

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
2 June to 8 June 2022

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
08/06/2022	P222376	Lot 9014 John Archibald Drive, Margaret River (Rapids Landing Lifestyle Community)	Structure Plan
02/06/2022	P222382	48 (Lot 207) Marmaduke Point, Gnarabup	Holiday House Renewal
02/06/2022	P222383	4 (Lot 109) Papadakis Avenue, Prevelly	Holiday House Renewal
03/06/2022	P222384	21 (Lot 210) Auger Way, Margaret River	Fuel Dept (Lean-to Addition)
07/06/2022	P222385	70 (Lot 204) Judd Road, Gracetown	Single House (Dwelling)
07/06/2022	P222387	50 (Lot 100) Coostien Road, Scott River Road	Single House (Dwelling)
07/06/2022	P222388	21 (Lot 231) Lumber Crescent, Karridale	Family Day Care
08/06/2022	P222390	Shop 2, 145 Bussell Hwy, Margaret River	Shops (Alterations and Additions)
08/06/2022	P222391	4-6 (Lot 298) Clarke Road, Margaret River	Education Establishment (Classroom addition)
08/06/2022	P222392	168 (Lot 57) Kevill Road, Margaret River	Single House (Building Envelope Variation)
08/06/2022	P222393	9827 (Lot 113) Bussell Highway, Margaret River	Holiday House Renewal
08/06/2022	P222394	13 (Lot 111) Langley Crescent, Gracetown	Holiday House Renewal
08/06/2022	P222395	1/63 (Lot 171) Town View Terrace, Margaret River	Holiday House
BUILDING			
02/06/2022	222322	3 (Lot 17) Treeside Lane, Margaret River	Single Dwelling, Garage, Verandah and Shed
03/06/2022	222333	19 (Lot 20) Mannitj Place, Witchcliffe	Two Storey Dwelling, Balcony, Store, Carport, Patio and Verandah
03/06/2022	222334	87 (Lot 1) Tunbridge Street, Margaret River	Alterations and Additions - Ensuite and Bedroom Extension
03/06/2022	222335	Reserve R19370 (Lot 301) Chapman Road, Karridale	Rainwater Tank
07/06/2022	222337	42 (Lot 3896) Gardiner Road, Cowaramup	Farm Shed
08/06/2022	222341	15 (Lot 386) Georgiana Cross, Cowaramup	Patio
Exploration Licenses for Comment			
Nil			

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				
16/03/2022	P222197	18 (Lot 14) Stewart Smith Loop, Cowaramup	Single House	Approved
18/03/2022	P222200	227 (Lot 11) Fifty One Road, Cowaramup	Brewery, Industry Rural (Cellar Door) and Ancillary Restaurant (Extension of term)	Approved
23/03/2022	P222211	Reserve 51096 at Lot 350 Leeuwin Road Augusta	Rural Produce Sales (Abalone Production & Retail Sales) & Recreation Private (Abalone Processing Tours)	Approved
06/04/2022	P222253	148 (Lot 153) Ashton Street, Margaret River	Single House (Dwelling Addition and Bed & Breakfast)	Approved
06/05/2022	P222317	75 (Lot 9) Bussell Highway, Cowaramup	Liquor Store Additions (Amendment to Planning Approval P217302 (Extension to Timeframe))	Approved
16/05/2022	P222343	Unit 2/44 (Lot 209) Marmaduke, Point Drive, Gnarabup	Grouped Dwelling Addition (Patio Addition)	Approved
17/05/2022	P222346	Unit 60/1 (Strata Lot 60) Resort Place, Gnarabup	Written Planning Advice	Completed

SUBDIVISIONS
Nil
LOCAL LAW PERMITS
Nil

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
24/03/2022	P222218	15 (Lot 11) Bayview Drive, Gracetown	Holiday House	Approve subject to conditions
30/03/2022	P222234	6 (Lot 104) Walton Way, Gracetown	Holiday House	Approve subject to conditions

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
15 (Lot 11) Bayview Drive, Gracetown

Level 2 (DFES objection received)

P222218; PTY/303

REPORTING OFFICER : Don Bothwell
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	1006m ²
Zone	Residential R15
Existing Development	<input checked="" type="checkbox"/> Single House <input 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 (6) short stay guests at any one time.
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	25/03/2022
Date of Report	08/06/2022



Have there been any objections?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No No objections from the public were received during the advertising period. One comment of objection was received from DFES.
Comments Received	
Nature of Submission	Officer Comments
DFES: <ul style="list-style-type: none"> Dwelling construction to AS3959 standards does not apply retrospectively but should be considered by the decision maker. The BMP has considered a beach as a suitable destination. DFES does not support a beach as being a suitable destination as they do not provide adequate facilities for shelter and there are many additional hazards to which people there during a bushfire would be exposed. Access in two different directions to two different destinations, in accordance with the acceptable solution, is not available until the intersection of Cowaramup Bay Road and Caves Road. 	<ul style="list-style-type: none"> The Shire has not historically required dwelling upgrades to AS3959 standards for Holiday House use. DFES comments are noted however it is not recommended that the Shire enforce dwelling upgrades. DFES has historically not considered Gracetown to be a residential built out area and does not support the location for a holiday house due to only one access road. However, the Shire considers Gracetown to be a residential built out area. Applications in residential built out areas may not require full compliance with the relevant policy measures including changes to a vulnerable land use in an existing residential development. The applicant's response to Elements A5.1 – A5.3 is considered to be acceptable. The revised BMP demonstrates the site complies with the Guidelines.

