

**DEVELOPMENT ASSESSMENT REPORT**  
**Shire of Augusta Margaret River**  
**6 February to 12 February 2025**

**APPLICATIONS RECEIVED**

<b>Date Rec'd</b>	<b>Reference No.</b>	<b>Address</b>	<b>Proposal</b>
<b>PLANNING</b>			
06/02/2025	P225087	23 (Lot 61) Freycinet Way, Gnarabup	Holiday House Renewal
06/02/2025	P225089	Lot 4157 Governor Broome Road & Lot 2 Governor Broome Road, Scott River	Plantation
07/02/2025	P225091	67 (Lot 56) Colyer Drive, Hamelin Bay	Holiday House
07/02/2025	P225092	Lot 500 Wurring Road, Cowaramup	Amendment to Structure Plan
07/02/2025	P225093	10 (Lot 43) Apsley Drive, Margaret River	Retaining Wall
07/02/2025	P225094	5 (Lot 12) Tulip Way, Margaret River	Single House
07/02/2025	P225095	3 (Lot 13) Tulip Way, Margaret River	Single House
07/02/2025	P225096	1 (Lot 14) Tulip Way, Margaret River	Single House
10/02/2025	P225099	32 (Lot 56) McDermott Parade, Witchcliffe	Dwelling Addition (Carport)
11/02/2025	P225100	38 (Lot 272) Noreuil Circuit, Cowaramup	Single House
12/02/2025	P225104	18 (Lot 1074) Zinfandel Street, Margaret River	Outbuilding (Shed)
12/02/2025	P225105	208 (Lot 12) Bullant Drive, Forest Grove	Section 40 (Winery)
12/02/2025	P225106	8 (Lot 35) Rakali Road, Witchcliffe	Outbuilding (Shed)
<b>BUILDING</b>			
06/02/2025	225091	61 (Lot 64) Wrigglesworth Drive, Cowaramup	Addition to Existing Storage Shed
06/02/2025	225092	64 (Lot 8) Kulbardi Way, Witchcliffe	Two Storey Dwelling, Decks, Balcony, Masonry Walls and Watertank
06/02/2025	225093	20 (Lot 8) Cypress Avenue, Margaret River	Shed
06/02/2025	225094	1 (Lot 14) Bettong Place, Witchcliffe	Shed
06/02/2025	225096	2 (Lot 265) Paroo Street, Margaret River	Single Dwelling, Garage and Water Tank
06/02/2025	225097	160 (Lot 249) Brookfield Avenue, Margaret River	Earthworks
07/02/2025	225098	14 (Lot 301) Lemon Gum Retreat, Margaret River	Swimming Pool and Temporary Fence
10/02/2025	225099	20 (Lot 430) Daisy Rise, Cowaramup	Single Dwelling Alteration Addition
10/02/2025	225100	13 (Lot 140) Blue Gum Place, Cowaramup	Dwelling Alteration Addition
10/02/2025	225101	8 (Lot 7) Brockman Highway, Karridale	Staged Application - Single Dwelling and Alfresco to Lock Up
10/02/2025	225102	40 (Lot 441) Ned Higgins Lane, Margaret River	Strata - Three Storey Mixed Use Building - 2 x Offices and 3 x Sole-Occupancy Units
10/02/2025	225103	16 (Lot 71) Rafferty Entrance, Kudardup	Shed
10/02/2025	225104	19 (Lot 96) River Heights Road, Margaret River	Shed
10/02/2025	225105	48 (Lot 3) Le Souef Street, Margaret River	Demolition Single Dwelling
11/02/2025	225106	139 (Lot 258) Brookfield Avenue, Margaret River	Single Dwelling, Garage and Alfresco
11/02/2025	225107	9 (Lot 19) Tipuana Terrace, Margaret River	Patio
12/02/2025	225108	29 (Lot 64) Greenwood Avenue, Margaret River	Single Dwelling, Garage, Alfresco and Ancillary Dwelling
12/02/2025	225109	139 (Lot 1029) Heron Drive, Margaret River	Shed
12/02/2025	225110	65 (Lot 201) Hardwood Loop, Cowaramup	Home Office
<b>Exploration Licenses for Comment</b>			
Nil			

## APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
<b>PLANNING</b>				
20/06/2024	P224417	5260 (Lot 1197) Caves Road, Margaret River	Extractive Industry	Approved
15/10/2024	P224720	3 (Lot 56) Kookaburra Nook, Cowaramup	Single House - Outbuilding Shed	Approved
22/10/2024	P224754	44A (Lot 209) Marmaduke Point, Gnarabup	Holiday House Renewal	Approved
23/10/2024	P224758	Unit 3, 3 (Strata Lot 3 of Lot 1) Blackwood Avenue, Augusta	Holiday House Renewal	Approved
01/11/2024	P224797	30 (Lot 1) Elva Street, Margaret River	Holiday House Renewal	Approved
06/11/2024	P224805	Unit 1, 15 (Lot 1) Station Road, Margaret River	Holiday House Renewal	Approved
12/11/2024	P224821	39 (Lot 4) York Street, Augusta	Holiday House Renewal	Approved
14/11/2024	P224837	56 (Lot 59) Victoria Parade, Augusta	Holiday House Renewal	Approved
19/11/2024	P224851	50 (Lot 232) Elva Street, Margaret River	Holiday House Renewal	Approved
21/11/2024	P224862	Lot 601 Grosse Road, Hamelin Bay	Single House	Approved
04/12/2024	P224916	30 (Lot 308) Whistler Drive, Karridale	Outbuilding (Shed)	Approved
20/12/2024	P224985	7 (Lot 98) Grunters Way, Gnarabup	Ancillary Dwelling	Approved
31/01/2025	P225067	17 (Lot 17) Sequoia Court, Margaret River	Retrospective Outbuildings (Shed and Water Tank)	Approved
<b>SUBDIVISIONS</b>				
Nil				
<b>LOCAL LAW PERMITS</b>				
Nil				

## LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
<b>PLANNING</b>				
21/10/2024	P224742	4 (Lot 104) Vattos Way, Prevelly	Holiday House (Large)	Conditional Approval

## DEVELOPMENT ASSESSMENT REPORTING PROCEDURE

### Assessment of Development Applications (DAs)

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

#### Level 1

DA not advertised

#### Level 2

DA is advertised; and

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

#### Level 3

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

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



## General Details

<b>Reporting Officer</b>	Don Bothwell
<b>Disclosure of Interest</b>	Nil
<b>Assessment Level</b>	Major (Level 3 – objections received)

## Application Details

<b>Address</b>	4 (Lot 104) Vattos Way, Prevelly			
<b>Proposed Development</b>	A planning application has been received for a Holiday House (Large) use. The existing single (detached) dwelling is to be used to accommodate up to twelve (12) short stay guests at any one time. The holiday house would be professionally managed by Private Properties Holiday Homes.			
<b>Zoning</b>	Residential R15			
<b>Lot Area</b>	900m <sup>2</sup>			
<b>Use Class and Permissibility</b>	Holiday House – ‘A’			
<b>Heritage/Aboriginal Sites</b>	None Identified			
<b>Other Considerations</b>	Visual Management Area	<input type="checkbox"/>	Sewerage Sensitive Area	<input checked="" 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>	N/A			
<b>Easements/Encumbrances</b>	N/A			
<b>Why is Development Approval Required?</b>	Discretionary uses are not permitted unless the Shire exercises its discretion by granting development approval.			

## Site Image





## Assessment

Referrals	Yes	No
Adjoining Neighbours/Property Owners	<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 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	Officer Comments
<p><u>Environmental Health Department:</u> This property is connected to reticulated water and has an onsite wastewater disposal system. The wastewater system was sized for 12 people when originally installed. Concerns raised by neighbours about the septics can be addressed by standard conditions of approval. All guest bedrooms are large enough to accommodate two guests.</p> <p>Recommended departmental advice notes.</p>	<p>Noted.</p> <p>Recommended departmental advice notes applied.</p>

