

DEVELOPMENT ASSESSMENT UNIT
Minutes of the Development Assessment Unit
Shire of Augusta Margaret River
On 12 February 2019

ATTENDANCE

Jason Heine, Angela Satre, Clare Hamilton, Jacinta McKinlay

PLANNING APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	DA No.
04/02/2019	A5797	8120 (Lot 20) Bussell Highway, Cowaramup	Section 40	P219068
04/02/2019	A4095	19 (Lot 74) Settlers Retreat, Margaret River	Home Occupation (Beauty Therapy)	P219069
04/02/2019	A2199	12 (Lot 33) Station Road, Margaret River	Holiday Houses (Units 1, 2 and 4)	P219070
04/02/2019	A11020	Portion of Reserve 41545 Surfers Point, Surfers Point Road, Prevelly	Wedding Ceremony on Shire Reserve - 6 April 2019	P219071
05/02/2019	A3879	Rotary Park, Bussell Highway Shire Administration Centre, Wallcliffe Road	Amendment to permit Johnny's Surf Shack	P219072
05/02/2019	A11020	Rivermouth, Reserve 41545 Shire Administration and Civic Centre, Wallcliffe Road	Amendment to mobile food business permit Kirk's Kitchen	P219073
06/02/2019	A730	1654 (Lot 87) Osmington Road, Osmington	Camp Ground (12 Camping Sites)	P219074
04/02/2019	A11020	Huzzas, Rivermouth and Gas Bay Surfing Competitions on Shire Reserves	Surfing Competitions on Shire Reserves - Cowaramup Bay Boardriders Junior Surfing Comps 2019	P219075
06/02/2019	A11020	Filming at Rivermouth - 19 February 2019 from 6am to 11am Reserve 41545 Prevelly	Filming at Rivermouth - 19 February 2019 from 6am to 11am	P219077

BUILDING LICENCE APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
04/02/2019	A12383	10 Lot 217 Sawmill Loop, Karridale	Single Dwelling	219062
05/02/2019	A9583	28 Lot 343 Honeysuckle Glen, Cowaramup	Single Dwelling	219063
05/02/2019	A10344	26 Lot 433 Daisy Rise, Cowaramup	Shed	219064
05/02/2019	A2549	26 Station Road, Margaret River	Industrial Unit	219065
05/02/2019	A12718	15 Lot 340 McCormick Crescent, Margaret River	Single Dwelling	219066
06/02/2019	A1128	8 Elva Street, Margaret River	Carport	219067
07/02/2019	A12059	Lot 62 McDermott Parade, Witchcliffe	Single Dwelling & Rainwater Tank	219068
07/02/2019	A3229	9 Lot 196 Fairlawn Place, Molloy Island	Additions to Existing Dwelling	219069
08/02/2019	A11852	2 Hogan Place, Witchcliffe	Shed	219070
08/02/2019	A227	1658 Osmington Road, Osmington	Unauthorised Work - Conversion of shed to dwelling	219071

SUBDIVISIONS DETERMINED

Nil

LEVEL 1 APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
30/08/2018	Leigh Medlen	Lots 104 and 105 Bussell Highway, Margaret River	Outbuilding Addition to Park Home Park	Approve	P218539
15/10/2018	Leigh Medlen	436 (Lot 11) Rosa Glen Road, Rosa Glen	Animal Husbandry (Poultry Farm), Rural Stall, Rural Produce Sales and Freestanding Sign	Approve	P218636
07/12/2018	Leigh Medlen	284 (Lot 64) Railway Terrace, Margaret River	Ancillary Dwelling	Approve	P218780
22/01/2019	Eileen De San Miguel	77 (Lot 1013) Heron Drive, Margaret River	Holiday House (Renewal)	Approve	P219051
31/01/2019	Angela Satre	6 (Lot 20) Sequoia Court, Margaret River	Holiday House (Large)	Cancelled	P219062

LEVEL 2 APPLICATIONS for determination

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
11/09/2018	Clare Hamilton	51 (Lot 112) Hermitage Drive, Margaret River	Holiday House	Conditional Approval	P218563

