

DEVELOPMENT ASSESSMENT UNIT
Minutes of the Development Assessment Unit
Shire of Augusta Margaret River
On 10 March 2020

ATTENDANCE

Lucy Gouws, Lezia Sandon, Lara Hoole, Chris McAtee, Chris Wenman

PLANNING APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	DA No.
03/03/2020	A3241	22 (Lot 242) Albany Terrace, Augusta	Single Dwelling	P220149
03/03/2020	A8621	11 (Lot 657) Homestead Way, Margaret River	Bed and Breakfast	P220150
04/03/2020	A12483	2 (Lot 292) Jenkins Road, Cowaramup	Single Dwelling	P220151
04/03/2020	A2101	29 (Lot 200) Le Souef Street, Margaret River	Guest House Additions	P220152
03/03/2020	A3392	5 (Lot 47) Town View Terrace, Margaret River	Survey Strata Subdivision	P220153
05/03/2020	A11327	22 (Lot 72) Bronzewing Parade, Augusta	Single Dwelling	P220154
05/03/2020	A5506	59 (Lot 17) Wooditch Road, Margaret River	Building Envelope Variation	P220155
06/03/2020	A1705	17 (Lot 76) Georgette Road, Gracetown	Holiday House (Renewal)	P220157
06/03/2020	A11582	1 (Lot 652) Curtis Street, Cowaramup	Home Business (Physio/Pilates)	P220158
06/03/2020	A12585	Unit 4 / 35 (Lot 4) Stewart Street, Margaret River	Single Dwelling	P220159

BUILDING LICENCE APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
03/03/2020	A9244	18 Lot 80 Holly Place, Cowaramup	Single Dwelling	220090
05/03/2020	A12784	110 Lot 1034 Heron Drive, Margaret River	Shed	220091
03/03/2020	A9849	8 Malbec Street, Cowaramup	Patio	220092
04/03/2020	A9559	3 Wandoo Place, Cowaramup	Shed	220094
05/03/2020	A4758	Unit 2/29 (Lot 42) Osborne Street, Gracetown	Alterations to Existing Dwelling	220095
05/03/2020	A124	39 Lot 57 Town View Terrace, Margaret River	Amendment to original building permit 219472	220096
06/03/2020	A5015	63/149 Davis Road, Witchcliffe	Extension to Existing Farm Shed	220099
06/03/2020	A12588	Unit 7 35 Stewart St, Margaret River	Retaining Wall and Earthworks	220100
06/03/2020	A5351	12 Lot 6 Chardonnay Avenue, Margaret River	Pergola	220101

SUBDIVISIONS DETERMINED

Date Rec'd	Assess No.	DA No.	Address	Description of Matter	Recommendation
01/11/2019	A11377	P219657	Lots 102 103 and 104 Bussell Highway, Karridale	Subdivision	Support with Conditions

LEVEL 1 APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
13/08/2019	Clare Hamilton	49 (Lot 13) Le Souef Street, Margaret River	Community Information Facility	Cancelled	P219479
12/02/2020	Lucy Gouws	8 (Lot 110) Old Ellen Brook Road, Gracetown	Holiday House (Renewal)	Approve	P220100
12/02/2020	Lucy Gouws	214, 218 & 222 (Lot 1, 2 & 28) Railway Terrace, Margaret River	Guesthouse & Community Purpose - (Training and Associated Storage)	Approve	P220102
17/02/2020	Lucy Gouws	741 (Lot 145) Cowaramup Bay Road, Gracetown	Amendment to Approval P218700	Approve	P220110
21/02/2020	Lucy Gouws	Reserve 41545 Surfers Point and The Box, Prevelly and Reserve 8428 Cowaramup Bay Road, Gracetown	Public Event (WSL Surf Pro) - Amendment to Planning Approval P218521	Approve	P220129
28/02/2020	Clare Hamilton	Unit 1 / 8 (Lot 100) Fearn Avenue, Margaret River	Sign x 2 (Under Veranda & Projecting)	Approve	P220147
05/03/2020	Devin Moltoni	22 (Lot 72) Bronzewing Parade, Augusta	Single Dwelling	Approve	P220154

LEVEL 2 APPLICATIONS for determination

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
12/12/2019	Lezia Sandon	63 (Lot 556) Brookfield Ave, Margaret River	Single Dwelling	Referred to Council for Determination	P219789
28/11/2019	Lezia Sandon	Lot 910 Low Road, Rosa Glen	Building Envelope Variation	Referred to Council for Determination	P219730
18/10/2019	Lara Hoole	11 (Lot 233) Bandicoot Close, Gnarabup	Holiday House	Approve	P219629