Community Engagement
Submitter Comments
<p><u>Submission 1:</u> The subject house is too close and too exposed to neighbours who are entitled to quiet enjoyment of their homes. Bitter experience from a neighbouring holiday house prompts me to urge the Council, in the strongest possible terms, to refuse the application.</p> <p>My complaints about behaviours at a neighbouring holiday house, no longer a problem under the new owners, will be on file at Council. They involved drunken young people screaming and playing horrendously loud music throughout the night until 8am. None of my family slept a wink. Not to mention obscene language and throwing of drink containers.</p> <p>The proposed holiday house was built by an owner-builder with the promise that the owners would be living on the premises at all times. The house has now been sold and there is no suggestion from the applicant that there will be any supervision. In addition there are questions about compliance with planning regulations. It has a large, possibly over-sized roof top terrace that will project noise in all directions.</p> <p>There are in fact two houses on a lot zoned for one house. How Council has allowed this to happen is very puzzling.</p>
<p><u>Private Submitter 2:</u> We are aware of, and to a large extent agree with, queries and concerns raised by our neighbours.</p> <p>We do not wish to unduly restrict the use of the site by the new owners. However, you will be aware of the unusual and unfortunate history and we are a bit confused by the fact that there are 2 separate dwellings on the lot. We are not sure which dwelling the application relates to but assume it is the larger one. This begs the question of the proposed use of the smaller dwelling.</p>
<p><u>Private Submitter 3:</u> As a general comment, the construction of the property has been a disaster, with the property itself breaching council approvals with every possible short cut being taken in the construction of both dwellings. This leaves us with grave concerns for the structural integrity and therefore safety of allowing an application for 12 guests being approved. There was a near fatal accident during the construction of the property and a subsequent ceasing of the construction process for several years. During this time the property sat exposed to the corrosive weather elements in the region.</p> <p>Our specific concerns are:</p>



- Sewerage: The septic system is inadequate for the number of guests. It sits under an illegally constructed embankment. This embankment on the western side of the property needs to be inspected.
- Safety: The top deck area has doubled in size from what is shown on the plans. As mentioned, there has already been a near fatal fall from the property and we cannot in good conscience understand why the council would approve an application where 12 guests will be putting themselves in danger.
- Safety: Was the external cladding approved to be oil soaked timber, and does this comply with the BAL Rating?
- Parking: Is there enough onsite parking for 12 guests?
- The application does not match the property as additional bedrooms have been added which are not included in the application. TV/ Study in the main dwelling has 4 bunk beds. Additional sinks have also been added.

Considering the problems which occurred during construction of the property and the fact that the plans do not match the property, we would request that Council inspect the property and reject the application for the Holiday House (Large) application.

### Applicant's Response

In response to the concerns raised during the advertising period, the applicant advises:

- **Commitment to Neighbourhood Harmony:** We are dedicated to maintaining good relationships with our neighbours and ensuring that the operation of the holiday home is managed professionally and responsibly. We will continue to work closely with all stakeholders to address any issues that may arise and ensure that our property remains a positive addition to the community.
- **Local, Professional Business:** based in Dunsborough, we are a family owned, up market holiday home company that has been operating in the region for over 30 years. Our business is focussed on high-end clientele from Australia and all over the world, and our systems have been designed to ensure our guests not only enjoy all the Margaret River region has to offer, but also respect our properties, our neighbours, and the community more broadly. We have strict terms and conditions and take a substantial bond for every booking.
- **Responsible Management:** To further ensure smooth operations, we have a dedicated Property Manager and Caretaker located in Margaret River who will be available to address any immediate concerns from neighbours or guests. The Caretaker will be on call and can be contacted directly if any issues arise during guest stays. Our head office is open Monday to Friday 8.30am to 5pm.
- **Guest Numbers and Parking:** We understand that parking and the management of guest numbers are important issues for our neighbours. We will ensure that parking is adequately managed on-site, with clear instructions provided to guests about where they should park to avoid any inconvenience. We will also strictly control guest numbers to prevent any overcrowding or disruption to the surrounding community.

### Discussion

The comments received from the neighbours have been carefully considered and investigated by the Shire's planning staff and Compliance Officer. It is noted that a number of the issues raised are legacy issues from the previous landowner and short stay uses in the immediate locality, with existing holiday homes located on either side of the site. The key matters identified by the neighbours during the advertising period are addressed below.

### Dwelling status

There has been a misconception that there are two dwellings on the site. A small two storey dwelling (the southern structure) was constructed following approval from the Shire in 2015. In 2019, dwelling additions were undertaken whereby the larger structure to the north was built. Cooking facilities were removed from the smaller structure such that the buildings operate as a single detached dwelling. The Shire's Compliance Officer has confirmed there are no cooking facilities in the smaller structure and the detached dwelling would operate as a single holiday house.

### Compliance matters

An investigation was undertaken regarding the roof terrace, cladding, kitchen, embankment and retaining wall and it is confirmed that all of these matters have been dealt with and are in compliance with the planning and building approvals. It was identified that the crossovers constructed are wider in aggregate than was approved. The owner was requested to lodge a retrospective planning application for the unauthorised driveway width which is currently pending approval. The landowner has agreed to reduce the width of the crossover, which would conclude all compliance matters for the site.

