

**DEVELOPMENT ASSESSMENT REPORT**  
**Shire of Augusta Margaret River**  
**9 December to 15 December 2021**

**APPLICATIONS RECEIVED**

<b>Date Rec'd</b>	<b>Reference No.</b>	<b>Address</b>	<b>Proposal</b>
<b>PLANNING</b>			
09/12/2021	P221934	18 (Lot 25) Treeside Lane, Margaret River	Dwelling
13/12/2021	P221936	2 (Lot 243) Bandicoot Close, Gnarabup	Holiday House (Renewal)
13/12/2021	P221938	255 (Lot 11) Wilderness Road, Margaret River	Holiday House (Renewal)
13/12/2021	P221940	1724 (Lot 60) Jindong-Treeton Road, Osmington	Dwelling Outbuilding Additions
13/12/2021	P221941	Unit 2 37 (Lot 56) Town View Terrace, Margaret River	Holiday House (Renewal)
14/12/2021	P221944	102 Moodjar Court, Karridale	Scheme Amendment No. 72 to Local Planning Scheme No. 1
14/12/2021	P221946	Lot 102 Moodjar Court, Karridale	Structure Plan
14/12/2021	P221947	156 (Lot 13) Rainbow Cave Road, Margaret River	Building Envelope Variation
15/12/2021	P221949	7 (Lot 60) Waverley Road, Cowaramup	Ancillary Dwelling
15/12/2021	P221950	33 (Lot 551) Crozier Road, Rosa Brook	Dwelling & Farm Building
15/12/2021	P221951	3 (Lot 139) Tattersall Street, East Augusta	Dwelling Outbuilding
15/12/2021	P221952	9310 (Lot 411) Caves Road, Karridale	Outdoor Education & Camp (Sign)
15/12/2021	P221953	12 (Lot 5) Percy Street, Gracetown	Holiday House (Large)
15/12/2021	P221954	Unit C 42 (Lot 1) Bovell Avenue, Margaret River	Dwelling Retaining
15/12/2021	P221955	5606 (Lot 56) Caves Road, Burnside	Dwelling & Building Envelope Variation
15/12/2021	P221956	2 (Lot 189) Fairlawn Place, Molloy Island	Dwelling Outbuilding Addition
15/12/2021	P221957	6 (Lot 371) Winton Street, Margaret River	Dwelling Retaining Walls
15/12/2021	P221958	Lot 9001 Bussell Highway, Witchcliffe	Subdivision
09/12/2021	P221959	140 & 176 (Lot 1002 & 1003) Thompson Road, Forest Grove	Subdivision
15/12/2021	P221960	6 (Lot 37) Rosella Court, Cowaramup	Dwelling Outbuilding Addition
13/12/2021	P221961	21 (Lot 31) Elva Street, Margaret River	Subdivision
15/12/2021	P221962	10412 (Lot 4) Bussell Highway, Witchcliffe	Tavern
15/12/2021	P221963	894 (Lot 3207) Calgardup Road, Forrest Grove	Extractive Industry (Extension of Term P216628)
15/12/2021	P221964	306 (Lot 1) Low Road, Rosa Brook	Holiday House
<b>BUILDING</b>			
10/12/2021	221800	54 (Lot 204) Marmaduke Point Drive, Gnarabup	Two Storey Dwelling, Garage, Alfresco Balcony and Retaining Wall
10/12/2021	221804	Unit 1 62 (Lot 51) Bussell Highway, Cowaramup	Occupancy Permit - Healthcare Building
10/12/2021	221805	12 (Lot 527) Riesling Street, Cowaramup	Swimming Pool and Safety Barrier
10/12/2021	221806	5 (Lot 303) Jenkins Road, Cowaramup	Shed and Patio
13/12/2021	221807	64 (Lot 44) Hermitage Drive, Margaret River	Shed
13/12/2021	221808	13496 (Lot 312) Bussell Highway, Deepdene	Rainwater Tank
13/12/2021	221809	71 Lot (102) Patton Road, Cowaramup	Two Storey Dwelling with External Laundry and Rainwater Tanks

