

DEVELOPMENT ASSESSMENT UNIT
Minutes of the Development Assessment Unit
Shire of Augusta Margaret River
On 18 December 2018

ATTENDANCE

Leigh Medlen, Chris Wenman, Jason Heine, Angela Satre, Chris McAtee

PLANNING APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	DA No.
10/12/2018	A8785	38 (Lot 66) Wrigglesworth Drive, Cowaramup	Light Industry Additions (Signage)	P218781
10/12/2018	A6869	530 (Strata Lot 2 Lot 6) Boodjidup Road, Redgate	Holiday House Renewal (Large)	P218782
10/12/2018	A7305	39 (Lot 52) Colyer Drive, Hamelin Bay	Dwelling Addition (Outbuilding)	P218783
10/12/2018	A11031 A11868	82 (Lot 101) West Road, Cowaramup	Chalet	P218784
10/12/2018	A3241	22-26 (Lot 242) Albany Terrace, Augusta	Subdivision	P218785
11/12/2018	A5345 A5864	Unit 6, 16 (Strata Lot 6 of Lot 10) Town View Terrace, Margaret River	Holiday House	P218786
11/12/2018	A11856	5 (Lot 22) Knox Place, Witchcliffe	Building Envelope Variation	P218787
12/12/2018	A12114	28 (Strata Lot 14 of Lot 320) Formosa Street, Margaret River	Grouped Dwelling	P218788
13/12/2018	A7600 A43	Unit 1, 20 (Strata Lot 1 of Lot 37) Town View Terrace, Margaret River	Holiday House	P218792
13/12/2018	A12523	7 (Lot 36) Lambertia Terrace, Margaret River	Single Dwelling	P218793
13/12/2018	A5048	Lot 1 (102) Boronia Road, Rosa Glen	Boundary Realignment	P218794

BUILDING LICENCE APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
14/12/2018	A12481	36 Lot 271 Noreuil Circuit, Cowaramup	Patio	218555
10/12/2018	A9962	1018 (Lot 23) Rosa Brook Road, Rosa Brook	Swimming Pool and Pool Fence	218563
10/12/2018	A4965	80 (Lot 66) Webster Road, Cowaramup	Rainwater Tank	218570
10/12/2018	A12482	38 Noreuil Circuit, Cowaramup	Single Dwelling and Ancillary	218571
10/12/2018	A11023	Reserve 8428 Ellensbrook Road, Margaret River	Toilet Block	218572
10/12/2018	A7305	39 Colyer Drive, Hamelin Bay	Shed	218573
10/12/2018	A12498	1 Roy Earl Drive, Cowaramup	Service Station	218574
11/12/2018	A10238	Unit 18 37 (Lot 533) Village Green Margaret River	Single Dwelling	218575
10/12/2018	A3965 A7587	12251 (Lot 52) Bussell Highway, Karridale	Swimming Pool & Fence	218576
11/12/2018	A2407	9 (Lot 303) Mitchell Drive, Prevelly	Alterations and Additions to Existing Dwelling	218577
12/12/2018	A1318	104 Lot 23 Blackwood Avenue, Augusta	Multi-Unit Development	218578
12/12/2018	A11549	254 Garstone Road Cowaramup	Single Dwelling	218579
12/12/2018	A8656	46 Lot 695 Halcyon Cres, Margaret River	Gazebo and Spa Area	218580
13/12/2018	A11906 A5214	Lot 102 Scott Road, Karridale	Single Dwelling, Garage and Retaining Wall	218581
13/12/2018	A11023	Lot 303 Ellensbrook Road, Cowaramup	Occupancy Permit	218582
13/12/2018	A5066	54 Mansfield Avenue, Margaret River	Shed	218583
14/12/2018	A6596	26 Lot 22 Eucalyptus Court, Margaret River	Carport	218584

SUBDIVISIONS DETERMINED

Date Rec'd	Officer	DA No.	Address	Description of Matter	Recommendation
28/11/2018	Lucy Gouws	P218758	21 (Lot 34) Samworth Street, Margaret River	Subdivision	Supported

