

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

ATTENDANCE

Angela Satre, Lucy Gouws, Kim Nolan, Johan Pienaar

PLANNING APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	DA No.
03/07/2017	A5408	39 (Lot 29) Riedle Drive, Gnarabup	Compliance - Unauthorised Construction of Outbuilding (Sea Container)	P217391
03/07/2017	A3251	45 (Lot 54) Mitchell Drive, Prevelly	Compliance - Unapproved Use of Dwelling for Short Stay	P217392
03/07/2017	A167	51 (Lot 15) Georgette Way, Prevelly	Holiday House (Renewal)	P217393
03/07/2017	A11076 A11520 A11544	Lot 2 Lovejoy Road, Cowaramup	Compliance - Unauthorised Development	P217394
03/07/2017	A5224	51 (Lot 7) Trinder Drive, Margaret River	Subdivision	P217395
03/07/2017	A11058	15 (Lot 74) Holbrook Street, Margaret River	Section 40	P217396
04/07/2017	A6753	12 (Lot 307) Fantail Place, Margaret River	Dwelling Additions (Patio)	P217397
04/07/2017	A2571	208 (12 Lot) Bullant Drive, Forest Grove	Dwelling	P217398
04/07/2017	A1335	29 (Lot 70) Georgette Road, Gracetown	Dwelling Additions and Alterations	P217399
04/07/2017	A5448	22 (Lot 46) Freycinet Way, Gnarabup	Dwelling	P217400
05/07/2017	A1696	4 (Lot 109) Papadakis Ave, Prevelly	Holiday House (Renewal)	P217401
05/07/2017	A10536	27 (Lot 710) Burke Circle, Cowaramup	Amendment to Planning Approval P216113 - Outbuilding	P217402
05/07/2017	A7945	77 (Lot 103) Baudin Drive, Gnarabup	Holiday House (Renewal)	P217403
05/07/2017	A797	77-79 (Lot 1) Blackwood Avenue, Augusta	Consulting Room Additions	P217404
05/07/2017	A10558	69 (Lot 9000) Brockman Road, Cowaramup	Subdivision	P217405
06/07/2017	A583	17 (Lot 7) Toy Place, Augusta	Holiday House (Large) - Renewal	P217406
05/07/2017	A8700	90 (Strata Lots 1 - 23 of Lot 101) Cowaramup Bay Road, Cowaramup	Scheme Amendment No. 57 to Local Planning Scheme No. 1	P217407
06/07/2017	A4534	Reuther Park (on north west corner of Wallcliffe Road / Bussell Highway Intersection) - Reserve 40107 Margaret River	Event Village - Cape to Cape Mountain Bike Race	P217408
07/07/2017	A11490	30 (Lot 552) Hudsbeth Way, Margaret River	Grouped Dwellings x 2 - Extension to Term of Approval P215234	P217410
07/07/2017	A1560	384 (Lot 1689) Miamup Road, Cowaramup	Chalets x 4 and Private Recreation (Horse Riding School)	P217411
07/07/2017	A700	96-108 (Lot 2) Bussell Highway, Witchcliffe	Compliance - Unauthorised Water Tank	P217412

BUILDING LICENCE APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
07/07/2017	A10929	15 (Lot 161) Pollock Lane, Margaret River	Two Storey Dwelling	217282
07/07/2017	A11490	30 (Lot 552) Hudsbeth Way, Margaret River	2 x grouped dwelling	217283
07/07/2017	A4335	4 (Lot 893) Allnut Tce, Augusta	Ancillary Accommodation	217284
07/07/2017	A10072	15 (Lot 479) Chenin Street, Cowaramup	Shed	217289
07/07/2017	A9406	12 (Lot 129) Tall Trees Court, Cowaramup	Two Storey Dwelling	217290
06/07/2017	A10581		Shed	217280
05/07/2017	A10161	5 (Lot 423) Coral Vine Cross, Cowaramup	Single Dwelling	217277
05/07/2017	A11679	10 (Lot 238) Stoneman St, Margaret River	Single Dwelling	217278

05/07/2017	A3899	51 Wallcliffe Road, Margaret River	Grandstand seating adjacent to pool	217279
04/07/2017	A11201	16 (Lot 535) Hibertia Terrace, Margaret River	Relocatable Single Dwelling	217275
04/07/2017	A10549	42 Burke Circle, Cowaramup	Single Dwelling	217276
03/07/2017	A5448	22 (Lot 46) Freycinet Way, Gnarabup	Single Dwelling	217271
03/07/2017	A9223	14 (Lot 59) Timber Court, Cowaramup	Single Dwelling	217272
03/07/2017	A12200	15 (Lot 25) Copse Way, Cowaramup	Single Dwelling	217273
03/07/2017	A12180	4 (Lot 2) Brookside Boulevard, Cowaramup	Single Dwelling	217274

