

DEVELOPMENT ASSESSMENT UNIT
Minutes of the Development Assessment Unit
Shire of Augusta Margaret River
On 23 February 2021

ATTENDANCE

Angela Satre, Brad Roberts, Jason Heine, Lucy Gouws, Lara Hoole

PLANNING APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	DA No.
18/02/2021	A1071	11 (Lot 76) Georgette Way, Prevelly	Holiday House (Renewal)	P221132
18/02/2021	A5732	66 (Lot 198) Marmaduke Point Drive, Margaret River	Dwelling & Bed & Breakfast	P221135
22/02/2021	A11029	456 (Lot 103) Treeton Road North, Treeton	Chalets (Four Chalets)	P221137
22/02/2021	A4525	69 (Lot 132) Bussell Highway, Margaret River	Holiday House	P221138
23/02/2021	A12825	8 (Lot 221) Walilya Way, Witchcliffe	Dwelling Addition (Water Tank)	P221139
24/02/2021	A12243	34 (Lot 13) Greenwood Avenue, Margaret River	Dwelling (Retaining)	P221141
24/02/2021	A12241	38 (Lot 11) Greenwood Avenue, Margaret River	Dwelling	P221142
24/02/2021	A12264	22 (Lot 34) Greenwood Avenue, Margaret River	Dwelling	P221143
24/02/2021	A3820	15 (Lot 13) Timor Place, Margaret River	Holiday House (Cancellation)	P221144

BUILDING LICENCE APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
23/02/2021	A3019	4 (Lot 50) Lakeview Crescent, Prevelly	Demolition - Single Dwelling, Shed and Septics	221075
23/02/2021	A2871	38 (Lot 8) Le Souef Street, Margaret River	Re Roof Tiles to Tin	221096
18/02/2021	A11551 A11290	687 (Lot 722) Ellenbrook Road, Cowaramup	Demolition - Single Dwelling	221113
18/02/2021	A12899	6 (Lot 3) Bettong Place, Witchcliffe	Shed	221114
18/02/2021	A811	65 (Lot 18) Town View Terrace, Margaret River	3 x Dwellings	221115
18/02/2021	A12597	164 (Lot 31) Darch Road, Margaret River	Conversion of Part Shed to Ancillary Accommodation and Office	221116
19/02/2021	A12353	26 (Lot 107) Matthews Road, Augusta	Single Dwelling	221117
18/02/2021	A13201	63B (Lot 2) Devon Drive, Margaret River	Single Dwelling	221118
18/02/2021	A12533	19 (Lot 46) Merrit Lane, Margaret River	Single Dwelling	221119
19/02/2021	A13043	18 (Lot 36) Tallwood Loop, Witchcliffe	Single Dwelling and Rainwater Tank	221120
22/02/2021	A12166	29 (Lot 12) Stewart Street, Margaret River	Single Dwelling	221122
22/02/2021	A10653	237 (Lot 217) Horseford Road, Burnside	Shed and Rainwater Tank	221123
22/02/2021	A6262	13 (Lot 13) Mitchell Road, Rosa Glen	Demolish - Dairy	221124
22/02/2021	A942	10 (Lot 383) Peppermint Drive, Augusta	Decking Extension	221125
23/02/2021	A6503	10 (Lot 104) Wagtail Place, Cowaramup	Patio	221126
23/02/2021	A9926	24 (Lot 55) Investigator Avenue, Augusta	Patio	221127
23/02/2021	A12732	5 (Lot 364) Winton Way, Margaret River	Additional Retaining	221128
23/02/2021	A832	805 (Lot 3) Redgate Road, Witchcliffe	Ancillary Accommodation	221129
23/02/2021	A9247	19 (Lot 83) Holly Place, Cowaramup	Alterations and Additions to Existing Dwelling	221130
23/02/2021	A10506	8 (Lot 439) Morelia Drive, Margaret River	Single Dwelling	221131
23/02/2021	A3019	4 (Lot 50) Lake View Crescent, Prevelly	Single Dwelling	221132

