

**DEVELOPMENT ASSESSMENT UNIT**  
**Minutes of the Development Assessment Unit**  
**Shire of Augusta Margaret River**  
**On 13 July 2021**

**ATTENDANCE**

**Angela Satre, Jason Heine, Chris McAtee, Lara Hoole, Sophie Moscardini, Lucy Gouws**

**PLANNING APPLICATIONS RECEIVED**

Date Rec'd	Assess No.	Address	Proposal	DA No.
08/07/2021	A12227	Unit 1 & 2 111 (Lot 200) Bussell Highway, Margaret River	Small Bar (Section 40)	P221469
08/07/2021	A1132	5 (Lot 46) Chaudiere Place, Augusta	Holiday House (Large)	P221470
08/07/2021	A1327	157 (Lot 82) Wilderness Road, Margaret River	Holiday House (Large)	P221471
08/07/2021	A12623	52 (Lot 279) Noreuil Circuit, Cowaramup	Single Dwelling	P221472
08/07/2021	A12404	69 (Lot 132) Bussell Highway, Margaret River	Cafe (Additions)	P221473
08/07/2021	A5740	50 (Lot 206) Marmaduke Point, Drive Gnarabup	Dwelling (Ancillary Accommodation)	P221474
08/07/2021	A8140 A4050	98 (Lot 180) Yates Road, Margaret River	Holiday House	P221476
08/07/2021	A7968	5 (Lot 126) Lesueur Place, Gnarabup	Holiday House (Large Renewal)	P221477
08/07/2021	A11767	42 (Lot 81) St Alouarn Place, Margaret River	Dwelling	P221478
09/07/2021	A12538	Lot 51 Merritt Lane, Margaret River	Dwelling	P221480
13/07/2021	A11929	8 (Lot 257) Noreuil Circuit, Cowaramup	Dwelling (Outbuilding Addition)	P221481
13/07/2021	A1766	3 (Lot 42) Dawson Terrace, Augusta	Dwelling (Front Fence Addition)	P221482
13/07/2021	A12860	51 (Lot 41) Brookside Boulevard, Cowaramup	Dwelling (Outbuilding Addition)	P221483
13/07/2021	A892	6 (Lot 145) Mooring Court, Molloy Island	Dwelling (Water Tank Addition)	P221484
14/07/2021	A7056	46 Woodland Drive, Burnside	Holiday House (Large)	P221485
14/07/2021	A1230	39 (Lot 4) York Street, Augusta	Holiday House (Renewal)	P221487
14/07/2021	A4159	17 (Lot 13) Merchant Street, Margaret River	Home Business	P221488

**BUILDING LICENCE APPLICATIONS RECEIVED**

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
13/07/2021	A1766	3 (Lot 42) Dawson Terrace, Augusta	Sauna	221468
08/07/2021	A12128	19 (Lot 28) Formosa Street, Margaret River	Two Storey Dwelling	221469
09/07/2021	A8055 A914	116-118 Bussell Highway, Margaret River	Refurbishment/ Fit out of existing shop	221470
09/07/2021	A13103	5 (Lot 3) Yornitj Grove, Witchcliffe	Single Dwelling modification to original permit BLD221330	221471
09/07/2021	A13165	22 (Lot 17) Yornitj Grove, Witchcliffe	Single Dwelling, Carport, Alfresco and Two Rainwater Tanks	221472
12/07/2021	A12242	36 (Lot 12) Greenwood Avenue, Margaret River	Single Dwelling, Garage and Alfresco	221473
12/07/2021	A12243	34 (Lot 13) Greenwood Avenue, Margaret River	Single Dwelling, Garage and Alfresco	221474
13/07/2021	A11593 A12652 A11593	735 (Lot 101) Osmington Road, Bramley	Lean Too Addition to Existing Shed	221476
13/07/2021	A10828	17 (Lot 61) Nebbiolo Place, Margaret River	Swimming Pool and Pool Fence	221477
14/07/2021	A11968	6 (Lot 3) Offshore Crescent, Margaret River	Extension of time	221478
13/07/2021	A13012	42A (Lot 3) Bovell Avenue, Margaret River	Two Storey Dwelling and Carport	221479

**SUBDIVISIONS DETERMINED**

Date Rec'd	Assess No.	DA No.	Address	Description of Matter	Recommendation
19/05/2021	A1692	P221374	2 (Lot 48) Coronation Street, Margaret River	Survey Strata	Complete

