

DEVELOPMENT ASSESSMENT UNIT
Minutes of the Development Assessment Unit
Shire of Augusta Margaret River
On 3 October 2017

ATTENDANCE

Johan Pienaar, Chris Wenman, Lara Hoole, Jason Heine

PLANNING APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	DA No.
26/09/2017	A9452	204 (Lot 22) Twenty Four Road, Karridale	Animal Husbandry (Keeping of Poultry for Egg Production)	P217577
26/09/2017	A10329	11 (Lot 112) Lloyd Loop, Margaret River	Outbuilding (Shed) Ancillary to Dwelling	P217578
26/09/2017	A9527	45 (Lot 19) Capewell Road, Karridale	Rural Workers Dwelling	P217579
26/09/2017	A6415	Unit 17 / 20 (Strata Lot 17 of Lot 229) Riedle Drive, Gnarabup	Holiday House - Renewal	P217580
26/09/2017	A6416	Unit 18 / 20 (Strata Lot 18 of Lot 229) Riedle Drive, Gnarabup	Holiday House - Renewal	P217581
27/09/2017	A4461	Site 4 Lot 380 (Reserve 29668) Hillview Road, Augusta	Aircraft Hangar - Augusta Airport	P217583
27/09/2017	A11645 A11653	1349 (Lot 202) Rosa Brook Road, Rosa Brook	Dwelling	P217584
27/09/2017	A11861	18 (Lot 1) Stewart Street, Margaret River	Dwelling	P217585
28/09/2017	A4367	27-33 (Lot 295) Tunbridge Street, Margaret River	Margaret River Community Resource Centre - Additions to Old Hospital Complex	P217586
28/09/2017	A1650	10347 and 10437 (Lots 2807 and 2812) Bussell Highway, Witchcliffe	Amalgamation	P217593
29/09/2017	A6991	21 (Lot 3) Darch Road, Margaret River	Amendment to Development Approval P217221	P217597
29/09/2017	A12465	4 (Lot 369) Mahoney Street, Margaret River	Dwelling	P217599

BUILDING LICENCE APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
26/09/2017	A7230	11298 (Lot 16) Bussell Highway, Forest Grove	Dwelling Additions	217411
26/09/2017	A4272	173 (Lot 15) Calkarri Drive, Augusta	Unauthorised Work - Verandah's and Carport	217419
26/09/2017	A9338	10 (Lot 16) Meridian Street, Augusta	Single Dwelling	217420
28/09/2017	A11973	16 (lot 8) Offshore Crest, Margaret River	Single Dwelling	217421
27/09/2017	A11808	45 (Lot 392) Devon Drive, Margaret River	Shed	217422
27/09/2017	A12320	27 Mann Street, Margaret River	Bathroom Fitout	217423
27/09/2017	A10415	19 (Lot 425) Beech Drive, Margaret River	Single Dwelling - Amendment to floor level	217424
28/09/2017	A6116	22 (Lot 10) Hermitage Drive, Margaret River	Swimming Pool & Fencing	217425
28/09/2017	A10156	15 (Lot 418) Coral Vine Cross, Cowaramup	Shed	217426
28/09/2017	A8361	16 (Lot 328) Banksia Chase, Margaret River	Unauthorised Works - Alfresco and Deck	217428
29/09/2017	A11345	103 (Lot 1022) Heron Drive, Margaret River	Single Dwelling and Carport	217429
29/09/2017	A11757	2 Rosa Brook Road, Margaret River	Toilet Block	217430
29/09/2017	A1307	1 (Lot 71) Dalton Way, Molloy Island	Garage	217431

SUBDIVISIONS DETERMINED

Date Rec'd	Officer	DA No.	Address	Description of Matter	Recommendation
04/09/2017	Matt Cuthbert	P217539	Lot 76 Greenwood Avenue, Margaret River	Survey Strata Subdivision	Supported

LEVEL 1 APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
20/07/2017	Matt Slocomb	111 (Lot 200) Bussell Highway, Margaret River	Change of Use to Consulting Room	Approved	P217440
02/08/2017	Matt Slocomb	6 (Lot 8) Dobbins Place, Witchcliffe	Dwelling and Water Tank	Approved	P217470
19/09/2017	Lucy Gouws	12 (Lot 61) Elva Street, Margaret River	Application to cancel Bed and Breakfast Approval	Approved	P217567

LEVEL 2 APPLICATIONS for determination under delegation

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
21/06/2017	LH	Lot 7 Agonis Close, Margaret River	Building Envelope Variation and new building ancillary to Dwelling to operate a Home Business (Beauty Therapy)	Approve	P217369

LOCAL LAW PERMITS

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
29/9/2017	Emma Rogers	Various locations within the Shire	'Travel Guides' Television Program	Approved	P217598

OTHER APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
28/06/2016	Jared Drummond	Various locations within the Shire	Scheme Amendment No. 48 to Local Planning Scheme No. 1 - Rezoning Conservation Lots to Bushland Protection Zone	Approved	P216346

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.

