

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
16 to 22 September 2021

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
16/09/2021	P221649	Unit 10 9 (Lot 10) Blackwood Avenue, Augusta	Outbuilding Addition
16/09/2021	P221650	Witchcliffe Eco Village, Witchcliffe	Witchcliffe Eco Village - Community Sheds x 7
16/09/2021	P221651	8 (Lot 9) Honeytree Grove, Cowaramup	Home Business (Yoga Studio)
17/09/2021	P221654	25 (Lot 49) Merrit Lane, Margaret River	Single Dwelling (Retaining)
17/09/2021	P221655	6 (Lot 603) Niblett Retreat, Margaret River	Ancillary Dwelling and Garage
17/09/2021	P221656	41 (Lot 52) Mitchell Drive, Prevelly	Ancillary Dwelling & Outbuilding
20/09/2021	P221657	6 (LOT 245) Bandicoot Close, Gnarabup	Dwelling Addition (Outbuilding)
20/09/2021	P221658	30 (Lot 542) Riverslea Drive, Margaret River	Bed & Breakfast
20/09/2021	P221659	51(Lot 19) Dallip Spring Road, Burnside	Dwelling (Addition)
21/09/2021	P221661	33 (Lot 24) Georgette Way, Prevelly	Holiday House
21/09/2021	P221662	4 (Lot 55) Salkilld Place, Augusta	Single Dwelling
21/09/2021	P221666	5103 (Lot 201, 202 & 203) Caves Road, Cowaramup	Piggery (Animal Husbandry)
22/09/2021	P221667	50 (Lot 232) Elva Street, Margaret River	Holiday House (Renewal)
22/09/2021	P221668	5624 (Lot 57) Caves Road, Burnside	Single Dwelling
22/09/2021	P221669	18 (Lot 613) Millar Way, Augusta	Showroom
22/09/2021	P221670	6 (Lot 4) Chuditch Place, Gnarabup	Holiday House
22/09/2021	P221671	Unit B 2 (Lot 1) Georgette Road, Gracetown	Holiday House Large (Renewal)
17/09/2021	P221665	16 & 30 (Lot 9001) Bussell Highway, Witchcliffe	Subdivision - Reconsideration of Conditions
BUILDING			
17/09/2021	221617	7 (Lot 4) Yornitj Grove, Witchcliffe	Single Dwelling, Detached Carport and Store
17/09/2021	221618	17 (Lot 61) Nebbiolo Place, Margaret River	Addition to Dwelling - Pool room and Carport
17/09/2021	221619	Unit A 8 (Lot 110) Brady Street, Augusta	Single Dwelling, Retaining Wall and Detached Garage
17/09/2021	221620	176 (Lot 300) Cowaramup Bay Road, Cowaramup	Shed
20/09/2021	221621	125 (Lot 89) Ashton Street, Margaret River	Single Dwelling, Porch, Alfresco, Retaining Wall and Shed
20/09/2021	221622	132 (Lot 654) Bussell Hwy, Margaret River	Addition to Existing Shop- New Security Gate
21/09/2021	221623	13 (Lot 95) Sanctuary Circle, Cowaramup	Single Dwelling, Garage, Verandah and Alfresco

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				
30/03/2021	P221218	85 (Lot 23) Sheridan Road, Margaret River	Holiday House	Approved
17/05/2021	P221365	38 (Lot 4763) Pilgrim Way, Witchcliffe	Ancillary Dwelling	Approved
08/07/2021	P221478	42 (Lot 81) St Alouarn Place, Margaret River	Dwelling	Approved
19/07/2021	P221494	12 (Lot 500) Burton Road, Margaret River	Community Purpose (Community Pantry - Shop & Commercial Kitchen)	Approved

