

**DEVELOPMENT ASSESSMENT REPORT**  
**Shire of Augusta Margaret River**  
**28 August 2025 to 3 September 2025**

**APPLICATIONS RECEIVED**

Date Rec'd	Reference No.	Address	Proposal
<b>PLANNING</b>			
28/08/2025	P225640	43 (Lot 516) The Boulevard, Margaret River	Outbuilding (Shed) and Tree Removal
28/08/2025	P225641	4 (Lot 2) Bettong Place, Witchcliffe	Outbuilding (Shed)
28/08/2025	P225642	40 (Lot 7) Le Souef Street, Margaret River	Holiday House Renewal
02/09/2025	P225648	5 (Lot 70) Cabernet Place, Margaret River	Ancillary Dwelling
02/09/2025	P225649	Unit 28/20 (Strata Lot 28 of Lot 229) Riedle Drive Gnarabup	Cancellation of Holiday House Approval (P222688)
03/09/2025	P225651	2 (Lot 1) Secluded View, Cowaramup	Outbuilding (Shed)
03/09/2025	P225652	32 (Lot 121) Dalton Way, Molloy Island	Dwelling Addition (Carport)
03/09/2025	P225653	27 (Lot 7) Friesian Street, Cowaramup	Office and Workshop
03/09/2025	P225654	32 (Lot 6) St Alouarn Place, Margaret River	Outbuilding (Shed/Garage) Outside Building Envelope
03/09/2025	P225655	Unit 3/24 (Lot 3) Auger Way, Margaret River	Educational Establishment - 10 events per year
<b>BUILDING</b>			
28/08/2025	225586	1773 (Lot 2748) Brockman Highway, Nillup	Retrospective Farm Shed
28/08/2025	225587	6 (Lot 37) Rosella Court, Cowaramup	Addition to Existing Ancillary Dwelling - Verandah and Carport; Addition to Existing Shed - Lean To and Carport
28/08/2025	225588	49 (Lot 66) Town View Terrace, Margaret River	Woolworths - Internal Security Gate
28/08/2025	225589	104A (Lot 35) Ashton Street, Margaret River	Two Storey Dwelling, Garage and Verandah
28/08/2025	225590	58 (Lot 282) Noreuil Circuit, Cowaramup	Patio
28/08/2025	225591	24 (Lot 250) Hardwood Loop, Cowaramup	Single Dwelling and Garage
29/08/2025	225592	33 (Lot 21) Jane Road, Augusta	Water Tank
29/08/2025	225593	4 (Lot 93) Parkway Rise, Margaret River	Shed
29/08/2025	225594	31 (Lot 16) Snapper Avenue Margaret River	Single Dwelling, Garage and Alfresco
29/08/2025	225595	23 (Lot 428) Maclaren Crescent, Margaret River	Single Dwelling
01/09/2025	225596	Resort Place Gnarabup (Reserve) SLSWA	Occupancy Permit Shed
01/09/2025	225597	4 (Lot 179) Bayview Drive, Gracetown	Alteration Addition to Existing Dwelling
01/09/2025	225598	2 (Lot 48) Lomandra Way, Witchcliffe	Shed
02/09/2025	225599	13 (Lot S/L 1) Stewart Street, Margaret River	Carport
02/09/2025	225600	Lot 61 Marginata Road Witchcliffe	Water Tank
02/09/2025	225601	49 (Lot 31) Jacques Loop, Hamelin Bay	Single Dwelling, Shed and Water Tank
02/09/2025	225602	12 (Lot 454) Smokebush Court, Cowaramup	Single Dwelling, Verandah, Carport and Store
02/09/2025	225603	543 (Lot 103) Redgate Road, Redgate	Farm Shed
02/09/2025	225604	12 (Lot 73) Magnolia Court, Cowaramup	Swimming Pool
02/09/2025	225605	31 (Lot 193) McDermott Parade, Witchcliffe	Water Tank Relocation
03/09/2025	225606	8 (Lot 304) Logging Road, Karridale	Single Dwelling
<b>Exploration Licenses for Comment</b>			
Nil			

## APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
<b>PLANNING</b>				
16/05/2025	P225359	827 (Lot 206) Burnside Road, Burnside	Holiday House (Renewal)	Approved
21/05/2025	P225370	63 (Lot 13) Rowe Road West, Witchcliffe	Holiday House (Large) Renewal	Approved
10/06/2025	P225422	Lot 941 Caves Road, Margaret River	Building Envelope	Approved
10/06/2025	P225425	14 (Lot 199) Mala Walk, Margaret River	Single House	Approved
03/07/2025	P225487	5 (Lot 500) The Boulevard, Margaret River	Dwelling Additions	Approved
10/07/2025	P225505	Unit 1 / 6 (Strata Lot 1 of Lot 4) Mann Street Margaret River	Holiday House Renewal	Approved
11/07/2025	P225508	7 (Lot 10) Minchin Way, Margaret River	Change of Use from Shed/Workshop to Club Premises	Approved
14/07/2025	P225513	7 (Lot 126) Deere Street, Augusta	Outbuilding (Carport)	Approved
18/07/2025	P225521	41 (Lot 119) Woodland Drive, Burnside	Holiday House	Approved
04/08/2025	P225558	49 (Lot 66) Town View Terrace, Margaret River	4 x Signs	Approved
05/08/2025	P225561	35 (Lot 303) Devon Drive, Margaret River	Boundary Fence and Second Crossover	Approved
05/08/2025	P225563	599 (Lot 4) Wallcliffe Road, Margaret River	Driving Range Shelter - Margaret River Golf Club	Approved
<b>SUBDIVISIONS</b>				
22/07/2025	P225549	63 (Lot 2) Exmoor Drive, Margaret River	Subdivision	Supported with conditions
<b>LOCAL LAW PERMITS</b>				
25/08/2025	P225635	Surfers Point Reserve 41545 and Gracetown Swimmers Beach Reserve 27618	Amendment to permit to operate a mobile food business P225250	Approved
29/07/2025	P225548	Flinders Bay, Reserve 24653	Permit to Operate mobile food Business - La Loup	Approved

## LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
<b>PLANNING</b>				
26/06/2025	P225470	12 (Lot 512) Hurford Place, Augusta	Holiday House	Approve with conditions
23/04/2025	P225294	167 (Lot 6) Andrews Way, Margaret River	Change of use to Reception Centre	Approve with conditions

## DEVELOPMENT ASSESSMENT REPORTING PROCEDURE

### Assessment of Development Applications (DAs)

For the purposes of this procedure there are three types of development applications:

#### Level 1

DA not advertised

#### Level 2

DA is advertised; and

- No submissions; or
- Submission received but meets one of the following:
  - Not related to the reason the DA was advertised.
  - The development is modified to comply or to remove the element of concern to the submitter.
  - Submission is either of support, conditional support or is 'indifferent'; or is from a non-affected person.

#### Level 3

A submission in opposition is received from an 'affected' person or special interest group in relation to the reason the DA is advertised or the development application is recommended for refusal.

**Note:** This procedure applies to development applications only. It does not apply to structure plans, scheme amendments or other types of planning proposals.

# Development Assessment P225470



## General Details

<b>Reporting Officer</b>	Suzi Magnall
<b>Disclosure of Interest</b>	Nil
<b>Assessment Level</b>	Major (Level 3)

## Application Details

<b>Address</b>	12 Hurford Place, Augusta
<b>Existing Development</b>	<input checked="" type="checkbox"/> Single House <input type="checkbox"/> Grouped Dwelling
<b>Zoning</b>	<b>Residential R17.5</b>
<b>Lot Area</b>	<b>845m<sup>2</sup></b>
<b>Proposed Use</b>	A planning application has been received for a Holiday House use. The existing dwelling is to be used to accommodate up to six (6) short stay guests at any one time. The Holiday House would be professionally managed by Maxine Petty, Experience Augusta.
<b>Use Class and Permissibility</b>	'A' – discretionary use
<b>Advertising Required</b>	Yes – completed
<b>Reason not exempted from planning approval?</b>	Discretionary uses are not permitted unless the Shire exercises its discretion by granting development approval.
<b>Heritage/Aboriginal Sites</b>	Nil
<b>Easements/Encumbrances</b>	Easement – Reciprocal Rights of Access (from Hurford Place)
<b>Date Received</b>	26/06/2025
<b>Date of Report</b>	29/08/2025

