

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

ATTENDANCE

Chris Wenman, Jason Heine, Devin Moltoni, Chris McAtee

PLANNING APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	DA No.
04/11/2019	A3208	10 (Lot 11) Memorial Drive, Cowaramup	Private Recreation (Addition to Bowling Club)	P219658
04/11/2019	A486	10 (Lot 4) Higgins Street, Margaret River	Bed and Breakfast (Renewal)	P219659
04/11/2019	A1532	150 (Lot 1) Bridgeland Road, Rosa Glen	Holiday House (Renewal)	P219660
05/11/2019	A4758	Unit 2/29 (Lot 42) Osborne Street, Gracetown	Chalet Additions / Alterations	P219662
05/11/2019	A2337	8 (Lot 34) Bayview Drive, Gracetown	Holiday House	P219663
05/11/2019	A9193	9 (Lot 29) Tinglewood Court, Cowaramup	Single Dwelling	P219664
05/11/2019	A4612	36 (Lot 30) Mansfield Avenue, Margaret River	Bed and Breakfast	P219666
06/11/2019	A9244	18 (Lot 80) Holly Place, Cowaramup	Cancelled	P219667
08/11/2019	A2147	6 (Lot 25) Irwin Street, Augusta	Dwelling Additions (Balcony)	P219673
08/11/2019	A2945	48 (Lot 1) Isaacs Road, Margaret River	Holiday House (Large)	P219675
08/11/2019		255 (Lot 11) Wilderness Road, Margaret River		P219676
08/11/2019	A8549	Lot 571 Devon Drive, Margaret River	Building Envelope Variation	P219677
08/11/2019	A12583	Unit 2, 35 (Strata Lot 2 of Lot 15) Stewart Street, Margaret River	Holiday House	P219678
08/11/2019	A12840	73 (Lot 236) McDermott Parade, Witchcliffe	Dwelling Additions (Outbuilding and Water Tank)	P219679

BUILDING LICENCE APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
04/11/2019	A12203	Lot 39 Brookside Boulevard, Cowaramup	Single Dwelling	219464
06/11/2019	A10195	9 Lot 641 Abelia Avenue, Margaret River	Single Dwelling	219465
07/11/2019	A3208	6-18 Memorial Drive, Cowaramup	Shelter Roof	219466
07/11/2019	A12326	Lot 118 Mentelle Road, Kilcarnup	Single Dwelling	219468
07/11/2019	A10127	Unit 2 40 Grunters Way, Gnarabup	2 Storey Dwelling	219469
08/11/2019	A1871	114 Lot 61 Armstrong Road, Cowaramup	Shed	219471

SUBDIVISIONS DETERMINED

Nil

LEVEL 1 APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
05/07/2019	Clare Hamilton	4 (Lot 211) Bole Way, Karridale	Dwelling, Outbuilding (Shed) and Water Tank	Approved	P219417
07/08/2019	Clare Hamilton	261A and 261B (Strata Lots 1 and 2 of Lot 2954) Fifty One Road and 168 (Lot 2953) Clews Road, Cowaramup	Section 40 (Wine Storage)	Approved	P219470
09/09/2019	Lara Hoole	23 (Lot 28) Cidergum Loop, Margaret River	Dwelling, Boundary Fencing, Retaining Wall & Fill	Approved	P219540
27/09/2019	Clare Hamilton	2 (Lot 66) Settlers Retreat, Margaret River	Dwelling Additions (Patio and Outbuilding (shed))	Approved	P219594
01/10/2019	Devin Moltoni	49 (Lot 553) The Boulevard, Margaret River	Dwelling Addition - Outbuilding (Garage)	Approved	P219595
14/10/2019	Lara Hoole	Lease Site 3 The Sandtrack 423 (Lot 2703) Sebbes Road, Forest Grove	Dwelling Additions (Lean-to Addition to Existing Outbuilding/Shed)	Approved	P219618
22/10/2019	Lucy Gouws	Unit 2, 38 (Strata Lot 2 of Lot 123) Georgette Road, Gracetown	Holiday House	Approved	P219640
29/10/2019	Devin Moltoni	13 (Lot 56) Freycinet Way, Gnarabup	Bed and Breakfast	Approved	P219651

04/11/2019	Lucy Gouws	10 (Lot 4) Higgins Street, Margaret River	Bed and Breakfast (Renewal)	Approved	P219659
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LEVEL 2 APPLICATIONS for determination

