

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
3 April 2025 to 9 April 2025

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
03/04/2025	P225251	14 (Lot 610) Truffle Circuit, Cowaramup	Relocation of Street Tree
04/04/2025	P225252	87 (Lot 1) Tunbridge Street, Margaret River	Carport
04/04/2025	P225253	37 (Lot 407) Hasluck Street, Cowaramup	Extension of Term (P222496)
04/04/2025	P225254	Lot 16 Kyloring Drive, Witchcliffe	Extension of Term to Planning P223108 - 25x Aged or Dependent Persons Dwellings and Ancillary Common House with 2x Guest Bedrooms
04/04/2025	P225255	Lot 44 Cullen Road, Gracetown	Dwelling Additions
09/04/2025	P225263	6 (Lot 14) Friesian Street, Cowaramup	Commercial Units
09/04/2025	P225264	6 (Lot 7) Panorama Rise, Hamelin Bay	Single House
BUILDING			
03/04/2025	225253	1 (Lot 122) Papadakis Avenue, Prevelly	Alterations Additions to Main Bedroom, Balcony and Living Room
03/04/2025	225254	426 (Lot 73) Bussell Highway, Margaret River	Single Dwelling, Carport and Alfresco
03/04/2025	225255	45 (Lot 14) Karrack Crescent, Witchcliffe	Single Dwelling, Alfresco, Portico, Store, Carport and Water Tanks
03/04/2025	225256	5 (Lot 235) Plenty Street, Margaret River	Single Dwelling, Garage and Alfresco
03/04/2025	225257	49 (Lot 209) Hardwood Loop, Cowaramup	Single Dwelling
07/04/2025	225258	25 (Lot 427) MacLaren Crescent, Margaret River	Single Dwelling, Garage, Alfresco and Retaining Wall
07/04/2025	225260	41 (Lot 74) Station Road, Margaret River	Showroom and Warehouse
07/04/2025	225261	Unit 4, 1 (Strata Lot 4) Acer Place, Margaret River	Warehouse and Showroom Refurbishment
07/04/2025	225262	7 (Lot 361) Birch Loop, Margaret River	Patio
07/04/2025	225263	362 (Lot 100) Kudardup Road, Kudardup	Retaining Wall
07/04/2025	225264	165 (Lot 36) Terry Drive, Margaret River	Carport
07/04/2025	225265	Unit A, 168 (Lot 1) Kevill Road East, Margaret River	Water Tank
07/04/2025	225266	39 (Lot 42) Devon Drive, Margaret River	Ancillary Dwelling and Patio
08/04/2025	225267	Lot 351 Dog Road, Bramley (R47956 Wooditjup National Park)	Amenity Building - Toilet
08/04/2025	225268	10 (Lot 17) Gilgie Drive, Witchcliffe	Single Dwelling, Carport, Water Tank x 2 and Shed
08/04/2025	225269	Lot 60 Calgardup Road West, Forest Grove	Dwelling & Carport
08/04/2025	225270	24 (Lot 16) Mardo Drive, Witchcliffe	Single Dwelling & Water Tanks x 2
08/04/2025	225271	5 (Lot 361) Wattle Place, Margaret River	Unauthorised conversion of shed to ancillary dwelling
08/04/2025	225272	160 (Lot 116) Railway Terrace, Margaret River	Shed
08/04/2025	225273	Lot 910 Low Road, Rosa Glen	Shed
08/04/2025	225274	22 (Lot 16) Merchant Street, Margaret River	Patio
09/04/2025	225275	381 (Lot 101) Wallis Road, Witchcliffe	Single Dwelling, Garage, Alfresco, Shed and Water Tank
09/04/2025	225276	1 (Lot 6) Wannang Lane, Witchcliffe	Shed and Pergola
09/04/2025	225277	1 (Lot 73) Melody Circuit, Cowaramup	Shed
09/04/2025	225278	9 (Lot 242) Felling Road, Karridale	Water Tank
09/04/2025	225279	41 (Lot 199) Bottlebrush Drive, Margaret River	Swimming Pool and Barrier Fence
Exploration Licenses for Comment			
Nil			