29/07/2021	P221525	54 (Lot 60) Victoria Parade, Augusta	Dwelling (Alterations & Additions)	Approved
05/08/2021	P221536	6 (Lot 578) Layman Place, Augusta	Holiday House (Renewal)	Approved
06/08/2021	P221539	20 (Lot 45) Freycinet Way, Gnarabup	Dwelling (Lift Well Additions)	Approved
10/08/2021	P221551	41 (Lot 40) Merchant Street, Margaret River	Bed & Breakfast	Approved
11/08/2021	P221556	39 (Lot 29) Riedle Drive, Gnarabup	Holiday House (Renewal)	Approved
17/08/2021	P221573	Unit 3/30 (Strata Lot 3) Town View Terrace, Margaret River	Holiday House (Renewal)	Approved
18/08/2021	P221577	7 (Lot 135) Talltrees Court, Cowaramup	Dwelling Addition (Outbuilding)	Approved
25/08/2021	P221598	3 (Lot 351) Croft Road, Margaret River	Bed & Breakfast	Approved
31/08/2021	P221611	25 (Lot 67) Baudin Drive, Gnarabup	Cancellation of Bed and Breakfast	Approved
03/09/2021	P221625	Reserve 39081 69 (Lot 132) Bussell Highway, Margaret River	Community Purpose (Mural Addition to Existing Outbuilding)	Approved
SUBDIVISIONS				
03/08/2021	P221533	(Lot 151) Caves Road, Margaret River (Salmon Place)	Subdivision	Support subject to conditions
LOCAL LAW PERMITS				
30/08/2021	P221602	Portion of Festival Precinct, Fearn Avenue, Margaret River	Local Law Permit - Busking in Festival Precinct - 3 months - 21 September - 21 December 2021	Approved

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
15/10/2020	P220660	3 (Lot 26) Stirling Street, Augusta	Holiday House	Conditional Approval
20/04/2021	P221282	Unit 5 / 16 (Strata Lot 9 of Lot 10) Town View Terrace, Margaret River	Holiday House (Renewal)	Conditional Approval
21/04/2021	P221291	47 (Lot 242) Dalton Way, Molloy Island	Dwelling Addition (Outbuilding)	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
 3 (Lot 26) Stirling Street, Augusta

(Level 3)

P220660; PTY/398

REPORTING OFFICER : Don Bothwell
 DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	810m 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 use. The existing dwelling is to be used to accommodate up to four (4) short stay guests at any one time in the two bedroom dwelling. The Holiday House is proposed to be managed by a local resident in Augusta. Car parking is proposed in tandem (2 bays) on the driveway within the property boundaries. The granny flat on site is not proposed to be used for short stay purposes.
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	15/10/2020
Date of Report	22/09/2021



Figure 1: Site Plan/Aerial Extract



Figure 2: Locality Plan

Have there been any objections?	√ Yes <input type="checkbox"/> No
Comments Received	
Nature of Submission	Officer Comments
<p>The Shire received two submissions raising concerns/objections. The following is a summary of the issues raised:</p> <ul style="list-style-type: none"> • Concerns regarding the existing tenants. • The site has no established parking or constructed driveway. • Currently there is a lack of parking. • The dwelling is not complete. • There is no boundary fence constructed to define the property for guest. • Concerns for additional noise. 	<p>The matter of long term lease agreements with tenants is a separate matter to the subject application that is subject to separate State legislation. While there may be concerns about existing tenants on the site these do not have an implication to any proposal for short stay accommodation.</p> <p>While the concerns about parking are noted, the site is of sufficient size and design to accommodate the required parking bays within the front setback area. The parking areas are sufficient to satisfy the parking requirements of the <i>State Planning Policy 7.3 Residential Design Codes (R-Codes)</i> and the Shire's <i>Local Planning Policy 7 Short Stay Accommodation (LPP7)</i>. There is no requirement for constructed parking areas under LPP7 and, while some properties in the area have constructed driveways and crossovers, development of the front setback area entirely with lawn is not uncharacteristic for the area. Given the low intensity of the proposal for four guests, it is not considered that there will be a likely unreasonable adverse parking impacts to warrant construction of parking bays. Further, a condition is recommended to any approval requiring parking within the boundaries of the property. The limited time frame of any approval also provides the opportunity for the impacts of the use, if approved, to be reassessed at the time of any renewal.</p> <p>The Shire records show that a BA7 Notice of Completion has been submitted demonstrating the Dwelling construction is complete.</p> <p>A boundary fence is a civil matter between adjoining landowners and subject to <i>Dividing Fences Act 1961</i>. The Shire has no control over boundary fences except for <i>Local Planning</i></p>

