

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
8 June to 14 June 2023

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
08/06/2023	P223342	10 - 12 (Lots 11 & 12) Fearn Avenue, Margaret River	Hotel Development (JDAP)
08/06/2023	P223343	452 (Lot 1) Bramley River Road, Osmington	6 x Cabins
08/06/2023	P223344	17 (Lot 40) Ewing Street, Augusta	Outbuilding (Shed)
08/06/2023	P223345	8 (Lot 891) Allnut Terrace, Augusta	Holiday House (Large)
08/06/2023	P223346	330 (Lot 62) Kudardup Road, Kudardup	Outbuilding (Shed)
08/06/2023	P223347	43 (Lot 19) Georgette Way, Prevelly	Change of Use (Shed to Ancillary Dwelling)
09/06/2023	P223348	894 (Lot 3207) East Calgardup Road, Forest Grove	Farm Soak
09/06/2023	P223349	24 (Lot 15) Samworth Street, Margaret River	Verandah Additions
09/06/2023	P223354	45 (Lot 54) Mitchell Drive, Prevelly	Bed & Breakfast (Renewal)
09/06/2023	P223356	18 (Lot 563) Guersey Gully, Margaret River	Holiday House
12/06/2023	P223357	Unit 23 / 20 (Lot 23) Riedle Drive, Gnarabup	Holiday House
12/06/2023	P223358	63 (Lot 10) Blackwood Avenue, Augusta	Deck and Garage Additions
12/06/2023	P223360	20 (Lot 115) Settlers Retreat, Margaret River	Bed & Breakfast (Renewal)
13/06/2023	P223363	Unit 1/9 (Strata Lot 1) Papadakis Avenue, Prevelly	Holiday House (Renewal)
13/06/2023	P223364	Unit 1/24 (Strata Lot 1) Freycinet Way, Gnarabup	Holiday House (Renewal)
13/06/2023	P223365	149 (Lot 39) Terry Drive, Margaret River	Holiday House (Renewal)
BUILDING			
08/06/2023	223276	85 (Lot 48) Freshwater Drive, Burnside	Shed
08/06/2023	223277	10439 (Lot 1498) Caves Road, Deepdene	Farm Shed
09/06/2023	223278	1399 (Lot 1) Osmington Road, Osmington	Shed
12/06/2023	223279	23 (Lot 40) Tallwood Loop, Witchcliffe	Single Dwelling, Verandahs and Patio
12/06/2023	223280	38 (Lot 5) Elva Street, Margaret River	Unauthorised works - Change of Use Shed to Ancillary Dwelling, Alteration of Ensuite in Main Dwelling
12/06/2023	223281	13 (Lot 122) Lesueur Place, Gnarabup	Swimming Pool and Barrier Fence
13/06/2023	223282	19 (Lot 215) Hermitage Drive, Margaret River	Shed and Rainwater Tank
13/06/2023	223283	21 (lot 27) Le Souef Street, Margaret River	Single Dwelling, Carport and Shed
13/06/2023	223284	13 (Lot 20) Merino Way, Margaret River	Shed
13/06/2023	223285	1065 (Lot 11) Osmington Road, Osmington	Spa and Barrier Fence
13/06/2023	223286	7 (Lot 81) Georgette Road Gracetown	Detached Garage and Retaining Wall
14/06/2023	223287	450 (Lot 71) Kevill Road West, Margaret River	Alterations and Additions to Existing Dwelling - Bedrooms, Utility, Kitchen Carport and Relocate Existing Carport
14/06/2023	223288	456 (Lot 721) Kevill Road West, Margaret River	Ancillary Dwelling, Patio, Verandah and Retaining Wall
14/06/2023	223289	24 (Lot 23) Kulbardi Way, Witchcliffe	Patio
14/06/2023	223290	24 (Lot 51) Bovell Avenue, Margaret River	Shed
Exploration Licenses for Comment			
Nil			

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				
22/03/2023	P223182	Holiday House Renewal 15 (Lot 11) Bayview Drive, Gracetown	Holiday House Renewal	Approved
04/04/2023	P223215	Unit 4/90 (Strata Lot 4 of Lot 101) Cowaramup Bay Road, Cowaramup	Single Dwelling (Side setback variation)	Approved
18/04/2023	P223236	5 (Lot 81) Trinder Drive, Margaret River	Building Envelope Variation (Dwelling)	Approved
20/04/2023	P223244	6 (Lot 51) Osborne Street, Gracetown	Holiday House	Approved
21/04/2023	P223247	1 (Lot 38) Waters Edge, Margaret River	Holiday House (Large) Renewal	Approved
SUBDIVISIONS				
Nil				
LOCAL LAW PERMITS				
Nil				
OTHER APPLICATIONS				
08/02/2023	P223099	Lot 900 Leschenaultia Avenue, Margaret River	Modification to Brookfield Local Development Plan (Public Purpose to Village Centre Zone)	Approved

