

DEVELOPMENT ASSESSMENT UNIT
Minutes of the Development Assessment Unit
Shire of Augusta Margaret River
On 21 January 2020

ATTENDANCE

Chris Wenman, Anne Marie Laddie, Clare Hamilton, Nick Logan, Jason Heine

PLANNING APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	DA No.
13/01/2020	A7970	1 (Lot 128) Lesueur Place, Gnarabup	Ancillary Dwelling	P220019
13/01/2020	A1063	3 (Lot 47) Chaudiere Place, Augusta	Holiday House (Large)	P220020
13/01/2020	A8212	46 (Lot 301) Brotherton Place, Margaret River	Holiday House (Large)	P220021
13/01/2020	A5698	1 (Lot 164) Laurina Place, Gnarabup	Holiday House (Large)	P220022
13/01/2020	A8917	10 (Lot 1) Mann Street, Margaret River	Holistic Counselling/Therapies	P220023
15/01/2020	A1029	187 (Lot 100) Wallcliffe Road, Margaret River	Demolish 'Old Barn' and 'Weatherboard House'	P220029
17/01/2020	A7793	11 (Lot 272) Ironbark Ave, Margaret River		P220031
17/01/2020	A1051	29 (Lot 15) Allnut Terrace and 54 (Lot 501) Blackwood Avenue, Augusta	Boundary Realignment	P220033

BUILDING LICENCE APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
14/01/2020	A12724	13 Lot 356 McCormick Crescent, Margaret River	Single Dwelling	220001
13/01/2020	A8546	12 (Lot 2281) Riedle Drive, Gnarabup	Sea Container	220004
13/01/2020	A9874	36 Lot 376 Georgiana Cross, Cowaramup	Single Dwelling	220005
13/01/2020	A7554	1 Percheron Place, Margaret River	Shed	220009
13/01/2020	A3060	20 Lot 1 Georgette Way, Prevelly	Additions to Existing Dwelling	220010
14/01/2020	A12840	73 Lot 236 McDermott Parade, Witchcliffe	Shed and Rain Water Tank	220011
14/01/2020	A12428	119 Rowe Road West, Witchcliffe	Shed	220012
14/01/2020	A12444	102 Lot 292 Leschenaultia Avenue, Margaret River	Single Dwelling	220013
15/01/2020	A4365	Reserve 22636 Pioneer Park Bussell Highway, Cowaramup	New Toilet Block	220014
16/01/2020	A12308	7 Lot 78 Greenwood Avenue, Margaret River	Single Dwelling	220018
17/01/2020	A12431	129 Lot 22 Rowe Road West, Witchcliffe	Single Dwelling	220020

SUBDIVISIONS DETERMINED

Nil

LEVEL 1 APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
01/10/2019	Lara Hoole	17A (Strata Lot 2 of Lot 101) Blackwood Avenue, Augusta	Single Dwelling	Approve	P219596
04/10/2019	Devin Moltoni	2 (Lot 376) Storm Bay, Road Augusta	Holiday House	Approve	P219605
23/10/2019	Devin Moltoni	76 (Lot 1) Ashton Street, Margaret River	Guest House	Approve	P219641
05/11/2019	Clare Hamilton	9 (Lot 29) Tinglewood Court, Cowaramup	Single Dwelling & Dwelling Addition (Carport)	Approve	P219664
25/11/2019	Devin Moltoni	63 (Lot 106) Kilcarnup Road, Burnside	Dwelling (Building Envelope Variation) and Outbuilding (Shed)	Approve	P219710
28/11/2019	Devin Moltoni	12 (lot 69) Le Soeuf Street, Margaret River	Holiday House	Approve	P219728
29/11/2019	Devin Moltoni	894 (Lot 3207) Calgardup Road Forest Grove	Agriculture Extensive - Farm Building	Approve	P219731

LEVEL 2 APPLICATIONS for determination

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
01/11/2019	Clare Hamilton	25 (Lot 44) Dawson Terrace, Augusta	Proposed Holiday House	Approve	P219655

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 at 25 (Lot 44) Dawson Terrace, Augusta

Major (Level 2)