LEVEL 1 APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
03/07/2018	Lucy Gouws	99 (Lot 114) Baudin Drive, Gnarabup	Dwelling & Change of Use (Bed & Breakfast)	Approved	P218394
16/07/2018	Lucy Gouws	171 (Lot 1543) Vansittart Road Karridale and 92 (Lot 34) Wilson Road, Kudardup	Use Not Listed for a Public Event on Private Property (Circus Festival)	Approved	P218421
25/07/2018	Clare Hamilton	44 (Lot 28) Karri Loop, Margaret River	Change of Use from Shed to Ancillary Dwelling	Approved	P218445
30/08/2018	Clare Hamilton	70 (Lot 57) Tunbridge Street, Margaret River	Residential Building (Short Stay Use of 2 guest bedrooms, 2 living areas and 2 bathrooms)	Approved	P218538
31/08/2018	Lucy Gouws	391/427 (Lot 3813) Forest Grove Road, Forest Grove	Animal Husbandry (Poultry for Egg Production)	Approved	P218541
13/09/2018	Matt Slocomb	98 (Lot 38) Albany Terrace, Augusta	Partial Change of Use to Small Bar	Approved	P218575
08/10/2018	Leigh Medlen	32 (Lot 187) Callistemon Drive, Margaret River	Home Business (Fitness Classes & Personal Training)	Approved	P218620
11/10/2018	Clare Hamilton	23 (Lot 48) Merrit Lane, Margaret River	Dwelling Additions (Retaining & Fencing)	Approved	P218627
12/10/2018	Clare Hamilton	14 (Lot 92) Nebbiolo Place, Margaret River	Dwelling Addition (Outbuilding)	Approved	P218631
15/10/2018	Lucy Gouws	40 (Lot 12) O'Halloran Place, Augusta	Building Envelope Variation and Outbuilding	Approved	P218635
05/11/2018	Lucy Gouws	30 (Lot 15) Formosa Street, Margaret River	Grouped Dwelling	Approved	P218701
13/11/2018	Leigh Medlen	28 (Lot 187) Jacaranda Crescent, Margaret River	Dwelling Addition (Outbuilding)	Approved	P218721
19/11/2018	Lucy Gouws	30 (Lot 9) Dawson Terrace, Augusta	Dwelling Additions (Games Room)	Approved	P218741
04/12/2018	Lucy Gouws	69 (Lot 132) Bussell Highway, Margaret River	Community Purpose (Display Laundry and Store Room Addition)	Approved	P218768

LEVEL 2 APPLICATIONS for determination

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
22/10/18	Leigh Medlen	62 (Lot 200) Marmaduke Point Drive, Gnarabup	Holiday House (Large)	Conditional Approval	P218668
25/10/18	Leigh Medlen	31 (Lot 113) Stewart Street, Margaret River	Grouped Dwelling	Referred to Council for determination	P218680

LOCAL LAW PERMITS

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
14/11/2018	Emma Rogers	Reserve 18451, Margaret River	Local Law Permit - Jonny's Surf Shack - Rotary Park carpark	Approved	P218727
14/11/2018	Emma Rogers	Reserve 41545, Margaret River	Local Law Permit - Kirk's Kitchen - Rivermouth	Approved	P218731
17/12/2018	Emma Rogers	Lot 850 & 404 Davies Road, Augusta	Local Law Permit - Humpy Camel - to conduct Bird aviary experience	Approved	P218795

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 62 (Lot 200) Marmaduke Point Drive, Gnarabup

Major (Level 2)

P218668; PTY/5734

REPORTING OFFICER : Leigh Medlen
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	1021m ²
Zone	Residential 'R10'
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	Planning approval is sought for a Holiday House use in an existing 4 bedroom dwelling for up to eight guests.
Permissible Use Class	'A' – discretionary use
Advertising Required	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Note: Advertising is compulsory In the case of an "A" use.
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	22/10/2018
Date of Report	11/12/2018





First floor outdoor living area.

Ground floor outdoor living area.

