

**DEVELOPMENT ASSESSMENT REPORT**  
**Shire of Augusta Margaret River**  
**30 September 2021 to 6 October 2021**

**APPLICATIONS RECEIVED**

Date Rec'd	Reference No.	Address	Proposal
<b>PLANNING</b>			
30/09/2021	P221694	213 (Lot 17) Manear Road, Rosa Brook	Holiday House Renewal
30/09/2021	P221695	3 (Lot 2) Dobbins Place, Witchcliffe	Bed and Breakfast
30/09/2021	P221698	135 (Lot 103) Watervale Road, Rosa Brook	Single Dwelling and Conversion of Existing Dwelling to Ancillary Dwelling
30/09/2021	P221699	135 (Lot 1) Blackwood Avenue, Augusta	Subdivision
30/09/2021	P221700	57 (Lot 391) Pimellia Drive, Margaret River	Retrospective Retaining Wall
30/09/2021	P221701	38 (Lot 106) Barrett Road, Rosa Brook	Outbuilding
30/09/2021	P221702	15 (Lot 29) Seahawk Rest, Gracetown	Dividing Fence
01/10/2021	P221704	86 (Lot 104) Woodland Drive, Burnside	Bed and Breakfast
01/10/2021	P221710	22 (Lot 11) Offshore Crest, Margaret River	Outbuilding (Shed) and Retaining Wall
01/10/2021	P221714	17 (Lot 33) Worredah Crescent, Prevelly	Residential Building (Short Stay Use of 2 Guest Rooms and 2 Bathrooms - Guesthouse Renewal)
01/10/2021	P221717	Lot 104 Bessell Road, Rosa Brook	Dam
01/10/2021	P221718	1 (Lot 6) Chapel Place, Prevelly	Wall Height Variation
01/10/2021	P221719	Lot 74 Colyer Drive, Hamelin Bay	Building Envelope Variation, Outbuilding Outside of Building Envelope and Wall Height Variation
04/10/2021	P221720	29 (Lot 406) Hasluck Street, Cowaramup	Change of Use from Tavern to Tavern and Liquor Store
04/10/2021	P221721	29 (Lot 406) Hasluck Street, Cowaramup	Section 40 (Distillery)
04/10/2021	P221722	12 (Lot 94) Grunters Way, Gnarabup	Bed and Breakfast (Renewal)
04/10/2021	P221723	29 (Lot 406) Hasluck Street, Cowaramup	Section 40 (Tavern)
04/10/2021	P221724	3 (Lot 75) Nixon Crescent, Margaret River	Holiday House (Renewal)
05/10/2021	P221725	14 (Lot 24) McDermott Parade, Redgate	Outbuilding (Shed) and Ancillary Dwelling
05/10/2021	P221726	Unit 2 35 (Strata 2 Lot 169) Marmaduke Point, Gnarabup	Holiday House (Renewal)
05/10/2021	P221727	Lot 100 Bussell Highway, Margaret River	Single Dwelling
05/10/2021	P221728	47 (Lot 134) Turner Street, Augusta	Single Dwelling
05/10/2021	P221729	58 (Lot 202) Marmaduke Point Drive, Gnarabup	Holiday House (Renewal)
05/10/2021	P221731	1020 (Lot 21) Rosa Brook Road, Rosa Brook	Holiday House (Large)
05/10/2021	P221732	114 (Lot 502) Bussell Highway, Margaret River	Tavern (Alterations & Additions)
05/10/2021	P221733	21 (Lot 56) Thelma Street, Augusta	Outbuilding (Shed)
05/10/2021	P221734	5 (Lot 82) Georgette Road, Gracetown	Holiday House (Renewal)
01/10/2021	P221736	Lot 331 Lovejoy Road & Lot 329 Webster Road, Cowaramup (Bussell Highway)	Subdivision
01/10/2021	P221737	Lot 57 Kookaburra Nook, Cowaramup	Subdivision
06/10/2021	P221739	12 (Lot 378) Percheron Place, Margaret River	Building Envelope Variation
<b>BUILDING</b>			

