

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
11 September 2025 to 17 September 2025

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
12/09/2025	P225681	115 (Lot 109) Ashton Street, Margaret River	Ancillary Dwelling
12/09/2025	P225682	61 (Lot 29) Jacques Loop, Hamelin Bay	Outbuilding (Shed)
12/09/2025	P225683	571 (Lot 2659) Brockman Highway, Karridale	Holiday House Renewal
12/09/2025	P225686	30 (Lot 102) Georgette Way, Prevelly	Holiday House Renewal
15/09/2025	P225688	Unit 4 / 70 (Lot 59) Town View Terrace, Margaret River	Holiday House Renewal
15/09/2025	P225689	8 (Lot 572) Janson Avenue, Margaret River	Dwelling Addition (Retaining Wall)
17/09/2025	P225691	23 (Lot 175) Point Marmaduke, Gnarabup	Holiday House Renewal
17/09/2025	P225692	Unit B, 76 (Lot 2) Albany Terrace, Augusta	Amendment to P223448
17/09/2025	P225693	Reserve 41545, Prevelly	Public Event (Windsurfing Wave Classic)
17/09/2025	P225694	67A (Lot 88) Leeuwin Road, Augusta	Outbuilding (Shed)
17/09/2025	P225695	Lot 511 Caves Road, Redgate	Holiday House Renewal
BUILDING			
11/09/2025	225613	14 (Lot 199) Mala Walk, Margaret River	Single Dwelling, Garage and Alfresco
11/09/2025	225614	426 (Lot 85) Bussell Highway, Margaret River	Single Dwelling, Garage and Alfresco
11/09/2025	225615	426 (Lot 68) Bussell Highway, Margaret River	Single Dwelling, Carport & Alfresco
11/09/2025	225616	410 (Lot 25) Bussell Highway, Margaret River	Single Dwelling, Carport and Alfresco
11/09/2025	225617	110 (Lot 1034) Heron Drive, Margaret River	Dwelling Alteration/Addition, Swimming Pool, Pump House and Screen Wall
12/09/2025	225618	4 (Lot 34) Ellen Place, Margaret River	Patio
12/09/2025	225619	12 (Lot 41) Groupthree Drive, Kudardup	Verandah, Patio and Shed
15/09/2025	225620	426 (Lot 71) Bussell Highway, Margaret River	Single Dwelling, Carport & Alfresco
15/09/2025	225621	14 (Lot 22) Kyloring Drive, Witchcliffe	Stage1 - Single Dwelling, Attic, Garage, Carport, Alfresco and Retaining Wall (excludes external wall cladding)
15/09/2025	225622	220 (Lot 13) Bullant Drive, Forest Grove	Patio
15/09/2025	225623	21 (S/L 2) Settlers Retreat, Margaret River	Swimming Pool
15/09/2025	225624	612 (Lot 8) Redgate Road, Redgate	Garage
15/09/2025	225625	39 (Lot 5) Wambenga Retreat, Witchcliffe	Single Dwelling, Alfresco, Ancillary Dwelling and Water Tank
16/09/2025	225626	97 (Lot 113) Baudin Drive, Gnarabup	Two Storey Dwelling, Ancillary Dwelling and Carport
16/09/2025	225627	10402 (Lot 210) Bussell Highway, Witchcliffe	Change of Use - Outbuilding to Cellar Door
16/09/2025	225628	2 (Lot 121) Darch Road, Witchcliffe	Internal Alteration/Addition - Tasting Room
16/09/2025	225629	Lot 60 Calgardup Road West, Forest Grove	Change of Use - Shed to Ancillary Dwelling
16/09/2025	225630	3 (Lot 28) Secluded View, Cowaramup	Patio
17/09/2025	225631	19 (Lot 224) Hardwood Loop, Cowaramup	Single Dwelling, Garage, Alfresco and Ancillary Dwelling
17/09/2025	225632	11 (Lot 243) Felling Road, Karridale	Single Dwelling, Carport & Alfresco
17/09/2025	225633	10568 Bussell Highway, Witchcliffe	Swimming Pool
17/09/2025	225634	161 (Lot 87) Ashton Street, Margaret River	Shed and Carport

Exploration Licenses for Comment
Nil

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				
19/03/2025	P225208	107 (Lot 127) Horseford Road, Burnside	Single House and Outbuilding (Water Tank)	Approved
01/07/2025	P225482	7 (Lot 399) Maclaren Crescent, Margaret River	Retaining Wall	Approved
03/07/2025	P225486	177 (Lot 591) Kevill Road, Margaret River	Single Dwelling (Removal of Vegetation Outside Building Envelope)	Approved
09/07/2025	P225500	418 (Lot 1) Bessell Road, Rosa Glen	Amendment to P224515 - Animal Husbandry (Poultry for Paturised Egg Production)	Approved
28/07/2025	P225533	24 (Lot 491) Charles Hine Avenue, Margaret River	Home Business (Sauna and Cold Plunge)	Approved
06/08/2025	P225570	19 (Lot 224) Hardwood Loop, Cowaramup	Relocation of Street Tree	Approved
20/08/2025	P225619	114 (Lot 502) Bussell Highway, Margaret River	Extension of Term P224224	Approved
30/07/2025	P225632	Lot 2 Bussell Highway, Margaret River	Built Strata	Approved
26/08/2025	P225634	21 (Lot 443) Ironstone Place, Margaret River	Boundary Fence	Approved
SUBDIVISIONS				
Nil				
LOCAL LAW PERMITS				
08/04/2025	P225269	Druids Hall, Bussell Hwy, Witchcliffe	Permit to operate mobile food business - Lil' Pharaohs	Approved