24/02/2021	A9836	4 (Lot 496) Goodwine Way, Cowaramup	Single Dwelling	221134
------------	-------	--	-----------------	--------

SUBDIVISIONS DETERMINED

Nil

LEVEL 1 APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
03/12/2020	Lara Hoole	75 (Lot 237) McDermott Parade, Witchcliffe	Dwelling Additions (Water Tank & Outbuilding)	Approved	P220785
15/12/2020	Lina O'Halloran	93 (Lot 3) Holben Road, Cowaramup	Chalet	Approved	P220815
12/01/2021	Lucy Gouws	2 (Lot 1) Loriini Lane, Cowaramup	Dwelling x1 (Retaining Wall)	Approved	P221026
13/01/2021	Lina O'Halloran	12 (Lot 333) Churchill Avenue, Margaret River	Holiday House	Approved	P221032
28/01/2021	Don Bothwell	19 (Lot 38) Tallwood Loop, Witchcliffe	Single Dwelling Additions (Ancillary Dwelling & Outbuilding)	Approved	P221077
29/01/2021	Lucy Gouws	83 (Lot106) Baudin Drive, Gnarabup	Dwelling	Approved	P221088
11/02/2021	Lina O'Halloran	98 (Lot 203) Ashton Street, Margaret River	Bed & Breakfast	Approved	P221114
16/02/2021	Angela Satre	8 (Lot 1) Brockman Road, Cowaramup	Bed & Breakfast (Renewal)	Approved	P221123

LEVEL 2 APPLICATIONS for determination

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
25/09/2020	Lara Hoole	Unit 24, 37 Village Green, Margaret River	Home Business (Beauty Therapy)	Conditional Approval	P220595
13/11/2020	Lucy Gouws	150 (Lot 1) Bridgelands Road, Rosa Glen	Chalets x3	Conditional Approval	P220744

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 Chalets x 3
150 (Lot 1) Bridgelands Road Rosa Glen

Major (Level 2)

P220744; PTY/1532

REPORTING OFFICER : Lucy Gouws
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	3ha
Zone	Priority Agriculture
Proposed Development	<p>Planning approval is sought for 3 x chalets. The proposal is for two types of chalets:</p> <ul style="list-style-type: none"> • One chalet ('type 1') which is 2 bedroom with a floor area of 111m²; and • Two chalets ('type 2') each with 1 bedroom and a floor area of 89m². <p>The location, scale and other considerations otherwise comply with the LPS1.</p>
Permissible Use Class	'A' Advertising required
Heritage/Aboriginal Sites	Nil
Encumbrance	Nil
Date Received	13/11/2020



Policy Requirements	
Is the land or proposal referred to in any Council Policy?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
State Planning Policy 3.7 – Planning in Bushfire Prone Areas. (SPP3.7)	
<p>The site is located in a Bushfire Prone Area as per maps on DFES website and requires a Bushfire Attack Level to be submitted. A Chalet (short term accommodation) use falls under the 'Vulnerable land use' category. A land use where persons may be less able to respond in a bushfire emergency. Vulnerable land uses in areas where a BAL -12.5 to BAL-29 will not be supported unless they are accompanied by an endorsed Bushfire Management Plan (BMP).</p>	

