

DEVELOPMENT ASSESSMENT UNIT
Minutes of the Development Assessment Unit
Shire of Augusta Margaret River
On 6 August 2019

ATTENDANCE

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

PLANNING APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	DA No.
30/07/2019	A154	36 (Lot 66) Osborne Street, Gracetown	Holiday House	P219440
31/07/2019	A11492	102 (Lot 111) Railway Terrace, Margaret River	Dwelling Addition (Outbuilding)	P219442
31/07/2019	A12164	33 (Lot 114) Stewart Street, Margaret River	Holiday House	P219443
31/07/2019	A8280	22 (Lot 532) Riverslea Drive, Margaret River	Single House	P219444
31/07/2019	A2424	31 (Lot 69) Georgette Road, Gracetown	Holiday House (Large) Renewal	P219445
01/08/2019	A2680	17 (Lot 40) Ewing Street, Augusta	Use Not Listed (Retaining)	P219446
01/08/2019	A8282	4 (Lot 534) Bushland Rise, Margaret River	Outbuilding Addition	P219447
02/08/2019	A12723	16 (Lot 355) Duncan Street, Margaret River	Dwelling	P219449

BUILDING LICENCE APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
29/07/2019	A5318	Unit 2 2 Lot 69 Churchill Ave, Margaret River	Additions to Existing Dwelling	219312
30/07/2019	A11492	102 Railway Terrace, Margaret River	Shed	219313
30/07/2019	A10587 A5130	91 Lot 100 Clews Road, Cowaramup	Single Dwelling	219314
30/07/2019	A12694	8 Vita Court, Margaret River	Single Dwelling	219315
29/07/2019	A1560	384 Lot 1689 Miamup Road, Cowaramup	Change of Use - Games Room and Caravan to Chalets	219316
01/08/2019	A3241	22-26 Lot 242 Albany Terrace, Augusta	Demolition - Single Dwelling	219317
02/08/2019	A6845	2 Lot 108 Poplar Avenue, Margaret River	Shed	219320
02/08/2019	A11607	133 Lot 1026 Heron Drive, Margaret River	Dwelling	219321

SUBDIVISIONS DETERMINED

Nil

LEVEL 1 APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
13/05/2019	Devin Moltoni	15 (Strata Lot 1 of Lot 42) Town View Terrace, Margaret River	Holiday House (Renewal)	Approved	P219311
27/06/2019	Angela Satre	9827 (Lot 113) Bussell Highway, Margaret River	Holiday House (Large) Renewal	Approved	P219389
17/07/2019	Devin Moltoni	Lot 331 (Reserve 51096) Leeuwin Road, Augusta	Site Office	Approved	P219429

LEVEL 2 APPLICATIONS for determination

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
7/3/19	CH	13 (Lot 114) McLeod Place Margaret River	Alterations & Additions to Existing Dwelling	Conditional Approval	P219137
29/06/19	LM	44 (Lot 3) Sheridan Road, Margaret River	Holiday House (Large)	Conditional Approval	P219385

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 Alterations and Additions to Existing Dwelling & Outbuilding at 13 (Lot 114) McLeod Place, Margaret River

Major (Level 2)

P219137; PTY/2044

REPORTING OFFICER : Clare Hamilton
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	1000m ²
Zone	Residential R15
Proposed Development	<p>Dwelling alterations and additions:</p> <ul style="list-style-type: none"> Outdoor living area/patio addition to the north of the dwelling. Two bedrooms on the west elevation. Replacing carport with garage and store on the rear elevation. Living room extension. Main entry on west elevation. <p>Proposed extension to outbuilding:</p> <ul style="list-style-type: none"> Extend the existing 23m² outbuilding with a 16m² roofed addition that would be enclosed by a one wall on the east elevation. 3.6m wall height above natural ground level on east elevation. 3m ridge height from natural ground level to the highest point corresponding to the west elevation. <p>The proposal involves the following variations:</p> <ul style="list-style-type: none"> The 3.6m outbuilding wall height varies the 3.1m wall height guideline under Local Planning Policy 1; and The proposed outbuilding is setback 1.1m from the east side boundary in lieu of the 1.5m setback guideline under the Rcodes.
Permissible Use Class	'P' (permitted) ancillary to dwelling.
Heritage/Aboriginal Sites	Nil
Encumbrance	Easement Shire Drainage – not impacted
Date Received	07/03/2019





