

**DEVELOPMENT ASSESSMENT UNIT**  
**Minutes of the Development Assessment Unit**  
**Shire of Augusta Margaret River**  
**On 28 November 2017**

**ATTENDANCE**

Angela Satre, Jason Heine, Kim Nolan, Lucy Gouws, Lara Hoole, Ian McLeod

**PLANNING APPLICATIONS RECEIVED**

Date Rec'd	Assess No.	Address	Proposal	DA No.
21/11/2017	A11023	Lot 312 Caves Road, Boranup	Community Purpose (Mammoth Cave Ticket Office Additions)	P217720
22/11/2017	A3280	13 (Lot 4) Cross Street, Augusta	Dwelling Addition (Outbuilding)	P217722
22/11/2017	A9493	1323 (Lot 10) Jingdon-Treeton Road, Treeton	Rural Workers Accommodation	P217723
22/11/2017	A11020	Reserves, 41545 (Surfers Point), 8428 (The Box), 2428, 46732 (North Point, Gracetown) and Boats Ramps Break (Prevelly)	Margaret River Pro 2018 – 10 April to 22 April 2018	P217724
23/11/2017	A10769	10 (Lot 202) Abberton Lane, Cowaramup	Holiday House	P217725
23/11/2017	A9468	61 (lot 107) Kilcarnup Road, Burnside	Outbuilding	P217726
23/11/2017	A3309	522 Brockman Highway, Karridale	Dwelling and Rural Workers Accommodation	P217727
23/11/2017	A8266	1 (Lot 159) Bottlebrush Drive, Margaret River	Home Business	P217728
23/11/2017	A592	155/263 Twenty Four Road, Karridale	Plantation	P217729

**BUILDING LICENCE APPLICATIONS RECEIVED**

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
24/11/2017	A7553	2ll Illawarra Ave, Margaret River	Two bedroom extension	217145
20/11/2017	A5482	1432 (Lot 103) Rosa Brook Road, Rosa Brook	Earthworks	217528
20/11/2017	A9839	10 (Lot 499) Goodwine Way, Cowaramup	Single Dwelling	217529
20/11/2017	A12462	8 (Lot 351) Duncan Street, Margaret River	Single Dwelling	217530
20/11/2017	A12065	6 (Lot 68) McDowell Road, Witchcliffe	Single Dwelling	217531
20/11/2017	A2976	50 (Lot 423) Turner Street, Augusta	Demolish Dwelling	217532
20/11/2017	A6697	Lot 13 Shepherdson Place, Margaret River	Changeroom	217534
20/11/2017	A397	911 (Lot 25) Wilson Road, Kudardup	Dwelling Additions	217535
21/11/2017	A1250	124 (Lot 3) Bussell Highway, Margaret River	Occupancy Permit - Bar	217536
21/11/2017	A9333	158 (Lot 10) Hillview Road, Augusta	Single Dwelling	217537
21/11/2017	A5502	11 (Lot 13) Wooditch Road, Margaret River	Dwelling Additions, Garage and Shed	217538
21/11/2017	A1792	10418 (Lot 700) Bussell Highway, Witchcliffe	Verandah Additions	217539
22/11/2017	A3280	13 (Lot 4) Cross Street, Augusta	Shed	217540
22/11/2017	A10838	139 (Lot 71) Ashton Street, Margaret River	Decking	217541
23/11/2017	A12334	27 (Lot 103) Dahlberg Street, Augusta	Single Dwelling	217542
23/11/2017	A11664	Unit 2 1 (Lot 101) Walkington Avenue, Margaret River	Grouped Dwelling	217544
23/11/2017	A11664	Unit 1 1 (Lot 101) Walkington Avenue, Margaret River	Grouped Dwelling	217545
24/11/2017	A8792	Lot 220 Mansfield Ave, Margaret River	Storage Shed	217546
24/11/2017	A72	Lot 67 Georgette Way, Gracetown	Retaining Wall and Boundary Fence	217547
23/11/2017	A11757	Shop 2 Lot 111 Rosa Brook Road, Margaret River	Solar Panels	217550

**SUBDIVISIONS DETERMINED**

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

**LEVEL 1 APPLICATIONS determined under delegation**

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
27/09/2017	Lara Hoole	1349 (Lot 202) Rosa Brook Road Rosa Brook	Farm Building (Farm Machinery Storage Shed)	Cancelled	P217584
16/10/2017	Angela Satre	19 (Lot 37) Riedle Drive, Gnarabup	Holiday House (Large) (Renewal)	Approved	P217631

**LEVEL 2 APPLICATIONS for determination under delegation**

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
08/09/2017	LG	29 (Lot 411) Jacaranda Crescent, Margaret River	Bed and Breakfast and Home Business (creative workshops)	Conditional Approval	P217549
25/07/2017	LH	9 (Lot 458) Smokebush Court, Cowaramup	Outbuilding (Shed & Lean-to x 2) Ancillary to Dwelling	Report to Council	P217454

