

DEVELOPMENT ASSESSMENT UNIT

Minutes of the Development Assessment Unit Shire of Augusta Margaret River On 23 February 2016

ATTENDANCE Chris Wenman, Matt Cuthbert, Johan Pienaar, Jason Heine, Angela Satre

CONFIRMATION OF MINUTES

Minutes of meeting dated 16 February 2016 confirmed as correct.

PLANNING APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	DA No.
15/02/2016	A5818	98 (Lot 10) Connelly Road, Margaret River	Dwelling Additions (Rainwater Tank)	P216081
16/02/2016	A5408	39 (Lot 29) Riedle Drive, Gnarabup	Dwelling	P216082
16/02/2016	A9170	24 (Lot 5) Brockman Road, Cowaramup	Dwelling and Outbuilding	P216083
16/02/2016	A927	4 (Lot 74) Dalton Way, Molloy Island	Outbuilding (Shed) and Water Tank	P216084
16/02/2016	A182	38 (Lot 69) Bovell Avenue, Margaret River	Dwelling (Front Boundary Fence)	P216087
17/02/2016	A4838	249 (Lot 2836) Rosa Glen Road, Rosa Glen	Dwelling	P216088
18/02/2016	A11301	5962 (Strata Lot 7) Caves Road, Margaret River	Dwelling and Outbuilding (Shed)	P216089
18/02/2016	A11233 A11531	Lot 9501 Waverley Road, Cowaramup	Unauthorised Signage	P216090
18/02/2016	A11657	82 (Lot 352) Kevill Road East, Margaret River	Building Envelope Variation	P216092
17/02/2016	A4534	Reuther Park (Reserve 4017) and Bussell Highway, Margaret River	Public Event on Shire Property - Let them Stay Pram Procession, Amnesty Margaret River	P216093
18/02/2016	A5218	4 (Lot 1) Trinder Drive, Margaret River	Dwelling and Ancillary Accommodation	P216094
19/02/2016	A2599	Lot 319 Bussell Highway, Cowaramup	Subdivision	P216095
19/02/2016	A11020	Gas Bay, reserve 41545, Gasbay Road, Gnarabup	Surf club Event on Shire Property - CBBC Family Fun Day – Sunday, 21 February 2016	P216096
16/02/2016	A2747	Xanadu Wines, 318 Boodjidup Road, Margaret River	Public Event on Private Property - Short and Sharp at Xanadu - 17 March 2016	P216097
18/02/2016	A11020	Gasbay (Primary Location) Rivermouth (Back Up Location) Reserve 41545 or Huzzas (Back Up Location) Reserve 27618, Gracetown	Surfing Event on Shire Property - Cape Naturaliste College Suring Competition - 14 March 2016	P216098
19/02/2016	A10868	Lot 182 Treeton Road North, Cowaramup	Recreation Private (- 25 functions per year)	P216099

BUILDING LICENCE APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
15/02/2016	A12045	7 (Lot 642) Curtis Street, Cowaramup	Unlawful Ancillary Accommodation	216067
16/02/2016	A4599	27 (Lot 17) Mansfield Avenue, Margaret River	Shed	216068
16/02/2016	A11620	44 (Lot 131) Ironstone Place, Margaret River	Shed	216069
16/02/2016	A927	4 (Lot 74) Dalton Way, Molloy Island	Garage	216070
16/02/2016	A8997	Lot 502 Patton Road, Cowaramup	Dwelling & Water Tank	216071
18/02/2016	A4937	523 (Lot 32) Ellen Brook Road, Cowaramup	Dwelling	216072
18/02/2016	A11289	Lot 71 Ellen Brook Road, Cowaramup	Cellar Door	216073
19/02/2016	A10158	11 (Lot 420) Coral Vine Cross, Cowaramup	Shed	216074
19/02/2016	A8983	33 (Lot 254) Callistemon Drive, Margaret River	Dwelling	216075
19/02/2016	A8778	44 (Lot 42) Jersey Street, Cowaramup	Shed	216076

SUBDIVISIONS DETERMINED

Date Rec'd	Officer	DA No.	Address	Description of Matter	Recommendation
15/07/2015	Matt Cuthbert	Subdivision	255 (Lot 18) Kevill Road West Margaret River	Completed	P215318

