

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
9 June to 15 June 2022

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
09/06/2022	P222396	16 (Lot 31) Wise Road, Margaret River	Bed and Breakfast Renewal
10/06/2022	P222397	20 (Lot 51) Tunbridge Street, Margaret River	Local Development Plan
10/06/2022	P222398	Unit 1 / 6 (Strata Lot 1 of Lot 4) Mann Street, Margaret River	Holiday House or Bed & Breakfast Renewal
10/06/2022	P222399	31 (Lot 138) Grunters Way, Gnarabup	Single House (Outbuilding)
10/06/2022	P222400	114 (Lot 502) Bussell Highway, Margaret River	Tavern (Marque Addition)
10/06/2022	P222401	Unit 1 / 54 (Lot 1) Bussell Highway, Cowaramup	Section 40
10/06/2022	P222402	16 (Lot 73) McDowell Road, Witchcliffe	Single House (Outbuilding)
10/06/2022	P222403	7 (Lot 129) Walton Way, Gracetown	Holiday House Renewal
13/06/2022	P222404	29 (Lot 287) Noreuil Circuit, Cowaramup	Single House (Outbuilding)
13/06/2022	P222405	7 (Lot 197) Fairlawn Place, Molloy Island	Single House (Dwelling Addition)
10/06/2022	P222406	80 (Lot 11) Blackwood Avenue, Augusta	Subdivision
09/06/2022	P222407	211 (Lot 9007) Darch Road, Margaret River	Subdivision
15/06/2022	P222408	10 (Lot 16) Mayflower Place East, Augusta	Single Dwelling
15/06/2022	P222409	18 (Lot 9) Formosa Street, Margaret River	Holiday House Renewal
15/06/2022	P222410	15 (Strata Lot 1of Lot 42) Townview Terrace, Margaret River	Holiday House Renewal
15/06/2022	P222411	Lot 9003 Bussell Highway, Witchcliffe	Local Development Plan - Cottage Lots (Stage 4 - Witchcliffe Eco Village)
15/06/2022	P222412	Lot 9003 Bussell Highway, Witchcliffe	Local Development Plan - Family Lots (Stage 4 - Witchcliffe Eco Village)
15/06/2022	P222413	Lot 9003 Bussell Highway, Witchcliffe	Local Development Plan - Groupie Lots (Stage 4 - Witchcliffe Eco Village)
15/06/2022	P222414	Lot 9003 Bussell Highway, Witchcliffe	Local Development Plan - Short Stay Lots (Stage 4 - Witchcliffe Eco Village)
BUILDING			
09/06/2022	222338	10 (Lot 605) Niblett Retreat, Margaret River	Two Storey Dwelling, Carport, Store, Retaining, Pergolas, Deck and Rainwater Tank
09/06/2022	222339	23 (Lot 26) Stewart Smith Loop, Cowaramup	Single Dwelling, Garage and Patio
09/06/2022	222340	32 (Lot 269) Noreuil Circuit, Cowaramup	Shed and Carport
09/06/2022	222342	57 (Lot 391) Pimelia Drive, Margaret River	Patio
09/06/2022	222343	158 (Lot 10) Hillview Road, Augusta	Shed
13/06/2022	222344	20 (Lot 1020) Ridgeview Close, Margaret River	Rainwater Tank
15/06/2022	222345	7 (Lot 1016) Ridgeway Close, Margaret River	Shed
14/06/2022	222346	1165 (Lot 101) Scott River Road, Scott River	Demolition of Dwelling and Carport
13/06/2022	222347	6 (Lot 16) Stewart Smith Loop, Cowaramup	Single Dwelling, Garage and Patio
13/06/2022	222348	16 (Lot 21) Stewart Smith Loop, Cowaramup	Single Dwelling, Garage and Verandah
13/06/2022	222349	Lot 121 Darch Road, Witchcliffe (Idee Fixe - Vasse Felix Wines)	Alterations and additions to existing winery, cellar door and processing centre - Internal works, pergolas, toilet facility upgrade, processing area and office addition
14/06/2022	222350	7b (Lot 201) Burton Road, Margaret River	Bakery - Internal alterations
14/06/2022	222351	Lot 2817 Wickham Road, Witchcliffe	Rainwater tank x 2