30/09/2021	221634	16 (Lot 68) Birch Loop, Margaret River	Single Dwelling, Garage, Retaining and Alfresco
30/09/2021	221635	Lot 41 Trinder Drive, Margaret River	Single Dwelling, Garage and Alfresco
01/10/2021	221636	23 (Lot 3) Yornitj Grove, Witchcliffe	Single Dwelling, Alfresco Carport and Rainwater Tanks
30/09/2021	221637	7 (Lot 4) Yornitj Grove, Witchcliffe	Rainwater Tanks x 2
30/09/2021	221638	38 (Lot 4763) Pilgrim Road, Witchcliffe	Ancillary Dwelling, Carport and Verandah
30/09/2021	221640	80 (Lot 10) Sabina Drive, Molloy Island	Single Dwelling, Verandah & Water Tank
30/09/2021	221641	18 (Lot 70) Magnolia Court, Cowaramup	Shed and Alfresco
30/09/2021	221642	Unit 21 14 (Lot 17) Willmott Avenue, Margaret River	Two Storey Dwelling
01/10/2021	221643	15 (Lot 872) Betts Court, Margaret River	Swimming Pool
01/10/2021	221644	15 (Lot 872) Betts Court, Margaret River	Swimming Pool Barrier Fence
01/10/2021	221645	Lot 1004 Hawkesford Pl (Lot 22 Blanc Way), Margaret River	Single Dwelling, Carport and Alfresco
04/10/2021	221646	Lot 1004 Hawkesford Pl (Lot 5 Pinot Way), Margaret River	Single Dwelling, Carport and Alfresco
04/10/2021	221647	Lot 1004 Hawkesford Pl (Lot 41 Pinot Way), Margaret River	Single Dwelling, Carport and Alfresco
04/10/2021	221649	3 (Lot 139) Tattersall Street, East Augusta	Boat Shed/Workshop
04/10/2021	221650	47 (Lot 242) Dalton Way, Molloy Island	Shed
05/10/2021	221651	15 (Lot 68) Concerto Drive, Cowaramup	Single Dwelling and Garage
05/10/2021	221652	25 (Lot 4) Yornitj Grove, Witchcliffe	Single Dwelling, Alfresco and Rainwater Tank
05/10/2021	221653	7 (Lot 112) Galliers Street, Gracetown	Viewing Deck
05/10/2021	221654	345 & 183 (Lot 913) Lucas Road, Rosa Glen	Farm Shed

#### APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
<b>PLANNING</b>				
09/06/2021	P221405	53 (Lot 722) Wallcliffe Road, Margaret River	Market Garden Production & Sales	Approved
02/07/2021	P221456	18 (Lot 69) Colyer Drive, Hamelin Bay	Dwelling Additions (Bathroom)	Approved
06/07/2021	P221466	199 & 231 (Lot 3) McDonald Street, Karridale	Single Dwelling & Change of Use to Rural Workers	Approved
08/07/2021	P221470	5 (Lot 46) Chaudiere Place, Augusta	Holiday House (Large)	Approved
13/07/2021	P221484	6 (Lot 145) Mooring Court, Molloy Island	Dwelling Additions (Water Tank)	Approved
20/07/2021	P221500	16 (Lot 11) Tunbridge Street, Margaret River	Holiday House (Renewal)	Approved
22/07/2021	P221508	18 (Lot 69) Birch Loop, Margaret River	Single House (Retaining)	Approved
27/07/2021	P221516	54 (Lot 204) Marmaduke Point Drive, Gnarabup	Dwelling	Approved
09/08/2021	P221547	79 (Lot 21) Turner Street, Augusta	Grouped Dwelling	Approved
12/08/2021	P221562	22 (Lot 46) Freycinet Way, Gnarabup	Holiday House (Renewal)	Approved
18/08/2021	P221576	20 (Lot 23) Shetland Place, Margaret River	Addition (Outbuilding)	Approved

23/08/2021	P221586	31 (Lot 52) Merrit Lane, Margaret River	Home Business (Beauty Therapist)	Approved
25/08/2021	P221597	56 (Lot 59) Victoria Parade, Augusta	Holiday House (Renewal)	Approved
31/08/2021	P221610	13 (Lot 10) Rowe Road West, Witchcliffe	Building Envelope Variation	Approved
02/09/2021	P221620	Unit 2 / 9 (Lot 2) Blackwood Avenue, Augusta	Holiday House Renewal	Approved
23/09/2021	P221676	5839 (Lot 940) Caves Road, Margaret River	Farm Building (Awning Addition)	Approved
<b>SUBDIVISIONS</b>				
11/08/2021	P221559	60 (Lot 1) Bussell Highway, Cowaramup	Section 40	Approved
<b>LOCAL LAW PERMITS</b>				
Nil				

### LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
<b>PLANNING</b>				
P221538	PTY/3359	20 (Lot 13) Loaring Place, Margaret River	Holiday House (Renewal)	Conditional Approval
P221514	PTY/5709	23 (Lot 175) Marmaduke Point Drive, Gnarabup	Holiday House (Renewal)	Conditional Approval
P221581	Pty/12734	4 (Lot 370) Winton Street, Margaret River	Dwelling Addition (Outbuilding)	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.