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
10/06/2025	P225421	353 (Lot 6) Arthur Road, Rosa Brook	Holiday House (Large)	Approve with Conditions
15/05/2025	P225353	64 (Lot 339) Firetail Rise, Karridale	Building Envelope Variation, Single House & Outbuilding (shed)	Refusal

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 P225421



General Details

Reporting Officer	Grace Graham
Disclosure of Interest	Nil.
Assessment Level	Major Level 2

Application Details

Address	353 (Lot 6) Arthur Road, Rosa Brook
Existing Development	☒ Single House ☐ Grouped Dwelling
Zoning	General Agriculture
Lot Area	198,169.22sqm
Proposed Use	A planning application has been received for a Holiday House use. The existing dwelling is to be used to accommodate up to 6 (this has been reduced from 10) short stay guests at any one time. The management arrangements are to be managed by a local agent Swell Stays based in Margaret River.
Use Class and Permissibility	'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	none
Easements/Encumbrances	none
Date Received	10/06/2025
Date of Report	15/09/2025

Site Image



Assessment

Referrals	Yes	No
Adjoining Neighbours/Property Owners – 8 Submissions	☒	☐
Government Agencies	☐	☒
Internal Shire Departments - Environmental Health	☒	☐
Where any issues raised through the referrals process?	☒	☐

Internal Department Comments		
Department	Department Comments	Officer Comments
Environmental Health Department	The application is for a holiday house accommodating up to 10 guests. The property is not connected to reticulated water or deep sewer infrastructure. Key Considerations: • Accommodation Capacity: The submitted floor plan shows a 3-bedroom dwelling, each room containing one double bed. It is unclear how the proposed capacity of 10 guests will be accommodated within the existing layout. Clarification is required regarding the sleeping arrangements for all guests. • Wastewater Management: The property is serviced by an Aerated Treatment Unit (ATU) with a capacity sufficient for 10 guests. No issues have been identified with the existing septic system.	Noted. Capacity has been reduced to 6 guests across the 3 bedrooms.
Community Engagement		
Submitter	Submitter Comments	Officer Comments
Private Submitter 1 - Object	I was worried about management arrangements as I understand the owner does not live on the premises. But discovered (after chatting with Emma) Shire officer that a local manager will be appointed. But I object to this proposal. • I don't believe this location is an appropriate place to have an air b&b. it is a rural area and allowing such a use will change the nature and function of the area • By allowing air b&b clients to habitate among rural areas with inhabit the legitimate uses of us rural inhabitants • This interdependence is being impacted already with these people (air b&b clients) as they do not understand what is required to manage & operate farming activities The land is zoned rural therefore restrict the activities to rural pursuits holiday makers should be placed in tourist zoned area's and not in rural zoned land	Overall, the community does not support the proposal, citing that it is inconsistent with the area's zoning, presents significant safety and management issues, and may erode the quiet, family-farm lifestyle that current residents value. Key issues include: 1. Incompatibility with Rural Zoning and Land Use 2. Lack of Onsite Management and Guest Supervision 3. Safety Risks 4. Amenity and Privacy 5. Environmental and Operational Impacts 6. Request for Clarity See below discussion with applicants response to concerns and officer assessment.
Private Submitter 2 - Object	The property owner is FIFO and challenging to contact. We have had issues in the past with her livestock ending up in our property and no way of contacting her. I believe it will be exactly the same with holiday guests. With the size of the proposed holiday house I cannot imagine how she will safeguard against loud parties and large numbers of people on the property. This is a quiet dead end rural road with one access in and out in emergencies I don't believe adding a ten person holiday house will be safe for the current residents or guests of the holiday house.	
Private Submitter 3 – Object	No through road, limited exit points in case of bushfire, holiday makers will be more prone to accidental fire escape. Road is unsealed which will cause more deterioration from more traffic sealing of the road would be required to address environmental impact on dust management and drainage due to increased traffic.	
Private Submitter 4 - Object	The proposal is unsafe and poorly thought out. 353 Arthur road is at the end of a dead-end road. It is very dangerous in bushfire season due to access, especially if guests are not aware. The property floods in winter, with water	

	approaching the holiday house, our property is a working cattle farm and we move cattle along this section of Arthur road 2/3 times per week, therefore a holiday house would affect our business and the rural community on Arthur road.	
Private Submitter 5 – Indifferent	- I'd like to ask that clear directions given to guests as google maps sends people through my property – which is private a “no through road” as no bridge electric gates have been installed to assist managing problem - Concern re noise management. Will there be anyone on site, (should unreasonable noise) disturb neighbours?? Simply want to know that there are measures/plans to manage guests so as not to impact neighbours who live rurally for peace, quiet and privacy.	
Private Submitter 6 – Object	We are not in favour of the proposal going ahead with our main concerns relating to this application based on safety issues for both the potential holiday makers and the surrounding properties Our concerns are as follows; • This holiday house proposal would not be monitored as there is no extra accommodation for the owners or caretakers. With many holiday makers having no experience with rural life their understanding of potential dangers and risks would be limited. We are aware of other holiday homes located in nearby rural areas that have experienced the following • Campfires/bonfires during total fire bans • Outdoor cigarette smoking and live butts being dropped on the ground surface • Pet dogs roaming on to adjoining properties with livestock being impacted • Out of season marroning (this property adjoins the Margaret River) • Uncontrolled parties • Trespassing on adjoining properties/unaware of boundaries • Excessive noise • Numbers of guests exceeding approval numbers • Guests entering livestock paddocks for social media opportunities • Guests chasing and harassing livestock for personal entertainment This house sits at the end of our road where numerous businesses operate including; • A sheep farming operation- Requiring semitrailer trucks transporting sheep to and from the property on a regular basis • Rural Chalet Accommodation- Two chalets operating at present (with the potential for more) already impacting road traffic and road surface conditions • A Tasmanian Blue Gum plantation which when harvesting is underway creates extensive audible, visual and road surface impacts with operations being conducted at all hours. This property also greatly increases the risk of bushfire to the immediate area • An intensive beef agriculture operation which at this point is the heaviest impact on the road/community. This enterprise involves Veterinary practices (Artificial insemination and embryo transplants) on cattle transported across the state via heavy haulage. This includes cattle being loaded and offloaded directly on to Arthur Road. At times large trucks have reversed down the road for a distance in excess of two kilometres. Cattle (including bulls) are also transferred on foot on the road reserve to	

