does not contain any structure or place of historic heritage significance on the Shire of Jerramungup Municipal Inventory (Heritage Survey) or Heritage List.

3. PLANNING FRAMEWORK

3.1 Overview

The following section will outline how the proposal suitably addresses relevant planning policies, strategies, plans, the Shire of Jerramungup Local Planning Scheme No. 2 (LPS2) and the Shire of Jerramungup Local Planning Strategy.

In summary, the proposal is consistent with the State, regional and local planning framework which supports incidental and ancillary rural tourism uses in conjunction with extensive agriculture in areas where no conflict with existing agricultural activities and farm practices will occur.

3.2 State Planning Strategy 2050

The State Planning Strategy 2050 sets a broad strategic plan for Western Australia built on sustained growth and prosperity. The vision (page 20) is:

'Sustained growth and prosperity

The vision of sustained growth and prosperity envisages a future where Western Australians enjoy high standards of living, improved public health and an excellent quality of life for present and future generations.'

Sustained growth (page 20) consists of:

- *'A diverse state; offering a diversity of ecosystems, landscapes, enterprises, people and cultures.'*
- *'A liveable state; the place of choice for the brightest and best.'*
- *'A connected state; as connected to the rest of the world as any other place.'*
- *'A collaborative state; enabling alignments that progress the State's sustained growth and prosperity.'*

The Strategy (page 20) seeks the following:

'By 2050, Western Australia will have a diverse range of interconnected and vibrant local communities and regional centres. The people in these communities will be healthy, resilient, active, prosperous, respectful of cultural difference and participate in the public domain.

Standards of living will continue to be amongst the highest in the world. Improved connections and smarter technologies will enhance the State's ability to attract global and domestic investment capital where and when it is most needed.

A 'can do' attitude will prevail, inspiring new ways of thinking and working, which will deliver optimal outcomes for the economy and communities of Western Australia.'

The Strategy establishes objective and the strategic approach in relation to economic development, physical infrastructure, social infrastructure, environment and security. The Strategy is the lead strategic planning document within Government which informs all other State, regional and local planning strategies, policies and approvals.

The Reef Gallery proposal is consistent with the Strategy. This includes that it supports sustained growth and economic development in the Shire and will assist promote tourism activity and opportunities around Bremer Bay in conjunction with an existing rural farm.

3.3 State Planning Policy 2.5: Rural Planning

This Policy applies to rural and rural living land in Western Australia. Objectives of the Policy include to 'avoid and minimise land use conflicts'. The provisions of the Policy have been applied in the Local Planning Strategy through the identification of agricultural and rural residential and residential areas etc. The Local Planning Strategy classifies the site as 'Rural'.

The Reef Gallery proposal is consistent with the Policy which supports rural tourism and economic development opportunities for rural land in the Shire where they can be shown to operate without causing adverse any impacts to existing agricultural operations in the locality.

3.4 State Planning Policy 2.9: Water Resources

The Policy supports an integrated approach, taking account of the total water cycle management, supporting water sensitive urban design principles and provides guidance on appropriate buffers to watercourses and waterways.

The Reef Gallery proposal includes a new building and associated unsealed parking area and will have a development footprint of approx. 1000m² on a farming property comprising 482 hectares. The stormwater runoff from the new building will be captured for re-use having a nil water resource or stormwater risk.

3.5 State Planning Policy 5.4: Road and Rail Noise

The Borden-Bremer Bay Road is a State Freight Route under the Policy, and the development site is within the 200m 'trigger' area affected by road freight noise.

The Reef Gallery proposal does not involve a noise-sensitive land use or development and will not be occupied or designed for occupation or use for any residential purpose.

3.6 State Planning Policy 7.3: Planning in Bushfire Prone Areas

The site and property is located within the designated bushfire prone area by the Department of Fire and Emergency Services.