CLOSURE OF MEETING



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

**Proposed Home Business (Beauty Therapy) and Building Envelope Variation:
11 (Lot 7) Agonis Close, Margaret River**

Major (Level 2)

P217369: PTY/5195

REPORTING OFFICER : LH
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	3.4044ha
Zone	Rural Residential
Proposed Development	<p>Planning approval is sought for a building envelope variation and new building to accommodate a home business (beauty therapy).</p> <p><u>Building envelope variation</u></p> <ul style="list-style-type: none"> The existing building envelope (3660sqm) is proposed to be modified by decreasing the front (northern edge) of the building envelope and extending the building envelope 10m to the south to encompass a garage that houses a caravan. The proposed building envelope area is 3630sqm. <p><u>Home business</u></p> <ul style="list-style-type: none"> The proposed home business is to be located in a new building 5.8m x 7.2m (42sqm) located in the south-western corner of the proposed building envelope. The building is proposed to have a reception area with 2 rooms and a water closet, basin and store area. The proposed hours of operation is 9am to 3pm. Two parking spaces are proposed inside the building envelope, directly in front of the home business building. One staff member may be employed in the future.
Permissible Use Class	<ul style="list-style-type: none"> Building envelope variations are discretionary and any application is required to be advertised to any potentially impacted adjoining landowners. Dwelling additions (garage) is a 'P' permitted use and is exempt from requiring planning approval. Home business is an 'A' (discretionary) use that requires advertising.
Heritage/Aboriginal Sites	Not listed.
Encumbrance	N/A
Date Received	21/06/2017

Aerial extracts





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		A plan of subdivision exists, which is known as 'Proposed Subdivision Sussex Location 403, Caves Road, Prevelly' Scheme Amendment 44 to the rescinded Town Planning Scheme No. 11.
<i>Officer Comment</i>	<p>The plan identifies building envelopes and a landscape protection area along the creek line, located in the north-eastern corner of the site.</p> <p>A revised building envelope was approved in 2016. The new building envelope proposes to increase the setback from the landscape protection area from 60m to 68m, which is supported.</p>	
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: 2
Have agency or authority comments been received?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Name	Nature of Submission	Officer Comment
Private Submission (Support)	<ul style="list-style-type: none"> Support 	Noted.
Private Submission (Objection)	<ul style="list-style-type: none"> The existing shed/ancillary dwelling is fully equipped dwelling (not a shed) and is already considerably in excess of the 70square metre requirements of the RCodes. Object to the excess size of the ancillary dwelling; The proposed additions, which could be utilised to provide additional accommodation for this dwelling, resulting in two substantial dwellings on a single lot, in contravention of the RCode requirements for Ancillary Dwellings; The proposed (caravan enclosure) are already existing, extending behind the dwelling, now clearly visible. The extension should not have occurred prior the initial planning application. 	<p>The Ancillary Dwelling has been approved and was constructed as per the approved plans. The building incorporates a carport and storage (home gym) area. Also, the RCodes do not apply to Rural Residential zoned lots.</p> <p>The objection to the size of the ancillary dwelling is irrelevant as the ancillary dwelling is not the subject of this application.</p> <p>A single dwelling and ancillary buildings (including ancillary dwelling, ancillary outbuildings and home occupation and/or home business) are uses that can be considered in this zone.</p>

		<p>If approved for Home Business the proposed building could be used also be uses as a dwelling addition without the requirement for further planning approval.</p> <p>The proposed new building is not self contained. Two ancillary dwellings are not permitted within one Rural Residential zoned property.</p> <p>A site visit confirmed that the garage (outbuilding) has been constructed. It is noted that the construction of the garage was unlawful; however, the Scheme allows applications to be submitted for retrospective approval.</p> <p>The established vegetation along the boundaries provide a substantial screen from the street and from adjoining lots. The nearest dwelling on an adjoining lot is more than 90metres away. The surrounding lots also have outbuildings between the dwellings and the dwelling on the subject site. It is concluded that the development will not cause any adverse visual impacts.</p> <p>The garage (outbuilding) is ancillary to the existing dwelling and is exempt from requiring planning approval if the building envelope variation is approved to include the structure. A Certified Building permit is required and will incur a penalty fee.</p>
Has the application been referred to internal departments?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Environmental Health Services	<p>Businesses performing skin penetration procedures are required to notify and register with the Shires Environmental Health Services.</p> <p>Potable water supply and onsite waste disposal details shall be submitted to the Shires Environment Health Services.</p>	
Building Services	<p>The proposed development is likely to be a Class 6 building. BAL reports are not required for Class 6 structures.</p> <p>The application for building permit for the home business and the retrospective outbuilding will be required to be a Certified Building Permit.</p>	
Officer Comments	<p>The site has 2 x water tanks with a total capacity of 344,000litres. Onsite waste disposal system details are required to be submitted to Environmental Health Services for approval.</p>	
Assessment of Application		
Development History	<p>P215441 Building envelope variation, dwelling, ancillary accommodation, garage, gym, swimming pool and 2 x water tanks. Approved 11/01/2016.</p> <p>A building permit for a single dwelling, ancillary accommodation, shed & water tanks issued in 2016.</p>	
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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Officer Comment	<p>The outbuilding (garage) will require a Certified Building Permit and penalty fee for works completed prior to obtaining a building permit.</p>	