<ul style="list-style-type: none"> The BEEP should be considered in light of Section 5.5.2 of the Guidelines. 		<ul style="list-style-type: none"> An acceptable BEEP has been submitted with the application.
Policy Requirements		
Policy Element	Provision	Comment
Location	Coastal settlement	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Urban area located within Policy Plan 1?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Within 50m of Village Centre zone?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Located outside of Policy Plan 1 but comprise of an area not less than 1ha?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Design / Layout	One parking bay per bedroom, Or two bays for grouped dwellings	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Reticulated water supply, or minimum 120,000 (plus firefighting provision) rainwater tank?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Existing or proposed on site effluent disposal system sized accordingly to number of guests?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No On-site septic
	Decks and balconies located away from the bedrooms of neighbouring dwellings?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	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 BAL12.5
	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
	BAL rating at BAL-40 or FZ?	<input checked="" type="checkbox"/> Yes <input 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
	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. 34 pursuant to clause 68 (2) of the Deemed Provisions of Local Planning Scheme No. 1 for a Holiday House at 15 (Lot 11) Bayview Drive, Gracetown 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 – P3 received at the Shire on 25 March 2022
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- The Holiday House use permitted for a period of **12 months** from **<date of this approval>** to **<end of date of approval>**. (Refer to advice note 'a')
- The approved Bushfire Emergency Evacuation 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 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 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')
- 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. '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.
- a) 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.
- b) 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.
- c) This approval does not affect the entitlement to use the dwelling for permanent residential purposes.
- d) 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.
- e) The 'House Rules' document shall be consistent with key elements of the NSW Code for Holiday Houses (please refer to the attached document).
- 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) 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.



DEVELOPMENT APPLICATION ASSESSMENT
Report to Manager Planning and Development Services

Proposed Holiday House
6 (Lot 104) Walton Way Gracetown

Level 2 (DFES objection received)

P222234; PTY/3352

REPORTING OFFICER : Don Bothwell
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	1006m ²
Zone	Residential R15
Existing Development	<input checked="" type="checkbox"/> Single House <input 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 four (4) short stay guests at any one time.
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	
Encumbrance	N/A
Date Received	30/03/2022
Date of Report	08/06/2022



Have there been any objections? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Comments Received	
Nature of Submission	Officer Comments
DFES: <ul style="list-style-type: none"> Dwelling construction to AS3959 standards does not apply retrospectively but should be considered by the decision maker. The BMP has considered a beach as a suitable destination. DFES does not support a beach as being a suitable destination as they do not provide adequate facilities for shelter and there are many additional hazards to which people there during a bushfire would be exposed. Access in two different directions to two different destinations, in accordance with the acceptable 	<ul style="list-style-type: none"> The Shire has not historically required dwelling upgrades to AS3959 standards for Holiday House use. DFES comments are noted however it is not recommended that the Shire enforce dwelling upgrades. DFES has historically not considered Gracetown to be a residential built out area and does not support the location for a holiday house due to only one access road. However, the Shire considers Gracetown to be a residential built out area.

<p>solution, is not available until the intersection of Cowaramup Bay Road and Caves Road.</p> <ul style="list-style-type: none"> The BEEP should be considered in light of Section 5.5.2 of the Guidelines. 		<ul style="list-style-type: none"> The applicant's response to Elements A5.1 – A5.3 is considered to be acceptable. The revised BMP demonstrates the site complies with the Guidelines. An acceptable BEEP has been submitted with the application.
Policy Requirements		
Policy Element	Provision	Comment
Location	Coastal settlement	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Urban area located within Policy Plan 1?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Within 50m of Village Centre zone?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Located outside of Policy Plan 1 but comprise of an area not less than 1ha?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Design / Layout	One parking bay per bedroom, Or two bays for grouped dwellings	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Reticulated water supply, or minimum 120,000 (plus firefighting provision) rainwater tank?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Existing or proposed on site effluent disposal system sized accordingly to number of guests?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No On-site septic
	Decks and balconies located away from the bedrooms of neighbouring dwellings?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	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 BAL12.5
	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
	BAL rating at BAL-40 or FZ?	<input checked="" type="checkbox"/> Yes <input 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
	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. 34 pursuant to clause 68 (2) of the Deemed Provisions of Local Planning Scheme No. 1 for a Holiday House at 6 (Lot 104) Walton Way, Gracetown 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 & P2 received at the Shire on 30 March 2022
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- The Holiday House use permitted for a period of **12 months** from **<date of this approval>** to **<end of date 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 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 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')

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')

ADVICE NOTES

- h) 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.
- i) 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.
- j) 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.
- k) This approval does not affect the entitlement to use the dwelling for permanent residential purposes.
- l) You are advised of the need to comply with the requirements of the following other legislation:
 - (ii) *Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises.
 - (iii) 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.
- m) The 'House Rules' document shall be consistent with key elements of the NSW Code for Holiday Houses (please refer to the attached document).
- 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 owners responsibility to monitor and ensure that the planning approval remains valid while the use is being undertaken.