

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
21 July to 27 July 2022

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
21/07/2022	P222485	17 (Lot 7) Toy Place, Augusta	Holiday House Renewal
22/07/2022	P222486	18 (Lot 9) Offshore Crest, Margaret River	Single Dwelling (Outbuilding)
22/07/2022	P222487	Lot 44 Cullen Road, Gracetown	Single House (Unauthorised Clearing Outside Building Envelope)
22/07/2022	P222488	Verge of 40 (Lot 90) Wallcliffe Road, Margaret River & Verge of 41 (Lot 1003) Wallcliffe Road, Margaret River & Verge of 41 (Lot 1003) Wallcliffe Road, Margaret River & Reuther Park & Verge of 124 (Lot 2) Bussell Hwy, Margaret River & Verge of 115 - 117 (Lot 71) Bussell Hwy, Margaret River & Verge of 6 (Lot 22) Tunbridge Street, Margaret River & Verge of 96 Bussell Hwy, Margaret River & 56 (Lot 118) Station Road, Margaret River & 1 (Lot 275) Brookfield Avenue, Margaret River & Leschenaultia Avenue Reserve, Margaret River & Brookfield Avenue Reserve, Margaret River & Stoneman Street Reserve, Margaret River & Tingle Avenue Reserve, Margaret River & Farmhouse Park, Margaret River & Reserve, Margaret River & Road Reserve of 158 Bussell Hwy, Margaret River & Currawong Street Reserve, Cowaramup & 61 (Lot 3755) Bussell Hwy, Cowaramup & 50 (Lot 197) Duggan Drive, Cowaramup & Reserve, Redgate Road, Witchcliffe & 10403 (Lot 1) Bussell Hwy, Witchcliffe & Mitchell Drive, Prevelly & Riedle Drive, Gnarabup & Gnarabup Road, Gnarabup & Wallcliffe Road, Gnarabup	Recreation Private Micromobility Scooter Hire
22/07/2022	P222489	42 (Lot 13) Dallip Springs Road, Burnside	Bed and Breakfast Renewal
26/07/2022	P222492	Lot 1295 Blackboy Hollow Caves Rd, Redgate	Dwelling and Building Envelope Variation
26/07/2022	P222493	114 (Lot 502) Bussell Highway, Margaret River	Fast Food Outlet (Food Truck)
26/07/2022	P222494	5 (Lot 882) Chamberlain Place, Augusta	Single House
27/07/2022	P222495	5 (Lot 160) Clements Crescent, Molloy Island	Single House (Carport Addition)
27/07/2022	P222496	37 (Lot 407) Hasluck Street, Cowaramup	Medical Centre & Serviced Apartments x 4
BUILDING			
22/07/2022	222404	1 (Lot 30) Osborne Street, Gracetown	Alterations and Additions - Living Room, Deck and Verandah
21/07/2022	222414	Unit 3 & Unit 7 / 145 (Lot 28) Bussell Hwy, Margaret River	Alterations to existing shop - Internal works and shop fit out (OPSM)
21/07/2022	222416	89 (Lot 2) Bussell Hwy, Margaret River	Deck with ramp
26/07/2022	222417	Reserve 51096 (Lot 350) Leeuwin Road, Augusta	Abalone Production, Processing Tours and Retail Sales Building
21/07/2022	222418	24 (Lot 19) Karrack Crescent, Witchcliffe	Single Dwelling, Patio, Carport with Store and Rainwater Tank x 2
22/07/2022	222419	15 (Lot 103) Blain Street, Augusta	Shed Extension
22/07/2022	222420	Unit B 6 (Lot 2) Walkington Avenue, Margaret River	Single Dwelling, Patio and Carport
21/07/2022	222421	Lot 305 Caves Road Reserve, Conto Road, Boranup	Camp Kitchen and 2 x Toilet Facilities
22/07/2022	222422	1 (Lot 652) Curtis Street, Cowaramup	Alterations and Additions - Studio - Bedroom, Ensuite and Workshop Addition
27/07/2022	222424	147 (Lot 81) Ashton Street, Margaret River	Pergola and Patio
26/07/2022	222427	23 (Lot 29) Brookside Boulevard, Cowaramup	Retaining Walls
26/07/2022	222429	8 (Lot 6) Goodenia Street, Margaret River	Unauthorised Works - Deck
27/07/2022	222431	Strata (Lot 1) 7981 Caves Road, Forest Grove	Built Strata
27/07/2022	222432	32 (Lot 550) Hudsbeth Way, Margaret River	Unauthorised Works - Verandah and Store Room
Exploration Licenses for Comment			
Nil			