SUBDIVISIONS DETERMINED

Date Rec'd	Officer	DA No.	Address	Description of Matter	Recommendation
20/06/2017	Matt Cuthbert	P217365	271 Rowe Road, Witchcliffe	Subdivision	Approve

LEVEL 1 APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
03/04/2017	Lara Hoole	Unit 3 30 (Strata Lot 3 of Lot 39) Town View Terrace, Margaret River	Holiday House Use of Existing Grouped Dwelling	Approved	P217225
04/04/2017	Matt Slocomb	5 and 7 (Lots 98 and 99) Grunters Way, Gnarabup	Dwelling, Ancillary Dwelling and Land Clearing	Approved	P217229
05/04/2017	Matt Slocomb	1 (Lot 372) Storm Bay Road, Augusta	Holiday House (Large)	Approved	P217233
22/05/2017	Lara Hoole	15 (Lot 479) Chenin Street, Cowaramup	Dwelling Additions (Shed)	Cancelled -exempt from planning approval	P217316
23/05/2017	Angela Satre	15 (Lot 103) Blain Street, Augusta	Holiday House	Approved	P217323
24/05/2017	Lara Hoole	90 (Lot 4231) Armstrong Road, Cowaramup	Section 40	Issued	P217327
26/05/2017	Angela Satre	19 (lot 425) Beech Drive, Margaret River	Dwelling	Approved	P217330
16/06/2017	Lucy Gouws	9a (Strata Lot 1 of Lot 53) Coronation Street, Margaret River	Section 40	Issued	P217361
21/06/2017	Johan Pienaar	173 - 175 (Lot 1033) Redgate Road, Witchcliffe	Telecommunications Infrastructure (Mobile Phone Tower)	Approved	P217370

LEVEL 2 APPLICATIONS for determination under delegation

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
06/06/2017	LG	Unit 32 / 20 (Strata Lot 32 of Lot 229) Riedle Drive, Gnarabup	Holiday House	Approve	P217342
08/03/2017	AS	Lot 67 Barrett Street, Margaret River	Holiday House (Large)	Approve	P217161

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.
05/05/2017	Angela Satre	LOT 32 JINDONG-TREETON ROAD, COWARAMUP	Compliance - Use of Land for Poultry Farm for Egg Production	Matter Concluded	P217281

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 at Unit 32 / 20 (Lot 229) Riedle Drive, Gnarabup

Major (Level 2)

P217342; PTY/6430

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

General Information	
Lot Area	Strata Lot 32 244m ² and the whole complex is 1.3ha
Zone	Residential R30 within SCA3
Existing Development	<input type="checkbox"/> Single House <input checked="" type="checkbox"/> Grouped Dwelling
Nature of application	Renewal
Proposed use	A planning application has been received for the renewal of the Holiday House use at Strata Lot 32, of Lot 229, Riedle Drive. As previously approved, the existing grouped dwelling is to be used to accommodate up to 6 short stay guests at any one time. The management of the Holiday House is to continue with Margaret River Beach Houses, which is intended to be retained. The duration of the approval sought in this case is 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	06/06/2017
Date of Report	10/07/2017





Planning History	<ul style="list-style-type: none"> - A 3 year approval (P214414) was issued on 10/10/2014 for a holiday house for 6 guests. - A 12 month approval (P213190) was issued on 25/06/2013 for a holiday house for 6 guests.
Is the application same as previous?	√ Yes <input type="checkbox"/> No
Has the application been advertised to adjoining landowners?	√ Yes <input type="checkbox"/> No
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?	<input type="checkbox"/> Yes √ No
Officer comments:	Nil

Submissions Received - 4		
Nature of Submission	Comments Received	Officer Comment
Objection	<ul style="list-style-type: none"> - Clients on short-term rental accommodation party loudly, are disrespectful of those nearby who work and want to conduct a tranquil lifestyle. - The neighbouring resort is more appropriate location, it has many rooms. - I prefer the Break to be for residents. 	<ul style="list-style-type: none"> - The comments appear too generalised and not specific to this particular property. There is no record of any complaints made to the Shire about the use of this particular grouped dwelling as a Holiday House. The manager of the Holiday House manages 11 other Holiday Houses within "the Break" and has provided a copy of the Management Plan. - The Scheme allows for Holiday Houses as a discretionary land use in the zone. The Break has a long history of being used for short stay accommodation. This specific holiday house has been operating for 4 years under Shire approval without any evidence of causing any adverse impacts on the amenities of adjoining grouped dwelling or the rest of the development. Submissions in support was received from other land owners in the development, expressing the view that the use is well managed. See summary of other submissions below. - Noted. See second dot point comment above.