	neighbouring properties that are under lease arrangements. Arthur Road has therefore evolved into a cattle raceway with vehicle movements (Utes, ATVs, tractors and trucks) being undertaken on a daily basis. • A market garden that specializes in fresh vegetables and herbs with regular truck and vehicle movements supporting the operations • Horse agistment property contributing to vehicle movements on the road, owners, farriers, vets, horse floats. Along with these concerns the following must also be taken into account • Increased vehicle movements on a road surface that is already been impacted by existing operations • Unsealed road surface • Only one emergency exit- one way in and one way out Whilst we appreciate everyone wants to make the best of opportunities we believe that due to the outlined risks, it is not the right place and it is not in keeping with the area's rural and agricultural zoning.	
Private Submitter 7 – Object	The Gravel road is not holding up as it is with local residents. Also it will lose the “Family-farm community” lifestyle we as residents chose.	
Private Submitter 8 – Object	My main concerns for the 1- person holiday house is due to the fact my property borders the drive into the proposed holiday house. The areas along the drive is where I keep my female and cria alpacas. I am worried that they will receive too much unwanted attention from the guests, as the property will not be supervised by the owner at the time it is rented out.	

Policy Requirements

Local Planning Policy 7 – Short Stay Accommodation		
Policy Element	Provision	Comment
Location	Coastal settlement	☐ Yes ☒ No
	Urban area located within Policy Plan 1?	☐ Yes ☒ No
	Within 50m of Village Centre zone?	☐ Yes ☒ No
	Located outside of Policy Plan 1 but comprise of an area not less than 1ha?	☒ Yes ☐ No
Design / Layout	One parking bay per bedroom, Or two bays for grouped dwellings	☒ Yes ☐ No
	Reticulated water supply, or minimum 120,000 rainwater tank?	☒ Yes ☐ No 150L Tank provided
	Existing or proposed one site effluent disposal system sized accordingly to number of guests?	☒ Yes ☐ No
	Decks and balconies located away from the bedrooms of neighbouring dwellings?	☒ Yes ☐ No
	Decks and balconies located close to the living and dining areas of neighbouring dwellings, provided with suitable screening?	☒ Yes ☐ No
	Each bedroom accommodates a maximum of two persons?	☒ Yes ☐ No Limited to 6 guests
Management	Management Plan submitted?	☒ Yes ☐ No
	BEEP provided	☒ Yes ☐
	Manager, or employee permanently resides 35m drive from Site?	☒ Yes ☐ No
	House Rules?	☒ Yes ☐ 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	☒ 12 months ☐ 3 years ☐ 5 years	

Discussion

Planning approval is sought for the development of a Large Holiday House within the General Agriculture zone, originally proposed to accommodate up to 10 guests. Following consultation with the Environmental Health team, the proposed guest capacity has been reduced to 6. This revised capacity aligns with the provisions of the Local Planning Policy, which limits occupancy to 2 guests per bedroom, consistent with the three-bedroom configuration of the dwelling.

Advertising and Public Consultation

In accordance with statutory requirements, the proposal was advertised as a non-rural use within a rural area, with notification extended to properties within a 2km radius. During the advertising period, a total of eight submissions were received: seven objections and one submission expressing indifference.

Summary of Submissions and Assessment

A summary of the key concerns raised by submitters, the applicant's responses, and the officer's assessment is provided below.

Key concerns raised	Applicants Response	Officer Assessment
1. Incompatibility with Rural Zoning and Land Use - The property is zoned rural and neighbours feel that short-term holiday accommodation is not an appropriate use in this context. - Concerns that introducing tourism-style accommodation will negatively impact the area's agricultural character and community dynamic. - Farming operations (e.g., cattle, sheep, and market gardens) on Arthur Road involve frequent truck and livestock movements, which may pose safety risks to unacquainted holidaymakers.	The appropriateness of short stay accommodation in this rural context has already been established through the approval of neighbouring properties with even greater guest capacity. Our smaller scale operation (6 guests maximum) will have significantly less impact than existing approved uses in the immediate area. The property's location at the end of Arthur Road provides natural separation from farming operations, and the house is set back several hundred metres from the road, minimising potential conflicts with agricultural activities.	The site is within a predetermined area under the Local Planning Policy. Although concerns were raised about rural land use compatibility, submitters will have opportunity to resubmit any concerns after the 12 month renewal period based on the operation of the use. The proposed six-guest limit is low impact, and the dwelling's location at the end of Arthur Road provides separation from farming operations. Conditions and advice notes will remind guests to respect the rural setting. Pets are no longer permitted due to the lack of secure facilities, reducing potential conflict with livestock.
2. Lack of Onsite Management and Guest Supervision - The property owner is FIFO and not locally based. There is concern about the absence of an onsite manager or caretaker to monitor guest behaviour and manage emergencies. - Past difficulties contacting the owner (e.g., livestock issues) raise doubts about responsiveness to potential problems with guests.	A dedicated local manager has been tentatively engaged and is within 35 minutes drive of the property as required by LPP7 GM1. Contact details will be prominently displayed on the property frontage and maintained to the Shire's satisfaction as per LPP7 HH3. This addresses concerns about responsiveness and onsite supervision.	The applicant has engaged a local manager within 35 minutes of the site, meeting Local Planning Policy requirements. Contact details will be displayed on-site and maintained with the Shire, ensuring responsiveness. This arrangement is considered sufficient to address concerns about guest supervision and emergency management, particularly given the low guest capacity.
3. Safety Risks	Bushfire Risk:	Bushfire safety info and evacuation plans are provided to guests, with

