

Shire of Broomehill-Tambellup

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File Ref: ADM0285

20 December 2010

NJ & JA Witham
36 India Street
BROOMEHILL VILLAGE WA 6318

Dear Jim and Annabel,

RE: APPLICATION FOR PLANNING CONSENT – LODGING HOUSE

Further to your application to incorporate a lodging house into the operations of the Henry Jones building, I am pleased to advise that with the closure of the advertising period and having received no comments, Council has given planning consent subject to the following conditions:

- Lots 1 and 50 are to be amalgamated within 18 months from the date of the approval
- The approval is for a maximum of 14 guests at any one time within the existing building
- The plans lodged as part of the application form part of the planning approval

To comply with the first condition Council requires that you lodge an amalgamation application with the Western Australian Planning Commission within 18 months. The application process normally takes 90 days so it is recommended that the process be commenced as soon as possible. Failure to comply with the conditions will be considered as breach of the approval.

Please find enclosed your planning consent. If you require any further information please don't hesitate to contact me.

Yours faithfully,


Joanne Trezona
CHIEF EXECUTIVE OFFICER

SCHEDULE 3

SHIRE OF BROOMEHILL-TAMBELLUP

TOWN PLANNING SCHEME NO. 1 – BROOMEHILL TOWN PLANNING SCHEME NO. 2 – TAMBELLUP

DECISION ON APPLICATION FOR PLANNING CONSENT

The Council having considered the application

Dated: 14 September 2010

Submitted By: Neville James and Jessie Ann WITHAM

On behalf of _____

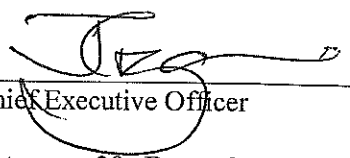
_____ hereby advises that it has decided to:

REFUSE / GRANT APPROVAL

To establish a 14 person lodging house at Lots 1 and 50 Journal/India Streets Broomehill Village.

Subject to the following conditions:

- 1. Lots 1 and 50 the subject of the application shall be amalgamated and a new Certificate of Title obtained for the amalgamated lots within 18 months from the date of this approval, unless otherwise agreed to in writing by the Shire. The owner/applicant is to bear all costs associated with the amalgamation.**
- 2. This approval is for a maximum accommodation of 14 guests at any one time within the existing building (excluding the operators).**
- 3. The plans lodged as part of the application form part of this planning approval.**



Chief Executive Officer

Date: 20 December 2010

NOTE: Should the applicant be aggrieved by this decision a right of appeal may exist under the provisions of the Scheme.

Adopted by the Council for public inspection on _____

Advertised for public inspection on _____

Adopted by the Council on _____ after _____ consideration _____ of submissions.

Chief Executive Officer

10.9**PROPOSED LODGING HOUSE – LOTS 1 & 50 JOURNAL / INDIA STREET BROOMEHILL**

Program:	Planning
Attachment:	Nil
File Ref:	ADM0285
Author:	Gray & Lewis Landuse Planners
Date:	8th December 2010
Disclosure of Interest:	Gray & Lewis receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.65 of <i>Local Government Act 1995</i>

Summary: Council is to consider an application lodged for a 'Bed and Breakfast' on Lot 50 (No. 12) Journal Street and Lot 1 corner Journal and India Street, Broomehill.

The building is registered on the Shires Municipal Inventory and is listed as an 'interim registry' by the Heritage Council of WA for the state register of heritage places.

The application has been advertised as a 'lodging house' for public comment. No submissions have been received and conditional approval is recommended.

Background: Zoning

The property is zoned 'Town Centre' under the Shire of Broomehill Town Planning Scheme No 1 ('the Scheme').

The Scheme does not outline any specific objectives for the 'Town Centre' zone however it would normally cater for a wide range of commercial uses and other uses ordinarily associated with a Town Centre such as retail shops, restaurants, offices, community purposes, accommodation and the like.

Heritage

Section 6.3 of the Scheme has specific provisions for 'Designation of Heritage Precincts' and Clause 6.4.1 requires that *'In dealing with any matters which may affect a Heritage precinct or individual entry on the Heritage List, including any application for development approval, the Council shall have regard to any heritage policy of the Council.'*

The subject building is listed on the Shires Municipal Inventory as the 'Broomehill General store'.

A building licence approval for alterations and additions to the existing building was issued in April 2007.

The 'Broomehill General Store' is listed as an interim entry by the Heritage Council.

The Heritage Council was consulted during public advertising however only an acknowledgement letter was received. Advertising has now closed.

Previous Council consideration

In October 2010, Council determined by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone and thereafter followed the advertising procedures of clause 7.2 in considering an application for planning consent.

