

**DEVELOPMENT ASSESSMENT REPORT**  
**Shire of Augusta Margaret River**  
**2 December to 8 December 2021**

**APPLICATIONS RECEIVED**

Date Rec'd	Reference No.	Address	Proposal
<b>PLANNING</b>			
03/12/2021	P221922	8A (Lot 2) Blackwood Avenue, Augusta	Dwelling (Outbuilding Addition)
06/12/2021	P221926	10 (Lot 1) Mann Street, Margaret River	Guesthouse (Renewal)
06/12/2021	P221927	42 (Lot 81) Saint Alouarn Place, Margaret River	Dwelling (amendment to approval P221478)
06/12/2021	P221928	26 (Lot 17) Bayview Drive, Gracetown	Holiday House (Renewal)
06/12/2021	P221929	Unit 4 24 (Lot 1) Town View Terrace, Margaret River	Holiday House
06/12/2021	P221930	4 (Lot 34) Ellen Place, Margaret River	Holiday House (Renewal)
08/12/2021	P221931	10 (Lot 62) Salkilld Place, Augusta	Holiday House (Renewal)
08/12/2021	P221932	37 (Lot 10) Village Green, Margaret River	Grouped Dwelling
<b>BUILDING</b>			
06/12/2021	221785	45 (Lot 265) Tonkin Boulevard, Margaret River	Alterations and Additions to Existing Dwelling - Internal Remodel, Bathroom and 2 Pergolas
07/12/2021	221786	66 (198) Marmaduke Point Drive, Gnarabup	Shed
06/12/2021	221787	920 (108) Rosa Brook Road, Rosa Brook	Shed
06/12/2021	221788	15 (Lot 13) Wolghine Avenue, Witchcliffe	Earthworks and Concrete Slab
06/12/2021	221789	74 (Lot 3) Kulbardi Way, Witchcliffe	Earthworks and Concrete Slab
08/12/2021	221790	24 (Lot 12) Hermitage Drive, Margaret River	Single Dwelling, Garage, Patio's and Shed
06/12/2021	221791	10437 Bussell Hwy, Witchcliffe	Community Hall
08/12/2021	221792	12 (Lot 378) Percheron Place, Margaret River	Single Dwelling, Garage, Patio, Shed and Rainwater Tank
07/12/2021	221793	33 (Lot 1) Kulbardi Way, Witchcliffe	Single Dwelling, Carport & Patio
07/12/2021	221794	10 (Lot 13) Moondyne Ridge, Kudardup	Single Dwelling
07/12/2021	221795	13496 (Lot 312) Bussell Hwy, Deepdene	Single Dwelling and Patio
08/12/2021	221796	5962 (Strata Lot 13) Caves Road, Margaret River	Shed
07/12/2021	221797	8680 (Lot 95) Bussell Hwy, Cowaramup	Occupancy Permit - Change of Classification
08/12/2021	221798	20 (Lot 14) Mardo Drive, Witchcliffe	Single Dwelling, Carport and Rainwater Tank
08/12/2021	221799	6 (Lot 3) Formosa Street, Margaret River	Single Dwelling and Alfresco
08/12/2021	221801	135 (Lot 103) Watervale Road, Rosa Brook	Single Dwelling, Garage and Patio
08/12/2021	221802	Unit 3 14 (Lot 1) Fearn Avenue, Margaret River	Office Fit Out - Internal Works Only

**APPLICATIONS DETERMINED UNDER DELEGATION**

Date Rec'd	Reference No.	Address	Proposal	Outcome
<b>PLANNING</b>				
02/10/2020	P220607	780 (Lot 1102) Fisher Road, Kudardup	Caravan Park (Carpark and Shed Additions)	Cancelled
22/10/2020	P220673	68 (Lot 16) Sabina Drive, Molloy Island	Single House & Outbuilding (Water Tank)	Cancelled