• Bushfire Risk: Only one access road in/out of the area, which is a dead-end and considered high risk in bushfire season, especially for unfamiliar guests. • Flooding: Parts of the property and road are prone to flooding in winter. • Unsealed Road Conditions: Increased traffic from guests is expected to further degrade the already unsealed road, leading to dust, drainage, and maintenance issues.	• Guests receive bushfire safety info, evacuation plans, and emergency contacts. • No outdoor fires allowed; short-stay guests pose lower risk than farming operations. Flooding: • Past flooding has been minor and never impacted the house or access. • Bookings will be paused during any seasonal access issues. Unsealed Road Conditions: • Guest traffic is light and infrequent, with minimal impact compared to farm vehicles. • Weekend stays align with reduced farming traffic, lowering road wear.	outdoor fires prohibited. Changes to the state planning regulation exclude Holiday Homes from consideration in the context of the Bushfire Planning Requirements. The site is not within a mapped floodplain, and past flooding has been minor with no impact on access. Applicant has advised that bookings will be paused during seasonal access issues. Guest traffic is minimal and unlikely to worsen road conditions. A condition has been applied requiring house rules to include directions to the property and advice on rural road conditions.
4. Amenity and Privacy • Concerns over excessive noise, large groups, and parties that may disturb neighbours' peace and quiet. • Specific concern from one neighbour regarding guest interaction with livestock (e.g., alpacas, cattle), and potential trespassing onto private land. • Prior incidents in similar local holiday rentals include fire ban breaches, pets disturbing livestock, and guests engaging in unsafe or inappropriate rural behaviour.	• Noise & Parties: House is well set back; strict rules prohibit parties and limit music hours. Max 6 guests keeps groups small. • Trespassing & Livestock: Fencing defines boundaries; guests restricted to designated areas with clear guidance and warnings. • Behaviour Risks: Guest materials stress respect for rural setting, aiming to prevent unsafe or inappropriate conduct.	The house is well set back from neighbouring properties, and guest numbers are limited to six, reducing potential noise and disturbance. House rules prohibit parties and restrict music hours. Fencing defines property boundaries, and guests are instructed to remain within designated areas. Conditions and advice notes have been applied to reinforce respectful behaviour and rural awareness. To address privacy and amenity concerns, house rules must include clear guidance on guest conduct, including interaction with livestock and neighbouring properties.
5. Environmental and Operational Impacts • Potential for increased dust, waste, and disruption from additional vehicles. • Risk of guests unintentionally causing damage to sensitive farming activities or wildlife corridors (e.g., through unsupervised activities such as out-of-season marroning or campfires).	House rules require compliance with all relevant laws including fire restrictions and environmental protections. A detailed management plan ensures minimal impact through controlled guest numbers, waste management protocols, and clear behavioural expectations.	The applicant has provided a management plan outlining guest limits, waste protocols, and behavioural expectations. House rules require compliance with fire restrictions and environmental protections. Guest activity is expected to be low-impact, with minimal disruption to farming operations or wildlife corridors. A condition has been applied requiring house rules to include clear instructions on property access and rural road conditions to further reduce environmental and operational risks.

6. Request for Clarity If the proposal proceeds, neighbours request clear guest instructions to prevent misdirection via private properties, enforce guest limits, manage noise, and ensure rural safety standards are upheld	Access and Directions: GPS coordinates will be provided to guests to ensure accurate navigation. Clear signage will direct guests to the property entrance, preventing misdirection through neighbouring properties.	Noted – this is to be conditioned to be incorporated at time of booking on the ad.
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In relation to the neighbours concerns, it is noted that the site is located in a predetermined area under the Shires Local Planning Policy which is considered suitable for holiday homes.

The decision is unable to be made in a manner 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.

Conclusion

The proposal aligns with the Local Planning Policy, with the site located in a predetermined area suitable for Holiday Houses. The reduced guest capacity, management plan, and applied conditions address key concerns raised during consultation.

Given the scale of the use and its similarity to a standard residential dwelling, impacts on amenity are expected to be minimal. A 12-month approval period allows for monitoring of management effectiveness, with neighbour feedback to inform any future renewal. This approach is considered reasonable and supports recommending approval.

