

**DEVELOPMENT ASSESSMENT REPORT**  
**Shire of Augusta Margaret River**  
**7 April to 13 April 2022**

**APPLICATIONS RECEIVED**

<b>Date Rec'd</b>	<b>Reference No.</b>	<b>Address</b>	<b>Proposal</b>
<b>PLANNING</b>			
07/04/2022	P222228	25 (Lot 193) Alferink Crescent, Margaret River	Single House (Outbuilding Addition)
07/04/2022	P222259	Lot 9506 Concerto Drive, Cowaramup	Local Development Plan - Symphony Waters Stage 4
08/04/2022	P222260	2 (Lot 2) Green Street, Augusta	Grouped Dwelling (Two additional grouped dwellings)
11/04/2022	P222261	30 (Lot 15) Formosa Street, Margaret River	Holiday House Renewal
11/04/2022	P222262	Unit10A & 10B (Lots 1 & 2) Freycinet Way, Gnarabup	Single House (Fence Addition)
11/04/2022	P222263	Unit 36 12 (Lot 815) Farrelly Street, Margaret River	Grouped Dwelling (Patio Additions to Independent Living Unit)
11/04/2022	P222264	41 (Lot 135) Clarke Road, Margaret River	Community Purpose (Community Pantry Food Donation Centre)
15/04/2022	P222267	Unit 2 24 (Strata Lot 2 of Lot 47) Freycinet Way Gnarabup	Holiday House Renewal
08/04/2022	P222268	11 (Lot 113) Town View Terrace Margaret River	Subdivision
13/04/2022	P222269	34 (Lot 24) Mansfield Ave, Margaret River	Guest House Renewal
13/04/2022	P222270	13 (Lot 412) Dunnart Close, Margaret River	Single House (Creek Crossing & Cross Over Addition)
13/04/2022	P222271	8 (Lot 61) Thomasia Court, Augusta	Single House 8
13/04/2022	P222272	13 (Lot 13) Mitchell Road, Rosa Glen	Section 40 Liquor Licence Certificate-Brewery Winery & Rural Produce Sales (Cidery & Wine Production & Storage)
13/04/2022	P222273	89 / 157 (Lot 688) Stevens Road, Witchcliffe	Agriculture Intensive (Farm Building)
13/04/2022	P222274	Unit 18 5962 (Lot 18) Caves Road, Margaret River	Section 40
13/04/2022	P222276	32 (Lot 16) Formosa Street, Margaret River	Holiday House Renewal
13/04/2022	P222277	17 (Lot 246) Felling Road, Karridale	Single Dwelling
13/04/2022	P222278	Unit 1 / 44 (Strata Lot 1 of Lot 209) Marmaduke Point Drive, Gnarabup	Grouped Dwelling (Dwelling Addition)
<b>BUILDING</b>			
12/04/2022	222196	6 (Lot 603) Niblett Retreat, Margaret River	Ancillary Dwelling, Garage and Retaining Wall
08/04/2022	222211	20 (Lot 45) Freycinet Way, Gnarabup	Alterations and Additions to Existing Dwelling - Lift shaft, Hallway and Wardrobe
07/04/2022	222212	14 (Lot 67) Birch Loop, Margaret River	Single Dwelling, Garage, Alfresco and Retaining Wall
13/04/2022	222213	6 (Lot 39) Freycinet Way, Gnarabup	Shed
11/04/2022	222214	20B (Lot 332) Wise Road, Margaret River	Patio
08/04/2022	222215	15 (Lot 413) Dunnart Close, Margaret River	Alterations and Additions to Existing Dwelling - Internal works and recladding
11/04/2022	222217	17C (Lot 41) Townview Terrace, Margaret River	Single Dwelling, Garage, Verandah and Patio
11/04/2022	222218	622 (Lot 202) Ellen Brook Road, Cowaramup	Rainwater Tank
12/04/2022	222219	1122 (Lot 105) Bessell Road, Rosa Brook	Patio
13/04/2022	222220	76 (Lot 20) Turner Street, Augusta	Two Storey Dwelling, Garage, Patio and Verandah
12/04/2022	222221	Lot 9003 Bussell Highway, Witchcliffe (Witchcliffe Eco Village)	Demolition of a Shed
12/04/2022	222222	744 (Lot 111) Cowaramup Bay Road, Gracetown	Swimming Pool
12/04/2022	222223	744 (Lot 111) Cowaramup Bay Road, Gracetown	Swimming Pool Barrier Fence
12/04/2022	222224	6 (Lot 96) Nebbiolo Place, Margaret River	Single Dwelling and Patio
13/04/2022	222227	12 (Lot 5) Percy Street, Gracetown	Shed