The proponents have prepared the attached BAL Report and Certificate that has determined the highest BAL rating for the site/development to be BAL-19 with majority of the site being BAL-LOW – BAL-12.5. The BAL Report notes '*This rating may be reduced to a lower rating with a Bushfire Management Plan or Bushfire Management Statement from an accredited Level 2 Bushfire planning practitioner.*'

The proposal is for a Tourism Day Use under the Guidelines and satisfies the criteria on the basis that:

- The proposal does not involve no overnight stay;
- Satisfactory egress/access is available from the property in the event of a bushfire, to a suitable destination(s);
- The maximum number of visitors on-site at any one time will not exceed 20 persons;

- Some visitors are likely to be tourists who are unfamiliar with the area;
- Most visitors are likely to be from the local region;
- The gallery will be closed in response to an extreme or catastrophic fire danger rating and/or on the issue of a total fire ban on any given day;
- The proponents are resident on-site at all times, who is able to activate any required emergency procedures; and
- Visitors would have travelled in their own or shared vehicle, or any tourist bus are able to evacuate the premises in the manner they arrived.

Details on emergency procedures are being finalised through the preparation and implementation of a Bushfire Management Plan and Bushfire Emergency Evacuation Plan to support the proposal. These Plans will be implemented as conditions of development approval.

3.7 Great Southern Regional Planning and Infrastructure Framework

The Framework highlights that the region's population will continue to grow for reasons including in-migration from retirees, sea-changers and tree-changers and promotes the efficient use of land, promotes development in or near existing communities, and promotes a mix of lot sizes and dwelling types.

The Framework identifies Bremer Bay as a Town within the settlement hierarchy and a local centre providing services and facilities for the local community and the rural population in their local hinterland.

The Reef Gallery proposal is consistent with the Framework including promoting tourism development compatible with the predominant use of the land for agriculture.

3.8 Shire of Jerramungup Local Planning Strategy 2018

The LPS guides the vision and long term land use planning direction for the district.

The LPS outlines in Part 5.1 'General Rural Development' that the Council will generally supports rural diversification into other rural or related ventures (which comply with the Scheme and any relevant Local Planning Policy) with the prime consideration being the continued protection of traditional agriculture as the main industry in the area, and ongoing support for farming.

In relation to tourism activities, the LPS in Part 7.5 'Tourism' comments that tourism will remain important to the economy of the Shire, based around the attractions of the Fitzgerald River National Park, coastal areas, and Bremer Bay. It notes that Bremer Bay has the greatest potential for increased tourism development within the Shire with visitor numbers exceeding 20,000/month during the peak month of January and encourages tourist opportunities on rural land provided that no land use or environmental conflicts arise.

The Reef Gallery proposal is consistent with the Local Planning Strategy and will provide additional tourist facility near Bremer Bay and is complimentary to the predominate use of the property for rural production. The proposal will not conflict with any surrounding land uses or have any detrimental environment impacts.

3.9 Shire of Jerramungup Local Planning Scheme No. 2

The property is zoned 'Rural' under LPS2.

3.9.1 Scheme Aims

The aims of the LPS2 includes the following relevant clauses:

- (a) To assist the effective implementation of regional plans and policies including the State Planning Strategy;*
- (b) To protect areas of agricultural significance for sustainable production;*
- (c) To encourage economic growth in rural areas by facilitating the more intensive and diversified use of rural land in appropriate areas for high value products which are compatible with surrounding farm practices, encouraging processing and value adding industries, and by promoting tourism; and*
- (f) To protect the natural environment and biodiversity while ensuring appropriate development opportunities realised.*

3.9.2 Zone Objectives

The objectives for land use and development within the Rural zone includes the following relevant clauses:

- To ensure the continuation of broad-hectare farming as the principal land use in the district and encouraging where appropriate the retention and expansion of agricultural activities where the land is capable of such development;*
- *To consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment; and*
- *To allow for facilities for tourists and travellers, and for recreation uses.*

The Reef Gallery proposal is consistent with the Local Planning Scheme aims and objectives and will provide local economic growth with the development of the new gallery facility complimentary to the predominate use of the remaining property for rural production. The proposal will enhance Bremer Bay's existing tourism activities and will not adversely affect any natural resources or the environment.

