

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
2 March to 8 March 2023

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
02/03/2023	P223133	9834 (Lot 520) Bussell Hwy, Margaret River	Market Garden (Agriculture Intensive)
02/03/2023	P223134	251 (Lot 215) Horseford Road, Burnside	Home Business (Ceramics Workshop)
07/03/2023	P223137	30 (Lot 9) Dawson Terrace, Augusta	Single House (Outbuilding and Ancillary Dwelling)
07/03/2023	P223139	Shop 2/115-117 (Lot 71) Bussell Highway, Margaret River	Section 40
07/03/2023	P223140	23 (Lot 241) Chuditch Place, Gnarabup	Holiday House
08/03/2023	P223145	159 (Lot 81) Wilderness Road, Margaret River	Dwelling (Outbuilding - Pool Pavilion)
BUILDING			
02/03/2023	223100	318 (Lot 51) Kudardup Road, Kudardup	Rainwater Tank
02/03/2023	223101	9 (Lot 19) Grevillea Lane, Margaret River	Single Dwelling, Garage, Patio and Retaining Wall
02/03/2023	223102	35 (Lot 358) Dryandra Drive, Margaret River	Single Dwelling, Garage, Patio and Retaining Wall
07/03/2023	223103	Unit 7/5962 (Lot 7) Caves Road, Margaret River	Swimming Pool and Barrier Fence
07/03/2023	223104	25 (Lot 642) Surf Break Drive, Cowaramup	Single Dwelling, Patio, Retaining Wall and Garage with Gym
07/03/2023	223105	49 (Lot 66) Town View Terrace, Margaret River (Woolworths)	Internal fit outs and demarcation of basement parking bays
08/03/2023	223106	6 (Lot 12) Moondyne Ridge, Kudardup	Single Dwelling, Carport, Verandah and Patio
08/03/2023	223107	69 (Lot 50) Brookside Boulevard, Cowaramup	Shed
Exploration Licenses for Comment			
Nil			

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				
16/11/2022	P222799	97 (Lot 63) Treeton Road North, Cowaramup	Holiday House	Approved
17/11/2022	P222800	35 (Lot 4) Bussell Highway, Cowaramup	Serviced Apartment	Approved
28/11/2022	P222818	14 (Lot 301) Lemon Gum Retreat, Margaret River	Amendment to Planning Approval P222072 (Development outside of building envelope)	Approved
06/12/2022	P222827	752 (Lot 101) Wallcliffe Road, Margaret River	Proposed Redevelopment of Nature Trail, Riparian Zone Planting, Upgrades to Retaining	Approved
25/01/2023	P223059	11 (Lot 123) Lesueur Place, Gnarabup	Holiday House	Approved
31/01/2023	P223068	Lot 14 & 5 Shepherdson Place, Margaret River	Public Art (Margaret River Men's Shed)	Approved
SUBDIVISIONS				
18/01/2023	P223066	178 (Lot 7) Railway Terrace, Margaret River	Survey Strata	Concerns raised
LOCAL LAW PERMITS				
Nil				
OTHER APPLICATIONS				
09/01/2023	P223006	Lot 9003 Kudardup Road, Kudardup	Local Development Plan (Stage 3)	Approved

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
09/01/2023	P223007	10 (Lot 62) Salkilld Place, Augusta	Holiday House Renewal	Approve subject to conditions

DEVELOPMENT ASSESSMENT REPORTING PROCEDURE

Assessment of Development Applications (DAs)

For the purposes of this procedure there are three types of development applications:

Level 1

DA not advertised

Level 2

DA is advertised; and

- No submissions; or
- Submission received but meets one of the following:
 - Not related to the reason the DA was advertised.
 - The development is modified to comply or to remove the element of concern to the submitter.
 - Submission is either of support, conditional support or is 'indifferent'; or is from a non-affected person.

Level 3

A submission in opposition is received from an 'affected' person or special interest group in relation to the reason the DA is advertised or the development application is recommended for refusal.

Note: This procedure applies to development applications only. It does not apply to structure plans, scheme amendments or other types of planning proposals.



DEVELOPMENT APPLICATION ASSESSMENT
Report to Manager Planning and Regulatory Services
Proposed Holiday House Renewal
10 (Lot 62) Salkilld Place Augusta

Level 3

P223007; PTY/2779

REPORTING OFFICER : Sophie Moscardini
 DISCLOSURE OF INTEREST : Nil.

