

NOT Orderly and Proper Planning

Minister Wyatt Ref: 69-21888

The DA assessment will consider the proposed development in the context of orderly and proper planning of the locality,

From information given to Statutory Planning Committee and Council and including application of Policies and Guidelines.

[Statutory Planning Committee \(SPC\) minutes.](#)

Members raised a concern that the lease was sequenced in advance of the development approval and they requested that this concern is raised with the Director General and the Corporate Executive Committee of the Department of Planning, Lands and Heritage.

From the SPC Agenda and Minutes it was considering a proposed food and beverage facility, as mentioned on multiple occasions. Tavern within brackets amongst all uses come under recommendation. Not part of the information on proposed use to committee. Also informed that the proposed uses were consistent with sublease. These uses were kiosk/cafe/bar/function centre (No Tavern)

Minutes also state CHRMAP 2016 would consider Food and Beverage facility (not a Tavern).

[Policy 6.2 allows for small bar and not a tavern.](#)

No City Planning framework or Policy by WAPC has designated Pinnaroo Point as a Local (Planning) Node for development guidelines or permitted Uses. As required by the WAPC.

Permitted uses would be designated under a Regional, District, or Local Node, not by Local Council, and would need to be approved by WAPC.

Allocated uses as consistent with Sub Lease (Did not list tavern). Uses are NOT applied through sub lease issued by the COJ. Allocation of Node and Approval of the WAPC.

[DC Policy 5.3.1](#)

...and in some circumstances private business to locate on land reserved for Parks and Recreation or Regional Open Space, provided that the applicant demonstrates that:-

- (i) the nature and scale of the proposal is compatible with the use and zoning of surrounding land, the nature and purpose of the reserved land and the environmental character of the location;
- (ii) there is a community need for the proposed facility in the proposed location;
- (iii) the community and local government(s) support the proposal;
- (iv) the proposal can be integrated with other planned facilities and sharing of facilities by more than one incorporated club, community group or private business; and

This proposal does not meet:

DCP 5.3

- (i) nature and purpose of reserved land
- (ii) a need has not been shown
- (iii) No community consultation was done
- (iv) Facility can not be used by more than one incorporated club, community group or business

5.3.5

uses that are compatible with and or support the amenity of the reservation (i.e. cafe, restaurant) where specific facilities for such purposes have been approved by the WAPC. (NO TAVERN)

5.3.1

The proposal is consistent with the planning framework.

There is NO PLANNING FRAMEWORK, no Node allocation, no structure plan, nor WAPC Approval for any plan for this area.

5.3.3 (b)

private businesses, which:

- (i) *are in accordance with a management plan endorsed by the WAPC;*
- (ii) *are open to and provide services for the public; and*
- (iii) *have a purpose which is ancillary and incidental to the primary purposes of the reservation.*

Tavern is not ancillary and incidental to primary use which is local passive recreation.

5.3.5

uses that are compatible with and or support the amenity of the reservation (i.e. cafe, restaurant) where specific facilities for such purposes have been approved by the WAPC (No Tavern)

5.3.7

Unless special circumstances determine otherwise, it is expected that all WAPC owned land to be used by sporting and social clubs and community groups will be leased to the relevant local government with power to sub-lease to sporting, social clubs or organisations and in certain circumstances private businesses. This will allow the local government to allocate grounds buildings and facilities for each entities use. The lease will cover the following matters:

NO Special Circumstance identified to justify to allocating coastal reserve: i.e. cafes for tourism did not identify coastal reserve for Tavern.

Allows COJ to allocate ground for buildings for use not allocate use.

The CoJ has no plans formed using Planning Guidelines or SPP2.6 to apply to this area or that have been approved by the WAPC. The COJ has no Node applied or approved by WAPC which would allocate designated uses and X uses.

The CoJ has not applied the SPP 2.6 in its entirety or followed the coastal Planning Guidelines. If they had they would have a plan in place for this piece of Coastal reserve approved by WAPC and the Land use would be clear.

To inform the Council that the uses were approved through the sublease prepared by the CoJ (even though it does not allocate Tavern in sublease) does not adhere to proper and orderly planning but has circumvented it in so many ways.

Additional comment

Intent of reservation is passive activity in consideration of risk of erosion and size of land and bush forever site.

Specific facilities for café restaurant may have been supported by the WAPC in approving Lease of land to the COJ. Was Not a Land use approval. Tavern was not supported.

WAPC can only grant approval if consistent with Planning framework. No Planning Framework in a Lease Approval.

No Planning Framework adhering to Policy PP 5 and 6 and planning guidelines in its entirety has been done by the COJ or the WAPC. Where intent of reservation and permitted Uses and X Uses would have been legally designated.

COJ wrongly states it can apply any use on Crown Coastal Reserve as they have lease.

This lease does not have the power under MRS or PP 5 and 6 and Coastal Planning Guidelines. Any other Planning Framework to approve use or ignore the hierarchy of Nodes and intent of the reserve by not applying the Framework.

5.1 General measures

(i) Local and regional planning strategies, structure plans, schemes, subdivisions, strata subdivision, **development applications**, coastal planning strategies and foreshore management plans, as well as other planning decisions and instruments relating to the coast should comply with the policy measures.

(ii) The policy measures where relevant should be read in conjunction with Schedule One and the Coastal Planning Guidelines prepared and endorsed under this policy.