

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
20 July to 26 July 2023

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
20/07/2023	P223447	80 (Lot 353) Kevill Road East, Margaret River	Single House & Outbuilding
20/07/2023	P223448	Unit B / 76 (Lot 2) Albany Terrace, Augusta	Group Dwelling
20/07/2023	P223449	Unit B / 5 (Lot 8) Hall Road, Cowaramup	Holiday House
21/07/2023	P223450	687 (Lot 722) Ellen Brook Road, Cowaramup	Licensed Restaurant
24/07/2023	P223454	55 (Lot 401) Harrington Road, Margaret River	Change of Use from Single Dwelling to Ancillary Dwelling
24/07/2023	P223455	2 (Lot 29) Treeside Lane, Margaret River	Holiday House Renewal
25/07/2023	P223458	18 (Lot 9) Offshore Crest, Margaret River	Bed and Breakfast
26/07/2023	P223459	8 (Lot 154) Clements Crescent, Molloy Island	Jetty
BUILDING			
20/07/2023	223363	4 (Lot 20) Mopoke Place, Margaret River	Single Dwelling, Carport, Shed and Verandah
20/07/2023	223364	60 (Lot 72) Colyer Drive, Hamelin Bay	Shed with Mezzanine and Carport
20/07/2023	223365	17 (Lot 121) Walkington Avenue, Margaret River	Patio
Exploration Licenses for Comment			
Nil			

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				
18/04/2023	P223234	5021 (Lot 41) Caves Road, Cowaramup	Holiday House (Renewal)	Approved
04/05/2023	P223279	9 (Lot 11) Toy Place, Augusta	Single Dwelling	Approved
23/05/2023	P223309	809 (Lot 209) Burnside Road, Burnside	Holiday House (Large) Renewal	Approved
25/05/2023	P223314	Unit 1, 7981 (Lot 1) Caves Road, Forest Grove	Caretakers Dwelling	Approved
26/05/2023	P223318	14 (Lot 245) Antina Avenue, Witchcliffe	Single Dwelling and Outbuilding	Approved
21/06/2023	P223387	24 (Lot 4064) Hobson Road, Osmington	Home Occupation	Approved
13/07/2023	P223432	4 (Lot 2) Wooredah Crescent, Prevelly	Bed & Breakfast	Approved
SUBDIVISIONS				
Nil				
LOCAL LAW PERMITS				
17/07/2023	P223445	Fearn Ave Plaza, Margaret River	Local Law permit - Homelessness week, fundraising and awareness	Approved
17/07/2023	P223446	Authorisation to film on Shire Reserve - Tv Commercial (MSWA) - 24 July 2023	Portion of Reserve 41545, Surfers Point, Prevelly or Gas Bay, Gnarabup	Approved

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
08/06/2023	P223345	8 (Lot 891) Allnut Terrace, Augusta	Holiday House (Large)	Approve

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 (Large) - 8 (Lot 891) Allnut Terrace, Augusta

Major (Level 2 – 2x submissions received)

P223345;

PTY/4333

REPORTING OFFICER : Harriet Park
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	765m ²
Zone	Residential R17.5
Existing Development	<input checked="" type="checkbox"/> Single House <input type="checkbox"/> Grouped Dwelling
Proposed use	A planning application has been received for a Holiday House use. The existing four (4) bedroom, three (3) bathroom, two storey dwelling is to be used to accommodate up to eight (8) short stay guests at any one time. The ancillary dwelling included under the same roof as the single dwelling is not included with this short stay application and will be locked and inaccessible to guests. The management arrangements are to be through property management company Seaside Homes which is located within Augusta (<35 minutes away from the subject property). The holiday house is proposed to accommodate pets of the short stay guests at the property.
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	08/06/2023
Date of Report	19/7/2023

Location Map



Internal Referrals	
<p>Environmental Health Department Comments: The property is connected to reticulated water and sewer. No issues.</p> <p>Outdoor entertaining area is located close to northern neighbouring dwelling. Guests will need to be mindful of noise impacts. The house rules should state no gathering on the verandah past 10pm.</p> <p>Recommended advice note: Noise emissions resulting from development/use of premises for the approved purpose shall not exceed the assigned levels in the <i>Environmental Protection (Noise) Regulations 1997</i>, and shall not unreasonably interfere with the health, welfare, convenience, comfort or amenity of an occupier of any other premises.</p>	<p>Noted. Standard condition of development approval to limit noise after 10pm.</p>