	<p><i>Policy Boundary Fences (LPP4)</i> which defines sufficient fencing for localities.</p> <p>A Holiday House is to operate as a residential dwelling and must comply with the <i>Environmental Protections (Noise) Regulations 1997</i>. Noise is also addressed through the requirement for House Rules, which is reflected as a condition of any approval. If any issues arise from the Holiday House as a condition of approval the site manager is contactable to resolve issues; contact details will be available at all times on the sign at front of the dwelling.</p>
<p>Department of Fire and Emergency Service (DFES)</p> <p>Vegetation class D (scrub) plot 1 cannot be substantiated through the photographic evidence. The vegetation classification should be revised to apply worse-case scenario.</p> <p>DFES does not support the slope under classified vegetation being 5-10degrees. DFES preliminary assessment below calculates the downslope to be 15.5 degrees. The BMP should validate how the slopes calculation was derived.</p> <p>The A2.1 compliance table of the BMP states that a 24m APZ can be established within all the lots boundaries.</p> <p>Clause 4.6.3 of the Guidelines state the BMP should include an implementation table that clearly identifies the bushfire risk management necessary to achieve compliance.</p>	<p>It is the professional opinion of the Bushfire Consultant that the classified vegetation is Class D Scrub, due to its low lying nature and not exceeding 6m in height. The Bushfire Consultant further advised in their response to the comments provided by DFES that the Class D Scrub is very typical of coastal areas around the South West and has an open canopy.</p> <p>The slope calculations have been double checked by the Bushfire Consultant who has advised that there is an increase to 10 to 15 degrees downslope in some areas.</p> <p>The Asset Protection Zone (APZ) is discussed in further detail below.</p> <p>The Bushfire Management Plan (BMP) has been amended to include an implementation table which identifies the ongoing management action plans in terms of bushfire mitigation.</p> <p>An assessment against the Bushfire Protection Criteria contained in the Guidelines for Planning in Bushfire Prone Areas is provided below.</p>
<p><u>State Planning Policy 3.7 (SPP 3.7)</u> SPP3.7 was adopted in December 2015. The intent of the policy is to implement effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.</p> <p>SPP3.7 requires development applications to be submitted with an assessment against the bushfire protection criteria requirements contained within the Guidelines for Planning in Bushfire Prone Areas (the Guidelines) in a Bushfire Management Plan. The criteria is divided into four elements – location, siting and design, vehicular access and water. The acceptable solutions provide examples of how the criteria may be met. The performance principle allows for ‘alternative solutions’.</p> <p><u>Guidelines for Planning in Bushfire Prone Areas (Guidelines)</u> The Guidelines which form part of the framework are divided into four elements - location, siting and design, vehicular access and water. The acceptable solutions provide examples of how that intent may be met, whilst the performance principles allow for ‘alternative solutions’ to be developed where the acceptable solutions cannot be achieved.</p> <p><u>BMP</u> An assessment against the acceptable development standards of each of the ‘elements’ as presented in the revised BMP dated 21/09/2021 submitted with the application is set out below:</p> <p><i>Element 1: Location</i> Required: moderate or low bushfire hazard level or BAL-29 or below. If a higher BAL is provided, satisfactory proposed design/works must demonstrate that a BAL-29 or lower can be achieved.</p> <p>Proposed: A BAL rating of BAL-29 or lower has been determined.</p> <p><i>Element 2: Siting and Design of Development</i> Required: Every habitable building is surrounded by an Asset Protection Zone (APZ) which meets the following requirements:</p>	

- **Width:** Measured from any external wall or supporting post or column of the proposed building, and of sufficient size to ensure the potential radiant heat and impact of a bushfire does not exceed 29kw/m2 (BAL-29) in all circumstances.
- **Location:** The APZ is to be contained within the boundaries of the property on which the building is situated.
- **Management:** The APZ is managed in accordance with the requirements of 'Standards for Asset Protection Zones'.

