

DEVELOPMENT ASSESSMENT UNIT
Minutes of the Development Assessment Unit
Shire of Augusta-Margaret River
On 13 January 2015
10.00am

ATTENDANCE Chris Wenman, Johan Pienaar

APOLOGIES Chris McAtee

CONFIRMATION OF MINUTES

PLANNING APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	DA No.
05/01/2015	A9621	61 (lot 821) Tingle Avenue, Margaret River	Retaining Wall Ancillary to Dwelling	P215000
06/01/2015	A525	98 (Lot 1) Sabina Drive, Molloy Island	Dwelling Additions	P215001
07/01/2015	A6092	13242 (Lot 1494) Bussell Highway, Kudardup	Change in Use to Ancillary Accommodation	P215002
07/01/2015	A451	70 (Lot 15) Sabina Drive, Molloy Island	Outbuilding	P215003
09/01/2015		18451 Rotary Park for a RAC TV Commercial	Filming of Reserve	P215004
09/01/2015	A5661	13 (Lot 412) Hillview Road, Augusta	Storage Shed	P215005

BUILDING LICENCE APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
05/01/2015	A585	8 Clements Crescent, Molloy Island	Dwelling	215000
05/01/2015	A10791	2 Villers Street, Cowaramup	Swimming Pool	215002
07/01/2015	A9775	1 Lobelia Walk, Margaret River	Dwelling	215003
07/01/2015	A451	70 Sabina Drive, Molloy Island	Shed	215004
09/01/2015	A10791	2 Villers Street, Cowaramup	Pool Fence	215005
09/01/2015	A1125	111 Bussell Highway, Margaret River	Shop Fitout (Sushi Master)	215006
09/01/2015	A5416	10 Freycinet Way, Gnarabup	Retaining Wall	215007
09/01/2015	A5661	13 Hillview Road, Augusta	Sea Container(Storage Shed)	215008

SUBDIVISIONS DETERMINED

Date Rec'd	Officer	DA No.	Address	Description of Matter	Recommendation

LEVEL 1 APPLICATIONS DETERMINED BY DIRECTOR

Date Rec'd	Officer	Address	Proposal	Determination	DA No.
14/08/2014	Angela Satre	42 (Lot 22) Ashton Street, Margaret River	Guest House	Approved	P214390
09/09/2014	Angela Satre	37 (Lot 221) Mansfield Avenue, Margaret River	Guesthouse & Recreation Private	Approved	P214447
13/11/2014	Lara Hoole	3 (Lot 243) Nickol Street, Margaret River	Dwelling	Approved	P214595
14/11/2014	Lara Hoole	1264 (Lot 11) Rosa Brook Road, Rosa Brook	Holiday House (Large)	Approved	P214600
17/11/2014	Jenny Tattam	111 (Lot 500) Bussell Highway, Margaret River	Signage (x 2) Ancillary to Fast Food Outlet (Domino's Pizza)	Approved	P214601

LEVEL 2 APPLICATIONS FOR DETERMINATION BY DPDS

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
10/10/2014	AS	Lot 77 Georgette Road, Greorgetown	Holiday House (Large)	Approve	P214504
13/11/2014	AS	Lot 110 Papadakis Avenue, Prevelly	Holiday House	Approve	P214596

OTHER APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Determination	DA No.
09/01/2015	Iliya Hastings		Filming of Reserve 18451 Rotary Park for a RAC TV Commercial	Approved	P215004

COMPLIANCE

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.

ELECTED MEMBERS ATTENTION

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.

CLOSURE OF MEETING 10.10am



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

Proposed Holiday House (Large) at 15 (Lot 77) Georgette Road, Gracetown

Major (Level 2)

P214504 ; PTY/2055

REPORTING OFFICER : Angela Satre
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	987m2
Zone	Residential R15
Proposed Development	Renewal of Holiday House (Large) for 10 guests in the four bedroom dwelling.
Permissible Use Class	'A' advertising required
Heritage/Aboriginal Sites	No
Encumbrance	Nil
Date Received	01/10/2014
Date of Report	7/01/15
Planning History	23/10/13 planning approval granted (P213365) for 12 months for Holiday House (Large) for 10 guests.
Is the application same as previous?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Has the application been advertised to adjoining landowners?	<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 since previous approval?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
Have there been any substantial changes to the LPS1 or Policies?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A

