

**DEVELOPMENT ASSESSMENT REPORT**  
**Shire of Augusta Margaret River**  
**13 February to 19 February 2025**

**APPLICATIONS RECEIVED**

Date Rec'd	Reference No.	Address	Proposal
<b>PLANNING</b>			
13/02/2025	P225108	Unit 1, 17 (Lot 290) Elva Street, Margaret River	Holiday House Renewal
13/02/2025	P225110	42 (Lot 3006) Tonkin Boulevard, Margaret River (Rapids Landing Primary School)	Public Works - Installation of 1 x GLA Modular Classroom 42
14/02/2025	P225111	7 (Lot 11) Tulip Way, Margaret River	Single House
14/02/2025	P225112	18 (Lot 20) Beech Drive, Margaret River	Single House
14/02/2025	P225113	22 (Lot 18) Beech Drive, Margaret River	Single House
14/02/2025	P225114	21 (Lot 66) Casselton Grove, Margaret River	Outbuilding (Shed)
14/02/2025	P225115	42 (Lot 20) Formosa Street, Margaret River	Holiday House Renewal
17/02/2025	P225116	97 (Lot 113) Baudin Drive, Gnarabup	Single House
18/02/2025	P225117	24 (Lot 61) Mansfield Avenue, Margaret River	Retrospective Shed Addition
19/02/2025	P225118	404 (Lot 103) Bussell Highway, Margaret River	Outbuilding (Shed)
19/02/2025	P225119	32 (Lot 230) Dunham Loop, Margaret River	Relocation of Street Tree
19/02/2025	P225120	9 (Lot 242) Illawarra Avenue, Margaret River	Holiday House Renewal (Large)
19/02/2025	P225121	3 (Lot 231) Hardwood Loop, Cowaramup	Single House (Siteworks)
19/02/2025	P225122	1 (Lot 32) Nelligan Place, Cowaramup	Single House
19/02/2025	P225123	21 (Lot 27) Formosa Street, Margaret River	Holiday House (Renewal)
19/02/2025	P225124	11 (Lot 55) Freycinet Way, Gnarabup	Holiday House (Renewal)
<b>BUILDING</b>			
13/02/2025	225111	330 (Lot 62) Kudradup Road, Kudardup	Single Dwelling, Garage, Verandah, Alfresco, Ancillary Dwelling, Swimming Pool, Pool Fence and Water Tank
13/02/2025	225112	Lot 57 Colyer Drive, Hamelin Bay	Single dwelling, Shed & 2 Water Tanks
13/02/2025	225113	13 (Lot 2) Mardo Drive, Witchcliffe	Single Dwelling, Carport & Water Tank
13/02/2025	225114	30 (Lot 308) Whistler Drive, Karridale	Shed
13/02/2025	225115	13 (Lot 322) Ibis Court, Karridale	Single Dwelling and Shed
13/02/2025	225116	16 (Lot 73) McDowell Road, Witchcliffe	Patio
14/02/2025	225117	11 (Lot 621) Mann Street, Margaret River	Single Dwelling, Deck and Pergola
14/02/2025	225118	Lot 910 Low Road, Rosa Glen	Water Tank
14/02/2025	225119	41 (Lot 101) Donovan Street, Augusta	Shed
14/02/2025	225120	1/38 (Strata Lot 1) Georgette Road, Gracetown	Retrospective Change of Use Shed to Ancillary Dwelling, Verandah and Deck
14/02/2025	225121	1 (Lot 319) Ibis Court, Karridale	Shed
14/02/2025	225122	7 (Lot 114) Parry Court, Augusta	Two Storey Dwelling and Balcony
14/02/2025	225123	45 (Lot 74) Abelia Avenue, Margaret River	Single Dwelling, Garage and Alfresco
14/02/2025	225124	55 (Lot 209) Dryandra Drive, Margaret River	Single Dwelling, Garage and Alfresco
14/02/2025	225125	166 (Lot 11) Railway Terrace, Margaret River	Shed
17/02/2025	225126	39 (Lot 26) Tallwood Loop, Witchcliffe	Single Dwelling and Alfresco
17/02/2025	225127	71 (Lot 12) Waverley Road, Cowaramup	Shed
17/02/2025	225128	46 (Lot 63) McDermott Parade, Witchcliffe	Shed
17/02/2025	225129	15 (Lot 50) Hillier Drive, Margaret River	Patio
18/02/2025	225130	50 (Lot 206) Marmaduke Point Drive, Gnarabup	Alteration Addition to Existing Dwelling
18/02/2025	225131	8 (Lot 57) Tremandra Boulevard, Witchcliffe	Single Dwelling and Garage
18/02/2025	225132	8 (Lot 155) Burton Road, Margaret River	Occupancy Permit Gym
18/02/2025	225133	5 (Lot 48) Groupthree Drive, Kudardup	Single Dwelling, Garage and Alfrescox2
18/02/2025	225134	7 (Lot 14) Gilgie Drive, Witchcliffe	Single Dwelling, Alfresco, Carport and Water Tank
18/02/2025	225135	12B (Strata Lot 6) Vattos Way, Prevelly	Alteration Addition to Existing Dwelling
19/02/2025	225136	48 (Lot 271) Illawarra Drive, Margaret River	Shed

