

DEVELOPMENT ASSESSMENT UNIT
Minutes of the Development Assessment Unit
Shire of Augusta Margaret River
On 11 April 2017

ATTENDANCE

Chris Wenman, Angela Satre, Jason Heine, Lauren Bidesi, Johan Pienaar

PLANNING APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	DA No.
03/04/2017	A7180	2 (Lot 258) Blackbutt Trail, Margaret River	Home Business	P217222
03/04/2017	A7022	51 (Lot 19) Dallip Spring Road, Burnside	Holiday House	P217223
03/04/2017	A7951	89 (Lot 109) Baudin Drive, Margaret River	Guesthouse Renewal	P217224
03/04/2017	A9486	Unit 3 30 (Strata Lot 3 of Lot 39) Town View Terrace, Margaret River	Holiday House	P217225
03/04/2017	A1246	44 (Lot 33) Palmdale Avenue, Augusta	Dwelling Additions and Shed	P217226
03/04/2017	A4062	69/70/139 (Lot 1537) Glenarty Road, Kudardup	Dwelling	P217227
03/04/2017	A8356	271 (Lot 112) Redgate Road, Witchcliffe	Chalet Addition - Gazebo	P217228
04/04/2017	A7726	5 and 7 (Lots 98 and 99) Grunters Way, Gnarabup	Dwelling and Land Clearing	P217229
04/04/2017	A12265	20 (Lot 35) Greenwood Avenue, Margaret River	Dwelling	P217231
03/04/2017	A1235	42 (Lot 70) Bovell Avenue, Margaret River	Survey Strata	P217232
05/04/2017	A1865	1 (Lot 372) Storm Bay Road, Augusta	Holiday House	P217233
05/04/2017	A5448	22 (Lot 46) Freycinet Way, Gnarabup	Dwelling	P217234
05/04/2017	A7140	11 (Lot 210) Hunt Court, Margaret River	Dwelling Additions	P217235
05/04/2017		Main Street of Margaret River	Torchbearers for Legacy in WA - Selling Badges and Collecting Donations	P217236
05/04/2017	A2336	Lot 43 & 44 Hall Road, Cowaramup	Subdivision	P217237
06/04/2017	A1781	72 (Lot 14) Sabina Drive, Molloy Island	Dwelling Additions (Shed)	P217238
06/04/2017	A3899	Lots 13 and 14 Wallcliffe Road, Margaret River	Local Law Permit to Operate Tours by Horse Drawn Carriage	P217240
06/04/2017	A9803	33 (Lot 357) Dryandra Drive, Margaret River	Bed & Breakfast	P217241
07/04/2017	A5702	37 (Lot 168) Marmaduke Point Drive, Margaret River	Dwelling Additions (Garage)	P217242
07/04/2017	A1871	114/116 Armstrong Road, Cowaramup	Retrospective Approval for Additions to Caretakers Dwelling	P217243
07/04/2017	A11661	89 (Lot 101) Rickett Road, Cowaramup	Farm Building	P217244
03/04/2017	A7744	176 (Lots 1- 20) Cowaramup Bay Road, Cowaramup	Subdivision Appeal DR84/2017 and DR/85/2017	P217246

BUILDING LICENCE APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
07/04/2017	A2317	10 (Lot 112) Papadakis Avenue, Prevelly	Dwelling Additions	217159
07/04/2017	A10769	10 Abberton Lane, Cowaramup	Single Dwelling and Garage	217160
06/04/2017	A11029	456 (Lot 103) Treeton Road North, Cowaramup	Shed	217153
06/04/2017	A7163	1 (Lot 241) Blackbutt Trail, Margaret River	Ancillary Accommodation	217155
06/04/2017	A8053	317 (Lot 2281) Bramley River Road, Osmington	Chalet	217156
06/04/2017	A2064	81 (Lot 47) Terry Drive, Margaret River	Ancillary Accommodation	217157
06/04/2017	A3002	30 (Lot 240) Albany Terrace, Augusta	Retaining Wall	217158
05/04/2017	A12007	7 (Lot 18) Tipuana Terrace, Margaret River	Single Dwelling	217151
05/04/2017	A12006	5 (Lot 17) Tipuana Terrace, Margaret River	Single Dwelling	217152

05/04/2017	A11819	80 (Lot 751) Neilson Road, Rosa Brook	Hay Shed	217154
04/04/2017	A1213	41 (Lot 47) Percy Street, Cowaramup	Ancillary Accommodation	217147
04/04/2017	A6876	42 (Lot 13) Dallip Spring Road, Burnside	Granny Flat	217148
04/04/2017	A6831	49 (Lot 26) Mentelle Road, Margaret River	Dwelling Additions	217149
04/04/2017	A2641	23 (Lot 140) Langley Crescent, Gracetown	Two Storey Dwelling	217150
03/04/2017	A4539	Reserve 40709 #6 (Lot 202) Charles West Avenue, Margaret River	Retaining Wall	217143
03/04/2017	A3887	230 Railway Terrace, Margaret River	Demolition Shed	217144
03/04/2017	A2200	73 (Lot 5) Bussell Highway, Margaret River	Occupancy Permit Application	217146