<p>The Site has a BAL FZ given the grass covered area of the Site. Through the implementation of the submitted BMP and an APZ which is completely contained with the lot boundaries, the BAL can be reduced to achieve a BAL 29.</p>	
<p>Structure Plans and Local Development Plans (LDP's)</p>	
<p>Is the land in any Structure Plan Area or subject to a LDP? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>Advertising/Agency Referrals</p>	
<p>Has the application been referred to adjoining landowners/agency?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>
<p>Has a submission been received by Council?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>3 x support 2 x objection</p>
<p>Details of Submission</p>	<p>Officer Comment</p>
<p>1. Proposal does not show the removal of a large old pine tree, concerns with its removal.</p> <p>2. Concerns with use of the single gravel road and the additional traffic generated by the chalets.</p> <p>Road is not sufficient to service additional accommodation and traffic.</p> <p>3. Concerns of noise from additional traffic movements, noise from the use of the chalets.</p> <p>4. Question of the suitability of the location in relation to the waterways.</p> <p>5. Concerns with additional accommodation within a rural area.</p> <p>6. Concerns accommodation will impact upon the farming activities of the area from complaints from guests.</p>	<p>1. It is confirmed that the pine tree is not being removed.</p> <p>2. The applicants have advised that the existing access is a gravel road, with a width of approximately 6m. The intensity of the development is not considered to justify the upgrade of the road, as confirmed by referral to the Shire's Infrastructure Department.</p> <p>3. The nearest neighbouring dwelling is located over 500 meters away. With the location and given the owners are proposed to reside on the Site to manage the use, the potential for noise and impacts from traffic movements is considered likely to be low.</p> <p>4. The waste system is proposed to be setback more than 50m from the waterway to the north. The location of the wastewater treatment has been assessed by the Shire Environmental Health Officer and is considered to be acceptable. The wastewater system will also require approval from the Department of Health.</p> <p>5. The Site is primarily used for the production of viticulture and the chalets are incidental to this business. The Scheme allows for the consideration of chalets when the primary use of the Site is already established for agricultural purposes.</p> <p>6. The owners have established agricultural operations on the Site and will be informing guests that the location is within an area where agricultural practices are in operation. This will be managed to ensure there are no impacts to neighbouring agricultural operations. It is</p>

	recommended to include an advice note that the house rules alerts guests to the likelihood of rural activity and noise and ensures there is no trespassing onto adjoining lots.
Agency Comments	Officer Comment
DFES Modification to BMP for: Water - BMP recommends each chalet will have a separate 10,000L tank for firefighting. DFES does not support this approach and requests a standalone 50,000L tank.	BMP amended to include 50,000L standalone tank. Condition requires BMP implemented prior to occupation.
DWER <ul style="list-style-type: none"> - Clearing of native vegetation requires clearing permit. - Distance between leach drains and waterway. 	<ul style="list-style-type: none"> - No clearing of vegetation is proposed. - The location of leach drains complies with the DPLH and Country Sewage Policy. The leach drains are to be located 50m from the creek line and dam and this has been accepted by assessment by the Shire's Environmental Health officer.
Internal Department Comments	Officer Comments
Health Onsite wastewater and water are to be provided. The systems described will require approval from the WA Department of Health. Planning conditions are recommended.	Noted.
Infrastructure No issues raised, recommended department conditions.	Noted.
Environment Noted, there has been at some point removal of vegetation from an area to the west of the dam. It has been recommended to include a revegetation plan which will deal with previous clearing and the proposed 10m native landscape buffer to the side (eastern) boundary.	Noted.
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	The location of the chalets complies with the setbacks for land zoned general agriculture.		
	Clause 4.16.3 also requires the application to demonstrate that the proposal is 'low impact tourism' and meets the following principles:		
	<ul style="list-style-type: none"> The proposal will not have adverse impact to the rural production of the land and that the proposed development will be incidental to the principle use of the land for agricultural pursuits. The proposal will not impact native vegetation and will result in the retention and enhancement of the existing vegetation on the land and that the rural character of the property will not be adversely affected. 		
	The applicant has provided the following explanation for the proposal to meet the requirements of clause 4.16.3.		
	<p><i>The subject site is currently utilised primarily for viticultural activities which is a historical use associated with the site. The siting of the chalets has been carefully considered in regard to retaining viable agricultural land and to avoid compromising any bushland remnants to the south of the site. The chalets also operation in cohesion with the Reception Centre and will provide a further drawcard for visitors to the region and will assist in showcasing the unique rural character that is particular to this locality.</i></p> <p><i>The subject site is greater than 20 Hectares in area under the provisions of this clause a maximum of 6 chalets/cabins, 12 caravan/camping bays or 12 guest bedrooms can be considered on the subject site. As only three (3) chalets are proposed, one with two (2) bedrooms, and the balance with one bedroom apiece, this is within the nominated total yield that can be applied for at a total of eight (8) persons. As such the proposed chalets are less than the occupancy yield as may be considered at this location.</i></p> <p>Based on the above, the proposal is considered to comply with clause 4.16.3</p>		
Car Parking			
LPS1 / R Codes Requirement	Car Bays Required - 3	Car Bays Proposed - 6	
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	
Building Height			
Scheme / Policy Requirement	Wall - 7m	Roof - 8m	
State the proposed building height	Wall - 5m	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply	
	Roof - 6m		