19/02/2025	225137	1549 (Lot 301) Rosa Brook Road, Rosa Book	Shed
19/02/2025	225138	20 (Lot 23) Shetland Place, Margaret River	Shed
19/02/2025	225139	16 (Lot 288) Sawmill Loop, Karridale	Water Tank
19/02/2025	225140	16 (Lot 288) Sawmill Loop, Karridale	Shed
19/02/2025	225141	41 (Lot 213) Hardwood Loop, Cowaramup	Single Dwelling, Garage and Ancillary Dwelling
<b>Exploration Licenses for Comment</b>			
Nil			

#### APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
<b>PLANNING</b>				
09/04/2024	P224250	3 (Lot 6) Redgate Road, Witchcliffe	Change of Use	Cancelled
28/10/2024	P224773	16 (Lot 244) Antina Avenue, Witchcliffe	Single House (Outbuilding)	Approved
13/11/2024	P224832	58 (Lot 202) Marmaduke Point Drive, Gnarabup	Holiday House (Renewal)	Approved
14/11/2024	P224836	12 (Lot 333) Churchill Avenue, Margaret River	Holiday House (Renewal)	Approved
22/11/2024	P224864	Unit 3, 41 (Lot 3) Town View Terrace, Margaret River	Holiday House	Approved
27/11/2024	P224869	12 (Lot 6) Willerin Lane, Witchcliffe	Temporary Mobile Food Business	Approved
04/12/2024	P224919	Lot 122 Old Ellenbrook Road, Gracetown	Dam Modifications and Landscaping	Approved
11/12/2024	P224934	60 (Lot 1) Bussell Highway, Cowaramup	Fast Food Outlet (Pizza)	Approved
10/01/2025	P225017	5566 (Lot 1) Caves Road, Gracetown	Detached Addition to Single House (Studio)	Approved
17/01/2025	P225036	4 (Lot 104) Vattos Way, Prevelly	Retrospective Driveway Addition	Approved
24/01/2025	P225051	1 (Lot 52) Concerto Drive, Cowaramup	Outbuilding (Shed)	Cancelled
07/02/2025	P225090	35 (Lot 1353) Buller Road, Karridale	Carport	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>				
14/11/2024	P224841	8 (Lot 811) Salkilld Place, Augusta	Holiday House	Conditional Approval

#### DEVELOPMENT ASSESSMENT REPORTING PROCEDURE

##### Assessment of Development Applications (DAs)

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

##### Level 1

DA not advertised

##### Level 2

DA is advertised; and

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

##### Level 3

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

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



**DEVELOPMENT APPLICATION ASSESSMENT**  
**Report to Manager Planning and Regulatory Services**  
**Proposed Holiday House at 8 (Lot 811) Salkild Place, Augusta**

**Major (Level 3)**

**P224841; PTY/2827**

**REPORTING OFFICER** : Lina O'Halloran  
**DISCLOSURE OF INTEREST** : Nil

General Information	
<b>Lot Area</b>	810m <sup>2</sup>
<b>Zone</b>	<b>Residential R15</b>
<b>Existing Development</b>	<input checked="" type="checkbox"/> Single House <input type="checkbox"/> Grouped Dwelling
<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 four (4) short stay guests or one family at any one time. The Holiday House would be managed privately by Augusta residents who live less than a 5 minute walk from the site.
<b>Permissible Use Class</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>	N/A
<b>Encumbrance</b>	N/A
<b>Date Received</b>	14/11/2024
<b>Date of Report</b>	20/02/2025



<b>Have there been any objections?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Have there been any substantial changes to the LPS1 or Policy?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A 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 are exempt from the bushfire requirements. Nevertheless, the applicant has provided a BAL Report demonstrating the site achieves BAL-LOW.
<b>Site History:</b>	A 12 month approval was granted for Holiday House use of this dwelling in 2022 (ref P222622). This expired in 2023 and no application for renewal was lodged.

