

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
3 March to 9 March 2022

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
03/03/2022	P222151	Unit 16, 20 (Lot 229) Riedle Drive, Gnarabup	Grouped Dwelling (Patio Roof Addition)
03/03/2022	P222152	35 (Lot 1) Station Road, Margaret River	Section 40
03/03/2022	P222153	735 (Lot 101) Osmington Road, Bramley	Dam (Gully Wall Dam & Soaks x 2 and water way realignment)
03/03/2022	P222155	29 (Lot 65) Bovell Crescent, Augusta	Single House (Outbuilding)
03/03/2022	P222156	15 (Lot 25) Tallwood Loop, Witchcliffe	Single House
04/03/2022	P222158	22 (Lot 51) McDermott Parade, Witchcliffe	Single House (Ancillary Dwelling)
04/03/2022	P222159	Lot 9001 Brockman Highway, Karriale	Modification to Existing Structure Plan
04/03/2022	P222160	86 (Lot 104) Woodland Drive, Burnside	Bed and Breakfast
09/03/2022	P222174	1 (Lot 31) Nicholson Street, Gracetown	Holiday House Renewal
09/03/2022	P222176	56 (Lot 150) Hermitage Drive, Margaret River	Bed and Breakfast (Renewal)
09/03/2022	P222177	263 (Lot 42) Cullen Road, Gracetown	Single House (Outbuilding Addition)
09/03/2022	P222178	7 (Lot 296) Farrelly Street, Margaret River	Aged Care Facility (Fence Addition)
BUILDING			
03/03/2022	222110	2 (Lot 860) Chamberlain Place, Augusta	Single Dwelling, Garage and Patio
03/03/2022	222130	9 (Lot 22) Tallwood Loop, Witchcliffe	Shed
03/03/2022	222131	1 (Lot 16) Treeside Lane, Margaret River	Rainwater Tank
03/03/2022	222133	17 (Lot 509) Pelican Rise, Augusta	Two Storey Dwelling, Patio, Balcony, Detached Garage and Retaining Walls
03/03/2022	222134	78 (Lot 177) Dalton Way, Molloy Island	Shed
03/03/2022	222135	96 (Lot 1001) Redgate Road, Witchcliffe	Demolition of a Dwelling
03/03/2022	222136	87 (Lot 108) Baudin Drive, Gnarabup	Single Dwelling, Ancillary Dwelling, Retaining Walls, Carport and Patios
03/03/2022	222137	19 (Lot 80) Humble Way, Margaret River	Masonry Boundary Fence
08/03/2022	222138	103 (Lot 1022) Heron Drive, Margaret River	Single Dwelling, Carport, Patio
08/03/2022	222139	1 (Lot 203) Churchill Avenue, Margaret River	Alterations and Additions - Second Storey Addition
08/03/2022	222140	47 Turner Street, Augusta	Demolition of Existing Dwelling and Carport
08/03/2022	222141	24 Tinglewood Court, Cowaramup	Shed
09/03/2022	222142	54 (Lot 202) McDermott Parade, Witchcliffe	Single Dwelling, Garage, Patio, Retaining Wall and Rainwater Tank
08/03/2022	222143	48 (Lot 102) Heron Drive, Margaret River	Single Dwelling
09/03/2022	222144	23 (Lot 70) Nebbiolo Place, Margaret River	Swimming Pool and Barrier Fence
08/03/2022	222145	51 (Lot 2) Waverley Road, Cowaramup	Single Dwelling and Garage
09/03/2022	222146	29 (Lot 23) Stewart Smith Loop, Cowaramup	Single Dwelling and Garage
09/03/2022	222149	40 (Lot 6) Elva Street, Margaret River	Ancillary Dwelling and Garage

