

**DEVELOPMENT ASSESSMENT UNIT**  
**Minutes of the Development Assessment Unit**  
**Shire of Augusta Margaret River**  
**On 18 June 2019**

**ATTENDANCE**

Lucy Gouws, Angela Satre, Anne Marie Laddie, Chris Wenman

**PLANNING APPLICATIONS RECEIVED**

Date Rec'd	Assess No.	Address	Proposal	DA No.
04/06/2019	A5342	Unit 2 16 (Strata Lot 2 of Lot 10) Town View Terrace Margaret River	Holiday House (Renewal)	P219354
04/06/2019	A5968	Unit 2/26 (Strata Lot 2 of Lot 226) Minchin Way Margaret River	Section 40	P219355
05/06/2019	A2662	17 (Lot 17) Waverley Road Cowaramup	Additions to Existing Child Care Centre	P219356
05/06/2019	A4646	31 (lot 64) Karri Loop Margaret River	Holiday House (Renewal)	P219357
06/06/2019	A6593	390 (Lot 12) Roxburgh Road Margaret River	Bed & Breakfast (Renewal)	P219358
06/06/2019	A2454	21 (Lot 25) Wise Road Margaret River	Home Business (Reiki Therapy)	P219359
06/06/2019	A3949	1801 (Lot 2914) Rosa Brook Road Margaret River	Extension of Term P217086 (6 x Chalets)	P219360
06/06/2019	A12692	6 (Lot 106) Vita Court Margaret River	Dwelling Additions (Outbuilding)	P219361

**BUILDING LICENCE APPLICATIONS RECEIVED**

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
06/06/2019	A670	136 Lot 62 Wilderness Road Margaret River	Single Dwelling	219237
06/06/2019	A4230	Reserve 27643 Ellis Street Augusta	Retaining Wall	219238
06/06/2019	A5888	28 Lot 289 Larch Loop Margaret River	Unauthorised Works - Verandah	219240
06/06/2019	A670	136 Lot 62 Wilderness Road Margaret River	Shed and 2 x Water Tanks	219241

**SUBDIVISIONS DETERMINED**

Nil

**LEVEL 1 APPLICATIONS determined under delegation**

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
22/02/2019	Lucy Gouws	124 (Lot 3) Bussell Highway Margaret River	Amendment to Licensed Premises (Increase in Patrons - Small Bar)	Approved	P219116
29/03/2019	Leigh Medlen	4 (Lot 61) Cercis Way Margaret River	Dwelling and Associated Retaining & Fill	Approved	P219199
24/04/2019	Lucy Gouws	21 (Lot) 13 Dempster Drive Witchcliffe	Ancillary Dwelling	Approved	P219271
26/04/2019	Leigh Medlen	4 (Lot 1) Saint Alouarn Place Margaret River	Bed and Breakfast Renewal	Approved	P219275
09/05/2019	Clare Hamilton	5 (Lot 94) Humble Way Margaret River	Bed and Breakfast	Approved	P219303
27/05/2019	Angela Satre	25 (Lot 27) Waters Edge Margaret River	Holiday House (Large) Renewal	Approved	P219338
28/05/2019	Devin Moltoni	10 (Lot 402) Clydesdale Place Margaret River	Ancillary Dwelling	Approved	P219342
28/05/2019	Clare Hamilton	Lot 2 Lovejoy Road Cowaramup	Agriculture Intensive, Rural Industry and Farm Building	Cancelled	P219344
13/06/2019	Devin Moltoni	6280 (Lot 192) Caves Road Margaret River	Dwelling Addition (Outbuilding)	Approved	P219370

**LEVEL 2 APPLICATIONS for determination**

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
4/4/19	LG	11 (Lot 31) Ellen Place Margaret River	Holiday House Large (Renewal)	Conditional Approval	P219210

**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 11 (Lot 31) Ellen Place, Margaret River**

**Major (Level 2)**

**P219210; PTY/6982**

REPORTING OFFICER : Lucy Gouws  
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	1.3ha
Zone	Rural Residential
Existing Development	<input checked="" type="checkbox"/> Single House <input type="checkbox"/> Grouped Dwelling
Nature of application	Renewal
Proposed use	To continue to use the existing five bedroom dwelling for short stay accommodation for up to 10 guests. In this case a five year approval period is sought.
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	04/04/2019
Date of Report	14/06/2019



