

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
16 January 2025 to 22 January 2025

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
16/01/2025	P225035	841 (Lot 204) Burnside Road, Burnside	Cancellation of Holiday House (Large)
17/01/2025	P225036	Retrospective (Driveway Addition)	4 (Lot 104) Vattos Way, Prevelly
20/01/2025	P225038	501 (Lot 52) Kevill Road, Margaret River	Holiday House Renewal
20/01/2025	P225039	287 (Lot 780) Burnside Road, Burnside	Change of Use - Rural Produce Sales (Cellar door)
21/01/2025	P225043	Unit A, 168 (Lot 1) Kevill Road East, Margaret River	Outbuilding (Water Tank) Partially Outside Building Envelope
22/01/2025	P225045	10 (Lot 303) Whistler Drive, Karridale	Single House
22/01/2025	P225046	426 (Lot 1005) Bussell Highway Margaret River	Single House
22/01/2025	P225047	160 (Lot 116) Railway Terrace, Margaret River	Outbuilding (Shed)
BUILDING			
16/01/2025	225032	19 (Lot 91) Groupthree Drive, Kudardup	Single Dwelling, Garage and Alfresco
16/01/2025	225033	20 (Lot 22) Gilgie Drive, Witchcliffe	Single Dwelling, Shed & Water Tank
16/01/2025	225034	41 (Lot 1003) Wallcliffe Road, Margaret River	AMR Football Club Rooms - Alterations to Storeroom
16/01/2025	225035	7-8 (Lot 2 & 3) Acer Place, Margaret River	Concrete Hardstands, Gates and Signage
17/01/2025	225036	12 (Lot 347) Olearia Crescent, Margaret River	Ancillary Dwelling
17/01/2025	225037	5 (Lot 27) Tinglewood Court, Cowaramup	Single Dwelling, Garage & Alfresco
17/01/2025	225038	362 (Lot 100) Kudardup Road, Kudardup	Water Tank
17/01/2025	225039	32 (Lot 73) Bussell Highway, Cowaramup	Ancillary Dwelling
17/01/2025	225040	749 (Lot 2293) Bramley River Road, Osmington	Shed
17/01/2025	225041	282 (Lot 63) Railway Terrace, Margaret River	Shed
20/01/2025	225043	16 (Lot 71) Rafferty Entrance, Kudardup	Single Dwelling and Water Tank
20/01/2025	225044	7 (Lot 214) Waler Place, Margaret River	Single Dwelling, Carport, Storeroom and Alfresco
20/01/2025	225045	Lot 32 R51485 Firestone Way, Augusta	Picnic Shelter
20/01/2025	225047	24 (Lot 61) Mansfield Avenue, Margaret River	Shed Extension
20/01/2025	225048	6 (Lot 64) Cabernet Place, Margaret River	Patio
20/01/2025	225049	18 (Lot 1045) Heron Drive, Margaret River	Pergola and Brick Work
21/01/2025	225050	1551 (Lot 300) Rosa Brook Road, Rosa Brook	Stables
21/01/2025	225051	10 (Lot 222) Walilya Way, Witchcliffe	Shed
21/01/2025	225052	6 (Lot 44) Groupthree Drive, Kudardup	Single Dwelling
21/01/2025	225053	79 (10 Lot) Katinka Road, Kudardup	Water Tank
22/01/2025	225054	21 (916) Forrest Road, Margaret River	Section 52 Occupancy Permit Class 8 Coffee Roasting
22/01/2025	225055	10 (Lot 303) Whistler Drive, Karridale	Single Dwelling, Garage and Alfresco
22/01/2025	225056	35 (Lot 118) Woodland Drive, Burnside	Patio
22/01/2025	225057	34 (Lot 33) Sabina Drive, Molloy Island	Shed
22/01/2025	225058	24 (Lot 108) Sanctuary Circle, Cowaramup	Single Dwelling, Garage and Alfresco
22/01/2025	225059	9 (Lot 22) Tallwood Loop, Witchcliffe	Water Tank

22/01/2025	225060	145 (Lot 261) Brookfield Avenue, Margaret River	Single Dwelling, Garage and Alfresco
Exploration Licenses for Comment			
Nil			

