

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
21 April to 27 April 2022

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
22/04/2022	P222291	18 / 410 (Lot 1004) Bussell Highway, Margaret River	Grouped Dwelling
22/04/2022	P222292	2097 (Lot 4223) Rosa Brook Road, Rosa Brook	Subdivision
22/04/2022	P222293	10 (Lot 120) Lesueur Place, Gnarabup	Amendment to Approval P220127 (Dwelling)
22/04/2022	P222294	59 (Lot 312) Kevill Road, Margaret River	Building Envelope Variation (Ancillary Dwelling)
22/04/2022	P222295	408 (Lot 60) Roxburgh Road, Margaret River	Holiday House
26/04/2022	P222297	253 (Lot 74) Osmington Road, Margaret River	Change of Use from Outbuilding (portion of) to Chalet (Retrospective Application)
26/04/2022	P222298	22 (Lot 56) Elva Street, Margaret River	Holiday House Renewal
27/04/2022	P222300	44A (Lot 209) Marmaduke Point, Gnarabup	Holiday House Renewal
BUILDING			
21/04/2022	222235	6 (Lot 78) Edward Place, Margaret River	Unauthorised Works - Conversion of a Shed to a Ancillary Dwelling
21/04/2022	222236	800 (Lot 50) Jindong-Treeton Road, Treeton	Alterations and Additions - Shed Conversion into Single Dwelling, Patio and Carport
21/04/2022	222239	11 (Lot 9) Bettong Place, Witchcliffe	Shed
21/04/2022	222240	3 (Lot 70) Oxley Place, Augusta	Two Storey Dwelling, Patio, Verandah, Balcony, Carport and Shed
26/04/2022	222241	3 (Lot 6) Redgate Road, Witchcliffe	Alterations and Additions of Existing Shed with Bathroom
26/04/2022	222242	8 (Lot 127) Tall Trees Court, Cowaramup	Swimming Pool and Barrier Fence
26/04/2022	222243	132 (Lot 602) Ashton Street, Margaret River	Single Dwelling, Garage, Alfresco and Verandah
26/04/2022	222245	129 (Lot 91) Ashton Street, Margaret River	Swimming Pool
22/04/2022	222246	30 (Lot 19) Mardo Drive, Witchcliffe	Single Dwelling, Patio, Verandah, Detached Garage and 2 Rainwater Tanks

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				
09/11/2021	P221840	112 (Lot 521) Victoria Parade, Augusta	Dwelling	Approved
01/12/2021	P221909	Unit 2 / 67 (Lot 57) Bussell Highway, Cowaramup	Shop	Approved
15/12/2021	P221953	12 (Lot 5) Percy Street Gracetown	Holiday House (Large)	Approved
03/02/2022	P222085	Unit 4 62 (Lot 51) Bussell Highway, Cowaramup	Shop	Cancelled
04/02/2022	P222088	15 (Lot 146) Grunters Way, Gnarabup	Single House	Approved
09/02/2022	P222103	26 (Lot 331) Hardy Street, Augusta	Holiday House Large	Approved
09/02/2022	P222104	8588 (Lot 103) Bussell Highway, Cowaramup	Rural Industry Additions (Wall Sign)	Approved
18/02/2022	P222127	Site 49 (Lot 1004) Hawkesford Place, Margaret River	Grouped Dwelling	Approved
23/02/2022	P222136	93 (Lot 111) Baudin Drive, Gnarabup	Holiday House Large	Approved
25/02/2022	P222141	31 (Lot 65) Coracina Avenue, Witchcliffe	Single House (Existing Boundary Fence)	Approved
28/02/2022	P222144	12 (Lot 12) East Willmott Avenue, Margaret River	Holiday House Large (Renewal)	Approved
02/03/2022	P222149	6 (Lot 110) Papadakis Avenue, Prevelly	Holiday House Renewal	Approved
SUBDIVISIONS				
Nil				

LOCAL LAW PERMITS				
22/03/2022	P222213	31 Wallcliffe Road, Margaret River	Local Law Permit variation - add Friday school classes Margaret River Skate Park	Approved
19/04/2022	P222284	Gas Bay, Portion of Reserve 41545, Gas Bay Road, Gnarabup	Authorisation to film - Margaret River Pro promotional filming (beach rehab and ocean clean up) 23 April 2022	Approved

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
17/02/2022	P222120	107 (Lot 7) Connelly Road Margaret River	Holiday House (Large) Renewal	Approval 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 (Large) Renewal at 107 (Lot 7) Connelly Road, Margaret River

(Level 3) objections received

P222120; PTY/5815

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

General Information	
Lot Area	13155m ²
Zone	Rural Residential
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 ten (10) short stay guests at any one time. The existing management arrangements are to be retained, whereby the Holiday House would continue to be managed by Swell Stayz. The duration of the approval sought in this case is five (5) 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	17/02/2022
Date of Report	27/04/2022



Planning History	A twelve (12) month approval (P218065) was issued on 10 May 2018 – 10 May 2019 for a holiday house for six (6) guests. (Special Condition No. 6 notes that with upgraded septic guest maximum can increase to 10 guests). A three (3) year approval (P219207) was issued on 10 May 2019 to 10 May 2022 for a holiday house for ten (10) guests, after the septic system was upgraded.
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 2 x Objections
Have there been any complaints over the recent period of approval?	<input checked="" type="checkbox"/> Yes <input 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:	Two noise complaints were received in October 2019 (ref I353528 & I394075) from the same complainant which outlined several dates of late-night noise disturbance from the Holiday House.

