

**DEVELOPMENT ASSESSMENT UNIT**  
**Minutes of the Development Assessment Unit**  
**Shire of Augusta Margaret River**  
**On 19 December 2016**

**ATTENDANCE**                    **Johan Pienaar, Kim Nolan, Chris Wenman, Matt Slocomb, Lara Hoole, Angela Satre, Lauren Bidesi**

**PLANNING APPLICATIONS RECEIVED**

Date Rec'd	Assess No.	Address	Proposal	DA No.
12/12/2016	A514	426 (Lot 105) Bussell Highway Margaret River	Freestanding Sign	P216731
12/12/2016	A8792	35 (Lot 220) Mansfield Avenue Margaret River	Ancillary Dwelling	P216732
12/12/2016	A6825	31 (Lot 22) Dallip Spring Road Burnside	Bed and Breakfast	P216733
13/12/2016	A2111	26 (Lot 17) Bayview Drive Gracetown	Holiday House	P216736
13/12/2016	A3451	21 (Lot 71) Barrett Street Margaret River	Dwelling and Ancillary Dwelling	P216737
13/12/2016	A1782	4 (Lot 104) Vattos Way Prevelly	Guest House	P216738
13/12/2016	A7961	8 (Lot 119) Lesueur Place Gnarabup	Bed and Breakfast	P216739
13/12/2016	A7905	Lot 503 Bankside Retreat Margaret River	Dwelling Additions (Shed)	P216740
12/12/2016	A3899	Western Oval, Wallcliffe Road, Margaret River	Public Event on Shire Property - FMR Pre-Season Soccer Carnival - 25-26 February 2017	P216741
12/12/2016	A3899	Western Oval Pavillion, Wallcliffe Road, Margaret River	Permit to consume Alcohol on Shire Property – Preseason Soccer Carnival - 25&26 February 2017	P216742
13/12/2016	A3899	Western Oval Pavilion, Wallcliffe Road, Margaret River	Permit to Consume Alcohol on Shire Property - Hawks Cricket Season	P216745
14/12/2016	A4062	70 (Lot 1537) Glenarty Road Karridale	Section 40	P216746
14/12/2016	A11715	63 (Lot 556) Brookfield Avenue Margaret River	Dwelling	P216747
15/12/2016	A10002	RES/22531 (Lot 97 Loc 109 & 126)Bussell Highway Margaret River	Shed Additions at Margaret River Education Campus	P216748
15/12/2016	A2737	1 (Lot 27) Stirling Street Augusta	Holiday House	P216749
15/12/2016	A4062	70 (Lot 1538) Glenarty Road Karridale	Rural Produce Sales and Brewery	P216750
15/12/2016	A7959	4 (Lot 117) Lesueur Place Gnarabup	Holiday House (Large)	P216751
16/12/2016	A767	12425 (Lot 20) Bussell Highway Karridale	Bed & Breakfast	P216752
16/12/2016	A4161	20 (Lot 15) Merchant Street Margaret River	Guest House	P216753
16/12/2016	A196	34 (Lot 253) Wilderness Road Margaret River	Holiday House (Large)	P216754

**BUILDING LICENCE APPLICATIONS RECEIVED**

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
15/12/2016	A11603, A8193	50 (Lot 3947) Latch Road, Deepdene	Relocatable Dwelling	216559
14/12/2016	A12291	6 (Lot 61) Paperbark Grove, Margaret River	Single Dwelling	216555
14/12/2016	A11931	12 (Lot 259) Noreuil Circuit, Cowaramup	Single Dwelling	216556
14/12/2016	A5074	12 (Lot 109) Yalgardup Place, Margaret River	Dwelling Additions	216557
13/12/2016	A10501	13 (Lot 429) Morelia Parade, Margaret River	Single Dwelling	216549

**SUBDIVISIONS DETERMINED**

Date Rec'd	Officer	DA No.	Address	Description of Matter	Recommendation

**LEVEL 1 APPLICATIONS determined under delegation**

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.

**LEVEL 2 APPLICATIONS for determination under delegation**

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
19/10/16	MS	Unit 5/ 8 (Lot 5) Owen-Tucker Lane, Margaret River	Proposed Club Premises (Dance Studio)	Approve	P216569
27/11/2016	AS	Lot 149 (2/9) Grunters Way, Gnarabup	Holiday House	Approve	P216520

**LOCAL LAW PERMITS**

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.

**OTHER APPLICATIONS determined under delegation**

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.