## Site Image



## Assessment

<b>Referrals</b>	<b>Yes</b>	<b>No</b>
Adjoining Neighbours/Property Owners – <b>2 Submissions</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Government Agencies	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Internal Shire Departments - Environmental Health	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Where any issues raised through the referrals process?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Internal Department Comments		
Department	Department Comments	Officer Comments
Environmental Health Department	Holiday house for a maximum of 6 guests. Property is connected to reticulated water and sewerage. Noise condition required.	Noted.
Community Engagement		
Submitter	Applicant Comments	
<b>Private Submitter 1 – Objection</b>		
<p>1. Condition / use of the easement and integrity of the common wall. Responsibility and maintenance of the easement is shared by both parties (12 and 14 Hurford). There are concerns regarding the degradation of the bitumen section and maintenance of the gravel sections with increased road traffic, potentially 6 adults and holiday boats / cars etc. The gravel section is disturbed by all road traffic and creates water and gravel that pools on our property. The difficult nature of the turning and driver skills required to safely navigate into the property (tight turn and single lane bordering the property boundary) creates anxiety for us with the imminent threat of damage to the common wall. Previous tenants did not navigate this area and used the gravel section in front of the house, distributing gravel onto our property and potentially blocking emergency service access. There is concern the Holiday Home would create more wear and tear, causing earlier maintenance and expense.</p> <p>2. The Holiday Home guests using the easement have no reason to consider the neighbours and the potential for vehicle accidents is increased.</p> <p>3. Waste management and disposal – concerns regarding the amount of waste generated by holiday home users not fitting in bins and the management of bins being put out in a safe, unobtrusive location and being returned to the property.</p> <p>4. Privacy and security – having anyone come and stay in a quiet residential dead end street with many locals being elderly reduces the sense of safety. Having strangers coming and going in such close proximity to our own space, balcony and house, as well as using the easement, is unsettling.</p> <p>5. Noise levels – the immediate environment with water close by results in noise travelling easily. The idea that people on holidays are there to have a good time is expected and will mean parties / get togethers on the balcony which will create a large volume of noise as it is an open space. These events are likely to happen more often and will affect our environment, ability to sleep and complete work tasks in our office space. The holiday home is likely to be used during school holidays which is our own time to have peace and quiet.</p>		<p>1. The bitumen section of the easement (approx. 20 years old) reflects normal wear and tear but is fully functional. There has been minimal degradation since we built our house three years ago even with daily use from our tenants over the past year. We enhanced 'our gravel side' of the easement at the time of the build and this remains relatively undisturbed. The 'pooling' referred to needs further clarification, but as the ground slopes down the block, water will inevitably pool during heavy rainfall. Regarding inadequate driver skills causing anxiety, we can only comment that there have been no incidents in the time since the house was built and we have done weather related repairs on the wall where required. We refute the comment the tenants did not use the driveway and consider there to be ample parking space. The gravel section at the eastern end of the block is our private property and the tenants used the area to store his boat, it was not intended as emergency vehicle access.</p> <p>2. Experience Augusta (EA) will screen all potential tenants and deal with any complaints in the unlikely event of inappropriate behaviour.</p> <p>3. The house instructions include a clear explanation of the waste management requirements. EA has a service to put out and return all rubbish bins weekly.</p> <p>4. All potential tenants will be screened by EA. As to 'comings and goings', the level of vehicle movement will likely be less than when tenants were in place.</p> <p>5. We will have house rules in place and expect our guests to show due consideration and courtesy to all near neighbours and have the right to expect a reciprocal response. The house will be managed by EA to ensure any complaints are dealt with quickly. We believe anyone using the house is entitled to enjoy a normal level of holiday enjoyment within the bounds of the rules. We fully expect the home to be used during school holidays, no one would exclude that time.</p>
<b>Private Submitter 2 – Indifferent</b> <p>Tenants of 12 Hurford Place must be advised that access to the private driveway is not allowed from Pelican Rise. Vehicle access via the vacant lot of 13 Pelican Rise is not allowed. Previous tenants were consistently driving through this lot and damaging the retaining wall.</p>		<p>We acknowledge the comment raised by the owners of the adjacent block. We apologise if the property has, at any time, been inappropriately used as a vehicle access to our property and shall ensure our house rules are updated to include this point.</p>

**Officer Comment**

The applicant's response demonstrates respect to the amenity of their neighbours, whilst requesting a reasonable approach to the proposed use of the property.

