

**DEVELOPMENT ASSESSMENT REPORT**  
**Shire of Augusta Margaret River**  
**31 March to 6 April 2022**

**APPLICATIONS RECEIVED**

Date Rec'd	Reference No.	Address	Proposal
<b>PLANNING</b>			
31/03/2022	P222237	21 (Lot 27) Formosa Street, Margaret River	Holiday House Renewal
31/03/2022	P222238	805 (Lot 3) Redgate Road, Witchcliffe	Holiday House Renewal
31/03/2022	P222239	42 (Lot 20) Formosa Street, Margaret River	Holiday House Renewal
31/03/2022	P222240	10 (Lot 2) Ellis Street, Augusta	Holiday House Renewal
01/04/2022	P222241	5 (Lot 47) Town View Terrace, Margaret River	Holiday House Renewal
01/04/2022	P222242	Passing through Reserve 47956 (Lot 352 Bussell Highway), 35 (Lot 99) Bussell Highway and Reserve 39081 (Lot 132 Bussell Highway, Margaret River	Community Purpose (Sewer Pressure Main)
04/04/2022	P222244	4 (Lot 179) Bayview Drive, Gracetown	Office & Dwelling (Mixed Use: Offices x 6 and Upper Floor Apartment)
05/04/2022	P222246	21 (Lot 40) McDowell Road, Witchcliffe	Single House (Outbuilding Addition)
05/04/2022	P222247	88 (Lot 212) Wooditch Road, Margaret River	Holiday House (Large) Renewal
05/04/2022	P222248	69 (Lot 193) Marmaduke Point Drive, Gnarabup	Holiday House (Large)
05/04/2022	P222249	8 (Lot 48) Lakeview Crescent, Prevelly	Holiday House
06/04/2022	P222252	122 (Lot 2) Bussell Hwy, Margaret River	Office (Alterations & Additions)
06/04/2022	P222253	148 (Lot 153) Ashton Street, Margaret River	Single House (Dwelling Addition and Bed & Breakfast)
06/04/2022	P222254	3 (Lot 17) Treeside Lane, Margaret River	Single House
06/04/2022	P222255	33 (Lot 622) Halcyon Crescent, Margaret River	Extension of Planning Approval P220205
06/04/2022	P222256	Unit 8 / 16 (Strata Lot 8 of Lot 10) Town View Terrace, Margaret River	Holiday House Renewal
06/04/2022	P222257	480 (Lot 503) Ellenbrook Road, Cowaramup	Agriculture Extensive (Farm Building)
06/04/2022	P222258	Unit 3 / 18 (Strata Lot 3 of Lot 38) Town View Terrace, Margaret River	Holiday House Renewal
<b>BUILDING</b>			
04/04/2022	222199	Unit 6 / 35 (Lot 6) Stewart Street, Margaret River	Two Storey Dwelling, Garage and Cantilever Deck
31/03/2022	222201	159 (Lot 81) Wilderness Road, Margaret River	Swimming Pool and Safety Barrier
06/04/2022	222202	9 (Lot 232) Bandicoot Close, Gnarabup	Dwelling Addition - Detached Storage Room
01/04/2022	222203	31-79 Wallcliffe Road Margaret River	Occupancy Permit - Assembly Building and Workshop
04/04/2022	222204	50 (Lot 246) Callistemon Drive, Margaret River	Retaining Wall
05/04/2022	222205	264 (Lot 28) Redgate Road, Witchcliffe	Detached Garage and Retaining Wall
05/04/2022	222206	32 (Lot 120) Georgette Road, Gracetown	Retaining Wall
04/04/2022	222207	17 (Lot 246) Felling Road, Karridale	Single Dwelling, Garage, Verandah and Rainwater Tank
05/04/2022	222208	Lot 1 Mentelle Road Burnside	Shed
05/04/2022	222209	35 (Lot 4) Bussell Highway, Cowaramup	Occupancy Permit - Coffee Sales and Storage
06/04/2022	222210	44 (Lot 80) Greenwood Avenue, Margaret River	Single Dwelling, Garage and Retaining Wall

