

**DEVELOPMENT ASSESSMENT UNIT**  
**Minutes of the Development Assessment Unit**  
**Shire of Augusta Margaret River**  
**On 2 June 2020**

**ATTENDANCE**

Lucy Gouws, Chris Wenman, Chris McAtee, Jason Heine

**PLANNING APPLICATIONS RECEIVED**

Date Rec'd	Assess No.	Address	Proposal	DA No.
29/05/2020	A7149	25 (Lot 226) The Greenway, Margaret River	Bed & Breakfast	P220286
29/05/2020	A7472 A1701	6 (Lot 527) Pelican Rise, Augusta	Holiday House (Large)	P220287
02/06/2020	A8217 A6855	Lot 61 Sebbes Road, Forest Grove	Farm Building	P220288
03/06/2020	A8407	3 (Lot 201) Churchill Avenue, Margaret River	Holiday House (Renewal)	P220289

**BUILDING LICENCE APPLICATIONS RECEIVED**

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
29/05/2020	A12053	32 Lot 56 McDermott Parade, Witchcliffe	Rainwater Tank	220227
29/05/2020	A12600	Lot 414 Dunnart Close, Margaret River	Shed	220229
04/06/2020	A7123 A8999 A7123	52 Lot 19 Ashton Street, Margaret River	Single Dwelling and Swimming Pool	220231
04/06/2020	A7919	41 Lot 517 The Boulevard, Margaret River	Ancillary Accommodation	220232

**SUBDIVISIONS DETERMINED**

Nil

**LEVEL 1 APPLICATIONS determined under delegation**

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
06/03/2020	Lezia Sandon	Unit 4 / 35 (Lot 4) Stewart Street, Margaret River	Grouped Dwelling	Approved	P220159
26/05/2020	Lezia Sandon	2 (Lot 6) Honeytree Grove, Cowaramup	Section 40	Approved	P220276
27/05/2020	Lara Hoole	9 (Lot 65) Calabrese Close, Margaret River	Section 40	Approved	P220278

**LEVEL 2 APPLICATIONS for determination**

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
19/03/20	Matt Slocomb	7 (Lot 170) Earl Place, Margaret River	Holiday House	Approve	P220190

**MANAGEMENT OF VEGETATION ON SHIRE RESERVES**

Nil

**LOCAL LAW PERMITS**

Nil

**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 – 7 (Lot 170) Earl Place, Gracetown**

**Major (Level 2)**

**P220190; PTY/3250**

**REPORTING OFFICER : Matt Slocomb**  
**DISCLOSURE OF INTEREST : Nil**

General Information	
Lot Area	1215m <sup>2</sup>
Zone	Residential R15
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 6 short stay guests at any one time. The use is proposed to be managed by 'Swell Stays' and an approval term of 12 months is being considered.
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	19/03/2020
Date of Report	02/06/2020



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 checked="" type="checkbox"/> No <input type="checkbox"/> N/A
<b>Comments Received</b>	
Nature of Submission	Officer Comments
<p><b>Submission 1</b> Object to the proposal.</p> <p>Note owners have been renting property our several times prior to the submission of their application. We understand the application is for 6 people. On 21 March there were 5 cars and 10 people staying at the property.</p>	<p>Noted.</p> <p>Noted. The owner has indicated that this was friends staying down and was not rented commercially on these occasions.</p> <p>The Shire has not been able to locate any online listings attributable to the site to indicate that that commercial operation has commenced, therefore the</p>

	comments from both the submitter and applicant are difficult to verify.	
<b>Submission 2</b> Object to the proposal.  Have experienced noise issues with the property over the past year with people 'partying' until late on the deck of the property. This has occurred as recently as 17 and 18 April 2020.  The enclosing of the deck has appeared to amplify any noise and the new louvres are able to be opened to expose all sides of the deck. We would approve on the basis of a strict 9pm deck curfew as is in place for other holiday homes in the Shire.	See above comments in response to previous submitter.  The owner has included in the House Rules that noise is to be kept down from 9pm on decked areas, and amplified music is to be ceased by 10pm (which is a standard condition applied to Holiday House applications).	
<b>Policy Requirements</b>		
<b>Policy Element</b>	<b>Provision</b>	<b>Comment</b>
<b>Location</b>	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
<b>Design / Layout</b>	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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	<b>Comment</b> There is a combined capacity of 70,000L of water storage on the site. Accordingly, a condition has been enclosed requiring the provision of 120,000L prior to the commencement of the Holiday House Occupation on site.	
	Existing or proposed one site effluent disposal system sized accordingly to number of guests?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	<b>Comment</b> The applicant has provided a report from a licenced plumber on the existing effluent disposal systems on site, which has capacity for 5 guests. In order for this to be sized for 6 guests the leach drains would need to be extended by 1.3m each.  A condition has been enclosed on the approval limiting the use to short stay use to 5 people until it can be demonstrated to the satisfaction of the Shire that the on-site wastewater management system is of suitable design to cope with 6 guests on site.	
	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
	<b>Comment</b> Decking located to the northern side of the dwelling was approved in 2018 which required the implementation of vegetative screening between the subject site and Lot 152 Georgette Road to the north. A site inspection conducted during the course of the Shires assessment confirmed that the extent of landscape screening was not sufficient to maintain privacy between the sites in accordance with the Residential Design Codes requirements, accordingly a condition has been imposed to ensure that this is modified to be brought into compliance with the R-Codes.	
	Each bedroom accommodates a maximum of two persons?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	<b>Fire</b>	If within bushfire prone area a BAL provided?
<b>Comment</b> The site, including the majority of the dwelling is predominantly located outside a Bushfire Prone Area, and for this reason it was determine a BAL, Bushfire Management Plan and Bushfire Emergency Evacuation Plan was not required for this application.		
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
BAL rating at BAL-40 or FZ?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Management</b>	Management Plan submitted?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	BEEP provided	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	<b>Comment</b> As per the above comments.	

	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
<b>Recommended period of approval</b>	<input checked="" type="checkbox"/> 12 months <input type="checkbox"/> 3 years	

#### OFFICER RECOMMENDATION

That the Acting Statutory Planning Coordinator **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 7 (Lot 170) Earl Place, 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 P2 received by the Shire on 19 March 2020
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- The Holiday House use permitted for a period of **12 months** from the date of this approval (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.
- The short stay use of the dwelling shall not be occupied by more than **five (5)** people at any one time. This number may be increased to six (6) if it can be demonstrated to the satisfaction of the Shire that the on-site wastewater management system is of suitable design to cope with the higher number of people.
- Amplified music shall not be played outside of the holiday house between the hours of 10pm and 10am.
- 'House Rules' shall be developed to the satisfaction of the Shire 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')
- Any marketing material for this Holiday House shall include display of the planning approval reference number for this approval. (Refer to advice note 'g')
- Prior to commencement of the use, a minimum 120,000 litre potable water supply shall be provided for domestic use.
- Prior to commencement of the use, 75% solid surface area / obscured balustrading to a minimum height of 1.6 metres above the floor level shall be provided to the northern elevation of the deck balcony in accordance with clause 5.4.1 C1.2 of the Residential Design Codes.

#### ADVICE NOTES

- 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.
- 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 while the use is being undertaken.
- i) In relation to condition 12, this may include fixing, or the partial fixing of the louvres currently in place in the 'roofed deck' area.