**COMPLIANCE**

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.

**ELECTED MEMBERS ATTENTION**

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.

**CLOSURE OF MEETING 10.30am**



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

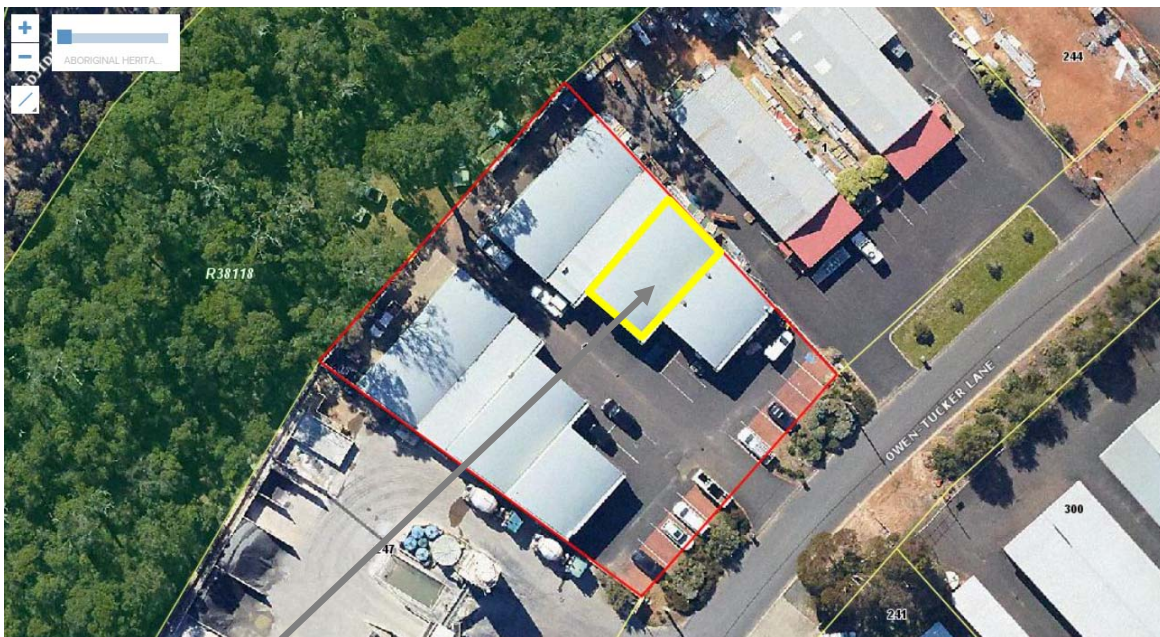
Proposed Club Premises (Dance Studio) at Unit 5/ 8 (Strata Lot 5 of Lot 246) Owen-Tucker Lane, Margaret River

Major (Level 2)