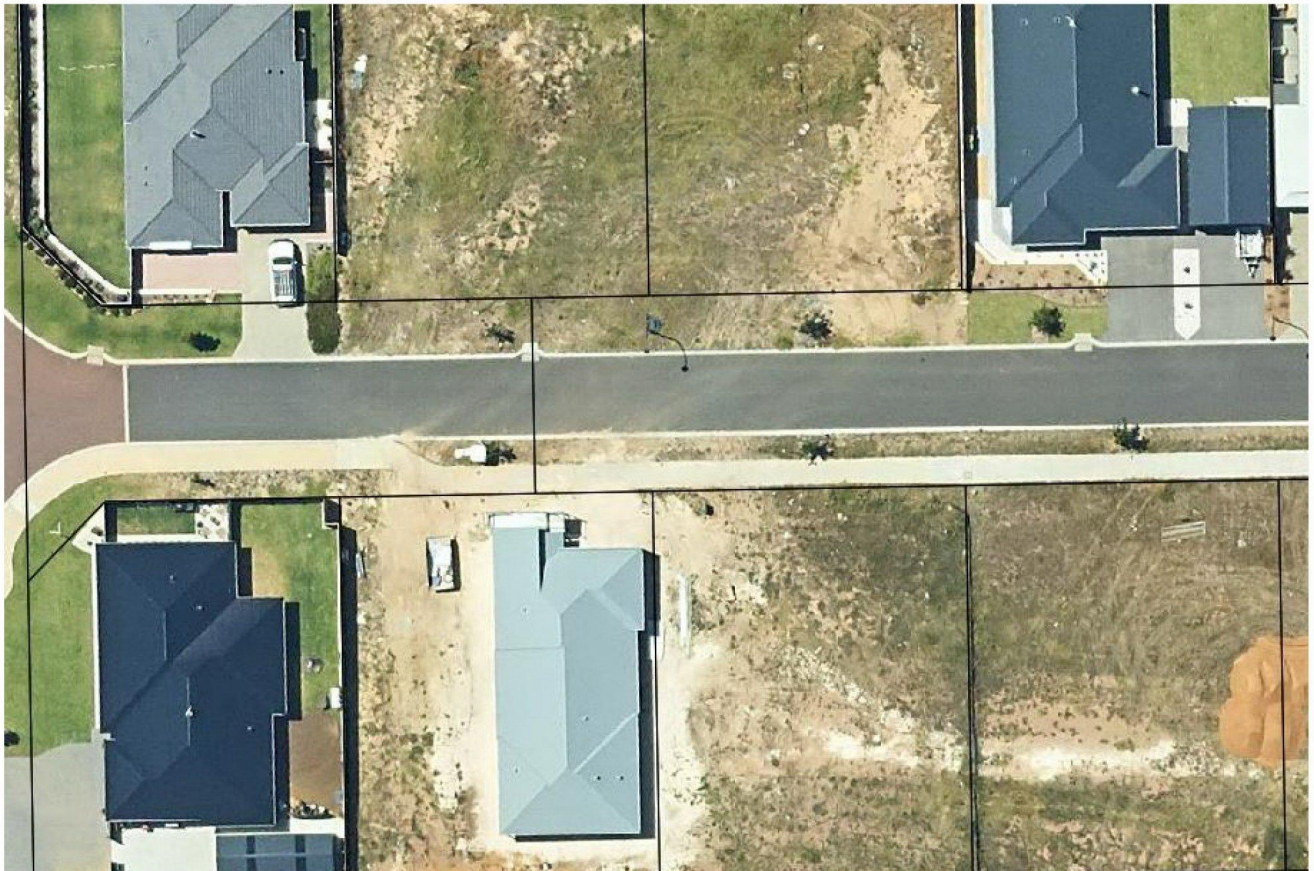
**DEVELOPMENT APPLICATION ASSESSMENT**  
**Report to Manager Planning and Development Services**  
**Proposed Dwelling Addition (Outbuilding)**  
**4 (Lot 370) Winton Street Margaret River**

**Level 3 (1 objection received)**

**P221581; PTY/12734**

**REPORTING OFFICER :** Sophie Moscardini  
**DISCLOSURE OF INTEREST :** Nil

General Information	
Lot Area	720m <sup>2</sup>
Zone	<b>Future Development (Residential R20)</b>
Proposed Development	<p>Development approval is sought for an outbuilding which includes the following:</p> <ul style="list-style-type: none"> <li>• 7.5m x 8m (60m<sup>2</sup>);</li> <li>• Setback 3m from the front lot boundary;</li> <li>• Setback 300mm from the side boundary; and</li> <li>• Proposed 'Monument' Colorbond.</li> </ul> <p>Development approval is required for the proposed dwelling given the variation to the front and side boundaries.</p>
Permissible Use Class	'P' – permissible
Heritage/Aboriginal Sites	No Aboriginal Heritage Sites Identified.
Encumbrance	Nil.
Date Received	19/08/2021