Support	- I agree that this property should remain short stay as this was the original intention of the purpose of the Break.	- Noted.
Support	- As an owner of the adjacent property that is a long term rental, I believe Unit 32 to be well managed by Margaret River Beach Houses whose proprietor is personally available should there be any queries by short stayer or neighbours. - I support this application with the understanding that the short stay tenants / occupants will adhere to the existing by-laws of the Break.	- Noted. - Noted.
Support	No comments made.	
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 **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 Unit 32 / 20 (Lot 229) Riedle Drive, Gnarabup 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.

<i>Plans and Specifications</i>	P1 to P2 received by the Shire on the 6 June 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. Parking of trailers, boats and other equipment is only permitted within the car parking bays allocated to the Holiday House and must be contained entirely within the available car parking bays. The parking of trailers, boats and other equipment is not permitted within the visitor bays, road or verge. . (P)
6. The short stay use of the dwelling shall not be occupied by more than **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 Holiday House (Large) Renewal at 29 (Lot 67) Barrett Street, Margaret River

Major (Level 2)

P217161; PTY/5377

REPORTING OFFICER : Robyn Fergusson / Angela Satre
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	971 sqm
Zone	Residential
Existing Development	<input checked="" type="checkbox"/> Single House <input type="checkbox"/> Grouped Dwelling
Nature of application	<input type="checkbox"/> New application <input checked="" type="checkbox"/> Renewal
Proposed use	A planning application has been received for the renewal of the Holiday House (Large) use at 29 (Lot 67) Barrett Street, Margaret River. As previously approved, the existing dwelling is to be used to accommodate up to 8 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 3 years.
Permissible Use Class	'A' – discretionary use
Advertising Required	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>Note: Advertising is compulsory in the case of an "A" use.</i>
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	08/03/2017
Date of Report	4 July 2017

Location Map



Planning History	Planning approval granted for 12 months (P211342) in November 2011 as a reconsideration of a planning refusal for a Holiday House use. Planning approval was granted for 12 months (P215505) on 2 March 2016 for a Holiday House for 8 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 Although there were complaints received in the 2012 approval period (P211342) there is no record of subsequent complaints. A concern was raised in March 2016 from a nearby landowner about the noise of children at the premises until 1030pm and the need for a sign to be displayed at the premises. The complainant enquired about whether the disturbance should have been a Shire or Police matter. A date for the disturbance was not provided and the complainant did not follow up with a formal complaint.	
Have there been any substantial changes to the LPS1 or Policy?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Submitter	Comments Received	Officer Comment
One submission of 'objection' was received from a nearby landowner	<ul style="list-style-type: none"> • Concern that occupants have used the outdoor area fronting Elva Street for late night parties. • Noise concerns arising from the location of the deck fronting Barrett Street and adverse impacts to the amenity of the area. • Having 10 people occupy the house contravenes the policy. • Expectations of 8 guests is to <i>'have a good time which generally involves partying and alcohol...'</i> • Concern that in spite of 24 hours contact details being displayed, there is no guarantee that anyone will respond or address noise issues (this has been the case previously). 	<p>Complaints have historically been made about these issues however complaints have not been received since 2012.</p> <p>The proponent has provided a commitment to ensure guests are notified that noise must be kept to a minimum including for use of the deck area.</p> <p>Evidence of a sign at the premises displaying a number for the owner and manager has been provided. The manager has provided a commitment to ensure they are contactable 24 hours.</p> <p>While concerns have historically been raised, no complaints have been received since the original approval period in 2012. The objection refers to 10 guests and a revoked policy, however the application was amended in response to this concern in the previous application when guest numbers were reduced to 8. The proponent has provided an adequate response to the concerns that have been raised to the submission received such that the issues raised are considered to have been addressed.</p>
Recommended period of approval	<input type="checkbox"/> 12 months <input checked="" type="checkbox"/> 3 years <input type="checkbox"/> 5 years	
Any discretionary considerations under LPP7's performance criteria.	The applicant has submitted information to demonstrate that the use will be managed to mitigate impacts to the amenity of the area. It is considered that the use is being managed adequately such that approval for a three year approval period is recommended.	

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 a Holiday House (Large) Renewal at 29 (Lot 67) Barrett Street, 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.

<i>Plans and Specifications</i>	P1 to P2 received by the Shire on 16 October 2015
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2. The Holiday House (Large) use is limited to a period of **three (3) 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 one hour drive from the site shall be nominated for the Holiday House and this person shall attend to any callout within one 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 (refer to advice note c). (P)
5. All vehicles and 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 **eight (8) 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 provided to all guests to ensure that adverse impacts to the amenity of the area as a consequence of the short stay use of the dwelling are mitigated. (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 should be consistent with key elements of the *NSW Code for Holiday Houses* (please refer to the attached document). (P)