	<p>In September 2024 the Shire received a complaint outlining that the Holiday House use was continuing without approval and raised several concerns:</p> <ul style="list-style-type: none"> <li>• No manager details sign</li> <li>• Vehicles being parked outside of the property boundaries</li> <li>• More than 4 guests staying at the house</li> <li>• Loud music and noise outside of quiet hours</li> <li>• Use of the adjoining battleaxe by occupants of the holiday house without permission</li> </ul> <p>A compliance file was opened in response (ref P224690) and the subject application was subsequently lodged. The compliance investigation is discussed in further detail below.</p>
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<b>Comments Received</b>	
<b>Nature of Submission</b>	<b>Applicant's Response</b>
<p>1 x Objection:</p> <p>The home is adjacent to an existing holiday house at No.10 Salkilld Place. This proximity would enable large groups to co-habit, increasing the possibility of unruly partying and behaviour. The likelihood of crowded on-street parking will be more apparent with the "party" homes being adjacent.</p> <p>From our experience with No.10 a second short term holiday house will degrade the living conditions of the permanent residents of this quiet cul de sac.</p> <p>The owners of No.10 first operated a holiday house without council approval. We experienced anti social behaviour, overcrowding (some 16 people staying on one occasion) loud music well after 1am, occupiers of the holiday house driving at speed. All these incidents have left permanent residents weary of this type of accommodation. The possibility of a second holiday house on Salkilld Place will destroy the amenity of a quiet, happy friendly neighbourhood.</p> <p>Salkilld Place is a small cul de sac consisting of 12 homes, 4 of which are on battle axe blocks with long shared driveways. This congested arrangement has caused issues with renters and visitors parking in the actual turning circle of the cul de sac as they are unable to park on site and this is before the chance of another short term rental is up and running.</p> <p>The home at No.8 is directly opposite and their upper balcony overlooks our lower bedrooms, garden and living area removing any privacy we may have. When you know your neighbours for many years, the lack of privacy isn't an issue.</p> <p>However a continual flow of strangers using the home, being able to view our every move with impunity, will intimidate us and limit the use of our outdoor living space and having us draw the blinds for privacy.</p> <p>We are elderly and request our living standards, quality of life and privacy be taken into consideration when a decision is being made.</p> <p>It cannot all be about profit (destroying another persons lifestyle chasing the dollar). As long term ratepayers we have a right to expect that our quality of life should carry some weight, and that it be considered a priority during your deliberations of this possibly life changing decision.</p> <p>Follow up compliant:</p> <p>During the Christmas break, our neighbour had issues with people already staying as short term clients at No .8 Salkilld without approval. 4 separate groups have stayed so far.</p>	<p>There appears to be a number of lingering concerns from the previous holiday house at No.10. That property was rented for up to 10 guests and had issues with groups. I can understand that a nearby resident may fear the same thing happening. However, this is not specific to our property and has not been the case with our property in the time it was let. We rent to small families or couples.</p> <p>Groups and parties are not permitted, as described in the house rules. Advertising reiterates that potential guests looking to have a celebration should seek an alternative property.</p> <p>Our property has sufficient parking for at most 3 cars but we have limited this in the house rules to 1-2 cars given we only allow 4 guests.</p> <p>The only property that we can see directly opposite is over 40m away, across two sets of native trees and across the street. We do not have direct oversight into any of our neighbours' homes.</p> <p>Issues raised in the follow up compliant are raised on behalf of a neighbour, not the actual submitter. I have spoken with the neighbour indicated and resolved the issue. This was not related to our property.</p> <p>Dogs are not permitted to stay at the property, which is reiterated in the house rules. This issue may have been from one of the many dogs walked in the area.</p> <p>We have a local property manager who is on hand should guests have any questions, or neighbours have any concerns.</p> <p>We are very careful with our home and who has been able to stay there. We rent our home infrequently across the year and are very selective in approving booking requests. Our home is not for party or group booking purposes as we treasure it and our time there. We rent it infrequently to help pay the mortgage and the young families that holiday there in turn support the local businesses.</p> <p>We did have friends stay at the house over the Christmas break. This was not a commercial arrangement. We also stayed, and had 1 family who were paying guests. They had booked months in advance prior to us knowing our approval had lapsed. They were a family from over east. We removed the advertising for our property as soon as we realised our approval had lapsed. It hasn't been advertised since. We felt it was unfair to cancel their accommodation so close to the break and leave them</p>

Dogs from the house dug up my garden to bury a large raw smelly bone and deposited poo on my lawn.	looking for other accommodation at the last minute. They were in the house for 4 days.
Safety and security concerns	

#### Officer Comments

The continuation of the holiday house use after the applicant was made aware of their non-compliance, is a concern. However, their explanation is noted. They honoured one booking that was made prior to the compliance action, on the basis that the guests were coming from over east and would likely not have been able to find alternative accommodation. The applicant has been forthcoming with this information and the Shire is not aware of any further breaches since the compliance action commenced.

