

DEVELOPMENT ASSESSMENT UNIT
Minutes of the Development Assessment Unit
Shire of Augusta Margaret River
On 11 June 2019

ATTENDANCE Leigh Medlen, Hillary Metcalfe, Anne Marie Laddie, Chris Wenman, Angela Satre

PLANNING APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	DA No.
04/06/2019	A5342	Unit 2 16 (Strata Lot 2 of Lot 10) Town View Terrace, Margaret River	Holiday House (Renewal)	P219354
04/06/2019	A5968	Unit 2/26 (Strata Lot 2 of Lot 226) Minchin Way, Margaret River	Section 40	P219355
05/06/2019	A2662	17 (Lot 17) Waverly Road, Cowaramup	Additions to Existing Child Care Centre	P219356
05/06/2019	A4646	31 (lot 64) Karri Loop, Margaret River	Holiday House (Renewal)	P219357
06/06/2019	A6593	390 (Lot 12) Roxburgh Road, Margaret River	Bed & Breakfast (Renewal)	P219358
06/06/2019	A2454	21 (Lot 25) Wise Road, Margaret River	Home Occupation (Personal Counselling)	P219359
06/06/2019	A3949	1801 (Lot 2914) Rosabrook Road, Margaret River	Extension of Term P217086 (6 x Chalets)	P219360
06/06/2019	A12692	6 (Lot 106) Vita Court, Margaret River	Dwelling Additions (Outbuilding)	P219361

BUILDING LICENCE APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
06/06/2019	A670	136 Lot 62 Wilderness Road, Margaret River	Single Dwelling	219237
06/06/2019	A4230	Reserve 27643 Ellis Street, Augusta	Retaining Wall	219238
06/06/2019	A5888	28 Lot 289 Larch Loop, Margaret River	Unauthorised Works - Verandah	219240
06/06/2019	A670	136 Lot 62 Wilderness Road, Margaret River	Shed and 2 x Water Tanks	219241

SUBDIVISIONS DETERMINED

Date Rec'd	Officer	DA No.	Address	Description of Matter	Recommendation
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Nil

LEVEL 1 APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
02/11/2018	Clare Hamilton	14 (Lot 134) Walton Way, Gracetown	Holiday House	Approve	P218698
10/01/2019	Clare Hamilton	17 (Lot 12) Bayview Drive, Gracetown	Holiday House (Large)	Approve	P219016
09/04/2019	Angela Satre	27 (Lot 20) Isaacs Road, Margaret River	Holiday House (Renewal)	Approve	P219227
16/04/2019	Angela Satre	2/24 (Lot 47) Freycinet Way, Gnarabup	Holiday House	Approve	P219250
29/04/2019	Leigh Medlen	4 (Lot 60) Blond Street, Cowaramup	Dwelling Addition (Outbuilding)	Approve	P219280
06/05/2019	Angela Satre	7 (Lot 27) Osborne Street, Gracetown	Holiday House (Renewal)	Approve	P219291
06/05/2019	Leigh Medlen	19 (Lot 65) Casselton Grove, Margaret River	Family Day Care (Renewal)	Approve	P219293
08/05/2019	Devin Moltoni	52 (Lot 1) Greenwood Avenue, Margaret River	Home Business (Hair Salon)	Approve	P219301
28/05/2019	Devin Moltoni	331 (Lot 101) North Treeton Road, Cowaramup	Outbuilding Ancillary to Agriculture Extensive	Approve	P219340

LEVEL 2 APPLICATIONS for determination

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
26/4/19	Leigh Medlen	No. 14 (Lot 240) Stoneman Street, Margaret River	Family Day Care	Conditional Approval	P219273

MANAGEMENT OF VEGETATION ON SHIRE RESERVES

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
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Nil

LOCAL LAW PERMITS

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
20/05/2019	Emma Rogers	Mocean Health and Fitness Training	Commercial Activities on Shire managed Coastal and River Foreshore Reserves	Approved	P219327
20/05/2019	Emma Rogers	Standup Surfing	Commercial Activities (School and Water Craft Hire) on Shire managed Coastal and River Foreshore Reserves	Approved	P219332

OTHER APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
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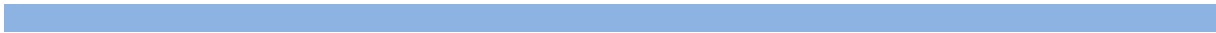
Nil

ELECTED MEMBERS ATTENTION

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
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Nil