	<p>This was followed up by the Shire's Environmental Health Officer with the property owner, with mitigation actions implemented by the owner:</p> <ol style="list-style-type: none"> 1. Reviewed and amended the noise advisory messages in the property and warning messages provided to guests at the time of booking. 2. Engaged with the two closest neighbours: <ol style="list-style-type: none"> a) The closest neighbour indicated they had no issues with noise. b) Swell Stayz visited the second neighbour and provided after-hours contact information to ensure noise issues could be dealt with by the management company at the time. The neighbour's primary issue was bin collection. A weekly red bin service was requested. <p>These actions were found to be satisfactory and the matter was concluded. No further complaints have been received.</p> <p>A photo of the Manager's contact details at the front of the property has been provided. The previous planning approval number is referenced on the Holiday House booking website – see Figure 1.</p>
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Comments Received

Nature of Objections	Officer Comments
<p>This is a residential neighbourhood. Unhosted accommodation is commercial use of the property and incompatible with the values and lifestyle of the street.</p> <p>There are lots of issues regarding unhosted accommodation from distorting the rental market to tearing at the fabric of the local community. Investors have no real connection to our neighbourhood and likely the Margaret River community and for them such properties represent nothing more than income and profit.</p> <p>At the very least all planning applications for unhosted accommodation should be on a yearly basis. The reason for this is simply that this form of accommodation is becoming increasingly unpopular and yearly applications will give councils more flexibility in shutting them down.</p> <p>We are not in favour of unhosted accommodation. However, if this application is approved then at a minimum we would strongly urge you to give approval only for a 12 month period.</p>	<p>The site meets the locational criteria for a Holiday House under Local Planning Policy 7 – Short Stay Accommodation (LPP7).</p> <p>It is agreed that regular review of holiday house approvals is required to ensure short stay accommodation does not adversely impact the amenity of surrounding areas. However, LPP7 allows for holiday house approvals to be issued for up to a five year period where the Shire is satisfied that the use has been appropriately managed.</p> <p>It is agreed that housing availability is of concern to the Shire, however there is currently no legal standpoint to dictate how property owners choose to use their property. The Shire considers each application on its merits and assesses applications for short stay accommodation against the requirements of LPP7 and the Local Planning Scheme No. 1.</p>
<p>At times there is an unacceptable level of noise (parties etc), dangerous behaviours (speeding cars, spinning wheels) and rubbish (overflowing bins) from the property.</p> <p>Most weekends wine tour busses collect guests from the property which creates additional unwelcome traffic to the cars already at the house.</p> <p>We often find that we are in a supervisory role by default. This entails ringing Swell Stayz about overflowing bins, noise, dogs and cars.</p>	<p>The property manager is required to be available 24/7 and be within a 35 minute drive of the property. A set of house rules and management details have been submitted which are intended to ensure guests maintain the amenity of the area. The owners have also increased noise mitigation measures in response to the previous complaints as outlined above.</p> <p>The applicant advises the property manager has not received any complaints or communication from surrounding residents in many months.</p> <p>Traffic generation for the use is considered likely to be commensurate with the normal residential use of the property.</p>
<p>Guests sometimes bring dogs which bark and have come on to our property. While Swell Stayz claim dogs are not permitted, there is no effective monitoring.</p>	<p>The applicant advises there has been no evidence of dogs being present at the property, which would be evident when cleaning. They also state that when they have stayed at the property there have been multiple local dogs roaming the creek line and they consider that this issue may be caused by local residents rather than guests of the holiday house.</p> <p>Further, it is noted the online advertising for the holiday house clearly states pets are not permitted – see Figure 1.</p>

	<p>Planning Approval Number: P219207</p> <p>Guest access Guests have access to the entire house.</p> <p>Other things to note Linen: linen is included in your stay. Please let us know prior to a configuration for your group so we can make up the beds with</p> <p>No Pets: sorry, no pets.</p>
<p>Guests treat our property like public open space by using swings, climbing trees, picnicking, picking flowers, using our bike paths, walking in the bushland around our house.</p>	<p>The site is a corner lot which directly abuts two neighbouring properties with no fences delineating the boundary. The remaining lot boundaries are delineated by Connelly Road.</p> <p>The applicant has advised they will take the following additional actions to prevent trespassing by guests:</p> <ul style="list-style-type: none"> • Add a map in the property information booklet that clearly delineates the boundary of the property and reminds guests not to stray beyond the property line unless accessing public space. • Add signs along the boundary lines that advise guests they are on the boundary of the property line and to not proceed further.
<p>It is acknowledged that the holiday house managers have not been contacted by surrounding neighbours for several months, and that a number of the concerns raised may not be directly linked with the holiday house use. Furthermore, a number of the concerns raised relate to the Shire's broader approach to holiday house uses and are beyond the scope of this planning application.</p> <p>Nevertheless, two objections have been received in addition to two noise complaints within the last approval period. While the concerns have been responded to by the proponent, it is recommended the holiday house is approved for a reduced approval period of 3 years rather than the requested 5 year approval. This will enable a review of the management in order to monitor effectiveness of the additional management measures.</p>	
<p>Recommended period of approval</p>	<p><input type="checkbox"/> 12 months <input checked="" type="checkbox"/> 3 years <input type="checkbox"/> 5 years</p>

OFFICER RECOMMENDATION

That the Statutory Planning Coordinator 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 (Large – Renewal) at 107 (Lot 7) Connelly Road, Margaret River 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.

<p>Plans and Specifications</p>	<p>P1 received by the Shire on 8 February 2019</p>
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1. The Holiday House use is permitted for a period of **three (3) years** 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 **ten (10) 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.
- a) 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.
- b) 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.
- c) This approval does not affect the entitlement to use the dwelling for permanent residential purposes.
- d) 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.
- e) 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.
- f) 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.