

**DEVELOPMENT ASSESSMENT REPORT**  
**Shire of Augusta Margaret River**  
**31 August to 6 September 2023**

**APPLICATIONS RECEIVED**

Date Rec'd	Reference No.	Address	Proposal
<b>PLANNING</b>			
31/08/2023	P223547	8 (Lot 155) Burton Road, Margaret River	Change of Use From Factory Unit to Club Premises
31/08/2023	P223548	23 (Lot 9) Wolghine Avenue, Witchcliffe	Home Business
31/08/2023	P223549	Unit 1/15 (Lot 1) Station Road, Margaret River	Holiday House
31/08/2023	P223551	32A Elva Street, Margaret River	Holiday House
01/09/2023	P223554	14 (Lot 78) Calabrese Close, Margaret River	Outbuilding - Shed
05/09/2023	P223556	10 (Lot 402) Clydesdale Place, Margaret River	Holiday House Renewal
06/09/2023	P223564	29 (Lot 28) Pierce Road, Margaret River	Ancillary Dwelling
<b>BUILDING</b>			
31/08/2023	223435	13 (Lot 122) Lesueur Place, Gnarabup	Ancillary Dwelling/Pool House, Wine Cellar, Carport and Retaining Walls
31/08/2023	223436	125 (Lot 1) Bussell Hwy Margaret River (Margaret River Hotel)	Demolition of Alfresco Dining Area and Carport
31/08/2023	223437	4 (Lot 33) Rakali Road, Witchcliffe	Rainwater Tank
31/08/2023	223438	6 (Lot 34) Rakali Road, Witchcliffe	Single Dwelling, Verandah and Detached Carport (Built to lock up only)
31/08/2023	223439	3 (Lot 46) Duggan Drive, Cowaramup	Spa and Barrier Fence
01/09/2023	223440	4 (Lot 1) Saint Alouarn Place, Margaret River	Alterations and Additions - Enclosure of Service Courtyard to Games Room
01/09/2023	223441	143 (Lot 84) Wilderness Road, Margaret River	Swimming Pool and Barrier Fence
01/09/2023	223442	87 (Lot 1) Bussell Highway, Margaret River	Occupancy Permit For BLD223230
01/09/2023	223443	15 (Lot 68) Magnolia Court, Cowaramup	Carport Extension
01/09/2023	223444	Lot 1004 Hawkesford Place (Lot 91 Hawkesford Way), Margaret River Lifestyle Village	Single Dwelling, Carport and Patio
01/09/2023	223445	17 (Lot 221) Brumby Place, Margaret River	Single Dwelling, Carport and Patio
<b>Exploration Licenses for Comment</b>			
Nil			

**APPLICATIONS DETERMINED UNDER DELEGATION**

Date Rec'd	Reference No.	Address	Proposal	Outcome
<b>PLANNING</b>				
23/06/2023	P223394	4 (Lot 127) Tammar Place, Margaret River	Building Envelope Variation (Ancillary Dwelling)	Approved
11/07/2023	P223427	21 (Lot 27) Le Souef Street, Margaret River	Holiday House	Approved
14/07/2023	P223441	3 (Lot 5) Old Ellenbrook Road, Gracetown	Addition to Managers Residence	Approved
24/08/2023	P223535	8 (Lot 222) Marmaduke Point Drive, Gnarabup	Amendment to Planning Approval P223072 (Ancillary Dwelling to Outbuilding)	Approved
<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>				
13/06/2023	P223364	Unit 1/24 (Strata Lot 1) Freycinet Way, Gnarabup	Holiday House (Renewal)	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 Regulatory Services**

**Proposed Holiday House (Renewal)**  
**Unit 1/24 (Strata Lot 1) Freycinet Way, Gnarabup**

**Major (Level 2)**

**2 x submissions received**

**P223364; PTY/5659**

**REPORTING OFFICER** : **Harriet Park**  
**DISCLOSURE OF INTEREST** : **Nil**

General Information	
Lot Area	1,629m <sup>2</sup>
Zone	<b>Residential R12.5</b>
Existing Development	<input type="checkbox"/> Single House <input checked="" 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 five (5) 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	13/06/2023
Date of Report	25/08/2023

Location Map



<b>Planning History</b>	A twelve (12) month approval (P213442) was issued on 28 January 2014 for a holiday house for six (6) guests.  A three (3) year approval (P220208) was issued on 19 May 2023 for a holiday house for six (6) 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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No (2 x submissions of indifference)
<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>Officer comments:</b>	Photo of sign submitted. No special conditions No changes to property or management
<b>Comments Received during advertising period from affected surrounding land owners</b>	

Nature of Submission	Officer Comments
<p><b>1 x Indifferent</b> Concerns about late night noise from guests on front balcony. Would like to see guests moved to use outside space at the rear for entertaining. Submitter has made complaints to property manager about guest noise. Unable to contact property manager and owner 24/7, therefore they are unable to immediately respond to issues.</p> <p><b>1 x Indifferent</b> Concerns about late night noise from guests on front balcony. Would like to see guests moved to use outside space at the rear for entertaining. Submitter has made complaints to property manager about guest noise. Unable to contact property manager and owner 24/7, therefore they are unable to immediately respond to issues.</p>	<p>It is noted that the 2x submissions received during the advertising period are from the same residence.</p> <p>The owner was invited to respond to the issues raised during the advertising period, who advised of the following:</p> <ul style="list-style-type: none"> <li>• A copy of the Noise Policy is displayed in the kitchen telling guests of the implications that reports of noise after 10pm will result in the property manager visiting the site and a call out fee being charged.</li> <li>• Very few complaints are received however, any complaints are taken very seriously and are recorded by the property manager. After the issue is resolved the complainant is made aware of the that the situation has been rectified.</li> <li>• The manager is contactable and aware of their obligations to check their phone regularly. It has been emphasized to the manager to respond promptly and be available 24/7.</li> <li>• All guests are notified of the house rules.</li> </ul> <p>In order to address the concerns raised by the neighbors regarding the use of the font balcony, the applicant has advised an additional copy of the Noise Policy will be displayed on the balcony to remind guests of the house rules regarding noise in this location.</p> <p>The owner has emphasized to the property manager the importance of being available 24/7 to respond to neighbours if an issue is raised and respond promptly.</p> <p>As no formal complaints have been received by the Shire during the previous 4 years of operation and given the owner has taken the issues raised very seriously and incorporated measures to address the concerns, a 5-year approval is recommended.</p> <p>Further instances of noise being brought to the attention of the Shire will result in compliance action and a reduction to future renewal periods.</p>
<p><b>Recommended period of approval</b></p>	<p><input type="checkbox"/> 12 months    <input type="checkbox"/> 3 years    <input checked="" type="checkbox"/> 5 years</p>

**OFFICER RECOMMENDATION**

That the Coordinator Planning Services 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 24A (Lot 47) Freycinet Way, Gnarabup subject to compliance with the following conditions:

**CONDITIONS**

1. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent.

Plans and Specifications	P1 to P2 received by the Shire on 14 April 2020
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2. The Holiday House use is permitted for a period of **five (5) years** from **19 August 2023 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 **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. Any marketing material for this Holiday House shall include display of the planning approval reference number for this approval. (Refer to advice note 'f')

**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) 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.