

DEVELOPMENT ASSESSMENT UNIT
Minutes of the Development Assessment Unit
Shire of Augusta Margaret River
On 5 May 2020

ATTENDANCE

Lucy Gouws, Matt Cuthbert, Jason Heine, Chris Wenman, Chris McAtee

PLANNING APPLICATIONS RECEIVED

| Date Rec'd | Assess No. | Address | Proposal | DA No. |
|------------|---------------------------|--|---------------------------------------|---------|
| 28/04/2020 | A11526 | 2B (Lot 148) Georgette Road, Gracetown | Holiday House | P220231 |
| 28/04/2020 | A2556 | 218 (Lot 500) Bushby Road, Karridale | Subdivision | P220232 |
| 29/04/2020 | A3229 | 9 (Lot 196) Fairlawn Place, Molloy Island | Single Dwelling Addition | P220233 |
| 30/04/2020 | A2905 | 7 (Lot 136) Loch Street, Augusta | Holiday House | P220234 |
| 30/04/2020 | A11599 A12877 A4728 | 552 (Lot 3) Cowaramup Bay Road, Cowaramup | Farm Building - Agriculture Extensive | P220235 |
| 30/04/2020 | A11757 | 6/2 (Lot 111) Andrews Way, Margaret River | Section 40 | P220237 |
| 30/04/2020 | A5414 | 6 (Lot 39) Freycinet Way, Gnarabup | Addition | P220238 |
| 01/05/2020 | A6594 | 400 (Lot 61) Roxburgh Road, Margaret River | Bed and Breakfast (Renewal) | P220239 |

BUILDING LICENCE APPLICATIONS RECEIVED

| Date Rec'd | Assess No. | Address | Proposal | BLDG No. |
|------------|---------------------------|---|--------------------------------------|----------|
| 30/04/2020 | A2629 | 10 (Lot 67) Cabernet Place, Margaret River | Patio | 220180 |
| 28/04/2020 | A8078 | Unit 8 62 (Lot 118) Orchid Ramble, Margaret River | Single Dwelling | 220181 |
| 28/04/2020 | A336 | 3 (Lot 6) Redgate Road, Witchcliffe | Kitchen Fitout and Toilet Facilities | 220182 |
| 28/04/2020 | A5066 | 54 (Lot 101) Mansfield Avenue, Margaret River | Dwelling Additions | 220183 |
| 29/04/2020 | A12076 | 37 (Lot 196) McDermott Parade, Witchcliffe | Rainwater Tank | 220184 |
| 29/04/2020 | A12070 | 16 (Lot 73) McDowell Road, Witchcliffe | Rainwater Tank | 220186 |
| 30/04/2020 | A11599 A12877 A4728 | 522 (Lot 3) Cowaramup Bay Road, Cowaramup | Farm Shed | 220187 |
| 01/05/2020 | A9404 | 8 (Lot 127) Tall Trees, Cowaramup | Single Dwelling and Carport | 220189 |

SUBDIVISIONS DETERMINED

Nil

LEVEL 1 APPLICATIONS determined under delegation

| Date Rec'd | Officer | Address | Proposal | Outcome | DA No. |
|------------|----------------|---|---|----------|---------|
| 07/02/2020 | Clare Hamilton | 4 (Lot 61) Cercis Way, Margaret River | Dwelling Additions (Retaining Wall & Fencing) | Approved | P220090 |
| 18/02/2020 | Lucy Gouws | 7 (Lot 20) Offshore Crest, Margaret River | Bed and Breakfast (Renewal) | Approved | P220114 |
| 11/03/2020 | Devin Moltoni | 11 (Lot 123) Lesueur Place, Gnarabup | Outbuilding (Garage) | Approved | P220171 |
| 12/03/2020 | Matt Slocomb | 412 (Lot 412) Brockman Highway, Karridale | Outbuilding (Hay Shed) | Approved | P220178 |
| 26/03/2020 | Clare Hamilton | 9819 (Lot 29) Caves Road, Deepdene | Outbuilding | Approved | P220197 |
| 17/04/2020 | Lezia Sandon | 36 (Lot 142) Tonkin Boulevard, Margaret River | Single Dwelling - Addition (Retaining Wall) | Approved | P220218 |
| 21/04/2020 | Clare Hamilton | 9 (Lot 681) Lilac Link, Margaret River | Home Business (Legal Office) | Approved | P220224 |
| 30/04/2020 | Lezia Sandon | 6 (Lot 39) Freycinet Way, Gnarabup | Single Dwelling - Addition | Approved | P220238 |

LEVEL 2 APPLICATIONS for determination

| Date Rec'd | Officer | Address | Proposal | Outcome of DAU Meeting | DA No. |
|-------------------|----------------|---|---|---------------------------------------|---------------|
| 13/1/2020 | Clare Hamilton | 10 (Lot 1) Mann Street, Margaret River | Home Business (Holistic Counselling & Wellness Therapies) | Referred to Council for Determination | P220023 |
| 21/02/2020 | Devin Moltoni | 10 (Lot 120) Lesueur Place, Gnarabup | Dwelling and Ancillary Dwelling | Referred to Council for Determination | P220127 |
| 25/02/2020 | Lara Hoole | 75 (Lot 30) Kevill Road, Margaret River | Holiday House | Approved | P220137 |
| 17/3/2020 | Clare Hamilton | Units 1 & 4 / 12 (Lot 33) Station Road Margaret River | Holiday House (Renewal) | Approved | P220186 |

