

DEVELOPMENT ASSESSMENT UNIT
Minutes of the Development Assessment Unit
Shire of Augusta Margaret River
On 10 October 2017

ATTENDANCE

Angela Satre, Chris McAtee, Jason Heine, Chris Wenman, Ian McLeod, Lara Hoole & Lucy Gouws

PLANNING APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	DA No.
02/10/2017	A4196	164 (Lot 10) Exmoor Drive, Margaret River	Home Business (Processing of Honey)	P217600
03/10/2017	A5161	Unit 1 14 (Strata Lot 1 of Lot 205) Albany Tce, Augusta	Grouped Dwelling	P217601
02/10/2017	A605	33 (Lot 24) Georgette Way, Prevelly	Holiday House - Renewal	P217604
03/10/2017	A12415	20B (Lot 332) Wise Road, Margaret River	Ancillary Dwelling and Outbuilding Ancillary to Dwelling	P217605
03/10/2017	A432	780 (lot 1102) Fisher Road, Kudardup	Caravan Park - Installation of above ground fuel tank	P217606
04/10/2017	A12488	12 (Lot 297) Jenkins Road, Cowaramup	Dwelling	P217607
04/10/2017	A4334	6 (Lot 892) Allnut Terrace, Augusta	Dwelling	P217609
04/10/2017	A2365	128 (Lot 10) Bussell Hwy, Margaret River	Office Additions	P217610
04/10/2017	A7095 A1488	4/24 (Lot 35) Town View Terrace, Margaret River	Holiday House	P217611

BUILDING LICENCE APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
02/10/2017	A10984	Lot 158 Quinda Place, Margaret River	Carport and Store Room	217433
02/10/2017	A12066	Lot 69 McDowell Road, Witchcliffe	Single Dwelling and Shed	217434
04/10/2017	A4750	89/157 (Lot 688) Stevens Street, Margaret River	Occupancy Permit	217435
04/10/2017	A4753	Lot 4417 Rosa Glen Road Rosa Glen	Telstra mobile site installation	217436
05/10/2017	A12476	1 (Lot 253) Whiting Lane, Cowaramup	Single Dwelling	217438
05/10/2017	A8044	4 (Lot 337) Maculata Trail, Margaret River	Unauthorised Works Shed	217439
03/10/2017	A3645	Reserve 47956 Bussell Highway, Margaret River	Relocated Office Building	217440
06/10/2017	A11842	6 (Lot 8) Dobbins Place, Witchcliffe	Single Dwelling	217441
06/10/2017	A8380	5 Thomasia Court, Augusta	Two Storey Dwelling	217442
06/10/2017	A6840	6 Shilton Place, Margaret River	Patio	217443

SUBDIVISIONS DETERMINED

Date Rec'd	Officer	DA No.	Address	Description of Matter	Recommendation

LEVEL 1 APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
05/07/2017	Lara Hoole	77-79 (Lot 1) Blackwood Avenue, Augusta	Medical Centre Additions	Approved	P217404
21/08/2017	Lucy Gouws	10 (Lot 70) McDowell Road, Witchcliffe	Proposed Water Tank Ancillary to Dwelling	Approved	P217513
22/08/2017	Lucy Gouws	Lot 218 Coracina Avenue, Witchcliffe	Outbuilding and Water Tank Ancillary to Dwelling	Approved	P217516

LEVEL 2 APPLICATIONS for determination under delegation

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
26/07/2017	JP	213 (Lot 74) Wilderness Road Margaret River	Holiday House (Large) / Guesthouse (Renewal)	Conditional approval	P217456
4/09/2017	LG	4/19 (Lot 4) Auger Way, Margaret River	Club Premises (Martial Arts)	Conditional approval	P217541
4/07/2017	LH	33A (Lot 201) Le Souef Street, Margaret River	Holiday House	Conditional approval	P217288

LOCAL LAW PERMITS

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.

OTHER APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.

COMPLIANCE

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.

ELECTED MEMBERS ATTENTION

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.