MANAGEMENT OF VEGETATION ON SHIRE RESERVES

Nil

LOCAL LAW PERMITS

Nil

OTHER APPLICATIONS determined under delegation

Nil

ELECTED MEMBERS ATTENTION

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
28/11/2019	Lezia Sandon	Lot 910 Low Road, Rosa Glen	Building Envelope Variation	Referred to Council for Determination	P219730

CLOSURE OF MEETING



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

Proposed Holiday House: 11 (Lot 233) Bandicoot Close, Gnarabup

Major (Level 2)

P219629; PTY/6465

REPORTING OFFICER : LH
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	762m ²
Zone	Residential (R20)
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 six (6) short stay guests at any one time. The management arrangements are to be the landowners son and partner who live in Offshore Crescent, Margaret River (5km away). Delay to the application has been to resolve concerns that were raised during the advertisement period. The applicant has subsequently revised the application to address these concerns.
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	18/10/2019
Date of Report	14/11/2019

Aerial extract



Location Plan

Development History	
<p>Planning Approvals P97254 Dwelling (5 x bedroom, 3 x bathroom, 1 x study, 1 x games room, single carport) approved 11/08/1997. P21507 Patio lodged 16/11/2001, but plans not signed or approved. There was a gap in the Interim Development Order that had expired and an application for renewal. The development did not require planning approval at the time. P27207 Unlawful Use of Existing Dwelling as Grouped Dwelling. Matter concluded 08/09/2001.</p> <p>Building Licences BLD/6892 No. 970370 Dwelling issued 01/09/1997. BLD/201510 Patio issued 22/11/2001.</p>	
<p>Have there been any objections? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>Comments Received</p>	
<p>Nature of Submission Private Submission - Objection</p> <ul style="list-style-type: none"> The Shire has been contacted several times in regard to the emergency fire access road on the North side of this property; 	<p>Officer Comments Shires has records of two complaints regarding the subject site. These were received in 2007 and 2010 and were in relation to access and use of the single dwelling as a grouped dwelling.</p>