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				
28/08/2019	P219536	19 (Lot 48) Treeton Road and 13 (Lot 49) Friesian Street, Cowaramup	Scheme Amendment No 61 to Local Planning Scheme No. 1 and Associated Structure Plan	Approved
18/01/2022	P222025	3 (Lot 401) Tamarix Crescent, Margaret River	Dwelling	Approved
25/01/2022	P222053	27 (Lot 181) Callistemon Drive, Brookfield	Home Business (Massage Therapy Room)	Approved
04/02/2022	P222090	25 (Lot 339) Tingle Avenue, Margaret River	Section 40	Approved
SUBDIVISIONS				
06/01/2022	P222010	96 & 108 (Lot 1001 & 1002) Redgate Road, Witchcliffe	Subdivision	Supported subject to the following conditions
LOCAL LAW PERMITS				
Nil				

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
28/9/2021	P221686	24 (Lot 119) Willmott Avenue, Margaret River	Holiday House (Renewal)	Approval subject to conditions
23/12/2021	P221989	11 (Lot 18) Valley Road, Margaret River	Holiday House (Large)	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 (Renewal)
24 (Lot 119) Willmott Avenue Margaret River

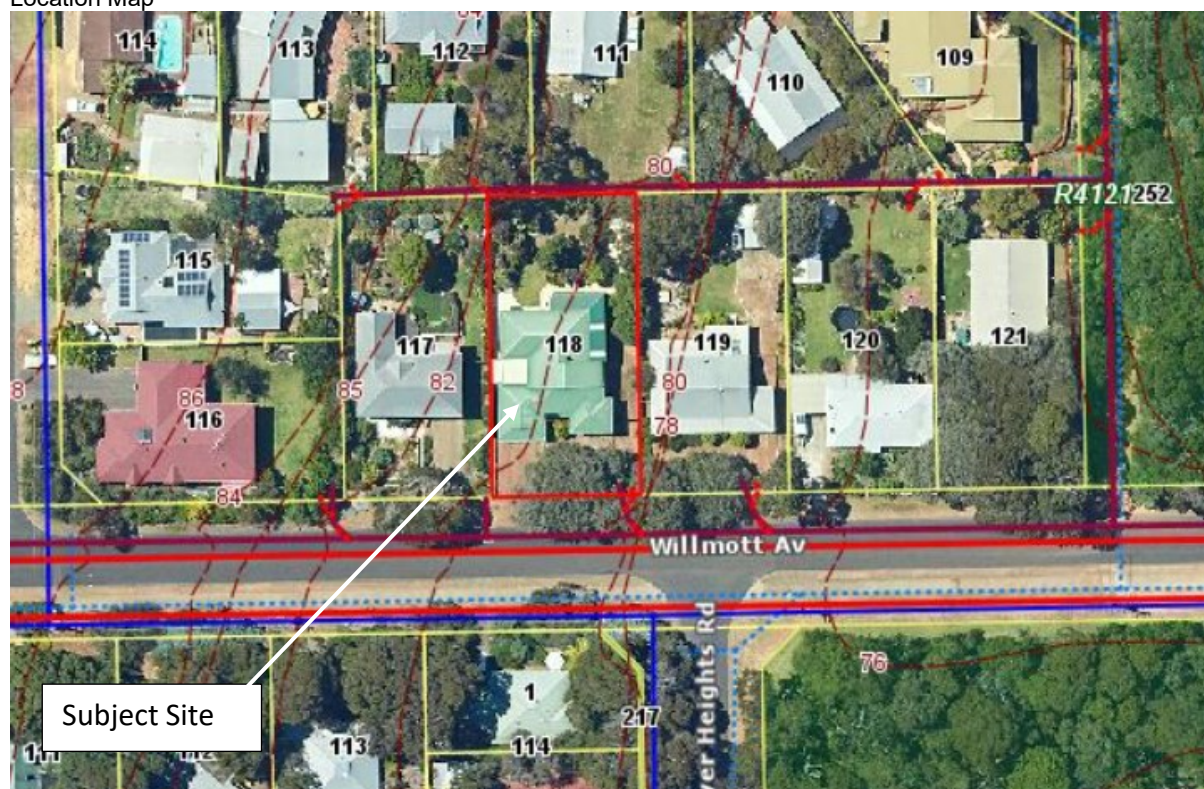
Level 3 (Objections received)

P221686; PTY/2329

REPORTING OFFICER : LR/LH
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	1000m 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	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 six (6) short stay guests at any one time. The existing management arrangements are to be retained and 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	28/09/2021
Date of Report	30/09/2021