P219655; PTY/985

REPORTING OFFICER : Clare Hamilton
 DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	849m ²
Zone	Residential R15
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 four-bedroom dwelling is to be used to accommodate up to eight (8) short stay guests at any one time. A local manager has been 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	01/11/2019
Date of Report	20/1/2020





<p>Planning History</p>	<p>Planning Approval P25174 granted 29 July 2005 for a Single</p> <p>July 2013 Letter to owner regarding potential contravention of Local Planning Scheme No.1 by unauthorised operation of a Holiday House. The owner thereafter took steps to submit the application below for approval of Holiday House use.</p> <p>Planning Approval P213426 granted 13 November 2013 – Holiday House (Large) for up to 8 guests approved for 12 months. Expired 13 November 2014</p> <p>Planning Approval P2145589 granted 9 December 2014 – Holiday House (Large) for up to 8 guests approved for 3 years. Expired 9 December 2017.</p> <p>The subject proposal is similar to the above approvals. As the previous approval expired on 9/12/17, 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</p> <p>Following close of advertising <u>2 submissions in support</u> (no relevant comments) and <u>2 submissions in objection</u> were received. The comments in objection are discussed below.</p>
<p>Comments Received</p>	
<p>Nature of Submission</p>	<p>Officer Comments</p>
<p>Comments in objection</p> <p>We were not consulted when this residence was originally built. We were not consulted if we would mind losing a 1/3 of our river views. Needless to say this alone has impacted our re-sale value.</p>	<p>The existing dwelling was granted planning approval P25174 on 29 July 2009. Due process for advertising to neighbouring properties was undertaken based on those considered to potentially be affected by any variations to planning standards. The development of the existing dwelling on site is not subject of this application and no alterations to the dwelling are proposed. This is therefore not a relevant planning consideration for the subject application.</p>

<p>This residence has been rented as short stay holiday accommodation since at least 2007.</p> <p>Concern that guests will generate continuous noise and activity.</p> <p>There is parking planned for two cars so excess cars will be on the narrow street or on vacant block opposite.</p>	<p>The Shire became aware of unauthorised operation of the dwelling as a Holiday House in 2013, as noted under the Planning History section above. Steps were taken by the owner to gain necessary approvals, as described above.</p> <p>The issue of noise and activity of guests 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>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 8 at any one time. This generally consistent with the maximum occupation of a typical dwelling of this size (4 bedroom).</p> <p><i>Local Planning Policy 7 - Short Stay Accommodation (LPP7)</i> requires 1 parking bay per bedroom proposed for use as short stay. The subject application requires provision of 4 bays, 2 in the existing garage and a further 2 can be accommodated on the existing driveway. All parking can therefore be accommodated within the lot boundaries so as to comply with LPP7. Parking within the lot boundaries is managed by way of condition to any planning approval granted.</p>
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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 4 bays provided
	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
Fire	If within bushfire prone area a BAL provided?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No BAL-19
	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 BMP provided. This confirms that the proposal meets all acceptable solutions of the protection criteria outlined in the appendices to State Planning Policy 3.1.
	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
Recommended period of approval	<input type="checkbox"/> 12 months <input checked="" type="checkbox"/> 3 years The last Holiday House (Large) planning approval (P214558) lapsed (9 December 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. Recommend conditional approval for a period of 3 years.	

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 at 25 (Lot 44) Dawson Terrace, Augusta 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.

Plans and Specifications	P1 to P3 received by the Shire 1 November 2019
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- 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')
- The approved Bushfire Emergency Evacuation Plan and Bushfire Management Plan shall be displayed in a conspicuous location within the dwelling at all times.
- 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')
- 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')
- All vehicles & boats connected with the premises shall be parked within the boundaries of the property.
- The short stay use of the dwelling shall not be occupied by more than **eight (8) people** at any one time.
- Amplified music shall not be played outside of the holiday house between the hours of 10pm and 10am.
- 'House Rules' shall be developed to the satisfaction of the Shire 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 to advice note 'f')
- Any marketing material for this Holiday House shall include display of the planning approval reference number for this approval. (Refer to advice note 'g')

ADVICE NOTES

- a) Following satisfactory performance of the approved use, and in the absence of any substantiated complaints over the three (3) year 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) The 'House Rules' document shall be consistent with key elements of the NSW Code for Holiday Houses (please refer to the attached document).
- g) 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.
- h) 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.