**LEVEL 1 APPLICATIONS determined under delegation**

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
07/07/2020	Don Bothwell	98 (Lot 1) Tom Cullity Drive, Cowaramup	Public Events	Cancelled	P220364
01/04/2021	Lara Hoole	6 Unit 1 (Strata Lot 1 Lot 4) Mann Street, Margaret River	Bed & Breakfast or Holiday House	Approved	P221230
15/04/2021	Lucy Gouws	49 (Lot 24) Horseford Road, Burnside	Holiday House (Renewal)	Approved	P221280
04/05/2021	Lara Hoole	150 (Lot 152) Ashton Street, Margaret River	Dwelling Additions (Deck & Screen Wall)	Approved	P221329
03/06/2021	Sophie Moscardini	735 (Lot 101) Osmington Road, Bramley	Agriculture Intensive (Farm Shed & Cool Room Addition)	Approved	P221399
09/06/2021	Sophie Moscardini	9 (Lot 1038) Agonis Close, Margaret River	Building Envelope Variation	Approved	P221407
15/06/2021	Lucy Gouws	1801 & 1895 (Lot 2914) Rosa Brook Road, Rosabrook	Extension and Amendment to Approval P219360	Approved	P221420
15/06/2021	Harriet Park	12 (Lot 109) Yalgardup Place, Margaret River	Bed & Breakfast (Renewal)	Approved	P221421
21/06/2021	Lina O'Halloran	16 (Lot 251) The Greenway, Margaret River	Dwelling (Front Fence Addition)	Approved	P221431
29/06/2021	Angela Satre	2 (Lot 163) Laurina Place, Gnarabup	Bed & Breakfast (Renewal)	Approved	P221446

**LEVEL 2 APPLICATIONS for determination**

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
08/04/21	Sophie Moscardini	41 (Lot 9) Saint Alouarn Place, Margaret River	Holiday House	Conditional approval	P221246

**MANAGEMENT OF VEGETATION ON SHIRE RESERVES**

Nil

**LOCAL LAW PERMITS**

Nil

**OTHER APPLICATIONS determined under delegation**

Nil

**ELECTED MEMBERS ATTENTION**

Nil

**CLOSURE OF MEETING**



**DEVELOPMENT APPLICATION ASSESSMENT (DAU)  
Report to Manager Planning and Development Services**

**Proposed Holiday House  
41 (Lot 9) Saint Alouarn Place, Margaret River**

**Major (Level 2)**

**P221246; PTY/5498**

**REPORTING OFFICER : Sophie Moscardini  
DISCLOSURE OF INTEREST : Nil**

General Information	
Lot Area	2.28ha
Zone	Rural residential (A14 – the site is identified as Additional Use for up to 4 Chalets)
Existing Development	<input checked="" type="checkbox"/> Single House <input type="checkbox"/> Grouped Dwelling
Proposed use	A planning application has been received for a Holiday House use. The existing dwelling is to be used to accommodate up to six (6) short stay guests staying in the three (3) bedroom dwelling. The local property manager will be located within 35 minutes of the site.
Permissible Use Class	'A' – discretionary use
Advertising Required	Yes – completed
Reason not exempted from planning approval?	Discretionary uses are not permitted unless the Shire exercises its discretion by granting development approval.
Heritage/Aboriginal Sites	Yes, the site is within 187m of the Margaret River to the north. The application is for a change of use only and therefore referral to DPLH is not required.
Encumbrance	Easement – not impacted.
Date Received	08/04/2021
Date of Report	08/07/2021





Figure 1: Aerial extract

<b>Have there been any objections?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Comments Received</b>	
<b>Nature of Submission</b>	<b>Officer Comments</b>
<b>Objection:</b> <ul style="list-style-type: none"> <li>• Observing that the property is presently used as short-term accommodation.</li> <li>• Concern that an approval is contravening present planning regulations.</li> </ul>	<p>The concerns are noted. The site had previous approval for a Holiday House which expired 23 June 2018. A retrospective penalty fee is applied to the application.</p> <p>A new application has been submitted to legitimise approval for the use.</p> <p>Shire records show that no complaints have been received regarding this use.</p>
<b>Government Submission</b> <b>Department of Fire &amp; Emergency Services (DFES)</b> <p><b>Issues:</b></p> <ul style="list-style-type: none"> <li>• The BMP has incorrectly stated that the proposal is considered Minor Development.</li> <li>• Vegetation classification's over</li> </ul>	<p>The BMP and BEEP have been amended by the bushfire practitioner to remove reference to Minor Development and update the vehicular access arrangements.</p> <p>The BMP has also been amended to demonstrate BAL19 can be achieved for the development site. The proposal can meet Element 1 of the Guidelines.</p> <p>The proposal cannot meet the Element 2 access requirements under the Guidelines due to the number of lots (more than 8) that take access from the</p>

the site are wrongly classified.