Policy Requirements	
Is the land or proposal referred to in any Council Policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, state the Policy/Policies <i>Local Planning Policy 1 – Outbuildings, Farm Buildings & Swimming Pools (LPP1)</i>	
Officer Comment	<p>The proposed outbuilding has a wall height of 3.6m above natural ground level on the eastern elevation, therefore varying the wall height guideline of 3.1m under LPP1.</p> <p>The variation meets the relevant performance criteria under LPP1 for the following reasons:</p> <ul style="list-style-type: none"> • The proposed outbuilding is single storey in height and of an appropriate scale and form in the locality. • The actual height of the outbuilding from the existing finished ground level is 2.25m. The variation to the proposed wall height arises due to a drop in natural ground level adjacent to the eastern side lot boundary and rising to the west. • The extension that is the subject of the variation is minor. The extension is for a 5 metre length of wall to an existing 6m long shed. • The outbuilding is setback at least 20m from any street and would not impact streetscape views. • The outbuilding would be constructed of weatherboard cladding consistent with the built form in the area. <p>The proposed variation to the wall height would not detract from the amenity of the neighbouring property to the east or the streetscape and meets the performance criteria under LPP1.</p>
Structure Plans and Local Development Plans (DAP)	
Is the land in any Structure Plan Area or subject to a DAP? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Advertising/Agency Referrals	
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 2 neighbour submissions received - 1 in support (no comments included) and 2 in objection (owners of the same property).
Objection Object to the proposal because the outbuilding wall height exceeds the maximum 3.1m acceptable development standard of LPP1 and is set back less than the 1.5m under the RCodes from the eastern lot boundary. Both variations, if approved, would	Officer Comment The proposed outbuilding forms an extension to an existing outbuilding adjacent to the eastern boundary. The proposal would result in a total wall length of 11m or 26% of the eastern side boundary.

adversely affect the light and amenity of our property and the value.		The addition is single storey and would not cast shade onto the eastern property, or solar devices on the site, to cause an unreasonable adverse impact. The outbuilding extension would also screen a pool area on the subject site. While the concern raised in the advertising period is noted, the addition is not considered to cause unreasonable adverse impact to the amenity of the neighbouring site.	
Have agency or authority comments been received?		<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Has the application been referred to internal departments?		<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Assessment of Application			
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
R Codes			
Are R Codes applicable?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Design Element	Policy / R Codes Req	Provided	Officer comment
Outbuilding	Not attached to the dwelling	Not attached	Complies
Roof height	4.2m	3m	Complies
Front Setback	6m	3m	Complies 50% reduction with compensating open space
Side Setback (east)	Living Wall = 1.1m	4.9m	Complies
	Roofed patio = 1.8m	10m	Complies
	Outbuilding = 1.5m	1.1m	Variation clause 5.1.3
Secondary street setback (west)	1.5m (as per Table 1)	1.5m	Complies
Rear Setback	6m	10.3m to garage wall	Complies
		12.9m to outbuilding	Complies
Garage Width	Less than 50%	Less than 50%	Complies
Open Space	50%	60%	Complies
Upgrade Landscaping	<input type="checkbox"/> Required	<input checked="" type="checkbox"/> Not Required	
Overlooking	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No There are no additional major openings proposed on the side east and rear south elevations.		
	Bed 2 and 3 additions proposed on the side west elevation have major openings, however the view from these rooms is to a secondary street and adjacent reserve. Visual privacy setback provisions therefore do not apply.		
	The proposed roofed patio on the front north elevation has a FFL of less than 1.2m above ngl at the side east lot boundary. The patio is setback 10m and therefore compliant with the 7.5m requirements.		
Street surveillance	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Street Walls and Fences	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Overshadowing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Energy efficiency/solar access	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Other Variations	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	

Officer's Comments against performance criteria	<p>The proposed Outbuilding is setback 1.1m from the side (east) boundary in lieu of the minimum 1.5m deemed to comply setback requirement of clause 5.1.3 of the RCodes.</p> <p>It is noted that the existing shed which is 6m in length is currently in place on site and the proposal is to extend the outbuilding 5m to the north. The outbuilding is considered to meet the design principles as it does not significantly change the existing context of the site, will not have detrimental impact on the property to the east in terms of direct sun and ventilation and minimises overlooking/privacy issues from the existing swimming pool area of the dwelling to the adjoining lot.</p> <p>The proposed outbuilding is not considered to have an adverse impact on the adjoining property's access to direct sun as it is located to that property's western side. The adjoining property to the east gains direct sun on its northern/north eastern extent.</p>	
Development Standards (Schedule 9)		
Are the development Standards applicable?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Car Parking		
LPS1 / R Codes Requirement	Car Bays Required – 3	Car Bays Proposed – 3
Dimensions	2.5 x 5.5m	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply
Turning Bay/Circles and vehicle manoeuvring	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply	
Building Height		
Scheme / Policy Requirement	Wall - 7m	Roof - 8m
State the proposed building height	Wall – 3.8m Roof – 5m	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply
Clause 67		
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?		
Officer Comment	Yes	
B. In the opinion of the officer:		
i. Are utility services available and adequate for the development?	Yes reticulated water and sewer	
ii. Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land?	n/a	
iii. Has adequate provision been made for access for the development or facilities by disabled persons?	n/a	
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	
Other Comments		
Any further comments in relation to the application?		
Officer Comment	Recommend 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 Alterations & Additions to existing Dwelling & Outbuilding at 13 (Lot 114) McLeod Place, 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.

