

DEVELOPMENT ASSESSMENT UNIT
Minutes of the Development Assessment Unit
Shire of Augusta Margaret River
On 30 June 2020

ATTENDANCE Lucy Gouws, Chris Wenman, Chris McAtee, Jason Heine, Matt Slocomb, Devin Moltoni

PLANNING APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	DA No.
26/06/2020	A11833	22 (Lot 1642) Kinsella Road, Margaret River	Container Deposit Scheme	P220340
26/06/2020	A10524	15 (Lot 103) Blain Street, Augusta	Cancellation of Holiday House P218304	P220341
26/06/2020	A6785	7981 (Lot 9) Caves Road, Forest Grove	Dwelling Addition (Outbuilding)	P220342
29/06/2020	A4226	6498 (Lot 151) Caves Road, Margaret River	Structure Plan	P220343
29/06/2020	A723	90 (Lot 5) Sabina Drive Molloy Island	Dwelling Addition (Patio)	P220345
30/06/2020	A3987	12 (Lot 13) Yates Road Margaret River	Single Dwelling	P220346
30/06/2020	A7723	14 (lot 95) Grunters Way, Margaret River	Dwelling Addition (Bedroom)	P220348
30/06/2020	A2648	Lot 1004 Bussell Highway, Margaret River	Vegetation Removal	P220349
01/07/2020	A8506	3 (Lot 522) Devon Drive, Margaret River	Building Envelope Variation (Development Outside)	P220350
01/07/2020	A11127	19 (Lot 21) Treeside Lane, Margaret River	Dwelling Additions (Fill & Retaining Wall)	P220351
01/07/2020	A12859	33 (Lot 32) Brookside Boulevard, Cowaramup	Dwelling Addition - Outbuilding	P220354
01/07/2020	A12810 A5945	1153 (Lot 2891) Bramley River Road, Osmington	Animal Establishment (Renewal)	P220355
02/07/2020	A167	51 (Lot 15) Georgette Way, Prevelly	Holiday House - Renewal	P220356
02/07/2020	A8552	Unit 2 16 (Lot 36) William Place, Margaret River	Dwelling Additions	P220357
02/07/2020	A12660	Unit 2 62 (Lot 16) Orchid Ramble, Margaret River	Single Dwelling and Outbuilding	P220358

BUILDING LICENCE APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
26/06/2020	A12902	12 (Lot 6) Bettong Place, Witchcliffe	Single Dwelling	220247
26/06/2020	A3372 A7704 A3372	4 (Lot 526) Village Green, Margaret River	Additions to Existing Dwelling	220266
26/06/2020	A11330	6 (Lot 70) Bronzewing Parade, Augusta	Single Dwelling	220267
26/06/2020	A12597	164 (Lot 31) Darch Road, Margaret River	Shed	220268
26/06/2020	A8376	2 (Lot 72) Oxley Street, Augusta	Two Storey Dwelling	220269
26/06/2020	A9725	98 (Lot 373) Brookfield Avenue, Margaret River	Single Dwelling	220270
29/06/2020	A6127	38 (Lot 21) Hermitage Drive, Margaret River	Alterations to Existing Dwelling	220217
30/06/2020	A4447	12 Burton Road, Margaret River	Storage Shed	220271
30/06/2020	A1447	16 (Lot 227) Turner Street, Augusta	Patio	220272
30/06/2020	A11953	6 (Lot 204) Fritch Road, Karridale	Earthworks	220273
30/06/2020	A12077	39 (Lot 197) Mc Dermott Parade, Witchcliffe	Single Dwelling	220274
02/07/2020	A11960	4 (Lot 211) Bole Way, Karridale	Single Dwelling, Shed and Rainwater Tank	220275

SUBDIVISIONS DETERMINED

Nil

LEVEL 1 APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
12/11/2019	Lara Hoole	179 (Lot 11) Sebbes Road, Forest Grove	Holiday House	Refused	P219684
20/03/2020	Lezia Sandon	427 (Lot 12) Brockman Road, Cowaramup	Home Occupation - Massage and Yoga	Approved	P220192

