

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
5 August to 11 August 2021

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
05/08/2021	P221534	13 (Lot 31) Dawson Terrace, Augusta	Holiday House (Renewal)
05/08/2021	P221535	20 (Lot 10) Offshore Crest, Margaret River	Bed & Breakfast (Renewal)
05/08/2021	P221536	6 (Lot 578) Layman Place, Augusta	Holiday House (Renewal)
05/08/2021	P221538	20 (Lot 13) Loaring Place, Margaret River	Holiday House (Renewal)
06/08/2021	P221539	20 (Lot 45) Freycinet Way, Gnarabup	Dwelling (Alterations & Additions)
06/08/2021	P221540	129 (Lot 44) Terry Drive, Margaret River	Dwelling (Patio and Carport)
06/08/2021	P221542	7 (Lot 221) Honeytree Grove, Cowaramup	Dwelling (Shed and Carport Addition)
06/08/2021	P221543	325 (Lot 16) Rocky Road, Forest Grove	Shed Addition/Farm Building
06/08/2021	P221544	Lot 1 Heron Drive, Margaret River	Dwelling Addition (Garage Outside Building Envelope)
05/08/2021	P221545	Lot 102, 103 & 104 Bussell Highway, Karridale	Local Development Plan (Stage 2)
09/08/2021	P221546	97 (Lot 113) Baudin Drive, Gnarabup	Dwelling
09/08/2021	P221547	79 (Lot 21) Turner Street, Augusta	Grouped Dwelling
10/08/2021	P221548	272 (Lot 181) Stevens Road, Redgate	Chalet
10/08/2021	P221551	41 (Lot 40) Merchant Street, Margaret River	Bed & Breakfast
10/08/2021	P221553	53 (Lot 18) Dallip Spring Road, Burnside	Holiday House (Renewal)
10/08/2021	P221554	8 (Lot 604) Niblett Retreat, Margaret River	Dwelling
10/08/2021	P221555	735 (Lot 101) Osmington Road, Bramley	Blueberry Orchard Addition
11/08/2021	P221556	39 (Lot 29) Riedle Drive, Gnarabup	Holiday House (Renewal)
11/08/2021	P221557	204 (Lot 3) Clayton Road, Treeton	Ancillary Accommodation
11/08/2021	P221558	764 (Lot 1) Brockman Highway, Karridale	Rural Produce Sales & Brewery
11/08/2021	P221559	60 (Lot 1) Bussell Highway, Cowaramup	Section 40 (Small Bar)
11/08/2021	P221560	752 (Lot 101) Wallcliffe Road, Margaret River	Dwelling Addition (Osprey Nest)
BUILDING			
05/08/2021	221522	16 (Lot 305) Yellow Gum Walk, Margaret River	Unauthorised Works - Carport and Patio
05/08/2021	221523	13 (Lot 32) Rendall Close, Margaret River	Additions to Existing Dwelling
05/08/2021	221524	14 (Lot 25) Peake Street, Cowaramup	Ancillary Accommodation (Conversion of Shed to Dwelling)
06/08/2021	221525	11 (S/L1) Irwin Street, Augusta	Deck Addition
06/08/2021	221526	96 (Lot 101) Victoria Parade, Augusta	Decking Addition
06/08/2021	221527	111 (Lot 200) Bussell Highway, Margaret River	Occupancy Permit - Internal fit out Cafe/Bar
05/08/2021	221528	3 (Lot 19) Tallwood Loop, Witchcliffe	Rainwater Tank
09/08/2021	221529	10 (Lot 56) Betts Court, Margaret River	Rainwater Tank
09/08/2021	221530	57 (Lot 16) Wooditch Road, Margaret River	Unauthorised Works - different location of dwelling from original permit and new balustrade
09/08/2021	221531	33 (Lot 85) Buller Road, Karridale	Additions to Existing Dwelling
09/08/2021	221532	7 (Lot 12) Galliers Street, Gracetown	Demolition - Single Dwelling
10/08/2021	221533	29 (Lot 31) Cidergum Loop, Margaret River	Single Dwelling and Ancillary Accommodation
10/08/2021	221534	25 (Lot 16) Mardo Drive, Witchcliffe	Single Dwelling

11/08/2021	221535	31 (Lot 30) Tallwood Loop, Witchcliffe	Single Dwelling and Rainwater Tanks
11/08/2021	221536	10 (Lot 5) Offshore Crest, Margaret River	Carport
11/08/2021	221537	6A (Lot 131) Sheoak Place, Cowaramup	Single Dwelling
11/08/2021	221538	6B (Lot 131) Sheoak Place, Cowaramup	Single Dwelling

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				
26/06/2020	P220342	7981 (Lot 9) Caves Road, Forest Grove	Chalet Addition (Outbuilding - Garden Shed)	Approved
25/03/2021	P221215	5 (Lot 538) Bushland Rise, Margaret River	Dwelling Addition (Pool Privacy Screen)	Approved
06/04/2021	P221236	Unit 6 / 5 (Strata Lot 6 of Lot 100) Station Road, Margaret River	Holiday House (Renewal)	Approved
12/04/2021	P221256	14 (Lot 26) Willmott Avenue, Margaret River	Change of Use (Chalet to Caretakers Dwelling)	Cancelled
22/04/2021	P221300	21 (Lot 149) Bottlebrush Drive, Margaret River	Ancillary Accommodation (Conversion of Garage)	Approved
14/06/2021	P221415	14 (Lot 29) Walkington Avenue, Margaret River	Section 40 (Home Office)	Approved
21/06/2021	P221430	41 (Lot 20) Georgette Way, Prevelly	Holiday House (Renewal)	Approved
13/07/2021	P221482	3 (Lot 42) Dawson Terrace, Augusta	Dwelling (Front Fence Addition)	Approved
14/07/2021	P221487	39 (Lot 4) York Street, Augusta	Holiday House (Renewal)	Approved
19/07/2021	P221493	12 (Lot 500) Burton Road, Margaret River	Community Purpose (Storeroom Addition)	Approved
20/07/2021	P221499	4 (Lot 450) Smokebush Court, Cowaramup	Dwelling (Carport Addition)	Approved
SUBDIVISIONS				
Nil				
LOCAL LAW PERMITS				
Nil				