<b>Planning History</b>	<p>In 2000 planning approval was granted for a single dwelling.</p> <p>In March 2006 a compliance matter was undertaken against the unauthorised short stay use of the dwelling for 12 guests.</p> <p>In August 2006 short stay accommodation in the dwelling was approved on appeal (P26050) for six guests.</p> <p>In 2007 approval was granted for short stay accommodation for six guests for 3 years (P27280). Five objections were received to the original application for ten guests. The objections were based on concerns about increased impacts. In response the proposed guest numbers were reduced to six.</p> <p>In 2011 planning approval was granted for renewal of the short stay use for 3 years for six guests (P211330). No objections to the proposal were lodged during the notification period.</p> <p>In October 2014 planning approval was granted for a Holiday House (P211410) for six guests for 5 years. Again no objections to the continuation of the use were lodged during the notification period.</p>
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	<p>On 4 March 2015 planning approval was granted for a Holiday House (Large) for up to 10 guests, subject to upgrading of the effluent disposal system. The effluent disposal system was upgraded in May 2015. Two objections were received to the proposal during the notification period relating to the proposed increase in capacity. The conditional approval was limited to 12 months.</p> <p>On the 7 April 2016 planning approval was granted for a Holiday House (large) for up to 10 guests. One submission of support to this application was received from an affected land owner. The approval was limited to three (3) years.</p>
<b>Is the application same as previous?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Has the application been advertised to adjoining landowners?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Have there been any objections?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Have there been any complaints over the recent period of approval?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Have there been any substantial changes to the LPS1 or Policy?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Review of LPP7, new policy adopted in September 2018. The proposal has been assessed with regard to the updated LPP7 and has been found to meet the acceptable development standards of this policy. The application to renew the use was submitted prior to previous planning approval lapsing.
<b>Submissions Received - 1</b>	
<b>Comments Received</b>	<b>Officer Comment</b>
<p>The house is surrounded by bush and there is only one way in and out. With 10 guests, parking and access would be a concern in a bushfire.</p> <p>Concerns raised with the number of people, within a house only designed for a family of four.</p> <p>Dogs are always a problem, off leads or left at the house.</p> <p>Guests leave the lights on outside lighting up the whole Site.</p>	<p>The owner has advised that stringent maintenance of vegetation on the Site has been undertaken by a qualified arborist as recently as 2018. A Bushfire Emergency Evacuation Plan (BEEP) has been completed for the premises. It is noted that the access to Ellen Place is consistent with the access to other lots and residences in the locality and Rural Residential zoned land in the Shire. There are no concerns with the existing access arrangements.</p> <p>The owner has documented the short stay use, which shows that the house is occupied by paying guests 18% of the time with an average of 7 guests. The owner and owner's family occupy the house on numerous other occasions throughout the year and often at greater capacity than the average of seven guests. The Site has more than the required parking spaces and the dwelling has five bedrooms. The premises meets the capacity for ten guests pursuant to LPP7.</p> <p>The owner advises that guests are not permitted to bring dogs as reflected in the House Rules provided by the professional managing agent. The owner's daughter has however, on two occasions brought her own dog to the property and attributes this to the matter raised in the submission. It is noted however that the presence of dogs by the owner is a separate matter to the short stay application.</p> <p>The property has lighting in treed areas within the premises. The owner advises that paying guests are prevented from using these lights. The owner advises that they do however use the lights when they occupy the house.</p> <p>The owner been able to provide a response to the concerns raised and has provided a copy of the House Rules from the managing agent. There is no record of complaints to the Shire from 2007 when the house was first granted approval to be used as a Holiday House. The concerns that have been raised are considered to be addressed and there no substantial reasons why the proposal should not be recommended for conditional approval.</p>
<b>Recommended period of approval</b>	<input type="checkbox"/> 12 months <input type="checkbox"/> 3 years <input checked="" type="checkbox"/> 5 years
<b>Any discretionary considerations under LPP7's performance criteria.</b>	Nil

#### 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 Large (Renewal) at 11 (Lot 31) Ellen Place, 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 P3 received by the Shire on 10 February 2016
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2. The Holiday House use is permitted for a period of **five (5) years** from <insert date> to <insert date>. (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 (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 **ten (10) 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).