LEVEL 1 APPLICATIONS DETERMINED BY DIRECTOR

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
02/02/2015	Johan Pienaar	1916 (Lot 62) Rosa Brook Road Rosa Brook	Industry - Rural (Dairy Additions including ancillary new effluent management infrastructure and upgrades to existing effluent management infrastructure)	Approved	P215042
19/06/2015	Angela Satre	66 (Lot 36) Ironstone Place Margaret River	Proposed Building Envelope Variation, Shed Addition & Dwelling Addition	Approved	P215272
17/12/2015	Lucy Gouws	17 (Lot 12) Mammoth Street Witchcliffe	Dwelling and Outbuilding	Approved	P215659
12/01/2016	Lucy Gouws	Unit 1 27 (Lot 97) Georgette Way Prevelly	Outbuilding (Shed) ancillary to Grouped Dwelling	Approved	P216020

LEVEL 2 APPLICATIONS FOR DETERMINATION BY DPDS

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
16/10/2015	AS	Lot 67 Barrett Street, Margaret River	Holiday House (Large)	Approve	P215505
03/11/2015	AS	Lot 23 Baudin Drive, Gnarabup	Holiday House (Large)	Approve	P215548

LOCAL LAW PERMITS

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.

OTHER APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.

COMPLIANCE

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.

ELECTED MEMBERS ATTENTION

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





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

Proposed Holiday House (Large) at 29 (Lot 67) Barrett Street Margaret River

Major (Level 2)

P215505; PTY/5377

REPORTING OFFICER : Angela Satre
DISCLOSURE OF INTEREST : Nil

General Information		
Lot Area	971m2	
Zone	Residential R15	
Proposed Development	Holiday House (Large) for eight (8) guests in the existing five bedroom dwelling.	
Permissible Use Class	'A' advertising is required	
Heritage/Aboriginal Sites	N/A	
Encumbrance	N/A	
Date Received	16/10/2015	
Date of Report	18/02/16	
Planning History	Planning approval (P211342) was granted on 22 November 2011, for ten people for 12 months, based on a reconsideration of the planning refusal (P211227) for a Holiday House.	
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 Objections to the Holiday House use were received for the original application in 2011 but no complaints were lodged with the Shire since.	
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	Office Comment
Four objections were lodged from nearby affected land owners	<ul style="list-style-type: none"> Previously when this house has been rented to large groups the noise levels are unacceptable. There has been partying in the streets at late hours. We estimate that we have had to call the police on at least 10 occasions as the parties often continue after midnight and at very high noise levels. Guests have wandered into our garden at night. In the past table tennis and/or pool tables have been set up resulting in noise. Occupants use the outdoor area fronting Elva Street to party 	<p>The planning approval for the holiday house that was granted on 22 November 2011 was never acted upon. Due to the Margaret River bushfires, the premises was used as a Single House, not as a holiday house when our family moved in January 2012.</p> <p>A sign was not previously displayed as the holiday house was not in operation. Signage will be implemented as required in any approvals.</p> <p>The 'trespass issue' was not related to occupants of the dwelling. A public path adjacent to the site is commonly used by residents for pedestrian access to town. The subject site is one of the closest properties to this public path and may be perceived to be responsible for these trespass issues.</p> <p>Furthermore, access from the subject dwelling to neighbouring properties is restricted by fencing on both boundaries in excess of 1.8m. The primary point of access to and from the dwelling is on the Barrett Street Frontage.</p>