Determination

That the Coordinator Planning 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 353 (Lot 6) Arthur Road, Rosa Brook subject to compliance with the following 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	Plan P1 -P2 received by the Shire on the 10 of June 2025
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- 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')
- The approved Bushfire Emergency Evacuation 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 advice note 'b')
- 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')
- 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')
 - a. That the subject site is located adjacent to operational agricultural activities, which are provided exemptions to operate under section 12 of the Environmental Protection (Noise) Regulations, which may have a nuisance effect on amenity. Guests must remain within property boundaries at all times in the interests of guest safety and biosecurity for agricultural producers. Prior to booking guests are to be required to acknowledge the rural location of the property and respect that impact from farming activity will potentially be experienced.
 - b. Instructions to guests about how to find the property and vehicle access point. Details shall be included about the rural road conditions.
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), and is required to contain the following advice to reinforce the difference between a rural lot and other areas is the recommended to include a brief:

"The subject site is located adjacent to operational agricultural activities, which are provided exemptions to operate under section 12 of the Environmental Protection (Noise) Regulations, which may have a nuisance effect on amenity. Guests must remain within property boundaries at all times in the interests of guest safety and biosecurity for agricultural producers."
- 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) From 1 January 2025, short term accommodation will also require registration through the State Government [Short-Term Rental Accommodation Register](#). Registrations are valid for 1 year and will need to be renewed every 12 months. Fees apply. For more information on the STRA register, please visit

- 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
 - i. 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
- l) The development is to provide a potable water source in accordance with Shire of Augusta Margaret River Health Local Laws 1999 (EH).
- m) 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. (EH)



General Details

Reporting Officer	Grace Graham
Disclosure of Interest	Nil.
Assessment Level	Major (Level 3) - Refusal Recommended

Application Details

Address	64 (Lot 339) Firetail Rise, Karridale		
Proposed Development	Building Envelope Variation, Single House & Outbuilding (Shed)		
Zoning	Rural Residential		
Lot Area	16,709sqm		
Use Class and Permissibility	Permitted		
Heritage/Aboriginal Sites	None		
Other Considerations	Visual Management Area	☒	Sewerage Sensitive Area ☐
	Special Control Area	☐	Watercourses/Rivers ☐
	Bushfire Prone Area	☒	Environmentally Sensitive Areas ☐
Structure Plans/LDP's	Local Development Plan		
Easements/Encumbrances	Yes – Restrictive Covenant for maintenance of landscape buffer zones & fire emergency access easement		
Why is Development Approval Required?	Building envelope modification, outbuilding forward of dwelling, Local Development Plan variation for design.		

Site Image



Assessment

Referrals	Yes	No
Adjoining Neighbours/Property Owners – 1 submission (Support)	☒	☐
Government Agencies - DWER	☒	☐
Internal Shire Departments - Infrastructure & Environmental Health	☒	☐
Where any objections received?	☐	☒
Where any issues raised through the referrals process?	☐	☒

Internal Department Comments	
Department Comments	Officer Comments
Environmental Health Department	
There are no anticipated issues with effluent disposal, as the designated disposal area will be assessed during building permit stage.	Based on advice from DWER below, the matter of effluent disposal requires further consideration at the planning application stage.
It is uncertain whether the keeping of large animals would be permitted under the Health Local Laws; this may require further clarification from the relevant Health or Planning authorities.	The applicant has confirmed that the Equine shelter and paddock is not part of this application.

External Agency Comments	
Department of Water and Environmental Regulation (DWER)	
Department Comments	Officer Comments
This proposal is to increase the size of the building envelope to 2000m² to facilitate the location of a proposed residence, shed, water tank and septic tank/leach drain system. The finalised <i>Lots 102, 103 & 104 Bussell Highway, Karridale Urban Water Management Plan</i> (by Civil Technology, Rev 3 , 15 Oct 2019) (to be referred to here as the Karridale UWMP) covers this area. <u>Stormwater</u> DWER notes the proposed building envelope to be in an elevated position in the landscape, and outside of the flow paths as shown in the Karridale UWMP. However, based on the topographical contours, stormwater sheet flows from Lot 338 to the north west may occur during major storm events. <u>Groundwater seepage area</u> The Karridale UWMP and memorial on title shows that the proposed building envelope will be located within the groundwater seepage area. Based on the position of the Karridale UWMP, the preference is to locate building envelopes outside of the groundwater seepage area. However, in the event the building envelope is located over the groundwater seepage area, appropriate fill and subsoil drainage is required to ensure protection of infrastructure from high groundwater. <u>On-site sewage disposal</u> Location of the septic system within the groundwater seepage area increases the risk of sewage disposal to the receiving environment due a potential reduction in the vertical separation distance to groundwater. Contaminants from the sewage disposal point can leach through the soil profile to be intercepted by the rising groundwater and be carried downslope. To reduce this risk, sufficient fill for the building pad is required to ensure an adequate vertical separation between the highest groundwater and sewage disposal point, and preferably the adoption of Aerobic Treatment Units with nutrient removal. <u>Recommendations</u> Based on the topography and the building envelope location within a groundwater seepage area, consideration is required to: ensure that any building construction works or landscaping does not impede the intended flow paths as shown in the Karridale UWMP, or as indicated by the topographical contours	The proposed building envelope is located over the groundwater seepage area. The applicant has been advised of this during the assessment including a map of the extent across their lot. In accordance with advice from DWER, they have been advised that appropriate fill and subsoil drainage is required to ensure protection of infrastructure from high groundwater. The proposed finished floor level is not compliant with the minimum requirement as outlined in the Urban Water Management Plan. The applicant has not provided further or sufficient justification as to the pad stability or groundwater separation for the proposed development locations. They have failed to satisfy the recommendations made by DWER. Limited information has been supplied regarding the proposed effluent disposal system in its proposed location. Further information is required to ensure this location can be adequately mitigated in view of the groundwater seepage area.

