

# DEVELOPMENT ASSESSMENT UNIT

## Minutes of the Development Assessment Unit

### Shire of Augusta Margaret River

On 31 July 2018

#### ATTENDANCE

Jason Heine, Chris Wenman, Chris McAtee, Clare Hamilton, Angela Satre, Matt Slocomb, Lucy Gouws

#### PLANNING APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	DA No.
23/07/2018	A3907	Reserve 20761Allnut Terrace, Augusta	Permit to Consume Alcohol on Shire Property - CinefestOz Sidebar "Roll With It" event – 22 August 2018 Augusta CRC	P218411
23/07/2018	A7973	45 (Lot 131) Grunters Way, Gnarabup	Dwelling Alterations and Additions	P218439
23/07/2018	A6332	25 (Lot 27) Waters Edge, Margaret River	Holiday House (Large)	P218440
23/07/2018	A8599	29 (Lot 279) Ironbark Avenue, Margaret River	Dwelling Addition (Parapet Wall)	P218441
24/07/2018	A5433	21 (Lot 36) Riedle Drive, Gnarabup	Bed and Breakfast	P218443
24/07/2018	A11020	Reserve 41545, Prevelly and Bussell Highway Road Reserve, Margaret River	Filming on Location - Cape Leeuwin Lighthouse, Margaret Rivermouth, Prevelly Beach Surf spot, Main Street Margaret River	P218444
25/07/2018	A4610	44 (Lot 28) Karri Loop, Margaret River	Ancillary Dwelling	P218445
25/07/2018	A5725	65 (Lot 191) Marmaduke Point Drive, Gnarabup	Holiday House (Large) (Renewal)	P218446
25/07/2018	A11576	25 (Lot 21) Eldridge Avenue, Witchcliffe	Dwelling Addition (Outbuilding)	P218447
25/07/2018	A1143	3 (Lot 10) Bussell Highway, Margaret River	Holiday House	P218448
26/07/2018	A514	Hamelin Bay Design - Site 38 Pinot Way	Park Home Park - Margaret River Lifestyle Village - Site 38 Pinot Way	P218449
26/07/2018	A2238	6 Peppermint Drive, Augusta	Dwelling Addition	P218450
26/07/2018	A7759	41 (lot 240) Merlot Place, Margaret River	Holiday House Section 40	P218451
27/07/2018	A3362	260 Fontana Road, Witchcliffe	Section 40	P218452
27/07/2018	A7725	16 (Lot 97) Grunters Way, Gnarabup	Bed and Breakfast	P218453
27/07/2018	A11984	9 (lot 19) Offshore Crescent, Margaret River	Holiday House	P218454
27/07/2018	A336	3 (Lot 6) Redgate Road, Witchcliffe	Shop (Alterations and Additions)	P218455

#### BUILDING LICENCE APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
23/07/2018	A8481	Lot 1 Barrett Road, Rosa Brook	'ATCO' make prefabricated transportable building relocated	218329
23/07/2018	A9595	Lot 355 Honeysuckle Glen, Cowaramup	Single Dwelling	218330
23/07/2018	A12042	Lot 581 Tunbridge Street, Margaret River	Double Carport	218331
23/07/2018	A10954	Res 47956 Bussell Highway, Margaret River	Relocated Class 1b Dwelling	218332
24/07/2018	A11797 A3236	Lot 102 Osmington Road, Osmington	Farm Shed and water tank	218333
24/07/2018	A12227	Unit 2 Lot 200 Bussell Highway, Margaret River	Occupancy Permit	218334
24/07/2018	A9228	Lot 64 Timber Court, Cowaramup	Renovations and Additions - Standalone bedroom pod	218335
25/07/2018	A12612	Lot 287 Noreuil Circuit, Cowaramup	Single Dwelling with attached Garage	218336
25/07/2018	A9429	Lot 152 Mulberry Mews, Cowaramup	Single Dwelling with attached Garage	218337
25/07/2018	A72	Lot 67 Georgette Road, Gracetown	Swimming pool, decking, sauna, bathroom and alfresco	218338
25/07/2018	A2219	Lot 8 Bussell Highway, Cowaramup	Shed extension	218339