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				
08/02/2022	P222097	63 (Lot 13) Rowe Road West, Witchcliffe	Holiday House Large (Renewal)	Approved
16/02/2022	P222117	108 (Lot 289) Leschenaultia Avenue, Margaret River	Dwelling, Retaining Wall/Fill & Boundary Fence	Approved
10/03/2022	P222184	Unit 2/7 (Strata Lot 2) Town View Terrace, Margaret River	Holiday House Renewal	Approved
20/04/2022	P222286	870 (Lot 11) Bessell Road, Rosa Brook	Chalet & Dwelling (Change of Use Dwelling to Chalet & Proposed Dwelling)	Approved
09/05/2022	P222322	4 (Lot 2) Formosa Street, Margaret River	Holiday House Renewal	Approved
18/05/2022	P222350	2 (Lot 104) Matthews Road, Augusta	Building Envelope Variation (Ancillary Dwelling and Outbuilding)	Approved
23/05/2022	P222361	14 (Lot 439) Beech Road, Margaret River	Single Dwelling	Approved
24/05/2022	P222364	827 (Lot 206) Burnside Road, Burnside	Holiday House Renewal	Approved
24/05/2022	P222366	42 (Lot 28) Sabina Drive, Molloy Island	Dwelling Additions (Ensuite & Verandah)	Approved
26/05/2022	P222367	29 (Lot 279) Ironbark Avenue, Margaret River	Bed and Breakfast (Renewal)	Approved
30/05/2022	P222378	77 (Lot 103) Baudin Drive, Gnarabup	Holiday House Renewal	Approved
08/06/2022	P222395	Unit 1/63 (Lot 171) Town View Terrace, Margaret River	Holiday House	Approved
09/06/2022	P222396	16 (Lot 31) Wise Road, Margaret River	Bed and Breakfast Renewal	Approved
SUBDIVISIONS				
10/06/2022	P222406	80 (Lot 11) Blackwood Avenue, Augusta	Subdivision	Not supported
16/06/2022	P222425	1 (Lot 79) Redgum Court, Margaret River	Survey Strata Subdivision	Supported subject to conditions
LOCAL LAW PERMITS				
Nil				

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
24/03/2022	P222215	43 (Lot 22) Isaacs Road, Margaret River	Holiday House	Referred to council for determination
27/05/2022	P222370	23 (Lot 142) Grunters Way, Gnarabup	Holiday House Large	Approval subject to 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 Development Services

Proposed Holiday House Large at 23 (Lot 142) Grunters Way, Gnarabup

Level 2 (objections addressed)

P222370; PTY/7984

REPORTING OFFICER: Stephen Schreck
DISCLOSURE OF INTEREST: Nil.

General Information	
Lot Area	1100m ²
Zone	Residential 'R10'
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 Large use. The existing dwelling is to be used to accommodate up to 10 short stay guests at any one time. The management arrangements are to be handled by In-House Holidays located in Margaret River and within a 35 minute drive of the site.
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	5 May 2022
Date of Report	22 July 2022



Have there been any objections?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Comments Received	
Nature of Submission	Officer Comments
DFES: <ul style="list-style-type: none"> DFES acknowledges a residential dwelling currently exists on the subject site and the 	The Gnarabup coastal settlement was originally accompanied by a Bushfire Management Plan. In accepting applications the Shire is able to consider