The maintenance of the easement is a civil matter and can not be considered as part of this application, however, the access and parking arrangements are deemed satisfactory for the proposed holiday house use.

The Applicant's have employed a reputable local holiday management company to ensure the holiday house operates smoothly, including utilising their waste removal services, which should alleviate some of the concerns raised by neighbouring residents. The house rules and information packs will provide details regarding access and parking, restrict parties and amplified music and remind occupants to respect the amenity of their neighbours. The nearby location of the management company will aid to further mitigate potential issues.

With regards to the property location, the site satisfies the locational criteria and objectives for holiday homes under the Shire's Local Planning Policy (LPP7).

The decision is unable to be made in a manner pre-empting amenity impacts, particularly in circumstances where the nature of the use does not vary greatly from what could be expected from residential use. As is standard with short term uses, an initial 12-month approval is recommended 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.

**Policy Requirements**

<b>Local Planning Policy 7 – Short Stay Accommodation</b>		
<b>Policy Element</b>	<b>Provision</b>	<b>Comment</b>
<b>Location</b>	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
<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 rainwater tank?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/>
	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>Management</b>	Management Plan submitted?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	BEEP provided	<input checked="" type="checkbox"/> Yes <input type="checkbox"/>
	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 <input type="checkbox"/> 5 years	

**Determination**

That the Acting Coordinator Planning Services Grant Planning Consent under Delegated Authority Instrument No. 34 pursuant to Clause 68(2) of the Deemed Provisions of Local Planning Scheme No. 1 for the Holiday House at 12 Hurford Place, Augusta subject to compliance with the following conditions:

1. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent.

Plans and Specifications	Plan P1 – P2 received by the Shire on the 26 of June 2025
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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 shall be displayed in a conspicuous location within the dwelling at all times.
4. A Manager or a contactable employee of the Manager that permanently resides no greater than a 35 minute drive from the site shall be nominated for the Holiday House and this person shall attend to any callout within 35 minutes of a reported incident. The Manager or contactable employee is to be retained at all times during the use of the site as a Holiday House. (Refer advice note 'b')
5. At all times the Holiday House use is in operation, the 24-hour contact details of the Manager of the Holiday House shall be displayed on a sign that is clearly visible from the nearest street frontage. The sign is limited to a maximum size of 0.2 metres square and not exceeding 1.5 metres in height from the ground level. The sign shall be erected within the property frontage and must be visible from the front street. (Refer to advice note 'c')
6. All vehicles & boats connected with the premises shall be parked within the boundaries of the property.
7. The short stay use of the dwelling shall not be occupied by more than **six (6) people** at any one time.
8. Amplified music shall not be played outside of the holiday house between the hours of 10pm and 10am.
9. 'House Rules' shall be developed to the satisfaction of the Shire prior to the commencement of use. Thereafter the 'House Rules' shall be provided to all guests and shall be displayed within a prominent position within the Holiday House. (Refer to advice note 'f')
10. Any marketing material for this Holiday House shall include display of the planning approval reference number for this approval. (Refer to advice note 'g')
11. 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)

#### 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.
- h) 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).
- i) From 1 January 2025, short term accommodation will also require registration through the State Government [Short-Term Rental Accommodation Register](https://www.wa.gov.au/organisation/departments/departments-of-energy-mines-industry-regulation-and-safety/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 <https://www.wa.gov.au/organisation/departments/departments-of-energy-mines-industry-regulation-and-safety/short-term-rental-accommodation-register>



### General Details

<b>Reporting Officer</b>	Tessa Ashworth
<b>Disclosure of Interest</b>	Nil
<b>Assessment Level</b>	Level 3

