

DEVELOPMENT ASSESSMENT UNIT

Minutes of the Development Assessment Unit Shire of Augusta Margaret River On 31 May 2016

ATTENDANCE Johan Pienaar, Rachel Mofteh, Chris Wenman, Kim Nolan, Jason Heine

CONFIRMATION OF MINUTES

PLANNING APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	DA No.
23/05/2016	A3228	3 (Lot 75) Nixon Crescent Margaret River	Compliance - Illegal Use of Dwelling for Short Stay	P216282
24/05/2016	A1532	150 (Lot 1) Bridgelands Road Rosa Glen	Reception Centre	P216283
23/05/2016	A3102	8 (Lot 17) Jane Road Augusta	Compliance - Unauthorized Storage of Vehicles	P216284
25/05/2016	A2271	13481 and 13471 (Lots 2 and 3) Bussell Highway Augusta	Subdivision	P216285
25/05/2016	A5422	1 (lot 76) Freycinet Way Gnarabup	Holiday House	P216286
26/05/2016	A3906	49 (lot 66) Town View Terrace, Margaret River	Signage	P216287
26/05/2016	A9190	3 (Lot 26) Tinglewood Court Cowaramup	Ancillary Dwelling	P216288
27/05/2016	A7581	895 (lot 2232) Treeton Road, Treeton	Dwelling	P216289
27/05/2016	A856	6 (Lot 51) Osborne Street Gracetown	Holiday House (Large)	P216290

BUILDING LICENCE APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
27/05/2016	A3787	22 (Lot 41) Ryans Road Margaret River	Garage Extension	216237
27/05/2016	A4796	1 (Lot 79) Redgum Court Margaret River	Ancillary Dwelling	216238
25/05/2016	A3296	Lot 73 Dawson Terrance Augusta	Dwelling Additions	216219
25/05/2016	A11269	19 (Lot 11) Mammoth Street Witchcliffe	Carport	216220
25/05/2016	A11859	Lot 25 Knox Place Witchcliffe	Shed	216235
25/05/2016	A5148	47 (Lot 1) Donovan Street Augusta	Deck Additions	216236
24/05/2016	A12054	Lot 57 McDermott Parade, Witchcliffe	Dwelling	216214
24/05/2016	A7007	11 (Lot 200) Magnolia Court, Cowaramup	Retrospective Approval Dwelling Additions	216233
24/05/2016	A9559	3 (Lot 320) Wandoo Place, Cowaramup	Dwelling	216234
24/05/2016	A11747üA11830	Lot 5849 Brookfield Avenue Margaret River	Gazebo	216247
23/05/2016	A10268	Unit 2, 1 (Strata Lot 2 of Lot 115) Galliers Street, Gracetown	Dwelling Additions	216231
23/05/2016	A8490	7 (Lot 360) Wattle Place, Margaret River	Patio	216232

SUBDIVISIONS DETERMINED

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

LEVEL 1 APPLICATIONS for Determination by Director

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
29/02/2016	Lucy Gouws	Units 5 & 6 (Lot 193) Auger Way Margaret River	Industry - Light (Factory Units)	Approved	P216117
02/03/2016	Angela	40 (Lot 44) Town View Terrace	Offices/Shops &	Approved	P216129

	Satre	Margaret River	Change of Use to Holiday House		
08/03/2016	Rachel Mofteh	438/461 (Lot 8) Osmington Road Osmington	Dwelling, Farm Building and Water Tanks x 2	Approved	P216137
15/03/2016	Lara Hoole	15 (Lot 50) Hillier Drive Margaret River	Family Day Care - (Renewal) of Existing Dwelling	Approved	P216153
16/03/2016	Rachel Mofteh	Lot 131 Dunkley Close, Molloy Island	Ancillary Dwelling	Approved	P216157
29/03/2016	Angela Satre	Reserve 41625 27-33 (Lot 295) Tunbridge Street Margaret River	Signage Ancillary to Educational Establishment	Approved	P216181
13/04/2016	Rachel Mofteh	15 (Lot 655) Homestead Way Margaret River	Dwelling Additions (Retaining Wall)	Approved	P216209
30/05/2016	Kim Nolan	Margaret River Education Campus, 272 Bussell Highway, Margaret River	Trading in Public Places (Private Property) - Margaret River Farmer's Market - Every Saturday 1 July 2016 - 30 June 2017	Approved	P216293

LEVEL 2 APPLICATIONS for Determination by Director

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
23/03/2016	RM	Lot 3 Chuditch Place, Gnarabup	Holiday House (Large)	Approve	P216175

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.

CLOSURE OF MEETING





DEVELOPMENT APPLICATION ASSESSMENT (DAU)
Report to Manager Planning and Development Services
Proposed Holiday House (Large) at 4 (lot 3) Chuditch Place, Gnarabup

Major (Level 2)

P216175; PTY/6450

REPORTING OFFICER : Rachel Mofteh
 DISCLOSURE OF INTEREST : Nil.

