

**DEVELOPMENT ASSESSMENT UNIT**  
**Minutes of the Development Assessment Unit**  
**Shire of Augusta Margaret River**  
**On 17 December 2019**

**ATTENDANCE**

Lucy Gouws, Chris McAtee, Chris Wenman, Devin Moltoni

**PLANNING APPLICATIONS RECEIVED**

| Date Rec'd | Assess No. | Address  | Proposal   | DA No.  |
|------------|------------|--|--|---------|
| 09/12/2019 | A2737      | 1 (Lot 27) Stirling Street, Augusta              | Holiday House (Renewal)  | P219763 |
| 09/12/2019 | A2141      | 3 (Lot 378) Peppermint Drive, Augusta            | Amendment to Planning Approval P219252   | P219764 |
| 09/12/2019 | A5625      | 136 (Lot 10) Heron Drive, Margaret River         | Holiday House  | P219765 |
| 09/12/2019 | A7907      | 7 (Lot 505) Bankside Retreat, Margaret River     | Dwelling Additions (Carport and Outbuilding)   | P219767 |
| 09/12/2019 | A6698      | Lots 14 and 45 Shepherdson Place, Margaret River | Community Purpose (Margaret River Men's Shed) - Extension of Term of Planning Approval P217268 | P219768 |
| 10/12/2019 | A7960      | 6 (Lot 118) Lesueur Place, Gnarabup              | Holiday House  | P219769 |
| 10/12/2019 | A2571      | 208 (Lot 12) Bullant Drive, Forest Grove         | Section 40 (Producer's Licence)  | P219770 |
| 10/12/2019 | A5418      | 16 (Lot 43) Freycinet Way, Gnarabup              | Dwelling - Amendment and Extension of Term (P217792)   | P219771 |
| 11/12/2019 | A11864     | 26 (Lot 4) Stewart Street, Margaret River        | Holiday House  | P219785 |
| 12/12/2019 | A7729      | 73 (Lot 101) Baudin Drive, Gnarabup              | Bed and Breakfast  | P219787 |
| 12/12/2019 | A6333      | 21 (Lot 28) Waters Edge, Margaret River          | Holiday House (Renewal)  | P219788 |
| 12/12/2019 | A11715     | 63 (Lot 556) Brookfield Avenue, Margaret River   | Dwelling   | P219789 |
| 13/12/2019 | A9164      | Lot 881 West Bay Creek Road, Augusta             | Private Recreation (Augusta Yacht Club) Addition   | P219790 |
| 13/12/2019 | A7771      | 9985 (Lot 11) Caves Road, Deepdene               | Dwelling and Outbuilding (Shed)  | P219792 |

**BUILDING LICENCE APPLICATIONS RECEIVED**

| Date Rec'd | Assess No. | Address  | Proposal   | BLDG No. |
|------------|------------|--|--|----------|
| 09/12/2019 | A2648      | Site 31 Pinot Way, Margaret River - Margaret River Lifestyle Village | Single Storey Dwelling with Carport and Alfresco | 219512   |
| 09/12/2019 | A9623      | 8 (Lot 826) Magpie Street, Margaret River                            | Single Dwelling                                  | 219513   |
| 10/12/2019 | A12870     | 41 (Lot 36) Brookside Boulevard, Cowaramup                           | Single Dwelling                                  | 219514   |
| 10/12/2019 | A12521     | 9 (Lot 29) Merrit Lane, Margaret River                               | Single Dwelling                                  | 219515   |
| 10/12/2019 | A12607     | 50 (Lot 232) Elva Street, Margaret River                             | Single Dwelling                                  | 219516   |
| 11/12/2019 | A12202     | 21 (Lot 28) Brookside Boulevard, Cowaramup                           | Single Dwelling                                  | 219517   |
| 11/12/2019 | A5890      | 4 (Lot 291) Oak Glen, Margaret River                                 | Shed   | 219518   |
| 12/12/2019 | A12723     | 16 Lot 355 Duncan Street, Margaret River                             | Single Dwelling                                  | 219519   |
| 12/12/2019 | A12092     | 2 Lot 2662 Nickol Street, Margaret River                             | Two Storey Dwelling                              | 219520   |
| 13/12/2019 | A7793      | 11 Lot 272 Ironbark Ave, Margaret River                              | Dwelling Additions and Garage                    | 219521   |