Location Map



Development History	Building Licence BLD/881184 Dwelling & Shed issued 1988.
	Planning Approvals A twelve (12) month approval (P217705) was issued on 16 January 2018 for a holiday house for six (6) guests. A three (3) year approval (P218666) was issued on 15 December 2019 for a holiday house for six (6) guests.
	Planning History The initial Holiday House application was lodged in 2017. The application was advertised, but no submissions were received. The application was assessed against Local Planning Policy 7 – Holiday Houses (LPP7) August

	<p>2016'. Element 4: Design/Layout of the policy AD4.4 provides the following for acceptable standards:</p> <ul style="list-style-type: none"> AD4.4 Decks and balconies are located away from the bedrooms of neighbouring dwellings and, if located close to living and dining areas of neighbouring dwellings, suitable screening is provided. <p>The dwelling is single storey, and a floor plan and site plan were submitted with the application for Holiday House use. The original building licence plans for a dwelling was issued in 1988 prior to the Residential Design Codes privacy provisions were adopted or required. The Shires building licence records did not show any natural ground levels or finished floor levels. The elevations on the licence did not show the natural ground level (slope) of the site or the raised outdoor living area at the rear of the site. The elevations showed that the site was level and finished floor level was under 0.5m from natural ground level. Based on these plans it was determined that there was no potential overlooking.</p> <p>The short stay use has been renewed on 2 occasions since 16/01/2018 and no submissions were received.</p> <p>The application for renewal (the subject of this assessment) was advertised to surrounding landowners for comment. A submission was received advising of the potential overlooking concerns. The applicant was notified and has since provided privacy screening along the southern side elevation of the rear verandah in accordance with Local Planning Policy 7 – Short Term Accommodation AD4.4.</p>
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
Comments Received	
Nature of Submission	Officer Comments
<ul style="list-style-type: none"> Objection to 5 year approval. The land on the neighbouring lot is pushing down the current fence and a new fence and retaining wall are required. Lack of privacy has led us being uncomfortable being in our own back yard. Guests commenting on our daily activities, be either watching us play with the dog or hang out the washing. Request a privacy screen across the verandah be installed ASAP until the fence is completed as per previous discussions. The owners do not care about their neighbours or actions of their tenants, but rather income maximisation. Objection to constant noise and music that comes with the short term rental. Guests unwinding every night becomes too much and makes life at our house not enjoyable. A one-year trial lease approval could be considered to see how the environment improves having the retaining wall and fence completed and a screen installed on their verandah. <p><u>A response to issues raised in the submission was forwarded to the submitter by the Shire's Planning Services.</u> <u>2nd Submission</u></p> <ul style="list-style-type: none"> Excited to receive an outcome of a retaining wall and fence within 6 months. This is a great result. Good to know some action has finally been taken towards enhancing privacy after 4 years 	<ul style="list-style-type: none"> Noted. The applicant advised that they will keep trying to find a tradesperson to install both the fence and retaining wall within the next 6 months and provide the adjoining landowners with regular updates. Upon being advised of the potential overlooking concerns raised in the submissions, the applicant has provided vegetated privacy screening along the eastern elevation of the back verandah (refer to Site Photos 1 -3). <p>The concerns about outlook and impacts to privacy are recommended to be addressed with a condition requiring permanent screening to the eastern elevation of the rear balcony in accordance with the Residential Design Codes and the provisions of LPP7.</p> <ul style="list-style-type: none"> The applicant has advised that the property has been let has a holiday house since 2017 with no complaints received except for one text message from another resident. <p>The Shire does not have any previous records of complaints or issues regarding potential overlooking or noise concerns regarding the use of the Holiday House.</p> <ul style="list-style-type: none"> The submitter has been advised that if they have any concerns not to hesitate to telephone the applicant/manager and to fill comfortable in contacting at any time 24/7hr. To keep a record of dates and times of concerns raised with Holiday House use of the property and the managers response. If there are any further concerns to contact the Shire.

of asking when initially raised in 2018 upon purchasing the property.