### Application Details

<b>Address</b>	167 (Lot 6) Andrews Way, Margaret River		
<b>Proposed Development</b>	<p>The application is for the use of the site to hold weddings and corporate events whilst maintaining the continued primary use of the site for holiday accommodation. The use will involve:</p> <ul style="list-style-type: none"> <li>25 weddings per year with capacity for 120 guests to be held outside in the grounds near the existing accommodation.</li> <li>2 staff members to oversee events, with 1 present to supervise closure at midnight.</li> <li>All amplified noise to cease at midnight with noise monitoring equipment to be installed at the site.</li> <li>Accommodation overnight restricted to 45 guests within existing accommodation on-site.</li> </ul>		
<b>Zoning</b>	<b>General Agriculture</b>		
<b>Lot Area</b>	<b>38.2ha</b>		
<b>Use Class and Permissibility</b>	Reception Centre - 'A'		
<b>Heritage/Aboriginal Sites</b>	Yes – Darch Brook – not impacted by this application.		
<b>Other Considerations</b>	Visual Management Area	<input checked="" type="checkbox"/>	Sewerage Sensitive Area <input type="checkbox"/>
	Special Control Area	<input type="checkbox"/>	Watercourses/Rivers <input type="checkbox"/>
	Bushfire Prone Area	<input checked="" type="checkbox"/>	Environmentally Sensitive Areas <input type="checkbox"/>
<b>Structure Plans/LDP's</b>	None		
<b>Easements/Encumbrances</b>	Easement burden – not impacted		
<b>Why is Development Approval Required?</b>	'A' use		

### Site Image



### Assessment

<b>Referrals</b>	<b>Yes</b>	<b>No</b>
Adjoining Neighbours/Property Owners	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Government Agencies Department of Fire and emergency Services, Main Roads	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Internal Shire Departments Infrastructure, Environmental Health, Emergency Management	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Where any objections received?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Where any issues raised through the referrals process?	<input checked="" type="checkbox"/>	<input type="checkbox"/>



Internal Department Comments	
Department Comments	Officer Comments
<b>Community Emergency Services Manager</b> Recommendations provided to update to Bushfire Emergency Evacuation Plan.	Applicant has updated Bushfire Emergency Evacuation Plan as per the recommendations.
<b>Infrastructure</b> Standard conditions provided.	Conditions were not applied as there were no works components required as part of the approval.
<b>Public Health</b> <ul style="list-style-type: none"> <li><u>Noise report</u> - Given there will be further residential development in Brookfield to the west of the site, and the neighbours are already impacted by infrequent noise from the site, we feel that outdoor amplified music at night is unreasonable and will result in future noise complaints. Our recommendation is for any amplified music at night (after 7pm) to be inside the premises only.</li> <li><u>Wastewater</u> - the existing effluent disposal system is adequate to accommodate 45 occupants. The existing effluent disposal system will require upgrading to accommodate 120 occupants, or alternative toilets provided as part of events permit.</li> <li><u>Public building</u> - The reception centre would need to be assessed as a public building.</li> </ul>	<p>Refer to discussion regarding noise below.</p> <p>Condition applied for details to be provided of existing onsite wastewater disposal system.</p> <p>Events permit will be required which will ensure that additional toilets are provided for events if required.</p> <p>Public building approval will be required as part of events permit with Public Health. An advice note has been applied in respect to this.</p>

External Agency Comments	
Main Roads	
Department Comments	Officer Comments
<p>No objection to the proposal.</p> <p>The existing, sealed crossover onto Bussell Highway (Perimeter Road) is approved as a Restricted Emergency Access Way only (i.e. must be gated and locked at all times, other than when required for use in an emergency bushfire event. The developer is reminded that Bussell Highway (Perimeter Road) is a declared Control of Access road under the Main Roads Act and direct access from adjoining properties is prohibited unless where agreed.</p> <p>Signage for Marri Lodge is to be removed from Bussell Highway (Perimeter Road) and the verge is to be reinstated to Main Roads satisfaction.</p> <p>All access to the Lot is to be via the Local Government Authority road network.</p>	<p>An advice note has been applied in respect to access from the Perimeter Road. The requirement for the gate to be locked is contrary to the Planning for Bushfire Protection Guidelines.</p> <p>This is a separate matter for MRWA to pursue through their compliance processes.</p> <p>Applicant has confirmed access from Andrews Way only.</p>
<b>Department of Fire and Emergency Services (DFES)</b> <ul style="list-style-type: none"> <li>Bushfire Attack Level ratings need additional validation.</li> <li>A BAL contour map may be more appropriate for this site</li> <li>Landscape management plan to be added to Section 5 responsibilities to identify ongoing site management</li> <li>Need to demonstrate water tank is located in BAL-29</li> </ul>	<p>The Bushfire consultant has updated the Bushfire Management Plan to address DFES feedback.</p> <p>The Bushfire Attack Level Ratings have been confirmed through the updated Bushfire Management Plan.</p> <p>The landowner responsibilities list includes maintaining the asset protection zones to comply with Element 2: Siting of design of development (to BAL-29). There is no initial vegetation modification required as it already achieves BAL-29.</p> <p>This advice was provided relative to the previous version of the Planning for Bushfire Protection Guidelines. The</p>

