

DEVELOPMENT ASSESSMENT UNIT
Minutes of the Development Assessment Unit
Shire of Augusta Margaret River
On 14 January 2020

ATTENDANCE

Chris Wenman, Anne Marie Laddie, Jason Heine, Lucy Gouws

PLANNING APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	DA No.
06/01/2020	A4220	25 (Lot 2) Mallee Fowl Way, Margaret River	Dwelling Additions	P220003
07/01/2020	A8556	213 (Lot 17) Manear Road, Rosa Brook	Pet Food Processing	P220004
07/01/2020	A794	39 (Lot 21) Isaacs Road, Margaret River	Holiday House (Large)	P220006
08/01/2020	A12577 A7842	915 (Lot 1629) Calgardup Road, Forrestgrove	Dam	P220007
09/01/2020	A8557	1/41 (Lot 58) Townview Terrace, Margaret River	Holiday House (Renewal)	P220015
10/01/2020	A11538	59 (Lot 312) Kevill Road, Margaret River	Bed and Breakfast (Renewal)	P220016
10/01/2020	A6907	9 (Lot 27) Horseford Road, Burnside	Holiday House (Renewal)	P220017

BUILDING LICENCE APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
08/01/2020	A12724	13 Lot 356 McCormick Crescent, Margaret River	Single Dwelling	220001
10/01/2020	A12430	131 Lot 21 Rowe Road, Witchcliffe	Single Dwelling and Ancillary Accommodation	220002
10/01/2020	A11849	10 Lot 15 Hogan Place, Witchcliffe	Single Dwelling	220003
10/01/2020	A832	805 Redgate Road, Witchcliffe	Shed and Rainwater Tank	220007
10/01/2020	A10865	169 Lot 5 Hoben Road, Cowaramup	Occupancy Permit - Commercial Kitchen	220008

SUBDIVISIONS DETERMINED

Date Rec'd	Assess No.	DA No.	Address	Description of Matter	Recommendation
13/12/2019	A3188	P219753	15 (Lot 56) Coronation Street, Margaret River	Subdivision	Approve with conditions

LEVEL 1 APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
14/08/2019	Lara Hoole	Lot 632 Wallcliffe Road, Margaret River	2 x Farm buildings and retrospective clearing	Approved	P219483
22/10/2019	Clare Hamilton	Lot 858 Blackwood Ave, Augusta	Chalets x 2	Approved	P219635
15/11/2019	Lucy Gouws	20 (Lot 10) Formosa Street, Margaret River	Holiday House (Renewal)	Approved	P219696
19/11/2019	Lezia Sandon	102 (Lot 292) Leschenaultia Avenue, Margaret River	Single Dwelling	Approved	P219700
05/12/2019	Lezia Sandon	280 (Lot 9) Wilderness Road, Margaret River	Dwelling Additions	Cancelled	P219757
09/12/2019	Lucy Gouws	1 (Lot 27) Stirling Street, Augusta	Holiday House (Renewal)	Approved	P219763
10/12/2019	Lucy Gouws	16 (Lot 43) Freycinet Way, Gnarabup	Dwelling and Ancillary Dwelling - Amendment and Extension of Term (P217792)	Approved	P219771

LEVEL 2 APPLICATIONS for determination

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
10/12/2019	Clare Hamilton	8 (Lot 118) Lesueur Place, Gnarabup	Holiday House (Large)	Approved	P219769

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) at 6 (Lot 118) Lesueur Place, Gnarabup

Major (Level 2)

P219769; PTY/7960

REPORTING OFFICER : Clare Hamilton
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	1276m ²
Zone	Residential R10
Existing Development	<input checked="" type="checkbox"/> Single House <input type="checkbox"/> Grouped Dwelling
Proposed use	A planning application has been received for a Holiday House use. The existing dwelling is to be used to accommodate up to ten (10) short stay guests at any one time. A local manager is nominated.
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	10/12/2019
Date of Report	14/01/2020