CLOSURE OF MEETING





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

Proposed Family Day Care at No. 14 (Lot 240) Stoneman Street, Margaret River

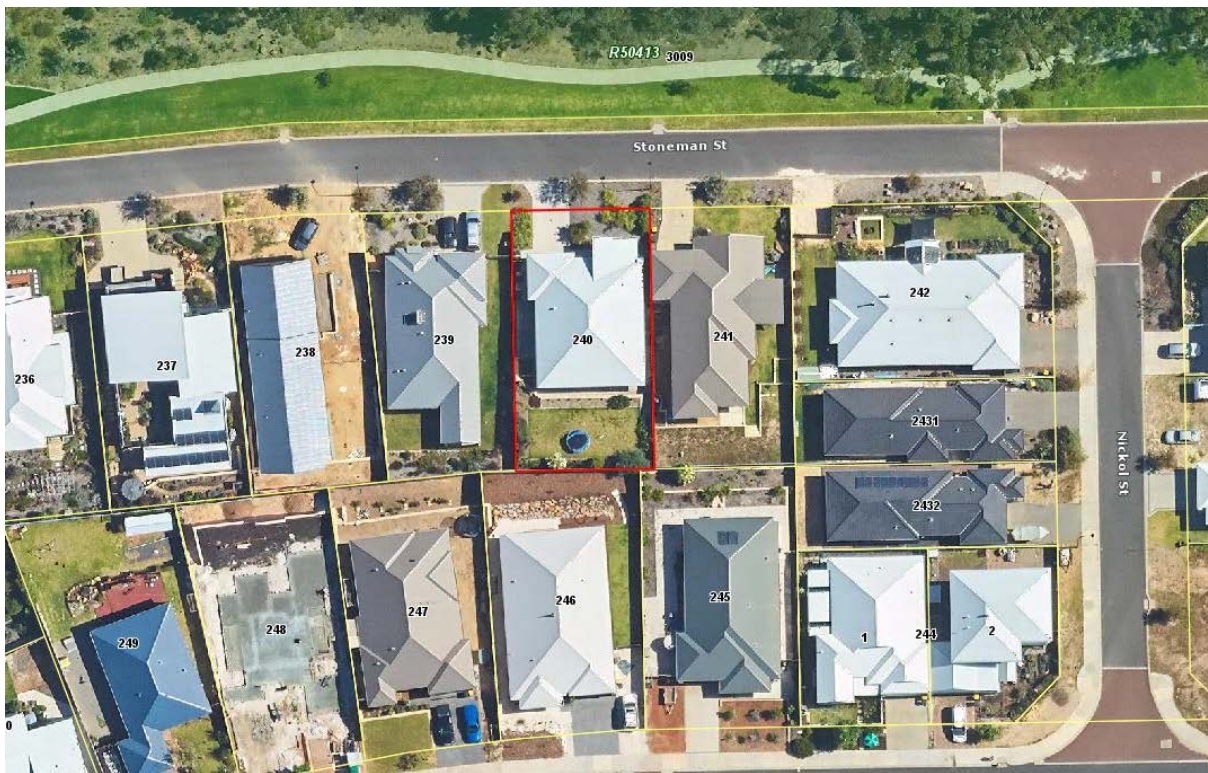
Major (Level 2)

P219273; PTY/11681

REPORTING OFFICER : Leigh Medlen
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	614m ²
Zone	Future Development
Proposed Development	Planning approval is sought for a Family Day Care in an existing dwelling for up to four children (including the operators own). The Family Day Care is proposed to operate between 8.00am to 5.30pm Monday to Friday and provide care for children aged between 6 months and 5 years. No employees are proposed.
Permissible Use Class	'D' – Discretionary
Heritage/Aboriginal Sites	None Identified
Encumbrance	Drainage easement located over the rear of the property which remains unaffected by the proposed development.
Date Received	26/04/2019





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 (DAP)	
Is the land in any Structure Plan Area or subject to a DAP? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, state the Policy/Policies East Margaret River Structure Plan	
Officer Comment	The property identifies the site for residential development with an applicable R-Code. No further development provisions apply.
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 Two objections were received from two nearby neighbour landowners.
Have agency or authority comments been received?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
Nature of Submission	Officer Comment
Concern about why an application can be considered in one of Margaret River's prime residential areas. Surely there are other areas specifically zoned for such activities.	A Family Day Care can be applied for on any lot within the Shire that is zoned for Residential purposes with the intention to provide more work from home opportunities, increase productivity and support emerging businesses by facilitating low impact child care options.
Concern regarding constant noise generated from the facility between 8.00 to 5.30pm every day is intolerable.	Family Day Cares, by way of definition are located within residential areas, as the intended purpose is to provide care for children within family homes, majority of which, are located within residential areas. The property does not have any distinguishing features that would set it apart from another residential area to suggest that this site would be inappropriate in this regard.
My property is currently rented out. If after this facility is allowed to operate and the tenants do not renew their lease because of it, I will be holding the Shire legally responsible.	The Child Care Services Act limits the number of children allowed to be cared for in a Family Day Care to seven children including the operator's own. In this case, the proponent is seeking approval for up to four children including their own. When considering this limitation, the potential noise impact may be considered minimal and consistent with a normal residential use. Noise is not expected to adversely impact any adjoining property beyond a normal residential use given the limitation on the numbers allowed. Furthermore, it is noted that likely noise is limited to the duration of outdoor play times.
	Each application is required to be assessed upon its merits and under the provisions of the LPS1. The concerns are noted but do not warrant refusal of the application.