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.
14/02/2017	Angela Satre	47 (Lot 182) Marmaduke Point Drive, Gnarabup	Dwelling Additions	Approved	P217110
14/02/2017	Lucy Gouws	211 (Lot 133) Blackwood Avenue, Augusta	Dwelling Additions (Garage)	Approved	P217112
27/02/2017	Lucy Gouws	1 (Lot 89) Edward Place, Margaret River	Holiday House (Renewal)	Approved	P217145
03/04/2017	Lucy Gouws	271 (Lot 112) Redgate Road, Witchcliffe	Chalet Addition - Gazebo	Approved	P217228

LEVEL 2 APPLICATIONS for determination under delegation

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
03/03/2017	LG	Lot 69 Baudin Drive, Gnarabup	Holiday House - Renewal	Approve	P217156
9/08/16	AS	Lot 1907 Rosa Brook Road, Rosa Brook	Reception Centre, Caretaker's Residence & Rural Produce Sales	Refuse	P216419

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 (Renewal) - Unit 1/21 (Lot 69) Baudin Drive, Gnarabup

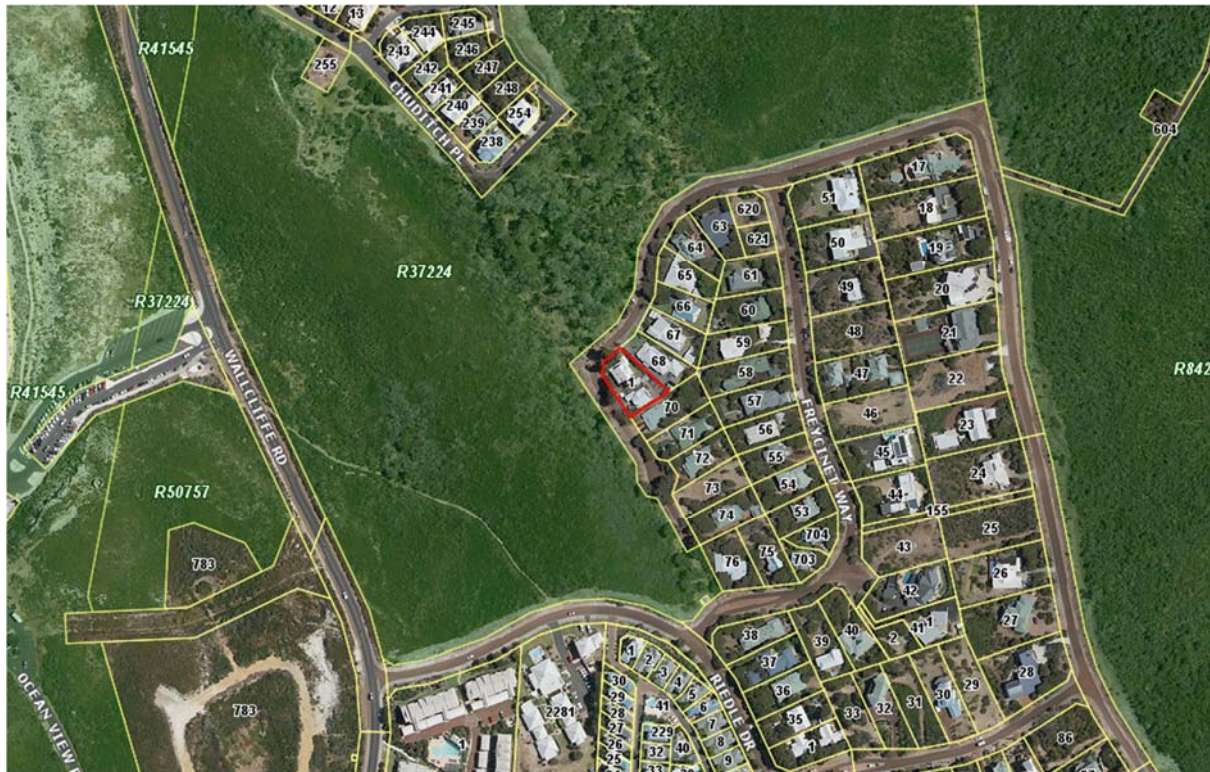
Major (Level 1)