14/06/2022	222352	9 (Lot 16) Dempster Drive, Witchcliffe	Carport
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APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				
03/03/2022	P222153	735 (Lot 101) Osmington Road, Bramley	Gully Wall Dam & 2 x On-Stream Dams & Water Way Realignment	Approved
28/03/2022	P222221	Unit 2/24 (Strata Lot 2 of Lot 35) Town View Terrace, Margaret River	Holiday House Renewal	Approved
11/04/2022	P222264	41 (Lot 135) Clarke Road, Margaret River	Community Purpose (Community Pantry Food Donation Centre)	Approved
15/04/2022	P222267	Unit 2/24 (Strata Lot 2 of Lot 47) Freycinet Way, Gnarabup	Holiday House Renewal	Approved
SUBDIVISIONS				
30/03/2022	P222243	29 (Lot 22) Eldridge Avenue Witchcliffe	Subdivision	Not supported
LOCAL LAW PERMITS				
Nil				
EXPLORATION LICENCE APPLICATIONS				
Nil				
OTHER				
30/09/2021	P221753	1 (Lot 57) Kookaburra Nook, Cowaramup	Local Development Plan	Approved
04/02/2022	P222089	12 (Lot 201) Fritch Road, Karridale	Local Development Plan	Approved

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
05/04/2022	P222249	8 (Lot 48) Lakeview Crescent, Prevelly	Holiday House	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 Development Services

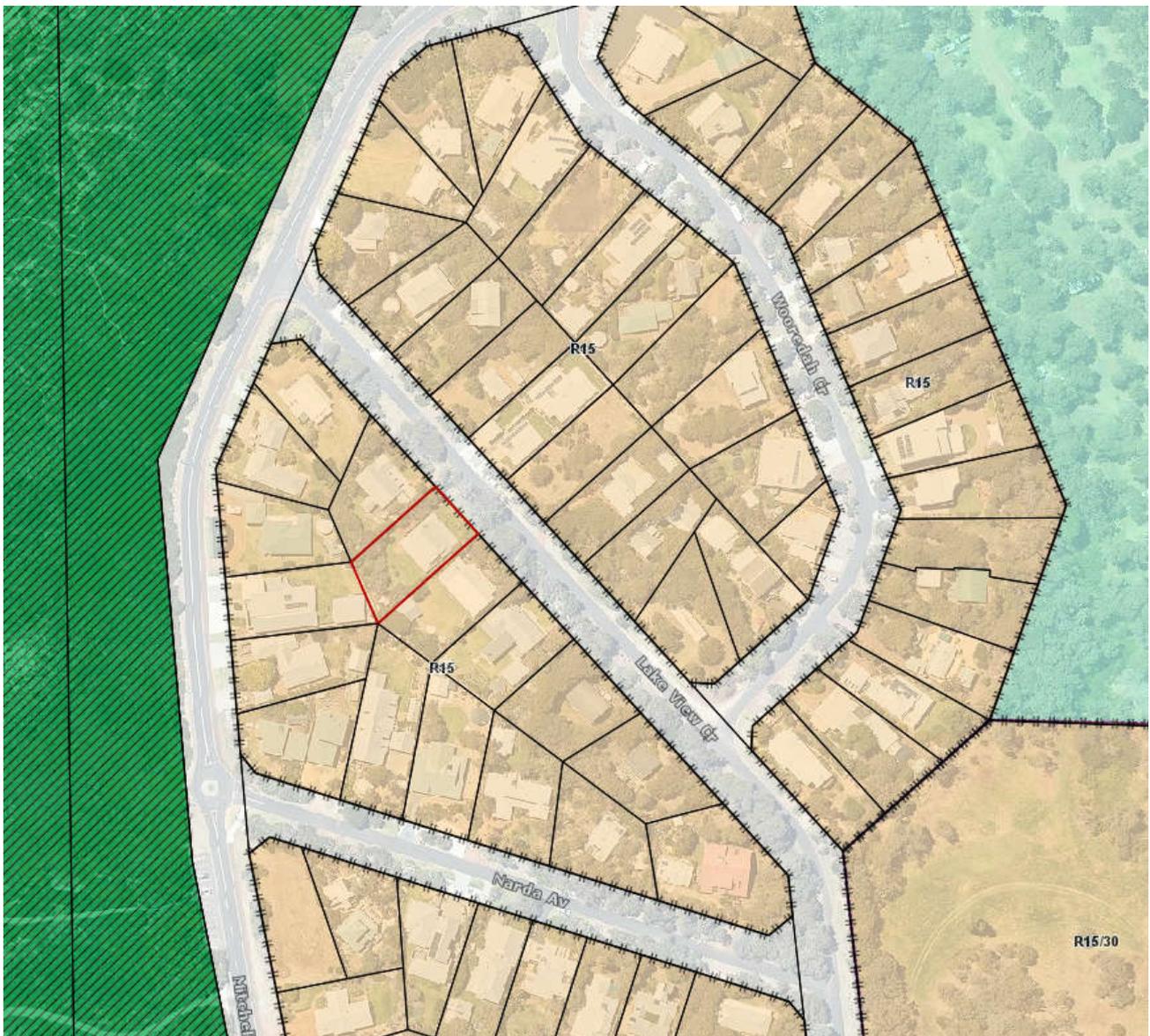
Proposed Holiday House at 8 Lake View Crescent, Prevelly

Level 3 (DFES Objection)

P222249; PTY/537

REPORTING OFFICER: Stephen Schreck
DISCLOSURE OF INTEREST: Nil.

