

DEVELOPMENT ASSESSMENT UNIT
Minutes of the Development Assessment Unit
Shire of Augusta Margaret River
On 10 December 2019

ATTENDANCE

Chris McAtee, Chris Wenman, Lucy Gouws, Lara Hoole

PLANNING APPLICATIONS RECEIVED

| Date Rec'd | Assess No. | Address | Proposal | DA No. |
|------------|------------------|--|---|---------|
| 02/12/2019 | A2296 | 114 (lot 42) Blackwood Avenue, Augusta | Holiday House | P219736 |
| 03/12/2019 | A12082 | 1 (Lot 211) Walilya Way, Witchcliffe | Single Dwelling | P219745 |
| 03/12/2019 | A307 | 86 (Lot 33) Crozier Road, Rosa Brook | Agriculture Intensive (Yuzu Orchard) | P219746 |
| 03/12/2019 | A12102 | 4 (Lot 2) Formosa Street, Margaret River | Grouped Dwelling | P219748 |
| 03/12/2019 | A11127 | 19 (Lot 483) Stewart Street, Margaret River | Subdivision | P219752 |
| 03/12/2019 | A3188 | 15 (Lot 56) Coronation Street, Margaret River | Subdivision | P219753 |
| 04/12/2019 | A12843 | Lot 1032 Redgate Road, Witchcliffe | Amendment to Existing Structure Plan (Modification No. 3) | P219754 |
| 05/12/2019 | A3264 | 280 (Lot 9) Wilderness Road, Margaret River | Dwelling Additions | P219757 |
| 05/12/2019 | A11061 | 21 (Lot 77) Holbrook Street, Margaret River | Dwelling Additions (Patio) | P219760 |
| 05/12/2019 | A6804 | Unit 6, 5 (Strata Lot 6 of Lot 100) Station Road, Margaret River | Holiday House | P219761 |
| 06/12/2019 | A11532 A11233 | Lot 9504 Waverley Road, Cowaramup | Subdivision | P219766 |

BUILDING LICENCE APPLICATIONS RECEIVED

| Date Rec'd | Assess No. | Address | Proposal | BLDG No. |
|------------|---------------------------|--|--------------------------------------|----------|
| 03/12/2019 | A4289 | Reserve Conto Road, Boranup | Toilet Facility | 219501 |
| 03/12/2019 | A7674 | 29 The Boulevard, Margaret River | Unauthorised Works - Home Office | 219502 |
| 04/12/2019 | A6288 A2433 | 5 (Lot 101) Waverley Road, Cowaramup | Occupancy Permit - Child Care Centre | 219503 |
| 04/12/2019 | A21 | 18 (Lot 203) Albany Terrace, Augusta | Two Storey Dwelling | 219504 |
| 05/12/2019 | A5890 | 4 (Lot 291) Oak Glen, Margaret River | Patio | 219505 |
| 05/12/2019 | A6162 | 4 (Lot 136) Beech Drive, Margaret River | Patio | 219506 |
| 05/12/2019 | A12773 A12362 A5956 | 38 (Lot 106) Barrett Road, Rosa Brook | Patio | 219507 |
| 06/12/2019 | A12840 | 73 (Lot 236) McDermott Parade, Witchcliffe | Single Dwelling | 219511 |

SUBDIVISIONS DETERMINED

Nil.