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																									
Home Business																											
<i>Officer Comment</i>		The building envelope complies with the development standards under Schedule 9 as summarised below:																									
		<table border="1"> <thead> <tr> <th>Setback</th> <th>Scheme Standard</th> <th>Current Setback</th> <th>Proposed</th> </tr> </thead> <tbody> <tr> <td>Front (north-east)</td> <td>30m</td> <td>141.6m</td> <td>147m</td> </tr> <tr> <td>Rear (south)</td> <td>30m</td> <td>138m</td> <td>135m</td> </tr> <tr> <td>Side (north)</td> <td>10m</td> <td>98m</td> <td>99m</td> </tr> <tr> <td>Side (east)</td> <td>10m</td> <td>20m</td> <td>22m</td> </tr> <tr> <td>Side (west)</td> <td>10m</td> <td>25m</td> <td>25m</td> </tr> </tbody> </table>		Setback	Scheme Standard	Current Setback	Proposed	Front (north-east)	30m	141.6m	147m	Rear (south)	30m	138m	135m	Side (north)	10m	98m	99m	Side (east)	10m	20m	22m	Side (west)	10m	25m	25m
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		The building envelope variation is a minor and is supported. The highest BAL rating for the dwelling was BAL 12.5 and was submitted with the planning application for a building envelope variation in 2016. The dwelling with the garage can still achieve a 20metre Building Protection Zone within the boundaries of the site. Development within the proposed building envelope will be screened by existing vegetation from surrounding lots.																									
Car Parking																											
LPS1 / R Codes Requirement	Car Bays Required – 3 bays minimum (2 for the dwelling, 1 ancillary dwelling) bays required for home business are assessed on a case by case basis.	Car Bays Proposed - 2 under cover parking bays within the garage and 2 bays within the outbuilding. 2 additional parking bays are proposed for the Home Business.																									
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	There is ample room for parking within the building envelope.																										
Building Height																											
Scheme / Policy Requirement	Wall - 7m	Roof - 8.m																									
State the proposed building height	Wall – 2.7m Roof – 3.3m	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply																									
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?	Yes. No vegetation is proposed to be cleared.																										
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 development will be finished in non-reflective materials and screened by established vegetation from the street and adjoining properties.																										

v. Is the development likely to comply with AS3959 at the building permit stage?	The garage is attached to southern side of the ancillary dwelling that has a BAL 12.5 rating for vegetation on the northern side of the dwelling. Vegetation to the east, south and west is designated "managed" and is therefore excluded. The proposed home business building was included in this report, although a BAL is not required due to the building falling within a Class 6 under the Building Code of Australia.
Other Comments	
Any further comments in relation to the application?	
Officer Comment	The proposed home business is generally consistent with the provisions of Local Planning Scheme No.1. Conditional approval is recommended.

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 Building Envelope Variation and Home Business (Beauty Therapy) at 7 (Lot 11) Agonis Close, Margaret River 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 P4 received on 21 June 2017.
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2. The revised building envelope hereby approved, wholly replaces that previously applicable to the site. (P)
3. 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)
4. All vehicles connected with the home business shall be parked within the boundaries of the building envelope. (P)
5. The Home Business operating hours are restricted to 9am to 3pm Mondays to Fridays. (P)
6. The Home Business hereby permitted shall not employ more than one (1) person that is not member of the occupier's household.

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) The existing Outbuilding (caravan parking area) and the Home Business building requires a Certified Building Permit to be submitted.
- c) Proponents are advised to engage a registered Building Surveyor Contractor to assist with the Building Permit application process.
- d) Go to the Building Commission website for further information <http://www.buildingcommission.wa.gov.au>.
- e) The applicant shall submit the 'Application to register skin penetration premises' form to the Shire's Environmental Health Unit for assessment and inspection prior to commencement of the business.

- f) The Home Business shall comply with the *Health (Skin Penetration Procedures) Regulations 1998* and *Code of Practice for Skin Penetration Procedures* prior to commencement of the business. (EH)
- g) General health information and advice for beauty salon operators can be found on the WA Department of Health website: <http://ww2.health.wa.gov.au/Health-for/Industry-trade-and-business/Personal-appearance>
- h) The Home Business is to provide a potable water source in accordance with *Shire of Augusta Margaret River Health Local Laws 1999* (e.g. water to be treated by filter and ultra violet light). (EH)
- i) Wastewater drainage shall be connected to an approved onsite wastewater treatment and disposal system. Details of the wastewater drainage and its connection to existing approved system shall be submitted prior to the commencement of the business. (EH)
- j) A sign (advertising the Home Business) 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. (P)
- k) The Home Business building is not permitted to become a self-contained unit. For any proposed change of use of the building you are you are advised to seek advice from the Shire's Planning and Development Services.