	<p>late into the evening/early morning.</p> <ul style="list-style-type: none"> • The deck fronting Barrett Street is open and noise travels. • There is often rubbish, beer bottles and cans thrown into the forest from short stay occupants of this property. • The expectation of groups of up to 10 people is to <i>'have a good time which generally involves partying and alcohol with no regard for nearby residents'</i>. • It is not only music but the noise of people talking and laughing loudly well after 10pm which is a problem. • <i>'There is no immediate recourse to police or property managers to stop poor behaviour and noise well after 10pm. The fact that the 24 hour contact details of the property manager is displayed does not mean they will either respond or be able to deal with the situation'</i>. • <i>'This is not a suitable location for a Large Holiday House as it is out of character with the surrounds'</i>. • Extra vehicles arrive that are parked on Elva and Barrett Streets and create a traffic hazard on the corner. 	<p>Public noise occurs between 11pm and 1am on Friday and Saturday nights nearly every weekend as the Barrett St bush track to town is well used by locals. Members of the public are often loud and leave litter on our property at these times. It would be easy to assume guests at our house were the reason for the noise and rubbish however we strongly dispute that assumption as the majority of guests prior to November 2011 were family guests.</p> <p>The application has also been amended since the proposal was advertised. The proposed guest numbers have been reduced to eight and further details have been submitted relating to 'house rules' and methods to address impacts to neighbours.</p> <p>There is some dispute over the source of neighbours' concerns and it is noted that the concerns raised are of the historical, rather than recent, use of the premises. The proposal has however been amended in response to concerns raised such that it is considered reasonable in this case to recommend conditional approval to the use for a limited time of 12 months after which management of the operation can be reassessed with regard to neighbours comments.</p>
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Policy Requirements

Policy Area: Urban
Parking: Four bays are provided on site

Clause	Provision	Comment
16 b)	The activity has not resulted in adverse impacts on the amenity of neighbouring properties.	With regard to the concerns raised in the advertising period and the response from the proponent there is some dispute over the source of the concerns. Furthermore from the submissions received the concerns relate to the previous historical short stay use of the premises. Notwithstanding the application has

		been amended in response to the concerns raised and additional information has been submitted demonstrating how the use can be better managed. It is therefore considered that potential adverse impacts to the amenity of the area can be dealt with via sound management of the use.
16 d)	The property fronts an area of high tourist attraction and is within 300m of the Town Centre.	The location of the site is suitable with regard to the capacity of the use proposed (8 guests).
17 a)	Detailed information for comprehensive assessment of impacts.	Detailed information including 'house rules' developed with regard to the <i>NSW Code for Holiday Houses</i> has been submitted demonstrating how the use can be managed. The level of information submitted is sufficient for assessment of the potential impacts of the use.
17 b)	Proposal is consistent with the amenity, objectives & character of the area.	With adequate management of the use the activity would be consistent with the residential character of the area.
17 c)	Ensure larger number of guests would not raise unacceptable risk of impacts to amenity & character.	Additional details have been submitted to demonstrate how the use can be managed.
18 b)	Sealed crossover	Existing
18 c)	Water supply to be provided.	Existing
18 d)	Emergency Response Plan & Fire Management Plan	Require as a condition
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.	Renewals after the initial 12 month approval period may be issued for 3 years followed by 5 years.	In this case a 12 month approval period is recommended.

OFFICER RECOMMENDATION

That the Statutory Planning Coordinator GRANTS Planning Consent under Delegated Authority Instrument No. 15 pursuant to clause 68 (2) of the Deemed Provisions of Local Planning Scheme No. 1 for a Holiday House (Large) at 29 (Lot 67) Barrett Street 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 at the Shire on 16 October 2015.
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2. The Holiday House use is limited to a period of **twelve (12) months** from the date of this approval. (P) (Refer to advice note a)
3. The Emergency Response Plan and Fire Management Plan shall be displayed in a conspicuous location within the dwelling at all times. (P)
4. 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)
5. 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 advice note c) (P)

6. All vehicles & boats connected with the premises shall be parked within the boundaries of the property. (P)
7. The short stay use of the dwelling shall not be occupied by more than **eight (8) people** at any one time. (P)
8. Amplified music shall not be played outside of the Holiday House between the hours of 10pm and 10am.
9. The 'House Rules' shall be provided to all guests and shall be displayed within a prominent position within the Holiday House. (Refer advice note f) (P)

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

Proposed Holiday House (Large) at 53 (Lot 23) Baudin Drive, Gnarabup

Major (Level 2)