06/04/2020	Lara Hoole	15 (Lot 13) Timor Place, Margaret River	Holiday House	Approved	P220204
20/04/2020	Devin Moltoni	125 (Lot 1) Bussell Highway, Margaret River	Hotel - Sign	Approved	P220222
19/05/2020	Lucy Gouws	54 (Lot 130) Ironstone Place, Margaret River	Building Envelope Variation - Water Tank	Approved	P220267
20/05/2020	Lara Hoole	12 (Lot 500) Burton Road, Margaret River	Community Purposes Additions (Margaret River Lions Club Garage Sales and Club Premises - Storage Container)	Approved	P220272
27/05/2020	Lucy Gouws	Lot 120 Mentelle Road, Margaret River	Bed and Breakfast	Approved	P220280
28/05/2020	Lucy Gouws	24 (Lot 404) Coral Vine Cros,s Cowaramup	Dwelling Additions - Retaining and Fence	Approved	P220285
15/06/2020	Devin Moltoni	164 (Lot 31) Darch Road, Margaret River	Additions - Outbuilding (Shed)	Approved	P220306
19/06/2020	Devin Moltoni	UNIT 1 1 (Lot 158) Boodjidup Road, Margaret River	Section 40 - Winery	Approved	P220321
26/06/2020	Lucy Gouws	15 (Lot 103) Blain Street, Augusta	Cancellation of Holiday House P218304	Approved	P220341

LEVEL 2 APPLICATIONS for determination

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
21/02/2020	Devin Moltoni	17 (Lot 13) Merchant Street, Margaret River	Home Business (Massage)	Approve	P220131
05/03/2020	Matt Slocomb	59 (Lot 17) Wooditch Road, Margaret River	Building Envelope Modification, Dwelling and Outbuilding	Referred to Council for Determination	P220155

MANAGEMENT OF VEGETATION ON SHIRE RESERVES

Nil

LOCAL LAW PERMITS

Nil

OTHER APPLICATIONS determined under delegation

Nil

ELECTED MEMBERS ATTENTION

Nil

CLOSURE OF MEETING



DEVELOPMENT APPLICATION ASSESSMENT (DAU)
Report to Manager Planning and Development Services
Proposed Home Business - (Massage) at
17 (Lot 13) Merchant Street, Margaret River

Major (Level 2)

P220131; PTY/4159

REPORTING OFFICER : Devin Moltoni
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	1044
Zone	Residential R15
Proposed Development	Proposed home massage business:
Permissible Use Class	'A'- Discretionary with advertising
Heritage/Aboriginal Sites	No
Encumbrance	None
Date Received	21/02/2020