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	The Site has previous approval in place for a reception centre (ref P216283) and approvals for extension of term. The site has an established viticulture operation and the chalets are to add to the existing agricultural operations on the Site. The proposal is considered to be acceptable.
In the opinion of the officer	
i. Are utility services available and adequate for the development?	To be provided.
i. Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land?	None impacted by the development other than the creation of an APZ as per the BMP which impacts only grass areas.
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?	None, see officers comments to submission above.
iv. Is the development likely to comply with AS3959 at the building permit stage?	Yes with the implementation of the revised BMP.
Other Comments	
Any further comments in relation to the application?	
Officer Comment	The proposal generated concerns during the advertising period. The proponent has provided a suitable response to the issues raised and the assessment of the proposal by the Shire and State Government referral agencies demonstrates that potential impacts can be managed. Conditional planning 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 Chalets x 3 at 150 (Lot 1) Bridgelands Road, Rosa Glen 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 – P8 received at the Shire on the 13 November 2020
--------------------------	---

- 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 approved Bushfire Management Plan (prepared by Envision dated February 2021 V3), shall be implemented on site prior to commencement of the Chalet use and at all times thereafter.
- Certification is to be provided to the Shire by an accredited Bushfire Consultant that all bushfire management actions detailed in the approved Bushfire Management Plan have been implemented prior to commencement of use of the Chalets.

5. At all times, all stormwater and drainage run-off from the development shall be detained within the lot boundaries and managed to predevelopment flow regimes in accordance with the Shire of Augusta Margaret River's Standards & Specifications.
6. Prior to occupation of the development, crossovers shall be designed, constructed, and drained in accordance with the Shire's standards and specifications.
7. The approved Bushfire Emergency Evacuation Plan shall be displayed in a conspicuous location within the Chalets at all times.
8. A Manager or a contactable employee of the Manager that permanently resides no greater than a 35 minute drive from the site shall be nominated for the Chalets and this person shall attend to any callout within 35 minutes of a reported incident. The Manager or contactable employee is to be retained at all times the Chalet is in use.
9. The 24 hour contact details of the Manager of the Chalets shall be visible on the property from the nearest street frontage and maintained to the satisfaction of the Shire.
10. The Chalets are approved for Short Stay purposes only. Short stay means premises occupied by the same people for no more than three months in any 12 month period.
11. Any marketing material for the Chalet must display the planning approval reference number for this approval.
12. During construction, areas of native vegetation must not be damaged by any works including the placement of fill, rubble, rubbish or any other material, nor is any removal, clearing or damage to occur to any vegetation.
13. Prior to the commencement of works, a revegetation plan shall be prepared and submitted to the satisfaction of the Shire by a suitably qualified and/or experienced consultant. Revegetation shall be substantially commenced within one year of this approval. The planting must demonstrate having survived over two summer seasons, and at a minimum of a 75% success rate for that which was originally proposed. The revegetation plan shall indicate the following:
 - a. the location and species name of existing trees and proposed plantings;
 - b. quantity of each species to be planted;
 - c. any soil treatment or mulching;
 - d. details of any weed control and maintenance; and
 - e. utilise native plant species which naturally occur in the area (i.e. endemic plant species; local provenance plant stock (Please refer to the recommendations within the Cape to Cape Landcare Companion).