**APPLICATIONS DETERMINED UNDER DELEGATION**

Date Rec'd	Reference No.	Address	Proposal	Outcome
<b>PLANNING</b>				
18/11/2021	P221864	40 (Lot 30) Sabina Drive, Molloy Island	Dwelling Additions (Outbuilding - Shed)	Approved
21/01/2022	P222042	1 (Lot 122) Papdakias Avenue, Prevelly	Holiday House Large (Renewal)	Approved
24/01/2022	P222046	253 (Lot 34) Wilderness Road, Margaret River	Holiday House Large (Renewal)	Approved
27/01/2022	P222058	5021 (Lot 41) Caves Road, Cowaramup	Agricultural Intensive (Avocado Orchard)	Approved
04/02/2022	P222091	129 (Lot 42) Freshwater Drive, Margaret River	Holiday House - Large (Renewal)	Approved

01/03/2022	P222145	40 (Lot 83) Riedle Drive, Gnarabup	Single House (Fence Addition)	Approved
01/03/2022	P222146	5 (Lot 7) Redgate Road, Witchcliffe	Ancillary Dwelling	Approved
11/03/2022	P222189	19 & 35 (Lot 14) Saunders Road, Cowaramup	Agriculture - Extensive (Farm Building)	Approved
24/03/2022	P222217	Lot 70 Drummond Road Forest Grove. Lot 5439 Sebbes Road, Forest Grove. Lot 1555/1557 Forest Grove Road, Forest Grove. Lot 3 Forest Grove Road, Forest Grove. Lot 1561 Forest Grove Road, Forest Grove. Lot 121 Sebbes Road, Forest Grove. Lot 2705 Sebbes Road, Forest Grove	Extension of Term P221979 - Temporary Development Agreement (Recreation Private Quad Bike Tours)	Agreed
<b>SUBDIVISIONS</b>				
Nil				
<b>LOCAL LAW PERMITS</b>				
Nil				

### LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
<b>PLANNING</b>				
19/11/2021	P221868	114 (Lot 42) Blackwood Avenue, Augusta	Holiday House	Conditional Approval

### DEVELOPMENT ASSESSMENT REPORTING PROCEDURE

#### Assessment of Development Applications (DAs)

For the purposes of this procedure there are three types of development applications:

#### Level 1

DA not advertised

#### Level 2

DA is advertised; and

- No submissions; or
- Submission received but meets one of the following:
  - Not related to the reason the DA was advertised.
  - The development is modified to comply or to remove the element of concern to the submitter.
  - Submission is either of support, conditional support or is 'indifferent'; or is from a non-affected person.

#### Level 3

A submission in opposition is received from an 'affected' person or special interest group in relation to the reason the DA is advertised or the development application is recommended for refusal.

**Note:** This procedure applies to development applications only. It does not apply to structure plans, scheme amendments or other types of planning proposals.



**DEVELOPMENT APPLICATION ASSESSMENT**  
**Report to Manager Planning and Development Services**

**Proposed Holiday House: 114 (Lot 42) Blackwood Avenue, Augusta**

**Level 3 (Objection received)**

**P221868; PTY/2296**

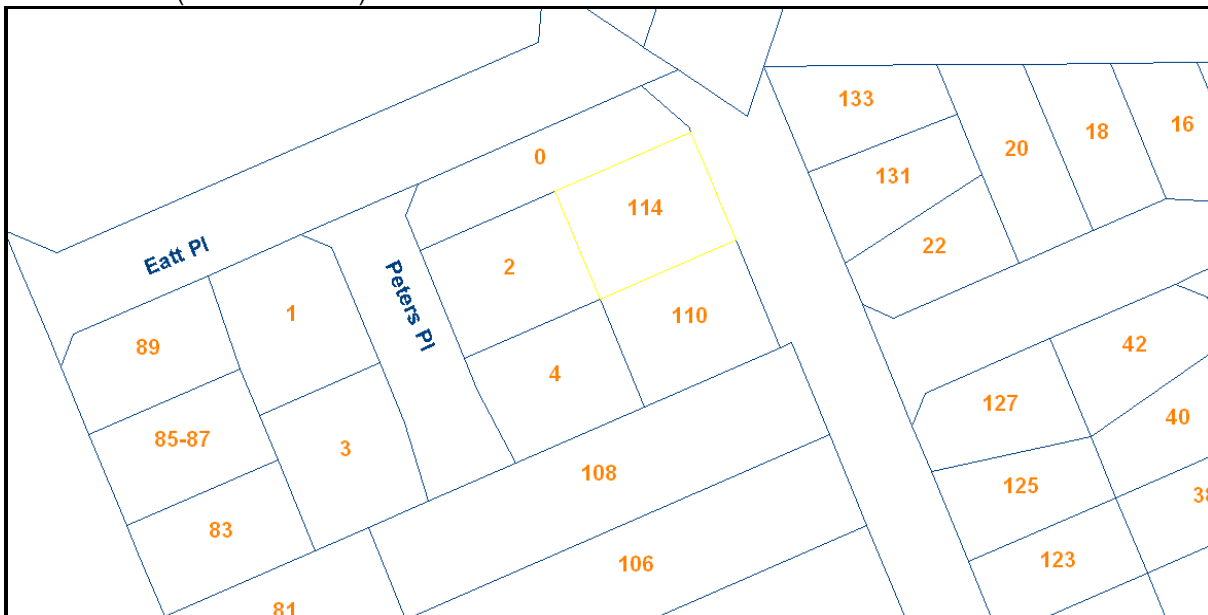
**REPORTING OFFICER** : Lara Hoole  
**DISCLOSURE OF INTEREST** : Nil