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
21/04/2023	P223248	10 (Lot 47) Lake View Crescent, Prevelly	Holiday House	Approve subject to conditions
01/03/2023	P223130	4A (Lot 2) Dibbler Street, Margaret River	Family Day Care	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 Regulatory Services
Proposed Holiday House
10 (Lot 47) Lake View Crescent, Prevelly

Level 2 (objection received)

P223248; PTY/2767

REPORTING OFFICER : Don Bothwell
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	1047m ²
Zone	Residential R15
Proposed Development	The proposal is for a new Holiday House to accommodate 6 guests within the existing dwelling containing 3 bedrooms and 2 bathrooms. The proposed Holiday House is to be managed by Seaside Homes One submission was received in the advertising period concerning the element of the proposal regarding the keeping of pets for the short stay use which is addressed below.
Permissible Use Class	Holiday House – ‘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	None identified
Encumbrance	Nil
Date Received	21/04/2023
Date of Report	14/06/2023



Have there been any objections?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No One submission was received during the advertising period. The concern related to the holiday house being pet friendly. Specifically, the potential for dogs to whine and bark whilst their owners/short stay guests are out visiting tourist locations. Given that this is the first approval for the Holiday House use and is within a permissible area under the Shires Local Planning Policy, the landowner/applicant in this instance is entitled to be given the opportunity to operate and demonstrate that the use can be appropriately managed. The matter has been discussed with the applicant/landowner and it has been agreed that if there are any noise complaints regarding the keeping of pets in
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	the Holiday House, this element of the proposal would be removed when the Holiday House is up for renewal in 12 months. This will be considered along with any other complaint received within the 12 months when the renewal of the use is submitted to the Shire.	
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 Reticulated water
	Existing or proposed one site effluent disposal system sized accordingly to number of guests?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No The Shire's Environmental Health Services have advised that the existing on-site effluent disposal systems may require upgrading to accommodate 6 occupants. The appropriate conditions have been applied accordingly to address this matter.
	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 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 checked="" type="checkbox"/> No BMP submitted with the application but was not required to be referred to DFES in this instance.
	BAL rating at BAL-40 or FZ?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No BAL-12.5
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 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 the proposed Holiday House at 10 (Lot 47) 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 – P3 received by the Shire on 21 April 2023
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- If The Holiday House use permitted for a period of **12 months** from **<date of this approval>** to **<end of date of approval>**. (Refer to advice note 'a')
- 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").

5. All vehicles & boats connected with the premises shall be parked within the boundaries of the property and not parking on the emergency access way or public open space . (refer to advice note "h")
6. The short stay use of the dwelling shall not be occupied by more than **six (6) 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. 'House Rules' shall be developed prior to the commencement of use. The 'House Rules' is to include a parking plan to the satisfaction of the Shire. Thereafter the 'House Rules' shall be provided to all guests and shall be displayed within a prominent position within the Holiday House. (Refer advice note f)
9. Any marketing material for this Holiday House shall include display of the planning approval reference number for this approval.
10. The proposal may require additional equipment for the onsite treatment and disposal of wastewater and shall be installed in accordance with the *Health (Treatment of Sewage and Disposal of Effluent & Liquid Waste) Regulations 1974* and to the satisfaction of the Local Government/Department of Health.
11. 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.

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.
- 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) The 'House Rules' document shall be consistent with key elements of the NSW Code for Holiday Houses (please refer to the attached document).
- 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 owners responsibility to monitor and ensure that the planning approval remains valid while the use is being undertaken and has not expire.
- h) 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.



DEVELOPMENT APPLICATION ASSESSMENT
Report to Manager Planning and Regulatory Services

Proposed Family Day Care
4A (Lot 2) Dibbler Street, Margaret River

Level 3 – 2 objections

P223130; PTY/12411

REPORTING OFFICER : Tessa Ashworth
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	528m ²
Zone	R20
Proposed Development	Proposed Family Day Care consisting of the following: <ul style="list-style-type: none">• 4 children (including 1 of their own)• Operating 8.30am – 3.15pm• Maximum 3 car visits am/pm
Permissible Use Class	'A' Family Day Care
Heritage/Aboriginal Sites	No
Encumbrance	None relevant
Date Received	01/03/2023