General Information	
Lot Area	985m ²
Zone	Residential (R15)
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 dwelling is to be used to accommodate up to four (4) short stay guests at any one time. The management arrangements are to be in accordance with the house rules supplied with the property being managed by 'House Holidays', located in Margaret River and within a 35 minute drive of 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	5 April 2022
Date of Report	3 June 2022



Have there been any objections?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No DFES – Not Support
Comments Received		
Nature of Submission		Officer Comments
<p>DFES – DFES acknowledges that there is an existing dwelling on the subject site and the development application seeks approval for short term accommodation.</p> <p>Vegetation Classification – Vegetation areas 2, 3 and 4 includes several houses and their surrounding gardens on Lakeview Crescent, which have been excluded in the BMP. Further evidence is required to substantiate these exclusions given the foliage cover on some lots exceeds 15% (which is required under Schedule 1 of the Guidelines). Photographic ID's supporting vegetation areas 2, 3 and 4 does not substantiate the vegetation being managed to low threat as per Schedule 1 of the Guidelines.</p> <p>Alternatively, the vegetation classification should be revised to consider the vegetation as per AS3959.</p> <p>Vegetation Management – DFES does not accept fire break notices on adjoining land as part of the vegetation management required to achieve an APZ or low-threat classification. Fire break notices may only apply for part of the year and may be varied from year to year by the responsible local government.</p> <p>Bushfire Protection Criteria – The BMP has assessed the development as a 'Holiday House' <u>within</u> a residential built out area. DFES considers the development of a 'Holiday House' <u>outside</u> a residential built out area as the locality is not contiguous with an urban area or town (or similar), and does not incorporate a suitable destination. A suitable destination is defined in the Guidelines as an area that is not classified as bushfire prone on the Map of Bush Fire Prone Areas, or is greater than 100 metres from classified vegetation as per AS3959 and can provide shelter during a bushfire event.</p> <p>A5.5 – Does not comply – Access in two different directions to two different destinations, in accordance with the acceptable solution, is not available until the intersection of Wallcliffe Road and Wilderness Road approximately 3km from the development site. This exceeds the acceptable maximum length of 200 metres for a dead-end road that passes through an extreme BHL. Therefore, the intent of A5.5 cannot be demonstrated at this location through the acceptable solutions.</p> <p>Recommendation – Not supported due to non-compliance</p>		<p>Vegetation Classification The DFES comments provided in relation to the bushfire management plan (BMP) submitted in support of the application were sent to the Bushfire Consultant to provide additional information. The Bushfire Consultant has returned additional information verifying the vegetation classification provided in the BAL report and BMP. The classification has been justified, detailing that DFES often undertake desktop analysis of vegetation. The BAL report shows that the understory of the vegetation is managed or hardstand. The Bushfire Consultant has confirmed that the vegetation is capable of being exempted and there is no subsequent change to the BAL rating.</p> <p>Vegetation Management The Shire agrees with DFES comments for adjoining lots and requested that the BMP be amended. The Bushfire Consultant has amended the BMP to remove the reference to the Shire's Firebreak Notice from the vegetation classification and justification. The Firebreak Notice is now only referenced for the subject site and is deemed acceptable.</p> <p>Bushfire Protection Criteria The Shire has previously assessed Prevelly as being a 'Residential Built Out Area' and as such approved 'Holiday Houses' within the suburb. Prevelly is connected to reticulated services, including water and sewer. The suburb is also serviced by the Wallcliffe Volunteer Bush Fire Service.</p> <p>A5.5 For consistency in the Shire's approach, Prevelly is considered by the Shire as being a 'Residential Built Out Area' providing a lower risk of bushfire impact. As such, the use of an existing dwelling as a 'Holiday House' is considered acceptable under Version 1.4 of the Guidelines.</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 checked="" type="checkbox"/> Yes <input 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	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Existing or proposed one site effluent disposal system sized accordingly to number of guests?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Decks and balconies located away from the bedrooms of neighbouring dwellings?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

	Decks and balconies located close to the living and dining areas of neighbouring dwellings, provided with suitable screening?	<input type="checkbox"/> Yes <input type="checkbox"/> No N/A
	Each bedroom accommodates a maximum of two persons?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Fire	If within bushfire prone area a BAL provided?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	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
	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 Statutory Planning Coordinator 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 at 8 Lake View Crescent, Prevelly 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 P2 received by the Shire on 5 April 2022
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- The Holiday House use permitted for a period of **one (1) year** 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 **four (4) people** at any one time.
- Amplified music shall not be played outside of the Holiday House between the hours of 10pm and 10am.
- '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 'f')
- 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

- 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.
- 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.
 - (ii) 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) The 'House Rules' document shall be consistent with key elements of the NSW Code for Holiday Houses (please refer to the attached document).
- g) 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.
- h) 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.