

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
20 October to 26 October 2022

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
20/10/2022	P222712	7 (Lot 81) Georgette Road, Gracetown	Holiday House
21/10/2022	P222713	Lot 201 Burnside Road, Burnside	Scheme Amendment No. 79 to Local Planning Scheme No. 1 (Basic)
21/10/2022	P222714	52 (Lot 101) Hermitage Drive, Margaret River	Holiday House (Large) Renewal
21/10/2022	P222715	Lot 202 Beech Drive, Margaret River	Amendment to Existing Local Development Plan
21/10/2022	P222716	Unit 40/20 (Lot 40) Riedle Drive, Gnarabup	Holiday House Renewal
25/10/2022	P222723	8 (Unit 1) Le Souef Street, Margaret River	Single House (Dwelling)
25/10/2022	P222724	76 (Lot 1) Ashton Street Margaret River	Guest House (Renewal)
26/10/2022	P222727	11117 (Lot 3) Bussell Highway, Forest Grove	Extension of Term to Planning Approval P220446 (Development & Change of Use (Chalets, Camping Ground, Restaurant, Reception Centre, Single Dwelling & Managers Residence))
26/10/2022	P222729	25 (Lot 44) Dawson Tce, Augusta	Holiday House (Renewal)
BUILDING			
21/10/2022	222560	67 (Lot 9) Mentelle Road, Burnside	Shed
21/10/2022	222561	1 (Lot 164) Laurina Place, Gnarabup	Two Storey Ancillary Dwelling, Garage, Shed, Staircase and Balcony
21/10/2022	222562	10 (Lot 373) Winton Street, Margaret River	Single Dwelling, Carport, Patio, Retaining Wall, Ancillary Dwelling and Patio
21/10/2022	222563	63A (Lot 1) Devon Drive, Margaret River	Shed
21/10/2022	222564	234 (Lot 6) Gnaraway Road, Margaret River	Alterations and Additions to Existing Dwelling
21/10/2022	222565	57 (Lot 102) Diana Road, Augusta	Single Dwelling, Patio, Garage, Shed and Rainwater Tanks
21/10/2022	222566	55 (Lot 43) Brookside Boulevard, Cowaramup	Two Storey Dwelling, Breezeway, Garage and Pergola
24/10/2022	222567	100 (lot 204) Ashton Street, Margaret River	Swimming Pool and Barrier Fence
24/10/2022	222568	63 (Lot 231) McDermott Parade, Witchcliffe	Patio
24/10/2022	222569	304 (Lot 20) Kudardup Road, Kudardup	Single Dwelling, Garage and Patio
24/10/2022	222570	49 (Lot 36) Eldridge Avenue, Witchcliffe	Shed and Rainwater Tank
24/10/2022	222571	14 (Lot 318) Heppingstone View, Augusta	Alterations and Additions - Sunroom and Bathroom
25/10/2022	222572	107 (Lot 102) Bussell Hwy, Margaret River (Elkamo)	Alterations and Additions - Reinstatement of internal wall in wine bar
25/10/2022	222573	45 (Lot 243) Dalton Way Molloy, Island	Alterations and Additions - Convert Carport to Storeroom
26/10/2022	222574	17 (Lot 26) Copse Way, Cowaramup	Single Dwelling, Garage, Patio and Verandah
Exploration Licenses for Comment			
Nil			

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				
30/06/2022	P222445	2 (Lot 292) Jenkins Road, Cowaramup	Single House (Outbuilding)	Cancelled
12/07/2022	P222474	310 (Lot 1002) Rowe Road, Witchcliffe	Agriculture Intensive (Viticulture) & Winery	Approved
05/08/2022	P222524	5 (Lot 85552) Trinder Drive, Margaret River	Building Envelope Variation (Outbuilding)	Approved
12/08/2022	P222542	3 (Lot 62) Concerto Drive, Cowaramup	Single House (Outbuilding)	Approved