<p>development application seeks approval for short term accommodation.</p> <ul style="list-style-type: none"> • The decision maker has confirmed this to be tourism activity and the application of SPP3.7 is triggered. • It is noted that a BMP has not been prepared for the development application and therefore the bushfire protection criteria have not been addressed. • The intent of SPP 3.7 is to reduce and mitigate the risk of bushfire to people and property which is prescribed through demonstrating compliance with Element 1: Location. DFES maintains the view that Element 1 should not be ignored in the context of vulnerable land use. • Further clarification is required within a BMP of the requirements of SPP 3.7 and the supporting Guidelines. <p>A5.5 Vehicular Access – Does Not Comply Vehicular access has not been demonstrated within a submitted BMP. Access in two (2) different directions to two (2) different destinations, in accordance with the acceptable solution, is not available until the intersection of Wallcliffe Road and Wilderness Road approximately 5km from the development site. This exceeds the acceptable maximum length of 200 metres for a dead-end road that passes through an extreme BHL. Therefore, the intent of A5.5 cannot be demonstrated at this location through the acceptable solutions.</p> <p>The decision maker should require that a BMP addresses the policy requirements of SPP 3.7 and the Guidelines to inform decision making. However it should be noted the development is unlikely to be supported for the following reasons:</p> <ol style="list-style-type: none"> 1. The development design has not demonstrated compliance to Element 5: Vulnerable Tourism Land Uses. Vehicular access cannot be achieved at this location. 	<p>developments under the previous Bushfire Management Plan. The Bushfire Management Plan sets out general bushfire compliance and considering that there is an existing dwelling on the site, compliance with the requirements of this plan are able to be met.</p> <p>The proposed 'Holiday House' is accompanied by a Bushfire Emergency Evacuation Plan (BEEP) which is to be displayed within the dwelling for guests. The BEEP identifies suitable destinations and evacuation routes.</p> <p>A separate, site specific BMP is not considered necessary for this application.</p> <p>A5.5 The Shire has previously assessed Gnarabup as being a 'Residential Built Out Area' and as such approved 'Holiday Houses' within the suburb. Gnarabup is connected to reticulated services, including water and sewer. The suburb is also serviced by the Wallcliffe Bush Fire Service.</p> <p>For consistency in the Shire's approach, Gnarabup is considered by the Shire as being a 'Residential Built Out Area' providing a lower risk of bushfire impact. As such, the use of an existing dwelling as a 'Holiday House' is considered acceptable under Version 1.4 of the Guidelines.</p>
<p>In the past 6 months this house has been used for short stay accommodation, its noise has been a disturbance to the neighbourhood, because of the large parties staying there, mostly on weekends and occasionally weeknights. We are not opposed to the house being used for holiday accommodation, however 10 people and their vehicles is too many for this house and street.</p> <p>Currently this property is regularly the noisy house in the street and by approving it for 10 guests will ensure that it continues disturbing the residents surrounding.</p> <p>The owner of the property resides in Perth and as a result has no way of resolving issues that arise with large groups and noise.</p>	<p>No formal complaints received or compliance action have been investigated by the Shire. The applicant is now seeking a formal approval for the operation of a Holiday House, which includes providing required management details.</p> <p>The owner of the property has indicated that the intent of the holiday house was to provide for a family accommodation venue and it was not intended to be for 10 individuals. Given the amount of parking available on site and the desire to be family orientated, the approval has been amended to restrict the number of guests to 8 guests.</p> <p>The proposed holiday house will be managed by a short term holiday property manager located in Margaret River, who's details will be required to be provided on a sign on site visible from the street.</p>
<p>10 guests is too many. This is a quiet residential street, mainly comprising local families, many with young children. 10 guests is inviting parties and get together most weekends and is inappropriate for this property, which is surrounded by permanent residents. During the time that 23 Grunters Way has already been operating as a holiday house, our household and neighbourhood has been negatively impacted by the large number (of often) younger visitors.</p> <p>10 additional people, on holiday, every weekend, usually results in excessive noise levels.</p> <p>The alfresco area of 23 Grunters Way is positioned to the rear of the property and when music is playing and</p>	<p>It is agreed that the proposal for 10 guests is not appropriate for the property. The property is required to contain car parking on site, in which there are 4 car parking bays. The provision of 4 car parking bays would allow parking for 4 vehicles which would likely equate to 8 guests. It is felt that a total of 8 guests is appropriate for the property.</p> <p>The proposal is to be managed in accordance with the submitted house rules, as well as being managed by a local established short term property manager.</p> <p>The Shire is proposing a 1 year approval to start, with re-assessment required prior to a renewed approval. Any neighbour complaints or other non-compliances are considered at the time of the renewal application</p>