P215548; PTY/5446

REPORTING OFFICER : Angela Satre
DISCLOSURE OF INTEREST : Nil

General Information		
Lot Area	2097m2	
Zone	Residential (R5) (SCA4)	
Proposed Development	Holiday House (Large) for up to 10 guests in the four bedroom dwelling; excluding the granny flat which is not permitted to be used for short stay accommodation.	
Permissible Use Class	'A' advertising is required	
Heritage/Aboriginal Sites	N/A	
Encumbrance	N/A	
Date Received	03/11/15	
Date of Report	19 February 2016	
Planning History	State Administrative Tribunal (SAT) Decision (DR181 of 2014) was granted on 11 December 2014 for a 12 month approval for ten guests (P214271).	
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 No complaints have been received since the date of the last planning approval.	
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	Office Comment
One 'indifferent' submission from a nearby landowner.	One submission of 'indifferent' with comments as follows: 1. The short stay use has operated for the last 12 months – we have not been disturbed & it has been managed responsibly. 'We have no problem if the approval is renewed...' 2. It is for sale and if there is a change in ownership we expect the new owners to operate in accordance with the conditions of approval. 3. Was the original approval for 8 or 10 guests?	1. Noted. 2. Planning approvals run with the land and conditions of any approval apply regardless of changes in land ownership. 3. The original approval granted by SAT was for 10 guests.
One 'objection' from a nearby landowner.	One submission of objection with comments as follows: 10 guests is excessive. A lot of noise from 10 guests. History of problems and complaints.	While there are concerns about the capacity of the use the proposal, ten guests is consistent with the approval granted by SAT. Furthermore given there have been no complaints about the use in the past 12 months further approval to continuation of the use is recommended.
Policy Requirements		
Policy Area 1: Coastal Parking: 4 bays are provided on site		

Clause	Provision	Comment
10 b)	The operation has no resulted in adverse impacts to the amenity of the neighbourhood.	The proponent has provided details of a manager to attend the site. There is no evidence of adverse impacts arising from the use in the past 12 months.
17 a)	Detailed information for comprehensive assessment of impacts.	The proponent has provided information to demonstrate that house rules and management methods have been applied.
17 b)	Proposal is consistent with the amenity, objectives & character of the area.	Yes subject to ongoing management of the use.
17 c)	Ensure larger number of guests would not raise unacceptable risk of impacts to amenity & character.	No complaints have been received about the use in the past 12 months.
18 b)	Sealed crossover	Existing
18 c)	Water supply to be provided.	Existing
18 d)	Emergency Response Plan & Fire Management Plan	Require as a condition
18 e)	Manager within 1 hours drive	A manager within a 1 hour drive of the site 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.	Renewals after the initial 12 month approval period may be issued for 3 years followed by 5 years.	In this case a three year approval period is recommended. Conditions as per the SAT decision are recommended.

OFFICER RECOMMENDATION

That the Statutory Planning Coordinator GRANTS Planning Consent under Delegated Authority Instrument No. 15 pursuant to clause 68 (2) of the Deemed Provisions of *Local Planning Scheme No. 1* for a Holiday House (Large) at 53 (Lot 23) Baudin Drive, Gnarabup 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 – P2 received at the Shire offices on 3 November 2015.
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- The holiday house use is limited to a period of **three years** from the date of this approval. (P) (Refer to advice note a)
- The Emergency Response Plan and Fire Management Plan shall be displayed in a conspicuous location within the dwelling at all times. (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 and this person shall attend to any callout within 1 hour of a reported incident. (P)
- The manager or contactable employee of the manager shall be retained at all times during the use of the Site as a holiday house and if, at any time, there is no appointed manager, the holiday house use shall cease until a manager is appointed. (P)
- 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 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)

8. Amplified music shall not be played outside of the holiday house between the hours of 10pm and 10am.
9. The 'House Rules' shall be provided to all guests and shall be displayed within a prominent position within the Holiday House. (Refer advice note f) (P)
10. The building approved for ancillary accommodation on the site shall not be used for short stay accommodation or permanent habitation while the dwelling is being used as a holiday house. (P)

ADVICE NOTES

- a) Following satisfactory performance of the approved use, and in the absence of any substantiated complaints, the Shire may grant further planning approval for the continuation of the use. A new planning application seeking such approval should be submitted 90 days before the expiry of this approval, along with the appropriate planning fee. (P)
- b) A sign limited to a maximum of 0.2 square metres and not exceeding 1.5 metres in height from ground level is to 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:
 - (iii) *Health Act 1911* and Department requirements in respect to the development and use of the premises;
 - (iv) 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)