- Request for update of outcome of the proposal as this will directly influence our current tenants and our intentions of keeping or selling our property.
- Understand Covid impacts but does not affect the management or care factor displayed at 20 Willmott Ave. Deaf ears tend not to receive complaints in the presumption of them being disregarded.

- Based on the issues raised an approval period of 5years is considered to long for the next review of the Holiday House use and a shorter approval is recommended.

Site Photo 1 (Privacy screening looking east from the rear balcony).



Site Photo 2 (Privacy screen along eastern side boundary)



Site Photo 3 (Privacy screen along the eastern side elevation)



- Objection to 5 year approval.
- It appears the rental advertises at a low price to young groups looking to party and take advantage of the local breweries and wineries.

- Noted.
- The applicant advises that the majority of guests that have stayed in the last two years are families and couples. The applicant advises that they live in Margaret

<p>The average guests are groups of young boys and girls often on stag or hen dos.</p> <ul style="list-style-type: none"> • If the aim was to accommodate a more family friendly market, a one year trial period may be considered. • Having purchased our property in December 2020 there has been music and parties from visitors almost every weekend and often midweek in summer. • A complaint was made with the house manager, previously experiencing extremely loud music past 11pm on a Tuesday, with no response until the morning. • Owners are not willing to spend money retaining their property such as constructing a retaining wall and fence along the eastern side boundary. • Owners want to make a profit with no regard to the neighbourhood or community. 	<p>River and manage the Holiday House The advertising targets families and groups who visit for mountain biking, Cape to Cape trail and sporting events. The applicant added that the rate charged is not aimed at budget travellers.</p> <p>The applicant advises that they have seen no evidence of parties as the applicant cleans the holiday house after guests leave and has not seen any evidence of this.</p> <ul style="list-style-type: none"> • The Instagram advertising online is professional and presents the holiday house as family friendly includes photos of many family friendly activities such as caving, cultural tours, family golfing, learning to surf, farmers markets....and many more (refer to Photo 4). • The applicant advised that a text message was received on Tuesday night at 11pm from a concerned neighbour regarding noise. The applicant was asleep and did not hear the message. The applicant advised that the text message was read in the morning and advised the guests of the complaint. The guests replied that they moved into the house at 10pm. <p>The applicant has been advised that as the 24/7hr manager they are required to respond immediately to any complaints. However, a telephone call from a concerned neighbour at the time of the issue occurring would be a more appropriate form of contact in this instance.</p> <p>The submitter has been advised that if they have any concerns not to hesitate to telephone the applicant/manager and to feel comfortable in contacting at any time (24/7hr). The submitter has also been advised to keep a record of dates and times of concerns raised with Holiday House use of the property and the managers response. If there are any further concerns to contact the Shire.</p> <ul style="list-style-type: none"> • The holiday house has numerous management measures in place to mitigate potential impacts including (but not limited to) the following: <ul style="list-style-type: none"> i) Holiday house rules and conditions of stay including eviction and loss of bond. ii) A sign is posted next to the back veranda door stating to move inside and keep the noise down from 9.30pm with respect to the neighbours and community. iii) A sign with 24/7hr manager contact details is posted at the front of the property. iv) Security cameras have been installed at the front of the dwelling to increase monitoring of numbers guests and any potential negative behaviour. • The applicant advised that except for one text message, no other complaints from the neighbours, community or police have been received. <p>The Shire does not have any previous records of complaints or issues regarding concerns of the use of the Holiday House.</p> <ul style="list-style-type: none"> • The applicant advised that they are actively seeking to engage a tradesperson to construct the retaining wall and fence along the eastern side boundary and will be keeping the relevant neighbour updated. • The applicant advised that they reside in Margaret River, are active members of the Margaret River community and will endeavour to respond to any concerns raised regarding the use of the Holiday House in an appropriate timeframe. <p>Based on the issues raised in the submission period, a five (5) year approval is considered to lengthy for the next review of</p>
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	the Holiday House use and a shorter term of approval is recommended.
Conclusion	<p>The Holiday House use has been approved twice since 2018 with no previous objections. However, upon receiving an application for renewal and readvertising of the Holiday House use, two strong objections to a five (5) year approval have been received from immediate neighbours on both sides of the Holiday House use. Potential overlooking from the raised eastern side boundary has been temporarily addressed and even though retaining wall and boundary fencing is proposed to be resolved, the proposed boundary fence along the eastern side boundary will not be high enough to provide adequate privacy screening from the eastern side verandah/balcony. It is a recommended condition of approval that a permanent privacy screen be provided. The applicant has put management plan in place and has advised that response to concerns raised will be addressed in an appropriate time frame.</p> <p>Based on the issues raised in the submission period, a five (5) year approval is considered to lengthy for the next review of the Holiday House use and a shorter term of two (2) year approval is recommended.</p>

