

DEVELOPMENT ASSESSMENT REPORT
Minutes of the Development Assessment Report
Shire of Augusta Margaret River
on Tuesday 29 June 2021

ATTENDANCE Angela Satre, Lina O'Halloran, Don Bothwell, Jason Heine, Chris McAtee

PLANNING APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	DA No.
24/06/2021	A6853	15 (Lot 63) Casselton Grove, Margaret River	Ancillary Dwelling	P221439
24/06/2021	A12104	8 (Lot 4) Formosa Street, Margaret River	Bed & Breakfast/Holiday House	P221441
25/06/2021	A4902	7 (Lot 306) Flora Grove, Molloy Island	Shed Addition	P221442
29/06/2021	A5697	2 (Lot 163) Laurina Place, Gnarabup	Bed & Breakfast (Renewal)	P221446
30/06/2021	A8597	31 (Lot 225) Ironbark Avenue, Margaret River	Bed & Breakfast	P221448

BUILDING LICENCE APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
24/06/2021	A6910	1065 (Lot 11) Osmington Road, Osmington	Single Dwelling and Rainwater Tank	221418
24/06/2021	A12417	182A (Lot 1) Railway Terrace, Margaret River	Single Dwelling	221432
24/06/2021	A7884 A2818	52 (Lot 283) Illawarra Avenue, Margaret River	Carport and Patio	221433
24/06/2021	A3062	2 (Lot 99) Hale Avenue, Molloy Island	Single Dwelling and Rainwater Tanks	221434
24/06/2021	A3948	542 (Lot 2825) Wallis Road, Witchcliffe	Machinery Shed	221435
25/06/2021	A12774 A12362 A5956	1073 (Lot 1051) Rosa Brook Road, Rosa Brook	Shed	221438
25/06/2021	A12705	9 (Lot 43) Mc Dowell Road, Witchcliffe	Single Dwelling, Garage and Alfresco	221439
25/06/2021	A13128	29 Kulbardi Way, Witchcliffe	Single Dwelling, Alfresco and Rainwater Tank	221440
25/06/2021	A12383	10 (Lot 217) Sawmill Loop, Karridale	Single Dwelling, Carport and Patio	221441
28/06/2021	A3948	542 (Lot 2825) Wallis Road, Witchcliffe	Rainwater Tank	221442
30/06/2021	A9729	3 (Lot 377) Pimelia Drive, Margaret River	Single Dwelling, Garage and Alfresco	221443
30/06/2021	A12247	5 (Lot 17) Grevillea Lane, Margaret River	Single Dwelling, Garage and Alfresco	221444
29/06/2021	A5374 A1469	6 (Lot 1) Wooredah Crescent, Prevelly	Deck Addition	221445
30/06/2021	A3160	12 (Lot 6) Stewart Street, Margaret River	Retaining Wall	221446
28/06/2021	A2766	6 (Lot 166) Earl Place, Gracetown	Demolition - Two Storey Dwelling	221447
29/06/2021	A804	20 (Lot 6) Beardshaw Place, Margaret River	Patio	221448
28/06/2021	A8316	4 (Lot 525) Hillside Avenue, Margaret River	Patio and Fireguard wall	221449

SUBDIVISIONS DETERMINED

Nil

LEVEL 1 APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
08/04/2021	Lina O'Halloran	3 (Lot 114) Shiraz Street, Margaret River	Dwelling Addition (Outbuilding)	Approved	P221243
14/04/2021	Lina O'Halloran	19 (Lot 28) Formosa Street, Margaret River	Grouped Dwelling	Approved	P221270
20/04/2021	Sophie Moscardini	38 (Lot 19) Formosa Street, Margaret River	Holiday House	Approved	P221286

27/04/2021	Lina O'Halloran	53 (Lot 393) Pimelia Drive, Margaret River	Dwelling Addition (Outbuilding) & Retaining	Approved	P221310
04/05/2021	Sophie Moscardini	18 (Lot 36) Tallwood Loop, Witchcliffe	Dwelling Addition (Outbuilding & Water Tanks Outside Building Envelope)	Approved	P221328
19/05/2021	Lara Hoole	2 (Lot 1) Bettong Place, Witchcliffe	Dwelling & 2 x Crossovers	Approved	P221371
24/05/2021	Lucy Gouws	24 (Lot 7) Wallcliffe Road, Margaret River	Extension to Term & Amendment to P217755	Approved	P221376
01/06/2021	Lina O'Halloran	6 (Lot 68) McDowell Road, Witchcliffe	Ancillary Accommodation & Outbuilding	Approved	P221391