Has the application been advertised to adjoining landowners?	✓ Yes <input type="checkbox"/> No
Have there been any objections?	✓ Yes <input type="checkbox"/> No Seven objections have been received from 13 landowners of 6 properties in the locality.
Have there been any substantial changes to the LPS1 or Policy?	✓ Yes <input type="checkbox"/> No <input type="checkbox"/> N/A The application was lodged after the revised changes to the short stay accommodation policy. The application has therefore been assessed against the revised Local Planning Policy No.7 Short Stay Accommodation (September 2018).
Comments Received	
Nature of Submission	Officer Comment
<p>Noise:</p> <ul style="list-style-type: none"> • Concern raised regarding the impact to residential amenity. The dwelling sits on an elevated slope impacting adjoining neighbours through increased noise and impact to privacy, especially given there is limited screening provided between adjoining neighbouring properties. • Concern raised regarding the potential for noise disturbance from 8 guests, especially given there is minimal physical separation and no effective noise barriers between adjoining properties. • Concern raised regarding the use of the outdoor living area and it generating noise disturbance towards adjoining neighbours, given the outdoor living area is located in close proximity to neighbours and is orientated towards adjoining properties. More fencing and landscaping is needed to reduce the impacts from noise carrying into adjoining properties. 	<p>Noted. The applicant advises that native plants have been planted along the boundaries of the site to create a buffer to adjoining properties. The outdoor living area (see aerial above) for the dwelling as well as the pool are in relatively close proximity to adjoining properties. The site is not an overly large residential property therefore physical separation distances to adjoining neighbours is not easily achievable. It is recommended that a landscape plan be required to demonstrate planting around the northern, southern and eastern boundaries of the site as a condition of any approval granted. The applicant has provided the following comments in response to the concerns raised:</p> <ul style="list-style-type: none"> - No parties or functions will be permitted; - The property will not accept school leaver's bookings; and - No unauthorised guests will be permitted to stay overnight. <p>The applicant has stated in the event of any noise disturbance being experienced, the property manager is available to address the issues raised with the guests and can be</p>

Use of 'Pool House' & Pool Pump

- Concern raised regarding the use of the 'pool house' as a movie theatre with surround sound. The pool house is located in close proximity to adjoining neighbouring properties. Concern is also raised regarding the use of the 'pool house' for short stay accommodation purposes, which would be contrary to the provisions of the Shire's Short Stay Accommodation Policy.

Pool Pump:

- Concern raised regarding the noise of the pool pump and if it's being used regularly could potentially create a fire risk.

Management

- Concern raised regarding the property having commenced advertising for a greater number of guests being 9 when the application referred to adjoining properties was for 8 guests.
- Concern raised regarding the length of time the managers would take to respond to a call out, as the appointed managers are not within a 35 minute radius of the site as per the Shire Local Planning Policy for short stay accommodation.
- Concern raised regarding the potential for the site to become a 'party house' given the managers are not in close proximity to address any concerns raised.

contacted to address these concerns should they arise.

Noted. These concerns have been referred to the applicant who has clarified that the 'pool house' will not be used for short stay accommodation and does not have any sleeping arrangements available within the pool house. The room has been set up with a sofa, dining table and TV or could be used for a kids play room. The applicant has clarified that the surround sound and projector has been removed. The 'pool house' was originally approved for use as a gym/games room. It is recommended that advice is included with any approval granted that the 'pool house' is not permitted to be used for short stay accommodation and that this is to be reflected within the 'House Rules' for the premises.

Noted. The applicant has responded to concerns raised and clarified that the pool is maintained regularly by a professional pool company. The pump and chlorinator are new and sound proofing measures have been undertaken. The pool technician has also undertaken regular checks regarding any noise from the pump to adjoining properties. The pump is relatively new and is considered to be no greater fire risk than a traditional pool pump. Noise from pool pumps are required to comply with the *Environmental Protection (Noise) Regulations 1997*.