- address any potential erosion and sediment transport risks to the properties downslope (Lots 349, 340 & 341) – including the period of site works/construction - ensure adequate protection of the building pad to erosion from stormwater flows coming from Lot 338 to the north-west - ensure that building infrastructure is protected from high groundwater/groundwater seepage - demonstrate that the impacts of on-site sewage disposal can be adequately mitigated in view of the groundwater seepage area. We have no objection to the building envelope/development proposed provided the above advice is considered as appropriate.	
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Community Engagement	
Private Submitter 1	
Submitter Comments	Officer Comments
Support – no further comments.	Noted.

Policy Framework	Yes	No
Does the proposal involve variations to the Local Development Plan?	☒	☐
Does the proposal involve any variations to Scheme Requirements?	☒	☐
Does the proposal involve any variations to Policy Requirements?	☒	☐
Other matters that require discretion (Vegetation Removal)	☐	☒

Policy Requirements

Outbuildings		
Standard	Required	Provided
Outbuilding Area	120sqm	120sqm – Complies
Ridge Height	4.5m	5.491m - Variation
Location	Behind the front of the dwelling & within Building Envelope (BE)	Located in front of dwelling, but within BE - Variation
Local Planning Scheme No.1 – Schedule 9		
Standard	Required	Provided
Setback (Front) BE	30m	70m – Complies
Setback (Side - East) BE	10m	11m - Complies
Setback (Side - West) BE	10m	59.1m - Complies
Setback (Rear) BE	30m	39.6m – Complies
Site Coverage	NA	NA
Plot Ratio	0.1	Site cover less than 1,670sqm – dwelling 282.48sqm + proposed shed 120sqm - Complies
Landscaping	NA	Landscape Buffer Zone as per Restrictive Covenant
Building Envelope	Max. 2000sqm	2,000sqm - Complies
Building Height (Single Dwelling)		
Standard	Required	Provided
Wall	7m	~4m NGL – Complies
Overall	8m	~5m NGL - Complies
Car Parking		
Standard	Required	Provided
Local Planning Scheme No.1	2 Bays	Complies
Local Development Plan		
Standard	Required	Provided
Building envelopes	All development to be within designated building envelopes	Modification to designated envelope proposed - variation
Garage materials	To match dwelling	NA
Location of outbuildings	Not forward of dwelling	Forward of dwelling - variation
Dwelling roof form	Pitched like typical rural barns and sheds	Boxed gable roof - low pitched concealed roof – variation
Front fences	Post and rail or wire construction	None proposed
Location of living areas	Northern side of dwelling	Dining and living face a northerly direction - complies

Use of building materials	At least 3 of the following: - Non reflective metal - Timber - Natural stone - Rammed earth - Brick	Non reflective colorbond roof and walls, feature timber door and hardie cladding colour monument on external walls – complies
External dwelling finishes	Subdued earthy tones	Walls: Fibre cement Vertically Lined Cladding painted Monument Colour Roof: Colorbond Shale Grey (not visible) Fascia: Cemintel BareStone (Concrete Colour product)
External outbuilding finishes		Outbuilding/Shed: Colorbond Monument Water Tank: Colorbond Monument
Urban Water Management Plan (UWMP) - Finished Floor Level	61.4m AHD	Single Dwelling 60.9m - Variation Shed 60m AHD – Variation

Discussion

Planning approval is sought for a building envelope variation to accommodate a single house, outbuilding (shed) and water tank on a Rural Residential zoned lot in the Treescapes subdivision.

The building envelope is proposed to be relocated to the south-west of the existing envelope location which was prescribed at subdivision stage, as shown in Figure 1 below.