Plans and Specifications	P1 and P4 received at the Shire Office on 2 April 2019 P2 and P3 received at the Shire Office on 7 March 2019 P5 received at the Shire Office on 14 May 2019
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2. 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.
3. All stormwater and drainage run-off from the development shall be detained within the lot boundaries, managed to pre-development flow regimes and/or disposed offsite by an approved connection to the Shire's drainage system in accordance with the Shire of Augusta Margaret River Standards & Specifications.
4. The Outbuilding shall be used solely for the purposes incidental and ancillary to the authorised use of the land.
5. The Outbuilding shall not be used for human habitation.

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 (Miscellaneous Provisions) 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.



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

Proposed Holiday House (Large) at No. 44 (Lot 3) Sheridan Road, Margaret River

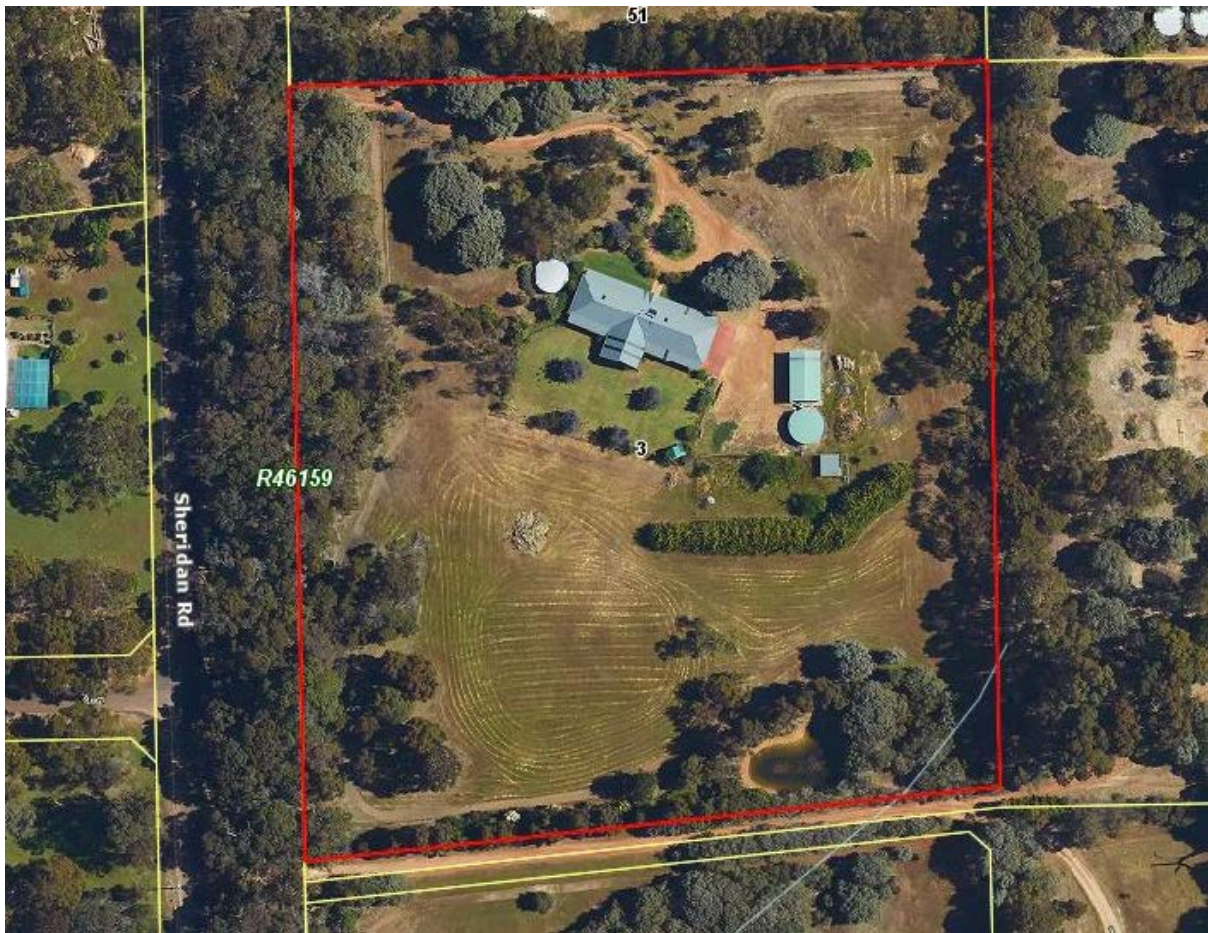
Major (Level 2)

