

**DEVELOPMENT ASSESSMENT REPORT**  
**Shire of Augusta Margaret River**  
**24 October to 30 October 2024**

**APPLICATIONS RECEIVED**

<b>Date Rec'd</b>	<b>Reference No.</b>	<b>Address</b>	<b>Proposal</b>
<b>PLANNING</b>			
24/10/2024	P224762	Unit 1, 35 (lot 1) Marmaduke Point Drive Gnarabup	Garage
24/10/2024	P224763	Lot 9000 Bussell Highway Margaret River	Amendment to P223444 (Site Works) Bussell Highway Margaret River
24/10/2024	P224764	48 (Lot 3) Le Souef Street, Margaret River A1343	x3 Grouped Dwellings
25/10/2024	P224767	Lot 201 Bussell Highway, Kudardup	Dam
25/10/2024	P224768	15 (Lot 146) Grunters Way Gnarabup	Holiday House
28/10/2024	P224771	4 (Lot 107) Vita Court, Margaret River	Outbuilding
28/10/2024	P224772	1 (Lot 27) Stirling Street, Augusta	Holiday House Renewal
28/10/2024	P224773	16 (Lot 244) Antina Ave, Witchcliffe	Outbuilding (Shed)
29/10/2024	P224775	303 (Lot 24) Kevill Road, Margaret River	Building Envelope variation Outbuilding
29/10/2024	P224776	10533 (Lot 23) Caves Road, Deepdene	Outbuilding on industry Rural (Timber Storage/Workshop)
29/10/2024	P224777	14 (Lot 105) Hale Avenue, Molloy Island	Single House and Ancillary Dwelling
30/10/2024	P224779	85 (Lot 107) Baudin Drive, Gnarabup	Fence
30/10/2024	P224780	17 (Lot 28) Seahawk Rest, Gracetown	Development outside the Building Envelope – Outbuilding (Water Tank)
30/10/2024	P224781	21 (Lot 223) Hardwood Loop, Cowaramup	Single House
30/10/2024	P224782	19 (Lot 900) Georgette Drive, Margaret River	Ancillary Dwelling
30/10/2024	P224783	25 (Lot 72) Georgette Road, Gracetown	Ancillary Dwelling and Pool
<b>BUILDING</b>			
24/10/2024	224631	240 (Lot 722) Connelly Road, Margaret River	Dwelling Addition
24/10/2024	224632	93 (Lot 1756) Crozier Road, Rosabrook	Farm Shed and 2 x Rainwater Tanks
24/10/2024	224633	79 (Lot 48) Terry Drive, Margaret River	Shed
25/10/2024	224634	33 (Lot 121) Mansfield Avenue, Margaret River	Rainwater Tank
25/10/2024	224635	15 (Lot 8) Bettong Place, Witchcliffe	Shed and Carport
25/10/2024	224636	27 (Lot 5) Karrack Crescent, Witchcliffe	Single Dwelling and Patio
25/10/2024	224637	51 (Lot 15) Karrack Crescent, Witchcliffe	Single Dwelling, Carport, Patio, Pergola and Rainwater Tanks
25/10/2024	224638	124 (Lot 150) Brookfield Avenue, Margaret River	Single Dwelling, Garage and Patio
28/10/2024	224639	24 (Lot 49) Tremandra Boulevard, Witchcliffe	Shed
28/10/2024	224640	445 (Lot 56) Kevill Road West, Margaret River	Swimming Pool and Barrier Fence
29/10/2024	224641	7 (Lot 253) McManus Circuit, Witchcliffe	Rainwater Tank
29/10/2024	224642	95 (Lot 14) Mentelle Road, Burnside	Conversion of Shed to Ancillary Dwelling
30/10/2024	224643	19 (Lot 645) Surf Break Drive, Cowaramup	Single Dwelling, Patio, Ancillary Dwelling and Verandah, Retaining Wall and Garage
30/10/2024	224644	65 (232) McDermott Parade, Witchcliffe	Swimming Pool
30/10/2024	224645	2 (Lot 89) Melody Circuit, Cowaramup	Single Dwelling, Garage and Patio
30/10/2024	224646	32 (Lot 254) Hardwood Loop, Cowaramup	Single Dwelling, Garage and Patio
30/10/2024	224647	167 (Lot 2084) Garstone Road, Cowaramup	Farm Shed
30/10/2024	224648	24 (Lot 49) Tremandra Boulevard, Witchcliffe	Single Dwelling, Patio and Rainwater Tank