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
26/08/2019	DM	16 (Lot 3) Saint Alouarn Place, Margaret River	Holiday House (Large) Renewal	Approved	P219514

MANAGEMENT OF VEGETATION ON SHIRE RESERVES

Nil

LOCAL LAW PERMITS

Nil

OTHER APPLICATIONS determined under delegation

Nil

ELECTED MEMBERS ATTENTION

Nil

CLOSURE OF MEETING



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

Proposed Holiday House (Large) Renewal at 16 (Lot 3) St Alouarn Place, Margaret River

Major (Level 2)

P219514; PTY/5492

REPORTING OFFICER : DM
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	1.77Ha
Zone	Rural Residential
Existing Development	<input checked="" type="checkbox"/> Single House <input type="checkbox"/> Grouped Dwelling
Proposed use	<p>A planning application has been received for the renewal of a Holiday House use. The existing dwelling is to be used to accommodate up to 12 short stay guests at any one time. The management arrangements are to be unchanged from existing approval. This includes the use of a 'house rules' document, a manager who is contactable 24 hours of the day residing no more than a 30m drive away and who's contact details are displayed on a sign visible from the nearest street frontage.</p> <p>Relevant Planning History:</p> <ul style="list-style-type: none"> • P211444: Bed and Breakfast approved on 14/02/2012. • P212316: Holiday House (Large) approved on 13/11/2012 to accommodate ten (10) guests for 12 months. • P213022: Guest House approved on 20/03/2013 to accommodate ten (10) for 12 months. • P214066: Holiday House (Large) approved on 8/07/2014 to accommodate twelve (12) guests for three (3) years. • P217359: Renewal of Holiday House (Large) approved on 14/11/2017 for twelve (12) guests for two (2) years. <p>Planning history of matters that are relevant but not directly involved with the short stay use of the subject dwelling include:</p> <ul style="list-style-type: none"> • P216438 Local Development Plan endorsed 05/05/2017. Guide plan for location of Chalet. • P216426 Chalet approved 05/05/2017 at the north-west corner of the property. This is approved to accommodate 2 guests or one family. <p>Relevant Planning Compliance History:</p> <ul style="list-style-type: none"> • 2010 – Use of upper floor loft area above garage for short stay purposes. Resolved in 2015. • 2010 – Illegal Caravan on the site matter resolved and caravan was removed.
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	26/08/2019
Date of Report	7/11/2019



Have there been any objections?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Have there been any substantial changes to the LPS1 or Policy?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Officer comments:	Nil
Comments Received	
Nature of Submission	Officer Comments
<p>Objection:</p> <p>Noisy behaviour is regularly experienced by short stay guests. This experienced most particularly in evenings, on weekends, public holidays including Christmas and New Year and school holidays.</p> <p>Trespassing from guests has been experienced.</p> <p>Guests have used the battle axe driveway to the rear property without permission.</p>	<p>The issues of noise, behaviour of guests is dealt with by the requirement for House Rules, which is, and will continue to be conditioned as part of the Holiday House approval. It is also dealt with through the allocation of a local property manager who is located less than 30m from the Site, and is responsible to deal with issues if they do arise. As with a local manager, House Rules provided by the proponent require that guests behave in a courteous manner in order to prevent adverse noise impact on neighbouring residents. The contact details of the property manager is displayed on the front of the Holiday House in order than neighbouring residents can have direct contact for any concerns.</p> <p>It is also noted that the submissions comments in relation to the times when disturbances occurred, are quite general. No specific dates have been given in order to specifically consider. The applicant has included in response that they have not received any formal complaints regarding noise, prior to this application being submitted.</p> <p>To address the concerns raised in relation to trespassing, the applicant has updating the House Rules. The House Rules provide specific conditions that advise guests on the area around the Holiday House that is available for guests use. In addition, guests are not permitted to access neighbouring Sites to access the foreshore of the Margaret River.</p> <p>To address the concerns raised in relation to use of the battle axe driveway, the House Rules have been updated to clearly indicate the access arrangements to the Site, and where guests are permitted to park.</p>

The Holiday House use shifts the area from the intended Rural Residential use that is intended toward a commercial use.

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Development of community has been negatively impacted by the Holiday House use. This considers that relationships cannot be built with short stay guests in the way that they may be with long term residents. It also considers that long term residents are typically more personally invested in the area.

Short stay use in the area has negatively impacted on land values and the desirability of the area for attracting long term residents.