12/08/2022	P222546	687 (Lot 722) Ellenbrook Road, Cowaramup	Section 40	Approved
24/08/2022	P222563	12 (Lot 9) Agonis Close, Margaret River	Building Envelope Variation, Proposed Single House and Change of use of existing dwelling to Ancillary Dwelling	Approved
31/08/2022	P222577	63C (Lot 3) Devon Drive, Margaret River	Building Envelope Variation	Approved
01/09/2022	P222583	28 (Lot 14) Offshore Crest, Margaret River	Single House (Dwelling)	Approved
09/09/2022	P222614	8087 (Lot 323) Bussell Highway, Cowaramup	Change of Use to Single Dwelling	Approved
16/09/2022	P222625	29 (Lot 139) Grunters Way, Gnarabup	Dwelling and Outbuilding	Approved
27/09/2022	P222645	7 (Lot 231) Bandicoot Close, Prevelly	Single House (Alterations and Additions)	Approved
SUBDIVISIONS				
Nil				
LOCAL LAW PERMITS				
Nil				
OTHER				
04/10/2022	P222662	69 (Lot 9000) Brockman Road, Cowaramup	Local Development Plan	Approved

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
22/08/2022	P222555	22 (Lot 33) Cross Street, Augusta	Holiday House (Renewal)	Approve subject to conditions
06/09/2022	P222595	15 (Lot 146) Grunters Way, Gnarabup	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 Renewal - 22 (Lot 33) Cross Street Augusta

Level 3

P222555; PTY/1891

REPORTING OFFICER : Tessa Ashworth
 DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	910m 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	Renewal of Holiday House for 5 years. As previously approved, up to six (6) guests and existing management arrangements are to be retained.
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	22/08/2022
Date of Report	5/10/2022

Location Map



Planning History	A twelve (12) month approval (P217711) was issued on 13 June 2018 for a holiday house for six (6) guests. A three (3) year approval (P219150) was issued on 13 June 2019 for a holiday house renewal 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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Have there been any substantial changes to the LPS1 or Policy?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Officer comments:	Nil
Comments Received	
Nature of Submission	Officer Comments

<p>Submission 1</p> <ul style="list-style-type: none"> - Restriction of 6 persons not policed and resulting in high levels of noise. - Main outdoor entertaining at rear of house is elevated, properties at rear susceptible to late night noise - Driveway access to rear of property results in noise from camper trailers <p>Submission 2</p> <ul style="list-style-type: none"> - Object to 5-year renewal, max 2 years to avoid risk if change of ownership - No real issues to date 	<p>No complaints have been lodged over 3-year previous approval period.</p> <p>Summary of response from owners to issues raised</p> <ul style="list-style-type: none"> - Owners use the house 70% of the time and have a big family. Guests are restricted to 6 people. - Will do a letterbox drop to neighbours to again let them know manager and owner contact details, that they can contact them 24/7 with any concerns. - Rear patio 4.5smq with enclosed brick walls. Has sign in area to say no noise after 10pm. - Owners use the rear of the property for parking of boats, cars and trailers. Will ensure guests do not. - Are prepared to take a lesser renewal term to help address neighbour concerns. <p>The proponents have taken the neighbours concerns seriously and are proactive in ensuring that they can be addressed effectively in future. They use the property often and have an interest in building good relationships with the neighbours.</p> <p>Issuing a second 3-year approval term instead of a 5-year renewal provides a suitable timeframe to demonstrate that these issues have been resolved, and provides an earlier opportunity to address any issues in future.</p>
Recommended period of approval	<input type="checkbox"/> 12 months <input checked="" 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 22 (Lot 33) Cross Street 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 15 November 2017
--------------------------	----------------------------------------------------

2. The Holiday House use is permitted for a period of **3 years** from <end of previous period of approval> to <end of period of approval>. (Refer to advice note 'a')
3. The approved Bushfire Emergency Evacuation Plan and Bushfire Management Plan shall be displayed in a conspicuous location within the dwelling at all times.
4. 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').
5. 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')
6. All vehicles & boats connected with the premises shall be parked within the boundaries of the property.
7. The short stay use of the dwelling shall not be occupied by more than **six (6) people** at any one time.
8. Amplified music shall not be played outside of the Holiday House between the hours of 10pm and 10am.
9. Any marketing material for this Holiday House shall include display of the planning approval reference number for this approval. (Refer to advice note 'f')

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.
 - (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) 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.