	updated guidelines do not require water tanks to be located areas rated BAL-29.
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Community Engagement	
Submitter Comments	Officer Comments
<b>Private Submitter 1</b> <ul style="list-style-type: none"> <li>Will compromise lifestyle and enjoyment of proposed future residential lots nearby.</li> <li>Amplified music at night becomes more significant and intrusive. Would like no outside amplified music.</li> <li>Would like measures to mitigate noise by proponent now rather than have to deal with noise complaints later.</li> <li>Noise from traffic leaving the property at night.</li> </ul>	<p>See discussion in the Planning Comment section of the report.</p> <p>Public road traffic not included in Noise regulations for noise emitted from the site. Buses starting and car doors closing included in acoustic report and are within noise regulations.</p>
<b>Private Submitter 2</b> <ul style="list-style-type: none"> <li>Over the course of the current weddings taking place have noticed a few issues with loud noise levels, but due to events being intermittent and not that frequent up until now, have been tolerant of this.</li> <li>Increase of frequency and/or duration (unrestricted days and nights of the week) would have greater impact.</li> <li>Currently noise levels from the events have been loud and noticeable.</li> <li>Loud music will ultimately cause conflict with future residential development.</li> <li>Traffic has been okay with the current number of events, however increase could cause conflict with pedestrians and cyclists using Darch Trail. Would like to see a contribution to a safer crossing.</li> </ul>	<p>Noted. The subject lot has been hosting events under the current tourism approvals, however are seeking to get approval for larger events through the subject application.</p> <p>This issue is discussed in further detail below.</p> <p>As above.</p> <p>As above.</p> <p>Noted.</p>

Policy Framework	Yes	No
Does the proposal involve variations to the Residential Design Codes?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the proposal involve any variations to Scheme Requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the proposal involve any variations to Policy Requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other matters that require discretion (Vegetation Removal)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Policy Requirements

### Bushfire

Applicant submitted a Bushfire Management Plan which has demonstrated compliance with the Acceptable Solutions of the 2024 Planning for Bushfire Guidelines.

While Andrews Way is a no through road, there is provision of an emergency access way onto the Perimeter Road. The applicant has been able to access any concerns raised by the Department of Fire and Emergency Services through the provision of an updated Bushfire Management Plan.

A Bushfire Emergency Evacuation Plan was also provided with the application. This has been updated as per the recommendations of the Shire's Community and Emergency Services Manager.

A detailed assessment showing compliance with the Guidelines below. While a landscape management plan has not been listed in Section 5: landowner responsibilities due to no vegetation requiring removal initially, it does require that an APZ is maintained to standards consistent with Element 2 of the guidelines.

