

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
27 April to 3 May 2023

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
27/04/2023	P223257	137 (Lot 1028) Heron Drive, Margaret River	Holiday House Renewal
27/04/2023	P223258	Lot 21 Caves Road, Hamelin Bay	Entrance Statement Signage x 2 (Hamelin Ridge)
27/04/2023	P223259	17 (Lot 301) Flora Grove, Molloy Island	Single House
27/04/2023	P223260	82 (Lot 11) Redgate Road, Redgate	Local Development Plan
28/04/2023	P223261	114 (Lot 502) Bussell Highway, Margaret River	Extension of Term to P222400
28/04/2023	P223262	69 (Lot 51) Freshwater Drive, Burnside	Holiday House Renewal
03/05/2023	P223274	23 (Lot 142) Grunters Way, Gnarabup	Holiday House (Large) Renewal
BUILDING			
27/04/2023	223196	Lot 30 Redgate Road, Redgate RES/47731 (Witchcliffe CWA Hall)	Alterations and Additions to existing building - Internal works and amenity addition
27/04/2023	223197	102 (Lot 375) Brookfield Avenue, Margaret River	Single Dwelling, Garage and Patio
28/04/2023	223198	Lot 305 Caves Road, Reserve Point Road Boranup (Point Road Campground)	Ablution Block
28/04/2023	223200	2210 (Lot 201) Jindong-Treeton Road, Rosa Brook	Patio
28/04/2023	223201	5 (Lot 82) Trinder Drive, Margaret River	Single Dwelling (main residence), Patio, Rainwater Tank, Swimming Pool and Pool House
28/04/2023	223202	Lot 1004 Hawkesford Place (Lot 9 Pinot Way), Margaret River Lifestyle Village	Single Dwelling, Carport and Patio
01/05/2023	223203	18 (Lot 16) Gnuraren Grove, Witchcliffe	Single Dwelling, Carport with Store and Rainwater Tanks
01/05/2023	223204	7 (Lot 403) Tamarix Crescent, Margaret River	Swimming Pool and Concrete Piles
01/05/2023	223205	7 (Lot 403) Tamarix Crescent, Margaret River	Swimming Pool Barrier Fence
01/05/2023	223206	687 (Lot 722) Ellenbrook Road, Cowaramup	Occupancy Permit for BLD221273 (Winery Cellar Door)
01/05/2023	223208	13 (Lot 412) Dunnart Close, Margaret River	Swimming Pool
01/05/2023	223209	15 (Lot 2) Mulal Avenue, Witchcliffe	Single Dwelling, Patio and Rainwater Tank
02/05/2023	223210	61 (Lot 64) Wrigglesworth Drive, Cowaramup	Storage Sheds
02/05/2023	223211	391/427 (Lot 3813) Forest Grove Road, Forest Grove	Rainwater Tank x2
02/05/2023	223212	46 (Lot 17) Kulbardi Way, Witchcliffe	Two Storey Dwelling, Pergola, Shed with attached Carport and Rainwater Tanks x2
Exploration Licenses for Comment			
Nil			

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				
27/07/2022	P222496	37 (Lot 407) Hasluck Street, Cowaramup	Medical Centre	Approved
22/02/2023	P223115	4 (Lot 74) Dalton Way, Molloy Island	Single Dwelling (2x Water Tanks and Vegetation Clearing for Additional Crossover)	Approved
15/03/2023	P223161	26 (Lot 102) Shady Glen, Margaret River	Holiday House Renewal	Approved

22/03/2023	P223181	Shop 1, 90 (Lot 6) Bussell Highway Cowaramup	Change of Use (Consulting Room to Office and Educational Establishment (Art Classes))	Approved
04/04/2023	P223214	29 (Lot 28) Pierce Road, Margaret River	Clearing Outside of Building Envelope (Single Dwelling)	Approved
20/04/2023	P223245	63 (Lot 13) Karrack Crescent, Witchcliffe	Grouped Dwelling (Outbuilding)	Approved
SUBDIVISIONS				
Nil				
LOCAL LAW PERMITS				
Nil				

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
02/03/2023	P223134	251 (Lot 215) Horseford Road, Burnside	Home Business (Ceramics Workshop)	Conditional Approval

DEVELOPMENT ASSESSMENT REPORTING PROCEDURE

Assessment of Development Applications (DAs)

For the purposes of this procedure there are three types of development applications:

Level 1

DA not advertised

Level 2

DA is advertised; and

- No submissions; or
- Submission received but meets one of the following:
 - Not related to the reason the DA was advertised.
 - The development is modified to comply or to remove the element of concern to the submitter.
 - Submission is either of support, conditional support or is 'indifferent'; or is from a non-affected person.

