

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
4 April to 10 April 2024

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
04/04/2024	P224240	33 (Lot 194) McDermott Parade, Witchcliffe	Outbuilding (Shed)
04/04/2024	P224241	15 (Lot146) Grunters Way, Gnarabup	Extension of Term to P222088
05/04/2024	P224242	50 (Lot 206) Marmaduke Point Drive, Gnarabup	Alterations and Additions to Existing Dwelling
04/04/2024	P224243	5 (Lot 2) Mansfield Avenue, Margaret River	Outbuilding (Shed)
05/04/2024	P224245	Lot 4154 Governor Broome Road, Scott River	Extractive Industry
05/04/2024	P224246	119 (Lot 80) Brookfield Avenue, Margaret River	Boundary Fence and Retaining Wall
08/04/2024	P224248	81 (Lot 61) Darnell Road, Rosa Brook	Home Occupation - Counselling Service
08/04/2024	P224249	345 (Lot 5) Arthur Road, Rosa Brook	Ancillary Dwelling
09/04/2024	P224250	3 (Lot 6) Redgate Road, Witchcliffe	Change of Use
09/04/2024	P224251	165 (Lot 34) Bussell Highway, Margaret River	Colourbond Fence
09/04/2024	P224252	Lot 1005 Calgardup Road, Forest Grove	Building Envelope Variation
09/04/2024	P224253	10048 (Lot 75) Caves Road, Deepdene	Dwelling Addition Outbuilding (Water Tank)
10/04/2024	P224254	19 (Lot 37) Riedle Drive, Gnarabup	Holiday House Renewal (Large)
10/04/2024	P224255	4 (Lot 225) Warru Way, Witchcliffe	Additions to Single House (Outbuilding)
10/04/2024	P224256	10 (Lot 14) Ashton Street, Margaret River	Outbuilding (Retrospective)
BUILDING			
04/04/2024	224211	58 (Lot 108) Woodland Drive, Burnside	Rainwater Tank
04/04/2024	224212	13 (Lot 19) Hideaway Entrance, Cowaramup	Single Dwelling and Patio
04/04/2024	224213	4 (Lot 47) Cassia Way, Margaret River	Patio
08/04/2024	224214	12 (Lot 28) Cross Street, Augusta	Shed and Patio/Carport
08/04/2024	224215	19 (Lot 2) Rangnow Place, Margaret River	Single Dwelling
08/04/2024	224216	13 (Lot 25) Chardonnay Avenue, Margaret River	Conversion of Existing Shed into Ancillary Dwelling and New Shed
10/04/2024	224217	35 (Lot 32) Eldridge Avenue, Witchcliffe	Single Dwelling, Patio, Shed and Rainwater Tank
10/04/2024	224218	21/63 (Lot 104) Ellen Brook Road, Cowaramup	Alterations and Additions to Existing Dwelling - Extension under roof life, bathroom conversion and partial reclad of dwelling
10/04/2024	224219	9 (Lot 27) Moondyne Ridge, Kudardup	Shed
10/04/2024	224220	4 (Lot 61) Concerto Drive, Cowaramup	Single Dwelling, Patio and Pergola
10/04/2024	224221	3 (Lot 59) Kaeding Entrance, Kudardup	Rainwater Tank
10/04/2024	224222	Lot 1005 Hawkesford Place (Lot 87 Shiraz Lane), Margaret River Lifestyle Village	Single Dwelling, Carport and Patio
Exploration Licenses for Comment			
Nil			

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				
25/10/2023	P223700	9331 (Lot 5) Caves Road, Karridale	Rural Industry (Woodworking)	Refused
08/01/2024	P224013	7 (Lot 214) Waler Place, Margaret River	Building Envelope Variation	Approved
02/02/2024	P224094	9 (Lot 398) MacLaren Crescent, Margaret River	Single House & Ancillary Dwelling	Approved
05/03/2024	P224165	11 (Lot 233) Bandicoot Close, Gnarabup	Holiday House (Renewal)	Approved

SUBDIVISIONS				
Nil				
LOCAL LAW PERMITS				
02/04/2024	P224237	Portion of Reserves 41545 and 26228, Prevelly	Event related public car parking on Shire Reserves, Margaret River Pro 2024, 11-21 April	Approved
10/10/2023	P223680	Surfers Point, portion of Reserve 41545	Local Law Permit Extension - Normal Van	Cancelled

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
25/01/2024	P224069	24 (Lot 4064) Hobson Road, Osmington	Holiday House Renewal (Large)	Approve with 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 (Large) - 24 (Lot 4064) Hobson Road, Osmington

Major (Level 2 – 1x Supportive & 7x Objective Submissions)

P224069; PTY/2957

REPORTING OFFICER : Matt Slocomb
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	41.645ha
Zone	General Agriculture (Special Control Area 1 – Ten Mile Brook Priority Catchment)
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 twelve (12) 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	25/01/2024
Date of Report	11/04/2024