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				
06/11/2023	P223735	453 (Lot 2280) Bramley River Road, Osmington	Dam	Approved
09/08/2024	P224515	418 (Lot 1) Bessell Road, Rosa Glen	Animal Husbandry (Poultry for Paturised Egg Production)	Approved
07/10/2024	P224708	6 (Lot 51) Osborne St, Gracetown	Holiday House Renewal	Approved
15/10/2024	P224722	40 (Lot 433) Hudsbeth Way, Margaret River	Retaining wall	Approved
16/10/2024	P224730	71 (Lot 6) Allnut Terrace, Augusta	Holiday House Renewal	Approved
16/10/2024	P224731	22 (Strata Lot 1) Treeside Lane, Margaret River	Holiday House Renewal	Approved
22/10/2024	P224752	6 (Lot 38) Secluded View, Cowaramup	Carport and Outbuilding (Shed)	Approved
23/10/2024	P224760	10B (Lot 1) Walkington Avenue Margaret River	Dwelling Additions (2 x Carports)	Approved
30/10/2024	P224780	17 (Lot 28) Seahawk Rest, Gracetown	Development outside the Building Envelope - Outbuilding (Water Tank)	Approved
30/10/2024	P224781	21 (Lot 223) Hardwood Loop, Cowaramup (Parent Lot)	Single House	Approved
31/10/2024	P224788	36 (Lot 122) Georgette Road, Gracetown	Outbuilding (Shed)	Approved
01/11/2024	P224795	Unit 4, 20 (Lot 4) Riedle Drive, Gnarabup	Holiday House	Approved
07/11/2024	P224811	41 (Lot 213) Hardwood Loop, Cowaramup	Single House and Ancillary Dwelling	Approved
11/11/2024	P224819	4 (Lot 179) Bayview Drive, Gracetown	Alterations and Additions to Existing Grouped Dwelling	Approved
12/11/2024	P224825	18 (Lot 1045) Heron Drive, Margaret River	Development Outside the Building Envelope (Pergola and swimming Pool)	Approved
14/11/2024	P224838	40 (Lot 132) Dalton Way, Molloy Island	Patio and Carport	Approved
14/11/2024	P224839	14 (Lot 2) Higgins Street, Margaret River	Holiday House Large (Renewal)	Approved
15/11/2024	P224842	Unit 2/20 (Strata Lot 2 of Lot 229) Riedle Drive, Gnarabup	Holiday House	Approved
18/11/2024	P224843	163 (Lot 1) Treeton Road North, Cowaramup	Holiday House	Approved
19/11/2024	P224848	8 (Lot 7) Dobbins Place, Witchcliffe	Development outside of the Building Envelope Outbuilding (Water Tank)	Approved
19/11/2024	P224850	8 (Lot 81) Ripple Place, Cowaramup	Single House	Approved
21/11/2024	P224863	65 (Lot 337) Firetail Rise, Karridale	Building envelope variation and Outbuildings (Shed and Garage)	Approved
28/11/2024	P224874	11 (Lot 113) Town View Terrace, Margaret River	Holiday House	Approved
28/11/2024	P224876	8 (Lot 32) Eucalyptus Court, Margaret River	Building Envelope Variation	Approved
04/12/2024	P224915	439 (Lot 1625) Hadley Road, Forest Grove	Home Business (Motor Vehicle Repairs)	Approved
17/12/2024	P224964	Unit 1/30 (Lot 1) Riedle Drive, Gnarabup	Holiday House	Approved
19/12/2024	P224974	51 (Lot 22) Baudin Dive, Gnarabup	Extension of Term of Planning Approval P222624	Approved
06/01/2025	P225004	10 (Lot 120) Lesueur Place, Gnarabup	Extension of Term to Planning Approval - P222293	Approved
09/01/2025	P225008	3 (Lot 6) Redgate Road, Witchcliffe	Amendment to P222140 and x2 Portable Bathroom Additions	Approved
SUBDIVISIONS				
Nil				
LOCAL LAW PERMITS				
14/01/2025	P225034	Flinders Bay Reserve 24653	Amendment to Local Law Permit to operate mobile food business - Berry Bliss	Approved

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
11/09/2025	P224627	26 (Lot 300) Cusmano Retreat, Burnside	Holiday House (Large) Renewal	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.



General Details

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

Application Details

Address	26 (Lot 300) Cusmano Retreat, Burnside			
Proposed Development	Holiday House (Large) Renewal			
Zoning	Rural Residential			
Lot Area	28,580 sqm			
Use Class and Permissibility	'A' – discretionary use			
Heritage/Aboriginal Sites	none			
Other Considerations	Visual Management Area	<input checked="" 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"/>
Structure Plans/LDP's	None			
Easements/Encumbrances	None – that affect this application			
Why is Development Approval Required?	Discretionary uses are not permitted unless the Shire exercises its discretion by granting development approval.			
Recommended period of approval	<input checked="" type="checkbox"/> 12 months <input type="checkbox"/> 3 years			

Site Image



Assessment

Referrals	Yes	No
Adjoining Neighbours/Property Owners – 1 Objection	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Government Agencies	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Internal Shire Departments	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Where any issues raised through the referrals process?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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"/>

Discussion

The Holiday House Renewal application was received after completing its first 12 month period as a holiday house. The house was sold half way through its initial 12 month approval period with new owners taking possession in June 2024. The house has continued to operate as a holiday house and uses an external property manager, Laura Aguillon from Your Co-Host. The property manager has a Margaret River address and meets the policy requirements. The renewal application was advertised to neighbouring properties. During advertising 1 submission of objection was received. The summary of concerns raised is as follows:

Summary of Concerns Raised by Submitters	Applicants Response	Officers Comment
Disruptions to neighbouring properties having guests not be able to find the accommodation, having power failures or internet issues, tour guides lost finding the right property	<p>We have a property manager on call at all times to help guests with any issues that they may have. Since we bought the property, we have only been aware of one power outage, which was rectified by the property manager arranging for an electrician to fix the issue on the same day.</p> <p>We appreciate the house is a little hard to find, so we have put our street number on the metre box at the front of our driveway to help visitors.</p>	<p>The addition of the street number at the start of the driveway is handy in response to the concern.</p> <p>It is recommended that the applicant should also place further directions on the booking platform to inform guests of the location of the house.</p>
Frequency of different visitors, dogs and chefs with meal prep.	<p>We have had a 40% occupancy rate and the house is booked out most weekends and school holidays.</p> <p>We advertise no pets allowed, however the previous owner had 2 small dogs and would bring them to the property whilst he stayed there. I noticed during this last week there were 2 large dogs at a house without fences on our street on the corner of Burnside and Cusmano. Perhaps these were the dogs the complainant saw?</p>	Can confirm that existing House Rules states that there are no pets allowed at the property. No requirement to update house rules.
Ongoing problem with trash: bins left on the curbside weekly, with rubbish often scattered after being blown over.	We became aware there were some problems with the rubbish collection very early into us taking over the property, and have since arranged for our cleaners to remove any excess rubbish and take the bins out to the curb on Sunday for our weekly rubbish collection Monday morning. The tenants then wheel them in at the beginning of their stay.	<p>This concern to be monitored by the property managers over the next 12 months.</p> <p>Updates to management of bins to be arranged if complaints continue.</p>
Environmental concerns: proximity to dead trees and the presence of a fire pit, which is a fire risk, especially with the upcoming fire season.	<p>The fire pit mentioned is >25m from the tree line, separated by a fire break and in close proximity to the primary water tank and 2 hose outlets, with hoses located within 5m and 10m of the fire pit. Total fire bans are communicated via our property manager.</p> <p>None of the trees in the immediate vicinity are dead</p>	<p>The holiday house is in a Bushfire prone area.</p> <p>Applicant was instructed to update House Rules to include some wording around the use of the fire pit and supply further information to guests on bushfire safety and fire ban information to reduce any risks. This has been received as part of the assessment.</p> <p>Condition 3 to be recommended to display a bushfire evac plan.</p>
Lack of basic property infrastructure: no fence, gate, signage, or contact information.	There is a sign on the tree at the beginning of our driveway with contact information. The sign has been there for 4 months (see numbers1 photo attached)	A photo of the sign at the front of the property has been provided by the applicant. Applicant has stated that they will update this to be more permanent.

	<p>We will have a professional sign made up as a matter of urgency, but in the meantime, we have put the number 26 on 2 sides of our metre box (see photos attached)</p> <p>Given we have a fence on only one side of our property there is no use in us having a gate. 3 boundaries of the property on the West, South, and East side remain without fencing.</p> <p>We also prohibit any pets from bookings at the property with random checks completed by the property manager.</p>	<p>Fencing is a civil manner between neighbours, if it is deemed required.</p> <p>As stated no pets are allowed on the property with short term guests.</p>
<p>The property regularly hosts over 8 guests, which exceeds the approved limit.</p>	<p>We advertise 8 guests maximum and invite you to view our Airbnb listing.</p> <p>We are very strict about this and regularly check our cameras located at the driveway and back decking to make sure this rule is adhered to.</p>	<p>Condition 7 to be recommended to permit no more than 8 guests at the property at one time.</p>

In relation to the neighbours concerns, it is noted that the site is located in a predetermined area under the Shires Local Planning Policy which is considered suitable for holiday homes.

Due to the nature and number of the objectors concerns, as well as the house changing ownership during the initial 12 month approval period it is recommended that the application be approved for a further 12 month approval period. This period will enable the new owners 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.

Determination

That the 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 (Large) at 26 (lot 300) Cusmano Retreat, Burnside 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 21/09/2023
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2. The Holiday House use permitted for a period of twelve (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 **eight (8) 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')

Advice Notes

- a) Following satisfactory performance of the approved use, and in the absence of any substantiated complaints over the twelve (12) month approval period, the Shire may grant further planning approval for the continuation of the use for a further three (3) years. A new planning application seeking such approval should be submitted 90 days before the expiry of this approval, along with the appropriate planning fee.
- b) If at any time there is not an appointed manager or a contactable employee of the manager for the site, the use must cease until such time as a manager is appointed.
- c) Evidence of installation of the sign will be required to be provided, to the satisfaction of the Shire, at the time an application to renew the Holiday House use is lodged.
- d) This approval does not affect the entitlement to use the dwelling for permanent residential purposes.
- e) You are advised of the need to comply with the requirements of the following other legislation:
 - (i) *Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises.
 - (ii) 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.
- j) 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>
- k) 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.
- l) 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
- a. 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
 - ii. for every person between the ages of 1 and 10 years there is at least 8 cubic metres of air space per person; or
- b. any garage or shed to be used for sleeping purposes