OFFICER RECOMMENDATION

That the Acting 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 (Renewal) at 24 (Lot 119) Willmott Avenue, 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.

Plans and Specifications	P1 & P2 received by the Shire on 2 March 2022.
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2. The Holiday House use is permitted for a period of **two (2) years** from **<date of this approval>** to **<end of date of approval>**. (Refer to advice note 'a')
3. The approved Bushfire Emergency Evacuation 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 'g')
10. Within 90 days from the date of this approval, permanent fixed privacy screen shall be installed along the eastern elevation of the rear balcony of the dwelling on the subject site. The privacy screening shall be installed to a height of 1.6m above the finished floor level and shall be maintained at all times the dwelling is used for Holiday House purposes. Screening shall meet the acceptable development standards of the *Residential Design Codes* clause 5.4.1.

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 Statutory Planning Coordinator

Proposed Hoilday House (Large) at 11 (Lot 18) Valley Road, Margaret River

(Level 3 - Objections Received)

P221989; PTY/10473

REPORTING OFFICER : Stephen Schreck
DISCLOSURE OF INTEREST : Nil.

General Information	
Lot Area	900m 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 (Large) use. The existing dwelling is to be used to accommodate up to 8 short stay guests at any one time.
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	23/12/2021
Date of Report	14/2/2022



Have there been any objections?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Comments Received	
Nature of Submission	Officer Comments
The surrounding community is close and connected, which is not suitable for holiday houses. Holiday Houses are better suited to bigger/ semi rural or rural properties away from neighbours.	Holiday Houses are identified within the Shires Local Planning Policy No. 7 – Short Stay Accommodation (LPP7) as being appropriate within the Margaret River Town Centre area. LPP 7 does however require that management measures are proposed and reviewed as part of any application to ensure that negative impacts on the community are mitigated.
The property landlord does not live at the property to connect and manage holiday guests.	
There is a housing shortage in Margaret River and affordable housing for rent is needed, not more holiday	As part of the management measures, house rules are submitted along with details of the proposed property manager. A requirement of LPP7 is for a