13/04/2022	222228	17 (Lot 128) Hurford Place, Augusta	Single Dwelling, Garage, Retaining Wall and Patio
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## APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
<b>PLANNING</b>				
15/12/2021	P221956	2 (Lot 189) Fairlawn Place, Molloy Island	Dwelling Additions (Outbuilding - Shed)	Approved
15/12/2021	P221957	6 (Lot 371) Winton Street Margaret River & 64 (Lot 381) Pimelia Drive, Margaret River	Dwelling Additions (Retaining Walls/Fill & Boundary Fencing)	Approved
13/01/2022	P222021	Lot 783 Mitchell Drive, Lot 501,502, 504 Reef Drive and Lot 503 Seagrass Place, Gnarabup	State Significant Development Application - Referral to AMR Shire	Comments provided as per Council Resolution
27/01/2022	P222057	43 (Lot 53) Mitchell Drive, Prevelly	Holiday House Large (Renewal)	Approved
27/01/2022	P222059	40 (Lot 10) Greenwood Avenue, Margaret River	Dwelling	Approved
28/01/2022	P222063	158 (Lot 115) Railway Terrace, Margaret River	Holiday House (Renewal)	Approved
31/01/2022	P222072	14 (Lot 301) Lemon Gum Retreat, Margaret River	Building Envelope Variation (Swimming Pool & Earthworks)	Approved
07/02/2022	P222095	Unit 19 / 20 Riedle Drive, Gnarabup	Bed and Breakfast	Approved
07/02/2022	P222096	635 (Lot 23) Boodjidup Road, Margaret River	Holiday House Large (Renewal)	Approved
09/02/2022	P222101	40 (Lot 441) Ned Higgins Lane, Margaret River	2 x Offices & 3 x Serviced Apartments / Multiple Dwellings	Approved
23/02/2022	P222137	10 (Lot 212) Flinders View, Augusta	Holiday House Large (Renewal)	Approved
24/02/2022	P222139	7 (Lot 209) Hermitage Drive, Margaret River	Holiday House (Renewal)	Approved
<b>SUBDIVISIONS</b>				
25/02/2022	P222143	211 (Lot 9007) Darch Road, Margaret River	Subdivision	Supported subject to conditions
28/02/2022	P222148	20 (Lot 51) Tunbridge Street, Margaret River	Subdivision	Supported subject to conditions
18/01/2022	P222029	18 (Lot 33) Ironstone Place, Margaret River	Subdivision	Supported subject to conditions
<b>LOCAL LAW PERMITS</b>				
Nil				

## LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
<b>PLANNING</b>				
07/10/2022	P221749	7 (Lot 136) Loch Street Augusta	Holiday House (Renewal)	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 Holiday House (Renewal): 7 (Lot 136) Loch Street Augusta**

**(Level 3 – objection received)**

**P221749; PTY/2905**

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

General Information	
Lot Area	770m <sup>2</sup>
Zone	R15
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 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 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	07/10/2021
Date of Report	26/03/2021

Location Map



Planning History	A twelve (12) month approval (P220234) was issued on 16 July 2020 for a holiday house for six (6) guests.
Is the application same as previous?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No A Bushfire Management Plan exists for the property.
Have there been any objections?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No One objection was received during advertising period from an affected land owner in the immediate locality.
Have there been any complaints over the recent period of approval?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Have there been any substantial changes to the LPS1 or Policy?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Comments Received	
Nature of Submission	Officer Comments