Proposed: A BAL rating of BAL-29 has been determined. An APZ has been established and maintained within the existing lot boundary. The current vegetation on the proposed lot is being managed in a low-fuel state and will be managed to the 'Standards for Asset Protection Zones'. The Western and Eastern neighbouring lots are being managed in a low fuel state and have been excluded as per Exclusion Clause 2.2.3.2(f).

It is noted that there is a portion of Class D Scrub of the eastern side of the adjoining property which is situated on a slither of land which is in private land ownership. The vegetation has been classified in the BAL rating as it has a 24m separation distance.

Element 3: Vehicular Access

Required: Two access routes both of which connect to the public road network, provide safe access and egress to two different destinations and are available to all residents/the public at all times and under all weather conditions.

Proposed: Vehicular access is available west bound along Stirling Street, and then to either proceed north or south on Ewing Street, west into Green Street, and either proceed north or south along Blackwood Avenue. An alternative route also exists, proceeding west on Stirling Street, west into Green Street, and either proceed north or south along Blackwood Avenue.

It is noted that these roads are constructed to the required standards of a public road. The existing surrounding road network will also allow safe and ready access for fire appliances for any fire suppression activities that may be required.

Element 4: Water

Required: The land use is provided with a reticulated water supply in accordance with the specifications of the relevant water supply in accordance with the specifications of the relevant water supply authority and Department of Fire and Emergency Services.

Proposed: The site is provided with a reticulated water supply. It is also noted that there is a fire hydrant outside the front boundary of No. 12 and 14 Stirling Street, to the west of the proposed short stay accommodation.

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 Parking bays have been provided on site.
	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-19
	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 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 at 3 (Lot 26) Stirling Street, Augusta 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.

<i>Plans and Specifications</i>	P1 to P2 received by the Shire on 15 October 2020.
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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 note 'a')
- The accepted revised Bushfire Management Plan dated 21/09/2021, shall be implemented on site prior to the commencement of the Holiday House use the subject of this approval and at all times thereafter.
- The approved Bushfire Emergency Evacuation Plan and Bushfire Management Plan shall be displayed in a conspicuous location within the dwelling at all times.
- 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')
- All vehicles & boats connected with the premises shall be parked within the boundaries of the property.
- The short stay use of the dwelling shall not be occupied by more than **four (4) people** at any one time.
- Amplified music shall not be played outside of the Holiday House between the hours of 10pm and 10am.
- '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')
- Any marketing material for this Holiday House shall include display of the planning approval reference number for this approval. (Refer to advice note 'g').
- This approval does not permit short stay use of the Ancillary Dwelling at any time. Pursuant to the Shire's Local Planning Policy 7 – Short Stay Accommodation, when the primary dwelling is in use as a Holiday House, the Ancillary Dwelling shall only be used for permanent accommodation by the owner of the site.

ADVICE NOTES

- 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.
- 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 installation of the sign and 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 owner's responsibility to monitor and ensure that the planning approval remains valid while the use is being undertaken.



DEVELOPMENT APPLICATION ASSESSMENT (DAU)
Report to Manager Planning and Development Services

Proposed Holiday House (Renewal)
Unit 5 / 16 (Strata Lot 9 of Lot 10) Town View Terrace, Margaret River