CLOSURE OF MEETING



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

Proposed Holiday House (Large) / Guest House (Renewal) - 213 (Lot 74) Wilderness Road Margaret River

Major (Level 2)

P217456; PTY/1123

REPORTING OFFICER : Johan Pienaar / Angela Satre
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	32600m ²
Zone	Rural Residential
Existing Development	<input checked="" type="checkbox"/> Single House <input type="checkbox"/> Grouped Dwelling
Nature of application	Renewal
Proposed use	A planning application has been received for the renewal of the Holiday House / Guesthouse use at 213 (Lot 74) Wilderness Road Margaret River. As previously approved, the existing dwelling is proposed to continue to be used: <ul style="list-style-type: none"> As a Guesthouse to accommodate up to four (4) short stay guests while the owner resides on the premises; and As a Holiday House (Large) for up to 10 guests when the owner is not in residence. 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	26/07/2017
Date of Report	1/9/2017

Location Map



Planning History	A 12 month approval was issued on 1 October 2013 (P213374) for a Guesthouse for 4 people and a Holiday House (Large) for 10 people. A three (3) year approval (P214438) was issued on 6 October 2014 for a 'Guesthouse OR Holiday House (Large).	
Is the application same as previous?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Has the application been advertised to adjoining landowners?	<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	
Have there been any substantial changes to the LPS1 or Policy?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Officer comments:	During the advertising period for this application, one objection was lodged from a landowner in the nearby locality. The submitter was not a directly abutting neighbour. The objection was not to the impact of the land uses but rather to short stay accommodation in the locality in general. No complaints or concerns about the land uses on this site have been lodged to the Shire. Given these factors, the land uses are considered to be managed to not cause a nuisance to neighbours such that renewal of the land use is considered appropriate in this case. The application is recommended for conditional renewal for 5 years as provided in LPP7.	
Submissions Received – three submissions were received		
Nature of Submission	Comments Received	Officer Comment
Support	No reason for concerns	Submission is from a land owner in the nearby locality.
Indifferent	'I do not mind development that is in keeping with...the interests of the Wilderness Estate'	Submission is from an abutting land owner.
Objection	Do not want to be surrounded by short stay accommodation & this is not what we want for neighbouring lots.	Submission is from a land owner in the nearby locality. Comments are noted however they do not reflect concerns about the operation of the land use on the premises but rather object to short stay in general.
Recommended period of approval	<input type="checkbox"/> 12 months <input type="checkbox"/> 3 years <input checked="" type="checkbox"/> 5 years	
Any discretionary considerations under LPP7's performance criteria.	Nil	

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 Guesthouse OR Holiday House (Large) at 213 (Lot 74) Wilderness 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.

Plans and Specifications	P1 to P3 received by the Shire on 26 July 2017.
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- The uses, the subject of this Development Approval, are permitted to operate for **five years (5)** from the date of this approval (refer to advice note a).
- The Guesthouse is permitted to operate as follows:
 - The dwelling, in which the Guesthouse use is approved, shall be occupied as a residence by the operator of the Guesthouse at all times the Guesthouse use is in operation;

- b. The Guesthouse shall be occupied by a maximum of **four (4) guests** in two (2) bedrooms undertaking short stay accommodation.
4. The Holiday House (Large) use is permitted to operate as follows:
 - a. A manager or a contactable employee of the manager that permanently resides no greater than a 1-hour drive from the site shall be nominated for the Holiday House and this person shall attend to any callout within 1 hour 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).
 - b. The 24-hour contact details of the manager and owner of the Holiday House shall be visible on the property from the nearest street frontage and maintained to the satisfaction of the Shire (refer to advice note c).
 - c. All vehicles & boats connected with the premises shall be parked within the boundaries of the property.
 - d. The dwelling shall not be occupied by more than **ten (10) people** at any one time while being operated as a Holiday House (Large).
 - e. An Emergency Response Plan and Fire Management Plan shall be displayed in a conspicuous location within the development at all times.
 - f. Amplified music shall not be played outside of the Holiday House between the hours of 10pm and 10am.
 - g. '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)
5. Short stay means tourist accommodation set aside either continuously or from time to time for temporarily living purposes but which are not occupied by the same person or group of persons for a period in excess of three (3) months in any one 12 month period.

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. (P)
- 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. (P)
- c) A sign limited to a maximum of 0.2 square metres and not exceeding 1.5 metres in height from ground level may be erected at the property frontage and within the property. (P)
- d) This approval does not affect the entitlement to use the dwelling for permanent residential purposes. (P)
- 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). (P)



DEVELOPMENT APPLICATION ASSESSMENT (DAU)
Report to Manager Planning and Development Services
Proposed Club Premises (Martial Arts) at 4/19 (Lot 4) Auger Way, Margaret River

Major (Level 2)