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 type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Planning History		
Dwelling approved in 2002. Does not affect the current proposal.		
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		
Details of Submission	Officer Comment	
<p>One submission has been received. This submission is an objection with the following issues raised:</p> <p>The owner already operates a building business from the site. There should not be two (2) home businesses operating from the site.</p> <p>Insufficient parking is provided. This considers that the owner parks a truck on the site in association with a building business. There is concern that cars will verge park in the street as a result. The parking arrangement is considered to be impractical due to the length of the driveway where cars may become boxed in.</p> <p>Operating the business seven (7) days of the week is excessive and will be detrimental to the amenity of the neighbourhood.</p> <p>There are already qualified massage therapists who operate in town.</p>	<p>This issue has been brought to the attention of the landowner. The landowner has confirmed that site is only used as home office for the landowners building business. No meetings or building supply deliveries occur on the site. The landowner only conducts office work in association with the building business. This is considered to be home office, and does not required planning approval. The sue of the site as a home office does not increase the parking requirements and is not considered to impact on the amenity of the area.</p> <p>Only one (1) bay is required for the proposed home business to undertake massages. A condition of approval will ensure that massage appointments are staggered 15 minutes apart to ensure clients are not at the site at the same time. The proponent has demonstrated that they have adequate parking for the business. The parking proposed is considered adequate. It is noted that no trucks are stored on the site. A condition of approval will require all cars in association with the home business to be parked within the lot boundaries will also be included.</p> <p>The proponent has agreed to reducing the days from 7 to 5. A condition will be used to reflect this.</p> <p>The existence of other similar businesses operating in town is not a matter controlled by planning legislation.</p>	
Internal Department Comments	Officer Comments	
<p>Shire Health Department comments:</p> <p>The proponent will need to ensure that the client's health and safety are protected during the massage service and demonstrate how they will manage all identifiable risks through a risk management plan (RMP) which takes into consideration.</p> <p>A number of advice notes have been recommended.</p>	<p>Comments noted. These will be reflected in the advice notes.</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 type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Car Parking		
LPS1 / R Codes Requirement	Car Bays Required - <3>	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 maneuvering	<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 N/A
Officer Comment	It is considered that the dwelling will require two (2) parking bays and the Home Business one (1) bay at any time. A condition of approval will be recommended requiring massage appointments to be staggered no less than 15 minutes apart. This is expected to prevent more than one (1) client car needing to park on the site at any time as there is expected to be only a single client on the site at any time under this condition. The proposal indicates that no one will be employed by the business who is not a member of the household. The approval will be conditioned that no one shall be employed who is not a member of the household in order to manage the parking in keeping with this parking calculation and based on what is proposed.	
Building Height		
Officer Comment	No works are proposed.	
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, as Home Business is an 'A' class land use. The proponent has been made aware of the right to operate under the current state of emergency exemptions, but are seeking approval in order to operate on a long-term basis.	
In the opinion of the officer		
i. Are utility services available and adequate for the development?	Yes.	
i. Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land?	N/A.	
ii. Has adequate provision been made for access for the development or facilities by disabled persons?	N/A.	
iii. Is development likely to cause detriment to the existing and likely future amenity of the neighbourhood?	No.	
iv. Is the development likely to comply with AS3959 at the building permit stage?	N/A.	
Other Comments		
Any further comments in relation to the application?		
Officer Comment	Conditional approval is recommended. It is considered that the proposal is for the Home Business to operate seven (7) days a week. It is considered that to protect the amenity of the neighbourhood, the days of operation should be limited to five (5) days and the hours of operation be limited to restrict the operation of the business outside of standard business hours. These recommended restrictions are reflected in the conditions.	

OFFICER RECOMMENDATION

That the Acting Manager of Planning and Development Services GRANT Planning Consent under Delegated Authority Instrument No. 16 pursuant to Clause 68(2) of the Deemed Provisions of Local Planning Scheme No. 1 for Home Business - (Massage) at 17 (Lot 13) Merchant 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 received by the Shire on 21 February 2020 and P2 received by the Shire on 6 June 2020
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- If the development, the subject of this approval, is not substantially commenced within two (2) years from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has lapsed, development is prohibited without further approval being obtained.
- The Home Business (Beauty Therapy & Massage) hereby permitted is limited to a period of **twelve (12) months** from the date of this approval. (Refer to advice note 'b').
- The Home Business hereby permitted shall have hours of operation that do not exceed normal trading hours of 9:00 am to 5:00 pm on no more than five (5) days of the week.
- The Home Business hereby permitted shall not operate on Sundays.

6. The Home Business hereby permitted shall not involve the retail sale, hire or display of goods.
7. The Home Business hereby permitted shall not occupy an area greater than 50m².
8. The Home Business hereby permitted shall not employ any person who is not a member of the occupier's household.
9. A sign limited to a maximum of 0.2 square metres and not exceeding 1.5 metres in height from ground level may be erected at the property frontage and within the property.
10. All vehicles connected with the premises shall be parked within the boundaries of the property.

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 three (3) year approval period, the Shire may grant 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.
- c) The proponent will need to ensure that the client's health and safety are protected during the massage service and demonstrate how they will manage all identifiable risks through a risk management plan (RMP) which takes into consideration:
 - i. Equipment safety. Massage tables need to be structurally sound and operated in accordance with the manufacturer's instructions;
 - ii. Facilities. Clients will need access to a clean toilet, change room and/or shower facilities, for their sole use during massage sessions;
 - iii. Prevention of transmission of communicable diseases. Disinfection of all contact surfaces, and laundering of linen or towels between clients; and
 - iv. First aid/emergency procedures. Staff should be trained in first aid and emergency response procedures.