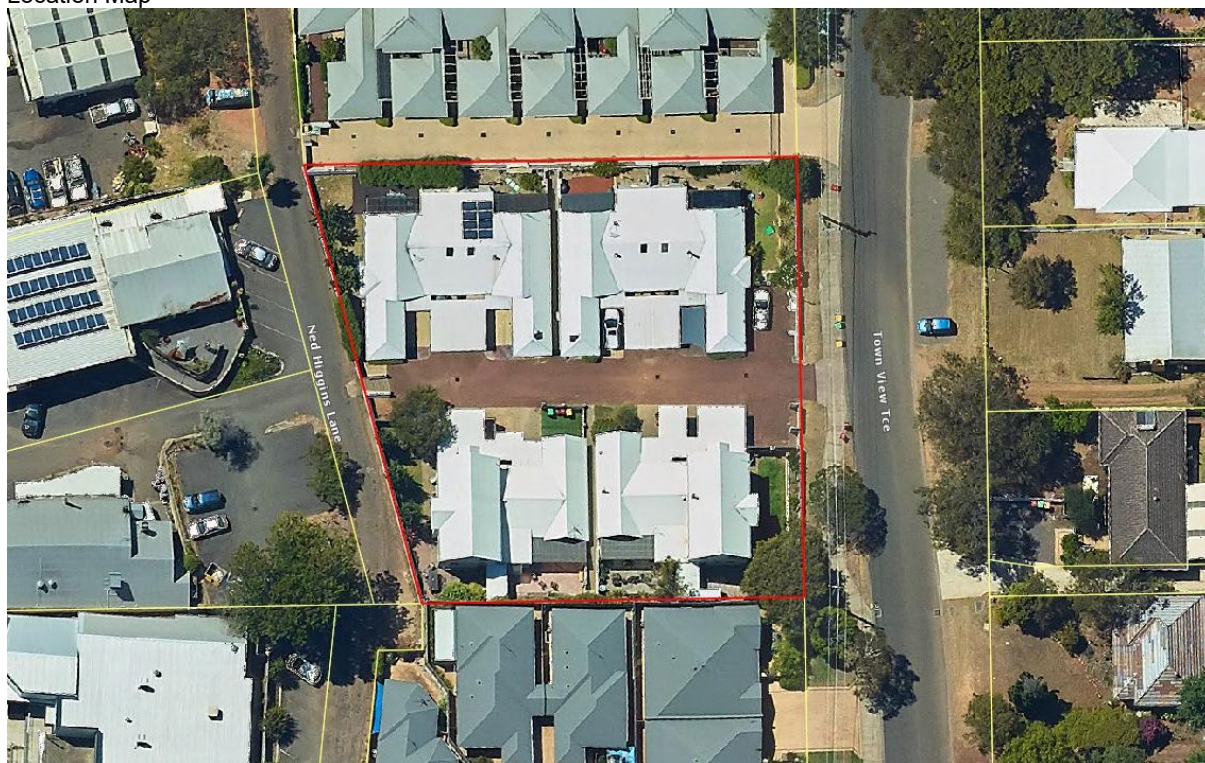
(Level 3)

P221282; PTY/5867

REPORTING OFFICER : Lara Hoole
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	Grouped Dwelling, Parent Lot 2380m ²
Zone	Residential R30/40
Existing Development	<input type="checkbox"/> Single House <input checked="" 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 four (4) 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	20/04/2021
Date of Report	5/5/2021

Location Map



Planning History	A twelve (12) month approval (P217057) was issued on 5 April 2017 for a holiday house for six (6) guests. A three (3) year approval (P218134) was issued on 16 April 2018 for a holiday house for four (4) guests.
Is the application same as previous?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Have there been any objections?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Shire records show that no objections to the use have been lodged previously.
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
Private Submission (Objection) <ul style="list-style-type: none"> There have been several loud parties. Biggest problem is outside speakers. Quite often left on overnight. 	<p>The applicant advised that there are no outside speakers and no complaints have been received. A visit to the site confirmed there are no outside speakers.</p> <p>The submitter was advised of the above and also provided an opportunity to provide date and times of when the noise issues occurred to follow up further. No response has been received.</p> <p>There is no history of complaints regarding the short stay use of this unit.</p> <p>The grouped dwelling is one of eight-units and it is unclear if the concern specifically relates to this unit and this land use. There is a sign with the 24/7 hour contact details of the manager posted at the front of the unit. The unit is to accommodate a maximum number of 4 guests only with terms and conditions of stay, house rules that include no parties, or functions and noise restriction on amplified outside music. Complaints may result in loss of bond or termination of stay.</p> <p>While the objection is noted, there is not sufficient justification to demonstrate that the concerns raised relate to this particular unit. Further, it is considered that the management plan for the short stay use is in place, the manager can be contacted and the proposed holiday house use is considered to be managed appropriately. The application is recommended to be supported in this case for a further five years.</p> <p>The submitter has also been provided with on hand contact details of the 24/7 hr manager.</p>
Recommended period of approval	<input type="checkbox"/> 12 months <input type="checkbox"/> 3 years <input checked="" type="checkbox"/> 5 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 (Renewal) at Unit 5 / 16 (Strata Lot 9 of Lot 10) Town View Terrace, 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 to P2 received by the Shire on 23 January 2018
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- The Holiday House use is permitted for a period of **five (5) years** from **<end of previous period of approval>** to **<end of period of approval>**. (Refer to advice note 'a')
- The approved Bushfire Emergency Evacuation Plan shall be displayed in a conspicuous location within the dwelling at all times.
- 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').
- 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')
- All vehicles & boats connected with the premises shall be parked within the boundaries of the property.
- The short stay use of the dwelling shall not be occupied by more than **four (4) people** at any one time.
- 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) 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) 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 owner's responsibility to monitor and ensure that the planning approval remains valid while the use is being undertaken.