<b>Element 2 – Siting and Design</b>	<ul style="list-style-type: none"> <li>A2.1a – every habitable building does not exceed BAL-29 – complies</li> <li>A2.1b – APZ contained solely in the boundaries of the lot – complies</li> </ul>
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	<ul style="list-style-type: none"> <li>• A2.2a – <i>siting within BAL 40 or Bal FZ</i> - n/a</li> <li>• A2.2b – <i>where APZ cannot be achieved</i> - n/a</li> <li>• A2.3 – <i>the development avoids the clearing of vegetation</i> - no vegetation clearing proposed – complies</li> <li>• A2.4 – <i>landscape management plan to be prepared to identify on-going on-site vegetation management</i> – not listed in Section 5: Landowner responsibilities. However responsibilities do list maintain the APZ as per requirements of Element 2: siting and design. Condition of approval requires that this is maintained in perpetuity – Complies</li> <li>• A2.5 – <i>on-site shelter (if required)</i> – no on-site shelter proposed - n/a</li> </ul>
<b>Element 3 – Vehicular Access</b>  <b>Complies</b>	<ul style="list-style-type: none"> <li>• A3.1 – <i>Public roads to meet requirements in Appendix B.3</i> - already constructed public roads (Andrews Way and Perimeter Rd) meet requirements – complies</li> <li>• A3.2a – <i>Public road access should be provided in two different directions to two suitable destinations</i> - Public Road access to Andrews Way which goes west to MR and old entrance to Perimeter Road where can go north or south to Margaret River – complies</li> <li>• A3.3a – <i>No through roads</i> - Andrews Way is a no-through Road – entry to site more than 200m to two-way intersection – not achieved (see A3.4)</li> <li>• A3.3b – <i>no through road to meet requirement of public road and turn-around area</i> – end of Andrews Way has turn around space – complies</li> <li>• A3.4 – <i>Where A3.2 and A3.3 cannot be achieved; an emergency access way can be considered as an acceptable solution</i> - EAW to Perimeter Road meets requirement. Gated and gate must be kept unlocked. – complies</li> <li>• A3.5 – <i>On-site shelter</i> - no on-site shelter proposed – n/a</li> <li>• A3.6 – <i>Fire-service access route</i> – not applicable to the site - n/a</li> <li>• A3.7 – <i>Internal vehicle access/private driveway to meet the requirements of Table 10 (4m trafficable/6m horizontal clearance). Passing bays to be implemented every 200m</i> – complies</li> <li>• A3.8 – <i>Signage to be provided within the subject site, advising of where each access route travels to</i> – BEEP to be displayed at prominent locations within the site – complies</li> </ul>
<b>Element 4 – Water Supply</b>  <b>Complies</b>	<ul style="list-style-type: none"> <li>• A4.1 – <i>10,000L required per 500m<sup>2</sup> of floor space in habitable building</i> - Indoor function room has floor space of approximately 50m<sup>2</sup>. 10,000L tank provided – complies.</li> </ul>

## Discussion Background

The premises is known as Le Chambre Estate and consists of a guesthouse and three cottages which can host up to 45 guests. Intermittent events of varying sizes have been occurring at the site in association with the tourism use, and the proponent wishes to legitimise the larger events/weddings through the submissions of this development application.

A summary of the previous planning approvals at the site is provided as follows:

1993 – 3 bed cottage and duplex cottages approved

1994 – Guesthouse approved

2002 – Additions to Guesthouse approved

### Local Planning Strategy 2036

The subject site is earmarked for future urban development as Planning Precinct M7, with a projected yield of 270 residential lots. The landowner has submitted a scheme amendment and structure plan that which will initiate this transition to an Urban Development zoning upon the completion of Local Planning Scheme No.2. The guesthouse and associated buildings and grounds is proposed to be maintained as a single tourism lot as the site is developed.

### Local Planning Scheme No.1 – Land Use in the Rural zone

The Shires Local Planning Scheme required that non-rural land use occurs in a manner which is incidental to and allows for the continues agricultural use of the site.

As outlined above, the subject site is earmarked for urban expansion and will undergo a change from a Rural zoning to a zoning to facilitate Urban Development in the coming years.

This is consistent with the neighbouring landholdings. There are two large residential subdivisions under construction to the west of the lot. Immediately to the west is Spindrift estate in which subdivisional works are nearing completion, significant dwelling construction will be expected over the next 2-3 years. Arbour, to the south-west will be a few years behind this timeline. As mentioned above an application has been lodged for the rezoning of the site consistent with the Shires Local Planning Strategy.

The hosting of weddings expands on the existing use of the site as a guesthouse and holiday accommodation that hosts 45 guests. An additional 75 guests will be occasionally at the site without additional permanent infrastructure. The land uses is considered appropriate in this context as the area transitions from rural to Urban Development. The proposal allows for the continuation of existing agricultural use of the site.

### Local Planning Scheme No.1 – Carparking

Public events/reception centre according to Schedule 8 is **1 space per 4 persons**.

30 parking spaces and 4 bus pull in bays provided on site. Ample space for parking on gravel provided on site. Additional parking is available on the grass. However, this will need to be considered in an event management plan for bushfire restrictions.

### Outcomes of Consultation

The submissions received during consultation raised concerns in respect to potential impacts of noise resulting from functions at the subject site.

An acoustic report was provided by the applicant as part of the proposal, which assessed three scenarios with 120 patrons:

- Outdoor acoustic amplified performer
- Outdoor DJ amplified performer
- Car/bus door closing and bus start-up events

The report shows that the noise can comply at the nearest sensitive noise premises to the south of Andrews Way, which is 300m away based on the noise output being limited depending on time of day as per the Noise Regulations.