<p>people converse, the noise travels directly into the bedroom or our property, where we have been kept up until 1 or 2 am. Sound travels very easily in this area which is something that visitors would be unaware of.</p> <p>There are often more than 4 cars parked at 23 Grunters Way (15 on one occasion) and the overflow uses either road verges or footpaths across the road, or our driveway.</p> <p>The owner of the property resides in Perth and is therefore unaware of and unaffected by what occurs at the property.</p> <p>There is an existing holiday house on Baudin Drive which has a maximum of 6 guests. There are rarely any issues from that property, despite it being occupied most weekends.</p> <p>We aren't delighted with the prospect of 23 Grunters Way being a full time holiday house, however, in the hope of retaining the peace and amenity, it is felt that a maximum of 6 guests is appropriate, not 10.</p>	<p>and if significant may result in a renewal not being issued for a property.</p> <p>Any non-compliances, or complaints should be reported to the Shire. This will help to inform the renewal process and the compliant operation of the proposed holiday house.</p>
<p>It is felt that the proposal for 10 guests is too many for the property. The property can accommodate 4 vehicles on the driveway and 10 guests may encourage more vehicles (e.g. 5 couples) that would cause congestion on the street and potentially on our driveway. Concerns are also held about the noise levels from the rear deck as the noise travels very clearly to our property behind them. In warmer spring and summer months the property could potentially be rented out more than 5 days a week with raised noise levels, unlike a family who resides there who might have raised noise levels on weekends.</p> <p>A change to a maximum of 8 guests is recommended.</p>	<p>It is agreed that the proposal for 10 guests will may present parking issues. The subject site includes 4 car parking bays contained within the site boundaries and as a result it is seen as being appropriate to have a maximum of 8 guests at one time.</p> <p>The management plan and managers contact details will assist in dealing with any potential noise complaints. Should noise complaints be experienced they should be reported to the Shire and may be considered as part of the Holiday House Renewal in 12 months time.</p>

Policy Requirements		
Policy Element	Provision	Comment
Location	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
Design / Layout	One parking bay per bedroom, Or two bays for grouped dwellings	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Reticulated water supply, or minimum 120,000 (plus firefighting provision) rainwater tank?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Existing or proposed one site effluent disposal system sized accordingly to number of guests?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	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
Fire	If within bushfire prone area a BAL provided?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	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
	BAL rating at BAL-40 or FZ?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Management	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
Recommended period of approval	<input checked="" type="checkbox"/> 12 months <input type="checkbox"/> 3 years	

OFFICER RECOMMENDATION

That the Acting 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 Large at 23 (Lot 142) Grunters Way, Gnarabup subject to compliance with the following conditions/for the following reasons:

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 P4 received by the Shire on 26 May 2022.
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1. The Holiday House use permitted for a period of **1 year** from **<date of this approval>** to **<end of date of approval>**. (Refer to advice note 'a')
2. The approved Bushfire Emergency Evacuation Plan and Bushfire Management 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 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 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')
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 **8 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. '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')
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')

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.
- 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) 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.
- 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 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 owners responsibility to monitor and ensure that the planning approval remains valid while the use is being undertaken.