LEVEL 2 APPLICATIONS for determination

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
23/04/21	Lina O'Halloran	22/5 (Lot 22) Station Road, Margaret River	Holiday House (Renewal)	Conditional approval	P221301
15/04/21	Don Bothwell	Unit 3 / 18 (Strata Lot 3 of Lot 38) Town View Terrace, Margaret River	Holiday House	Conditional approval	P221271

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 (Renewal) 22/5 (Lot 22) Station Road, Margaret River

Major (Level 2)

P221301; PTY/9912

REPORTING OFFICER : Lina O'Halloran
DISCLOSURE OF INTEREST : Nil


General Information	
Lot Area	268m ²
Zone	Residential, R30/40
Existing Development	<input checked="" type="checkbox"/> Single House <input type="checkbox"/> Grouped Dwelling
Nature of application	Holiday House (renewal)
Proposed use	A planning application has been received for the renewal of the Holiday House. As previously approved, the existing dwelling is to be used to accommodate up to six (6) short stay guests at any one time. The existing management arrangements are to be retained and the duration of the approval sought in this case is three (3) years.
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	23/04/2021
Date of Report	24/06/2021

Location Map



Planning History	A fifteen (15) month approval (P220167) was issued on 4 June 2020 for a holiday house for six (6) guests. This approval was issued following a compliance matter at the subject site for unauthorised use as a holiday house.
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Is the application same as previous?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Have there been any objections?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No see comments below
Have there been any complaints over the recent period of approval?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Have there been any substantial changes to the LPS1 or Policy?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Comments Received	
Nature of Submission	Officer Comments
1 x support	Noted
1 x objection: <ul style="list-style-type: none"> • Short stay accommodation should not be allowed in high density areas where 99.9% of the people are permanent residents. There are constant parties, people coming and going all hours of the day and night at the subject property • Station Road is a busy road, there is not enough parking at that residence and at times vehicles are parked illegally on the pavement and in my allocated parking spot at my residence. • A couple of months ago there was an all night party with people spilling out on the road, making so much noise which woke my daughter and granddaughter. They were both scared as this was 2am. • My daughter phoned Leeuwin Holiday Rentals who manage the property, to register her complaint and the lady was clearly not interested and seemed very annoyed that she should be contacted at that time of night. • Cars are parked illegally on the street verge which could potentially create a traffic hazard. • The rubbish bins are left out on the street verge until they can be picked up, which could be for several days and that too, is a traffic and pedestrian hazard. • It is impossible to contain, in particular drunk irresponsible adults that do not give a damn about neighbours trying to sleep etc. 	<ul style="list-style-type: none"> • The site falls within the permitted short stay area of LPP7. • The applicant advises guests are vetted and young groups avoided. At the time of booking, guests are advised of strict rules that there is to be no noise from the outside areas after 9.30pm, and there is a strict two vehicle limit per booking, to be parked in the garage. If a third vehicle is to attend the property, it is to be parked at the nearby public carpark. These rules are also displayed in the unit. • With regard to noise complaints, the applicant advises: <ul style="list-style-type: none"> ○ A long-term tenant occupied the holiday house during Covid. The tenant experienced issues with noise from surrounding units and groups walking past the site late at night. The site abuts a popular pedestrian route between the caravan park and other accommodation along Station Road and local night spots. Noise disturbance from groups walking past at night is common. ○ The applicant outlined a number of occasions when complaints have been mistakenly placed on guests at the holiday house when in fact the guests were not causing the noise disturbance. ○ During summer, a complaint was received at 9pm regarding noise from the holiday house. The applicant advised it was too early to impose noise limits on the guests, however she phoned the guests who were aware of the noise rules and planned to head to town when they came into effect at 9.30pm. The applicant attended the site to double check, and the guests had left as they said. This is the only phone call complaint about noise from guests at the property received in the past 18 months. ○ In the past six months the applicant received a phone call from the holiday house guests at 1am complaining of a brawl outside the property. The applicant phoned the police but received no response. The guests checked out early the next day. The applicant believes this is the event referred to in the objection, but has no record of the phone call in question. Reviews are frequently left on the booking site for the holiday house that noise from surrounding properties and groups walking home late at night is an issue. • With regard to parking, the applicant advises: <ul style="list-style-type: none"> ○ The property manager frequently drives along Station Road and sees locally plated cars parked on the verge presumably to visit the doctor's/dentists or other properties within the complex. The applicant has requested the Shire place a no parking sign on the verge and does not believe the cars parked on the verge are associated with the holiday house. ○ The property manager places the bins out early to block the space and deter parking on the verge, however advises they are not placed over the footpath and do not pose a risk to pedestrians or road safety. • The manager advises she has always been quick to attend the property if a complaint is received. She believes a lot of noise is blamed on the holiday house