DEVELOPMENT APPLICATION ASSESSMENT
Report to Manager Planning and Development Services

Proposed Holiday House - 15 (Lot 146) Grunters Way Gnarabup

Level 3

P222595; PTY/7988

REPORTING OFFICER : **Sophie Moscardini**
DISCLOSURE OF INTEREST : **Nil.**

General Information	
Lot Area	1044m ²
Zone	Residential (R10)
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 appointed manager is to be within a 35 minute drive from the site.
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	06/09/2022
Date of Report	



Have there been any objections? Yes No During the advertising period two (2) submissions were received one (1) objecting to the proposal and another which was indifferent.

Comments Received	
Nature of Submission	Officer Comments
<p>Objection – Concerns around use of the existing dwelling once the recently approved main dwelling is built onsite. Believes that the ancillary will remain as short stay accommodation.</p> <p>The neighbour also has other concerns with the impacts of holiday houses in general including loud noise within a residential area with permanent residents.</p>	<p>The Shires LPP7 was explained in detail to the objecting neighbour. The operation of the dwelling once the main dwelling is built for short stay accommodation would not be permitted. A condition will be included on the approval which notes that the use of the dwelling for short stay use will lapse when the main dwelling is completed.</p> <p>The neighbour was not satisfied with this explanation.</p> <p>In addition to the above, the neighbour was informed that should the landowner continue to operate without approval this would be dealt with through compliance.</p>

	<p>It is also important to note that the dwelling has been operating without approval as the owner was not aware planning approval was required for a Holiday House. Compliance action was taken which resulted in the subject application being submitted. Before submitting the applicant was made aware of the restrictions for approval given the pending construction of a main dwelling.</p> <p>The proposal is consistent with LPP7 and the effectiveness of the management arrangements will be determined at the completion of the 12 month approval timeframe.</p>	
<p>Indifferent – Approval should be limited to 12 months, every year.</p>	<p>The Shire is of the view that if a Holiday House is operating appropriately with no complaints or objections a longer approval period can be considered. Should any complaints or objections be received it is unlikely a longer approval will be granted and may result in refusal. This process encourages landowners to effectively manage their properties and reduces any impacts on neighbours. Should any concerns arise during the operating period of the proposal the Shire can be contacted by neighbouring properties, and can act on these concerns through compliance processes.</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
	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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No No decks or balconies.
	Decks and balconies located close to the living and dining areas of neighbouring dwellings, provided with suitable screening?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	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 BAL-29 determined for existing dwelling.
	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 type="checkbox"/> Yes <input checked="" 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 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 at 15 Grunters Way, Gnarabup subject to compliance with the following conditions/for the following reasons:

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 received by the Shire on 6 September 2022.
--------------------------	-----------------------------------------------

2. The Holiday House use permitted for a period of **1 year** from <date of this approval> to <end of date of approval> or upon completion of the main dwelling (Approval P222088), whichever the lesser. (Refer to advice note 'a')
3. The approved Bushfire Emergency Evacuation Plan and Bushfire Management Plan shall be displayed in a conspicuous location within the dwelling at all times.
4. 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')
5. 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')
6. All vehicles & boats connected with the premises shall be parked within the boundaries of the property.
7. The short stay use of the dwelling shall not be occupied by more than **4 people** at any one time.
8. Amplified music shall not be played outside of the holiday house between the hours of 10pm and 10am.
9. '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')
10. 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) 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 depending on the status of the main dwelling on site. 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:
 - (iii) *Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises.
 - (iv) 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.