#### Management:

Some of the concerns raised in the objection relate to amenity impacts associated with a different holiday house, and objections against holiday houses in general which are not specific to this application. Whilst the concerns are noted, the application satisfies the policy requirements of LPP7, falling within the permissible short stay area. The decision is unable to be made in a manner pre-empting amenity impacts, and the application must be assessed on its merits. The nature of the use, including the number of occupants (maximum 4 guests) does not vary greatly from what would be expected from use of the dwelling as a single house.

Regarding the privacy and overlooking concerns, the dwelling is situated on the property with separation distances far exceeding the visual privacy setback requirements of the RCodes.

#### Compliance Matters:

An investigation was undertaken regarding the continuation of the holiday house use without approval and non-compliance with conditions. With the exception of the short stay booking over the Christmas period, the owner advised only themselves or friends have stayed at the property since the holiday house approval lapsed and it had not been used for commercial short stay purposes. The Shire is unable to enforce the conditions of holiday house use on an owner's private use of their dwelling. The only verified use of the property for short stay purposes without approval is outlined and explained above.

As an additional measure, the owner has updated the site plan to show the location of the two guest bays and agreed to update the House Rules to confirm the adjoining battleaxe cannot be used by short stay guests. A customised condition of approval is recommended to confirm guests must park within the parking area shown on the site plan.

It is noted that no complaints were received about the holiday house during the period it was operating with approval. Approval of the subject application would resolve the compliance investigation and ensure the short stay use of the dwelling could operate subject to conditions.

Given the relatively small number of proposed guests, a short initial approval timeframe of 12 months, and the applicant's response to the concerns raised, the proposal is considered supportable.

At the conclusion of the recommended 12-month approval period, a holiday house renewal application would be required. At this point, surrounding neighbours would have the opportunity to comment on any management issues specific to this holiday house. If it is determined that the use is being managed inappropriately, 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

Policy Element	Provision	Comment
<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 Space for 2 cars on site
	Reticulated water supply, or minimum 120,000 (plus firefighting provision) rainwater tank?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Reticulated water
	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 3 bedroom 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Amplified music may not be played outside between the hours of 10pm to 10am	Require as a condition
	Display the manager's 24hr contact details	Require as a condition
<b>Recommended period of approval</b>	<input checked="" type="checkbox"/> 12 months <input type="checkbox"/> 3 years	

#### OFFICER RECOMMENDATION

**That the Coordinator Planning Services GRANTS Planning Consent under Delegated Authority Instrument No. 34 pursuant to clause 68 (2) of the Deemed Provisions of Local Planning Scheme No. 1 for a Holiday House at 8 (Lot 811) Salkilld Place, Augusta subject to compliance with the following conditions:**

#### 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	P1 received by the Shire on 20 February 2025 P2 received by the Shire on 18 November 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, within the parking area shown on approved Plan P1.
- The short stay use of the dwelling shall not be occupied by more than **four (4) people or one family** at any one time.
- Amplified music shall not be played outside of the holiday house between the hours of 10pm and 10am.
- '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')
- 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

- 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.
- 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.
- 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.
- This approval does not affect the entitlement to use the dwelling for permanent residential purposes.
- You are advised of the need to comply with the requirements of the following other legislation:
  - Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises.

- (i) The *WA Building Regulations 2012* (r.59) requires that the owner of a dwelling (as defined in the Building Code of Australia) must not make the dwelling available for hire unless hard wired, battery backup smoke alarms are installed, complying with the Building Code of Australia and AS3786.
- f) The 'House Rules' document shall be consistent with key elements of the NSW Code for Holiday Houses (please refer to the attached document).
- g) Evidence of the display of the planning approval reference number within the marketing of the Holiday House is required to be provided, to the satisfaction of the Shire, at the time an application to renew the Holiday House use is lodged. Applicants are advised to include a screenshot of the website, to show that the planning approval reference number is being displayed.
- h) Please note that the Shire does not notify landowners in writing of the expiry of a Holiday House planning approval. It is the owners responsibility to monitor and ensure that the planning approval remains valid while the use is being undertaken.
- i) Please note that approval as short stay accommodation will change the rating category applied to the property to Tourism and may lead to an increase in rates levied for the site. For further information on these changes contact the Shires Revenue team on 9780 5234 or by email at [revenue@amrshire.wa.gov.au](mailto:revenue@amrshire.wa.gov.au).