General Information	
Lot Area	1064m <sup>2</sup>
Zone	Residential R15
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 a Holiday House. As previously approved, the existing dwelling is to be used to accommodate up to <b>six (6) short stay guests</b> at any one time. The existing management arrangements are to be retained and the duration of the approval sought in this case is <b>twelve (12) months</b> .
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	19/11/2021
Date of Report	29/03/2022

Location Map 1



Location Plan 2 (House Numbers)



<b>Development History</b>	<p><u>Planning Approval</u> A 12 month approval (P219736) was issued on 12/02/2020. for a holiday house for six (6) guests. The approval expired on 12/02/2021.</p> <p><u>Compliance Matter</u> Unauthorised Short Stay Accommodation No. P221779 was registered on the 07/10/2021. The landowner was advised that the Holiday House approval had expired and advised to cease the use and/or apply for planning approval. Subsequently, the applicant lodged an application for a Holiday House approval (the subject of this assessment).</p> <p><u>Building Permit</u> BLD/219016 Dwelling issued 17/01/2019.</p>	
<b>Fire</b>	If within bushfire prone area a BAL provided?	<input 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 type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<b>Is the application same as previous?</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 One submission of objection was received during the advertising period for the application.	
<b>Have there been any complaints over the recent period of approval?</b>	<input type="checkbox"/> Yes <input checked="" 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	
<b>Comments Received</b>		
<b>Nature of Submission</b>		<b>Officer Comments</b>
<b>Objection</b> <ul style="list-style-type: none"> <li>My understanding is that these properties (including Lots 2, 4, 114 and 110) are area zoned Code B: (i.e. residence for owner occupation) and not Code C: house for rental.</li> <li>Approval if given would invalidate this code; become a rental property and cause unwanted noise/disruption with short stay comings and goings backing onto my peaceful back yard.</li> <li>One year is a long period, accommodating many "guests", no longer a family residence.</li> </ul>		<ul style="list-style-type: none"> <li>House numbers 2, 4, 114 and 110 (as shown in Location Plan 2) are all zoned 'Residential' in Local Planning Scheme No. 1 (LPS1). All these properties can apply for planning approval for Holiday House use.</li> <li>114 (Lot 42) Blackwood Avenue, Augusta has previously been approved and has operated as Holiday House. No records of objections or complaints to the operation have been received during this time or raised in the submission.</li> </ul> <p>While the use has previously operated without approval for a limited period of time, the use has also been operated without compliant. Given no issues have been raised to the operation of the use, conditional approval is recommended for a limited period of twelve months.</p>
<b>Recommended period of approval</b>	<input checked="" type="checkbox"/> 12 months <input type="checkbox"/> 3 years <input type="checkbox"/> 5 years	

#### OFFICER RECOMMENDATION

That the Statutory Planning Coordinator GRANT Planning Consent under Delegated Authority Instrument No. 34 pursuant to clause 68 (2) of the Deemed Provisions of Local Planning Scheme No. 1 for a Holiday House at 114 (Lot 42) Blackwood Avenue, 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 on 19 November 2021.
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- The Holiday House use is permitted for a period of **12 months** from **<end of previous period of approval>** to **<end of period of approval>**. (Refer to advice note 'a')
- 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').

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 ground level. The sign shall be erected within the property frontage and must be visible from the street front. (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.
7. Amplified music shall not be played outside of the Holiday House between the hours of 10pm and 10am.
8. 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').
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) 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.
  - (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 owner's responsibility to monitor and ensure that the planning approval remains valid while the use is being undertaken.