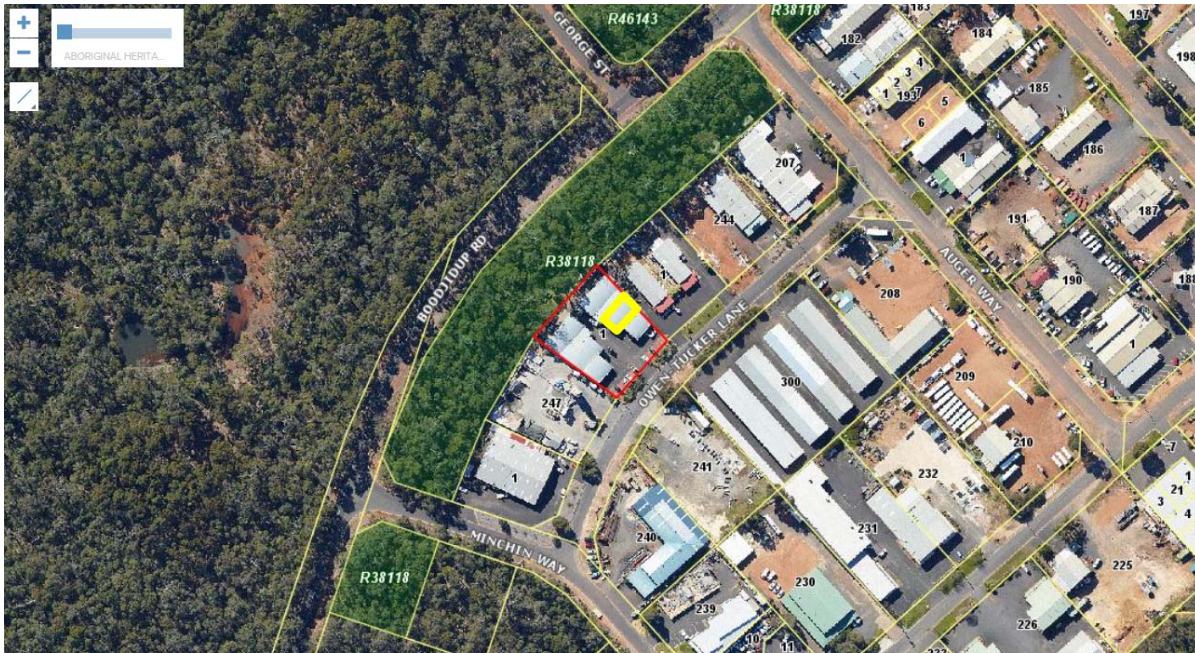
P216569; PTY/8164

REPORTING OFFICER: Matt Slocomb  
DISCLOSURE OF INTEREST: Nil

General Information	
Lot Area	2079m <sup>2</sup>
Zone	Industry
Proposed Development	Approval is sought for a change of use from 'Industry' to a Club Premises to provide for the operation of a Dance Studio. The applicant has provided the following details in respect to the proposal: <ul style="list-style-type: none"> <li>The use will comprise of one teacher with between 6 – 14 students per class;</li> <li>There will be 4 classes per day, held Monday to Thursday between 4:00pm to 8:30pm;</li> <li>No external alterations are proposed to the premises;</li> <li>The applicant is intending on using the existing parking facilities provided on-site (4 allocated to premises, 19 bays in total).</li> </ul>
Permissible Use Class	Club premises 'A' use, advertising required.
Heritage/Aboriginal Sites	Nil
Encumbrance	Nil
Date Received	19/10/2016



The site – Unit 5



<b>Policy Requirements</b>		
Is the land or proposal referred to in any Council Policy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<b>Structure Plans and Local Development Plans (DAP)</b>		
Is the land in any Structure Plan Area or subject to a DAP? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<b>Advertising/Agency Referrals</b>		
Has the application been referred to adjoining landowners/agency? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A		
Has a submission been received by Council? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A		
Have agency or authority comments been received? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A		
Has the application been referred to internal departments? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A		
<b>Name</b>	<b>Nature of Submission</b>	<b>Officer Comment</b>
<b>Submitter 1</b>	<p>Objection, on the following grounds:</p> <ul style="list-style-type: none"> <li>Unit 3/8 is an Office and employs backpackers who come to the site seeking employment. There is concern that the high number of vehicles coming to and from the premises may conflict with, and be a safety issue with increased numbers of children in the car park;</li> <li>Music disrupting Office staff;</li> <li>Concern that parking will be taken up by clients of the Dance Studio.</li> </ul>	<p>The hours that have been proposed are intended to coincide with the closure of the business being referred to by the submitter. The advertised hours for the Office premises within this complex are 8:00am - 4pm. It is recommended that the commencement time of the use be shifted to 4:30 in order to minimise crossover between the two premises.</p> <p>Despite the fact that the operating times of the office and dance studio will be offset, the use will need to comply with the <i>Environmental Protection (Noise) Regulations 1997</i>. Advice has been provided to the applicant in this regard.</p> <p>Refer to comment section of report for further discussion.</p>
<b>Assessment of Application</b>		
Is the land referred in the Heritage Inventory? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Are there any Contributions applicable? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Are there any compliance issues in relation to existing development? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<b>R Codes</b>		
Are R Codes applicable? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<b>Development Standards (Schedule 13)</b>		
Are the development Standards applicable? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Officer Comment	No works associated with the proposal. parking requirements discussed further below.	
<b>Car Parking</b>		
LPS1 / R Codes Requirement	Car Bays Required - 4	Car Bays Proposed - 4
Dimensions	2.5 x 5.5m	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply

Turning Bay/Circles and vehicle manoeuvring	√ Complies    □ Doesn't Comply	
Disabled Bays	Disabled Bays – N/A	√ Complies    □ Doesn't Comply
<b>Officer Comment</b>	<p>Under Schedule 8 of the Scheme there is not a specific parking rate that is applicable to a Club Premises.</p> <p>In the absence of a specific parking requirement, the local government determines the parking required in accordance with clause 5.8.2 of the Scheme taking into account the nature of the proposed use, the number of people likely to be on the premises and the anticipated demand for visitor parking. In previous instances where approval has been sought for similar proposals it has been determined that the use would warrant a parking rate similar to that of a gymnasium or fitness centre, which is 1 space per 25m<sup>2</sup> of floor space and 1 space per 40m<sup>2</sup> administrative office space.</p> <p>The floor area to be used for the dance classes is 90m<sup>2</sup> and no office space is proposed. In accordance with the above this would translate to a parking requirement of four bays. This is consistent with the four bays that have been allocated to this particular unit.</p> <p>It is also noted that by virtue of the proposed condition relating to operating hours that the classes will be conducted following the closure of a number of the other businesses on site, which will allow for the reciprocal use of some of the other 16 parking bays available on the site.</p>	
<b>Clause 67</b>		
A. In the opinion of the officer, would approval of the planning consent be appropriate under Clause 67 of the Deemed Provisions of the Scheme?		
<b>Officer Comment</b>	Yes.	
B. In the opinion of the officer:		
i. Are utility services available and adequate for the development?	Yes.	
ii. Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land?	Yes.	
iii. Has adequate provision been made for access for the development or facilities by disabled persons?	Yes.	
iv. Is development likely to cause detriment to the existing and likely future amenity of the neighbourhood?	No.	
v. Is the development likely to comply with AS3959 at the building permit stage?	N/A	
<b>Other Comments</b>		
Any further comments in relation to the application?		
<b>Officer Comment</b>	The proposal is considered to be acceptable subject to appropriate conditions being applied in regard to the operating hours of the use. The use is consistent with the relevant requirements of Local Planning Scheme No.1 and is recommended for conditional approval.	

#### 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 Club Premises (Dance Studio) at Unit 5/ 8 (Strata Lot 5 of Lot 246) Owen-Tucker Lane, Margaret River subject to compliance with the following conditions:

#### 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.

<b>Plans and Specifications</b>	P1 received by the Shire on the 19 October 2016.
---------------------------------	--

- If the development, the subject of this approval, is not substantially commenced within two (2) years from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has lapsed, development is prohibited without further approval being obtained. (P)

3. This approval limits the classes to a maximum of 14 students at any one time.
4. The approved use shall not operate outside the hours of 4:30pm – 9:00pm Monday to Thursday.
5. All vehicles connected with the premises, including loading and unloading activities, shall be parked within the boundaries of the premises. (P)

**ADVICE NOTES**

- a) You are advised of the need to comply with the requirements of the following other legislation:
    - (i) This is not a Building Permit. A Building Permit must be issued by the relevant Permit Authority before any work commences on site as per the *Building Act 2011*;
    - (ii) *Health Act 1911* and Department requirements in respect to the development and use of the premises; and
    - (iii) The *Bush Fires Act 1954* as amended, Section 33(3), Annual Bush Fires Notice applies to this property.
  - b) It should be noted that noise emissions (sound levels) resulting from the use of the premises must not exceed the assigned levels in the *Environmental Protection (Noise) Regulations 1997*; specifically, the assigned levels for commercial premises. (EH)
- 