- Location - The intent of Element 1: Location is to ensure that development takes place *"in areas with the least possible risk of bushfire to facilitate the protection of people, property and infrastructure"*. The proposal is in an area which has an extreme bushfire hazard level, both on and surrounding the lot, where DFES is not satisfied that the risk can be managed.
- Vehicular access: The intent of Element 3: vehicular access cannot be demonstrated at this location through the acceptable solutions. The intent of the performance-based principle for access – 'to ensure that the vehicular access... is available and safe during a bushfire event' – cannot be met through the development of a BEEP.

Recommendation: Not supported due to non-compliance. The development application is not supported as it does not meet the intent of Element 1: Location and Element 3: Vehicular Access. The proposal is an intensification of development by introducing a vulnerable land use in a bushfire prone area with an extreme bushfire hazard in and surrounding the lot.

cul de sac (Saint Alouarn Place). Accordingly, the proposal relies on assessment against the Position Statement which has been provided in the amended BMP.

Of note in relation to vehicle access, this site has an existing continuous private driveway that travels through the site to a public lane that connects to Wallcliffe Road to the south.

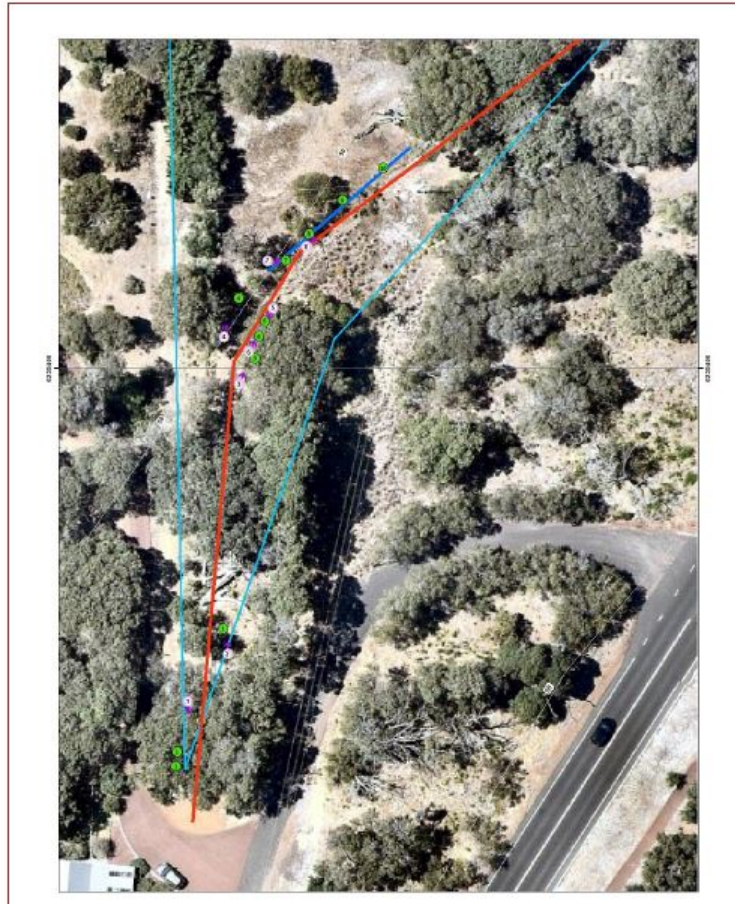


Figure 2: Private Driveway Location

The BMP has been updated to reflect this private driveway, thus providing two different access and egress routes to two different destinations and achieving compliance with the acceptable solution of Element 2, and the Tourism Position Statement.

The BMP was modified to include an assessment of the vegetation required to be removed for the driveway to be constructed; some minor vegetation modification to comply with the standards of a private driveway >50m is required as discussed below.

Assessment against the Tourism Position Statement is discussed below.

**Development History**

Planning Approvals

- P24374 – Single Dwelling Additions (decking and cover over existing deck) approved on 9 September 2004.
- P23407 – Swimming Pool & Extension of Timber Deck, approved on 5 August 2003.