Have there been any objections?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Comments Received		
Nature of Submission	Officer Comments	
1x neighbour submission received – indifferent Submitter would prefer the dwelling to be used as long term accommodation, however support small businesses within Augusta.	Noted. Augusta is classified as a coastal settlement and LPP7 permits dwellings within Augusta to be considered as short stay accommodation through a planning application.	
1x neighbour submission received – objection The following concerns were raised by the submitter: <ul style="list-style-type: none"> • Close proximity of the outdoor entertainment area to the neighbour’s bedroom. • Noise, loud music and ability to hear guest conversations. • Outside lights being left on all night. • Unattended dogs barking. • No fencing between residential properties leads to dogs and rubbish on their property. • House unattended by owners. 	<p>The applicant has provided a response to resolve the issues raised. The owner has advised the following:</p> <ul style="list-style-type: none"> • The house rules have been updated to reflect no outside noise between the hours of 9pm to 9am. • Outdoor lights will be replaced by sensor lights. • The house rules have been updated to include the following rules regarding pets staying at the property: <ol style="list-style-type: none"> 1. Pets are to be kept under control at all times. 2. Pets must not be left unsupervised or alone at the property at any time. Property neighbours may call the local ranger if the dog is barking. 3. Guests must dispose of pet faeces and this is to be done in a clean and sanitary manner. • The neighbours have been contacted to organise installing a boundary fence between properties to contain pets and provide privacy. • A local property management company Seaside Homes is employed to manage the property and guests in the owner’s absence. <p>Officer Comment: The proposal is to be managed in accordance with the submitted updated house rules, as well as being managed by the local established short stay property manager.</p> <p>The Shire is proposing a 1 year approval to start, with re-assessment required prior to a renewed approval. Any neighbour complaints or other non-compliances are considered at the time of the renewal application and if significant may result in a renewal not being issued for a property.</p> <p>A condition has been included prevents pets being kept at the property until such time that a suitable boundary fence is installed.</p> <p>Any non-compliances, or complaints should be reported to the Shire. This will help to inform the renewal process and the compliant operation of the proposed holiday house.</p>	

Policy Requirements		
Policy Element	Provision	Comment
Location	Coastal settlement	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Urban area located within Policy Plan 1?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Within 50m of Village Centre zone?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Located outside of Policy Plan 1 but comprise of an area not less than 1ha?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Design / Layout	One parking bay per bedroom, Or two bays for grouped dwellings	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Reticulated water supply, or minimum 120,000 (plus firefighting provision) rainwater tank?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Property is connected to reticulated water
	Existing or proposed one site effluent disposal system sized accordingly to number of guests?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Property is connected to mains sewer
	Decks and balconies located away from the bedrooms of neighbouring dwellings?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No There is a separation distance of 7.5m between the edge of the subject property’s outdoor entertaining area and the master bedroom of the neighbouring dwelling to the North.
	Decks and balconies located close to the living and dining areas of neighbouring dwellings,	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Balcony is not located close to bedrooms of neighbouring properties.

	provided with suitable screening?	
	Each bedroom accommodates a maximum of two persons?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Four bedrooms, eight guests - compliant
Fire	If within bushfire prone area a BAL provided?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No BAL-29
	For sites with a BAL above Low, a BMP prepared by accredited consultant and where required referred to DFES for comments?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	BAL rating at BAL-40 or FZ?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Management	Management Plan submitted?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	BEEP provided	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Manager, or employee permanently resides 35m drive from Site?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Seaside Homes, Augusta
	House Rules?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Amplified music may not be played outside between the hours of 10pm to 10am	Require as a condition
	Display the manager's 24hr contact details	Require as a condition
Recommended period of approval	<input checked="" type="checkbox"/> 12 months <input type="checkbox"/> 3 years	

OFFICER RECOMMENDATION

That the Coordinator Planning Services GRANTS 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 (Large) at 8 (Lot 891) Allnut Terrace, Augusta 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 to P3 received by the Shire on 8 June 2023
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- The Holiday House use permitted for a period of **twelve (12) months** from **<date of this approval>** to **<end of date of approval>**. (Refer to advice note 'a')
- The approved Bushfire Emergency Evacuation Plan and Bushfire Management Plan shall be displayed in a conspicuous location within the dwelling at all times.
- 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 advice note 'b')
- 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 the ground level. The sign shall be erected within the property frontage and must be visible from the front street. (Refer to advice note 'c')
- All vehicles & boats connected with the premises shall be parked within the boundaries of the property.
- The short stay use of the dwelling shall not be occupied by more than **eight (8) people** at any one time.
- The Ancillary Dwelling and is not permitted to be used for short stay accommodation. The Ancillary Dwelling is only permitted to be used by the land owner of the site for permanent accommodation simultaneously with the use of the primary dwelling for a holiday house.
- Amplified music shall not be played outside of the holiday house between the hours of 10pm and 10am.
- Pets of guests shall not be allowed at the property until boundary fencing is installed.

11. 'House Rules' shall be developed to the satisfaction of the Shire prior to the commencement of use. Thereafter the 'House Rules' shall be provided to all guests and shall be displayed within a prominent position within the Holiday House. (Refer to advice note 'g')
12. Any marketing material for this Holiday House shall include display of the planning approval reference number for this approval. (Refer to advice note 'i')

ADVICE NOTES

- a) Following satisfactory performance of the approved use, and in the absence of any substantiated complaints over the twelve (12) month approval period, the Shire may grant further planning approval for the continuation of the use for a further three (3) years. A new planning application seeking such 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) Noise emissions resulting from development/use of premises for the approved purpose shall not exceed the assigned levels in the *Environmental Protection (Noise) Regulations 1997*, and shall not unreasonably interfere with the health, welfare, convenience, comfort or amenity of an occupier of any other premises. (EH)
- g) The 'House Rules' document shall be consistent with key elements of the NSW Code for Holiday Houses (please refer to the attached document).
- h) 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.
- i) Please note that the Shire does not notify landowners in writing of the expiry of a Holiday House planning approval. It is the owners responsibility to monitor and ensure that the planning approval remains valid while the use is being undertaken.
- j) Please note that approval as short stay accommodation will change the rating category applied to the property to Tourism and may lead to an increase in rates levied for the site. For further information on these changes contact the Shires Revenue team on 9780 5234 or by email at revenue@amrshire.wa.gov.au.