<p>accommodation and increased traffic, with speeding on the road.</p>	<p>property manager to be located within a 35 minute drive of the Holiday House and be contactable at all times.</p> <p>It is agreed that housing tenure 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 LPP 7.</p> <p>The house in question as part of this approval contains 4 bedrooms and could generate the same level of vehicle trips from long term tenure. There is the potential for periods where the proposed Holiday House will be unoccupied and as a result generate less vehicle trips.</p>
<p>An 8 person Air bnb in the community and in the small community minded street will do nothing to contribute to our street community.</p> <p>There is no management on site, who will be the contact for noise, parties etc.</p> <p>The proposal will increase traffic in a small dead-end street and parking is of concern.</p> <p>There is already a guest house and air bnb in the street.</p>	<p>The proposed management of the property 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 also been submitted within the proposed application, which are intended to ensure guests maintain the amenity of the area.</p> <p>The proposed holiday house will have no greater impact on street traffic and parking is required to be maintained within the property boundary. It is infact possible that a holiday house would produce less vehicular traffic than a long term rental in which each of the rooms in the house were occupied, along with periods where the holiday house will be empty further reducing the traffic on the street.</p> <p>The Shire is required to consider each application on its merits and does not consider the proximity of other similar land uses.</p>
<p>Lived on the street for 30 years, with a guesthouse neighbouring on the southern side (a 7 room short stay accommodation) which has never had any issues as it is hosted. This application now proposes an 8 guest, 4 room unhosted holiday house to the north. In addition, there is another 4 guest approved Holiday House on the eastern corner of Valley and Tunbridge Street. Is their a "cut off" capacity for holiday houses in a residential area?</p> <p>Valley Road is zoned R15 – I am aware that it is proposed as R30/40 in the Structure Plan. The surrounding community petitioned that it remain as R15 when the re-zoning was done years ago. The surrounding residents are all permanent long term residents and love the area and wish to protect the current lifestyle.</p> <p>Previous conversations indicated that the property was going to be managed by "Private Properties" who are based in Dunsborough. Who will be on hand to sort out unruly guests, unlikely that they will drive from Dunsborough to Margaret River in the early hours of the morning. Other short stay accommodation in Stewart Street is managed by a Margaret River based company, however there have been a number of issues, including noise complaints which has now caused long term locals are looking to sell and relocate.</p> <p>Having recently retired it is a desire to enjoy home and garden. Peace and quiet is extremely important.</p> <p>Objection to the application.</p>	<p>The proposed holiday house has submitted a set of house rules and management details which are designed to ensure that all guests are aware of their responsibilities, along with protecting the amenity of the surrounding area.</p> <p>The Shire currently designates a defined policy area in the Margaret River town centre where holiday houses are deemed appropriate (subject to development approval). At this point in time the Shire does not control the number of holiday houses and instead deals with each planning application submitted on its merits.</p> <p>The residential density coding does not alter the ability for a dwelling to be used as a holiday house and as such the R15 or R30/40 density coding would have no bearing on the consideration of this planning application.</p> <p>A condition of development approval requires property managers to be available 24/7 and within a 35 minute drive of the property.</p>
<p>The proposed Holiday House is next door and there are a number of concerns with an 8 guest Holiday House.</p> <p>Will the number of guests include both adults and children, please clarify how children are calculated as guests. How strictly must this number be adhered to?</p>	<p>The proposed management of the property is requested to be included with the application. This includes 'house rules' and booking information. The house rules are aimed at ensuring that parties and noisy events do not occur. A condition is also added to an approval stating that amplified music is not permitted outside of the holiday house between 10pm and 10am.</p>

<p>A big concern is the large number of guests could encourage a 'party house' environment, which will be next door.</p> <p>Provision needs to be made for sufficient off-road parking for vehicles. If for example there is a maximum of 8 adult guests/ 4 couples and each couple have a vehicle, vehicles could be parked 2 in the garage and 2 in the driveway or on the front lawn which is behind a fence and so should not be unsightly. Parking on the road is not acceptable. Parking on the verge on an ongoing basis (as opposed to visitors to homes which are usually not staying overnight) can be unsightly, obstructive and unsafe.</p> <p>The neighbouring lot is vacant and is not to be used as a car park as it is private land. Can the Shire please enforce this or at the very least make that clear when granting the application.</p> <p>What assurances do I have that I will have the support of the Shire in the event that numbers are exceeded and/or guest behaviour impact negatively on the right to live peacefully.</p>	<p>Parking of guests is required to always remain within the property boundaries. As mentioned, there is adequate parkin within both the garage and driveway to accommodate 4 vehicles, typical of what would be reasonable to accept from an 8 guest Holiday House.</p> <p>Parking within private property (not by the owner of that property) is not permitted and can be investigated by the Shire Rangers teams and WA Police.</p> <p>Should a complaint be sent to the Shire, a compliance investigation will be undertaken. The Shire has the right to investigate and take necessary action if the operator of a Holiday House is found to not be operating in accordance with their approval.</p>
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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 checked="" type="checkbox"/> Yes <input 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 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 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 Acting 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 11 (Lot 18) Valley Road, Margaret River subject to compliance with the following conditions/for the following reasons:

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 P9 received by the Shire on 23 December 2021
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2. The Holiday House use permitted for a period of **1 year** from **<date of this approval>** to **<end of date 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 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 **8 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. 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 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.