Previous owners of the property have previously maintained approval to run the property as a holiday house, with the following approvals issued for this use:

- P214186 Holiday House granted 3 June 2014 – 6 guests valid for 12 months (expired 3 June 2015)
- P215214 Holiday House granted – 6 guests valid for 3 years (expired 23 June 2018).

The owner was made aware that operation of the use during the time that the application was with the Shire was a compliance matter and agreed to cease operation until such a time that an approval was issued.

**Policy Requirements**

Policy Element	Provision	Comment
Location	Coastal settlement	<input type="checkbox"/> Yes <input checked="" 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Design / Layout</b>	One parking bay per bedroom, Or two bays for grouped dwellings	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Reticulated water supply, or minimum 120,000 (plus firefighting provision) rainwater tank?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No The site has reticulated water supply.
	Existing or proposed on site effluent disposal system sized accordingly to number of guests?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Decks and balconies located away from the bedrooms of neighbouring dwellings?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Decks and balconies located close to the living and dining areas of neighbouring dwellings, provided with suitable screening?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Each bedroom accommodates a maximum of two persons?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	<b>Fire</b>	If within bushfire prone area a BAL provided?
For sites with a BAL above Low, a BMP prepared by accredited consultant and where required referred to DFES for comments?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
BAL rating at BAL-40 or FZ?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No BAL-19 determined for the existing dwelling.
<b>Management</b>	Management Plan submitted?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	BEEP provided	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Manager, or employee permanently resides 35m drive from Site?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	House Rules?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No House rules have not been provided as part of the application, however, conditions will apply to any approval in this regard.
	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>State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7)</b>		
<b>Officer comments</b>	<p><u>SPP 3.7</u> SPP 3.7 was adopted in December 2015. The intent of the policy is to implement effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.</p> <p><u>Position Statement: Tourism land uses in bushfire prone areas</u> This document was produced by the Department of Planning, Lands and Heritage (DPLH) to provide guidance for tourism land uses within bushfire prone areas. The proposed land use is considered 'not minor development' as per the position statement as the dwelling is existing and is located outside a residential built out area.</p> <p><u>Bushfire Management Plan</u> An assessment against the acceptable development standards of each of the 'elements' as presented in the BMP submitted with the application is set out below:</p> <p><i>Element 1: Location</i> Required: moderate or low bushfire hazard level or BAL-29 or below. If a higher BAL is provided, satisfactory proposed design/works must demonstrate that a BAL-29 or lower can be achieved.</p> <p>Proposed: A BAL rating of BAL-19 or lower has been determined for the site.</p> <p><i>Element 2: Siting and Design of Development</i> Required: Every habitable building is surrounded by an Asset Protection Zone (APZ) within the lot boundaries of the property. An APZ is a low fuel area immediately</p>	

	<p>surrounding a building or sitting and design, includes roads, paths and landscaping appropriate to the level of bushfire threat applied to the site.</p> <p>Proposed: An APZ to a distance of 31m to the south east, 37m to the north east and north west, and 25m to south west of the subject site. This achieves a BAL rating of BAL-19 or lower in perpetuity within the site boundaries.</p> <p><i>Element 3: Vehicular Access</i>  Required: Two different access routes are provided, both of which connect to the public road network, provide safe access and egress to two different destinations.</p> <p>Proposed: The property has two access routes via the private driveway and a public laneway which connect to St Alouarn Place and Wallcliffe Road. The private driveway includes a shared battle-axe, approximately 108m in length, which complies with the requirements of the Guidelines with adequate horizontal and vertical clearances. These routes allow access to Margaret River and Prevelly. The private driveway at the rear of the property which connects to the public laneway requires some modification to be reinstated in line with the Guidelines. The required clearing in order for the access route to be considered compliant is outlined in detail within the BMP. This includes the removal of a large dead fallen tree, pruning of larger Marri tree's and the removal of smaller introduced eucalyptus. The extent of clearing is not considered to detrimental the environmental attributes of the locality.</p> <p>St Alouarn Place and Wallcliffe Road are both non-compliant cul-de-sacs, however provide two access egress routes to Margaret River and Prevelly, therefore this acceptable solution has been met.</p> <p><i>Element 4: Water</i>  Required: The development or land use is provided with reticulated water supply.</p> <p>Proposed: Yes, the site has reticulated water supply.</p> <p><u>Conclusion</u></p> <p>The building was previously approved by the Shire and has operated as a Holiday House for a period of 4 years with the approval lapsing in June 2018. The Department of Planning Lands and Heritage have previously provided advice to the Shire with respect to the similar proposal for a Holiday House on Isaacs Road that if a proposal has previously had an approval, the application for reapproval should not be considered to represent "intensification of land use". As such, the exemptions described at Point 5 of the Bulletin become applicable and are noted with regard to the subject application.</p> <p>Notwithstanding, the BMP was revised to reflect two access and egress options to the subject site responding to DFES concerns.</p> <p>The application also shares similarities to the following applications:</p> <ul style="list-style-type: none"> <li>• A Holiday House at 72 (Lot 211) Wooditch Road approved by Council at its Ordinary Meeting of 28 April 2021; and</li> <li>• A Holiday House (Large) at 39 (Lot 21) Isaacs Road, Margaret River approved by Council at its Ordinary Meeting held on 9 December 2021.</li> </ul> <p>These sites were accessed by a single road, proposed development on lots with existing dwellings and were located outside a residential built-out area. As such, both the applications were required to demonstrate compliance with the acceptable solutions of Table 1 of the Tourism Position Statement.</p> <p>The BMP submitted demonstrates that the proposal meets the acceptable solutions of the Position Statement. Approval for a limited timeframe of three (3) years is recommended.</p>
<b>Recommended period of approval</b>	<input type="checkbox"/> 12 months <input checked="" type="checkbox"/> 3 years