P217541; PTY/10027

REPORTING OFFICER : **Lucy Gouws**
DISCLOSURE OF INTEREST : **Nil**

General Information	
Lot Area	207m ² (total Site area 2345m ²)
Zone	Industry
Proposed Development	Approval is sought for a change of use from 'Industry' to a Club Premises to provide for the operation of a Martial Arts Club. The applicant has provided the following details in respect to the proposal: <ul style="list-style-type: none"> • The use will comprise of one teacher with up to 15 students per class; • There will be 11 classes per week, operating the following times <ul style="list-style-type: none"> - Monday 4:30 – 8pm - Tuesday 4:30 – 8pm - Wednesday 4:30 – 7pm - Thursday Closed - Friday 4 – 7pm; • 15 minute break between classes; • No external alterations are proposed to the premises; • The applicant is intending on using the existing parking facilities on the side of the building (4 allocated to the premises, 20 bays in total).
Permissible Use Class	Club Premises 'A' use, advertising required.
Heritage/Aboriginal Sites	Nil
Encumbrance	Nil
Date Received	04/09/2017





Policy Requirements		
Is the land or proposal referred to in any Council Policy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Structure Plans and Local Development Plans (DAP)		
Is the land in any Structure Plan Area or subject to a DAP? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
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: 2		
Have agency or authority comments been received? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A		
Name	Nature of Submission	Officer Comment
Submitter 1 (Units 2 & 4)	Support	Noted.
Submitter 2 (Unit 4)	Indifferent - There is no enough parking for 15 cars. Existing business utilise all the parking at the front of the Site. Concerns the proposal will impact the current parking arrangement.	The proposed hours are intended to coincide with the closure of the other businesses being referred to by the submitter. The submitters business involves employees retuning to the Site to lock up business vehicles between the hours of 4 – 4:30 but there are occasions when employees return as late as 5pm. The proponent is aware of this and has addressed this concern. This matter is discussed in more detail under the comments section of this report.
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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Development Standards (Schedule 9)		
Are the development Standards applicable? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Car Parking		
LPS1 Requirement	Car Bays Required - 4	Car Bays Proposed – 4 (see discussions below under 'officers comment')
Dimensions	2.5 x 5.5m	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply
Turning Bay/Circles and vehicle manoeuvring	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply	
Disabled Bays	Disabled Bays – Not provided.	<input type="checkbox"/> Complies <input checked="" type="checkbox"/> Doesn't Comply
Officer Comment	Currently of the six (6) units, two (2) are vacant. The remaining four (4) are operating as industrial workshops for businesses such as a roofing company and an electrical company.	

	<p>Under Schedule 8 of LPS1 (the Scheme) there is not a specific parking rate that is applicable to a club premises.</p> <p>In the absence of a specific parking requirement, the local government determines the parking required in accordance with clause 5.8.2 of the LPS1 taking into account the nature of the proposed use, the number of people likely to be on the premises and the anticipated demand for visitor parking. In previous instances where approval has been sought for similar proposals it has been determined that the use would warrant a parking rate similar to that of a gymnasium or fitness centre, which is 1 space per 25m² of floor space and 1 space per 40m² administrative office space.</p> <p>The floor area of the unit is 186.6m² and no office space is proposed. In accordance with the above, this would translate to a parking requirement of five (5) bays. This requires an additional one (1) bay on top of the four (4) bays that have been allocated. The applicant has advised that classes will not consume the entire floor area, and it was more realistic to consider an area of 140m². The available and allocated four (4) bays is considered adequate considering the use will be limited to 15 people per class.</p> <p>It is also noted that classes will be conducted following the closure of three (3) of the four (4) other businesses on site, which will allow for the reciprocal use of some of the other 19 parking bays available on the site. At times when Unit 3 has employees returning later than 4:30 pm to the Site, the proponent will be required to ensure parking within the 9 bays on the side of the Site.</p> <p>To control this the proponent has prepared and agreed to implementing a Parking Policy that new members agree to and an Active Transport Plan to encourage members to utilise alternative modes of transport to the class.</p> <p><u>Parking Policy</u></p> <ul style="list-style-type: none"> • New customers will be made aware of the limited parking on site. This will also be posted on the website in an "Information to new members" page. • Customers for all 4.30pm classes will be given a parking plan and will be encouraged to use the parking down the side of the building, or organise a drop off and pick up at the end of the class. <p><u>Active Transport Plan</u></p> <ul style="list-style-type: none"> • Customers will be encouraged to ride share. • Students who are old enough will be encouraged to ride and their bikes and space will be provided to secure bikes inside the premises.
Building Height	
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
A. In the opinion of the officer:	
i. Are utility services available and adequate for the development?	A toilet is provided.
i. Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land?	None affected.
ii. Has adequate provision been made for access for the development or facilities by disabled persons?	Yes – a condition is recommended requiring identification of disabled bay on site.
iii. Is development likely to cause detriment to the existing and likely future amenity of the neighbourhood?	None
iv. Is the development likely to comply with AS3959 at the building permit stage?	N/A
Other Comments	
Any further comments in relation to the application?	
Officer Comment	Conditional approval is recommended.