DEVELOPMENT APPLICATION ASSESSMENT (DAU)
Report to Manager Planning and Development Services

Proposed Dwelling Additions (Outbuilding): 47 (Lot 242) Dalton Way, Molloy Island

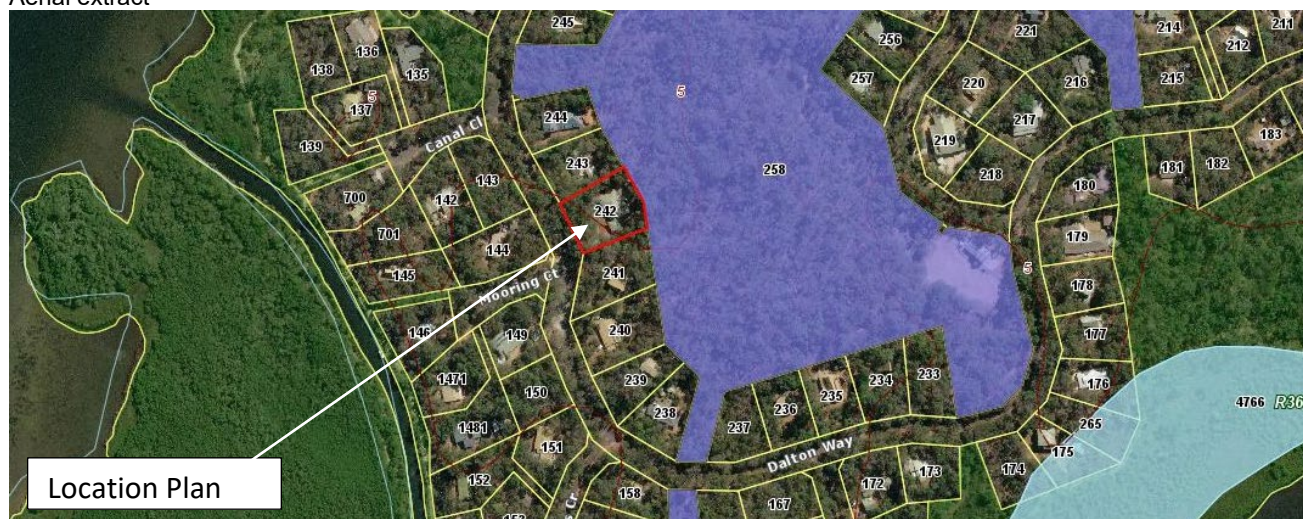
(Level 3)

P221291; PTY/3195


REPORTING OFFICER : Lara Hoole
 DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	2226m ²
Zone	Residential R10/15 Special Control Area 2 – Molloy Island
Proposed Development	Planning approval is sought for a proposed outbuilding as follows: <ul style="list-style-type: none"> • Shed to be located forward of the existing dwelling • Floor area: 48m² • Ridge height: 3.7m • Cladding: Colorbond 'Monument'
Permissible Use Class	'P' (permitted)
Heritage/Aboriginal Sites	The site is located on Molloy Island which is surrounded by the Blackwood River (a mythological heritage site). The proposed additions are located on a lot that is setback 150m from the edge of the River. The development will not impact the Blackwood River.
Encumbrance	Restrictive Covenant Burden (Developers Design Standards/Restrictions).
Date Received	21/04/2021