Comments Received

Nature of Submission	Comments Received	Officer Comment
Objection	<ol style="list-style-type: none"> 1. Guest numbers have been greater than allowed. 2. Parties have been held at the site by guests. 3. Constant noise of car doors - at times there are as many as 7 cars parked on site at once. 4. Dogs are allowed to stay with guests and the dogs are left unattended on site barking all day and not being contained on leads. 5. The water tanks are filled from bore water where water is carted from early in the morning on weekends creating noise aggravated by the constant slamming of car doors. 	<ol style="list-style-type: none"> 1. A local manager has now been nominated to monitor the use including guest numbers. 2. 'No parties' reiterated as a requirement at booking time & with a follow up phone call. 3. Four bays are required & are available on site. Parking complies with LPS1 requirement. 4. No pet policy for guests is to now be applied to the site. 5. The owner advises that the site is serviced by 120,000litre water tanks. A previous water leak has been repaired to address water loss & tanks will be filled by Margaret River water cartage and not by the land owner.

Policy Requirements

Policy Area 1 - Coastal
Parking: Four bays are required & have been provided on site.

Clause	Provision	Comment
10 b)	The use has not resulted in adverse impacts on the amenity of neighbouring properties.	Adverse impacts to the amenity of the area have occurred as a consequence of the use. The owner has made a commitment to address these impacts and has changed the management procedure. The response to the objections received is considered to be adequate to recommend approval to the use for a limited 12 month term.
17 a)	Detailed information for comprehensive assessment of impacts.	Noted – information is acceptable.
17 b)	Proposal is consistent with the amenity, objectives & character of the area.	The measures proposed are considered adequate to address the objections raised and to consider granting approval to the use for a further limited term.

17 c)	Ensure larger number of guests would not raise unacceptable risk of impacts to amenity & character.	While concern has been raised due to large numbers of guests on site, the owner has committed to address this by nominating a local manager where previously the owner managed the property from a remote location. It is considered that this local manager is sufficient to address these impacts such that a one year approval period can be recommended.
18 b)	Sealed crossover	Existing
18 c)	Water supply to be provided.	Existing.
18 d)	Emergency Response Plan & Fire Management Plan	While these plans were submitted with the original planning application, amendments and improvements to the plans are recommended to be required as a condition of any approval granted.
18 e)	Manager within 1 hours drive	Local manager has been nominated.
18 f)	No amplified music between 10pm & 10am	The owner advises that guests will be reminded of this requirement in email bookings and with a follow up phone call.
18 g)	Display the manager's 24hr contact details	A sign displaying the manager & owners number has been installed on site as determined from site inspection.
25	Renewal period of 12 months, 3 years & then 5 years may be granted.	Given the objection received, it is considered appropriate that a 12month approval period only is granted to allow the management of the use to be monitored and assessed at the end of this term.

OFFICER RECOMMENDATION

That the Statutory Planning Coordinator GRANTS Planning Consent under Delegated Authority Instrument No. 20 pursuant to Clause 10.3 of Local Planning Scheme No. 1 for a Holiday House (Large) at 15 (Lot 77) Georgette Road Gracetown 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 – P4 received by the Shire on 1 October 2014.
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- The Holiday House (Large) use is limited to a period of 12 months from the date of this approval. (Refer to advice note a). (P)
- A manager or a contactable employee of the manager that permanently resides no greater than a 1 hour drive from the site shall be nominated for the Holiday House (Large) and this person shall attend to any callout within 1 hour 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 (Large). (Refer advice note b) (P).
- The 24 hour contact details of the manager and owner of the Holiday House (Large) shall be visible on the property from the nearest street frontage and maintained to the satisfaction of the Shire (refer to advice note c). (P)
- All vehicles & boats connected with the premises shall be parked within the boundaries of the property. (P)
- The short stay use of the dwelling shall not be occupied by more than ten (10) people at any one time. (P)
- An updated Emergency Response Plan and Fire Management Plan shall be displayed in a conspicuous location within the development at all times (refer to advice note e). (P)
- Amplified music shall not be played outside of the Holiday House (Large) between the hours of 10pm and 10am.
- 'House Rules' shall be developed 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 (Large). (Refer advice note f) (P)

ADVICE NOTES

- A new planning application seeking approval should be submitted 90 days before the expiry of this approval, along with the appropriate planning fee. (P)
- 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. (P)

- c. A sign limited to a maximum of 0.2 square metres and not exceeding 1.5 metres in height from ground level may be erected at the property frontage and within the property. (P)
 - d. This approval does not affect the entitlement to use the dwelling for permanent residential purposes. (P)
 - e. The Emergency Response Plan and Fire Management Plan is to be updated with a locality map and a copy submitted to the Shire.
 - f. The 'House Rules' document shall be consistent with key elements of the NSW Code for Holiday Houses (please refer to the attached document). (P)
 - g. You are advised of the need to comply with the requirements of the following other legislation:
 - i) *Health 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.
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**DEVELOPMENT APPLICATION ASSESSMENT (DAU)
Report to Manager Planning and Development Services**