**SUBDIVISIONS DETERMINED**

Nil

**LEVEL 1 APPLICATIONS determined under delegation**

| Date Rec'd | Officer       | Address                                   | Proposal   | Outcome  | DA No.  |
|------------|---------------|---|--|----------|---------|
| 16/07/2019 | Devin Moltoni | 10568 (Lot 2185) Bussell Hwy, Witchcliffe | Dwelling, Change of use of Dwelling to Rural Workers Accommodation and Farm Building | Approved | P219427 |

|            |                |   |  |           |         |
|------------|----------------|---|--|-----------|---------|
| 04/09/2019 | Devin Moltoni  | Lot 167 Caves Road, Karridale                                   | Dwelling, Outbuilding (Shed) & Associated Clearing   | Approved  | P219537 |
| 02/10/2019 | Clare Hamilton | 1 (Lot 372) Percheron Place, Margaret River                     | Building Envelope Variation, Dwelling Addition (Outbuilding) and Associated Clearing           | Approved  | P219602 |
| 08/10/2019 | Clare Hamilton | 5 (Lot 102) William Place, Augusta                              | Dwelling   | Approved  | P219612 |
| 28/10/2019 | Lucy Gouws     | 44 (Lot 149) Station Road, Margaret River                       | Caravan Park (Additions and Alterations)   | Approved  | P219650 |
| 05/11/2019 | Devin Moltoni  | 36 (Lot 30) Mansfield Avenue, Margaret River                    | Bed and Breakfast  | Approved  | P219666 |
| 08/11/2019 | Lezia Sandon   | 73 (Lot 236) McDermott Parade, Witchcliffe                      | Dwelling Additions (Outbuilding and Water Tank)  | Approved  | P219679 |
| 22/11/2019 | Lucy Gouws     | Unit 1/17 (Strata Lot 1 of Lot 11) Station Road, Margaret River | Holiday House (Renewal)  | Approved  | P219707 |
| 25/11/2019 | Lezia Sandon   | 14 (Lot 130) Tall Trees, Cowaramup                              | Holiday House  | Cancelled | P219709 |
| 28/11/2019 | Lara Hoole     | 202 (Lot 112) Brockman Highway, Karridale                       | Dwelling (Additions)   | Approved  | P219725 |
| 09/12/2019 | Lucy Gouws     | 3 (Lot 378) Peppermint Drive, Augusta                           | Amendment to Planning Approval P219252   | Approved  | P219764 |
| 09/12/2019 | Lucy Gouws     | Lots 14 and 45 Shepherdson Place, Margaret River                | Community Purpose (Margaret River Men's Shed) - Extension of Term of Planning Approval P217268 | Approved  | P219768 |
| 10/12/2019 | Devin Moltoni  | 208 (Lot 12) Bullant Drive, Forest Grove                        | Section 40 (Producer's Licence)  | Approved  | P219770 |
| 16/12/2019 | Lezia Sandon   | 208 (Lot 12) Bullant Drive, Forest Grove                        | Section 40 (Producer's Licence)  | Approved  | P219794 |

#### LEVEL 2 APPLICATIONS for determination

| Date Rec'd | Officer       | Address                               | Proposal               | Outcome of DAU Meeting | DA No.  |
|------------|---------------|---------------------------------------|------------------------|------------------------|---------|
| 13/11/2019 | Devin Moltoni | 2A (Lot 148) Georgette Road Gracetown | Proposed Holiday House | Approved               | P219689 |