Location Map



Aerial Map showing existing development on site



<p>Planning History</p>	<p>A twelve (12) month approval (P221393) was issued on 5 August 2021 for a holiday house for six (6) guests.</p> <p>A twelve (12) month approval (P222519) was issued on 3 February 2023 for a holiday house for six (6) guests.</p> <p>Prior to the above approvals, there has been historic use of the building subject of this application as a 'guest house'.</p>
<p>Is the application same as previous?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Previous approval allowed for 6 guests, will allowance for up to 12 people contingent on an upgrade to the septic system for this development. The septic system upgrade has been undertaken and signed off by the Shires Environmental Health Services meaning approval can now be issued for 12 guests.</p>
<p>Have there been any objections?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Have there been any complaints over the recent period of approval?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>The Shire has received complaints regarding the use of the site for unapproved events. This has some association with the Holiday House in that some events occurred within this building, or where part of a retreat in which participants where accommodated.</p> <p>The instances of non-compliance are discussed further below.</p>
<p>Have there been any substantial changes to the LPS1 or Policy?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>Officer comments:</p>	<ul style="list-style-type: none"> - No changes to management of holiday house - BEEP Plan submitted P222519 - BEEP Report submitted with this application
<p>Comments Received</p>	
<p>Nature of Submission</p>	<p>Officer Comments</p>
<p>7 x objections received which raised the following concerns:</p> <ul style="list-style-type: none"> • Traffic impacts associated with the proposal and issues with the quality of roads within the vicinity, particularly the intersection of Hobson Road and Osmington Road; • Concerns about fire risk associated with the property. 	<p>Traffic impacts are considered through the initial approval processes. The renewal application is consistent with the previous approval which did not necessitate any upgrades to the roads in the vicinity of the site.</p> <p>Noted, as above the fire risk was considered in detail through the assessment of the previous proposals. The Holiday House use is consistent with previous approvals and is not an intensification of land use.</p>

<ul style="list-style-type: none"> Discrepancies in the number of people proposed, number of beds depicted on the plan and the limitation based on wastewater. Owners' failure to properly manage the use and accord with previous condition of approval. 	<p>Noted, this will be addressed via a condition of approval. Wastewater upgrades have been approved to accommodate up to 12 guests.</p> <p>Noted, this is discussed further below.</p>
Discussion	
<p>As highlighted above, the issue raised through consultation which is of most relevance to the Holiday House renewal is the issues of noncompliance over the approval period. These related to events (subject to a separate application) and in part to the use of the Holiday House.</p> <p>There has been previous correspondence with the application around capacity limits based on wastewater calculations, for both the holiday house and for events. This was mistaken by the applicant to provide approval for events to occur at the property. This point was clarified with the applicant who was informed that events were to cease at the site until such time this is approved.</p> <p>In addition to the above, there has been misunderstanding on the way in which the Holiday house is approved to operate. As opposed to being rented by people staying in the house directly, the accommodation is rented to a business who then use the venue to hold a 'retreat'. The business promotes this externally, so an unrelated group of people pay for accommodation and other retreat activities held on site, staying within the Holiday House. This was interpreted to be within the confines of a Holiday House approval, but would require prior approval as a 'Private Recreation' land use. This has been clarified with the landowner who has also been advised that this is to cease until approval is obtained for this type of land use.</p> <p>Based on the above misunderstanding, the Shire is prepared to grant another 12-month renewal for the holiday house, but now that this has been clarified with the proponent, if there are any further instances of non-compliance then future renewal applications will be refused.</p>	
Recommended period of approval	<input checked="" type="checkbox"/> 12 months <input type="checkbox"/> 3 years <input type="checkbox"/> 5 years

OFFICER RECOMMENDATION

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 a Holiday House at 24 (Lot 4064) Hobson Road, Osmington, subject to compliance with the following conditions/for the following reasons:**

CONDITIONS

- 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 24 November 2008
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- The Holiday House use is permitted for a period of **twelve (12) months** from **<date of approval>** to **<end of period of approval>**. (Refer to advice note 'b')
- The approved Bushfire Emergency Evacuation Plan and Bushfire Management Plan shall be displayed in a conspicuous location within the dwelling at all times.
- 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 'c').
- 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 'd')

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 **twelve (12) 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 'g')
10. House Rules' shall be provided to all guests and shall be displayed within a prominent position within the Holiday House. (Refer to advice note 'i')
11. This approval does not authorise events, retreats or other similar land use beyond providing accommodation for guests.

ADVICE NOTES

- a) The applicant is advised that receipt of substantiated complaints regarding the operation of the Holiday House over the approval term will result in a future renewal application being refused.
- b) A new planning application seeking approval should be submitted 90 days before the expiry of this approval, along with the appropriate planning fee.
- c) 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.
- d) 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.
- e) This approval does not affect the entitlement to use the dwelling for permanent residential purposes.
- f) 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.
- 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) The 'House Rules' document shall be consistent with key elements of the NSW Code for Holiday Houses.
- i) 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.
- j) The proponent will need to ensure that the occupants of the holiday house comply with the requirements of the Environmental Protection (Noise) Regulations 1997.
- k) Should food be provided for patrons, notification shall be made in the approved form to the Shire in accordance with the Food Act 2008 and subsequent compliance shall be achieved in relation to chapter 3 of the Food Safety Standards within the Food Standards Code.
- l) The development is to provide a potable water source in accordance with The Australian Drinking Water Guidelines.