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		Local Planning Policy 1 – <i>Outbuildings, Farm Buildings and Swimming Pools</i> (LPP 1)	
Officer Comment	LPP 1 sets out the following acceptable development standards relating to outbuildings within the Future Development and Residential Zones:		
	<b>Provision</b>	<b>Required</b>	<b>Proposed</b>
	Floor area	60m <sup>2</sup>	60m <sup>2</sup>
	Wall height	3.1m	3.1m
	Roof ridge	4.2m	3.8m
	Side setback	1m	300mm
	Front setback	6m	3m
<p>The proposed outbuilding is located in line with the existing dwelling fronting Winton Street and is therefore not located behind the dwelling. The dwelling has been built to the western boundary, with the eastern side of the subject lot currently existing as open space.</p> <p>Where a proposal does not meet the acceptable development standards of LPP 1 the development is to be assessed against the relevant performance criteria. The following performance criteria are relevant to the subject site:</p> <ul style="list-style-type: none"> <li><i>Outbuildings that are/can be adequately screened from view from the street and neighbouring properties, or are otherwise of an appropriate form and scale, and in an appropriate location, consistent with the visual management guidelines of the Local Planning Strategy.</i></li> </ul>			

	<p>Whilst the outbuilding is not adequately screened from the street, the proposed location is considered an appropriate location given the location of the dwelling and its access to sunlight. The proposed outbuilding is setback in line with the existing dwelling and therefore does not detract from the streetscape. The site falls within Visual Management Zone B under the Local Planning Strategy which requires that 'Developments or changes of use may be visually apparent but should nevertheless be subordinate to established landscape patterns. Introduced visual elements may be apparent in the landscape but should not be visually dominant.' Being of a low profile and clad in Colorbond 'Monument' the proposal is compliant with the visual requirements of this zone.</p> <ul style="list-style-type: none"> <li><i>Outbuildings constructed of colours and materials that complement the landscape, dwelling and/or the amenity of the surrounding area.</i></li> </ul> <p>The applicant has advised that the outbuilding will be constructed with Colorbond in the colour 'Monument'. This will complement the existing dwelling and will not detract from the amenity of the surrounding area.</p> <ul style="list-style-type: none"> <li><i>Outbuildings that will not have an adverse impact or detract from the streetscape or amenity of neighbouring properties.</i></li> </ul> <p>The proposal is consistent with the approved outbuilding located at No.7 Winton Street and therefore will not have an adverse visual impact to the street. The outbuilding is not over height and therefore the impact on the neighbouring property is minimal. The subject site is located at natural ground level, with the neighbouring property to the west located 700mm above the subject site. Therefore, the impact on the property to the west is further reduced.</p> <ul style="list-style-type: none"> <li><i>Outbuildings that, where practical, are grouped with the residence to limit potential adverse visual impacts and are proportionally scaled relative to the dwelling on site.</i></li> </ul> <p>The proposed outbuilding is located 4m west of the dwelling to allow access to the rear of the property if required. This location will also still allow access to sun for the existing dwelling. The proposal is proportional scaled relative to the dwelling onsite and does not vary the height or area requirements set out within the R-Codes.</p>		
<b>Structure Plans and Local Development Plans (LDP's)</b>			
Is the land in any Structure Plan Area or subject to a LDP? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
If yes, state the Policy/Policies		<i>Outline Development Plan – Proposal to Develop Lot 27 Bussell Highway, Margaret River (endorsed November 2016)</i>	
<b>Officer Comment</b>	R-Code of R20 determined for the subject site.		
<b>Planning History</b>			
P221509 – Home Business (Kinesiology) (Approved September 2021)			
<b>Advertising/Agency Referrals</b>			
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  No. received: 1 submission objecting to the side boundary setback was received in the advertising period.	
<b>Details of Submission</b>		<b>Officer Comment</b>	