**SUBDIVISIONS DETERMINED**

NIL

**LEVEL 1 APPLICATIONS determined under delegation**

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
03/05/2018	Lara Hoole	13 (Lot 67) Timber Court, Cowaramup	Dwelling Additions (Outbuilding)	Approve	P218244
04/05/2018	Lara Hoole	Lot 201 Burnside Road, Burnside	Outbuilding Ancillary to Dwelling	Approve	P218249
22/05/2018	Matt Slocomb	Reserve 39081 Bussell Highway, Margaret River	Community Purpose (Privacy Screen Addition to Ablution Facility)	Cancelled	P218298
20/06/2018	Lucy Gouws	Unit 2 18 (Strata Lot 2 of Lot 38) Town View Terrace, Margaret River	Holiday House Renewal	Approve	P218366
21/06/2018	Eileen De San Miguel	29 (Lot 70) Georgette Road, Gracetown	Holiday House Renewal	Approve	P218368
02/07/2018	Leigh Medlen	3 (Lot 233) Frohawk Loop, Margaret River	Bed & Breakfast	Approve	P218388
19/07/2018	Lucy Gouws	Unit 2 8 (Strata Lot 2 of Lot 246) Owen-Tucker Lane, Margaret River	Club Premises (Martial Arts School)	Cancelled	P218430

**LEVEL 2 APPLICATIONS for determination**

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
20/07/2018	CH	159 (Lot 81) Wilderness Road, Margaret River	Holiday House	Referred to Council for consideration	P218167
23/05/2018	LG	15 (Strata Lot 1 of Lot 42) Town View Terrace, Margaret River	Holiday House	Conditional Approval	P218302

**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 15 (Strata Lot 1 of Lot 42) Town View Terrace, Margaret River**

**Major (Level 2)**

**P218302; PTY/10606**

**REPORTING OFFICER : Lucy Gouws**  
**DISCLOSURE OF INTEREST : Nil**

General Information	
Lot Area	461m <sup>2</sup>
Zone	<b>Residential R30/40</b>
Existing Development	<input type="checkbox"/> Single House <input checked="" type="checkbox"/> Grouped Dwelling
Nature of application	<input type="checkbox"/> New application <input type="checkbox"/> Renewal
Proposed use	Planning approval is sought for Holiday House use of an existing 3 x bedroom dwelling. The dwelling is located on survey strata lot. The Site and is located at the front closest to Town View Terrace. The Holiday House is proposed to accommodate a maximum of six guests.
Permissible Use Class	'A' – discretionary use
Advertising Required	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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	23/05/2018
Date of Report	30/07/2018



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	
Comments Received		
Nature of Submission	Comments Received	Officer Comment
Objection	Parking - Only one parking space available for the dwelling - Concerns guests will park in driveway blocking access for neighbours - Concerns 6 cars will be parked at the Holiday House with boats and trailers - Concerns that that there is no visible distinction between the area to be used by guests, areas of common property - There is only one driveway which is for both properties	Amended plans have been submitted demonstrating how parking is to be modified to provide for 3 bays on Site that comply with the Australian Standards. A condition of the approval will require the use does not operate until the parking is constructed. The appointed manager (Swell Stays) has confirmed guests will be advised of the parking arrangements and this will be monitored to ensure the driveway is not