General Information	
Lot Area	811m ²
Zone	Residential (R15)
Existing Development	<input checked="" type="checkbox"/> Single House <input type="checkbox"/> Grouped Dwelling
Nature of application	Holiday House (renewal)
Proposed use	A planning application has been received for the renewal of the Holiday House. As previously approved, the existing dwelling is to be used to accommodate up to six (6) short stay guests at any one time. The existing management arrangements are to be retained and the duration of the approval sought in this case is three (3) years.
Permissible Use Class	'A' – discretionary use
Advertising Required	Yes - completed
Reason not exempted from planning approval?	Discretionary uses are not permitted unless the Shire exercises its discretion by granting development approval.
Heritage/Aboriginal Sites	N/A
Encumbrance	N/A
Date Received	09/01/2023
Date of Report	09/03/2023

Location Map



Planning History	A twelve (12) month approval (P221931) was issued on 24 January 2022 for a holiday house for six (6) guests.
Is the application same as previous?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Have there been any objections?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Have there been any complaints over the recent period of approval?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No P222735: Compliance – Holiday House Operating Beyond Permit – Completed 1 December 2022 Condition 4 – No manger sign at front of house. Condition 5 – all Vehicle & boats to remain parked within boundaries. Condition 6 – Holiday House advertise for eight (8) guest (Approval granted for six (6))
Have there been any substantial changes to the LPS1 or Policy?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Officer comments:	Planning History:

	<p>I438282 – Complaint received 11 October 2021 P221776: Compliance - Illegal Short Stay Accommodation – Matter concluded through submission of retrospective application P221931: Development Application – Holiday House Application – Approved for 12 months 24 January 2022 to 24 January 2023 P222735: Compliance – Holiday House Operating Beyond Permit – Completed 1 December 2022</p>
Comments Received	
Nature of Submission	Officer Comments
<p>Objection –</p> <ul style="list-style-type: none"> We are a small street of only 11 homes, half of which are permanent residents, 3 are personal holiday homes and No. 8 and 10 are already short stay. The experience with No. 10 has not been favourable. Firstly, there was no opportunity for neighbours to support or object their application, which I believe has only recently been approved and they have been operating since at least 2018. Section 6 of your short stay policy says: 'Where complaints have been made, issues relating to impact on amenity have been verified or other non-compliance with the planning approval has occurred, approval to the renewal application is unlikely to be granted.' There have been plenty of complaints made regarding No.10. Increased guest numbers and vehicles. There is also a blind corner in our street and non-resident cars come zooming around our cul-de-sac. Anti-social behaviour when confronting guests to slow down. Noise pollution has also been a problem. We have elderly residing in this street that are not happy and have made it known about the constant noise disruption There are plenty operating for what our town can accommodate and its services, and plenty of underground ones operating that need to be dealt with first. We have seen friends move from Perth as there were no homes for them to rent, there waiting for over a year for a rental to come up that they can afford on a single wage, businesses screaming out for workers. Ironically one of our clients who has a holiday rental asked us to keep a look out for a rental property for her cleaner. 	<p><u>Short Stay Approval</u> Compliance action was taken with the operation of a Holiday House without Shire approval in 2021. The owner was not aware of the Shire's Short Stay Policy and approval procedure when they purchased the property with some miscommunication from the real estate agent at the time of purchase. This was resolved by the owner by submitting an application for approval. This was approved in January 2022. The subject site is located within a coastal settlement as described by the <i>Shire's Local Planning Policy 7 – Short Stay Accommodation</i> and is capable of approval as a Holiday House.</p> <p><u>Complaints</u> The complaints that have been lodged with the Shire have all been lodged prior to the approval granted with the Shire on 24th of January 2022. Prior to approval the owners have advised there were two instances when they were made aware of disturbance by guests. When these complaints were received there was immediate action undertaken to ensure there would be no repeats of anti-social behaviour. Over the last 12 months there have been no complaints made to management, property owners or the Shire in relation to the Holiday House.</p> <p><u>Guest numbers</u> Prior to approval guest numbers did exceed the now 6 guest limit, however the owner has provided a history of guest numbers since January 2022 which demonstrates no more than 6 adults and 2 children staying at any one time, this is consistent with the guest limit numbers on the approval. The owner has acknowledged doing the wrong thing prior to receiving approval, however, has been operating as per the existing approval conditions since January 2022. It is noted that most of the disturbance to neighbours correlates with increased guest numbers outside of the approval.</p> <p><u>Parking and Access</u> The comments regarding the safety of Salkilld Terrace are noted however there is not expected to be increased traffic from the use of the property as a Holiday House. The property has room for up to 5 vehicles. Therefore, there are ample parking spaces for guests to park without disturbing the quiet street. There are also security cameras installed to monitor the arrival of guests, the owner has never recorded any guests parking there vehicles outside of the property boundaries.</p> <p><u>Manager</u> The owner has engaged a local manager David Kingston, who is located within a short distance from the property in order to respond to concerns within an appropriate timeframe. David was engaged by the landowners when the initial approval was granted in 2022. All neighbours have the contact details of the Manager.</p> <p><u>Noise complaints</u> During the past 12 months of operation under the Shire's approval there have been no formal complaints lodged with the Shire or the management of the Holiday House.</p>
<p>Objection –</p> <ul style="list-style-type: none"> The owners of No. 10 Salkilld were operating a short-term rental business before AMR Shire provided them with the required approvals. The managers details are required to be displayed at the property that is visible from the street. The sign was not placed on site at No. 10 until complaints from the neighbours were made to the Shire. No manager has been contactable during times when problems with the tenants have arose such as noise etc. Traffic on a small cull-de-sac. Two blind corners on Salkilld Place. Noise issues. Overcrowding of accommodation. FOGO bins used incorrectly. Self-regulation only works when people can be relied on to do the right thing by their neighbours and can be trusted. 	