Aerial extract



Policy Requirements		
Is the land or proposal referred to in any Council Policy?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, state the Policy/Policies	Local Planning Policy 1 – Outbuildings, Farm Buildings & Swimming Pools (LPP1)	

Officer's Comments	<p>LPP1 provides acceptable development standards for outbuildings in the zone. In this case the proposal meets the acceptable development standards in LPP1 with the exception of the location of the shed forward of the dwelling.</p> <p>AD1.4 states '<i>...[o]utbuildings located behind the front of an existing dwelling and where applicable within the prescribed building envelope or clustered with the dwelling</i>'. The outbuilding is proposed to be setback 17.1 metres from Dalton Way, 14m from the closest side boundary and with a 4.5m separation from the existing dwelling on site.</p> <p>The variation to the outbuilding location is assessed against the relevant performance criteria in LPP1 as follows:</p> <p><i>PC1.1 Outbuildings that are/can be adequately screened from view from the street and neighbouring properties, or are otherwise an appropriate form and scale, and in an appropriate location, consistent with the visual management guidelines of the Local Planning Strategy.</i> The shed complies with height and floor area provisions and is considered an appropriate form and scale for the residential zone. Existing vegetation along the front boundary would screen the development from the street, as shown below.</p>  <p><i>PC1.2 Outbuildings constructed of colours and materials that complement the landscape, dwelling and/or the amenity of the surrounding area.</i></p> <p>The shed would be clad in Colorbond 'Monument' to blend with the vegetation.</p> <p><i>PC1.3 Outbuildings that will not have an adverse impact to or detract from the streetscape or amenity of neighbouring properties.</i> Due to the generous front setback (17.1m) proposed and the screening vegetation fronting the property, the visual impacts of the shed are considered to be mitigated.</p> <p><i>PC1.4 Outbuildings that, where practical, are grouped with the residence to limit potential adverse visual impacts and are proportionally scaled.</i> The location for the proposed shed is restricted due to the existing dwelling located at the rear of the property. There are no other sheds located on the property. The proposed shed is located to the northern side of the dwelling and will permit a view/surveillance from habitable rooms of the dwelling to the driveway and street. The applicant advises the shed would be located in the only area on site that would not require any vegetation removal.</p>
Structure Plans and Local Development Plans (LDP's)	
Is the land in any Structure Plan Area or subject to a LDP? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Development History	
<ul style="list-style-type: none"> Planning Approval: P25506 Pergola approved 23/11/2005. Building Permits: BLD/980298 Dwelling issued 07/07/1998; BLD/205513 Patio issued 02/12/2005. 	
Advertising/Agency Referrals	
Has the application been referred to adjoining landowners/agency? The application was advertised for the proposed variation to LPP1 due to the location of the shed forward of the dwelling.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Has a submission been received by Council? One objection from an affected neighbour was received. One submission of support from MIHOA was received.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A No. received: 2
Details of Submission	Officer Comment