LEVEL 1 APPLICATIONS determined under delegation

| Date Rec'd | Officer | Address | Proposal | Outcome | DA No. |
|------------|----------------|---|--------------------------------|----------|---------|
| 17/06/2019 | Lucy Gouws | 8 (Lot 100) Fearn Avenue, Margaret River | Built Strata | Approved | P219378 |
| 13/09/2019 | Lucy Gouws | 19/20 (Lot 70) Morris Road, Forest Grove | Ancillary Dwelling | Approved | P219552 |
| 25/09/2019 | Lara Hoole | 11 (Lot 464) Daisy Rise, Cowaramup | Dwelling Addition (Patio) | Approved | P219588 |
| 23/10/2019 | Devin Moltoni | 17 (Lot 48) Osborne Street, Gracetown | Holiday House | Approved | P219642 |
| 31/10/2019 | Devin Moltoni | 21 (Lot 143) Grunters Way, Gnarabup | Dwelling | Approved | P219654 |
| 04/11/2019 | Lucy Gouws | 150 (Lot 1) Bridgeland Road, Rosa Glen | Holiday House (Renewal) | Approved | P219660 |
| 05/11/2019 | Devin Moltoni | Unit 2/29 (Lot 42) Osborne Street, Gracetown | Chalet Additions / Alterations | Approved | P219662 |
| 08/11/2019 | Clare Hamilton | Unit 2/35 (Strata Lot 2 of Lot 15) Stewart Street, Margaret River | Holiday House | Approved | P219678 |
| 15/11/2019 | Lezia Sandon | 14 (Lot 101) Wishart Road, Augusta | Holiday House (Large) | Approved | P219695 |

| | | | | | |
|------------|---------------|---|--------------------------|-----------|---------|
| 15/11/2019 | Lucy Gouws | 53C (Lot 434) Ironstone Place, Margaret River | Holiday House (Renewal) | Approved | P219698 |
| 27/11/2019 | Lara Hoole | 47 (Lot 212) McDermott Parade, Witchcliffe | Dwelling and Water Tank | Approved | P219719 |
| 28/11/2019 | Lezia Sandon | 30 (Lot 62) Burnside Road, Cowaramup | Section 40 (Home Office) | Approved | P219729 |
| 03/12/2019 | Devin Moltoni | 1 (Lot 211) Walilya Way, Witchcliffe | Single Dwelling | Cancelled | P219745 |

LEVEL 2 APPLICATIONS for determination

| Date Rec'd | Officer | Address | Proposal | Outcome of DAU Meeting | DA No. |
|------------|------------|--|-------------------------|------------------------|---------|
| 13/08/2019 | Lara Hoole | 15 (Lot 59) Cidergum Loop, Margaret River | Dwelling | Approved | P219478 |
| 20/08/2019 | Lara Hoole | 8 (Lot 59) Casselton Grove, Margaret River | Holiday House (Renewal) | Approved | P219494 |

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 Dwelling, Retaining Wall and Fill: 15 (Lot 59) Cidergum Loop, Margaret River

Major (Level 2)

P219478; PTY/12289

REPORTING OFFICER : LH
DISCLOSURE OF INTEREST : Nil

| General Information | |
|---------------------------|---|
| Lot Area | 695m ² |
| Zone | Residential (R20) |
| Proposed Development | Single storey dwelling with 3 x bedrooms, 2 x bathroom and triple garage on a corner block. The property is located on the corner of Paperbark Crescent and Cidergum Loop. |
| Permissible Use Class | 'P' permitted. Variations to the RCodes 'deemed to comply' standards requiring assessment through planning application process. |
| Heritage/Aboriginal Sites | Not listed. |
| Encumbrance | <ul style="list-style-type: none"> Restrictive Covenant Benefit/Burden (developers design standards); 2 x Notifications (fire management plan and area close proximity to mosquitos). |
| Date Received | 13/08/2019 |

Aerial Extracts



| Policy Requirements | |
|--|--|
| Is the land or proposal referred to in any Council Policy? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| If yes, state the Policy/Policies | Local Planning Policy 4 – Boundary Fencing |
| Officer Comment | A 13.5m long retaining wall is proposed along a section of Paperbark Crescent street boundary. The retaining wall is proposed to be 250mm to 1.4m high from natural ground level. A section of |