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
01/07/21	P221450	22 (Lot 56) Elva Street, Margaret River	Holiday House (Large)	Conditional approval

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 (DAU)
Report to Manager Planning and Development Services

Proposed Holiday House (Large) at 22 (Lot 56) Elva Street, Margaret River

Level 3

P221450; PTY/265

REPORTING OFFICER : Lina O'Halloran
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	1128m ²
Zone	Residential R20
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. The applicant originally sought approval to accommodate up to eight (8) guests in the Holiday House, however bedroom 3 is not large enough to accommodate two people under Health Local Law requirements for ventilation. The amended proposal is for a seven (7) person Holiday House to be managed by In House Holidays, which is located in Margaret River.
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	01/07/2021
Date of Report	02/08/2021



Have there been any objections?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 3 submissions were received: <ul style="list-style-type: none"> • 1 x objection • 2 x support with concerns
Comments Received	
Nature of Submission	Officer Comments

Concerns raised:

- Object to the possibility of an eight person party house. There seems to be so many negative problems in Margaret River with short stay accommodation, I am concerned this will happen to us.
- There is an outdoor entertainment area and a pool which are not shown on the plans and will only add to the problem.
- If there was unruly noise on a regular basis, how would these complaints be dealt with? This is a very quiet area and we want to keep it that way. We hope our lives wouldn't change if this property was approved for short term accommodation.
- Would a reputable company manage this short stay accommodation and take complaints seriously?
- Will our safety be jeopardised?
- Noise must stop at 10pm
- Where will the guests park if there are more than 3 cars?

In response to the issues raised, the applicant advises:

- Guest numbers have been reduced to a maximum of seven (7) guests.
- The site is within the permitted Holiday House area.
- The house has been renovated to provide luxury style accommodation and will be clearly advertised as unsuitable for parties, groups of young people or pets. Guests will be screened prior to their booking being accepted.
- The outdoor alfresco area is shown on the plan. A new site plan including the pool (approved Home Pool Inspection on 29 July 2021) has been provided. Outdoor blinds will be installed around the alfresco area to improve privacy and reduce noise.
- Signage will be posted inside and outside the house that there is to be no noise after 10pm.
- Once a booking has been accepted, guests will be sent the house rules clearly stating there is to be no noise after 10pm, and that while the house is near the centre of town it remains a residential area and neighbours are to be respected.
- If the property manager receives a noise complaint, guests will be contacted immediately. There is a clause in the house rules stating that if guests do not quieten down after a complaint, they can be evicted from the property.
- In-House Holidays will manage the property. In-House Holidays is a long established accommodation management provider managing a large suite of holiday properties in the region. There will be a sign at the front of the property clearly advertising their contact details should neighbours want to make contact.
- There is no reason why anyone's safety will be jeopardised by the proposal.
- As illustrated in the site plan, the driveway is being widened to provide sufficient parking for 4 cars to meet the requirements of our application.

The advice provided by the applicant is considered to sufficiently respond to the concerns raised.

Further it is noted in relation to the concerns about the use of the pool and alfresco area, both areas are considered to be suitably located and setback from adjoining neighbouring dwellings.

Proposal plans show that a pool and alfresco area exists at the rear of the dwelling. The pool is setback 4.3m from the northern boundary and is located adjacent to the common property access way on the northern neighbouring property.

	<p>The alfresco area is setback approximately 6.5m to the neighbouring southern dwelling. The alfresco area would be located adjacent to a patio and games room in the neighbouring dwelling.</p> <p>While the concerns are noted, in this case the issues raised are not considered sufficient to warrant recommendation for refusal of the application. The application is recommended to be granted conditional approval for 12 months.</p>	
Policy Requirements		
Policy Element	Provision	Comment
Location	Coastal settlement	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Urban area located within Policy Plan 1?	<input checked="" type="checkbox"/> Yes <input 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 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 Reticulated sewer
	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 checked="" type="checkbox"/> Yes <input 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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No Site is not within a Bushfire Prone Area
Management	Management Plan submitted?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	BEEP provided	N/A
	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. 16 pursuant to clause 68 (2) of the Deemed Provisions of Local Planning Scheme No. 1 for a Holiday House (Large) at 22 (Lot 56) Elva Street, Margaret River 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 received by the Shire on 1 July 2021 P2 received by the Shire on 30 July 2021
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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 notes 'a' and 'h')

2. 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')
3. 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')
4. All vehicles & boats connected with the premises shall be parked within the boundaries of the property.
5. The short stay use of the dwelling shall not be occupied by more than **seven (7) people** at any one time.
6. Amplified music shall not be played outside of the Holiday House between the hours of 10pm and 10am.
7. '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')
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) 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.
 - (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 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.