LOCAL LAW PERMITS

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
06/02/2019	Emma Rogers	Reserve 41545, Prevelly	Filming at Rivermouth - 19 February 2019 from 6am to 11am	Approve	P219077

OTHER APPLICATIONS determined under delegation

Nil

COMPLIANCE

Nil

ELECTED MEMBERS ATTENTION

Nil

CLOSURE OF MEETING



DEVELOPMENT APPLICATION ASSESSMENT (DAU)
Report to Manager Planning and Development Services
Proposed Holiday House at 51 (Lot 112) at Hermitage Drive, Margaret River

Major (Level 2)

P218563; PTY/5269

REPORTING OFFICER : Clare Hamilton
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	4,000m ²
Zone	Residential (R2.5)
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	To use the existing three (3) bedroom dwelling as a Holiday House for up to six (6) guests at any one time and the duration of approval being considered is one year. Note: This application is assessed and determined under <i>Local Planning Policy 7 (LPP7) – Holiday Houses</i> (in place prior to 13 September 2018).
Permissible Use Class	'A' – discretionary use
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	11/09/2018
Date of Report	11/02/2019 (Additional information on septics received 21/01/19 and permit to use issued on 8/02/19)





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 Two submissions noting objection received.
General Information	
Comments Received	Officer Comment
Objection <ol style="list-style-type: none"> 1. Concern with regards noise generated by holiday makers 2. Concern with regards security issues of people around the property. 3. Query whether information is provided to guests with regards fire restrictions. 4. Concern over number of holiday houses in the immediate area. 	<p>The application includes house rules and nomination of a property manager (local agent) close to site to deal with amenity issues as they arise. House rules provided by the proponent require guests to behave in a courteous manner in order to prevent adverse noise impact to neighbouring residents. A bond is also taken on booking and any infringement of the house rules may result in eviction from the premises, loss of bond and/or a forfeit of all monies paid.</p> <p>Security issues are not a valid planning objection and cannot evidentially be linked to the operation of a holiday house.</p> <p>A Bushfire Emergency Evacuation Plan (BEEP) was submitted with the application in accordance with the <i>Guidelines for Planning in Bushfire Prone Areas</i>. The BEEP provides appropriate advice, contingency and response measures for guests to follow in the event of an emergency. A standard condition is included in any Holiday House approval requiring the BEEP to be displayed in a conspicuous location at all times.</p> <p>The location of holiday house is consistent with the acceptable development requirements of LPP7 (in place prior to 13 September 2018) being located on a lot greater than 1,000m² in area. The proposed holiday house is therefore considered on this basis and in light of meeting other acceptable development requirements of LPP7.</p>
Objection <ol style="list-style-type: none"> 1. The objector notes there is another existing holiday house adjoining their property and is often inundated with large groups partying into the night 	<p>Applications are assessed individually and on their merits. The operation of other holiday houses is a matter that is managed through compliance of those operators with their conditions of planning approval. Should approval be granted for the proposal, the proponent will be required to</p>

<p>2. Concern over noise generated by large groups of guests and detrimental impact on the peace and amenity of the area</p> <p>3. Negative impact on the resale value of all adjacent properties</p> <p>4. What controls does the Shire have in place to enforce a maximum of 6 guests at the proposed holiday house?</p>	<p>manage their property effectively in accordance with any approvals.</p> <p>Issues with regards amenity are proposed to be managed as described previously.</p> <p>Resale value is not a valid planning objection and cannot evidentially be linked to the operation of a holiday house.</p> <p>The number of guests permitted at the property at any one time is controlled by a condition of any planning approval granted. Should approval be granted in this instance the maximum number of guests would be limited to 6 at any one time. This generally consistent with the maximum occupation of a typical dwelling of this size (3 bedroom).</p>
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Internal Department Referrals