<p>Conditional support provided all visiting vehicles are kept within the property boundary and does not impede vehicle movement in Loch Street.</p>	<p>There is adequate parking available within the property boundaries for the short stay use as required under <i>Local Planning Policy 7 Short Stay Accommodation</i>. This includes a large single carport, three parking bays and space to park a boat/trailer. The applicant advises that the house rules for the property state that vehicles, trailers, and boats are only to be parked in the allocated car park.</p>
<p>Objection:</p> <ul style="list-style-type: none"> <li>i) Based on previous walk-bys, the manager contact details sign was not installed as required 'Condition 5' of previous Holiday House approval.</li> <li>ii) The 'Amplified Music' (Condition 8 of previous Holiday House approval) has proven to be too narrow and should be broadened to include a 'no external partying' provision after 10pm.</li> <li>iii) Request that an additional condition be included banning the operation of outboard motors (e.g. for flushing or maintenance purposes) on the property. There have been instances where extremely loud outboard motors have been run for extended periods.</li> <li>iv) In light of continuing issues, we request that the approval be granted for 12 months, rather than three years.</li> <li>v) Can you advise what the outcome of the investigation into other, non-approved holiday houses in operation on Loch Street.</li> </ul>	<ul style="list-style-type: none"> <li>i) Photos were provided with the application showing that a sign had been installed on the front of the carport with the manager contact details. Given the concerns raised, the sign has since be relocated and posted at the front of the site on the letterbox. A photo has been provided supporting this.</li> <li>ii) The applicant has confirmed that the manager of the Holiday House has not received any complaints. The Shire also has no record of complaints for the short stay use. A condition of approval is however recommended requiring the 'House Rules' to be revised to respond to the issue of outdoor music and to request guests to move inside after 10pm. The submitter has also been provided with the contact details of the manager and landowner.</li> <li>iii) Regarding boat noise, the landowner advised that they stay at the house with family and friends and bring a boat. They do not flush their boat for extended periods of time, but other landowners in the area have boats and also conduct required maintenance including flushing boat motors. Notwithstanding the applicant's response, a condition is recommended to any approval requiring the 'House Rules' to be revised to respond to the issue of boat noise.</li> <li>iv) Noted and given the concerns raised a twelve month approval period only is recommended in this case for the reasons discussed below.</li> <li>v) The submitter previously advised the Shire of concerns about potential illegal holiday house uses at two other sites in Loch Street. In response, the submitter was advised of two other properties approved, from 2015, for holiday house use in Loch Street. The submitted was also updated about the status of an application under assessment for a third holiday house use in the street.</li> </ul> <p>Following the outcome of the advertising period, the submitter was requested to provide further information to validate the concerns raised. The submitter was able to verify one late night disturbance. In response, the landowner confirmed that they had held a family gathering at the property on the date in question. It would appears that the noise impacts were due to the owner's activity not the short stay use. Notwithstanding, the House Rules are required to be revised to respond to the issues raised and due to the concerns, and the limited response addressing the issues that was provided, the application is recommended for a 12 month conditional approval period rather than three years. Upon an application for renewal, the proposal to continue the use will be referred to neighbours for comment in order to monitor the successful management.</p>
<p><b>Recommended period of approval</b></p>	<p><input checked="" type="checkbox"/> 12 months   <input type="checkbox"/> 3 years   <input type="checkbox"/> 5 years</p>

## 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 (Renewal) at 7 (Lot 136) Loch Street, 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 P2 received by the Shire on 7 October 2021.
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1. The Holiday House use is permitted for a period of **twelve (12) months** from **<end of previous period of approval>** to **<end of period of approval>**. (Refer to advice note 'a')
2. The approved Bushfire Emergency Evacuation Plan shall be displayed in a conspicuous location within the dwelling at all times.
3. 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').
4. 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 'f')
5. 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. Within 21 days from the date of this approval the 'House Rules' shall be updated to include (but not be limited to) the following notifications:
  - a) Guests to ensure that noise is kept to a minimum to not cause nuisance to neighbours.
  - b) Amplified music is not permitted to be played outside of the Holiday House between the hours of 10pm and 10am.
  - c) Guests are encouraged to move inside after 10pm.
  - d) Keep motor boat noise to a minimum to not cause nuisance to neighbours.
9. The 'House Rules' shall be provided to all guests and shall be displayed within a prominent position within the Holiday House at all times.
10. 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) 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 installation of the sign and 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.