Policy Requirements		
Is the land or proposal referred to in any Council Policy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Structure Plans and Local Development Plans (LDP's)		
Is the land in any Structure Plan Area or subject to a LDP? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, state the Policy/Policies East Margaret River Structure Plan 2005		
Officer Comment	No relevant provisions	
Planning History		
N/A		
Advertising/Agency Referrals		
Has the application been referred to adjoining landowners/agency?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> N/A
Has a submission been received by Council?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> N/A No. received: 2
Details of Submission	Officer Comment	
<p>2 x objections</p> <p>Submission 1</p> <ul style="list-style-type: none"> Noise impacts from outdoor play area being very close to adjoining property Potential for 6 children in school holidays Will be satisfied if cubby house on north side is not used as this area is close to bedrooms and kitchen <p>Submission 2</p> <ul style="list-style-type: none"> Shift worker that sleeps during the day. Has Concerns about noise generated from children playing outside and additional cars coming down driveway. 	<ul style="list-style-type: none"> Applicant has responded that the outdoor play area and cubby would only be utilised for short periods of time and limited to use at times to minimise disruption to neighbours. They were not wanting to omit this from the application. License will limit number to 3 other children under school age per day. It is acknowledged that everyday noise will have a greater impact on a shift worker. However, only the daytime levels for noise under the Noise Regulations should be applied. The Shire's Environmental Health staff have indicated that based on the number of kids noise levels are likely to comply with the relevant standards. <p>It is noted that applicants have indicated a willingness to communicate with neighbours to avoid noise impacts and if there any instances of undue noise.</p>	
Internal Department Comments	Officer Comments	
<p>Health Property is connected to reticulated water and reticulated sewerage.</p> <p>Family day care operations offer education for seven children, including the educators' own children. Only four of the children can be below pre-primary school age. Based on this a noise impact assessment would not be required for this proposal.</p>	<p>Departmental conditions applied. Use will need to comply with noise regulations.</p>	
Assessment of Application		
Is the land referred in the Heritage Inventory?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there any Contributions applicable?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there any compliance issues in relation to existing development?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
R Codes		
Are R Codes applicable?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Car Parking		
LPS1 / R Codes Requirement	Car Bays Required – Council discretion	Car Bays Proposed - 2
Dimensions	2.5m x 5.5m	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply
Turning Bay/Circles and vehicle manoeuvring	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply	
Disabled Bays	Disabled Bays – n/a	<input type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply
Officer Comment	<ul style="list-style-type: none"> There are 2 car bays allocated at the site for family day care use Hours of operation are 8.30am to 3.15pm A maximum of 3 children will attend each day. Therefore, a maximum of 3 cars will be coming and going daily in am and pm To avoid a shortfall in parking, applicant has confirmed drop off and pick up will be staggered with a minimum of 10 minutes in between families. Eg. drop off will be 8.30/8.40/8.50am – pick up will be 2.50/3.00/3.10 pm There is space for cars to turn around at the end of the driveway. 	

Clause 67	
In the opinion of the officer, would approval of the planning consent be appropriate under Clause 67 of the Deemed Provisions of the Scheme?	
Officer Comment	<p>Amenity impacts to neighbouring properties including noise and traffic have been considered.</p> <p>The family day care will have 3 pre-school children attending the site each day in addition to the child of the applicant. The noise arising from children at the site is not considerable enough to warrant a noise impact assessment. It is expected that the noise generated will be well below daytime noise levels as per the Noise Regulations.</p> <p>The nature of the use is not too different from normal residential use where a single dwelling could have four children full time. In this case, the extra children on site are restricted to school hours Mon-Fri.</p> <p>Potential for traffic impacts have been mitigated with drop off and pick up times staggered. Condition will be applied to reflect this and ensure all car parking is restricted to the site.</p> <p>Approval recommended.</p>
In the opinion of the officer	
i. Are utility services available and adequate for the development?	Yes.
ii. Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land?	n/a
iii. Has adequate provision been made for access for the development or facilities by disabled persons?	n/a
iv. Is development likely to cause detriment to the existing and likely future amenity of the neighbourhood?	No.
v. Is the development likely to comply with AS3959 at the building permit stage?	Yes.
Other Comments	
Any further comments in relation to the application?	
Officer Comment	No.

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 the proposed Family Day Care 4A (Lot 2) Dibbler 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	Plan 1 received by the Shire 2 March 2023
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- If the development, the subject of this approval, is not substantially commenced within two (2) years from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has lapsed, development is prohibited without further approval being obtained.
- Operating hours are from 8.30am – 3.15pm Monday – Friday.
- A maximum of **four (4) children** are permitted on site at any one time.
- The accepted Bushfire Emergency Evacuation Plan shall be implemented on site prior to commencement of the use and at all times thereafter.
- All vehicles connected with the premises shall be parked within the boundaries of the property.
- Drop Off and collections times shall be staggered a minimum of 10 minutes apart to ensure adequate parking is available onsite.

ADVICE NOTES

- You are advised of the need to comply with the requirements of the following other legislation:
 - This is not a Building Permit. A Building Permit must be issued by the relevant Permit Authority before any work commences on site as per the *Building Act 2011*;

- (ii) *Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises; and
 - (iii) The *Bush Fires Act 1954* as amended, Section 33(3), Annual Bush Fires Notice applies to this property.
- b) Should food be provided for children, notification shall be made in the approved form to the Shire in accordance with the *Food Act 2008* and subsequent compliance shall be achieved in relation to the *Food Standards Code*.
- c) Noise emissions (sound levels) resulting from the use of the premises for a family day care 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.