13/12/2021	221810	Unit 3 14 (Lot 13) Fearn Avenue, Margaret River	Occupancy Permit - Change of use and Classification
14/12/2021	221811	44 (Lot 71) Bovell Avenue, Margaret River	Conversion of a Shed to an Ancillary Dwelling
13/12/2021	221812	93 (Lot 4) Bussell Hwy, Margaret River	Occupancy Permit - Change of Classification for Existing Building
13/12/2021	221813	35 (118) Woodland Drive, Burnside	Shed
14/12/2021	221814	6 (Lot 24) Knox Place, Witchcliffe	Shed
14/12/2021	221815	Unit A 17 (Lot 2) Blackwood, Avenue Augusta	Limestone Front Fence
14/12/2021	221819	27-33 (Lot 295) Tunbridge Street, Margaret River	Restumping & Window Refurbishment - Margaret Cecil Building, Isaac's Cottage, Soup Kitchen
14/12/2021	221820	Lot 44 Cullen Road, Gracetown	Single Dwelling, Rainwater Tank's, Alfresco, Shed with Verandah
14/12/2021	221822	57 (Lot 391) Pimelia Drive, Margaret River	Unauthorised Works - Retaining Wall
14/12/2021	221823	9 (Lot 412) Green Hill Road, Augusta	Shed and Carport
15/12/2021	221825	72 (Lot 211) Wooditch Road, Margaret River	Alterations and Additions - Replacement Windows, Additional Bathroom, Replacement Balcony Barrier and Alfresco Repair

#### APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
<b>PLANNING</b>				
17/09/2021	P221654	25 (Lot 49) Merrit Lane, Margaret River	Dwelling (Retaining)	Approved
01/10/2021	P221710	22 (Lot 11) Offshore Crest, Margaret River	Single House (Outbuilding and Retaining)	Approved
06/10/2021	P221739	12 (Lot 378) Percheron Place, Margaret River	Building Envelope Variation	Approved
21/10/2021	P221783	62 (Lot 1) Orchid Ramble, Margaret River	Tourism Mixed Use (Chalet/Dwelling)	Approved
26/10/2021	P221797	Unit 2 / 31 (Lot 2) York Street, Augusta	Grouped Dwelling Addition (Carport)	Approved
28/10/2021	P221809	2 (Lot 1) Formosa Street, Margaret River	Grouped Dwelling	Approved
28/10/2021	P221811	9 (Lot 292) Mann Street, Margaret River	Holiday House (Renewal)	Approved
28/10/2021	P221812	Unit 11 / 20 (Lot 11) Riedle Drive, Gnarabup	Holiday House	Approved
02/11/2021	P221819	Unit 13 / 20 (Lot 13) Riedle Drive, Gnarabup	Holiday House	Approved
08/11/2021	P221829	146 (Lot 63) Wilderness Road, Margaret River	Holiday House (Large) Renewal	Approved
16/11/2021	P221856	11 (Lot 2) Peake Street, Cowaramup	Bed & Breakfast (Outbuilding Addition)	Approved
18/11/2021	P221860	6 (Lot 28) McDermott Parade, Witchcliffe	Dwelling	Approved
30/11/2021	P221901	91 (Lot 100) Clews Road, Cowaramup	Dwelling	Approved
01/12/2021	P221911	Unit 7 / 62 (Lot 7) Orchid Ramble, Margaret River	Home Office Wine Sales	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>				
06/09/2021	P221631	1 (Lot 508) Bankside Retreat, Margaret River	Holiday House	Refusal Recommended

### 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**  
**1 (Lot 508) Bankside Retreat Margaret River**

**Level 3 (refusal recommended)**

**P221631; PTY/7910**

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

<b>General Information</b>	
<b>Lot Area</b>	1112m <sup>2</sup>
<b>Zone</b>	<b>Residential R10</b>
<b>Proposed Development</b>	<p>The proposal is for a Holiday House for six guests in the existing three bedroom Single Dwelling. Guests with pets are also proposed to be accommodated through the use. The proposed short stay use is to be managed by a locally based manager.</p> <p>The proposal does not meet the provisions of <i>Local Planning Scheme No. 1</i> and <i>Local Planning Policy No. 7 Short Stay Accommodation (LPP7)</i> in relation to the location of the Holiday House and the number of proposed car bays; two bays are included in the application in-lieu of the three required bays.</p> <p>The application was lodged in response to a compliance matter generated for unauthorised Holiday House use of the premises.</p>
<b>Permissible Use Class</b>	Holiday House – “A” – Advertising required
<b>Heritage/Aboriginal Sites</b>	None identified
<b>Encumbrance</b>	Nil
<b>Date Received</b>	06/09/2021