General Information	
Lot Area	552m ²
Zone	Residential R20
Existing Development	<input checked="" type="checkbox"/> Single House <input type="checkbox"/> Grouped Dwelling
Nature of application	<input checked="" type="checkbox"/> New application <input type="checkbox"/> Renewal
Proposed use	Proposed holiday house use for the accommodation of 8 persons within 3 existing bedrooms.
Permissible Use Class	'A' – discretionary use
Advertising Required	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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 March 2016
Date of Report	23 May 2016





Planning History	A planning approval for the dwelling was granted by the Shire on 13 March 1997.	
Is the application same as previous?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" 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 substantial changes to the LPS1 or Policy?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
Comments Received		
Nature of Submission	Comments Received	Office Comment
Objection	The house is 3 bed, 1 toilet, 2 shower. It is a small home on a small block. It's not ok to have over 6 people on holiday / party/ noise / cars = crazy! There is no "existing gravel parking". There are small children living both sides of this home – too many cars, too much noise. We are part of a great local community; we already have a "party holiday house" over the road. Please consider a smaller amount of people staying next door to us.	<p>The proposal is for 8 people to occupy the holiday home. The volume of each bedroom is sufficient for only 2 persons, under the provisions of the Shire's Health Local Law.</p> <p>It is recommended that the approval be limited to a maximum of 6 guests.</p> <p>Only three parking bays are required, based on the three bedrooms.</p> <p>In regards to the "party house" reference is hard to quantify as the use has not yet commenced on the site. Therefore it is recommended an approval is granted for 12 months after which the impact of the holiday house could be assessed and if it has had a detrimental impact within the 12 months the Shire may decide to refuse the proposal for any further time period.</p>
Policy Requirements		
Policy Element	Provision	Comment
1. Location	Coastal settlement; or	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Site located in Gnarabup

	Adjoins fronts or is within an area of “significant tourist attraction”; or	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Does not adjoin, fronts or is within an area of “significant tourist attraction but exceeds 1000m ² in area.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
	R2.5 and R5 coded lots not sharing boundaries with more than 3 lots.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
	Does the proposed <u>Holiday House (Large)</u> in an urban area meet the zoning and or location requirements under AD1.4 of the policy?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A A
	R30 density code or lower for Holiday Houses within grouped dwellings.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
2. Occupancy	Does the proposed number of guest (8) comply with the acceptable development criteria?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Note: The rooms are however not large enough to accommodate more than 2 persons per room.
3. Amenity	Have there been any complaints since previous approval?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
	Complies with the objectives and provisions of the zone?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	For <u>Holiday House (Large)</u> , is sufficient information provided to assess potential impacts on local amenity?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
4. Design	Is the dwelling of <u>sufficient size</u> to cater for intended number of guests?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Is the dwelling of <u>sufficiently serviced</u> to cater for intended number of guests?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Sufficient potable water supply?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Site is on scheme water.
	Sealed Crossover	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
5. Management	Emergency Response Plan and Fire Management Plan submitted?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Management Plan submitted?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	No amplified music between 10pm & 10am	Require as a condition
	Display the manager’s 24hr contact details	Require as a condition
6	Period of approval	<input checked="" type="checkbox"/> 12 months <input type="checkbox"/> 3 years
Any discretionary considerations under LPP7’s performance criteria.		The application has been discussed with Health Officers within the Shire and the Health Local laws require that a habitable room in the house that is used for sleeping purposes has at least 14 cubic metres of air space per person over the age of 10 that is using the room. Therefore the following calculations for air space has been carried out: Downstairs: Room 1 (closest to kitchen) = 3.4 x 3.6 x 2.4 = 29.37m ³ / 14m ³ = 2.09 = 2 persons Room 2 (closest to north boundary) = 4.5 x 2.8 x 2.4 = 30.24m ³ / 14m ³ = 2.16 = 2 persons Upstairs:

Loft room = $(3.7 \times 3.2 \times 2.1) + (\text{raked ceiling} = 5.032\text{m}^3) = 29.89\text{m}^3 / 14\text{m}^3 = 2.1 = 2$ persons

Total amount of persons permitted in each room = 2
Total persons permitted at the site = 6 persons

The proponent has responded by indicating that a sleeper couch will be placed in the living room to allow accommodate the additional to guests being applied for. This effectively makes the living room a fourth bedroom, which would require a 4th parking bay to be provided on the site. A site inspection has confirmed that the 4th parking bay (gravel parking bay) does not exist. Creating the parking bay would require the removal of a large portion of the landscaping at the front of the dwelling. Thus will have a substantial impact on the streetscape. Due to the size of the dwelling, the size of the lot and the limited parking that is available, it is considered appropriate to recommend a condition for 6 persons to occupy the holiday home at any one time.

Whilst the objection to the development has been noted, the objections cannot at this time be substantiated on planning grounds. It is therefore recommended the application be granted a 12 month approval, after which, the impact on parking and noise can be reassessed and determined if further approval to extend the holiday home use would be appropriate.

The approval mechanisms of LPP7 ensure that any comments on the operation of the activity and other information available relating to the adverse impact of the activity on the amenity of neighbours and surrounding area will be considered when determining renewals. In additions, where complaints have been made, issues relating to impact on amenity have been verified or other non-compliance with the planning approval has occurred, approval of the renewal application is unlikely to be granted.

Therefore the application for a holiday home is considered to meet the current planning requirements and is recommended for approval subject to 12 months after which a renewal application should be lodged.

OFFICER RECOMMENDATION

That the Statutory Planning Coordinator GRANT 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 Home (large) at 4 (lot 3) Chuditch Place, Gnarabup 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 to P2 received at the Shire on 23 March 2016.
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2. The Holiday House use is limited to a period of twelve (12) months from the date of this approval (Refer to advice note a). (P)
3. An Emergency Response Plan (i.e. fire escape route maps and other details as required) and Fire Management Plan shall be prepared and submitted to Council prior to commencement of the use. 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 b). (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 six (6) 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. '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 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) In relation to condition 4 and 5, 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)