1 x objection: The shed is within the road frontage and does not comply with LPP1.		Noted. The submission however does not provide grounds for the objection based on likely impact to the amenity of the affected neighbour or the neighbourhood. The submission simply reflects the variation to the standard sought in LPP1. Variations to the provisions of LPP1 can however be considered subject to assessment against the performance criteria.	
Agency Comments		Officer Comment	
<u>Molloy Island Home Owners' Association:</u> No objection to the proposal. Proponent is commended for the choice of colour, size and location of the proposed shed.		Noted.	
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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Design Element	R Codes	Provided	Officer comment
Use & Location	Non-habitable & detached.	Detached from dwelling	Complies
Front Setback	7.5m	17.1m	Complies
Side Setbacks	1.5m	North: 14m South: 19.4m	Complies Complies
Maximum Floor Area	60m ²	8m x 6m (48m ²)	Complies
Wall Height	LPP1: 3.1m	2.9m	Complies
Ridge Height	4.2m	3.7m	Complies
Open Space Requirement	50%	78%	Complies
Street surveillance	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No The proposed location of the shed will not block the view from bedroom 1 & 2 to the street, pedestrian and vehicle access to the dwelling.		
Street Walls and Fences	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Overshadowing	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Other Variations	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Officer's Comments against performance criteria	The proposal meets the design principles under the Rcodes and does not require assessment against the performance criteria.		
Local Planning Scheme No. 1 (LPS1)			
Are the Development Standards (Schedule 9) applicable?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Special Control Area 2 – Molloy Island (SCA 2)	Objective is to protect the existing natural qualities and amenity of Molloy Island. Applications are required to be referred to MIHOA. MIHOA have provided a submission of support for the proposal. Each new dwelling shall be served by its own water storage tank with a capacity of not less than 90,000litres. The dwelling is already existing on the site. It was constructed in 1998 when the Town Planning Scheme required a minimum of 25,000L per dwelling. 15m front boundary setback and 5m side boundary setback standard. Local government may vary these distances by up to 30%. The proposal complies with the prescribed setbacks. The development is considered to meet the objectives of the SCA 2.		
Local Planning Strategy (LPS)	Molloy Island is located in Visual Management Zone 'A'. Development or changes in land use should not result in in evident visual alteration to the landscape. Whilst changes may occur, the development or change of use should be of similar form, scale and pattern to the existing landscape. The proposed outbuilding is considered consistent with the provisions of Visual Management Zone A.		
Car Parking			
R Codes Requirement	Car Bays Required - 2	Car Bays Proposed - 2	
Dimensions	2.5 x 5.5m	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply	

Building Height		
Scheme / Policy Requirement	Wall - 7m	Roof - 8m
State the proposed building height	Wall – 2.9m Roof – 3.7m	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply
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	Yes. The location of the outbuilding meets the front setback requirements (15m) and the side setback standards (5m) under LPS1 for development in Molloy Island SCA.	
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?	Yes. The proposed shed is located such that no vegetation removal will be required.	
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?	Exempt.	
Other Comments		
Any further comments in relation to the application?		
Officer Comment	The proposal involves a variation to the locational requirements under LPP1 with the outbuilding located forward of the dwelling. While an objection to the variation has been received, reasons for the unreasonable adverse impact that would arise from the proposal have not been provided. The variation has been assessed and found to meet the relevant performance criteria under LPP1 and in this case is recommended to be supported. The application is recommended for conditional approval.	

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 the proposed Dwelling Addition (Outbuilding) at 47 (Lot 242) Dalton Way, Molloy Island 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 9 July 2021. P2 received by the Shire on 28 July 2021.
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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.
- At all times, all stormwater and drainage run-off from the development shall be detained within the lot boundaries and managed to predevelopment flow regimes and/or disposed offsite by an approved connection to the Shire's drainage system in accordance with the Shire of Augusta Margaret River's Standards & Specifications.
- The walls and roof of the outbuilding shall be clad in a non-reflective material and painted in a colour of natural or earth toning consistent with the existing landscape and existing development. To this end, reflective materials or reflective colours as cladding/external (including but not limited to) 'silver' sheeting painting white, cream, off white or pale grey are prohibited.
- The outbuilding shall be used solely for purposes incidental and ancillary to the authorised use of the land.
- The outbuilding shall not be used for human habitation.
- During construction, areas of native vegetation must not be damaged by any works including the placement of fill, rubble, rubbish or any other material, nor is any removal, clearing or damage to occur to any vegetation.

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*;
 - 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) This development consent does not include approval to construct or install a driveway. Should the development of a driveway require installation of an impervious surface, removal of vegetation and/or installation of fill on the property, the prior approval of the Shire may be required. In these cases, please contact the Shire's Planning Department to discuss your proposal to ensure all necessary approvals are achieved before commencing works.