

DEVELOPMENT ASSESSMENT UNIT
Minutes of the Development Assessment Unit
Shire of Augusta Margaret River
On 15 October 2019

ATTENDANCE

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

PLANNING APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	DA No.
07/10/2019	A12588	35 (Lot 7) Stewart Street, Margaret River	Dwelling	P219607
07/10/2019	A5270 A1207	53 (Lot 113) Hermitage Drive, Margaret River	Holiday House (Renewal)	P219609
08/10/2019	A7041	133 (Lot 71) Horsford Road, Margaret River	Holiday House (Renewal)	P219610
08/10/2019	A10681	235 (Lots 1001/1 and 62) Tanah Marah Road, Bramley	Additions to Chalets & Restaurant (Solar Panels)	P219611
08/10/2019	A360	5 (Lot 102) William Place, Augusta	Dwelling	P219612
08/10/2019	A811	65 (Lot 18) Town View Terrace, Margaret River	Grouped Dwellings	P219613
11/10/2019	A3597	72 (Lot 36) Kevill Road East, Margaret River	Structure Plan	P219616

BUILDING LICENCE APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
07/10/2019	A8997	35 Patton Road, Cowaramup	Pool Fence	219420
07/10/2019	A9378	16 (Lot 30) Cygnet Crescent, Augusta	Alterations and Additions to Existing Dwelling	219421
07/10/2019	A12197	9 (Lot 22) Copse Way, Cowaramup	Swimming Pool & Fence	219422
07/10/2019	A7411	18 (Lot 23) Seahawk Rest, Gracetown	Ancillary Accommodation	219423
07/10/2019	A8997	35 Patton Road, Cowaramup	Swimming Pool	219424
10/10/2019	A12107	14 (Lot 7) Formosa Street, Margaret River	Single Dwelling	219425
09/10/2019	A6983	12 (Lot 32) Ellen Place, Margaret River	Single Dwelling, Carport and Rainwater Tank	219426
09/10/2019	A9496 A2046	17 (Lot 53) Bussell Highway, Augusta	Shed	219427
09/10/2019	A12327	20 Mentelle Road, Burnside	Shed	219428
10/10/2019	A436	71 (Lot 26) Forrest Road, Margaret River	Patio	219429
11/10/2019	A10587 A5130	91 Clews Road, Cowaramup	Patio	219430

SUBDIVISIONS DETERMINED

Date Rec'd	Officer	DA No.	Address	Description of Matter	Recommendation
30/11/2018	Lucy Gouws	P218765	9671-9673 (Lot 1) Caves Road, Karridale	Subdivision	Not Supported

LEVEL 1 APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
02/09/2019	Clare Hamilton	22 (Lot 12) Lloyd Loop, Margaret River	Cancellation of Family Day Care Approval (P218266)	No Longer Operating	P219532
12/09/2019	Lucy Gouws	9 (Lot 5) Dobbins Place, Witchcliffe	Holiday House (Renewal)	Approved	P219547
13/09/2019	Lucy Gouws	1A (Strata Lot 3 of Lot 48) Higgins Street, Margaret River	Holiday House (Renewal)	Approved	P219549
13/09/2019	Lucy Gouws	264 (Lot 28) Redgate Road, Witchcliffe	Holiday House (Large) Renewal	Approved	P219550
18/09/2019	Lucy Gouws	8120 (Lot 20) Bussell Hwy, Cowaramup	Brewery (Sea Container)	Approved	P219561
27/09/2019	Lucy Gouws	73 (Lot 5) Bussell Highway, Margaret River	Restaurant Addition (New entrance & Gate)	Approved	P219593
08/10/2019	Lucy Gouws	235 (Lots 1001/1 and 62) Tanah Marah Road, Bramley	Additions to Chalets & Restaurant (Solar Panels)	Approved	P219611
25/09/2019	Lucy Gouws	9 (Lot 19) Offshore Crest, Margaret River	Holiday House (Renewal)	Approved	P219585

LEVEL 2 APPLICATIONS for determination

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
16/07/2019	LH	41 (Lot 52) Mitchell Drive, Prevelly	Proposed Holiday House (Large) 41 (Lot 52) Mitchell Drive, Prevelly	Approved	P219425

MANAGEMENT OF VEGETATION ON SHIRE RESERVES

Nil

LOCAL LAW PERMITS

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
26/09/2019	Emma Rogers	46 - 52 Town View Terrace, Margaret River	Local Law Permit - Australia Post Event	Approved	P219600
02/10/2019	Emma Rogers	Streets within Margaret River and Augusta	Local Law Permit - Mr Wicked's Ice Cream Van	Approved	P219603

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): 41 (Lot 52) Mitchell Drive, Prevelly

Major (Level 2)

P219425; PTY/471

REPORTING OFFICER : LH
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	1085m ²
Zone	Residential (R15)
Existing Development	<input checked="" type="checkbox"/> Single House <input 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 41 (Lot 52) Mitchell Drive, Prevelly. The Site obtained previous planning approval in 2014 to use the dwelling as a Holiday House to accommodate up to 8 guests. The proposal is to retain the existing management arrangements and the duration of the approval sought is 5 years.
Permissible Use Class	'A' – discretionary use that requires advertising.
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	16/07/2019
Date of Report	25/07/2019