		1 submission objecting to the side boundary setback was received during the advertising period.	
<p>Objection.</p> <p>We approve the request of the proposed outbuilding setback 3m in lieu of the 6m front setback.</p> <p>We do not approve the 300mm setback on the west side and request that the 1m rule be respected to limit adverse visual impacts to neighbouring property.</p>		<p>The comments of the neighbouring property are noted.</p> <ul style="list-style-type: none"> <li>• The proposed setback of the shed on the western side proposes a variation of 700mm.</li> <li>• The proposed shed is under height and only protrudes 0.63m above the existing fence line and therefore the impact on the neighbouring property is minimal.</li> <li>• The shed will not have any undue, impact on solar access of the neighbouring property or any overlooking impacts.</li> <li>• The neighbouring property is 700mm above the subject site and therefore the impact is further reduced.</li> <li>• Access to views is not a planning consideration in this situation.</li> </ul> <p>The application modified the plans of the proposal to reduce the impact on the neighbour by spinning the orientation of the shed 90 degrees. This will mean that now the lowest point of the shed which is the 3.1m side will be on the neighbouring property rather than the full height of the gable.</p> <p>The development is considered to be consistent with the acceptable development standards of LPP 1 and therefore condition approval is recommended.</p>	
<b>Assessment of Application</b>			
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
<b>R Codes</b>			
Are R Codes applicable?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Design Element</b>	<b>Policy / R Codes</b>	<b>Provided</b>	<b>Officer comment</b>
Front Setback	6m	3m	Variation
Sides Setback	1m	0.3m	Variation
Upgrade Landscaping	<input type="checkbox"/> Required	<input checked="" type="checkbox"/> Not Required	
Overlooking	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Street surveillance	<input type="checkbox"/> Yes	<input checked="" 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	
Other Variations	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	

<b>Officer's Comments against performance criteria</b>	The shed presents a variation to Clauses 5.1.2 and 5.4.3 of the R-Codes where it is located inside the primary street setback area. The averaging provision of Clause 5.1.2 cannot be applied to achieve compliance as there is not enough compensating open area that can be used.	
	Front setback variation: <ul style="list-style-type: none"> <li>• Due to the shape of the lot and the location of the dwelling on site, it would not be practicable to locate an outbuilding behind the dwelling.</li> <li>• The proposal is not considered to detract from the streetscape or visual amenity of neighbouring properties of the reasoned outlined above.</li> <li>• </li> </ul> The shed presents a variation to Clause 5.1.3 of the R-Codes where it is setback 0.3m to the side east boundary in-lieu of the 1m requirement. Setback variation: <ul style="list-style-type: none"> <li>• The proposed setback from the west side boundary will allow for a 4m separation distance from the existing dwelling to allow for access to the rear of the site if required.</li> <li>• The proposed setback from the side boundary will not have an undue impact on the neighbouring property given the subject site sits 700mm below the neighbouring property.</li> <li>• The proposal will also not result in any overlooking to the adjoining property and will not impact on the properties ability to gain solar access due to the orientation of the lots.</li> </ul>	
<b>Development Standards (Schedule 9)</b>		
Are the development Standards applicable?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<b>Building Height</b>		
Scheme / Policy Requirement	Wall - 7m	Roof - 8m
State the proposed building height	Wall – 3.1m  Roof – 3.76m	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply
<b>Officer Comment</b>	Compliant with the height requirements under LPP 1 and the R-Codes	
<b>Clause 67</b>		
In the opinion of the officer, would approval of the planning consent be appropriate under Clause 67 of the Deemed Provisions of the Scheme?		
<b>Officer Comment</b>	Yes	
<b>In the opinion of the officer</b>		
i. Are utility services available and adequate for the development?	Yes.	
ii. Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land?	The entire site is cleared of vegetation.	
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 – not a habitable dwelling
<b>Other Comments</b>	
Any further comments in relation to the application?	
<b>Officer Comment</b>	Conditional approval recommended.

## OFFICER RECOMMENDATION

That the Statutory Planning Coordinator GRANT Planning Consent under Delegated Authority Instrument No. 16 pursuant to Clause 68(2) of the Deemed Provisions of Local Planning Scheme No. 1 for the proposed Dwelling Addition (Outbuilding) at 4 (Lot 370) Winton Street 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 and P2 received at the Shire on 5 October 2021
--------------------------	---

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 August Margaret River Standards & Specifications.
4. The outbuilding shall be used solely for 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**  
**Report to Manager Planning and Development Services**