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

Proposed Holiday House at 9 (Strata Lot 2 of Lot 149) Grunters Way, Gnarabup

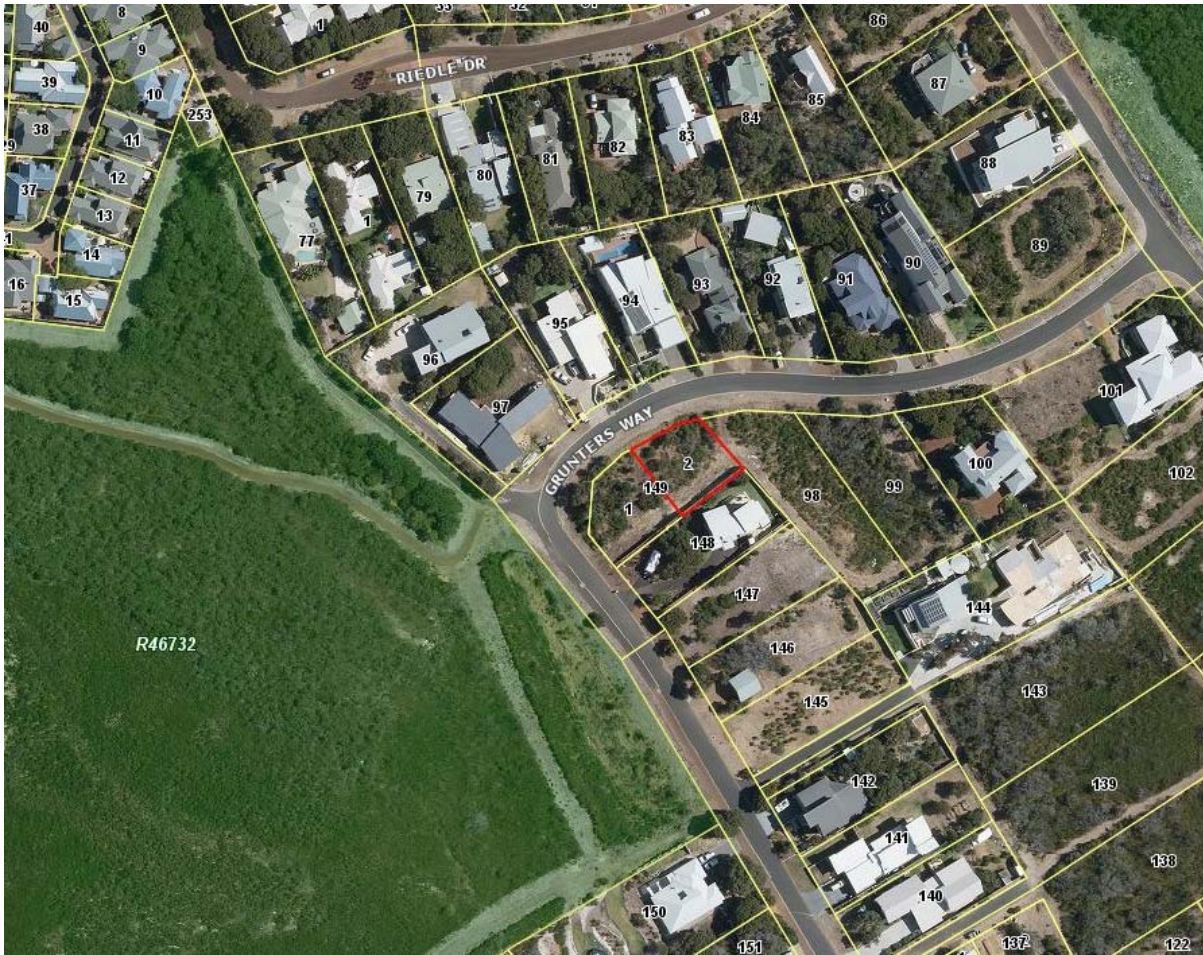
Major (Level 2)

P216520; PTY/10573

REPORTING OFFICER : Angela Satre  
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	522m2
Zone	Residential R17.5 SCA3
Existing Development	<input type="checkbox"/> Single House <input checked="" type="checkbox"/> Grouped Dwelling
Nature of application	<input type="checkbox"/> New application <input checked="" type="checkbox"/> Renewal
Proposed use	The original proposal was to renew the short stay use of the dwelling for eight guests. The proposal was amended & the number of guests was reduced to six.
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	27/09/2016
Date of Report	19/12/2016





<b>Planning History</b>	Planning approval (P215456) was issued on 17/11/5 for a holiday house for 8 guests.	
<b>Is the application same as previous?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A Guest numbers have been reduced.	
<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 substantial changes to the LPS1 or Policy?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	
<b>Comments Received</b>		
<b>Nature of Submission</b>	<b>Comments Received</b>	<b>Officer Comment</b>
Two submissions of objection were received from neighbouring land owners.	<ul style="list-style-type: none"> <li>Noise from guests using the northern balcony.</li> <li>Only one contact number appears on the sign at the front of the property. In the past management have not been contactable using the single phone number nor have they been able to attend the site immediately to assist guests and instead neighbours have been approached by guests. A manager must be contactable to address issues and in the event of an emergency or excessive noise issue. The contact ability of the manager to address noise issues and to manage potential property damage when called by the neighbour would also be beneficial to the land owner and in the interests of the best management of the premises.</li> <li>The light on the northern balcony</li> </ul>	<p>In response to the concerns raised the proponent advises the following:  <i>"We will extend the section on how we address noise on our balcony in the House Rules and place a sign outside on the balcony reminding our guests of this...will display both the primary contact number as currently stands along with both a property manager located within 45 minutes' drive (Dunsborough), and will provide a secondary number for a resident of Margaret River to address any issues that require shorter notice than 45 mins...We will book the installation of a timer switch for the balcony lights immediately...we have limited the number of rental guests to six from now on".</i></p> <p>The sign is recommended to be required to be amended as condition of any approval granted. The concerns raised are considered to have been adequately addressed in the proponent's response.</p>