**LOCAL LAW PERMITS**

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
24/11/2017	Emma Rogers	Res Mitchell Drive, Prevelly	Local Law Licence - Mobile Food Business	Approved	P217732
24/11/2017	Emma Rogers	Res Mitchell Drive, Prevelly	Local Law Licence - Hooked Up Fish and Chips	Approved	P217733
24/11/2017	Emma Rogers	Res Mitchell Drive, Prevelly	Local Law Licence - Combi Coffee	Approved	P217734
24/11/2017	Emma Rogers	51 Bussell Hwy, Margaret River	Local Law Permit - Spice Odyssey	Approved	P217735
24/11/2017	Emma Rogers	Lot 850 & 404 Davies Road, Augusta	Local Law Licence - Seafroth Coffee	Approved	P217736

**OTHER APPLICATIONS determined under delegation**

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
25/07/17	Matt Cuthbert	Lot 23 Caves Road, Margaret River	Scheme Amendment No. 59 to Local Planning Scheme No. 1	Refused	P217492

**COMPLIANCE**

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.

**ELECTED MEMBERS ATTENTION**

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
25/07/2017	Lara Hoole	9 (Lot 458) Smokebush Court, Cowaramup	Outbuilding (Shed & Lean-to x 2) Ancillary to Dwelling	Report to Council	P217454

**CLOSURE OF MEETING**



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

**Proposed Bed & Breakfast and Home Business (creative workshops for visual arts) at 29 (Lot 411) Jacaranda Crescent, Margaret River**

**Major (Level 2)**

**P217549; PTY/10401**

**REPORTING OFFICER : Lucy Gouws**  
**DISCLOSURE OF INTEREST : Nil**

General Information	
<b>Lot Area</b>	606m <sup>2</sup>
<b>Zone</b>	<b>Residential</b>
<b>Proposed Development</b>	A planning application has been received for use of the dwelling as a Bed and Breakfast which consists of one bedroom and bathroom of the existing dwelling. The Bed and Breakfast is intended to accommodate up to 2 short stay guests at any one time. The proposal also consists of a Home Business to run creative workshops for visual arts within one room of the dwelling (29.9m <sup>2</sup> ). The workshops are to be run no more than twice a week, between the hours of 10am – 5pm. The intention is that guests of the Bed and Breakfast will be involved in one on one creative workshops with the proponents who are both artists.
<b>Permissible Use Class</b>	'D' – Bed and Breakfast and Home Business are both a discretionary use.
<b>Heritage/Aboriginal Sites</b>	Nil
<b>Encumbrance</b>	Sewage easement over the rear boundary is unaffected by the proposed development.
<b>Date Received</b>	08/09/2017





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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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: 4
Have agency or authority comments been received?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
Name	Nature of Submission	Officer Comment
Neighbour from Jacaranda	<b>Object</b> Questions raised as to the suitability of the zoning, numbers attending workshops and what the workshops entail.	Further to a telephone call on the 23/11/17 the neighbour withdrew their concerns once I explained what the proposal fully entailed, and the limitations to numbers of participants who can attend the workshop.
Neighbour from Jacaranda	<b>Object</b> Questions raised as to what the workshop entailed and the limiting parking at the Site. Concerns are raised that the lack of parking could lead to people parking on the footpath.	Further to a telephone call on the 23/11/17 the neighbour withdrew their concerns once I explained what the proposal fully entailed. It was explained that the 3 parking bays on the Site was a factor that limited the use. When the bed & breakfast was in operation, the workshops would not be held. If the bed and breakfast was not in use a workshop could be held but numbers will be limited given that only 2 additional parking bays were available.
Neighbour from Jacaranda	<b>Object</b> It was perceived that the house was to be used as a holiday house and no owners living on Site. Concerns were also raised with the workshops and the lack of parking.	Further to a telephone call on the 23/11/17 the neighbour withdrew their concerns once I explained what the proposal fully entailed.
Neighbour from Jacaranda	<b>Indifferent</b> Concerns were raised with the scale of the business for the small lot and the	Further to a telephone call on the 23/11/17 the neighbour withdrew their concerns once I explained what the