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 <i>Local Planning Policy 7 – Short Term Accommodation (LPP7)</i>		
<b>Officer Comment</b> An assessment against LPP7 is provided below.		
Policy Element	Provision	Comment
<b>Location</b>	Coastal settlement	<input type="checkbox"/> Yes <input checked="" 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 See comments below.
	Located outside of Policy Plan 1 but comprise of an area not less than 1ha?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Design / Layout</b>	One parking bay per bedroom, Or two bays for grouped dwellings	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Two car bays are proposed however three car bays are required under LPS1 and LPP7 for each room of accommodation.
	Reticulated water supply, or minimum 120,000 (plus firefighting provision) rainwater tank?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Subject site has reticulated water supply.
	Existing or proposed on-site effluent disposal system sized accordingly to number of guests?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No The site also has reticulated effluent disposal.
	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
	<b>Fire</b>	If within bushfire prone area a BAL provided?
	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 Application was referred to the Department of Fire and Emergency Services (DFES) for comment as required with an amended Bushfire Management Plan (BMP) subsequently submitted to the Shire in response to DFES comments.
	BAL rating at BAL-40 or FZ?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    The site has a BAL29 risk rating
<b>Management</b>	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	Standard condition if approved.

	Display the manager's 24hr contact details	Standard condition if approved.
<b>Officer comments:</b>	<p>The applicant has provided the following justification for the proposal:</p> <ul style="list-style-type: none"> <li>• The proposed Holiday House is to be managed in an effective manner consistent with the requirements of the policy. This will assist in ameliorating any adverse impacts on the amenity of the surrounding area with no modifications to the existing Single Dwelling required.</li> <li>• Approval of the Holiday House would not impact or reduce the number of long-stay rental available in the areas. The owner splits their time between Margaret River and Perth and is not able to rent the property out for long-term rental.</li> <li>• As well as the measures put in place to address any undue amenity impacts such as noise with the above measures put in place, there are properties within the immediate locality which are existing Holiday Houses.</li> <li>• The subject property is located opposite the Reserve bushland reducing the number of residences within proximity.</li> <li>• The above mentioned bushland is a recreation reserve which accommodates tourist activity. The subject property is directly located opposite Warperup Creek and 10 Mile Dam Walk/Cycle Trail. The range of tourist activities at guest's disposal within the reserve would include bush walking, bike riding, swimming and canoeing.</li> <li>• The proposed land use of a Holiday House is an "A" land use, meaning the application can be supported following advertising.</li> </ul> <p><b>Local Planning Scheme No. 1 (LPS1)</b> It is noted that Clause 5.26.4 of LPS1 states the following:</p> <p><i>"Holiday houses are generally considered appropriate within coastal communities of the local government area or within close proximity to major tourist attractions but are not considered to be appropriate within residential districts of inland settlements."</i></p> <p>The justification provided by the applicant does rely on the notion that the proposed Holiday House is located within close proximity to the reserve which offers a number of tourism friendly activities. However, the wording of the above Clause explicitly states that despite being located in proximity to major tourism attractions, Holiday Houses are not considered to be appropriate within residential districts of inland settlements such as the subject site within the locality of East Margaret River. Moreover, it is debatable whether the reserve is in fact a 'major' tourist attraction within the Shire.</p> <p><b>Locational Criteria</b> While the applicant's justification is noted, the location of the dwelling in an inland residential area of the Margaret River townsite is inconsistent with LPP7 provision HH1. LPP7 provides for Holiday Houses to be located in coastal settlements, urban areas if the property is located in the permitted zones in Policy Plan 1, or, on lots at least 1ha in size. The location of the premises in an inland residential area of the Margaret River townsite does not meet the locational criteria under LPP7.</p> <p>LPP7 provides a prescriptive approach and makes clear policy statements about the suitable location of short stay land uses in the Shire. Further, unlike other local planning policies, LPP7 does not provide for Acceptable Development standards that may be varied and assessed against Performance Criteria/Design Principles. The LPP7 has consistently been followed in its application and approach and the Shire has consistently not supported development applications for Holiday Houses in the inland residential settlements of Margaret River when lodged after the policy review date.</p> <p>Approving a Holiday House which clearly does not satisfy the policy provisions relating to location is not consistent with orderly and proper planning and would set an undesirable precedent.</p> <p><b>Parking Requirement</b> In relation to not meeting the parking standards under LPS1 and LPP7, the applicant has provided the following justifications:</p> <ul style="list-style-type: none"> <li>• The Holiday House is anticipated to be used by single group of either a single couple or family, the provision of one additional car bay is not considered to be critical in this instance.</li> <li>• Guests will have use of the entire house during the time of their booking with the provision of a car bay for the owner/caretaker not required in this instance.</li> <li>• The proposal was advertised to the surrounding landowners with no submissions received.</li> </ul> <p>In relation to the above mentioned justification, the reasons given for the shortfall in car parking are not considered to be adequate. It is considered that one additional car bay could be provided on the site to accommodate the required parking of one bay per bedroom.</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 type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
<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 type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A
<b>Agency Comments</b>	<b>Officer Comment</b>		