P217156; PTY/6441

REPORTING OFFICER : Lucy Gouws
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	1028
Zone	Residential R17.5
Existing Development	<input type="checkbox"/> Single House <input checked="" type="checkbox"/> Grouped Dwelling
Nature of application	<input checked="" type="checkbox"/> Renewal
Proposed use	A planning application has been received for the renewal of the Holiday House (Large) use at Unit 1/21 (Lot 69) Baudin Drive, Gnarabup. 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	<input checked="" type="checkbox"/> Yes
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	03/03/2017
Date of Report	05/04/2017

Location Map



Planning History	A three (3) year approval (P214024) was issued on 23 April 2014 for a holiday house for six (6) number of guests.	
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	
Submissions Received		
Nature of Submission	Comments Received	Officer Comment
Support	Nil	Noted
Object	<p>Was not aware of previous approvals or that the dwelling is even being used as a holiday house.</p> <p>Have concerns in relation to increase in traffic and amenity impacts.</p>	<p>The neighbour was notified of the holiday house applications in 2013 as well as in 2014.</p> <p>In response to the objection the application received the proponent proposed the following measures to respond to the concerns raised in the submission:</p> <ul style="list-style-type: none"> • No pets are allowed. • The outdoor dining seta was reduced in size to discourage large groups from sitting outside socialising and creating unacceptable noise. • Fully enclosed the outside of the property to ensure privacy for the adjoining neighbours. • Removing the second double bed to discourage multiple families from leasing the property. • Increasing the tariff with IHH to a level to discourage younger groups. <p>Officers were satisfied with the proposed measures and recommended approval. The holiday house has now been operating for 4 years. No complaints were registered during this time.</p> <p>The issues raised in the submission is common to a view that holiday houses should not be permitted in residential areas. The issues raised are not specific to the subject property or any offsite impacts the use has caused. The neighbour indicates that she is not aware that the dwelling is being used for short stay purposes. This is testimony that the holiday house is appropriately managed.</p> <p>Further approval is recommended.</p>
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 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 Short Stay Accommodation at Unit 1/21 (Lot 69) Baudin Drive, Gnarabup subject to compliance with the following conditions/for the following reasons:

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	Plans P1 – P3 received on 3 March 2017
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2. The Holiday House use is limited to a period of **5 years** from the date of this approval. (P) (Refer to advice note a)
3. 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).
4. 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. (P)
5. All vehicles & boats connected with the premises shall be parked within the boundaries of the property. (P)
6. The short stay use of the dwelling shall not be occupied by more than **six (6) people** at any one time. (P)
7. An Emergency Response Plan and Fire Management Plan shall be displayed in a conspicuous location within the development at all times. (P)
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) (P)

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.
 - (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)



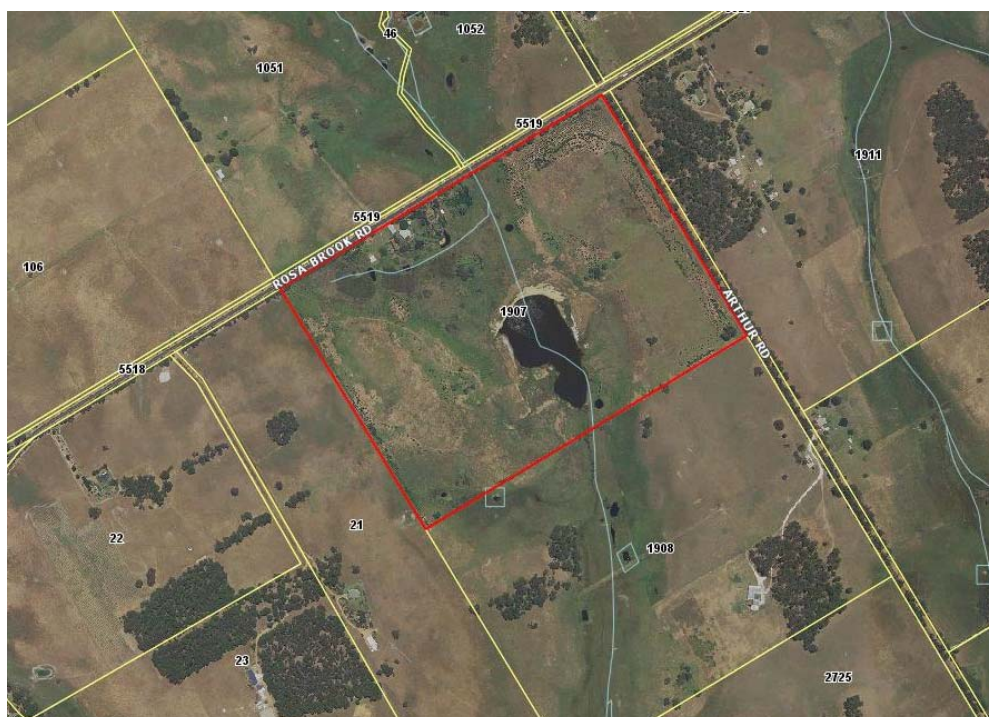
DEVELOPMENT APPLICATION ASSESSMENT (DAU)
Report to Manager Planning and Development Services
Proposed Reception Centre, Caretaker's Residence & Rural Produce Sales
at 1078 (Lot 1907) Rosa Brook Road Rosa Brook