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: 75 (Lot 30) Kevill Road, Margaret River

Major (Level 2)

P220137; PTY/3732

REPORTING OFFICER : LH
 DISCLOSURE OF INTEREST : Nil

| General Information | |
|---|--|
| Lot Area | 28474m ² |
| Zone | Rural Residential (RR15) |
| Existing Development | <input checked="" type="checkbox"/> Single House <input type="checkbox"/> Grouped Dwelling |
| Nature of application | Holiday House (renewal) |
| Proposed use | A planning application has been received for a Holiday House. The existing dwelling is to be used to accommodate up to six (6) short stay guests at any one time. Previous planning approvals for a Holiday House have been granted, dating back to 2013. The most recent expired in 2017. Previous approvals allowed the Holiday House to be occupied by eight (8) guests. The existing management arrangements are to be retained by a local Holiday House managing agent. |
| 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 | 25/02/2020 |
| Date of Report | 1/05/2020 |

Location Map



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| Planning History | <ul style="list-style-type: none"> • Dwelling was approved (P22479) on 26/09/2002. • Detailed Area Plan was approved (P211179) on 24/08/2013. • Holiday House (Large) was approved (P213369) on 16/10/2013 to accommodate a maximum of eight (8) guests for 12months. • Subdivision of Lot 30 into 2 lots was approved in principle on 26/09/2014, but has since expired on 26 September 2017. • Holiday House (Large) was approved (P14476) on 10/11/2014 to accommodate a maximum of eight (8) guests for three (3) years. This expired on 26/09/2017. • Compliance matter (P219741) registered on 02/12/2019 for Illegal Use of Dwelling for Short Stay Purposes. Online advertisement for the Holiday House was for 3 x bedrooms and six (6) guests. |
| Is the application same as previous? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No The proposed number of guests has been reduced from 8 to 6. |

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| Have there been any objections? | √ Yes <input type="checkbox"/> No |
| Have there been any complaints over the recent period of approval? | <input type="checkbox"/> Yes √ No |
| Have there been any substantial changes to the LPS1 or Policy? | √ Yes <input type="checkbox"/> No |
| Officer comments: | <p>Changes to the policy have been made, for the assessment of this application the main changes have been in relation to bushfire assessment requirements.</p> <p>An updated Emergency Evacuation Plan, Bushfire Emergency Evacuation Plan report of BAL -29 have been submitted with the application.</p> <p>State Planning Policy 3.7 – Planning in Bushfire Prone Areas provides that a Holiday House is a ‘Vulnerable Use’ and such uses with a BAL rating that exceeds BAL Low require a Bushfire Management Plan. A Fire Management Plan for Ironstone Drive and Culhane Drive Margaret River was created at the time to support further subdivision of the area. This addresses the BMP requirement under the state policy.</p> |
| Comments Received | |
| Nature of Submission | Officer Comments |
| <p>Private Submission raised concerns with the following matters:</p> <p>No onsite manager, house becoming a party house, guests will not adhere to bushfire regulations, guests smoking and having open fires, an increase vehicular activity will be an issue to large number of protected wildlife.</p> | <p>Operation of a Holiday House does not require an onsite manager, but does require a manager to reside within 30m drive from the house. The appointed manager resides within 30m of the house,</p> <p>For the past 4 years the house was approved to accommodate 8 guests. The Shire has received no complaints in this time.</p> <p>The current application has reduced guest number from 8 to 6 to accord with the shires Short Term Accommodation policy (LPP7) of maximum of two guests per bedroom.</p> <p>The property is sited on a 3ha Rural Residential property, with substantial vegetation screening the residence from any adjoining properties.</p> <p>The site is to be managed by Inhouse Holidays (a local short stay accommodation management business). InHouse Holidays have provided a extensive house rules that guests are required to adhere to. These include (but are not limited to) the following:</p> <ul style="list-style-type: none"> • No parties or events • Guests are screened • No school leavers or students or large groups of unrelated people • Guests are required to complete an online booking form and agree to booking conditions before approval is given • Bond is required, of which guests may loose and/or be evicted if there are negative impacts on neighbours • 24/7 Manager available on call if there are any issues <p>A sign with the 24/7 Managers contact details is posted at the front of the property.</p> <p>There are no open fire pits provided for guests use. A gas BBQ is provided for the guests. The property complies to all bushfire regulations.</p> <p>The fire risk within the area is well highlighted in information provided to guests.</p> <p>Occupancy of the house for 6 guest is not considered to generate a greater amount of traffic than that of a 3 bedroom dwelling occupied as a permanent residence.</p> |

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| | Occupancy of the Holiday House is expected to be approximately 30% of the year. |
| Recommended period of approval | <input type="checkbox"/> 12 months <input checked="" type="checkbox"/> 3 years <input type="checkbox"/> 5 years The Holiday House use is considered to have been managed appropriately and therefore approval is recommended for 3-year approval. |

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 75 (Lot 30) Kevill Road, Margaret River 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.