11/08/2021	P221558	764 (Lot 1) Brockman Highway, Karridale	Rural Produce Sales & Brewery	Cancelled
17/09/2021	P221656	41 (Lot 52) Mitchell Drive, Prevelly	Ancillary Dwelling & Outbuilding	Approved
21/09/2021	P221662	4 (Lot 55) Salkilld Place, Augusta	Dwelling	Approved
23/09/2021	P221675	39 (Lot 27) Widderson Place, Margaret River	Holiday House (Increase 4 to 6 guests)	Approved
13/10/2021	P221760	6 (Lot 24) Knox Place, Witchcliffe	Dwelling (Outbuilding Addition)	Approved
19/11/2021	P221869	49 (Lot 2) Marmaduke Point Drive, Gnarabup	Grouped Dwelling - Patio Addition	Approved
22/11/2021	P221873	125 (Lot 1) Bussell Highway, Margaret River	Tavern (Alterations & Additions - Roof Tile Replacement)	Approved
26/11/2021	P221894	64 (Lot 582) Tunbridge Street, Margaret River	Cancellation of Bed & Breakfast (P221061)	Short Stay No Longer Operating
26/11/2021	P221895	6 (Lot 370) Rosewood Ramble, Margaret River	Bed & Breakfast (Renewal)	Approved
<b>SUBDIVISIONS</b>				
25/10/2021	P221803	72 (Strata Lots 1, 2, 3, 4, 5 of Lot 1) Town View Terrace, Margaret River	Subdivision (Amalgamation)	Approved
<b>LOCAL LAW PERMITS</b>				
Nil				

### LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
<b>PLANNING</b>				
26/11/2021	P220770	6 (Lot 20) Knight Place, Augusta	Holiday House	Conditional approval

### DEVELOPMENT ASSESSMENT REPORTING PROCEDURE

#### Assessment of Development Applications (DAs)

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

##### Level 1

DA not advertised

##### Level 2

DA is advertised; and

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

##### Level 3

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

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



**DEVELOPMENT APPLICATION ASSESSMENT (DAU)**  
**Report to Manager Planning and Development Services**  
**Proposed Holiday House at 6 (Lot 20) Knight Place, Augusta**

(Level 3) Objections x 3 received

P220770; PTY/3412

REPORTING OFFICER : Lina O'Halloran  
 DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	624m <sup>2</sup>
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. The existing dwelling is to be used to accommodate up to five (5) short stay guests reduced from the original proposal for six (6) guests. The Holiday House is proposed to be managed by the property owners, who reside 20 minutes from the site.
Permissible Use Class	'A' – discretionary use subject to advertising
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	Easement – Right of Carriageway to access property from portion of neighbouring Lot 21 Turner Street, Augusta.
Date Received	26 November 2020
Date of Report	23 November 2021 Delays in the processing timeframe occurred due to unauthorised development identified on the site and the requirement to achieve retrospective planning approval which was granted in July 2021.





<b>Planning History</b>	Building licence BLD/87919 for a bedroom and lounge addition is the only building approval recorded for this property. The deck and garden shed as shown on the submitted plans were identified as unauthorised development. A planning application was subsequently lodged and approved for the unauthorised works and development on site is now planning compliant. The subject application was on hold while this matter was resolved. The matter of building compliance is still outstanding and is required to be addressed by way of recommended condition of any approval and prior to the Holiday House use commencing.
<b>Have there been any objections?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 3 x Objections
<b>Comments Received</b>	
<b>Nature of Submission</b>	<b>Officer Comments</b>
<b>Objection:</b> <ul style="list-style-type: none"> <li>• House does not have capacity for 6 guests.</li> <li>• Too close to neighbouring house to the west.</li> <li>• Better drainage required in the area, too wet in winter.</li> <li>• Noise from cars coming and going.</li> <li>• No objection to renting property on long term basis.</li> </ul>	<ul style="list-style-type: none"> <li>• The applicant has reduced the capacity to 5 guests.</li> <li>• The proposed holiday house use is not expected to result in additional vehicle noise than would be generated from typical residential use.</li> <li>• The matter of drainage is an infrastructure issue that cannot be addressed through this application.</li> </ul>
<b>Objection:</b> <ul style="list-style-type: none"> <li>• Proximity to our 'bunkhouse' is approximately 1m from boundary, 4m from dwelling and 1m from courtyard. Noise level will be disruptive.</li> <li>• Noise will be disruptive for our grandchildren.</li> <li>• The 10pm to 10am noise curfew is beyond consideration.</li> <li>• The dwellings are very close together, making short stay rental unacceptable, and short term rental will attract different clientele to long term rental.</li> <li>• The ethos of Knight Place is quiet and caring. This proposal could be a bad fit to this 'no through road' street.</li> </ul>	<ul style="list-style-type: none"> <li>• Following investigation, it was identified the 'bunkhouse' on the neighbouring property is an outbuilding and not an approved habitable space.</li> <li>• A standard condition of approval for Holiday Houses limits noise between 10pm-10am in accordance with <i>Local Planning Policy 7 Short Stay Accommodation (LPP7)</i>.</li> <li>• The existing western side boundary fence screens the entertaining area on the western side of the proposed Holiday House from the adjoining western lot.</li> <li>• The site falls within a permitted Holiday House area under LPP7.</li> </ul>
<b>Objection:</b>	