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| | <p>the retaining wall for 5.4m is proposed to have 1m high balustrade bringing this to a height of 2.4m above natural ground level, (a variation to the 2.3m maximum height for a side fence). This is minor variation. The proposed retaining wall is to be constructed in coffee rock (local material consistent with the surrounding natural environment) and with see through balustrading on top enhancing safety and reducing potential building bulk impacts. The proposed retaining wall is set 5m from the boundary, well in excess of 1.5m minimum setback to provide adequate vehicle 'sight lines' standards of the Residential Design Codes. The proposed retaining wall and balustrading will enhance the streetscape and provide surveillance to the street.</p> | | |
| Structure Plans and Local Development Plans (DAP) | | | |
| Is the land in any Structure Plan Area or subject to a DAP? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | | |
| If yes, state the Policy/Policies | | Outline Development Plan Sussex Locations 2141, 2142, Lots 81 & 1002 Willmott Avenue & Forrest Road, Margaret River endorsed 11/12/2001. Detailed Area Plan Lots 422 – 427 Myrtle Lane, Riverslea 'adopted 21/01/2009. | |
| Officer Comment | The Detailed Area Plan was provided to address lots that backed onto the vegetated reserve. Design standards included open fencing and frontage towards to reserve with vehicle access via a laneway. The subdivision lot and road layout design changed at subdivision approval process to reduce fire risks. The DAP no longer applies. | | |
| Advertising/Agency Referrals | | | |
| Has the application been referred to adjoining landowners/agency? | | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No <input type="checkbox"/> N/A |
| Has a submission been received by Council? | | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No <input type="checkbox"/> N/A No. received: 1 |
| Have agency or authority comments been received? | | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input checked="" type="checkbox"/> N/A |
| Name | Nature of Submission | Officer Comment | |
| Private Submission (Objection) | <ul style="list-style-type: none"> We bought the block in Riverslea because of its size, view of the bushland, to be a little further from our neighbours, have more privacy because of the Residential Design Codes. The lot is supposed to respect a certain harmony between building as per the contract we have signed. If the 6m setback at the front is not respected it would mean that instead of having a complete overlooking of the forest from our future dwelling (we would have a nice view on the neighbour alfresco). The minimum setback of 2.2m is small setback especially when considering toilets and washing machine are located right on this side and that the building will be elevated not respecting the 7.5m setback for widows with the potential overlooking. To ampute 32% of it would mean more noise, less privacy. The same as 1.5m setback . Potential overlooking window should be fitted with screen to provide privacy. The retaining wall and the fence should not be a concern. None of the Code setbacks are respected. Reduced setback will impact our privacy, view and value of the block and future dwelling. | <p>The site of the application is located on the adjacent (western) site. Both lots are of similar size, with frontage directly opposite the bushland reserve to the south. The proposed development is not considered to impact the views of the adjoining lot. Lots of this density are allowed under the R-Code to have a section of wall along the common boundary, along one side only.</p> <p>The subject is a corner lot that addresses Cidergum Loop, with the pedestrian and vehicle access from Paperback Crescent. The dwelling will be setback 1.5m from Paperbark Crescent. The RCodes defines the primary street – <i>'unless otherwise designated by the local government, the sole or principal public road that provides access to the major entry (front door) to the dwelling or building'</i>.</p> <p>The front setback variation is to Paperbark Crescent. If the front door/access to the site was from Cidergum Loop the proposed development would comply with the 6m setback.</p> <p>During the course of the assessment of the application the proponent amended the plans by stepping the proposed retaining wall. Also the 4.5m retaining wall along the south-west common boundary has been reduced in height from 1.5m to 500mm. A second retaining wall is proposed setback 1.5m from the common boundary allowing for some landscaping within the 1.5m setback. The second retaining wall is proposed to have a 1.6m privacy screen on top and has reduced building bulk on the south-western common lot boundary and mitigated potential overlooking impacts.</p> <p>The property slopes from north-western corner of the site a cross to the south-east with a fall of approximately 3 metres. Is also an unusual shape.</p> <p>The south-western elevation of the proposed dwelling is 24m long. The dwelling is proposed to be cut into the north-western corner of the site. The height of the wall from natural ground level ranges from 1.822m to 3.664m with 75% of the wall less than 3m from natural ground level.</p> | |