Degradation of the environment, and loss of trees. The stand of trees between the existing dwelling and chalet has consistently experienced clearing due to the encroachment of the large dwelling and Holiday House use. This has also been particularly due to the construction of an illegal dam, the infilling of the dam and subsequent construction of a chalet

The issue of the loss of trees has resulted in the loss of habitat. This is with particular regard to the construction of the chalet has occurred.

The Local Planning Scheme No.1 (the Scheme) determines that a Holiday House is a land use that can be considered within land zoned Rural Residential. The location of the proposal is consistent with the acceptable development standards of Local Planning Policy 7- Short Stay Accommodation (LPP7) as the subject site is not less than one (1) hectare in size. The Holiday House land use is not considered to be in conflict with the rural residential use of the area. While there may be concerns about the location with regard to rural residential properties, the use is not out of character with the nature of development in the area and the likely impacts arising from the proposal are considered able to be effectively managed through updated House Rules to mitigate nuisance to neighbours.

As per the officers response above, a Holiday House can be considered in land zoned Rural Residential.

As discussed above, a Holiday House use can be considered at the site. The building of relationships is not a matter which the Shire can directly control and it also considered that there are alternative situations to the Holiday House use within the landowners rights that could allow for the property to be unoccupied by permanent residents. This considered, this concern does not warrant refusal of the application. Considering that the Holiday House use is allowable with approval, the renewal is considered appropriate if the management of the short stay use is managed appropriately. This concern raised does not address the management of the short stay use and does not give evidence or suggest that the short stay use is being inadequately managed.

Concerns are noted. The planning system does not assess land values, so this is not able to be discussed in this report. As per the officer's comments above, a Holiday House land use is a use that can be considered in the area, as determined by the Scheme. If managed accordingly, it is not anticipated that the Holiday House will not detract long term residents from the area.

The Site was developed for a dwelling in 1999. There are no records of a compliance matter in relation to unlawful dam. It is noted that a dam is no longer present on the subject property.

The applicant has advised that clearing on the subject site has only been in compliance with the Shires fire break notice. It has not been made clear how the large dwelling has encroached upon the central stand of trees and how the Holiday House use of the dwelling has directly led to clearing or vegetation loss.

The Chalet was granted planning approval in 2017. The application for the Chalet did receive submissions. However, these objections were given due consideration and addressed where required through the assessment of the previous planning application. It is also noted that there were no concerns raised in the submissions for the Chalet application that were of the same nature to those raised currently. There are no recorded compliance matters indicating illegal clearing occurring on the Site.

It is noted that within the Chalet application no vegetation was proposed to be removed and that additional vegetation was proposed in order for screening purposes.

<p>The loss of vegetation and increase in hard surface coverage has resulted in increased water runoff. There have not been any measures taken to stabilise soils and mitigate runoff. The construction of the previous illegal dam particularly exaggerated soil degradation. The subject site is on a steep slope which exaggerates the impact of destabilised soils and the impacts on affected properties downhill.</p> <p>The increase water runoff has negatively affected the battle axe driveway of an affected property downhill.</p>	<p>The construction of developments on the subject site are not the current assessment of this application. There is not seen to be a correlation between the proposed Holiday House use of the existing dwelling and increased water runoff and soil degradation provided or otherwise discernible. This also considers that clear a link to or specific example of vegetation loss occurring as a result of the Holiday House use of the existing dwelling has not been provided.</p> <p>The development of the chalet was subject to the condition of approval that "All stormwater and drainage run-off from the development shall be contained within the lot boundaries or disposed offsite by an approved connection to the Shire's drainage system in accordance with the Shire of Augusta Margaret River Standards & Specifications". There have been no complaints made to the shire on record regarding the issue raised of stormwater runoff affecting the driveway. The issue is noted, and if a complaint is subsequently made to the Shire regarding this matter specifically, than it may be reviewed and investigated by the Shire.</p>
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Policy Requirements		
Policy Element	Provision	Comment
Location	Coastal settlement	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Urban area located within Policy Plan 1?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Within 50m of Village Centre zone?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Located outside of Policy Plan 1 but comprise of an area not less than 1ha?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Design / Layout	One parking bay per bedroom, Or two bays for grouped dwellings	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Reticulated water supply, or minimum 120,000 (plus firefighting provision) rainwater tank?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Existing or proposed one site effluent disposal system sized accordingly to number of guests?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Decks and balconies located away from the bedrooms of neighbouring dwellings?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Decks and balconies located close to the living and dining areas of neighbouring dwellings, provided with suitable screening?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Each bedroom accommodates a maximum of two persons?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Fire	If within bushfire prone area a BAL provided?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	For sites with a BAL above Low, a BMP prepared by accredited consultant and where required referred to DFES for comments?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	BAL rating at BAL-40 or FZ?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Management	Management Plan submitted?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	BEEP provided	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Manager, or employee permanently resides 35m drive from Site?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	House Rules?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Amplified music may not be played outside between the hours of 10pm to 10am	Require as a condition
	Display the manager's 24hr contact details	Require as a condition
Recommended period of approval	<input type="checkbox"/> 12 months <input checked="" type="checkbox"/> 3 years	