3.9.3 Zoning Table and Land Uses

The Zoning Table contains the uses permitted in the Rural zone under LPS2. The Reef Gallery proposal complies with the types of activities allowed under Exhibition Centre defined as follows:

"exhibition centre" means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, and includes a museum or art gallery;

Exhibition Centre is not listed in the Zoning Table and LPS2 requires the Shire to consider if the use is either:

- a) Consistent with the objectives of the zone and is therefore permitted;*
- b) May be consistent with the objectives of the zone and follow the advertising procedures in considering an application for planning approval; or*
- c) Not consistent with the objectives of the zone and is therefore not permitted.*

The Reef Gallery proposal is considered to be consistent with the objectives for the Rural zone to promote tourism activities that are complementary to the predominate use of the property for rural production and should be permitted.

3.9.4 Site and Development Standards

Table 2 – Site and Development Standards of LPS2 contains the site and development requirements for land in various zones.

There is no listing for Exhibition Centre in Table 2 and the development requirements for the Rural zone are as follows:

Required Setback	Proposed Setback
Front 20m	Exceeded Over 140m from the front boundary to Borden-Bremer Bay Road
Rear 20m	Exceeded Over 450m from closest rear boundary line to Reserve 818 (Lot 1737) for Water/Stopping Place
Side 10m	Exceeded Over 600m from western side boundary to Lot 201 used for agricultural purposes; and Over 2km from eastern side boundary to Reef Beach Road

3.9.5 Landscaping

The LPS2 does not contain any specific standard for landscaping of exhibition centre developments.

The Reef Gallery proposal will incorporate landscaping adjoining the new building and car parking area to blend the development into the surrounds.

3.9.6 Car Parking

The LPS2 does not contain any specific standard for parking requirements for exhibition centre developments.

The Reef Gallery proposal will include a suitable unsealed car parking area adjoining the new building. The car parking area will allow for 10 car bays (including 1 universal access bay) and a medium sized tourist coach. The car parking area will include adequate manoeuvring space for vehicles.

3.9.7 Appearance of Buildings

The LPS2 requires buildings reflect the design and appearance of other buildings in the Rural zone and use colours/materials as existing buildings and not be detrimental to the rural landscape character of the area.

The Reef Gallery building will achieve these requirements and complement the existing buildings on the property in height/bulk and by using similar building colours/materials.

3.9.8 Visual Impact of Land Use and Development Near the Coast or along Major Tourist Routes

The LPS2 requires the Shire to consider the visual impact of the proposal as it adjoins the Borden-Bremer Bay Road tourist route and may impose specific requirements on a development proposal.



Street view of property entrance from Borden-Bremer Bay Road

The property is effectively screened by existing roadside vegetation along Borden-Bremer Bay Road verge area.

The Reef Gallery building achieves all of these requirements, and the development site will not be visible from the tourist route with the incorporation of landscaping around the new building and using building colours/materials to complement the existing buildings on the property.

3.9.9 Tourist Related Uses

The LPS2 (cl.5.17) enables the Shire, despite any other provision, to approve tourist-related uses that are operated in conjunction with the predominant use of the land for:

- (a) consumption of food and / or beverages,
- (b) the sale of produce,
- (c) the sale of arts and crafts, and / or
- (d) conducting excursions for tourists.

The Reef Gallery proposal specifically achieves parts (b), (c) and (d) of the Scheme provision.

3.9.10 Local Planning Policies

The Council has endorsed a number of Local Planning Policies and various policies are of relevance to the development of the site as follows:

Local Planning Policy No. 11 - A Guide on Public Consultation for Development Applications
The proposal is expected to be referred to affected adjoining neighbours for comment as part of the assessment of the application.

Local Planning Policy No 12 - Requirement for Fire Management Plans

Details on emergency procedures are being finalised through the preparation and implementation of a Bushfire Management Plan and Bushfire Emergency Evacuation Plan to be implemented as conditions of development approval.

The Reef Gallery proposal has taken into account the parts of the applicable Local Planning Policies.

3.10 Shire of Jerramungup Strategic Community Plan 2021 – 2031

The Strategic Community Plan reflects the vision for the future and is the principal strategic guide for the Shire's future planning and activities.

The vision is:

'Progressive, Prosperous and a Premium Place to Live and Visit'.

The Community Priorities includes the following goal under the Economy theme:

'Work with the business community to attract investment, create jobs and support small business growth. There is an increase in business activity and employment within the Shire.'