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| | | <p>A standard dividing fence will provide screening. The dwelling is single story. The vacant adjoining lot to the west reflects the same fall across the site. A shadow diagram has been submitted with the site plan, showing 27% of maximum overshadowing acceptable standard on an R20 Coded lot. Overshadowing will be minimal. Adequate direct sunlight and ventilation to the building and open spaces on the site and adjoining properties will be accessible.</p> <p>Variations to the 'deemed to comply' standards may be considered through planning application process. Variations may be approved if the development meets the 'design principles' of the RCodes.</p> <p>The proposed Alfresco area that fronts the reserve along Cidergum Loop is setback 6.095m from the Cidergum Loop road reserve boundary and will not impact the adjoining property. Due to the layout of the dwelling on the property and that it appears to be interpreted that Cidergum Loop as the primary street setback as it addresses the street, the revised plans have been assessed as the elevation facing Cidergum Loop is the Primary Street setback even though access is via Paperbark.</p> | | |
| Has the application been referred to internal departments? | | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | <input type="checkbox"/> N/A |
| Assessment of Application | | | | |
| Is the land referred in the Heritage Inventory? | | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | |
| Are there any Contributions applicable? | | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | |
| Are there any compliance issues in relation to existing development? | | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | |
| R Codes | | | | |
| Are R Codes applicable? | | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | |
| Design Element | Policy / R Codes Req | Provided | Officer comment | |
| Front Setback | 6m | Cidergum Loop: 6.095m | Complies | |
| Sides Setback | Southwest Section of Bedroom2, Bathroom, Water Closet and Bedroom 3: 4.5m | 1.53m | Variation | |
| | Garage & Section of Bedroom 2: 1.5m | 1m | Variation | |
| Nil Side Setback to One Side Only | Southwest Behind front setback: 6m Walls not higher than: 3.5m Average height of 3m or less | 6.095m | Complies | |
| | | 3.664m | Variation | |
| | | 2.824m to 3.664m = average 3.244m | Variation | |
| | Maximum length: 9m | 7.09m | Complies | |
| Rear Setback | 1m | 1.9m | Complies | |
| Secondary Street Setback | 1.5m | Paperbark Crescent: 1.53m | Complies | |
| Garage/Carport Setback | 1.5m | 4.833m | Complies | |
| Driveway Width | 3m to 6m | 6m | Complies | |
| Outdoor Living Area | 30m ² | 200m ² | Complies | |
| Open Space Requirement | 50% | 64% | | |
| Upgrade Landscaping | <input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required | | | |
| Overlooking | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | | |
| Street surveillance | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | | |
| Street Walls and Fences | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | | |
| Overshadowing | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | | |
| Energy efficiency/solar access | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | | |

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|--|--|--|---------------------------------------|
| Site Works – Retaining Walls and Fill on boundary | Maximum height: 500mm | Paperbark Secondary Street: 250mm to 1.4m Rear: 480mm Side: 500mm | Variation Complies Complies |
| Other Variations | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | |
| Officer's Comments against performance criteria | <p>The proposed development includes the following variations to the 'deemed to comply' standards of the RCodes:</p> <ul style="list-style-type: none"> • Section of side elevation of dwelling (section bedroom 2, bathroom, water closet and bedroom 3) proposed to be setback 1.53m from south-western side boundary, (a variation to the 4.5m minimum side boundary setback); • Section of side elevation of dwelling (garage and section of bedroom 2) setback 1m from south-western side boundary, (a variation to the 1.5m minimum side boundary setback); • Section of wall of the dwelling with a nil south-western side boundary setback with a height of 3.66m and an average height of 3.24m, (a variation to the 3.5m maximum height and maximum 3m average height of a wall on a boundary standard); • Proposed 13.5m long retaining wall and fill 250mm to 1.4m high from natural ground level on Paperbark Crescent (Secondary Street) boundary, (a variation to maximum 500mm for retaining wall and fill on a boundary standard). <p>The 2 sections of this wall that is proposed to be setback 1m to 1.5m from the south-western side boundary has a combined length of 16.5m long ranging in height from 1.822m to 2.738m from natural ground level. The dwelling is single storey and a standard dividing fence will provide privacy screening.</p> <p>The south-western elevation of the proposed dwelling is 24m long is proposed to be cut into the north-western corner of the site. The height of the wall from natural ground level ranges from 1.822m to 3.664m. The highest section being the edge of a 7m long parapet wall on the side boundary. Only a small section of wall length (1.5m) exceeding the 3.5m maximum wall height.</p> <p>The property is an unusual shaped corner lot that slopes from north-western corner of the site across to the south-east with a fall of approximately 3 metres, similar to that of the adjoining property to south-west.</p> <p>The northern end of the property is 10.395m long and flares out at the south-eastern end to 21.23m unlike the more traditional rectangle shaped lots surrounding this property. The proposed dwelling is setback back into the corner of the lot where the site has the least slope and is proposed to be cut in 500mm. The garage is also proposed to have a lower finished floor level than the dwelling. The retaining wall on the south-western side boundary is stepped. The dwelling is set well back from the Cidergum Loop street boundary with a 1.5m high retained outdoor living area that is also setback 4.345m to allow for landscaping at the front of the dwelling to soften the built form. These design factors have been proposed to reduce building bulk impacts for the site, providing a positive contribution to the streetscape.</p> <p>The proposed 13.5m long retaining wall along the secondary street boundary is a response to the slope on the site and proposes to retain a small section along the side of the house to provide access around the side of the dwelling providing effective use of space. Open balustrading is proposed along the top of the retaining wall providing surveillance to the street. The design considers and responds to natural features of the site and generally respecting the natural ground level of the site.</p> <p>It is considered acceptable for properties on R20 coded lots to have a section of wall with a nil boundary setback to one side only. The proposed variation is minor and the proposed section of wall on the boundary will make more effective use of space on the unusual shaped sloping lot. A shadow diagram has been submitted with the proposal demonstrating an estimate of 27% of the maximum overshadowing permitted on R20 coded lot. Overshadowing will be minimal. The setback variations will not have any adverse impact on the amenity of the adjoining property.</p> <p>There are several variations to the south-western side boundary, however it is considered that the property will have adequate access to direct sun and ventilation to the building and open spaces on the site and adjoining properties without loss of privacy.</p> <p>The proposed development is considered to meet the design principles of the RCodes.</p> | | |
| Development Standards (Schedule 9) | | | |
| Are the Development Standards applicable? | | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| Car Parking | | | |
| LPS1 / R Codes Requirement | Car Bays Required -2 | Car Bays Proposed -3 | |
| Dimensions | 2.5 x 5.5m | <input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply | |
| Turning Bay/Circles and vehicle manoeuvring | <input type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply <input checked="" type="checkbox"/> N/A | | |

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|---|--|--|
| Disabled Bays | Disabled Bays – N/A | <input type="checkbox"/> Complies <input checked="" type="checkbox"/> Doesn't Comply |
| Building Height | | |
| Scheme / Policy Requirement | Wall - 7m | Roof - 8m |
| State the proposed building height | Wall – 3.83m | <input type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply |
| | Roof – 5.67m | |
| Clause 67 | | |
| A. In the opinion of the officer, would approval of the planning consent be appropriate under Clause 67 of the Deemed Provisions of the Scheme? | | |
| Officer Comment | Yes. | |
| B. In the opinion of the officer: | | |
| i. Are utility services available and adequate for the development? | Yes. | |
| ii. Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land? | Yes. Landscaping is proposed and a recommended condition of approval. | |
| iii. Has adequate provision been made for access for the development or facilities by disabled persons? | N/A | |
| iv. Is development likely to cause detriment to the existing and likely future amenity of the neighbourhood? | No. | |
| v. Is the development likely to comply with AS3959 at the building permit stage? | Yes. A BAL rating of BAL-29 (acceptable BAL) has been provided with the application. The development is also considered 'minor development' under State Planning Policy 3.7 – Planning for Building in Bushfire Prone Areas. | |
| Officer Comment | The proposed development is recommended conditional 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 Dwelling, Retaining Wall and Fill at 15 (Lot 59) Cidergum Loop, 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.