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				
31/01/2025	P225072	17 (Lot 41) Town View Terrace, Margaret River	Holiday House Renewal	Approved
03/02/2025	P225074	13 (Lot 122) Lesuer Place, Gnarabup	Holiday House (Large)	Approved
04/02/2025	P225080	21 (Lot 31) Elva Street, Margaret River	Holiday House Renewal	Approved
12/02/2025	P225106	8 (Lot 35) Rakali Road, Witchcliffe	Outbuilding (Shed)	Approved
13/02/2025	P225108	Unit 1, 17 (Lot 290) Elva Street, Margaret River	Holiday House Renewal	Approved
19/02/2025	P225118	404 (Lot 103) Bussell Highway, Margaret River	Outbuilding (Shed)	Approved
04/04/2025	P225254	Lot 16 Kyloring Drive, Witchcliffe	Extension of Term to Planning P223108 - 25x Aged or Dependent Persons Dwellings and Ancillary Common House with 2x Guest Bedrooms	Approved
SUBDIVISIONS				
18/02/2025	P225132	Subdivision	2 (Lot 2) Green Street, Augusta	Support with Conditions
LOCAL LAW PERMITS				
06/01/2025	P225226	Rivermouth Car Park, Reserve 41545	Extension to permit to operate mobile food business - 6 April to 30 April 2025 - Combi Coffee	Approved
27/03/2025	P225250	Surfers Point, Reserve 41545	Variation to permit to operate a mobile food business - additional day April - Hooked up Fish and Chips	Approved

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
20/12/2025	P224990	47 (Lot 50) Terry Drive, Margaret River	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 Assessment P224990



General Details

Reporting Officer	Grace Graham
Disclosure of Interest	Nil
Assessment Level	Major (Level 3)

Application Details

Address	47 (Lot 50) Terry Drive, Margaret River			
Proposed Development	Holiday House Renewal			
Zoning	Rural Residential			
Lot Area	31,331sqm			
Use Class and Permissibility	'A' – discretionary use			
Heritage/Aboriginal Sites	none			
Other Considerations	Visual Management Area	<input checked="" type="checkbox"/>	Sewerage Sensitive Area	<input type="checkbox"/>
	Special Control Area	<input type="checkbox"/>	Watercourses/Rivers	<input type="checkbox"/>
	Bushfire Prone Area	<input checked="" type="checkbox"/>	Environmentally Sensitive Areas	<input type="checkbox"/>
Structure Plans/LDP's	None			
Easements/Encumbrances	None – that affect this application			
Why is Development Approval Required?	Discretionary uses are not permitted unless the Shire exercises its discretion by granting development approval.			
Recommended period of approval	<input type="checkbox"/> 12 months <input type="checkbox"/> 3 years <input checked="" type="checkbox"/> 5 years			

Site Image



Assessment

Referrals	Yes	No
Adjoining Neighbours/Property Owners – 1 Indifferent	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Government Agencies	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Internal Shire Departments	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Where any issues raised through the referrals process?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Policy Framework	Yes	No
Does the proposal involve variations to the Residential Design Codes?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Development Assessment P224990



Does the proposal involve any variations to Scheme Requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the proposal involve any variations to Policy Requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other matters that require discretion (Vegetation Removal)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

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.

Planning History

- P1139 – Dwelling – Approval 1991
- P216391 - Unapproved Use of Dwelling for Short Stay – Compliance Closed March 2020
- P220163 – Holiday House – Approval March 2020
- P221647 - Holiday House (Renewal) – Approval October 2021 (no submissions – 3 year approval) – expired October 2024
- P224990 – Renewal lodged December 2024 – Current under Review

Advertising

The advertising period for the above mentioned planning application closed, with 1 submission of indifference received. Below is a summary of the comments by the submitter, including the applicants response and planning officers assessment.