The Reef Gallery proposal is consistent with the Shire's vision and goal for the development of additional business activity and employment opportunities. The proposal is consistent with the planning framework and can be successfully developed to provide a unique tourist destination near Bremer Bay that compliments the existing traditional rural activities undertaken.

4. PLANNING CONSIDERATIONS AND JUSTIFICATION

4.1 Overview

This section combines the assessment of the site's attributes and the planning framework in considering key planning considerations and justifying the Reef Gallery development application.

4.2 Suitability of the Site

The site is considered suitable to facilitate the Reef Gallery development for the following reasons:

- As outlined in Section 3, the State and Local Government planning strategies and policies support the introduction of tourist uses that are complimentary and maintain existing rural uses;
- The predominant use of the property will remain for agricultural production;
- The site is cleared, and the proposal will not have no negative environmental impacts;
- The development site adjoins the Borden-Bremer Bay Road tourist route;
- The new building will be consistent in size and scale with other rural buildings; and
- The site is flat containing suitable soil types for the building and car parking area.

4.3 Compatibility with Adjoining and Nearby Land Uses

The Reef Gallery proposal is compatible with adjoining and nearby land uses/development for the following reasons:

- The footprint of the development is small (1000m² including buildings and car parking etc.), in relation to the size of the overall property (482 hectares).
- The proposal will enhance the sustainable use of the property and will not create any land degradation issues.
- The location of the development exceeds the required minimum setbacks and provides an appropriate buffer to the farming property to the north and west of the development site; and
- The LPS recognises that tourism and agriculture can coexist without affecting the viability of the rural land.

4.4 Environmental Impact

The Reef Gallery development will have negligible environmental impacts for the following reasons:

- The site has been cleared;
- Proposed landscaping around the development site to assist blend the development into the property surrounds;
- The site is well setback from the minor depression and other waterbodies (dams);
- The site is suitable for on-site effluent disposal;

- Stormwater will be captured and re-used on-site; and
- It is not a contaminated site.

Subject to addressing development conditions, the Reef Gallery proposal will result in any minimal on-site or off-site environmental impacts.

4.5 Landscape Impact

The site's landscape, when viewed from the Borden-Bremer Bay Road, forms part of the rural landscape in the Shire of Jerramungup.

The development will be integrated with the landscape and the impact of the new building and car parking area will be mitigated by measures including:

- Retaining existing native vegetation on-site;
- The screening effect provided by the existing vegetation along the Borden-Bremer Bay Road verge area;
- The building is similar in size and scale to other rural buildings in the area;
- Proposed landscaping around the development site; and
- The building is well setback from the Borden-Bremer Bay Road to minimise any visual impact.

The above measures adequately serve to maintain the desired landscape character of this rural area.

4.6 Land Capability Assessment/On-site Effluent Disposal

Based on regional soil mapping, there is expected to be minimal constraints to accommodate an additional on-site effluent disposal system in the western part of the site. Further, there are no acid generating soils or evidence of salinity in this area.

Any on-site wastewater disposal system is required to be designed and located to the satisfaction of the Department of Health and the Shire.

4.7 Movement Networks

The site has a high level of connectivity to the Bremer Bay townsite and surrounding areas along the Borden-Bremer Bay Road tourist route.

The development does not propose any changes to the existing access and will not have a detrimental impact on the role or functioning of the existing road network.

4.8 Servicing

The Reef Gallery proposal will be appropriately serviced with on-site water supply and effluent disposal systems to be provided in accordance with Shire and Department of Health and other government agency requirements.

The development presents a low risk to water resources given the proposed small-scale of the proposal, the site's soil types and that it will be appropriately setback from drainage lines.

Reticulated water supply is not available, and the development will retain, treat and re-use stormwater on-site.

Reticulated sewerage is not available, and the development will be serviced by on-site effluent disposal designed and located to the satisfaction of the Department of Health and the Shire.

5. CONCLUSION

Given the above, the Reef Gallery proposal is consistent with the planning framework and the principles of orderly and proper planning should be conditionally approved by the Shire of Jerramungup.

This report confirms that the site is both suitable and capable of accommodating the Reef Gallery development and LPS2 provisions will ensure that the development can be effectively controlled.