**OFFICER RECOMMENDATION**

That the Manager Planning and Development Services GRANTS Planning Consent under Delegated Authority Instrument No. 16 pursuant to clause 68 (2) of the Deemed Provisions of Local Planning Scheme No. 1 for a Holiday House at 41 (Lot 9) St Alouarn Place, Margaret River subject to compliance with the following conditions:

## CONDITIONS

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

Plans and Specifications	P1 to P2 received by the Shire on 8 April 2021
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2. The Holiday House use permitted for a period of **three (3) years** from **<date of this approval>** to **<end of date of approval>**. (Refer to advice note 'a')
3. The accepted revised Bushfire Management Plan dated 07/07/2021, shall be implemented on site prior to the commencement of the Holiday House use subject of this approval and all times thereafter.
4. Certification shall be provided to the Shire by an accredited level 3 Bushfire Consultant that all bushfire management actions detailed in the accepted Bushfire Management Plan have been implemented prior to commencement of the Holiday House use.
5. The approved Bushfire Emergency Evacuation Plan shall be displayed in a conspicuous location within the dwelling at all times.
6. 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')
7. 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')
8. All vehicles & boats connected with the premises shall be parked within the boundaries of the property.
9. The short stay use of the dwelling shall not be occupied by more than **six (6) people** at any one time.
10. Amplified music shall not be played outside of the Holiday House between the hours of 10pm and 10am.
11. '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')
12. Any marketing material for this Holiday House shall include display of the planning approval reference number for this approval. (Refer to advice note 'g')

## ADVICE NOTES

- a) Following satisfactory performance of the approved use, and in the absence of any substantiated complaints over the twelve (12) month approval period, the Shire may grant further planning approval for the continuation of the use for a further three (3) years. A new planning application seeking such approval should be submitted 90 days before the expiry of this approval, along with the appropriate planning fee.
- a) If at any time there is not an appointed manager or a contactable employee of the manager for the site, the use must cease until such time as a manager is appointed.
- b) Evidence of installation of the sign will be required to be provided, to the satisfaction of the Shire, at the time an application to renew the Holiday House use is lodged.
- c) This approval does not affect the entitlement to use the dwelling for permanent residential purposes.
- d) You are advised of the need to comply with the requirements of the following other legislation:
  - (i) *Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises.
  - (i) The *WA Building Regulations 2012 (r.59)* requires that the owner of a dwelling (as defined in the Building Code of Australia) must not make the dwelling available for hire unless hard wired, battery backup smoke alarms are installed, complying with the Building Code of Australia and AS3786.
- e) The 'House Rules' document shall be consistent with key elements of the NSW Code for Holiday Houses (please refer to the attached document).



- f) Evidence of the display of the planning approval reference number within the marketing of the Holiday House is required to be provided, to the satisfaction of the Shire, at the time an application to renew the Holiday House use is lodged. Applicants are advised to include a screenshot of the website, to show that the planning approval reference number is being displayed.
  
- g) Please note that the Shire does not notify landowners in writing of the expiry of a Holiday House planning approval. It is the owner's responsibility to monitor and ensure that the planning approval remains valid while the use is being undertaken.