The applicant has provided a noise management plan for the events. It includes the installation of a noise monitoring device that can be used to measure sound levels through a phone app.

The noise management plan needs to be updated to include operations around how outdoor sound is monitored/where the monitoring device is installed. It will need to include the allowable dB noise levels permitted for each time of day. It will also need to record any complaints and outline how they would be dealt with.

As outlined previously, the areas surrounding the proposal will be subject to considerable change in the near future. The Spindrift subdivision immediately to the West will contain dwellings closer than the nearest receiver upon which the current noise assessment is based. Subdivision clearance for the lots adjacent to Darch Trail is underway, with titles expected to be issued within 18 months. Once titles are issues, applications can be lodged for the construction of dwellings, with the combined approvals and construction timeframe taking in the order of 18 months.

For this reason it is considered appropriate that the use is restricted to a temporary approval of 3 years in order to reevaluate noise impacts on the nearby residential lots as they are established. Conditions have also been included to restrict the frequency of the events to 25 per year and require they occur in accordance with a noise management plan and cease prior to 12 midnight.

### Summary

While the lot is zoned general agriculture, it is unique in its location earmarked for future residential development and it currently transition from a rural area to a predominantly urban environment.

This approval require careful management of events, with approval conditions requiring compliance with a noise management plan and other operating limitations. The temporary nature of the approval will allow for reassessment as further residential development occurs around the site.

Conditional approval recommended.

### Determination

**That the Acting Manager Planning and Regulatory Services Grant Planning Consent under Delegated Authority Instrument No. 34 pursuant to Clause 68(2) of the Deemed Provisions of Local Planning Scheme No. 1 for the Change of use to Reception Centre at 167 (Lot 6) Andrews Way, Margaret River subject to compliance with the following conditions:**

1. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent.

Plans and Specifications	Plan 1 received by the Shire on the 23 April 2025 Plan 2 received by the Shire on the 16 July 2025
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2. This approval to hold events is granted for three (3) years from the date of this consent.
3. This approval allows a maximum of twenty-five (25) events in any 12-month period for a maximum of 120 guests.
4. Events shall cease prior to 12:00 midnight.

5. The Proponent shall prepare an updated Noise Management Plan to the satisfaction of the Shire which shall be implemented prior to commencement of use. The Noise Management Plan shall include allowable dB noise levels permitted for each time of day, how this will be managed operationally, and complaint management and record keeping.
6. The accepted Bushfire Management Plan and Bushfire Emergency Evacuation Plan v2 dated 17 July 2025, shall be implemented on site prior to commencement of the use and maintained at all times thereafter.
7. The Bushfire Emergency Evacuation Plan shall be displayed in a conspicuous location within the development at all times.
8. Details of existing approved onsite wastewater treatment and disposal system shall be submitted to the Shire to determine if upgrades are required. Details of existing effluent disposal system shall include location size type of system and setbacks from boundaries and existing and proposed buildings.

**Advice Notes**

- a) 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; and
  - (ii) The *Bush Fires Act 1954* as amended, Section 33(3), Annual Bush Fires Notice applies to this property.
- b) Noise emissions resulting from the development or use of the land shall not exceed the assigned levels in the *Environmental Protection (Noise) Regulations 1997*, and shall not unreasonably interfere with the health, welfare and amenity of an occupier of another premises.
- c) The Applicant/Organiser shall submit an application to conduct an event to the Shire's Environmental Health Unit and comply with all terms and conditions of subsequent event approval. It is recommended that the applicant contact the Shire's Events Officer prior to submitting an event application
- d) The Applicant/Organiser shall comply with Shire's Local Planning Policy 9 - Event Assessment, including all relevant legislation referred to within this policy, and when the development use is a Public Building for the holding of temporary public events
- e) A building or place or part of a building or place where persons may assemble is a public building and is required to comply with the *Health (Miscellaneous Provisions) Act 1911*; the *Health (Public Building) Regulations 1992* and the Building Code of Australia.
- f) The existing, sealed crossover onto Bussell Highway (Perimeter Road) is approved as a Restricted Emergency Access Way only. The developer is reminded that Bussell Highway (Perimeter Road) is a declared Control of Access road under the Main Roads Act and direct access from adjoining properties is prohibited unless where agreed.