**Proposed Holiday House (Renewal)**  
**20 (Lot 13) Loaring Place Margaret River**

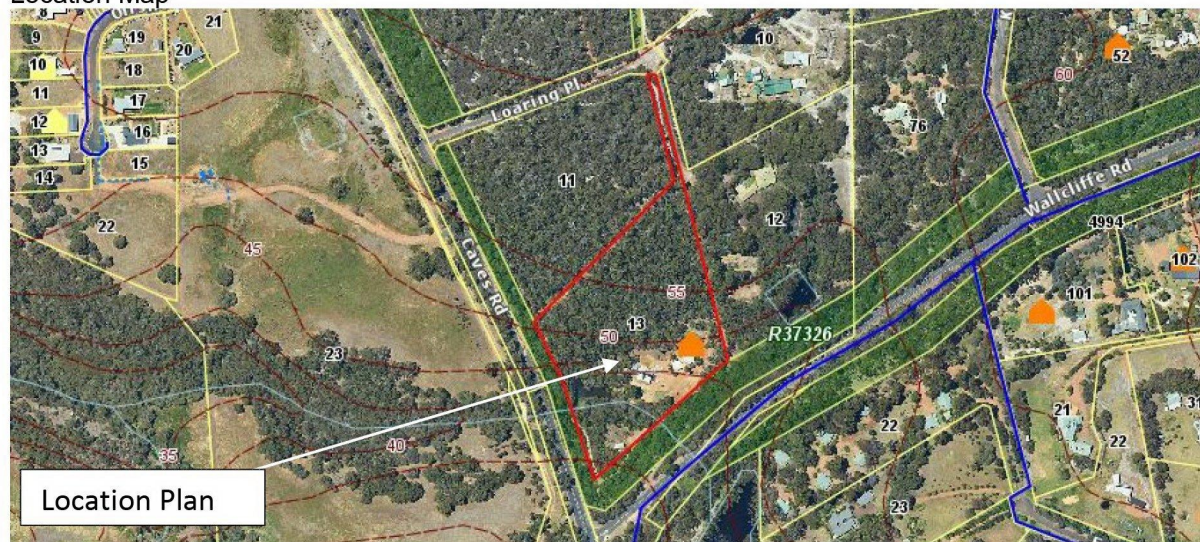
**Level 3**

**P221538; PTY/3359**

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

General Information	
Lot Area	30,738m <sup>2</sup>
Zone	Rural Residential
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 four (4) 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	05/08/2021
Date of Report	08/09/2021

Location Map



**Development History**

Planning Approvals

P284 Dwelling approved 1988.  
 P1310 Shed approved 1993.  
 P22072 Building Envelope Variation (Ancillary Dwelling, Carport & 2 x Water Tanks with 160,000litres capacity). The assessment notes an existing approved dwelling and 10,000litre water tank for firefighting. Approved 26/05/2020.  
 P220071 Holiday House to accommodate a maximum of four (4) guests was approved on 26/05/2020 for 15 months. Expires on 26/08/2021.



	<p><u>Compliance</u> P219617 Unapproved development and illegal use of dwelling for short stay registered 14/10/2019. Landowner advised that short stay use would cease. Building permit and planning applications to be submitted to the Shire. Matter concluded 13/08/2020.</p> <p><u>Building Licences/Permits</u> BLD/881141 New Dwelling issued 1988. BLD/920060 Garage Shed issued 1992. BLD/970230 Alterations and Additions to Existing Dwelling issued 1997. BLD/220281 Unauthorised Works – Ancillary Dwelling Acknowledged 08/07/2020. BLD/220370 Garage and Rainwater Tank issued 10/09/2020.</p>
<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
<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>
<p>Private Submission – Objection</p> <p>i) Noise. Holiday homes are renown as party homes. As there is no host or responsible person on site, people think they can make as much noise as they like and party on into the night.</p> <p>ii) Our B&amp;B is not that far away and has been disrupted from a holiday house in Rangnow Place, many times. The doof-doof noise can carry long distances.</p> <p>iii) Traffic. With 2 couples plus occupants of the studio, cleaner, linen, maintenance and letting agent, the car traffic down Loaring Place will be increased significantly. This has noise impacts for the B&amp; B but also for the other houses at the end of the street.</p> <p>iv) Holiday homes are un-hosted and this leads to many problems of which the Council has been made aware many times. We have taken in quite a few couples whose Airbnb was either unfit for staying in or were locked and no way to contact owners.</p> <p>v) We are struggling with the competition of exploding Airbnb properties in the region and do not need another Airbnb in our street.</p> <p>vi) Many of the properties listed on Airbnb area one bedroom studios which are illegal in this Shire. Including the studio at 20 Loaring Place was one such Airbnb</p>	<p>i) The applicant has advised that the managers live on-site and ensuring there is no disruption to neighbours. The applicant further advised that they quite often get noise disruptions from a neighbouring property and have discussed this with neighbours. The applicant advised that the noise issues may be coming from cottages on a different property that often host parties, weddings and other events.</p> <p>ii) Managers inform guests of house rules, no noise after 10pm out of respect for neighbours. Terms and conditions of stay (include but not limited to) disruptions or issues of guests may result in loss of bond and/or eviction.</p> <p>As we manage the holiday house on-site, we would hear any noise long before neighbouring properties and ensure it ceases before disruption to our neighbours.</p> <p>iii) Maximum of 4 guests are permitted at the holiday house. This is similar to traffic incurred of a residential dwelling use.</p> <p>iv) The site has a sign posted at the front of the property providing 24/7 managers contact details. This is a standard condition of approval. The submitter has also been emailed the contact details and are encouraged to contact the managers/landowners with any concerns regarding holiday house guests at any time.</p> <p>Guests have access to the holiday house via a lockbox and receive automated information for</p>