	<p>being left on by guests sometimes for over a week. The balcony creates a privacy impact and the light being left on is a concern. A timed light is requested.</p> <ul style="list-style-type: none"> <li>• Six guests is more appropriate considering the design of the house.</li> </ul>	
Policy Requirements		
Policy Element	Provision	Comment
<b>1. Location</b> <i>(tick the appropriate box)</i>	Coastal settlement; or	√
	Adjoins fronts or is within an area of “significant tourist attraction”; or	<input type="checkbox"/>
	Does not adjoin, fronts or is within an area of “significant tourist attraction but exceeds 1000m <sup>2</sup> in area.	<input type="checkbox"/>
	R2.5 and R5 coded lots not sharing boundaries with more than 3 lots.	<input type="checkbox"/>
	Does the proposed <u>Holiday House (Large)</u> in an urban area meet the zoning and or location requirements under AD1.4 of the policy?	<input type="checkbox"/>
	R30 density code or lower for Holiday Houses within grouped dwellings.	<input type="checkbox"/>
	<b>None of the Above</b>	<input type="checkbox"/>
<b>2. Occupancy</b>	Does the proposed number of guests (6) comply with the acceptable development criteria?	√ Yes <input type="checkbox"/> No
<b>Comment</b>	The dwelling was approved for development on 28 January 2014 as a ‘Grouped Dwelling’. The Shire’s Local Planning Policy 7 Holiday Houses (LPP7) (reviewed August 2016) specifies that for Grouped Dwellings the maximum number of guests is six. The proposal has been amended to reduce guest numbers to six in accordance with LPP7.	
<b>3. Amenity</b>	Have there been any complaints since previous approval?	<input type="checkbox"/> Yes   √ No <input type="checkbox"/> N/A
	Complies with the objectives and provisions of the zone?	√ Yes <input type="checkbox"/> No
	For <u>Holiday House (Large)</u> , is sufficient information provided to assess potential impacts on local amenity.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>4. Design</b>	Is the dwelling of <u>sufficient size</u> to cater for intended number of guests?	√ Yes <input type="checkbox"/> No
	Is the dwelling <u>sufficiently serviced</u> to cater for intended number of guests?	√ Yes <input type="checkbox"/> No
	Sufficient potable water supply?	√ Yes <input type="checkbox"/> No Reticulated water is provided.
	Sealed Crossover	√ Yes <input type="checkbox"/> No
<b>5. Management</b>	Emergency Response Plan and Fire Management Plan submitted?	√ Yes <input type="checkbox"/> No
	Management Plan submitted?	√ Yes <input type="checkbox"/> No
	No amplified music between 10pm & 10am	Require as a condition
	Display the manager’s 24hr contact details	Require as a condition
<b>6. Period of approval</b>	<input type="checkbox"/> 12 months <input checked="" type="checkbox"/> 3 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 at 9 (Strata lot 2 of Lot 149) Grunters Way, 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.

<b>Plans and Specifications</b>	P1 to P4 received at the Shire on 27 September 2016.
---------------------------------	--

2. The Holiday House use is limited to a period of **three years** from the date of this approval. (P) (Refer to advice note a)
3. A manager or a contactable employee of the manager that permanently resides no greater than a 1-hour drive from the site shall be nominated for the Holiday House and this person shall attend to any callout within 1 hour 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) (P).
4. The 24-hour contact details of the **manager and owner** of the Holiday House shall be visible on the property from the nearest street frontage and maintained to the satisfaction of the Shire (refer to advice note c). The sign is required to be amended to ensure the details of the manager and owner are displayed within 21 days from the date of this approval. (P)
5. All vehicles & boats connected with the premises shall be parked within the boundaries of the property. (P)
6. The short stay use of the dwelling shall not be occupied by more than **six (6) people** at any one time. (P)
7. An Emergency Response Plan and Fire Management Plan shall be displayed in a conspicuous location within the development at all times. (P)
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) (P)

## 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. (P)
- 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. (P)
- 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 boundary. (P)
- d) This approval does not affect the entitlement to use the dwelling for permanent residential purposes. (P)
- e) You are advised of the need to comply with the requirements of the following other legislation:
  - (i) *Health 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). (P)