Level 3

A submission in opposition is received from an 'affected' person or special interest group in relation to the reason the DA is advertised or the development application is recommended for refusal.

Note: This procedure applies to development applications only. It does not apply to structure plans, scheme amendments or other types of planning proposals.



DEVELOPMENT APPLICATION ASSESSMENT
Report to Manager Planning and Regulatory Services

Proposed Home Business (Ceramics Workshop)
251 (Lot 215) Horseford Rd, Burnside

Major (Level 3 – 1x Objection Received)

P223134; PTY/10651

REPORTING OFFICER : Harriet Park
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	11,386m2
Zone	Rural Residential
Proposed Development	<p>Development approval is sought to use a portion of the existing 96m2 outbuilding for ceramics workshops. The home business will include the following:</p> <ul style="list-style-type: none"> • The home business will occupy 6mx8m (48m2) of the existing outbuilding and the remaining 4mx8m (32m2) will be used for personal storage. • Maximum number of workshops per week: 3 workshops per week • Operating days: Monday to Saturday • Workshop duration: 3 hours (9.00am to 12.00 noon , and 3.00pm to 6.00pm) • Maximum amount of people per workshop: 6 people • Parking is provided for a maximum of 6 cars to the south of the outbuilding • Classes will conclude by 6.00pm • Owner operated • Owner lives on site • No retail sales on the premises.
Permissible Use Class	'A' - requires discretion subject to advertising.
Heritage/Aboriginal Sites	None identified
Encumbrance	None affect this application.
Date Received	02/03/2023

Location Map



Property Map



Policy Requirements	
Is the land or proposal referred to in any Council Policy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Structure Plans and Local Development Plans (LDP's)	
Is the land in any Structure Plan Area or subject to a LDP? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, state the Policy/Policies	Scheme Amendment A11-159 R-R11 <i>Revised Subdivision Guide Plan for Lot 482 Burnside Road and Caves Road, Margaret River dated 14 November 2003</i>
Officer Comment	Does not affect this application
Planning History	
<u>Planning Applications:</u> P219047 - Dwelling Additions (2 x Outbuildings) approved 16 April 2019 P218497 - Building Envelope Variation (for Dwelling and shed) approved 31 October 2018 <u>Building Applications:</u> BLD219174 - 2 x Sheds and 1 x Rainwater Tank approved 30 April 2019 BLD219059 – Single Dwelling approved 7 February 2019	
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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A No. received: 1 submission received from adjoining land owner.

Details of Submission	Officer Comment
<p><u>1x Objection</u></p> <p><u>Issued Raised:</u></p> <ul style="list-style-type: none"> • Neighbour is concerned about hours of manufacturing, additional to the proposed 9 hours maximum of workshops per week. • Health impacts – use of dangerous chemicals, toxic fumes, affect on drinking water collection. • Safety impacts – high temperature kilns may be a safety concern for bushfires. • 6pm finishing time for workshops is too late. Suggestion to finish workshops at 4.30pm. • Concerns about the reason why excessive extra parking is notated on site plan. This enables tour groups, parties, & exhibitions additional to the maximum allocated 6 people/car parking bays for workshops. Submitter would like the car parking sign posted so the maximum 6 guests clearly know where to park. Submitter has requested the car parking area is located south of the shed. • Concerns regarding the retail sale of ceramics leading to excess guests visiting the site outside of the workshop times. • Submitter believes vegetation screening has not been implemented between the outbuilding and the Northern lot boundary as per a condition of planning approval P219047. • Submitter supports allowing the public to access the studio over Open Studios. 	<p>The applicant was contacted following the neighbour advertising period to provide comment on the issues raised. The applicant advised the following:</p> <p>The applicant works two other jobs so hours of personal operation will be minimal. – Noted.</p> <p>There are no toxic chemicals used or fumes emitted from the premise. The applicant reiterates they are not applying for an industrial operation, but a small scale ceramic art similar to a hobby painter or artist. – Noted.</p> <p>The kiln is electric and connected to three phase power. There is no naked flame and no bushfire threat.</p> <p>The applicant would like to conclude evening workshops by 6pm to allow for more flexible workshop hours that are convenient for the applicant and the guests. – Apply operating days and times as condition of development approval.</p> <p>The workshop is conducted inside the designated studio and is quiet in nature and will not generate excess noise. – Noted.</p> <p>Extra parking was shown to demonstrate there is more than enough parking on site for guests. Workshop guests will be asked to park next to the studio so it is convenient to transport their art work to their car after a class. – A condition of planning approval has been added to ensure that all parking and vehicle movements are maintained inside the lot.</p> <p>Applicant advises retail sales will not be available from the studio, however the applicant creates ceramics to display in local galleries and sell at local giftshops. – Retail sale of goods not permitted to be included in condition of development approval.</p> <p>Vegetation screening has been planted along the Northern fence line in accordance with P219047, however some plants have not survived over summer and will be replanted this winter. – Vegetation screening concerns are not applicable to this</p>