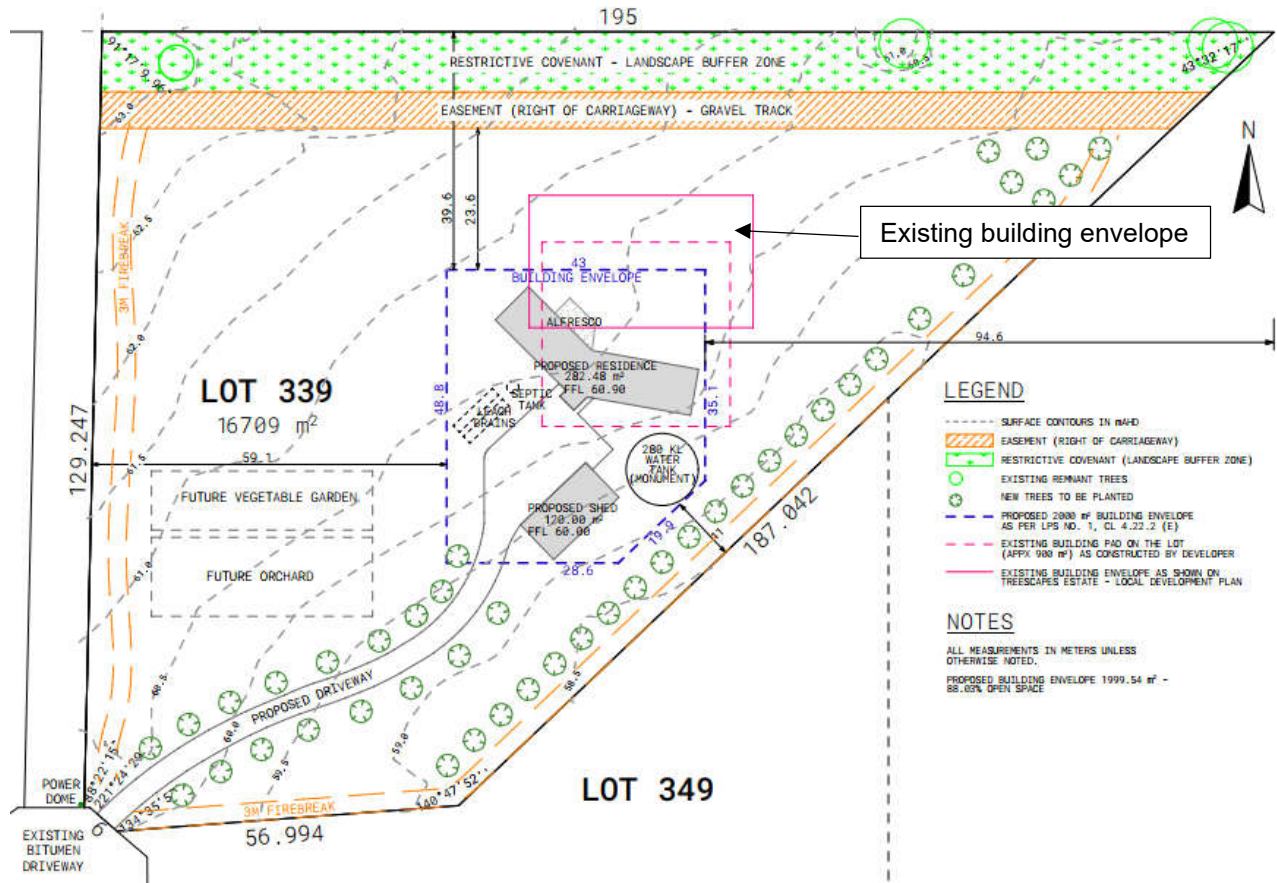


Figure 1: Proposed Building Envelope & development

Discussion

The Treescapes Structure Plan and Local Development Plan (LDP) were designed to guide development in an area with a known history of significant water movement and groundwater seepage.

The Urban Water Management Plan (UWMP) was prepared during the strategic planning stage of the subdivision and includes provisions relating to the location, size, and elevation of building envelopes to mitigate risks associated with water movement, erosion, and site stability.

While the LDP allows for building envelope modifications subject to development approval, the proposed relocation moves the envelope further downhill into a designated groundwater seepage area, which is contrary to the intent of the UWMP and subdivision conditions. The UWMP stipulates minimum finished floor levels and strategic placement of building pads to avoid adverse impacts from water flow and erosion.

The proposal represents a form of development that is not responsive to the site's environmental characteristics. The applicant has not provided sufficient justification to demonstrate that the non-compliance will not result in adverse effects on:

- The occupants or users of the development
- The amenity and environmental integrity of the locality
- The future development potential of surrounding lots

Clause 4.22 Development in Rural Residential Zone

Under Clause 4.22.2 of LPS1, building envelopes approved as part of a Structure Plan have statutory effect, and development must be confined within these areas unless otherwise approved. The proposed relocation of the building envelope is subject to Clause 5.10, which allows variations only where full and satisfactory justification is provided.

The proposal does not demonstrate sufficient justification for relocating the envelope into a groundwater seepage area, which is contrary to the environmental intent of the original subdivision design. The relocation would result in:

- A significantly elevated pad to meet the required 61.4m AHD, disrupting the natural slope and landscape.
- Development that does not recognise the physical, environmental, and landscape characteristics of the land, contrary to the objectives of the Rural Residential zone.

Clause 5.10 Building Envelopes

This Clause outlines circumstances where building envelope variations may be supported, which include where:

- a) the objectives of the zone are not compromised;
- b) the visual amenity and rural character of the locality will not be affected to any greater degree by development within the proposed new building envelope to that which might have occurred within the building envelope as originally proposed;
- d) the proposed size and location of the envelope can accommodate future development, including on-site septic effluent disposal systems and water supply tanks, and not have a detrimental effect on the environment

Due to the environmental and visual impacts associated with the proposal as outlined throughout this report, it is not considered to satisfy these requirements.

Clause 5.5 Variations to site and development standards

Under Clause 5.5.3, proposals for variations to Scheme requirements may only be supported if the Local Government is satisfied that:

- The development is appropriate under Clause 67 of the Deemed Provisions; and
- The non-compliance will not have an adverse effect on the occupiers, locality, or future development.

The proposal does not meet these criteria, as:

- The relocation into a seepage area introduces unknown risks due to lack of supporting technical documentation (e.g. structural engineering, onsite groundwater studies demonstrating groundwater separation).
- The applicant has declined to provide this information, despite DWER referral advice indicating its necessity.

Urban Water Management Plan (UWMP)

The UWMP identifies the site as being affected by groundwater seepage, as shown in Figure 2, which necessitates strategic placement of building pads and minimum FFLs to mitigate erosion and flooding risks. The proposed building envelope variation:

- Moves development into the designated seepage area, contrary to UWMP recommendations.
- Does not include sufficient technical evidence to demonstrate that risks associated with this will be mitigated.