| | |
|--------------------------|---|
| Plans and Specifications | P1 to P3 received at the Shire on 28 November 2019. |
|--------------------------|---|

- If the development, the subject of this approval, is not substantially commenced within two (2) years from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has lapsed, development is prohibited without further approval being obtained. (P)
- All stormwater and drainage run-off from the development shall be detained within the lot boundaries, managed to pre-development flow regimes and/or disposed offsite by an approved connection to the Shire's drainage system in accordance with the Shire of Augusta Margaret River Standards & Specifications.
- Prior to issuing of a building permit details of the privacy screening to a height of 1.6m above finished floor level, shall be submitted to and approved by the shire to address overlooking to the adjoining south-western property. Screening shall meet the acceptable development standards of the *Residential Design Codes* at clause 5.4.1.
- The wall built on the boundary shall be finished to the satisfaction of the adjoining landowner, or in the case of a dispute to the satisfaction of the Shire.
- A Landscape Plan shall be prepared to the satisfaction of the Shire by a suitably qualified and/or experienced landscape consultant and shall be submitted to the Shire prior to the commencement of development. The Landscape Plan shall be drawn to scale and shall show the following:
 - The location, name and mature heights of existing and proposed trees and shrubs and ground covers;
 - Any lawns and paved areas to be established;
 - Any natural landscaped areas to be retained; and
 - Those areas that are to be reticulated or irrigated are demonstrated to be designed using water sensitive principles.

7. Landscaping shall be implemented, in accordance with the approved Landscape Plan, prior to occupation of the dwelling and shall be maintained at all times.

ADVICE NOTES

- a) You are advised of the need to comply with the requirements of the following other legislation:
 - (i) This is not a Building Permit. A Building Permit must be issued by the relevant Permit Authority before any work commences on site as per the *Building Act 2011*;
 - (ii) *Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises; and
 - (iii) The *Bush Fires Act 1954* as amended, Section 33(3), Annual Bush Fires Notice applies to this property.



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

Proposed Holiday House (Renewal) at 8 (Lot 69) Casselton Grove, Margaret River

Major (Level 2)

P219494; PTY/7130

REPORTING OFFICER : LH
DISCLOSURE OF INTEREST : Nil

| General Information | |
|---|--|
| Lot Area | 2105m ² |
| Zone | Residential (R5) |
| 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 the renewal of the Holiday House. As previously approved, the existing dwelling is to be used to accommodate up to six (6) short stay guests at any one time. The existing management arrangements are to be retained and the duration of the approval sought in this case is five (5) 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 | 20/08/2019 |
| Date of Report | 2/12/2019 |

Location Map



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| Planning History | A 12 month approval (P218255) was issued on 5/09/2019 for a holiday house for six (6) guests. |
| Is the application same as previous? | <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 complaints over the recent period of approval? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Not to the Shire. |
| Have there been any substantial changes to the LPS1 or Policy? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Officer comments: | Local Planning Policy 7 – Short Stay Accommodation was reviewed in 2018 and as an outcome changes were made to the minimum lot size supported for holiday houses. This was increased from a minimum lot size of 1000m ² to 1hectare. This property is (2105m ²) and no longer meets the minimum lot size standard. It is noted that this policy changes will not impact landowners who were previously granted planning approval and who do not allow this approval to lapse. The application was lodged prior to expiry date of the previous approval. |

