

**DEVELOPMENT ASSESSMENT REPORT**  
**Shire of Augusta Margaret River**  
**19 September to 25 September 2024**

**APPLICATIONS RECEIVED**

Date Rec'd	Reference No.	Address	Proposal
<b>PLANNING</b>			
19/09/2024	P224652	42 (Lot 3006) Tonkin Boulevard, Margaret River (Rapids Landing Primary School)	Public Works - KPP Modular Classroom & Outbuilding (Shed)
19/09/2024	P224654	1 (Lot 2) Mansfield Avenue, Margaret River	Change of Use from Hotel Lounge to Hotel Room
19/09/2024	P224655	123 (Lot 78) Brookfield Avenue, Margaret River	Relocation of Street Tree
20/09/2024	P224660	Unit 10, 5 (Lot 10) Station Road, Margaret River	Holiday House
20/09/2024	P224663	3 (Lot 196) Auger Way, Margaret River	Office and Warehouse
20/09/2024	P224664	12 (Lot 18) Wilderness Road, Margaret River	Holiday House Renewal
25/09/2024	P224668	27 (Lot 11) & 29 (Lot 150) Allnut Terrace, Augusta	Amendment to P222586
25/09/2024	P224669	20 (Lot 62) Le Souef Street, Margaret River	Holiday House
25/09/2024	P224670	32A (Lot 1) Elva Street, Margaret River	Holiday House Renewal
<b>BUILDING</b>			
20/09/2024	224548	25 (Lot 8) Mammoth Street, Witchcliffe	Sea Container
24/09/2024	224549	10 (Lot 18) Stewart Smith Loop, Cowaramup	Ancillary Dwelling
24/09/2024	224550	18 (Lot 305) Whistler Drive, Karridale	Single Dwelling, Patio, Shed and Rainwater Tank
24/09/2024	224551	42 (Lot 635) Truffle Circuit Cowaramup	Single Dwelling, Garage and Patio
24/09/2024	224552	14 (Lot 307) Logging Road, Karridale	Rainwater Tank
24/09/2024	224553	81 (Lot 61) Darnell Road, Rosa Brook	Shed and Carport
24/09/2024	224554	56 (Lot 5) Matthews Road, Augusta	Garage Addition
25/09/2024	224555	19 (Lot 330) Dibbler Street, Margaret River	Conversion of Shed to Ancillary Dwelling and Patio
25/09/2024	224556	12 (Lot 618) Halcyon Crescent, Margaret River	Single Dwelling
<b>Exploration Licenses for Comment</b>			
Nil			

**APPLICATIONS DETERMINED UNDER DELEGATION**

Date Rec'd	Reference No.	Address	Proposal	Outcome
<b>PLANNING</b>				
22/09/2023	P223612	19 & 35 (Lot 15) Saunders Road, Treeton	Dwelling (Alterations and Additions to Non-conforming Use) 19 & 35 (Lot 15) Saunders Road, Treeton	Approved
27/06/2024	P224435	52 (Lot 124) Mentelle Road, Burnside	Building Envelope Variation	Approved
02/07/2024	P224446	351 (Lot 1001) Redgate Road, Witchcliffe	Building Envelope Variation	Approved
12/07/2024	P224467	Unit C, 20 (Lot 333) Wise Road, Margaret River	Ancillary Dwelling	Approved
29/07/2024	P224493	4 (Lot 260) Logging Road, Karridale	Retrospective Dwelling and Outbuilding (Water Tank)	Approved
07/08/2024	P224508	Unit A, 24 (Lot 269) Allnut Terrace Augusta (Augusta Primary School)	Public Works	Supported
<b>SUBDIVISIONS</b>				
Nil				
<b>LOCAL LAW PERMITS</b>				
Nil				

### LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
26/06/2024	P224430	40 (Lot 7) Le Souef Street, Margaret River	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**  
**Report to Manager Planning and Regulatory Services**

**Proposed Holiday House at 40 (Lot 7) Le Souef Street, Margaret River**  
**Level 3** **P224430; PTY/2211**

**REPORTING OFFICER** : Tessa Ashworth  
**DISCLOSURE OF INTEREST** : Nil

General Information	
Lot Area	1063m <sup>2</sup>
Zone	R30/40
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 use. The existing dwelling is to be used to accommodate up to 8 (amended to 6) short stay guests at any one time. The management arrangements are to be Swell Stays.
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	26/06/2024
Date of Report	9/09/2024



Have there been any objections?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Comments Received	
Nature of Submission	Officer Comments
Objection <ul style="list-style-type: none"> <li>Rear decking and small roofed structure on deck has the potential for noise from guests</li> <li>Request owner encloses the area at deck to mitigate noise</li> </ul>	Applicant is to place signage in the alfresco area to ensure no noise in this area after 10pm.  Deck area has existing 1.8m high screening to neighbouring lot which removes potential for overlooking.

<ul style="list-style-type: none"> <li>Potential non-compliant construction and inability for owner to comply with HH regulations and guidelines.</li> </ul>	Potential non-compliance is a separate matter referred to the Shire's Compliance Officer.
<p>Indifferent</p> <ul style="list-style-type: none"> <li>Concerns about street safety and the proposed 4 vehicles to park on the site. It would be better to have a second crossover so that vehicles can exit in forward gear.</li> <li>General concerns raised about large trucks using the street, it is not ideal for cars to be parked on the street.</li> </ul>	All cars related to the use are required to be parked in the property. Guest numbers have been reduced to six thus only three car parking bays are now required.

Policy Requirements		
Policy Element	Provision	Comment
<b>Location</b>	Coastal settlement	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Urban area located within Policy Plan 1?	<input checked="" type="checkbox"/> Yes <input 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
	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
<b>Fire</b>	If within bushfire prone area a BAL provided?	<input checked="" type="checkbox"/> N/A <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"/> N/A <input type="checkbox"/> No
	BAL rating at BAL-40 or FZ?	<input type="checkbox"/> Yes <input 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	

#### Officer comments

The number of guests has been reduced to 6 as the size of Bedroom 4 is not large enough to accommodate 2 guests under environmental health requirements. This also has the benefit of reducing the potential impact on amenity to neighbours. The applicant has updated house rules to put signage in the alfresco area to ensure guests know not to make noise after 10pm.

The submitter who objected was updated regarding how the use of the alfresco will be mitigated for noise and the reduction in guests but did not retract their objection.

The site is located in a predetermined area under the Shires Local Planning Policy which is considered suitable for holiday homes and satisfies the relevant standards of Local Planning Policy 7

The proposal is unable to be determined based on pre-empting amenity impacts, particularly in circumstances where the nature of the use, including the number of occupants and scale of development does not vary greatly from what would be expected for a single house. As is standard with short term uses, an initial 12-month approval is provided whereby the proponents will need to demonstrate that management measures are sufficient to prevent impacts on the amenity of the neighbouring properties. At the time of renewal, the neighbours will be consulted to help determine whether these management arrangements are effective. If it is apparent management has been ineffective then a renewal may be refused, or a shorter approval timeframe applied. This is considered a reasonable approach to allow for recommending approval of the holiday house.

#### OFFICER RECOMMENDATION

**That the Coordinator Planning Services 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 at 40 (Lot 7) Le Souef Street, Margaret River 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 26 June 2024
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2. The Holiday House use permitted for a period of **12 months** from **<date of this approval>** to **<end of date of approval>**. (Refer to advice note 'a')
3. The approved Bushfire Emergency Evacuation Plan and Bushfire Management 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 **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.
  - (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.
- 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](mailto:revenue@amrshire.wa.gov.au).