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 'House Rules' document shall be consistent with key elements of the NSW Code for Holiday Houses (please refer to the attached document), and is required to contain the following advice to reinforce the difference between a rural lot and other areas is the recommended to include a brief:

"The subject site is located adjacent to operational agricultural activities, which are provided exemptions to operate under section 12 of the Environmental Protection (Noise) Regulations, which may have a nuisance effect on amenity. Guests must remain within property boundaries at all times in the interests of guest safety and biosecurity for agricultural producers."
- c) A potable water source is required to be provided in accordance with the *Shire of Augusta Margaret River Health Local Laws 1999* (e.g. water to be treated by filter and ultraviolet light). Any untreated water supply is required to be provided with signage stating that water is not treated.

- d) Rainwater storage tanks should be sealed to prevent the ingress of rodents and other vertebrates, dust and to prevent mosquito breeding. A first flush diverter should be installed in line to enable flushing of dust and other sources of contamination deposited on roof catchment and in drainage lines, to minimise contaminants entering water storage tank.
- e) If the proponents intend to supply / prepare food for guests, application will need to be made to register the business in accordance with the *Food Act 2008*. Food provided and the food preparation areas will need to comply with the requirements of the Food Standards Australia New Zealand.
- f) An apparatus for the onsite treatment and disposal of wastewater shall be installed in accordance with the *Health (Treatment of Sewage and Disposal of Effluent & Liquid Waste) Regulations 1974* and to the satisfaction of the Local Government/Department of Health prior to occupation of the building.



DEVELOPMENT APPLICATION ASSESSMENT (DAU)

Report to Manager Planning and Development Services

Proposed Home Business (Beauty Therapy) Unit 24, 37 (Lot 533) Village Green,
Margaret River

Major (Level 2)

220595; PTY/10244

REPORTING OFFICER : LH

DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	257sqm of 7238sqm
Zone	Residential (R30/40)
Proposed Development	<p>Planning approval is sought for Home Business (Beauty Therapy) as per the following details;</p> <ul style="list-style-type: none">• Maximum 3 clients a day between 10am to 4.30pm Monday to Friday;• 30 minute spaces between appointment;• No more than 1 extra car besides the landowners in driveway at a time;• The business will include intense pulse light therapy, cosmetic tattooing, waxing, body treatments, colonic hydrotherapy, spray tanning & facials.• Applicant advises that they are certified and experienced with all requirements including maintaining infection control insurances and all hygiene practises are complied with in a professional set up.• Two parking bays at the front of the site.
Permissible Use Class	'A' requires advertising, discretionary use.
Heritage/Aboriginal Sites	Not listed.
Encumbrance	<ul style="list-style-type: none">• <i>Interests notified on the survey strata plan and any amendments to lots or common property notified.</i>• <i>Notification section 165 Planning and Development Act 2005.</i> No proposed changes to the lot or common property.
Date Received	25/09/2020

Aerial extracts



Location Plan



The Site

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
Development History	
Planning Approvals	
P29352 Grouped Dwellings x 3 Units 22, 23, 24 approved 04/12/2019.	
P217335 Grouped Dwelling Alterations (Change from Garage to Bedroom & Ensuite) approved 17/01/2018.	