<p>properties operating for over a year illegally building in the first place.</p> <p>vii) Retrospective approval was granted on the reasoning that the owner was going to live in the studio and rent out the house on Airbnb. There is no check systems that the studio is being let out short term, rather rented for long term (&gt;3 months) as required by the Council. The owner has a family and living in that studio is not a long term proposition.</p> <p>viii) Little confidence in them obeying Council regulations around the letting of the studio and the holiday house.</p> <p>ix) There currently is a chain tied across a firebreak, which goes against all requirements for firebreaks and is a substantial hazard.</p> <p>x) The site has been illegally cleared and has been told this is to be re-habilitated.</p>	<p>their stay that includes the lockbox code and WiFi information.</p> <p>v) The property is located in an area that is supported for short term accommodation under Local Planning Policy 7 – <i>Short Term Accommodation</i> (LPP7). Anyone can apply for short term accommodation approval.</p> <p>vi) The applicant advised that they were not aware of the rules at the time. The holiday house use has since been granted planning approval and has been operating for 12 months accordance with this approval.</p> <p>vii) LPP7 supports landowner's residing in an Ancillary Dwelling whilst managing the Holiday House. There are no record of complaints of the Holiday House use during the approved period.</p> <p>viii) The Ancillary Dwelling is of appropriate size for the landowners and family to reside in in accordance with the Shire's Health Regulations.</p> <p>ix) The applicant has advised that the chain is clipped across and can be removed at any time. The chain was put there to divert people using the property as a short cut to the bike path to town or beach. People who were walking through the property advised they were from a bed and breakfast and advised to use the bike path. There is a bike path available to the walkers. The chain is there so people don't trespass.</p> <p>x) A compliance matter was registered at the Shire. Retrospective approvals have been applied for and issued. The compliance matter was closed on 13/08/2020.</p> <p>Summary The Holiday House has been operating in the last year as per the approval. The Shire does not have any records of complaints regarding the use. The landowners/managers live on-site, mitigating potential impacts. The Shire does not regulate competition. The Shire does investigate illegal holiday houses and or inappropriate use and may take compliance action. The issues raised are general in nature and have been addressed by the applicant. The Holiday House use is considered to have been managed appropriately and is recommended for longer term approval.</p>
<p><b>Recommended period of approval</b></p>	<p><input type="checkbox"/> 12 months    <input checked="" type="checkbox"/> 3 years    <input type="checkbox"/> 5 years</p>

#### OFFICER RECOMMENDATION

That the Statutory Planning Coordinator GRANT 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 20 Loaring Place, 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 received by the Shire on 17 April 2020 and P2 received by the Shire on 30 January 2020
--------------------------	---

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 and Bushfire Management 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 within the boundaries of the property.
7. The short stay use of the dwelling shall not be occupied by more than **four (4) 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')
11. This approval does not permit short stay use of the Ancillary Dwelling at any time. Pursuant to the Shire's Local Planning Policy 7 – Short Stay Accommodation, when the primary dwelling is in use as a Holiday House, the Ancillary Dwelling shall only be used for permanent accommodation by the owner of the subject site.

## 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) 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.
- g) The 'House Rules' document shall be consistent with key elements of the NSW Code for Holiday Houses (please refer to the attached document).
- 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 Report to Manager Planning and Development Services

**Proposed Holiday House (Renewal)**  
**23 (Lot 175) Marmaduke Point Drive Gnarabup**

**Level 3 (objection received)**

**P221514; PTY/5709**

**REPORTING OFFICER :** Sophie Moscardini  
**DISCLOSURE OF INTEREST :** Nil

General Information	
<b>Lot Area</b>	1081m <sup>2</sup>
<b>Zone</b>	<b>Residential R10</b>
<b>Existing Development</b>	<input checked="" type="checkbox"/> Single House <input type="checkbox"/> Grouped Dwelling
<b>Nature of application</b>	Holiday House (renewal)
<b>Proposed use</b>	A planning application has been received for the renewal of the Holiday House. The existing dwelling is currently approved to be used to accommodate up to eight (8) 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.
<b>Permissible Use Class</b>	'A' – discretionary use
<b>Advertising Required</b>	Yes - completed
<b>Reason not exempted from planning approval?</b>	Discretionary uses are not permitted unless the Shire exercises its discretion by granting development approval.
<b>Heritage/Aboriginal Sites</b>	N/A
<b>Encumbrance</b>	N/A
<b>Date Received</b>	26/07/2021
<b>Date of Report</b>	7/10/2021