	impact this could present beyond the Site to pedestrians.	proposal fully entailed. The scale of the proposal was explained, and the fact that the parking limited the use to only be very low key.
Has the application been referred to internal departments?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> N/A
Shires Engineer	From Site visit on the 23/11/17 it was determined that the car parking within the Site is of adequate size to cater for a maximum of 3 parked vehicles.	
<b>Assessment of Application</b>		
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
<b>R Codes</b>		
Are R Codes applicable?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<b>Development Standards (Schedule 9)</b>		
Are the development Standards applicable?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<b>Car Parking</b>		
LPS1 / R Codes Requirement	Car Bays Required - 3	Car Bays Proposed - 3
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
<b>Officer Comment</b>	<p><u>Schedule 8 - Car Parking</u></p> <p>Bed and Breakfast – 1 space for each room of accommodation and 1 for principle dwelling = 2</p> <p>The Site accommodates a maximum of 3 parking spaces. When the Bed and Breakfast is in operation, the Site is of not large enough to accommodate the Home Business. The car parking design is a tandem arrangement with a turning area, this is very restricted for manoeuvring purposes. A planning condition will be applied that restricts the Home and Business and Bed and Breakfast to not operate at the same time, and the only workshops that can be held are for guests of the dwelling.</p> <p>When the Bed and Breakfast is not in use the proponents can run the Home Business for creative workshops. The R-Codes requires 2 bays for the dwelling. This limits the Home Business to 1 bay. Schedule 8 of the LPS1 does not include a car parking calculation for a Home Business. Given the limited floor area of the area of the dwelling where the workshops are to be occupied (29.9m<sup>2</sup>) it is considered appropriate to allow a maximum of 4 participants. A planning condition will be applied that limits participants of workshops to only use 1 bay.</p>	
<b>Building Height</b>		
N/A		
<b>Clause 67</b>		
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?		
<b>Officer Comment</b>	<p>Other than the land use definition and the car parking calculations, the LPS1 does not include any specific provisions for a B&amp;B. The proposal is required to meet the objectives of the Residential zone in regards to amenity. It is considered that these objectives are met as the dwelling will still operate as the landowner's main residence, who will manage the B&amp;B use.</p> <p>The proposal for a home business to run creative workshops is considered to meet the definition under Schedule 1 of the LPS1.</p>	
A. In the opinion of the officer:		
i. Are utility services available and adequate for the development?	Yes the Site is connected to town water and waste water treatment.	
i. Has adequate provision been made for the landscaping and protection	None affected.	

for any trees or other vegetation on the land?	
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?	Through the use of planning conditions it will ensure that the uses are managed and a low key scale to ensure the use does not impact the amenity of the neighbours.
iv. Is the development likely to comply with AS3959 at the building permit stage?	N/A
<b>Other Comments</b>	
Any further comments in relation to the application?	
<b>Officer Comment</b>	The discretionary components of the proposal are considered to meet the relevant provision of LPS1, accordingly the proposal is recommended for conditional approval.

### OFFICER RECOMMENDATION

That the Acting 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 Bed & Breakfast and Home Business (creative workshops) at 29 (Lot 411) Jacaranda Crescent, 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 & P2 received at the Shire on the 8 September 2017
--------------------------	---

- 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. (P)
- The Bed & Breakfast and Home Business use is limited to a period of **12 months** from the date of this approval. (P) (Refer to advice note 'a')
- The approved Home Business (creative workshops for visual arts) shall not involve the retail sale, hire or display of goods. (P)
- When the Bed and Breakfast is in use, the Home Business, (creative workshops for visual arts) shall only be available for guests of the Bed and Breakfast. (P)
- When the Bed and Breakfast is not in use, the Home Business (creative workshops for visual arts) is limited to a maximum of 4 participants. The 4 participants are limited to only use 1 car parking bay on the Site. (P) (Refer to advice note 'f')
- The Home Business (creative workshops for visual arts) is approved to operate in the 29m<sup>2</sup> sunroom as shown on the approved plan P2.
- The Home Business (creative workshops for visual arts) is limited to a maximum of 2 workshops per week, running between the hours of 10am – 5pm. (P)
- The dwelling, in which the Bed & Breakfast use is approved, shall be occupied as a residence by the operator of the Bed & Breakfast whenever there are one or more guests in the Bed & Breakfast.(P)
- The Bed & Breakfast use pursuant to this approval allows for **one bedroom, bathroom** to be set aside for short stay accommodation for a maximum of **two (2)** guests or one family at any one time. (Refer advice note 'd').
- All vehicles parking at the Site for the Bed and Breakfast and Home Business shall only be parked within the boundaries of the property, and shall at no time be parked on the road verge. (P)
- An Emergency Response Plan and Fire Management Plan (i.e. fire escape route maps and other details as required) shall be prepared and submitted to Council prior to commencement of the

use. The Emergency Response Plan shall be displayed in a conspicuous location within the dwelling. (P)

13. The guest accommodation shall not be self-contained. Tea and coffee facilities may be provided, but shall not be modified / expanded to include cooking facilities or full kitchen facilities (refer to advice note e).
14. A sign for the Bed and Breakfast is 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, located within the property.(P)

#### ADVICE NOTES

- a) Following satisfactory performance of the approved use, and in the absence of any substantiated complaints over the 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. (P)
- 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) Should food be provided for lodgers, notification shall be made in the approved form to the Shire in accordance with the *Food Act 2008* and subsequent compliance shall be achieved in relation to chapter 3 of the *Food Safety Standards within the Food Standards Code*.
- d) **“Short stay”** means tourist accommodation facilities set aside either continuously or from time to time for temporary living purposes but which are not occupied by the same person or group of persons for a period in excess of 3 months in any one 12-month period.
- e) The guest accommodation is approved as a component of the approved dwelling and shall not be converted to self-contained unit. A self-contained unit is classified as a ‘chalet’ which is not permitted in the zone.
- f) Participants attending the Home Business (creative workshops for visual arts) are to be made aware that only 1 parking bay is available at the Site. Participants are encourage to make alternative methods of transport to the Site.
- g) The development or use of the land shall not cause or permit to cause the escape of dust, smoke, fumes, offensive matter or foul odours in such quantity or of such nature as to unreasonably impact on the amenity of the locality. (H)