Building Licences	
BLD/209560 Grouped Dwelling approved 23/02/2010.	
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 type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A No. received: 5
Details of Submission	Officer Comment
WA Strata Management: Fine with the application subject to the conditions mentioned by the other owners in respect to driveway and parking at 37 Village Green.	Noted
Private Submission: No objection as long as the customers are instructed not to use the 37 Village Green driveway.	<p>There are two parking bays for the premises at the front of the dwelling with access taken from the Village Green public road.</p> <p>Clients are proposed to park in the bay at the front of the dwelling. Only one client at a time will attend the site with 30 minute break between bookings to ensure there is no overlap between clients. The other parking bay at the front of the dwelling is for parking of the applicant's car.</p> <p>The proponent advises that clients will be instructed by the applicant that they are not permitted to use the visitors parking bay within the centre of the Village Green Grouped Dwelling development.</p> <p>Clients will be advised not to use the Village Green private driveway to access the subject site. Clients will be advised to access the property from the eastern side of the dwelling via the Village Green public road</p>
<p>Private Submission</p> <p>No objection regarding the application provided approval stipulates the following:</p> <ul style="list-style-type: none"> • 37 Village Green private driveway/access is not to be accessed by customers either entering or departing 24/37 Village Green; and • The owner and customers are instructed not to park in either of the visitor's bays (within the complex) and /or the No Parking Anytime bay across from out unit (5/37 Village Green). 	Clients to be advised. See comments above.
<p>Private Submission</p> <ul style="list-style-type: none"> • No problem with beauty business; • Request that the owner instruct the customers not to use neighbours driveway; 	Clients to be advised. See comments above.

<ul style="list-style-type: none"> • Access to Strata Lot 24 faces the park on Village Green. There should be no need for customers to go in either direction on our resident street. 	
<p>Private Submission</p> <p>Objection</p> <ul style="list-style-type: none"> • There already exists an overflow of cars parking at that dwelling on the driveway and on the park across the road or on the street at various times. • How do you police only three clients per day during those designated times will be strictly adhered to. • And who or why are there people coming or going before and after these hours and days. • Police have already attended that dwelling on many occasions. 	<p>The applicant advises that there is no parking overflow from the applicant's property including to the street or the park.</p> <p>Visitors to other grouped dwellings within Village Green occasionally park vehicles on the park.</p> <p>Limitation to operating times and numbers of clients for a Home Business are standard conditions of approval. The applicant may also apply through planning approval to extend or change operating times/days. A proposal would be advertised to surrounding landowners for comment.</p> <p>The applicant advised that 7-8years ago when working away, the Police may have visited the site for noise complaints as the applicant's son was living at the property and having social gatherings. The applicant advises that other than this the applicant lives a very quiet life.</p> <p>It is considered that the issues raised have been addressed and the risk of adverse impacts to neighbouring properties is low and can be managed through appropriate conditions to any approval granted.</p>
<p>Internal Department Comments</p>	<p>Officer Comments</p>
<p>Environmental Health comments include:</p> <ul style="list-style-type: none"> • Use of premises to comply with the <i>Code of Practice for Skin Penetration</i>. • Applicant shall submit to the Shire's Environmental Health Unit an 'Application to register and apply for fit-out of skin penetration procedure' including detailed plans showing compliance with structural requirements. • Connection to town water and sewer services. 	<p>Noted. Comments are recommended as Advice Notes & the site is connected to reticulated services.</p>
<p>Internal Department Comments</p>	<p>Officer Comments</p>
<p>Local Planning Scheme No. 1 (LPS1)</p>	