<b>DFES</b>		
<p><i>It is critical that the bushfire management measures within the BMP are refined, to ensure they are accurate and can be implemented to reduce the vulnerability of the development to bushfire. The proposed development is not supported for the following reasons:</i></p> <p><i>1. The development design has not demonstrated compliance to –</i></p> <p><i>Element 1: Location, and</i></p> <p><i>Element 2: Siting and Design.</i></p> <p><i>It is acknowledged that this site has been developed prior to the introduction of the bushfire policy framework. However, the bushfire management of the site should be improved, and the risk reduced through the development of this BMP.</i></p>		Noted. DFES comments were forwarded to the applicant who amended the BMP accordingly. A revised BMP was subsequently submitted to the Shire on 17/11/2021 addressing the comments raised by DFES.
<b>Internal Department Comments</b>		<b>Officer Comments</b>
<p>The proponent will need to ensure that the occupants of the holiday house comply with the requirements of the <i>Environmental Protection (Noise) Regulations 1997</i>.</p> <p>Should food be provided for patrons, notification shall be made in the approved form to the Shire in accordance with the <i>Food Act 2008</i> and subsequent compliance shall be achieved in relation to chapter 3 of the Food Safety Standards within the Food Standards Code.</p>		Noted.
<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>Development Standards (Schedule 9)</b>		
Are the development Standards applicable?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

#### OFFICER RECOMMENDATION

**That the Manager Regulatory Services REFUSES TO 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 the proposed Holiday House at 1 (Lot 508) Bankside Retreat Margaret River for the following reasons:**

#### REASONS FOR REFUSAL

1. The proposed development is inconsistent with clause 5.26.4 of *Local Planning Scheme No. 1* given the site is located in a residential district of an inland settlement.
2. The proposed development would be inconstant with the objectives of the residential zone which include the preservation of the local amenity against the uses detrimental to the predominant residential use of the land.
3. The proposed development would be inconsistent with orderly and proper planning and approval of the application would set an undesirable precedent.
4. The proposed development does not meet the locational criteria set out by policy provision HH1 of the Shire's *Local Planning Policy 7 Short Stay Accommodation*. The site is located in an inland district of Margaret River in a medium density residential area.
5. The proposed development conflicts with the objectives of the *Local Planning Policy 7 Short Stay Accommodation*. The use contributes to the loss of long term residential housing stock to primarily short stay tourist accommodation. This loss of housing stock contributes to an increase to the cost of housing which has a negative impact to provision and maintenance of affordable housing stock in a primarily residential area.
6. The proposed development does not demonstrate that three required car parking bays are available on site pursuant to *Local Planning Scheme No. 1* clause 5.8.1, Schedule 8, and clause 5.26.2 and policy provision GD.1 of *Local Planning Policy 7 Short Stay Accommodation*.