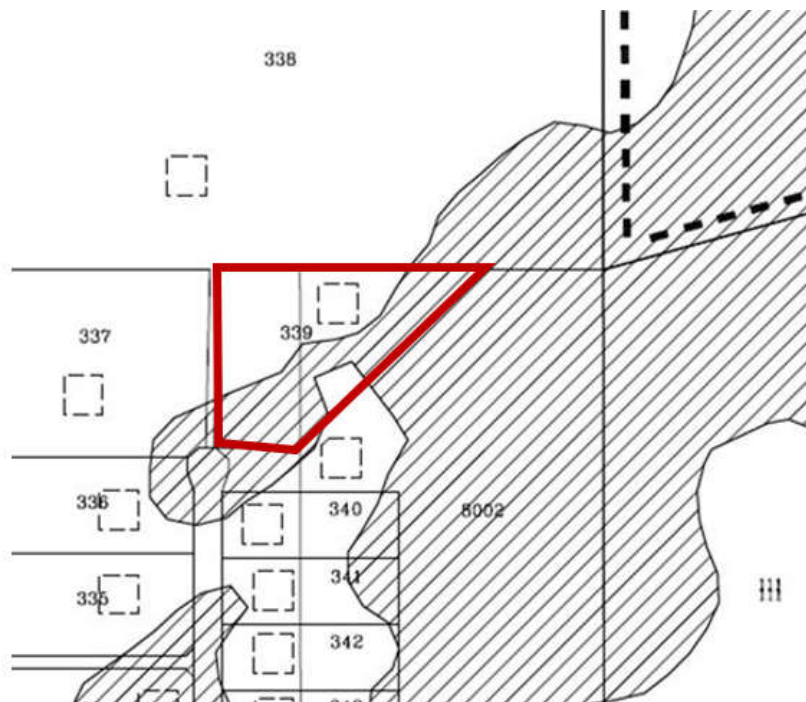


Figure 2: ground water seepage extent across the lot from the UWMP

Local Planning Policy 1 – Outbuildings Variations

The proposed outbuilding (shed) seeks to vary the acceptable development standards outlined in Local Planning Policy 1 (LPP1) in relation to both **height** and **location**.

Under LPP1, the maximum permissible overall height for an outbuilding on a rural residential property is **4.5 metres**. The proposed structure, inclusive of slab and fill, reaches a maximum height of **5.491 metres**, exceeding the policy limit by **1.091 metres**. This represents a significant departure from the acceptable scale of development and is not supported under the policy provisions.

In addition to the height variation, the proposed location of the outbuilding is **forward of the dwelling**, which is contrary to the locational requirements of LPP1. The positioning and scale of the shed do not satisfy the following performance criteria of the policy:

- **PC1.1** – The outbuilding is located in an elevated position with no existing vegetation between the shed and the lot boundary, resulting in high visibility from neighbouring properties situated below. This lack of screening and prominent siting is inconsistent with the visual management guidelines of the Local Planning Strategy.
- **PC1.2** – While Colorbond is proposed as the construction material, no specific colour has been nominated. Furthermore, due to the overall height and prominent location in front of the dwelling, the outbuilding is not considered to complement the landscape, dwelling, or surrounding amenity.
- **PC1.3** – The development is likely to have an adverse impact on the streetscape and the amenity of neighbouring properties.

Additionally, the justification provided for groundwater separation and slab height construction is incomplete. Given the site is located within a **groundwater seepage area**, it remains unclear whether further fill will be required to achieve appropriate separation. This introduces additional uncertainty regarding the final height and visual impact of the development.

Given the extent of the variations and the failure to meet key performance criteria, the proposal is not considered to be consistent with the intent of LPP1.

Clause 67 – Matters to be Considered

As outlined above, the Local Government may not support applications which are not appropriate under Clause 67 of the Deemed Provisions. Due to the extent of variations proposed, the associated risks, and lack of supporting information, the proposal is not considered to meet the following matters under Clause 67:

- The aims and provisions of the Scheme;
- The principles of orderly and proper planning;
- Local planning policies and LDP provisions;
- The desired future character of the area; and
- The amenity of the locality, with potential adverse effects on users and future development.

Conclusion and Recommendation

The proposed development is not supported for the following reasons:

- Non-compliance with the LDP, UWMP, and Scheme provisions;
- Insufficient justification for relocation into a groundwater seepage area;
- Visual impacts inconsistent with the objectives of the Rural Residential zone;
- Failure to provide technical documentation to support reduced FFL and site stability; and

- Potential adverse effects on the amenity, environmental integrity, and future development of the locality.

It is recommended that the application be refused unless substantial modifications and supporting documentation are provided to address the above concerns.

Determination

That the A/Manager Planning and Regulatory Services Refuse to 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 Building Envelope Variation, Single House & Outbuilding (shed) at 64 (Lot 339) Firetail Rise, Karridale for the following reasons:

1. The proposal is inconsistent with the objectives of the Rural-Residential zone, under clause 4.2.4.2 of Local Planning Scheme 1 (LPS1), as provide for the conservation of the physical, environmental and landscape characteristics of the land;
2. The proposal is inconsistent with clause 4.22.6(g)ii of the Building, Development and Land Use requirements of the Rural-Residential zone of Local Planning Scheme 1 (LPS1), in that on-site effluent disposal facilities shall be more than 100 metres from the high water mark of any watercourse or soak and must have 2 metres of vertical separation from the highest known water table.
3. The proposal is inconsistent with the objectives of the *Local Planning Policy 1 Outbuildings, Farm Buildings and Swimming Pools*. The outbuilding is not of a form and scale consistent with the purpose of the zone in which it is located.
4. The proposed development would be inconsistent with orderly and proper planning and approval of the application would set an undesirable precedent.
5. The proposal is inconsistent with the Deemed Provisions Clause 67, specifically subclauses:
 - (g) given the development is inconsistent with *Local Planning Policy 1 Outbuildings, Farm Buildings and Swimming Pools* objectives and acceptable development criteria AD1.8 & AD1.10.
 - (h) given the development is inconsistent with Local Development Plan provisions 4, 5 & 11.
 - (m) given the lack of compatibility with the desired future character of its setting; and the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development.
 - (zb) given insufficient justification has been provided for the proposed variations sought.