Officer Comment	<p><u>LPS1</u></p> <p>LPS1 provides that Home Businesses requires planning approval. A Home Business is defined in LPS1 to include employment of no more than 2 people not members of the occupier's household. Due to the limited parking on site, a condition is recommended to be applied to any approval to restrict employees and only permit the business to be operated by the householder. This is to avoid the potential for excess parking demand on the site.</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
Car Parking		
LPS1 / R Codes Requirement	Car Bays Required: 2 Bays (Dwelling); and Carparking based on merit for Home Business.	Car Bays Proposed – 2 parking bays existing.
Dimensions	2.5 x 5.5m	<input type="checkbox"/> Complies <input checked="" type="checkbox"/> Doesn't Comply
Turning Bay/Circles and vehicle manoeuvring	<input type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply	<input checked="" type="checkbox"/> N/A
Officer Comment	<p>The Residential Design Codes require two parking bays for the dwelling and the two bays are provided at the property frontage in bays that are each 2.5m wide and 4.5m long. The existing parking arrangement was formalised under a previous approval for conversion of the garage to a habitable room of the dwelling. The arrangement was considered acceptable on the basis that the property has a 5m wide road verge adjoining the front boundary which provides an adequate area of sealed driveway for vehicles to park without protruding into the access road.</p> <p>While the parking arrangement involves a variation to the technical length standard for a car bay, the variation is minor and does not have a real or practical impact to the effectiveness of the parking arrangement.</p> <p>The Home Business does not propose to change to the existing parking arrangement and on this basis the variation to the parking bay length standard is considered acceptable in this case.</p> <p>The proposal also involves utilising an existing bay dedicated for the dwelling to the Home Business use. Schedule 8 of LPS1 does not provide a parking standard for Home Business and therefore a decision on the merits of the proposal are made on a case by case basis. The proposal would result in one parking bay for the landowner and one parking bay is proposed to be utilised for clients when operating the Home Business. In this case, this arrangement is considered acceptable noting:</p>	

	<ul style="list-style-type: none"> • The business would not, as a condition of approval, be permitted to have employees that would require additional parking; • The proponent has agreed for appointments to be staggered 30minutes apart to ensure enough time for parking bay to be vacated prior to each new appointment; and • The site is located in an area closer to the town centre where the opportunity for bike and pedestrian access is high and there are alternative potential means of travel to the site. <p>It is on this basis that the parking arrangement is considered acceptable and is recommended to be supported.</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.
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.
v. Is the development likely to comply with AS3959 at the building permit stage?	N/A
Officer Comment	The discretionary components of the proposal are considered to meet the relevant provision of the LPS1, accordingly the proposal is recommended for conditional approval.

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 Home Business (Beauty Therapy) at Unit 24, 37 (Lot 533) Village Green, 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 P2 received at the Shire of Augusta Margaret River on 4 November 2020. P3 received at the Shire on 30 October 2020.
--------------------------	---

2. 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.
3. The Home Business shall 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 1.5 metres in height from ground level may be erected at the property frontage and within the property.
7. The Home Business is only permitted to operate between 10am and 4:30pm on Monday to Friday and with no more than three (3) clients per day.
8. Appointments must be staggered with a minimum of 30 minutes apart to ensure adequate parking is provided onsite.
9. All vehicles connected with the premises shall be parked within the 2 parking bays directly in front of the dwelling located at unit 24, 37 Village Green, Margaret River. Visitor/guest parking bays in the complex shall not be used for parking associated with the approved Home Business use.

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.
- a) The use of premises for health and beauty treatment including wax applications and cosmetic tattooing should comply with the *Code of Practice for Skin Penetration* prior to operation.
- b) The proponent shall submit to the Shire's Environmental Health Unit an 'Application to register and apply for fit-out of skin penetration procedure' including detailed plans showing compliance with structural requirements.
- c) In Western Australia, there are currently no provisions under the Health (Miscellaneous Provisions) Act 1911 requiring massage or muscle stimulation businesses to be registered by Local Government. However, the following standard precautions are recommended:
 - i) Massage therapists should have access to hand washing facilities;
 - ii) Massage therapists should thoroughly wash their hands before and after a massage procedure;
 - iii) Towels, pillowcases, paper towels and paper strips placed over massage beds should be changed between each client;
 - iv) Dirty or soiled linen should be stored in a suitable receptacle. Normal household laundering procedures are adequate for processing all soiled linen;
 - v) The work area should be maintained in a clean and hygienic state.

vi) Massage beds should be smooth and impervious to allow for easy cleaning.