Department Comment	Officer Comment
<p>Health Services Septic approval/plan is located in building licence application 960389 approved 3/10/1996. The approval states two septic tanks 1500mm and 1200mm diameter and 2 x 12 metre alternating leach drains. The Shire has no record of a Permit to Use Apparatus being issued, the applicant requires to submit an 'As Constructed Plan' to the Shire Health Officer.</p>	<p>The proponent confirmed that the system has been inspected and submitted an 'As Constructed Plan' confirming 2 septic tanks and 2x12 metre leach drains. The Shire's Health Officer has assessed the 'As Constructed Plan' and confirms that the system is adequate for use as a holiday house for up to six people. A 'Permit to Use' was issued to the proponent by Health Services on 8 February 2019.</p>

Policy Requirements

Policy Element	Provision	Comment
Location	Coastal settlement; or	<input type="checkbox"/>
	Adjoins fronts or is within an area of "significant tourist attraction", or	<input type="checkbox"/>
	Does not adjoins, fronts or is within an area of "significant tourist attraction" but exceeds 1000m ² in area.	✓
	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	
Occupancy	Does the proposed number of guests (six) comply with the acceptable development criteria?	✓ Yes <input type="checkbox"/> No
Amenity	Have there been any complaints since previous approval?	<input type="checkbox"/> Yes <input type="checkbox"/> No ✓ N/A
	Complies with the objectives and provisions of the zone?	✓ 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 ✓ N/A
Design	Is the dwelling of <u>sufficient size</u> to cater for intended number of guests?	✓ Yes <input type="checkbox"/> No
	Is the dwelling <u>sufficiently serviced</u> to cater for intended number of guests?	✓ Yes <input type="checkbox"/> No See comments under Health Services referral above
	Sufficient potable water supply?	✓ Yes <input type="checkbox"/> No Connected to scheme water
	Sealed Crossover	<input type="checkbox"/> Yes ✓ No
	One parking bay per bedroom is provided for a Holiday House, and Holiday House (Large)	✓ Yes <input type="checkbox"/> No Space for 3 cars adjacent to dwelling on existing driveway

	Decks and balconies located away from the bedrooms of neighbouring dwellings and, if located close to living and dining areas of neighbouring dwellings, suitable screening is provided?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Verandahs are located on the south, west and east elevations of the proposed Holiday House. There is existing established vegetation on all lot boundaries providing screening to adjoining neighbours.
Management	Emergency Response Plan and Fire Management Plan submitted?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Refer comments below
	Management Plan submitted?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No A local holiday let agent located in Margaret River town site is proposed as the manager. House Rules and guest terms and conditions are provided with the application.
	No amplified music between 10pm & 10am	Require as a condition
	Display the manager's 24hr contact details	Require as a condition
Period of Approval	<input checked="" type="checkbox"/> 12 months <input type="checkbox"/> 3 years	
Any discretionary considerations under LPP7's performance criteria.	<p>A BAL report has been submitted indicating the site has an applicable BAL rating of BAL-LOW. As a result of the BAL-LOW rating the application is not required to submit a Bushfire Management Plan including a statement against Appendix 4 – Acceptable Solutions of <i>State Planning Policy 3.7 – Planning in Bushfire Prone Areas</i>.</p> <p>A Bushfire Emergency Evacuation Plan (BEEP) has been provided as per the Shire's template and to the required standard.</p> <p><u>Conclusion</u> Following assessment against LPP7 it is considered that the intensity of the proposed use is no greater than the usual residential use of the property and the above items can be managed through application of appropriate conditions. The application is recommended for conditional approval for 12 months.</p>	

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 51 (Lot 112) Hermitage Drive, 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 P2 received at the Shire Office on 11 September 2018
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2. The Holiday House use is limited to a period of **twelve (12) months** from the date of this approval. (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)
4. The 24-hour contact details of the **Manager** of the Holiday House shall be visible on the property from the nearest street frontage and maintained to the satisfaction of the Shire.
5. All vehicles & boats connected with the premises shall be parked within the boundaries of the property.
6. The short stay use of the dwelling shall not be occupied by more than **six (6) people** at any one time.

7. The Bushfire Emergency Evacuation Plan shall be displayed in a conspicuous location within the development at all times.
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.

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) 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.
- 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.