<ul style="list-style-type: none"> <li>Hand drawn site plan appears inaccurate in relation to distance of dwelling and deck to boundaries.</li> <li>No fence or secured barrier on the eastern or northern boundaries, only a very low retaining wall. Guests will be unrestricted if they wish to walk or drive on Lot 21, which raises significant security and privacy concerns as we cannot control who is allowed to stay at the house and cannot monitor the situation permanently.</li> <li>Access to the property is via a right of carriageway on Lot 21 - concerns that guests will park in carriageway, blocking access to Lot 21, and will be difficult to contact them.</li> <li>Owners/Managers live 20-30 minutes away, which is a concern when there is unwanted trespassing, parking, noises from guests.</li> </ul>	<ul style="list-style-type: none"> <li>Following identification of unauthorised works at the property, professionally drawn, scaled plans were provided.</li> <li>The applicant had indicated they intend to install a boundary fence along the northern boundary of the property. Given the privacy implications, it is recommended this is required as a condition of any approval granted.</li> <li>A standard condition of approval for Holiday Houses requires that all associated vehicles are parked within the boundaries of the property. There is suitable area on site to accommodate the required parking bays.</li> <li>The location of the owners, 20 minutes from the site, complies with the locational requirements under LPP7.</li> </ul>
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Policy Requirements		
Policy Element	Provision	Comment
<b>Location</b>	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
<b>Design / Layout</b>	One parking bay per bedroom, Or two bays for grouped dwellings	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Vehicle access to property provided via Right of Carriageway.
	Reticulated water supply, or minimum 120,000 (plus firefighting provision) rainwater tank?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Connected to reticulated water supply.
	Existing or proposed one site effluent disposal system sized accordingly to number of guests?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Connected to reticulated sewerage.
	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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No Maximum guest number reduced to 5.
<b>Fire</b>	If within bushfire prone area a BAL provided?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No BAL-12.5
	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
	DFES raised concerns largely related to the vegetation classifications in the BMP. In response, the applicant provided additional information to support the vegetation classifications. The BMP and supporting additional information received 12 January 2021 are considered acceptable and commensurate to the BAL-12.5 rating of the site.	
	BAL rating at BAL-40 or FZ?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<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	Require as a condition
	Display the manager's 24hr contact details	Require as a condition

<b>Recommended period of approval</b>	<input checked="" type="checkbox"/> 12 months <input type="checkbox"/> 3 years
<b>Conclusion</b>	The proposed short stay use was advertised and generated a number of concerns regarding potential adverse impacts. The proposal was assessed and guest numbers reduced to five. As an outcome of the assessment it is considered that the concerns can be addressed through appropriate management and installation of screening with boundary fencing. These measures are reflected in recommended conditions of any approval. It is noted that any approval granted is for a limited time providing the opportunity for the successful management of the use to be monitored and reviewed at in an application to renew the use. Given these factors a limited 12 month conditional approval is recommended.

### 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 at 6 (Lot 20) Knight Place, Augusta 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 P5 received at the Shire on 1 July 2021
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2. The Holiday House use is limited to a period of **twelve (12) months** from the date a Building Approval Certificate is issued by the Shire for the unauthorised works on site. The proponent must notify the Shire in writing upon commencement of the Holiday House use (refer to advice note 'a').
3. Prior to commencement of the use, evidence shall be submitted demonstrating that a boundary fence has been installed along the rear (northern) boundary of the site to provide adequate privacy for occupants of the adjoining rear property and guests of the Holiday House. The fence is to be constructed in accordance with the Shire's *Local Planning Policy 4 – Boundary Fencing*.
4. The approved Bushfire Emergency Evacuation Plan and Bushfire Management Plan shall be displayed in a conspicuous location within the dwelling at all times.
5. 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')
6. 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')
7. All vehicles & boats connected with the premises shall be parked within the boundaries of the property.
8. The short stay use of the dwelling shall not be occupied by more than **five (5) people** at any one time.
9. Amplified music shall not be played outside of the Holiday House between the hours of 10pm and 10am.
10. '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')
11. 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 should be submitted

90 days before the expiry of this approval, along with the appropriate planning fee. Please note that the Shire does not notify landowners of the expiry of a planning approval; it is the owner's responsibility to monitor and ensure that the planning approval remains valid.

- 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) This approval does not affect the entitlement to use the dwelling for permanent residential purposes.
- c) 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.
- d) The 'House Rules' document shall be consistent with key elements of the NSW Code for Holiday Houses (please refer to the attached document).
- e) Evidence of the installation of the sign and the display of the planning approval reference number within the marketing of the Holiday House is required to be provided 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 and a link to website advertising.