Proposed Holiday House at 6 (Lot 110) Papadakis Avenue, Prevelly

Major (Level 2)

P214596; PTY/2191

REPORTING OFFICER : Angela Satre
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	900m2
Zone	Residential R15
Proposed Development	Holiday House for six guests in the four bedroom dwelling.
Permissible Use Class	'A' Advertising required
Heritage/Aboriginal Sites	No
Encumbrance	Not impacted
Date Received	13/11/2014
Date of Report	8 January 2014
Planning History	A Holiday House for six guests was approved on the site for 12 months from 19/2/13. Planning approval granted 15/4/14 for a Holiday House for six guests for 12 months (Level 2).
Is the application same as previous?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Has the application been advertised to adjoining landowners?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Have there been any objections?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Have there been any complaints since previous approval?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
Have there been any substantial changes to the LPS1 or Policies?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A

Comments Received

A comment of 'conditional support' was received therefore the application was referred to DAU for determination.

Nature of Submission	Comments Received	Officer Comment
Conditional support	<ol style="list-style-type: none"> Approval must be attached to the current land owner, '...present owner generally polices the property...', and not future land owners. Condition sign must remain with afterhour's phone numbers. Continuous barking dog on site has caused concerns. 	<ol style="list-style-type: none"> Pursuant to the <i>Planning & Development Act 2005</i> the approval runs with the land and not the owner and it is not possible to change this. Noted, a sign is required to continue to be displayed on site with afterhour's numbers for the manager & owner. In response to this concern, the owner advises that a noise bond will be held, or penalty costs will be deducted from guests, if managers are required to attend due to dog noise complaints and the guests will not be permitted to return.

Policy Requirements

Policy Area 1 – Coastal

Parking: Three bays are provided as required.

Clause	Provision	Comment
10 b)	Operation of the use is to not have adverse impacts to the amenity of the area.	The submission lodged during the notification period clarifies that the use is being managed on the site. While there was one incident identified as a concern due to barking nuisance it is considered to be an isolated event and the owner has identified steps to be taken to address the issue.
18 b)	Sealed crossover	Require as a condition
18 c)	Water supply to be provided.	Existing
18 d)	Emergency Response Plan & Fire Management Plan	Submitted.
18 e)	Manager within 1 hours drive	Local manager has been nominated
18 f)	No amplified music between 10pm & 10am	Require as a condition.
18 g)	Display the manager's 24hr contact details	Require as a condition.
25	An initial 12 month approval period may be granted followed by a 3 year then 5 year approval periods.	Given the submission of conditional support lodged and the specific steps to be taken by

		the owner to manage the noise issue, the use is considered to be adequately addressed to warrant a recommendation for approval for two years.
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OFFICER RECOMMENDATION

That the Statutory Planning Coordinator GRANTS Planning Consent under Delegated Authority Instrument No. 20 pursuant to Clause 10.3 of Local Planning Scheme No. 1 for Holiday House at 6 (Lot 110) Papadakis Avenue Prevelly 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 the 13 November 2014.
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2. The Holiday House use is limited to a period of two (2) years from the date of this approval. (Refer to advice note a). (P)
3. A manager or a contactable employee of the manager that permanently resides no greater than a 1 hour drive from the site shall be nominated for the Holiday House and this person shall attend to any callout within 1 hour 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). (P)
4. The 24 hour contact details of the manager and owner of the Holiday House shall be visible on the property from the nearest street frontage and maintained to the satisfaction of the Shire (refer to advice note c). (P)
5. All vehicles & boats connected with the premises shall be parked within the boundaries of the property. (P)
6. The short stay use of the dwelling shall not be occupied by more than six (6) people at any one time. (P)
7. An Emergency Response Plan and Fire Management Plan shall be displayed in a conspicuous location within the development at all times. (P)
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 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 advice note a). (P)

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. (P)
- 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. (P)
- c. A sign limited to a maximum of 0.2 square metres and not exceeding 1.5 metres in height from ground level may be erected at the property frontage and within the property. (P)
- d. This approval does not affect the entitlement to use the dwelling for permanent residential purposes. (P)
- e. You are advised of the need to comply with the requirements of the following other legislation:
 - i. *Health 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). (P)