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| Plans and Specifications | P1 received by the Shire on 25 February 2020. P2 received by the Shire on 22 April 2020. |
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- The Holiday House use is permitted for a period of **3 years** from **<end of previous period of approval>** to **<end of period of 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 to 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 ground level. The sign shall be erected within the property frontage and must be visible from the street front. (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 **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.
- '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')

ADVICE NOTES

- A new planning application seeking 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.
- 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.
- This approval does not affect the entitlement to use the dwelling for permanent residential purposes.
- You are advised of the need to comply with the requirements of the following other legislation:
 - Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises.
 - 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.
- The 'House Rules' document shall be consistent with key elements of the NSW Code for Holiday Houses (please refer to the attached document).
- 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 owner's responsibility to monitor and ensure that the planning approval remains valid while the use is being undertaken.



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

Proposed Holiday House (Renewal)
Units 1 & 4 / 12 (Lot 33) Station Road Margaret River

Major (Level 2)

P220186; PTY/2199

REPORTING OFFICER : **Clare Hamilton**
DISCLOSURE OF INTEREST : **Nil**

| General Information | |
|---|---|
| Lot Area | 1,834m ² |
| Zone | Residential R30/40 |
| Existing Development | <input type="checkbox"/> Single House <input checked="" type="checkbox"/> Grouped Dwelling |
| Nature of application | Holiday House (renewal) |
| Proposed use | A planning application has been received for the renewal of the Holiday House use at site. Previous planning approval P219070 was granted on 15 April 2019 for Holiday House use at three of the five units on site, this approval valid for an initial period of 12 months: Unit 1 - 6 guests Unit 2 – 4 guests Unit 4 – 4 guests. The subject application seeks renewal of the Holiday House use at only Unit 1 and 4. Unit 2 has been sold and the new owners do not wish to renew the short stay use at site at this time. A manager residing locally has been nominated to manage the Holiday House use. The duration of the approval sought in this case is three (3) years. |
| 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 | 17/03/2020 |
| Date of Report | 7/05/2020 |



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| | <p>It is also dealt with through the allocation of a local property manager close to site to deal with issues as they arise. House Rules provided by the proponent require guests to behave in a courteous manner in order to prevent adverse noise impact on neighbouring residents. The contact details of the property manager are also required to be displayed on the front of the Holiday House in order than neighbouring residents can have direct contact for any concerns.</p> <p>The site is located within the Residential zone (Local Planning Scheme No.1) within which a Holiday House is a discretionary use that can be considered by the Shire following advertising to adjoining owners.</p> <p>The location of the proposal remains consistent with the acceptable development standards of <i>Local Planning Policy 7- Short Stay Accommodation (LPP7)</i> being located in whole within the permissible area as shown on LPP7 Policy Map. The site is located in an area close to the town centre and service commercial zones where there are likely to be existing noise impacts to the surrounding residential area. The site is adjacent to Bussell Highway and there is an existing pattern of short stay land uses that have been approved and are operating in the locality. While there may be concerns about the location of the use in proximity to residential properties the use is not out of character with the nature of development in the area and the likely impacts arising from the proposal are considered able to be effectively managed to mitigate nuisance to neighbours.</p> <p>It is also noted that the outside decks/balconies of Units 1 and 4 are located on the northern side of the lot and not adjacent to any current residential development. Use of such areas and any noise from guest conversations outside is largely be contained away from existing adjoining residential properties.</p> |
| Recommended period of approval | <input type="checkbox"/> 12 months <input checked="" type="checkbox"/> 3 years <input type="checkbox"/> 5 years Recommend conditional approval. |

OFFICER RECOMMENDATION

That the Acting Statutory Planning Coordinator GRANT Planning Consent under Delegated Authority Instrument No. 16 pursuant to clause 68 (2) of the Deemed Provisions of Local Planning Scheme No. 1 for Holiday House Renewal at Unit 1 & 4, 12 (Lot 33) Station Road, 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.

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|--------------------------|---|
| Plans and Specifications | P1 to P5 received by the Shire on 17 March 2020 |
|--------------------------|---|

2. The Holiday House use is permitted for a period of **three (3) years** from **<end of previous period of approval>** to **<end of period of approval>**. (Refer to advice note ‘a’)
3. 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 to advice note ‘b’).
4. All vehicles & boats connected with the premises shall be parked within the boundaries of each strata unit and shall not be parked in common driveways or access areas.
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 ground level. The sign shall be erected within the property frontage and must be visible from the street front. (Refer to advice note ‘c’)
6. The Holiday House use of the Unit 1 shall not exceed **six (6) people** at any one time.
7. The Holiday House use of Unit 4 shall not exceed **four (4) 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. 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) A new planning application seeking 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:
 - (iii) *Health (Miscellaneous Provisions) 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).
- 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 owner's responsibility to monitor and ensure that the planning approval remains valid while the use is being undertaken.