Location Map



<b>Planning History</b>	A fifteen (15) month approval (P220199) was issued on 23 June 2020 for a holiday house for eight (8) guests.
<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
<b>Have there been any complaints over the recent period of approval?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No – Record #I420918 - Resolved by Compliance Officer Tessa

<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>
<p>One submission of objection summarised below:</p> <ul style="list-style-type: none"> <li>We have been affected by noise and parties over the past 5 years.</li> <li>We were unaware when we purchased our house that the neighbouring property was operating illegally.</li> <li>Our family has been exposed to anti-social behaviour from guests of the Holiday House.</li> <li>Usually between 2 and 6 cars parking out the front.</li> <li>Manager and landowner not responsive/helpful in responding to phone calls/complaints.</li> </ul>	<p>The concerns of the neighbouring property are duly noted.</p> <p>Holiday house approval was issued for the dwelling for 15 months on 23 June 2020. Prior to this the Shire have no records of any compliance matters for the holiday house use operating without approval.</p> <p>These matters were forwarded onto the management and landowner. The following comments were provided.</p> <p>It was also raised with the manager and landowner that the advertisement demonstrates a converted garage with various bunkbeds, which demonstrates a greater number than 8 people are capable of staying at the property which is not consistent with the previous approval.</p> <p>The Manager provided the following in relation to the neighbour's concerns.</p> <p><i>As property manager I am on call 24/7. My contact details are clearly displayed on signage at the front of the property. I reside in Witchcliffe, a 10-minute drive from the property.</i></p> <p><i>As a result of issues raised by the Neighbour, I have implemented the following measures:</i></p> <ul style="list-style-type: none"> <li><i>The property will accommodate a maximum of 6 guests.</i></li> <li><i>The beds in the converted garage will be removed and no longer advertised on the websites.</i></li> <li><i>There is clear signage in the outdoor area and also laminated on the fridge that use of the outdoor area is prohibited after 9pm.</i></li> <li><i>Every guest is issued with a message prior to arrival reminding them that parties, gatherings, any excessive noise or loud music is strictly prohibited.</i></li> <li><i>Parking is available onsite for up to 4 vehicles.</i></li> </ul> <p><i>The House Rules include the following:</i></p> <ul style="list-style-type: none"> <li><i>Number of Guests should not exceed the number stated in the Confirmation Notice.</i></li> <li><i>Due to Shire Regulations the property can accommodate a maximum of six (6) guests. Parties and Functions are strictly prohibited. Use contrary to this may result in loss of your bond and/or additional payments.</i></li> <li><i>The property is strictly not available to school leavers or high school students. Excessive noise, loud music is strictly prohibited.</i></li> <li><i>Use of the outdoor area is strictly prohibited after 9pm. Please respect your</i></li> </ul>



	<p><i>neighbours. Failure to comply will result in loss of noise/security bond.</i></p> <p>The reduced guest numbers to a maximum of six (6) guests at any one time and 24/7 contact of the manager will assist in reducing any amenity impacts experienced by the neighbour.</p> <p>The landowner has also stated that the minimum night stay will be increased to 3 nights to discourage short term "party" use of the house.</p> <p>A row of melaleuca trees has been planted to screen the backyard alfresco from the neighbouring property. These have been planted for one (1) year and will take some time to provide the desired visual screening. This satisfies conditions 11 and 12 from the previous approval.</p> <p>An additional 12 month approval is recommended to ensure that appropriate management takes place.</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 **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 23 (Lot 175) Marmaduke Point Drive, Gnarabup** 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 30 March 2020
--------------------------	---

- The Holiday House use is permitted for a period of **one (1) year** from **<end of previous period of approval>** to **<end of period 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 to 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 ground level. The sign shall be erected within the property frontage and must be visible from the street front. (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 **six (6) people** at any one time.
- Amplified music shall not be played outside of the Holiday House between the hours of 10pm and 10am.
- Any marketing material for this Holiday House shall include display of the planning approval reference number for this approval. (Refer to advice note 'e')

## ADVICE NOTES

- i) A new planning application seeking approval should be submitted 90 days before the expiry of this approval, along with the appropriate planning fee.
- j) 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.
- k) 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.
- l) This approval does not affect the entitlement to use the dwelling for permanent residential purposes.
- m) You are advised of the need to comply with the requirements of the following other legislation:
  - (iii) *Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises.
  - (iv) 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.
- n) 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.
- o) 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.
- p) Please note that the Shire does not notify landowners in writing if 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.