| Comments Received | |
|--|---|
| Nature of Submission | Officer Comments |
| <p>Private Submission (Support)</p> <ul style="list-style-type: none"> • After 12 months trial (and we support the holiday house idea with reservations); • The noise factor – some form of noise mitigation in the form of trees/shrubs/bushes are required to help eliminate noise especially late night; • Privacy issue the back garden is quite exposed to visitors both visually and listening to conversations; • The Bamboo fencing is not adequate; • The guests are affecting the quietness by visitors that don't live here and enjoying time off. • We hope these issues can be addressed so that all parties involved can continue to enjoy this great location; | <p>Noted.</p> <p>The applicant advised that the garden was overgrown and presented a fire risk. The vegetation /screening was reduced to comply with the Shires Bushfire Attack Level requirements.</p> <p>Landscaping has been undertaken to provide screening around the property. The landowner proposes to plant additional planting to ensure screening is provided for the neighbours.</p> <p>During the course of the application the applicant reduced the maximum number of guests from 6 to 4 to reduce any potential noise impacts.</p> <p>The managing agent will deliver business cards to neighbours, so they have the agent's contact details and can let them know of any problems. This allows the agent to respond and deal with issues when they arise and keep an accurate record of any problems.</p> <p>The agent has been instructed to email the house rules to the guests upon confirmation of bookings and continue to make sure the house rules are left in a prominent place in the house.</p> <p>The agent has been instructed to deal swiftly with any guests who breach house rules.</p> |
| <p>Private Submission (Objection)</p> <ul style="list-style-type: none"> • Concerns are mainly noise and privacy; • Not enough screening against our joining fences. • There has been several times when guests have party to all hours of the morning, drinking, loud music and bad language. • This has been raised with Swell Holidays (Manager of the Holiday House); • The use is causing negative impacts to generally residential large quiet lots with young families; | <p>Additional landscaping to provided further screening is proposed.</p> <p>A request to provide further dates/details of noise/impacts from holiday house guests was forwarded to the submitter. No response has been received.</p> <p>The landowner advised that they were residing at the house over Christmas period with family and friends. During this period a neighbour had a New Year party with very loud music that went on to 4am.</p> <p>A letter from the managing agent 'Swell Holidays' advised that they were contacted once from a neighbour on 24 February 2019. The neighbour advised that the guests had been quite noisy the night before. The manager advised that they have been reminding all guests that the deck should not be used after 10pm. No other calls, voicemails or emails have been received. No one has called and given the management company the opportunity to rectify any issues. The contact details are visible and the manager is minutes away from the property.</p> |
| <p>Private Submission (Objection)</p> <p>The property is not within the CBD zoned and land size is below require area (i.e. 1 Acre)</p> | <p>Noted. If the application expires prior to an application for renewal for holiday house use the location for the holiday house use will not be supported.</p> |
| <p>Officer Comment</p> | <p>The concerns raised during the notification period have been addressed. In addition the surrounding landowners have been further encouraged to contact the management agent as soon as possible if any concerns arise and any issues can be managed.</p> <p>The Holiday House use of the property is considered to be suitable for a further 3 years.</p> |
| <p>Recommended period of approval</p> | <p><input type="checkbox"/> 12 months <input checked="" type="checkbox"/> 3 years <input type="checkbox"/> 5 years</p> |

The applicants requested a 5 year approval. However, the premises has only been approved for 12months. A 3 year approval is the interim approval time frame prior to granting a longer period of 5 years.

OFFICER RECOMMENDATION

That the Manager of 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 8 (Lot 69) Casselton Grove, 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.

| | |
|--------------------------|---|
| Plans and Specifications | P1 to P3 received by the Shire on 20 August 2019. |
|--------------------------|---|

2. 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)
3. The approved Bushfire Emergency Evacuation 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 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. 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 a maximum of **four (4) Adults with in the group of maximum of six (6) guests** 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 advice note f)
10. Any marketing material for this Holiday House shall include display of the planning approval reference number for this approval.
11. Within 30 days from the date of this approval details of either landscaping or privacy screening shall be submitted to and approved by the Shire. Landscaping or privacy screening is to be provided to the rear of the site to a height of 1.8m above natural ground level in order to address overlooking to the adjoining properties. Screening shall meet the acceptable development standards of the *Residential Design Codes* at clause 5.4.1. Screening or landscaping shall be implemented within 90 days of the date of this approval and maintained thereafter.

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:
 - (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 owner's responsibility to monitor and ensure that the planning approval remains valid.