	<p>which is actually a result of groups travelling along Station Road late at night.</p> <p>The application was widely advertised to surrounding properties, totaling 46 land owners. (refer to Figure 1)</p>  <p><i>Figure 1: neighbours included in advertising shaded pink (subject site not shaded).</i></p> <p>Of the 46 landowners advertised to, one objection was received from a landowner of a property located across a local road and not in the complex on site. No complaints have been received by the Shire since the holiday house operation commenced. The applicant has demonstrated adequate record keeping of complaints and that these complaints are responded to appropriately. It is considered that the Holiday House is appropriately managed and the points raised in the objection adequately responded to. It is unfortunate that noise disturbance is a problem in the area, however there is not sufficient evidence to demonstrate that the disturbance can be attributed to the holiday house operation on the subject site. Conditional approval for three years is recommended.</p>
<p>Recommended period of approval</p>	<p>Three year approval period recommended.</p>

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 (Renewal) at 22/5 (Lot 22) Station 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.

<p>Plans and Specifications</p>	<p>P1 to P2 received by the Shire on 18 March 2021</p>
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2. The Holiday House use is permitted for a period of **three (3) years** from **<end of previous period of approval> to <end of period of approval>**. (Refer to advice note 'a')
3. The approved Bushfire Emergency Evacuation Plan shall be displayed in a conspicuous location within the dwelling at all times.
4. 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 to advice note 'b').
5. 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. The sign shall be erected within the property frontage and must be visible from the street front. (Refer to advice note 'c')

6. All vehicles & boats connected with the premises shall be parked in the double garage and on the existing driveway allocated for the exclusive use of unit 22 and within its strata lot boundary. Visitor parking bays on common property within the development are not permitted to be used.
7. The short stay use of the dwelling shall not be occupied by more than **six (6) people** at any one time.
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 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')
10. 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) 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).
- 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 owner's responsibility to monitor and ensure that the planning approval remains valid while the use is being undertaken.



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

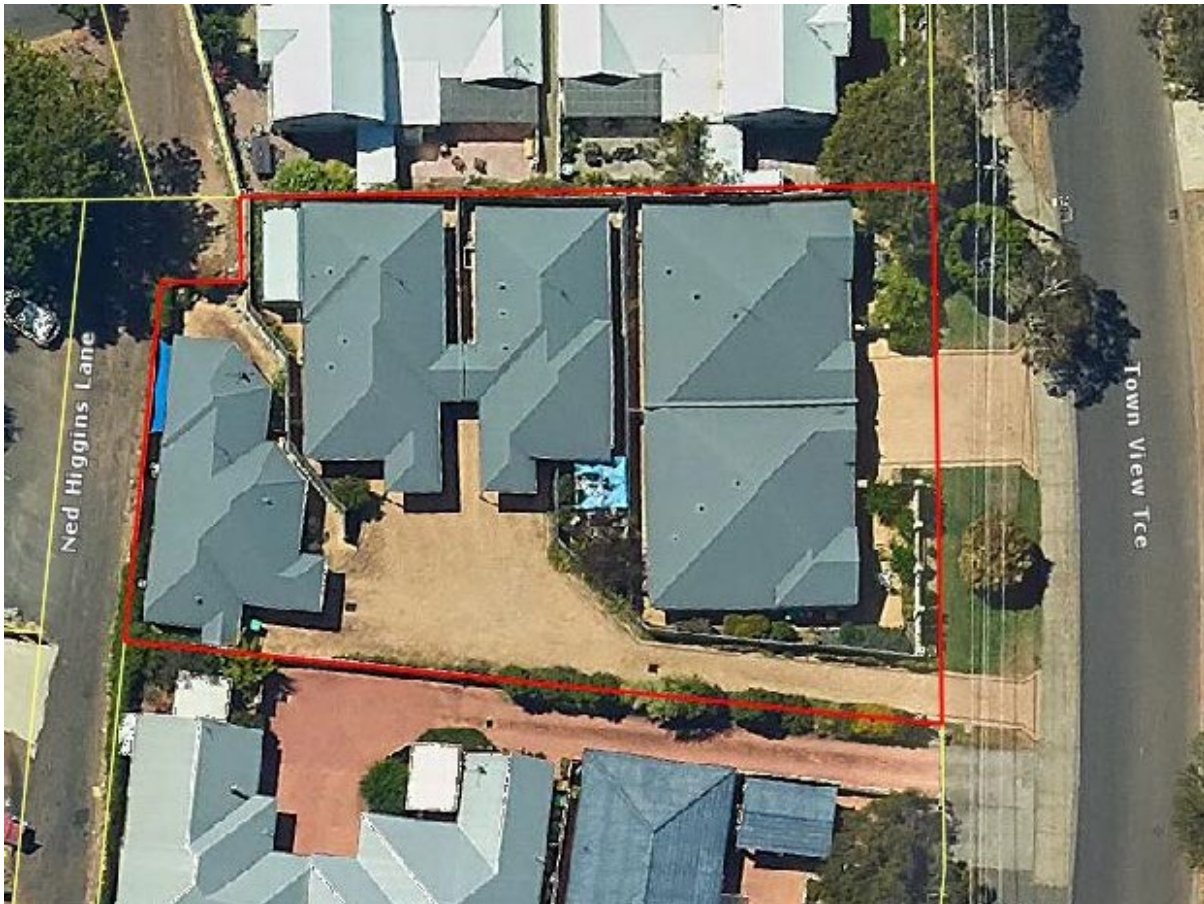
**Proposed Holiday House
Unit 3 / 18 (Strata Lot 3 of Lot 38) Townview Terrace, Margaret River**