Major (Level 1)

P216419; PTY/5957

REPORTING OFFICER : Angela Satre
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	48.5ha
Zone	General Agriculture SCA1
Proposed Development	<p>Reception Centre:</p> <ul style="list-style-type: none"> Use the existing 2ha garden as a wedding venue., functions and events ('The Garden; the farm shed; the Farm House, the Service Areas and incidental retail). "52 weekend weddings per year". Up to 200 people for each wedding. Use of an existing car parking area for 50 vehicles. Alterations and additions to the existing farm house for use as a wedding venue with a commercial kitchen, lounge & toilet facilities. <p>Caretakers Residence:</p> <ul style="list-style-type: none"> Change of use for the farm house to a caretaker's residence. <p>Retail outlet ('Rural Produce Sales'):</p> <ul style="list-style-type: none"> Alteration to the existing 'old dairy area' (30m² shed) for retail use associated with Reception Centre & Trufferie.
Permissible Use Class	<p>Reception Centre: 'A' advertising required</p> <p>Caretaker's Dwelling: 'X' not permitted</p> <p>Rural Produce Sales : 'D' discretionary approval required</p>
Heritage/Aboriginal Sites	No
Encumbrance	Nil
Date Received	09/08/2016





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? The application contained insufficient information in order to refer the application to neighbours for comments.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
Has a submission been received by Council?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A No. received: 0
Have agency or authority comments been received?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
Has the application been referred to internal departments?		<input type="checkbox"/> Yes <input 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<i>Officer Comment</i>	Yes, however they cannot be assessed in this case due to insufficient information.	
Car Parking		
LPS1 / R Codes Requirement	Car Bays Required - <50>	Car Bays Proposed - <50>
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	One bay	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply

Officer Comment	Schedule 8 of the Scheme requires one parking bay per 4 people. The proposal generates a requirement for 50 parking bays and this is consistent with the scale of the car park proposed.
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	Planning consent may be appropriate however inadequate information has been provided to enable a complete assessment of the proposal.
A. In the opinion of the officer:	
i. Are utility services available and adequate for the development?	No
i. Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land?	Yes there appears to be adequate landscape screening on site.
ii. Has adequate provision been made for access for the development or facilities by disabled persons?	Yes – this can be required as a condition of any approval granted.
iii. Is development likely to cause detriment to the existing and likely future amenity of the neighbourhood?	No
iv. Is the development likely to comply with AS3959 at the building permit stage?	A BMP was required to be submitted pursuant to Statement of Planning Policy 3.7 clause 5.5 for a 'vulnerable land use'. The proponent was advised in writing a number of times that a BMP was required however, no response has been received.
Other Comments	
Any further comments in relation to the application?	
Officer Comment	Written correspondence was sent to the proponent in August and December 2016 seeking further information in support of the application. Attempts were also made to contact the proponent by phone on numerous occasions and messages were left. No response has been received. Insufficient information has been provided to enable an assessment of the application and the application is recommended to be refused.

OFFICER RECOMMENDATION

That the Statutory Planning Coordinator REFUSES TO 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 a Reception Centre, Caretaker's Residence & Rural Produce Sales at 1078 (Lot 1907) Rosa Brook Road, Rosa Brook for the following reasons:

REASONS FOR REFUSAL

- The proposal fails to meet the requirements of *Statement of Planning Policy 3.7, Guidelines for Planning in Bushfire Prone Areas* ('the Guidelines'). The proposal is classified as a 'vulnerable land use' under clause 5.5 of the Guidelines. Insufficient information has been provided in the application to assess the proposal against the bushfire protection criteria in the Guidelines.
- The application fails to meet the Deemed Provisions of *Local Planning Scheme No. 1*, clause 63, by virtue of the following outstanding information:
 - A scaled floor plan and elevations of the existing dwelling and machinery shed showing the proposed alterations and change in use for these buildings;
 - Details of the days proposed to operate each weekend and the operating times and operating hours including clarification of public holiday and Christmas and Easter operations;
 - A site plan that is to scale and measurable showing the entire site and all natural features and existing and proposed development;
 - Details of the proposed retail component, the products that are proposed to be sold in the shed and their relationship to the Reception Centre and Intensive Agriculture.
- The proposed Caretaker's Dwelling is an 'X', not permitted use, in General Agriculture zone pursuant to Zoning Table 1 in *Local Planning Scheme No. 1*.