Location Map





Planning History	A 3 year approval (P215280) was issued on 23 July 2015 for a holiday house for 8 guests. The use has since expired on 23 July 2018.	
Is the application same as previous?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No P213650 Holiday House (Large) to accommodate maximum of 8 guests was conditionally approved on 5/03/2014 for a trial period of 12months. P215280 Holiday House (Large) to accommodate maximum of 8 guests was conditionally approved on 23/07/2015. The proposal was advertised to ten 10 surrounding landowners during the assessment period. No submissions were received during this advertisement. The planning application was approved for 3years and subsequently expired on 25/07/2018.	
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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Officer comments:	The location of the property within close proximity to the beach is an area still supported in the amended policy. A BAL rating and an updated Bushfire Emergency Evacuation Plan are now required. BAL rating certificate of BAL – 19 and a Bushfire Emergency Evacuation Plan have been submitted with the application.	
Submissions Received - 1		
Nature of Submission	Comments Received	Officer Comment
Private Submission	<ul style="list-style-type: none"> Strongly Object to the property accommodating this amount of guests. We have owned our residence for 7 years, during this time we have had considerable noise and safety concerns about the property at 41 Mitchell Drive. In the past when it was rented to accommodate large groups, there were constant parties, people paring across our driveways, people looking over our fence, damage to our property, as well as considerable noise from 	

	<p>tenants. At one stage we were fearful for our safety due to the unsavoury people renting the property.</p> <ul style="list-style-type: none"> • Even with new restrictions in place, we have still had to report it to the manager on a few occasions for both noise complaints and an excessive amount of vehicles parked the property. Dogs often left on their own, barking all day. • We have young children and would appreciate consideration of noise and safety concerns by not allowing large groups.
<p>Officers Response to Submission</p>	<p>Complaints received by the Shire in 2013/14 were in relation to noisy short stay guests who burnt plastic at the front of the property in prohibited fire season, taunting neighbours dogs, yelling at neighbours, and excess of vehicles parked at the premises. At this time the property did not have planning approval for a Holiday House and clearly there was a lack of management in place. At the time the landowner was required to submit a planning application (ref P213650) and was advised of the management that was required to be in place to mitigate impacts to surrounding landowners.</p> <p>During the assessment of this application (ref P213650) the landowner provided details of a manager and the policies brought into action for ensuring the property was managed strictly. This including the vetting of guests, guests numbers were reduced from 13 to that of 8, and that the manager ensured bins were returned back into the Site.</p> <p>The Holiday House was approved in 2014 for a period of 12months. An application to renew the short stay use was submitted and advertised to 10 surrounding landowners. No submissions during this time were received. The use was deemed to be well managed and approval for a further 3 years was granted.</p> <p>New landowners bought the property in March 2016. The new owners have advised that since 2017 they have only received two complaints. On 31 March 2018 a complaint was received regarding a guest's dog barking. The guest was immediately contacted, and arrangements were made to return to the house. The neighbour who complained was advised of this matter being dealt with.</p> <p>On 10 April 2019 a complaint was made in relation to the bins. The landowner contacted the manager who immediately arranged for the bin to be returned into the Site.</p> <p>After reviewing the above, the Holiday House use is considered to be demonstrated to be managed well. Of the two (2) complaints received, these were acted upon quickly to resolve any impacts to the neighbours.</p> <p>Subsequently the managing agent has updated the 'House Rules'. The rules have also been amended to include the following:</p> <ul style="list-style-type: none"> • Dogs are only permitted by prior arrangement. No more than two dogs are permitted and dogs must not be left alone outside when guests leave. • No more than two cars are to be parked in tandem. <p>A parking plan has been provided showing four (4) car bays as being available, with details stating that 'No more than two cars parked in tandem (one behind the other)'.</p> <p>It has been found from a site inspection to be well maintained with high fencing to retain pets in the back yard and provides privacy between adjoining properties. A sign with a 24/7 contact number is also posted at the front of the house.</p> <p>From review of the above, and from the changes that have been made to the 'House Rules', the property is considered to be suitable for a further 3 years approval.</p>
<p>Recommended period of approval</p>	<p><input type="checkbox"/> 12 months <input checked="" type="checkbox"/> 3 years <input type="checkbox"/> 5 years</p>
<p>Compliance</p>	<p>It is also noted from a site inspection that the dwellings on either side of the subject site have signs with 24/7 contact numbers. A review of Shires planning records show that one of the neighbouring dwellings does not have</p>

	planning approval to allow short stay use. The site is being advertised for short stay accommodation on a holiday house website. The illegal short stay use has been registered and will be dealt with as a separate compliance matter.
Any discretionary considerations under LPP7's performance criteria.	The latest Holiday House (Large) 3 year approval expired last year, prior to the lodgement of a renewal application. On this basis a 5 year approval is not recommended. The Holiday House (Large) is located in beachside area that is supported by the current Local Planning Policy 7 - Short Stay Accommodation. It is considered that the use has been managed appropriately and is recommended for a 3 year approval.

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 41 Mitchell Drive, Prevelly 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 received by the Shire on 16 July 2019. P2 received by the Shire on 13 October 2019.
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2. The Holiday House use is permitted for a period of **3 years** from <end of previous period of approval> to <end of period of approval>. (Refer to advice note a)
3. 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).
4. 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 ground level. The sign shall be erected within the property frontage and must be visible from the street front (refer to advice note c).
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 **eight (8) people** at any one time.
7. The approved 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. (Refer advice note f)

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) 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).