Noted. It was brought to the Shire's attention the use had commenced advertising without approval or the application being determined. The advertisement has since been removed. The applicant has provided the following response to this concern:

- The applicant has confirmed a maximum of 2 people will be accommodated per room, in line with LPP7.
- The property will be advertised as a maximum of eight guests despite it being capable of accommodating many more.

It is recommended that the number of guests be limited through a condition of approval to ensure additional guests are not accommodated on the property.

The manager, Exclusive Escapes, is a Holiday House management company based within Dunsborough. There is scope within the LPP7 to include a contactable employee of the manager to attend a callout within 35 minutes. In this case, the applicant has nominated an employee that resides within Margaret River and is therefore able to attend a call out within 35 minutes. The employee is aware of their responsibilities involved as the confirmed representative for the property. This arrangement is considered acceptable under the LPP7.

Traffic & Carparking :

- Concern regarding increased traffic along Point Marmaduke Drive impacting adjoining neighbours as it is a cul-de-sac, with young children often playing.
- Concerns raised regarding the provision of carparking on the site and adjoining properties access being blocked by guest's cars if the carparking cannot be wholly contained within the property boundaries.

Outdoor Lighting:

- Concern raised regarding the light pollution created from the outdoor lights, especially at night and the impact this may have on local native wildlife and the light spilling into adjoining neighbours living areas.

Fire Risk:

- Concern raised regarding potential fire risk from guests smoking.

The applicant has also clarified that guests will be reminded of the 10pm noise curfew and any noise complaints received after that are in breach of the curfew and may result in the forfeit of the bond, which is up to \$3,000.00. The forfeiting of the bond is expected to further deter guests from excessive noise.

Noted. The road is suitably designed and constructed to deal with traffic impacts that arise from the proposal. The site has a long driveway more than capable of containing all parking wholly onsite. Mitigation measures from the applicant have also been undertaken by installing a 'no parking' sign on the verge.

Noted. The applicant has responded to the concerns raised clarifying that the outdoor lighting is controlled by a CBus lighting control system which indicates when the lights are accidentally left on, prompting guests to turn them off. The outdoor lighting consists of 4 residential downlights around the eaves, 2 uplighters near the pool and 1 spot light. The applicant has confirmed that the spotlight will be removed in order to address the concerns that have been made.

Noted. The applicant's response to the relevant concern has been provided suggesting that the Holiday House is a strictly non-smoking property.

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
	Reticulated water supply, or minimum 120,000 (plus firefighting provision) rainwater tank?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Existing or proposed on 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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No The deck on the first floor abuts a garage and master room of the northern adjoining property. The property is limited to achieve large physical separation distance due to the size of the block and for this reason additional screening is recommended to be included.
	Decks and balconies located close to the living and dining areas of neighbouring	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

	dwellings, provided with suitable screening?	Additional screening is recommended to be included.
	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 Existing BMP prepared for the overall subdivision of the area.
	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
Period of Approval	<input checked="" type="checkbox"/> 12 months <input type="checkbox"/> 3 years	
Conclusion	Despite the objections received, the Holiday House meets the acceptable development criteria of the Shire's <i>Local Planning Policy 7 – Short Stay Accommodation</i> . The concerns raised during the advertising period are considered to be adequately addressed and the proposal is recommended for conditional 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 No. 62 (Lot 200) Marmaduke Point 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.

Plans and Specifications	P1 to P3 received by the Shire on 21 October 2018.
--------------------------	--

2. The Holiday House use permitted for a period of **12 months** from the date of this consent (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. 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 **eight (8) people** at any one time (refer to advice note 'g').
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 notes 'f' and 'g')
10. A Landscape Plan shall be prepared and submitted for the approval of the Shire within 30 days from the date of this consent. The Landscape Plan shall be drawn to scale and shall show landscaping buffers along the southern, northern and eastern boundaries of the site.
11. Landscaping shall be implemented, in accordance with the approved Landscape Plan, prior to the commencement of use and shall be maintained at all times.

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.
- 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) The use of the 'pool house' for short stay accommodation purposes is not permitted and this is to be reflected within the House Rules for the Holiday House use.