<ul style="list-style-type: none"> • Access to this home is difficult and the position is not suitable for traffic involved in a short stay accommodation • The owners and the guests have been parking in the Emergency access way between No 11 Bandicoot and No 1 and 3 Chuditch for many years despite the Shire's efforts at curtailing blocking of the emergency access way. The Shire has installed multiple bollards over the years to prevent this to little effect • Several years ago an illegal second driveway directly off this emergency access-way was constructed, to access and park vehicles for the lower duplex section of the house, which has been used as secondary rental and short stay accommodation (duplex) • The illegal driveway was required to be fenced to the Shire installed a bollard midway of the access way to prevent vehicles driving to 11 Bandicoot Close and also other properties on Bandicoot Close • The residents of Lot 11 continue to use the emergency access for their personal parking • A large short stay accommodation will exacerbate the problem with the potential for up to 8 cars. There is another large short stay accommodation next door, and further two more close by • Bandicoot Close is narrow and the numbers of vehicles is safety hazard • How do emergency vehicles access this area with so many vehicles – an rubbish trucks, delivery vehicles • There is too many short stay accommodation sites in this area 	<p>In 2007 the matter was investigated by the Shire. It was concluded that there was insufficient evidence that the building was being used as a grouped dwelling.</p> <p>The property is bound by a Public Access Way / Emergency Vehicle Access Way along the eastern side boundary around to the northern side boundary. This PAW provides for pedestrian access and emergency vehicle access only from Bandicoot Close linking around to Chuditch Place.</p> <p>A concrete driveway had been constructed at the rear of the dwelling and has been used to access the north western rear of the property (via the PAW onto Chuditch Place). After discussions with the Shire the landowners agreed to erect a boundary fence closing off the rear access. In addition the Shire erected nine bollards to inhibit general motor vehicle access, but still allow for emergency access if needed. This compliance matter was resolved in 2008.</p> <p>As part of this assessment, the site was inspected several times. On each of the three occasions there was no parking of vehicles in the emergency access. The inside of the dwelling was also inspected on 27 February 2020. The applicants advised that they are aware that no parking in the emergency access is permitted. There was no evidence of the site being used as a grouped dwelling.</p> <p>The policy guides that one parking bay per bedroom is to be provided together with bays for the use of permanent residents and (where applicable) staff. Guest numbers will be limited accordingly.</p> <p>The proposed holiday house has 5 x bedrooms with a study. The house is single storey with a floor area of 187m² on a 762m² lot with three parking bays provided with maximum of two parking bays in tandem.</p> <p>The initial proposal was for a maximum of eight (8) guests. This has been reduced to a maximum of six (6) to reduce potential impacts of surrounding neighbours and potential parking issues.</p> <p>The applicant has advised that they will ensure the local manager applies the house rules for parking in the driveway. It is recommended as a condition of approval that a carparking plan be submitted and approved and included in the house rules and terms and conditions for guests.</p> <p>Bandicoot is a 4m wide approved public road.</p> <p>As above.</p> <p>The area developed as 'Sprindrift' a small 35 Lot residential enclave, setback approximately 200m from Prevelly/Gnarabup beach. The Local Planning Policy 7 supports short term accommodation holiday houses within coastal settlements.</p> <p>There is no policy or provisions in the Scheme that caps number of short stay approvals in an area.</p> <p>For information purposes only: There are 2 current Holiday House approvals and 3 current Bed & Breakfast approvals in this enclave. This represents 14% of the area. One holiday house is adjoins Lot 233 (the subject of the assessment) directly to the south. The other short stay</p>
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<ul style="list-style-type: none"> The residents have consistently ignored bushfire precautions. There is an open fire pit that is used on a regular basis. Last summer during total fire ban it was lit twice in the space of a week; Concerns of non-residents drinking, partying, noise, dogs, parking and safety; Who is managing the property? What fire plan is in place? This is a high fire risk area. 	<p>properties are not directly adjoining these lots or adjoining neighbouring lots.</p> <p>The fire pit has been removed. The house rules state there are to be no fires lit because of the bush fire threat. They also intend advising bookings by email of the necessity to abide by the fire rules.</p> <p>Terms and conditions of stay including a set of 'House Rules' require no loud music, no music between 10pm and 10am. Noise complaints may result in termination of the house stay contract and /or forfeit of bond. The phone number of the Manager will be clearly displayed at the house entrance so they may be contacted immediately and action taken.</p> <p>The manager has been nominated their son and his wife Kate and Conor who reside in Offshore Crescent, Margaret River 5.8km to the north.</p> <p>A Bushfire Emergency Evacuation Plan and a Bushfire Management Plan by a consultant has been submitted with the application.</p>
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Policy Requirements		
Policy Element	Provision	Comment
Location	Coastal settlement	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Design / Layout	One parking bay per bedroom, Or two bays for grouped dwellings	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 5 x bedrooms and a study but has a maximum of six guests. The three parking bays equates to a parking bay per couple which is acceptable.
	Reticulated water supply.	<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 Connected to reticulated sewer system.
	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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No Potential overlooking a small section of the rear outdoor living area where the fence is lower. A condition is recommended to provide privacy screen in accordance with the RCodes.
	Each bedroom accommodates a maximum of two persons?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Fire	If within bushfire prone area a BAL provided?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	For sites with a BAL above Low, a BMP prepared by accredited consultant and where required referred to DFES for comments?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	BAL rating at BAL-40 or FZ? 'Wallcliffe Fire Management Plan Gnarabup Beach Estate Prevelly Park' adopted April 1993. The plan includes, (but is not limited to the following): <ol style="list-style-type: none"> A trafficable fire break around the external boundary of the development. The utilisation of internal roads as fire breaks. Identification of fuel reduction programmes. Dwelling protection measures. Provision of strategic emergency fire points. Expected demands on additional fire protection measures in the National Park. Fire hydrants placed every 200 metres within the domestic water reticulation system. A fuel reduction buffer burn are is proposed between the development and the existing National Park of a width of approximately 100metres to be undertaken by Department of Conservation and Land Management. Upgrades to Bush Fire Brigade at Prevelly Park of fire fighting equipment to provide 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No The site has a BAL-FZ rating. The BAL rating cannot be reduced due to the close proximity to vegetated reserve to the east. The applicant has submitted a BMP, BEEP and Evacuation Plan prepared by a level 3 consultant. Margaret River townsite is approximately 10km north-east of the subject site. The dwelling was not constructed to BALFZ. Bandicoot Place, Chuditch Place and Wallcliffe Road are non-compliant existing cul-de-sacs, a legacy of past planning approvals. The length exceeds the maximum allowed, with a total distance of 4.5km from the Site to where a choice of egress is possible. The roads comply with the horizontal and vertical clearances and have adequate turn around requirements.