P219385; PTY/6244

**REPORTING OFFICER : Leigh Medlen
DISCLOSURE OF INTEREST : Nil**

General Information	
Lot Area	3 hectares
Zone	Rural Residential
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 to use an existing six bedroom dwelling for up to 12 short stay 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	26/06/2019
Date of Report	29/07/2019





Has the application been advertised to adjoining landowners?	✓ Yes <input type="checkbox"/> No
Have there been any objections?	<input type="checkbox"/> Yes ✓ No One submission of support was received which also raised concerns regarding noise.

Comments Received

Nature of Submission	Officer Comment
<p>In the past the house has been rented to a group who were celebrating with loud shouting and music. This has been reported to the council and the landlord has responded courteously saying that he was not aware of the quality of vacationers and promised this would not occur again in the future. This has been the case and we thank the landowner for the courtesy. So we are not opposed to this project as a holiday home as its only noise that could be a nuisance. We hope that council will consider favourably our request so that we and our neighbours can enjoy tranquillity in the Margaret River environment.</p>	<p>A noise complaint was received on 14/8/2017 which was resolved by Environmental Health. It does not appear that the Holiday House was operating illegally at this time, given the landowner confirmed friends were using the house rather than it being used as a Holiday House on a commercial basis. The proponent has included measures within the House Rules to address any potential noise as well as a manager within 35 minutes of the site to respond to any callouts. There is adequate separation distances between habitable living rooms and outdoor areas of the property and adjoining neighbours. The concerns raised are considered to have been adequately addressed in the proposal</p>

Policy Requirements

Policy Element	Provision	Comment
Location	Located outside of Policy Plan 1 but comprise of an area not less than 1ha?	✓ Yes <input type="checkbox"/> No
Design / Layout	One parking bay per bedroom, Or two bays for grouped dwellings	✓ Yes <input type="checkbox"/> No 2 garage spaces available and adequate hard stand area for 4 additional car bays.

	Reticulated water supply, or minimum 120,000 (plus firefighting provision) rainwater tank?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 2 x 129,292L rainwater tanks supplied on site.
	Existing or proposed one site effluent disposal system sized accordingly to number of guests?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No The applicant has had discussions with our Environmental Health team prior to lodging the application. The existing effluent disposal system requires upgrading to accommodate 12 guests. It is recommended that a condition is included on any approval granted limiting the number of guests to 6, until such time as the system has had the appropriate upgrades to cater for 12 guests.
	Decks and balconies located away from the bedrooms of neighbouring dwellings?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No The main outdoor living area is located in excess of 70m from the closest lot boundary.
	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 report provided indicated site is BAL19.
	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 and BEEP prepared by an accredited bushfire consultant. The BMP has not been referred to DFES given the assessor has identified the proposal meets all of the acceptable solutions of the guidelines. A turnaround area and fittings to an existing water tank are recommended by the bushfire assessor within the BMP to ensure full compliance with the acceptable solutions. An additional condition requiring the implementation of the BMP is therefore recommended to be included on any approval granted.
	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 The house rules provided identified the local managers of the site.
	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	The proposal meets the acceptable criteria of Local Planning Policy No. 7 – Short Stay Accommodation (LPP7) 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 Holiday House (Large) at No. 44 (Lot 3) Sheridan Road, 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 the 26 June 2019.
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2. The Holiday House use permitted for a period of twelve (12) months from <date of this approval> to <end of date of approval> (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 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).
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 **six (6) people** at any one time. This number may be increased to **twelve (12)** guests if it can be demonstrated to the satisfaction of the Shire that the on-site waste water management system is of suitable design to cope with a higher number of people.
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).
10. The Bushfire Management Plan shall be implemented on site prior to commencement of the Holiday House use and at all times thereafter. Certification shall be provided by an accredited Bushfire Consultant that all bushfire management actions have been implemented prior to the commencement of the Holiday House use.

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.
 - (i) 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).