#### MANAGEMENT OF VEGETATION ON SHIRE RESERVES

Nil

#### LOCAL LAW PERMITS

| Date Rec'd | Officer     | Address  | Proposal   | Outcome  | DA No.  |
|------------|-------------|--|--|----------|---------|
| 10/12/2019 | Emma Rogers | Reserve 41545 - Rivermouth   | Combi Coffee Mobile Food Business  | Approved | P219772 |
| 26/11/2019 | Emma Rogers | Reserve 41545 – Gnarabup beach   | Amendment to MR Surf Lifesaving permit to include term 1 2020 dates of operation | Approved | P219718 |
| 28/11/2019 | Emma Rogers | Reserve 41545 Gnarabup Oval and Riflebutts Prevelly  | Hanu Yoga  | Approved | P219724 |
| 16/12/2019 | Emma Rogers | Main Street, Augusta (Outside Newsagency/Cafe) and Main Street, Margaret River (Variable Locations and Outside Target) | Dua Act (Guitar / Vocals)  | Approved | P219796 |

#### OTHER APPLICATIONS determined under delegation

Nil

#### ELECTED MEMBERS ATTENTION

Nil

#### CLOSURE OF MEETING



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

**Proposed Holiday House (Large) at 2A (Strata Lot 1 of Lot 148) Georgette Road, Gracetown**

**Major (Level 2)**

**P219689; PTY/11533**

**REPORTING OFFICER : DM**  
**DISCLOSURE OF INTEREST : Nil**

| General Information                         |   |
|---|---|
| Lot Area                                    | 723m <sup>2</sup>   |
| Zone  | Residential R15   |
| Existing Development                        | <input checked="" type="checkbox"/> Single House<br><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 eight (8) short stay guests at any one time. The management arrangements are to be with Margaret River Holidays under property manager Carolyn McCarthy. |
| 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                               | 13/11/2019  |
| Date of Report                              | 13/12/2019  |



|  |   |
|--|---|
| Have there been any objections?  | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No   |
| Comments Received: 1   |   |
| <b>Nature of Submission</b>  | <b>Officer Comments</b>   |
| Objection with the following issues raised: <ul style="list-style-type: none"> <li>Short stay guests are very noisy and disturb the peace of the neighbourhood.</li> </ul> | As a response to the neighbours concerns the proponent has up dated the house rules to clearly identify any parties are prohibited at the property. Failure to comply, forfeiture of the guests' bond as a compliance mechanism. Further to prohibiting any form of parties or functions, the proponent has also responded by clearly outlining within the House Rules that guests respect the quiet character of the neighbourhood and be considerate of neighbours. |

|  |   |
|--|---|
| <ul style="list-style-type: none"> <li>The constant turnover of guests is irritating.</li> </ul> | <p>If approval is granted, it will be conditioned that “Amplified music shall not be played outside of the holiday house between the hours of 10pm and 10am”. The 24 hour contact details of the property manager will be required by condition to be displayed clearly on sign fronting the nearest road.</p> <p>The holiday House use, which includes a turnover of short stay guests, is a use that can be considered at the site under Local Planning Policy 7. The proponent has also attempted to reduce the impact of the short stay guest turnover by amending the management of the property to require a minimum of three nights per booking for guests in peak periods in response to the objection.</p> |
|--|---|

| 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   |
|                                | 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<br>EH officers are satisfied that the existing effluent system is adequate to accommodate 8 guests. |
|                                | 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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No   |
|                                | A BAL of 12.5 has been indicated in the BAL assessment. Following this, the required BMP has not yet been submitted prior to DAU. The proponent has indicated that a BMP is being produced and is expected within the week of DAU. It is recommended that the application proceed to DAU and that a determination within the standard time frame will be achieved with the submission of the BMP. |   |
|                                | 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 Manager of Planning and Development 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 2A 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 to P5 received by the Shire on the 13 November 2019 |
|--------------------------|--|

2. The Holiday House use permitted for a period of **12 months** from <date of this approval> to <end of date of approval>. (Refer to advice note 'a')
3. The approved Bushfire Emergency Evacuation Plan and Bushfire Management Plan shall be displayed in a conspicuous location within the dwelling at all times.
4. 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')
5. 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')
6. All vehicles & boats connected with the premises shall be parked within the boundaries of the property.
7. The short stay use of the dwelling shall not be occupied by more than **8 people** at any one time.
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 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) 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.
  - (i) 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.
- i) The proponent will need to ensure that the occupants of the holiday house comply with the requirements of the Environmental Protection (Noise) Regulations 1997.