	<p>the capabilities form pumping from hydrants, access four wheel drive only areas as necessary equipment to fight structural fires.</p> <p>10. Encouragement to plant species with a high fire tolerance.</p> <p>A second fire station has also been constructed in the area - Gnarabup.</p> <p>In addition to the above the landowners are responsible for maintenance of the site in accordance with the Annual Fire Break and Fuel Reduction Notice.</p>	<p>The Bushfire Emergency Evacuation Plan takes into account the site-specific constraints, with evacuation triggered if there is a fire within 5km or 5hours of the Site, allowing adequate time for evacuation via Wallcliffe Road.</p> <p>The subject lot is located within a residential built out area with water hydrants. A hydrant is located in Bandicoot Place 55m from the subject site.</p> <p>The proposal is considered 'Minor Development' located in a 'built out residential area'.</p> <p>Considering all the above factors the holiday house is supported by performance principle based solutions as per the Tourism Position Statement.</p>
Management	Management Plan submitted?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	BEEP provided	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Manager, or employee permanently resides 35m drive from Site?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	House Rules?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Amplified music may not be played outside between the hours of 10pm to 10am	Require as a condition
	Display the manager's 24hr contact details	Require as a condition
Recommended period of approval	<input checked="" type="checkbox"/> 12 months <input type="checkbox"/> 3 years	

OFFICER RECOMMENDATION

That the Acting Manager Planning and Development Services 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 11 (Lot 233) Bandicoot Close, 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 to P2 received by the Shire on 18 October 2019.
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- The Holiday House use permitted for a period of **12 months** from **<date of this approval>** to **<end of date of approval>**. (P) (Refer to advice note a)
- 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 and not parking on the emergency access way or public open space. (refer to advice note "h")
- The short stay use of the dwelling shall not be occupied by more than **six (6) people** at any one time.
- Amplified music shall not be played outside of the holiday house between the hours of 10pm and 10am.

8. 'House Rules' shall be developed prior to the commencement of use. The 'House Rules' is to include a parking plan to the satisfaction of the Shire. 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)
9. Any marketing material for this Holiday House shall include display of the planning approval reference number for this approval.
10. Privacy screening as identified on approved plan 'P1' shall be installed to a section of the side (south-west) boundary in order to address overlooking to the adjoining southern property. Screening shall meet the acceptable development standards of the *Residential Design Codes* at clause 5.4.1. Privacy screening shall be provided 1.6m high from the finished floor level of the outdoor living area at the rear of the house. Screening shall be installed prior to commencement of the use as a Holiday House, and maintained thereafter.

ADVICE NOTES

- a) Following satisfactory performance of the approved use, and in the absence of any substantiated complaints over the twelve (12) month approval period, the Shire may grant further planning approval for the continuation of the use for a further three (3) years. A new planning application seeking such approval should be submitted 90 days before the expiry of this approval, along with the appropriate planning fee.
- b) If at any time there is not an appointed manager or a contactable employee of the manager for the site, the use must cease until such time as a manager is appointed.
- c) Evidence of installation of the sign will be required to be provided, to the satisfaction of the Shire, at the time an application to renew the Holiday House use is lodged..
- d) This approval does not affect the entitlement to use the dwelling for permanent residential purposes.
- e) You are advised of the need to comply with the requirements of the following other legislation:
 - (i) *Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises.
 - (ii) The *WA Building Regulations 2012* (r.59) requires that the owner of a dwelling (as defined in the Building Code of Australia) must not make the dwelling available for hire unless hard wired, battery backup smoke alarms are installed, complying with the Building Code of Australia and AS3786.
- f) The 'House Rules' document shall be consistent with key elements of the NSW Code for Holiday Houses (please refer to the attached document).
- g) Evidence of the display of the planning approval reference number within the marketing of the Holiday House is required to be provided, to the satisfaction of the Shire, at the time an application to renew the Holiday House use is lodged. Applicants are advised to include a screenshot of the website, to show that the planning approval reference number is being displayed.
- h) Please note that the Shire does not notify landowners in writing of the expiry of a Holiday House planning approval. It is the owners responsibility to monitor and ensure that the planning approval remains valid while the use is being undertaken and has not expired.