	<ul style="list-style-type: none"> <li>- Concerns that a manger will not be available to deal with matters quickly, for example a blocked driveway</li> </ul> <p>Noise</p> <ul style="list-style-type: none"> <li>- From previous experience people who use Holiday Houses only stay for a short period of time and don't show respect for neighbours</li> <li>- Often guests party with their friends, impacting neighbours</li> <li>- Holiday House are disruptive to people's lives</li> <li>- The location of rear patio is located very close to a bedroom, there is no screening or barrier to counteract the increased noise due the increase in occupancy up to 6 guests</li> <li>- Who will monitor loud music being played after 10pm</li> </ul> <p>Responsibility</p> <ul style="list-style-type: none"> <li>- Previous experience resulted in living next door to a Holiday House where I was required to approach the guests of the Holiday House to reduce the noise, and I was told 'no' in not such a nice manner</li> <li>- Who will govern the guests numbers not exceeding 6</li> <li>- I have been required to ask guests to move cars, with no such luck, and have resulted in calling the police and being told it is a private property and there is nothing than can do</li> <li>- What assurance do we have as property owners that when such matters arise they will be resolved quickly and peacefully before escalating into difficult situations</li> <li>- Holiday Houses are unlike Motels and B&amp;B's where there is a contactable person to govern or address any issues that arrive at all time</li> </ul>	<p>blocked. It will be evident from the Site arrangement where guests are required to park. The managing agent are available 24/7 to respond to any concerns.</p> <p>It is the responsibility of the proponent to ensure that the Holiday House is managed to ensure it does not impact the amenity of the area.</p> <p>The managing agent has advised that parties are not permitted and guests are extremely respectful. The agents 24/7 contact number will be available if any incidents occur. If approved a condition requires a sign displaying the 24/7 contact details of the manager and landowner is erected on the Site.</p> <p>The patio is located at the rear of the dwelling approximately 7.5 metres from the front (western) wall of the neighbour's dwelling. This is the wall to the neighbour's living room and first floor bedroom. The properties are separated by a 2 metre high Colorbond fence, obstructing views into the neighbouring site. The applicant has proposed to construct additional raised planters at the rear of the Site to provide further screening.</p> <p>The applicant has prepared House Rules identifying strict conditions for guests renting the house. Breaches of the House Rules will result in guest being evicted and loss of bond. The managing agent will be actively managing the property 24/7.</p> <p>The proponent has provided details from the managing agent of the property which provides for 24hr management attending to the Site as required. While the concerns are noted, this response provided addresses the issues received such that the objection does not warrant a refusal of the application.</p>
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Policy Requirements		
Policy Element	Provision	Comment
<b>Location</b>	The property is located within 300m of the town centre zone.	√ Yes   □ No The location meets the acceptable development criteria under LPP7 in relation to location.
<b>Occupancy</b>	Does the proposed number of 6 guests comply with the acceptable development criteria?	√ Yes   □ No
	Complies with the objectives and provisions of the zone?	√ Yes   □ No
<b>Design</b>	Is the dwelling <u>of sufficient size</u> to cater for intended number of guests?	√ Yes   □ No
	Is the dwelling <u>sufficiently serviced</u> to cater for intended number of guests?	√ Yes   □ No Site connected to town waste water disposal.
	Sufficient potable water supply?	√ Yes   □ No Scheme water
	Sealed Crossover	√ Yes   □ No
<b>Management</b>	Emergency Response Plan and Fire Management Plan submitted?	√ Yes   □ No

	<p>The applicant has prepared a simple Bushfire Management Plan (BMP) in accordance with Statement of Planning Policy 3.7 Planning in Bushfire Prone Areas (SLL3.7).</p> <ul style="list-style-type: none"> <li>• A BAL rating for the Site of 12.5 has been identified which demonstrates the property is as a 'moderate' risk from bushfire.</li> <li>• Assessment prepared against the 'Acceptable Solutions' detailed in Appendix Four of the <i>Guidelines for Planning in Bushfire Prone Areas</i>; and</li> <li>• An emergency evacuation plan prepared in accordance with section 5.5.2 of the <i>Guidelines for Planning in Bushfire Prone Areas</i>.</li> </ul> <p>The bushfire management plan (BMP) and emergency evacuation plan provided responds to the four elements of the guidelines, demonstrating compliance. The location of the Site is within an established residential built up area, and the development complies with the acceptable solutions of the guidelines and the provisions of SPP3.7.</p>	
	Management Plan submitted?	<input checked="" type="checkbox"/> 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>Period of Approval</b>	<input checked="" type="checkbox"/> 12 months <input type="checkbox"/> 3 years	
<b>Conclusion</b>	Planning approval is recommended.	

#### 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 15 (Strata Lot 1 of Lot 42) Town View Terrace 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 P2 received by the Shire on 23 May 2018
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2. The Holiday House use is limited to a period of **12 months** from the date of this approval. (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).
4. The vehicle parking areas shall be designed, constructed and drained in accordance with the Shire's standards and specifications, prior to commencement of the Holiday House use. Detailed plans shall be submitted to the Shire's Infrastructure Services for its acceptance prior to commencement of works.
5. Three onsite parking bays shall be provided on site at a location to the satisfaction of the Shire.
6. 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.
7. All vehicles & boats connected with the premises shall be parked within the boundaries of the property.
8. The short stay use of the dwelling shall not be occupied by more than **six (6) people** at any one time.
9. The approved Emergency Evacuation Plan shall be displayed in a conspicuous location within the development at all times.
10. Amplified music shall not be played outside of the Holiday House between the hours of 10pm and 10am.
11. '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) 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).