Submitter Concerns	Applicants Response	Officer Assessment
The property regularly hosts over 6 guests, which exceeds the approved limit.	I have recently been made aware of this by a neighbour across the road. To my knowledge, this has only occurred on one occasion when a guest brought a caravan for an overnight stay. The Airbnb listing clearly outlines a maximum guest number in accordance with our approval, and we enforce this limit strictly. The vast majority of guests (99%) adhere to the policy.	Upon review of the Airbnb listing it can be seen that the holiday house is being advertised for 7 guests although only 6 guests are approved. Applicant provided evidence during assessment that the Airbnb listing had been updated to reflect the approved number of guests.
Dogs left barking continuously	This concern has been discussed with the neighbour. While it is difficult to monitor dog behaviour at all times, he has agreed to notify management directly if it happens again. The manager will attend the property promptly to assess the situation. The house rules and booking terms will be updated to state that guests with dogs that bark or become distressed when left alone should either not bring their pets or ensure they are taken with them when leaving the house. Given the number of dogs in the area, I'm not convinced the barking always originates from our property—it may even have been our own dog on occasion, who had a notably loud bark.	It seems this issue is arising as dogs are permitted on the property and are left tied up on the property without supervision. House rules have been updated by the applicant to convey expectations around keeping pets at the property.
Anti-social behaviour in the street	This has only been brought to my attention recently and is the first such incident in over 8 years of hosting. I was unaware at the time it occurred. If any future issues arise, I welcome direct communication so they can be addressed swiftly.	Signage of management has been confirmed at the property and neighbours should be contacting the manager as any issues arise.
Loud noise disturbances	Discussed with the neighbour, suggests that the neighbour to the west of the property regularly hosts parties, which has been observed during visits to the property.	As per condition 8 of the approval "Amplified music shall not be played outside of the holiday house between the hours of 10pm and 10am."



		Any concerned neighbours should contact the manager with any issues that arise with guests. House rules also state the following - Quiet hours: 10:00 PM – 8:00 AM No parties or events: We love a good celebration, but parties are not permitted on the property.
People wandering onto neighbouring properties, particularly along the firebreak	To my knowledge, no guests have wandered onto neighbouring properties, but I will remain attentive to any future reports and ensure guests are reminded to respect all property boundaries.	The approval is for use of the property to which the approval is given. Guests must not enter other peoples private property.

Additional comments/clarification from the applicant were as follows:

I'd also like to clarify that I, as the property owner, spend a considerable amount of time at the house. On many occasions, when there are more than six people staying, it is myself, along with family and friends—not Airbnb guests. The house is not used exclusively for short-term accommodation, and personal use accounts for a significant portion of the time. I trust this helps clarify any misunderstanding regarding guest numbers.

The concerns raised by the submitter have been addressed by the applicant and updated house rules have been provided to address the concerns. The listing has also been updated to reflect the approved number of persons. It is recommended that a five (5) year approval is given.

Determination

That the Coordinator Planning Services 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 Holiday House at 47 (Lot 50) Terry Drive, Margaret River subject to compliance with the following 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 received by the Shire on 2 June 2020 P2 received by the Shire on 16 March 2020 P3 received by the Shire on 13 May 2020
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2. The Holiday House use permitted for a period of **five (5) years** from <date of this approval> to <end of date of approval>. (Refer to advice note 'a')
3. The approved Bushfire Emergency Evacuation 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 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 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 **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. '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

- 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.
- 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) The 'House Rules' document shall be consistent with key elements of the NSW Code for Holiday Houses (please refer to the attached document).
- g) 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.
- h) 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.
- i) Please note that approval as short stay accommodation will change the rating category applied to the property to Tourism and may lead to an increase in rates levied for the site. For further information on these changes contact the Shires Revenue team on 9780 5234 or by email at revenue@amrshire.wa.gov.au.
- j) Noise emissions resulting from development/use of premises for the approved purpose shall not exceed the assigned levels in the Environmental Protection (Noise) Regulations 1997, and shall not unreasonably interfere with the health, welfare, convenience, comfort or amenity of an occupier of any other premises.
- k) The number of people proposed for the holiday house is to comply with Section 23, of the Shire of Augusta Margaret River Health Local Laws 1999, Overcrowding:

The owner or occupier of a house shall not permit –

 - a. a room in the house that is not a habitable room to be used for sleeping purposes; or
 - b. a habitable room in the house to be used for sleeping purposes unless –
 - i. for every person over the age of 10 years using the room there is at least 14 cubic metres of air space per person; and
 - ii. for every person between the ages of 1 and 10 years there is at least 8 cubic metres of air space per person; or
 - c. any garage or shed to be used for sleeping purposes