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 Proposed Club Premises (Martial Arts) at Unit 4/19 (Lot 4) Auger Way, 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 received at the Shire on the 4 September 2017
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2. 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)
3. This approval limits the classes to a maximum of 15 students at any one time.
4. The approved use shall not operate outside the hours of:
 - i) Monday 4:30 – 8pm
 - ii) Tuesday 4:30 – 8pm
 - iii) Wednesday 4:30 – 7pm
 - iv) Thursday Closed
 - v) Friday 4 – 7pm.
5. All vehicles connected with the premises, including loading and unloading activities, shall be parked within the boundaries of the premises. (P)
6. The operator shall implement and adhere to the Active Transport Plan and Parking Policy approved by the Shire.
7. A disabled bay shall be provided prior to the commencement of the use. The disabled bay is required to be designed and line marked in accordance with *AS2890.6-Off Street Parking for People with Disabilities*.

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.
- b) To use the premises outside of the operating hours as specified in condition 4 will require a separate planning approval from the Shire.
- c) Signage for the development/use is not included in this approval and may require further planning approval from the Shire.



DEVELOPMENT APPLICATION ASSESSMENT (DAU)
Report to Manager Planning and Development Services
Proposed Holiday House: 33A (Lot 201) Le Souef Street, Margaret River

Major (Level 2)

P217288; PTY/4966

REPORTING OFFICER : LH
 DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	614sqm
Zone	Residential (R30/40)
Existing Development	<input checked="" type="checkbox"/> Single House <input type="checkbox"/> Grouped Dwelling
Nature of application	<input checked="" type="checkbox"/> New application <input type="checkbox"/> Renewal
Proposed use	Planning approval is sought for Holiday House use of a 3 x bedroom, 1 bathroom, single storey dwelling to accommodate a maximum of five (5) guests.
Permissible Use Class	'A' – discretionary use, requires advertising.
Advertising Required	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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	5/05/2017
Date of Report	9/10/2017

Location Map





Planning History		New Holiday House application.
Is the application same as previous?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Has the application been advertised to adjoining landowners?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Have there been any objections?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Comments Received		
Nature of Submission	Comments Received	Officer Comment
Private Submission (Objection)	Not in favour of this proposal as this is a residential area.	<p>The site is zoned Residential (R30/40), but is developed at a lower R20 density code. The property is identified in the Shire's <i>Local Planning Policy 7 - Holiday Houses</i> as a suitable location for short stay (within the 300m of Town Centre). Adjoining properties to the east are developed with a single residence and the adjoining property to the southeast and south are both developed with grouped dwelling x 2. Across the road to the west is the Police Station, to the north-west is the Fire Brigade and Woolworth Shopping Centre and across the road to the north is a Motel. The area has a mixed land use and is in walking distance to the main street (commercial business district, tourist facilities and amenities).</p> <p>Holiday House is a use that can be applied for in a Residential zone. A Holiday House use (to accommodate a maximum of five guests) is considered a use similar to that of a residential dwelling.</p> <p>The LPP7 provides a guideline timeframe for the first approval of Holiday House of 12 months. Upon reapplication, the Holiday House use will be advertised to surrounding landowners, providing them with an opportunity to comment. This process also provides an opportunity for the Shire to assess the suitability of the management of the use on this site.</p>
Private Submission	<ul style="list-style-type: none"> No objection to the Air 'B & B's operating either side in Le Souef Street. To date both homes have good neighbours. Concerns regarding traffic and parking. The parking is very close to the corner of Willmott Street, which is a busy corner particularly at school drop off times, Monday Court sessions, mid- 	<p>The proposed maximum number of guests has been reduced from six to five in accordance with Local Health Regulations. It is considered that traffic generated by 5 guests will be similar to that generated by the normal residential use of the dwelling.</p> <p>A new driveway/crossover onto Le Souef Street is proposed which will upgrade the parking facilities and improve the legibility of the access to the site. The proposed driveway would be setback 11.5m from where the carriage way begins to deviate or intersect, well in excess of 6m minimum setback standard of the RCodes. There are unobstructed sight lines at vehicle</p>