### Car Parking

The car parking requirement under *Local Planning Policy No. 7 – Short Stay Accommodation* (LPP7) is one parking bay per bedroom. The proposal includes a total of six bedrooms requiring a total of six car bays. The applicant has submitted



a car parking plan as depicted below, which demonstrates the property has sufficient space to accommodate six car bays within the boundaries of the lot.



### Management

Some of the concerns raised relate to anti-social behaviour and amenity impacts associated with holiday house use of surrounding properties. Whilst these concerns are noted, this application must be assessed on its merits. The decision is unable to be made in a manner pre-empting amenity impacts and the applicant should not be penalised for the poor management of surrounding holiday homes. These matters should be addressed separately.

As is standard with short term uses, an initial 12-month approval would be 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 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.

As of 1 July 2024, the *Planning and Development (Local Planning Schemes) Amendment (Short-Term Rental Accommodation) Regulations 2024* – Changes to clause 78B result in all applications for a 'change of use' to hosted or unhosted accommodation being exempt from the bushfire requirements.

An assessment of LPP7 is provided below:

Policy Requirements		
Policy Element	Provision	Comment
Location	Coastal settlement	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Urban area located within Policy Plan 1?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Within 50m of Village Centre zone?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No



	Located outside of Policy Plan 1 but comprise of an area not less than 1ha?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Design / Layout</b>	One parking bay per bedroom, Or two bays for grouped dwellings	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Reticulated water supply, or minimum 120,000 (plus firefighting provision) rainwater tank?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Existing or proposed one site effluent disposal system sized accordingly to number of guests?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Decks and balconies located away from the bedrooms of neighbouring dwellings?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Decks and balconies located close to the living and dining areas of neighbouring dwellings, provided with suitable screening?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Each bedroom accommodates a maximum of two persons?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Management</b>	Management Plan submitted?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	BEEP provided	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Manager, or employee permanently resides 35m drive from Site?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	House Rules?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Amplified music may not be played outside between the hours of 10pm to 10am	Require as a condition
	Display the manager's 24hr contact details	Require as a condition
<b>Recommended period of approval</b>	<input checked="" type="checkbox"/> 12 months <input type="checkbox"/> 3 years	

**Determination**

That the A/Coordinator 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 Holiday House (Large) at 4 Vattos Way, Margaret River 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 – P6 received by the Shire on the 21 October 2024
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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.
- The short stay use of the dwelling shall not be occupied by more than **12 people** at any one time.



7. Amplified music shall not be played outside of the holiday house between the hours of 10pm and 10am.
8. 'House Rules' shall be developed to the satisfaction of the Shire prior to the commencement of use. Thereafter the 'House Rules' shall be provided to all guests and shall be displayed within a prominent position within the Holiday House. (Refer to advice note 'f')
9. Any marketing material for this Holiday House shall include display of the planning approval reference number for this approval. (Refer to advice note 'g')

## Advice Notes

- a) Following satisfactory performance of the approved use, and in the absence of any substantiated complaints over the twelve (12) month approval period, the Shire may grant further planning approval for the continuation of the use for a further three (3) years. A new planning application seeking such approval should be submitted 90 days before the expiry of this approval, along with the appropriate planning fee.
- a) If at any time there is not an appointed manager or a contactable employee of the manager for the site, the use must cease until such time as a manager is appointed.
- b) Evidence of installation of the sign will be required to be provided, to the satisfaction of the Shire, at the time an application to renew the Holiday House use is lodged.
- c) This approval does not affect the entitlement to use the dwelling for permanent residential purposes.
- d) You are advised of the need to comply with the requirements of the following other legislation:
  - (i) *Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises.
  - (i) The *WA Building Regulations 2012* (r.59) requires that the owner of a dwelling (as defined in the Building Code of Australia) must not make the dwelling available for hire unless hard wired, battery backup smoke alarms are installed, complying with the Building Code of Australia and AS3786.
- e) The 'House Rules' document shall be consistent with key elements of the NSW Code for Holiday Houses (please refer to the attached document).
- f) Evidence of the display of the planning approval reference number within the marketing of the Holiday House is required to be provided, to the satisfaction of the Shire, at the time an application to renew the Holiday House use is lodged. Applicants are advised to include a screenshot of the website, to show that the planning approval reference number is being displayed.
- g) Please note that the Shire does not notify landowners in writing of the expiry of a Holiday House planning approval. It is the owners responsibility to monitor and ensure that the planning approval remains valid while the use is being undertaken.
- 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/department-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/department-of-energy-mines-industry-regulation-and-safety/short-term-rental-accommodation-register>
- j) 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.
- 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*