Major (Level 2)

P221271; PTY/8923

**REPORTING OFFICER : Don Bothwell
DISCLOSURE OF INTEREST : Nil**

General Information	
Lot Area	1372m ²
Zone	Residential R30/40
Existing Development	<input type="checkbox"/> Single House <input checked="" type="checkbox"/> Grouped Dwelling
Proposed use	A planning application has been received for a Holiday House use. The existing dwelling is to be used to accommodate up to six short stay guests at any one time. The management arrangements are to be undertaken by a local manager who also manages the adjoining Unit 2, No. 18 Town View Terrace.
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	15/04/2021
Date of Report	23/06/2021



Have there been any objections?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No One submission of objection was received from the neighbouring landowner.
Comments Received	
Nature of Submission	Officer Comments

<u>Submission of Objection</u>		
<ul style="list-style-type: none"> Immediate locality transforming into a short stay ghetto with permanent residents now in the minority. Short stay use results in car parking not being contained within the subject lot. If the proposed changes to LPP7 are adopted I hope this application will be assessed accordingly. 	<p>Noted. Each individual development application is assessed upon its own merits and against the criteria of Local Planning Policy No. 7 (LPP7).</p> <p>Noted. The car parking proposed meets the relevant provisions of LPP7.</p> <p>Noted. It was resolved by Council at their Ordinary Meeting on 9 June 2021 not to proceed with the proposed changes to LPP7.</p>	
Policy Requirements		
Policy Element	Provision	Comment
Location	Urban area located within Policy Plan 1?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Design / Layout	Two bays for grouped dwellings	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Provision of one car bay in the single carport and a second bay in tandem abutting the carport.
	Reticulated water supply, or minimum 120,000 (plus firefighting provision) rainwater tank?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Reticulated water services the site.
	Existing or proposed on site effluent disposal system sized accordingly to number of guests?	<input type="checkbox"/> Yes <input type="checkbox"/> No N/A
	Decks and balconies located away from the bedrooms of neighbouring dwellings?	<input type="checkbox"/> Yes <input type="checkbox"/> No N/A - no decks or balconies on the property.
	Decks and balconies located close to the living and dining areas of neighbouring dwellings, provided with suitable screening?	<input type="checkbox"/> Yes <input type="checkbox"/> No N/A - no decks or balconies.
	Each bedroom accommodates a maximum of two persons?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 3 bedrooms are proposed to be used with a maximum of 6 guests.
Fire	If within bushfire prone area a BAL provided?	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	For sites with a BAL above Low, a BMP prepared by accredited consultant and where required referred to DFES for comments?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No The property is not located within a Bushfire Prone Area.
	BAL rating at BAL-40 or FZ?	<input checked="" 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 The Manager resides in Coronation Street, Margaret River
	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 checked="" type="checkbox"/> 12 months <input type="checkbox"/> 3 years	

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 Unit 3 / 18 (Strata Lot 3 of Lot 38) Townview Terrace, 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 to P3 received by the Shire on 15 April 2021
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1. 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')
2. The approved Bushfire Emergency Evacuation Plan shall be displayed in a conspicuous location within the dwelling at all times.
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. Visitor parking bays for the complex are not permitted to be used for the short stay accommodation the subject of this approval.
6. The short stay use of the dwelling shall not be occupied by more than **six (6) people** at any one time.
7. Amplified music shall not be played outside of the holiday house between the hours of 10pm and 10am.
8. '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')
9. 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 twelve (12) month approval period, the Shire may grant further planning approval for the continuation of the use for a further three (3) 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.