	<p>morning check of mail boxes, 5-6pm work finishing times, and shoppers at Woolworths.</p> <ul style="list-style-type: none"> • Could make a southern section of Town View and Le Souef one way? 	<p>access points and the driveway is to be constructed in accordance with the Shires Infrastructure Services specifications. The proposed driveway, in addition to the existing driveway on Willmott Avenue will result in 3 bays being provided on site in accordance with the parking requirements under <i>Local Planning Scheme No. 1</i>.</p>
Private Submission (Support)	Support	Noted
Department of Fire & Emergency Services (DFES)	The property does not fall into an area of designated bushfire prone area.	Noted
Policy Requirements		
Policy Element	Provision	Comment
1. Location	Coastal settlement; or	<input type="checkbox"/>
	Adjoins fronts or is within an area of "significant tourist attraction"; or	<input checked="" type="checkbox"/> The property is located within 300m of the Town Centre zone in the Margaret River townsite as defined on Policy Plan 1.
	Does not adjoin, fronts or is within an area of "significant tourist attraction but exceeds 1000m ² in area.	<input type="checkbox"/>
	R2.5 and R5 coded lots not sharing boundaries with more than 3 lots.	<input type="checkbox"/>
	Does the proposed <u>Holiday House (Large)</u> in an urban area meet the zoning and or location requirements under AD1.4 of the policy?	<input type="checkbox"/>
	R30 density code or lower for Holiday Houses within grouped dwellings.	<input type="checkbox"/>
	None of the Above	<input type="checkbox"/>
2. Occupancy	Does the proposed number of guests five (5) comply with the acceptable development criteria?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Proposed Holiday House can accommodate a maximum of five guests.
3. Amenity	Have there been any complaints since previous approval?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
	Complies with the objectives and provisions of the zone?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	For <u>Holiday House (Large)</u> , is sufficient information provided to assess potential impacts on local amenity.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
4. Design	Is the dwelling <u>of sufficient size</u> to cater for intended number of guests?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Initial proposal was to accommodate a maximum of six (6) guests but was reduced to a maximum of five (5) guests in accordance with Health Local Laws – to provide adequate ventilation and prevent overcrowding. The bedrooms can provide accommodation as per the following: Bedroom 1 (14.4sqm) - 2 guests Bedroom 2 (13.8sqm) - 2 guests Bedroom 3 (8.24sqm) - 1 guest It is recommended condition of approval that the maximum number of guests is five (5) at any one time.
	Is the dwelling <u>sufficiently serviced</u> to cater for intended number of guests?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Sufficient potable water supply?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

		Scheme water supply.
	Sealed Crossover	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No A sealed crossover is provided from Willmott Avenue. A second sealed crossover from Le Souef Street is proposed.
5. Management	Emergency Response Plan and Fire Management Plan submitted?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Management Plan submitted?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	No amplified music between 10pm & 10am	Require as a condition
	Display the manager's 24hr contact details	Require as a condition
6. Period of approval	<input checked="" type="checkbox"/> 12 months <input type="checkbox"/> 3 years	
Any discretionary considerations under LPP7's performance criteria.		N/A

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 Holiday House at 33A (Lot 201) Le Souef Street, 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 P2 received at the Shire on 5 May 2017.
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- The Holiday House use is limited to a period of **twelve (12) months** from the date of this approval. (P) (Refer to advice note 'a')
- An Emergency Response Plan (i.e. fire escape route maps and other details as required) and Fire Management Plan shall be prepared and submitted to the Shire prior to commencement of the use. The Emergency Response Plan and Fire Management Plan shall be displayed in a conspicuous location within the dwelling at all times. (P)
- A manager or a contactable employee of the manager that permanently resides no greater than a 1 hour drive from the site shall be nominated for the Holiday House and this person shall attend to any callout within 1 hour 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') (P).
- The 24 hour contact details of the manager and owner of the Holiday House shall be visible on the property from the nearest street frontage and maintained to the satisfaction of the Shire. (Refer advice note 'c') (P)
- All vehicles & boats connected with the premises shall be parked within the boundaries of the property. (P)
- The short stay use of the dwelling shall not be occupied by more than **five (5)** people at any one time. (P)
- Amplified music shall not be played outside of the Holiday House between the hours of 10pm and 10am.
- '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') (P)
- The proposed driveway and crossover shall be constructed prior to use of the dwelling as a Holiday House.

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. (P)

- b) In relation to condition 4, 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. (P)
- c) A sign limited to a maximum of 0.2 square metres and not exceeding 1.5 metres in height from ground level may be erected at the property frontage and within the property. (P)
- d) This approval does not affect the entitlement to use the dwelling for permanent residential purposes. (P)
- 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). (P)
- g) Vehicle crossovers are required to be designed and constructed in accordance with the Shire crossover standards and specifications, to the satisfaction of the Shires Infrastructure Services. (I)