	<p>The concerns of the neighbours largely relate to the operation of the Holiday House preapproval. When No. 8 Salkilld Terrace was advertised for use as a Holiday House a number of the comments related to the operation of No. 10. At this time compliance action was taken to ensure that the Holiday House was operating in line with the conditions on their approval. The Shire was satisfied with the actions taken by the homeowner which included replacing the existing sign that was not adequately fixed at the front of the property. Providing evidence of booking numbers on booking websites and demonstrating the allocated parking spaces for guests.</p> <p>Based on the comments of neighbours, the issues relating the Holiday House relate back to when there was no approval for the use. This issue has been resolved and since the holiday house has been considered to operate in line with the conditions of the approval.</p> <p>Whilst it is understood that the owner has previously operated in a way that has negatively impacted neighbours, the Shire is now confident the Holiday House is being operated in accordance with the approval. However, given the concerns of neighbours and ensure the use continues to operate in line with the Shires approval a 12-month approval is recommended.</p>
Recommended period of approval	<input checked="" type="checkbox"/> 12 months <input type="checkbox"/> 3 years <input type="checkbox"/> 5 years

OFFICER RECOMMENDATION

That the Coordinator Planning Services GRANT Planning Consent under Delegated Authority Instrument No. 34 pursuant to clause 68 (2) of the Deemed Provisions of Local Planning Scheme No. 1 for a Holiday House at 10 (Lot 62) Salkilld Place, Augusta, 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 by the Shire on 8 December 2021
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1. The Holiday House use is permitted for a period of **1 year** from **<end of previous period of approval>** to **<end of period of approval>**. (Refer to advice note 'a')
2. The approved Bushfire Emergency Evacuation Plan and Bushfire Management Plan shall be displayed in a conspicuous location within the dwelling at all times.
3. 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 Holiday House 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 during the use of the site as a Holiday House. (Refer to advice note 'b').
4. At all times the Holiday House use is in operation, the 24-hour contact details of the **Manager** of the Holiday House shall be displayed on a sign that is clearly visible from the nearest street frontage. The sign is limited to a maximum size of 0.2 metres square and not exceeding 1.5 metres in height from ground level. The sign shall be erected within the property frontage and must be visible from the street front. (Refer to advice note 'c')
5. All vehicles & boats connected with the premises shall be parked within the boundaries of the property.
6. The short stay use of the dwelling shall not be occupied by more than **six (6) people** at any one time.
7. Amplified music shall not be played outside of the Holiday House between the hours of 10pm and 10am.
8. Any marketing material for this Holiday House shall include display of the planning approval reference number for this approval. (Refer to advice note 'g')

ADVICE NOTES

- a) A new planning application seeking approval should be submitted 90 days before the expiry of this approval, along with the appropriate planning fee.
- b) If at any time there is not an appointed manager or a contactable employee of the manager for the site, the use must cease until such time as a manager is appointed.

- c) Evidence of installation of the sign will be required to be provided, to the satisfaction of the Shire, at the time an application to renew the Holiday House use is lodged.
- d) This approval does not affect the entitlement to use the dwelling for permanent residential purposes.
- e) You are advised of the need to comply with the requirements of the following other legislation:
 - (i) *Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises.
 - (i) The *WA Building Regulations 2012* (r.59) requires that the owner of a dwelling (as defined in the Building Code of Australia) must not make the dwelling available for hire unless hard wired, battery backup smoke alarms are installed, complying with the Building Code of Australia and AS3786.
- f) Evidence of the display of the planning approval reference number within the marketing of the Holiday House is required to be provided, to the satisfaction of the Shire, at the time an application to renew the Holiday House use is lodged. Applicants are advised to include a screenshot of the website to show that the planning approval reference number is being displayed.
- g) Please note that the Shire does not notify landowners in writing of the expiry of a Holiday House planning approval. It is the owner's responsibility to monitor and ensure that the planning approval remains valid while the use is being undertaken.