Comment:

Site Description

The existing building is two storey. Gray & Lewis is of the understanding that the building is used for a restaurant and the owners live upstairs.

The application form provides the Certificate of Title Details for Volume 2229, Folio 335. It is a multi lot title and contains Lot 1 on the corner of India Street and Journal Street, and Lot 50 which only has frontage to Journal Street.

It appears on aerial photography that the existing building likely traverses both lots. It is desirable that buildings do not cross green title boundaries and a condition is recommended to require amalgamation.

Description of application

The applicant has lodged an application for a 'Bed and Breakfast' facility.

The applicant has not provided any written explanation of the proposed 'Bed & Breakfast' however Gray & Lewis previously liaised with the owner who verbally advised;

- There are three rooms on the ground floor adjacent to a courtyard area. Each of these will accommodate a maximum of two people (with either a double bed or two single beds).
- There is an open 'loft/alcove area' which will accommodate a maximum of 3 people (with a double and single bed).
- There are 2 rooms on the second storey which will accommodate a maximum of 5 guests as one room has a double bed, and the second room has a double and single bed.

It should be noted that Gray & Lewis has been provided with plans by the Shire, which do not include the second storey rooms proposed for accommodation.

Site Requirements

The Scheme allows for zero street frontage and side / rear setbacks are the discretion of Council.

As the building works have already been approved by the Shire through issue of a building licence, the building works have not revisited as part of this report.

Parking

The Scheme does not contain any specific carparking requirements however Council can require or consider carparking (and traffic) as part of any application.

It is understood that the existing development largely relies on street parking as the existing building has minimal street setbacks.

The application will generate additional carparking needs as the building will be able to accommodate up to 14 guests.

It is considered that the impact will be marginal as (i) any person staying the night would likely also attend the restaurant (so there is level of reciprocal parking); (ii) although most rooms can accommodate two people they would likely travel together in one car, and (iii) accommodation numbers provided are maximum and rooms could be occupied by single persons.

Parking is not considered a major impediment to the proposal unless the Shire has experienced particular parking congestion problems in the surrounding streets.

Council can require parking to be provided on site however discussions with Council officers indicate that the lots do not have sufficient space for on site parking, which is often the case with older traditional heritage buildings.

Landuse Classification

There are only a limited number of uses listed in the Scheme zoning table or defined in the Scheme.

Although the applicant originally applied for a 'Bed and Breakfast' Council needs to determine the landuse definition / classification which 'best fits' and describes the proposed use.

This matter was considered by Council at the October 2010 meeting and it was decided to process the use as a 'Lodging House'.

The applicant has amended the application form to cite the use as 'Lodging House' and included both Lots 1 and 50 as the development address.

It should be noted that the landuse classification is only examines the appropriate definition under the Scheme, and will not prevent the owners from advertising the use as 'Bed and Breakfast'.

Public Consultation**Recommendation**

It is recommended that Council support the application and issue conditional approval.

Consultation: The application was advertised until the 3 December 2010, and no submissions have been received.

Statutory Environment: Shire of Broomehill Town Planning Scheme No 1

Policy Implications: Not applicable. Some local governments have individual policies on heritage areas.

Financial Implications: Not applicable

Strategic Implications: Nil

Voting Requirements: Absolute Majority

Council Resolution: *101210*

Moved Cr Schlueter, seconded Cr Crosby

“That Council;

- 1. Determine by absolute majority that the proposed ‘lodging house’ use is consistent with the objectives and purpose of the Town Centre.*
- 2. Note that the application has been advertised in accordance with the Scheme and no public submissions were received, with the exception of an acknowledgement letter from the heritage Council.*
- 3. Approve the application for a ‘Lodging House’ on Lots 1 and 50 India and Journal Street, Broomehill subject to the following conditions;*
 - (i) Lots 1 and 50 subject of this application shall be amalgamated and a new Certificate of Title obtained for the amalgamated lots within 18 months from the date of this approval, unless otherwise agreed to in writing by the Shire. The owner/ applicant is to bear all costs associated with the amalgamation.*
 - (ii) This approval is for a maximum accommodation of 14 guests at any one time within the existing building (excluding the operators);*

(iii) The plans lodged as part of the application form part of this planning approval.

4. *Advise the applicant that the existing building traverses two separate green title lot boundaries. Accordingly the lots are required to be amalgamated so that the building is fully contained on one title. To comply with Condition 1, the Shire requires the owner/ applicant to lodge an amalgamation application with the Western Australian Planning Commission (WAPC) and obtain a new Certificate of title within 18 months. The application process normally takes 90 days through WAPC, so it is recommended that the process be commenced as soon as possible. Failure to comply with this condition would be considered as breach of this approval."*

CARRIED 8/0
By Absolute Majority

**Reason For Change to
Recommendation:**