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 Holiday House at 16 (Lot 3) Saint Alouarn Place Margaret River subject to compliance with the following 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- P5 received by the Shire on 26 August 2019
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2. The Holiday House use permitted for a period of **3 years** from <date of this approval> to <end of date of approval>. (Refer to advice note a).
3. The approved Bushfire Emergency Evacuation Plan and Bushfire Management Plan shall be displayed in a conspicuous location within the dwelling at all times.
4. A Manager or a contactable employee of the Manager that permanently resides no greater than a 35 minute drive from the site shall be nominated for the Holiday House and this person shall attend to any callout within 35 minutes of a reported incident. The Manager or contactable employee is to be retained at all times during the use of the site as a Holiday House. (Refer to advice note b).
5. At all times the Holiday House use is in operation, the 24-hour contact details of the **Manager** of the Holiday House shall be displayed on a sign that is clearly visible from the nearest street frontage. The sign is limited to a maximum size of 0.2 metres square and not exceeding 1.5 metres in height from the ground level. The sign shall be erected within the property frontage and must be visible from the front street. (Refer to advice note c).
6. All vehicles & boats connected with the premises shall be parked within the boundaries of the property.
7. The short stay use of the dwelling shall not be occupied by more than **12 people** at any one time.
8. Amplified music shall not be played outside of the holiday house between the hours of 10pm and 10am.
9. 'House Rules' shall be developed prior to the commencement of use. Thereafter the 'House Rules' shall be provided to all guests and shall be displayed within a prominent position within the Holiday House. (Refer to advice note f).
10. Any marketing material for this Holiday House shall include display of the planning approval reference number for this approval.
11. The dwelling upper floor 'loft' shall not be self-contained. Tea & coffee facilities may be provided, but shall not be modified/expanded to include any cooking facilities (i.e. is not to be converted into a kitchen). (Refer to advice note h).

ADVICE NOTES

- a) 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.
- b) If at any time there is not an appointed manager or a contactable employee of the manager for the site, the use must cease until such time as a manager is appointed.
- c) Evidence of installation of the sign will be required to be provided, to the satisfaction of the Shire, at the time an application to renew the Holiday House use is lodged.
- d) This approval does not affect the entitlement to use the dwelling for permanent residential purposes.
- e) You are advised of the need to comply with the requirements of the following other legislation:
 - (i) *Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises.
 - (ii) The *WA Building Regulations 2012* (r.59) requires that the owner of a dwelling (as defined in the Building Code of Australia) must not make the dwelling available for hire unless hard wired, battery backup smoke alarms are installed, complying with the Building Code of Australia and AS3786.
- f) The 'House Rules' document shall be consistent with key elements of the NSW Code for Holiday Houses (please refer to the attached document).
- g) Evidence of the display of the planning approval reference number within the marketing of the Holiday House is required to be provided, to the satisfaction of the Shire, at the time an application to renew the Holiday House use is lodged. Applicants are advised to include a screenshot of the website, to show that the planning approval reference number is being displayed.
- h) Please note that the Shire does not notify landowners in writing of the expiry of a Holiday House planning approval. It is the owner's responsibility to monitor and ensure that the planning approval remains valid while the use is being undertaken and has not expired.
- i) The upper floor 'loft' is approved as a component of the dwelling and shall not be converted into a self-contained unit. A self-contained unit on a lot is classed as 'ancillary dwelling'. An ancillary dwelling cannot be used for short stay accommodation under the provisions of the Scheme.
- j) The property is not permitted to be used as a 'Reception Centre' under Local Planning Scheme No. 1. A 'reception centre' means premises used for functions on formal or ceremonial occasions (includes weddings), but not for unhosted use for general entertainment purpose.