<p>Planning History</p>	<p>Planning Approval P27202 for Short Stay Use of Residential Dwelling (retrospective approval) for up to 10 guests granted on 27 June 2007. Valid for 12 months. Expired on 27 June 2008.</p> <p>Planning Approval P213331 for a Holiday House (Large) for up to 12 guests granted on 18 September 2013. Valid for 12 months. Expired on 18 September 2014</p> <p>Planning Approval P214484 for a Holiday House (Large) for up to 12 guests granted on 11 November 2014. Valid for a period of 3 years. Expired 11/11/2017</p> <p>The subject proposal is similar to the above approvals. The proponent has agreed to the maximum number of guests at 10 to accord with the acceptable development standards of Local Planning Policy 7. This limits the number of guests to 2 per bedroom. As the previous approval expired on 11/11/2017, the current proposal is treated as a new application.</p> <p>It is noted that no complaints were lodged with the Shire during operation of the Holiday House under previous approvals.</p>
<p>Have there been any objections?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 1 submission in objection.</p>
<p>Comments Received</p>	
<p>Nature of Submission</p>	<p>Officer Comments</p>
<p>Objection</p> <p>10 guests simply means party house</p> <p>We already have a holiday house two houses away and it is a nightmare. Guests have no regard for neighbours whatsoever.</p> <p>Unless managers live on site short stay should be limited to 2-4 guests</p>	<p>The issue of noise, behaviour of guests and amenity is dealt with by the requirement for House Rules, which is conditioned as part of any Holiday House approval. It is also dealt with through the allocation of a local property manager close to site to deal with 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 on neighbouring residents. The contact details of the property manager are also required to be displayed on the front of the Holiday House in order than neighbouring residents can have direct contact for any concerns.</p> <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</p>

	<p>proponent will be required to manage their property effectively in accordance with any approvals.</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 10 at any one time. This generally consistent with the maximum occupation of a typical dwelling of this size (5 bedroom).</p> <p>The site is located within the Residential zone (Local Planning Scheme No.1) within which a Holiday House is a discretionary use that can be considered by the Shire following advertising to adjoining owners. The location of the proposal is consistent with the acceptable development standards of <i>Local Planning Policy 7- Short Stay Accommodation (LPP7)</i> being located in a coastal area. While there may be concerns about the location of the use in proximity to 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 to mitigate nuisance to neighbours.</p>	
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 type="checkbox"/> Yes <input checked="" 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 Adequate parking in garage and property driveway
	Reticulated water supply, or minimum 120,000 (plus firefighting provision) rainwater tank?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Reticulated water
	Existing or proposed one site effluent disposal system sized accordingly to number of guests?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Reticulated sewer
	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 5 bedrooms up to 10 guests
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-19 A new BMP is not considered necessary in this instance as a BMP has already been prepared and adopted through the subdivision of the site.
	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 As per Shire template
	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 Provided and consistent with key elements of the NSW Code for Holiday Houses.
	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 The last Holiday House (Large) planning approval (P214484) lapsed (11 November 2017) due to an oversight by the owner. The fact that the previous Holiday House approval lapsed, it is recommended that a 3 year term is granted rather than a 5 year term initially sought by the applicant. Recommend conditional approval for a period of 3 years.
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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 (Large) at 6 (Lot 118) Lesueur Place, Gnarabup 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.

<i>Plans and Specifications</i>	P1 to P4 received by the Shire on 10 December 2019
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2. The Holiday House use permitted for a period of **three (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 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 **ten (10) 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. The 'House Rules' shall be provided to all guests and shall be displayed within a prominent position within the Holiday House.
10. Any marketing material for this Holiday House shall include display of the planning approval reference number for this approval. (Refer to advice note 'f')

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 five (5) 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) 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.

- g) Please note that the Shire does not notify landowners in writing of the expiry of a Holiday House planning approval. It is the owners responsibility to monitor and ensure that the planning approval remains valid while the use is being undertaken.