Concern regarding unsightly and unwarranted cars parking in the vicinity and coming and going all hours of the day.	There are no likely adverse impacts in relation to traffic generated due of the proposal. The site accommodates up to four car parking bays. As a condition of any approval granted, the operator is recommended to be required to stagger arrival and pick up times to ensure that vehicles associated with the Family Day Care park within the boundaries of the site. Any approval granted is also recommended to be limited to 12 months to provide opportunity to gauge the effectiveness of the management measures.	
Has the application been referred to internal departments?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	The application was referred internally to the Shire's Environmental Health Department. Standard development conditions were recommended.
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 type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Car Parking		
LPS1 / R Codes Requirement	Car Bays Required - 4	Car Bays Proposed - 4
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 – N.A	<input type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply
Officer Comment		
The site currently has 2 car parking bays in the garage and an additional 2 bays in driveway.		
There is no car parking standard within LPS1 specific to a Family Day Care. Despite this, the Shire have consistently required 4 car bays to be provided for proposals of this type including 2 bays for the dwelling and 2 bays for the Family Day Care. Historically, car parking for a Child Care Centre (larger facility) has been required at a ratio of 1 bay per 5 children. Based on this ratio, a Family Day Care for up to 4 children would generate the requirement for 1 additional car bay. Given there are 4 bays on site, more than adequate parking would be provided on site.		
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	
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?	None impacted.	
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.	
v. Is the development likely to comply with AS3959 at the building permit stage?	The site is not located within a bushfire prone area. SPP3.7 therefore does not apply.	
Other Comments		
Any further comments in relation to the application?		
Officer Comment	Whilst the proposal generated objections during the public advertising period, a Family Day Care use is a discretionary use in the zone and this proposal is not expected to result in adverse impacts, such as noise or traffic, to the detriment of the locality or neighbouring properties. A 12 month conditional approval period is recommended to provide the opportunity to monitor likely impacts and ensure the use is appropriately managed.	

OFFICER RECOMMENDATION

That the Statutory Planning Coordinator 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 a Family Day Care at No. 14 (Lot 240) Stoneman Street, Margaret River 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 – P3 received at the Shire offices on 26 April 2019.
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2. The Family Day Care Use is limited to a period of **twelve (12) months** from the date of this approval (refer to advice note 'a').
3. A maximum of **four (4) children** at any one time are permitted to attend the Family Day Care including the operator's own children.
4. Prior to the commencement of the Family Day Care use on site, two sign posted car parking bays shall be provided for the Family Day Care. Two car parking bays shall be provided for the residents of the dwelling.
5. All vehicles connected within the Family Day Care including loading and unloading activities must be within the boundaries of the premises at all times.
6. Vehicle visits to set down and pick up children must be staggered to ensure that all vehicles associated with the Family Day Care are parked within the boundaries of the premises at all times.
7. The Family Day Care use shall not operate outside the hours of 8.00am to 5.30pm Monday to Friday.
8. The Family Day Care approval does not affect the entitlement to use the dwelling for permanent residential purposes.
9. Play equipment associated with the Family Day Care shall be located on site to ensure adequate screening and privacy is maintained to adjoining residential properties.

ADVICE NOTES

- a) 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 further planning approval for the continuation of the use for a further period of time. A new planning application seeking such approval should be submitted 90 days before the expiry of this approval, along with the appropriate planning fee.
- b) 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.
- c) The Family Day Care, hereby approved, needs at all times to comply with the *Education & Care Services National Law (WA) Act 2012* and *Education & Care Services Regulations 2012*.
- d) Should food be provided for children, notification shall be made in the approved form to the Shire in accordance with the *Food Act 2008* and subsequent compliance will be required in relation to the *Food Standards Code*.
- e) The proposal is to provide a potable water source in accordance with the *Shire of Augusta Margaret River Health Local Laws 1999*.
- f) Noise emissions (sound levels) resulting from the use of the premises for a family day care shall not exceed the assigned levels in the *Environmental Protection (Noise) Regulations 1997* and shall not unreasonably interfere with the health, welfare, convenience, comfort, or amenity of an occupier of any other premises.