		<p>application and will be addressed as a separate matter.</p> <p>No tour groups or parties will be accepted, however the applicant would like to open her studio up to the public for two weeks annually over Open Studios. – Open studios is supported by the submitter – Noted.</p>	
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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Officer Comment	There is no development component proposed and therefore Schedule 9 is not applicable.		
Car Parking			
Officer Comment	<p>Car Bays Required – Schedule 8 does not specify parking standards for a Home Business. Typically, one parking bay per class attendee in addition to the two bays required for the dwelling is considered appropriate.</p> <p>Car Bays Proposed – Six car bays are available for the business located to the south of the outbuilding and within the subject site. Given a maximum of 6 people can attend a workshop at one time this is sufficient.</p>		
Local Planning Scheme No. 1 (LPS1)			
Officer Comments	<p>LPS1 Definition: Home Business</p> <p><i>means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which —</i></p> <p><i>(a) does not employ more than 2 people not members of the occupier's household; - complies.</i></p> <p><i>(b) will not cause injury to or adversely affect the amenity of the neighbourhood; - complies.</i></p>		

	<p>(c) does not occupy an area greater than 50 square metres; - 48m² proposed – complies.</p> <p>(d) does not involve the retail sale, display or hire of goods of any nature; - none proposed.</p> <p>(e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; - Ample parking provided onsite – complies.</p> <p>(f) does not involve the use of an essential service of greater capacity than normally required in the zone; - complies.</p> <p>(g) does not display a sign exceeding 0.2 square metres in area – none proposed. Apply condition of planning approval.</p> <p>The proposal complies with the definition of a home business outlined in LPS1.</p>
Clause 67	
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.
In the opinion of the officer	
i. Are utility services available and adequate for the development?	Yes. Development already exists.
ii. Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land?	N/A
iii. Has adequate provision been made for access for the development or facilities by disabled persons?	N/A
iv. Is development likely to cause detriment to the existing and likely future amenity of the neighbourhood?	No. The proposal is small in nature and will be managed by the land owner / operator.
v. Is the development likely to comply with AS3959 at the building permit stage?	N/A. Development already exists.
Other Comments	
Any further comments in relation to the application?	
Officer Comment	Conditional approval recommended.

OFFICER RECOMMENDATION

That the Coordinator Planning Services Grants Planning Consent under Delegated Authority Instrument No. 34 pursuant to Clause 68(2) of the Deemed Provisions of Local Planning Scheme No. 1 for the proposed Home Business (Ceramics Workshop) at 251 (Lot 215) Horseford Rd, Burnside 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 to P2 received by the Shire on 3 March 2023.
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2. The Home Business use is limited to a period of **twelve (12) months** from the date of this approval (refer to advice note 'b').
3. The Home Business will not involve the retail sale, hire or display of goods.
4. The Home Business shall not occupy an area greater than 50m².
5. The Home Business shall only be operated by the occupier of the subject site and additional employees of the Home Business are not permitted.
6. A sign limited to a maximum of 0.2 square metres and not exceeding 1.5m in height from ground level may be erected at the property frontage and within the property.
7. The Home Business hereby permitted shall have hours of operation that do not exceed normal trading hours, i.e. 9.00am to 6.00pm Monday to Saturday.
8. A maximum of three (3) workshops per week is permitted for a duration of three (3) hours per workshop.
9. A maximum of six (6) people are permitted to attend a workshop to ensure adequate parking is provided on site.
10. All vehicles connected with the Home Business premises must be parked within the property boundaries at all times.

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) Following satisfactory performance of the approved use, and in the absence of any substantiated complaints over the twelve (12) month approval period, the Shire may grant a further planning approval for the continuation of the use. A new planning application seeking such approval should be submitted 90 days before the expiry of this approval, along with the appropriate planning fee.