Exploration Licenses for Comment
Nil

## APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
<b>PLANNING</b>				
15/02/2024	P224121	Unit 2/38 (Lot 1) Georgette Road, Gracetown	Grouped Dwelling (Demolition of Existing Group Dwelling)	Approved
16/07/2024	P224475	8 (Lot 240) Birdhaven Entrance, Cowaramup	Single House	Approved
31/07/2024	P224498	11 (Lot 180) Nepean Street, Margaret River	Single House	Approved
20/08/2024	P224545	19 (Lot 29) Zani Place, Margaret River	Building Envelope & Development Outside of Building Envelope - Outbuilding (Shed)	Approved
28/08/2024	P224563	61 (Lot 336) Firetail Rise, Karridale	Outbuilding (Shed)	Approved
30/08/2024	P224574	3 (Lot 146) Salter Street, Gracetown	Single House	Approved
03/09/2024	P224582	4 (Lot 211) Bole Way, Karridale	Outbuilding (Shed)	Approved
26/09/2024	P224672	27-33 (Lot 295) Tunbridge Street, Margaret River	Amendment to Planning Approval P221409 - Community Purpose - Alterations/Additions	Approved
<b>SUBDIVISIONS</b>				
Nil				
<b>LOCAL LAW PERMITS</b>				
29/08/2024	P224608	Coastal and River Foreshore Reserves	EOI Submission: Mainbreak Water Sports - Commercial Activities on Shire managed Coastal and River Foreshore Reserves	Approved
01/12/2024	P223841	Mainbreak Water Sports Portion of Reserve 48013, Victoria Parade Augusta	Operate Wingfoiling Lessons - Mainbreak Water Sports	Approved
08/10/2024	P224765	Apex Wier, Reserves 18720 and 32437	Authorisation to Film on Shire Property - The Twelve S3	Cancelled
25/10/2024	P224766	Gracetown Main Beach Carpark and Gracetown Hall Carpark	Use of Shire carpark for film production vehicles	Approved
19/06/2024	P224534	Reserve 41545, Surfers Point	Extension to Local Law Permit to operate mobile food business to 6 October 2024	Approved

## LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
<b>PLANNING</b>				
09/08/2024	P224513	52 (Lot 5) Doyle Place, Margaret River	Holiday House (Large)	Approve with conditions

## DEVELOPMENT ASSESSMENT REPORTING PROCEDURE

### Assessment of Development Applications (DAs)

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

#### Level 1

DA not advertised

#### Level 2

DA is advertised; and

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

#### Level 3

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

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



**DEVELOPMENT APPLICATION ASSESSMENT**  
**Report to Manager Planning and Regulatory Services**

**Proposed Holiday House (Large)**  
**52 (Lot 5) Doyle Place, Margaret River**

**Level 3**

**P224513; PTY/3749**

**REPORTING OFFICER** : **Tessa Ashworth**  
**DISCLOSURE OF INTEREST** : **Nil**

General Information	
Lot Area	35179m <sup>2</sup>
Zone	<b>Rural Residential</b>
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 8 short stay guests at any one time. The management arrangements are to be Holidays Margaret River (based in Cowaramup)
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	N/A
Encumbrance	N/A
Date Received	09/08/2024
Date of Report	28/10/2024



Have there been any objections?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Have there been any substantial changes to the LPS1 or Policy?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <b>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.</b>
Officer comments:	BMP was provided with the application, but SPP3.7 no longer applies to unhosted short stay accommodation.

Comments Received	
Nature of Submission	Officer Comments
<b>4 x objections received. Summary of issues raised:</b> <ul style="list-style-type: none"> <li>Very quiet and safe residential area will be impacted by noise and security issues</li> <li>Too many guests and potential for noise impacts</li> <li>High need in the area for longer term rentals</li> </ul>	Noted. 12 month approval to be granted, after which can be determined if any noise or amenity impacts comes from the use of the holiday house.  Guest numbers have been reduced from 9 to 8.

<p><b>Environmental Health</b> Approval for existing onsite wastewater treatment and disposal system cannot be located. A plumber will need to provide information about the existing septic systems, including details, location, and sizing of the system and if the system is in good working order.</p> <p>Based on previous applications like this, it is likely that an upgrade to the effluent disposal system will be required.</p> <p>Alternatively, applicant may like to consider reducing numbers to 6 (for each septic system) in which case, no additions will be required.</p>		Condition to be applied for 6 guests until wastewater upgrade after which can be increased to 8.
<b>Policy Requirements</b>		
<b>Policy Element</b>	<b>Provision</b>	<b>Comment</b>
<b>Location</b>	Coastal settlement	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Urban area located within Policy Plan 1?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Within 50m of Village Centre zone?	<input type="checkbox"/> Yes <input 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
	Existing or proposed one site effluent disposal system sized accordingly to number of guests?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Condition for system upgrade – 6 guests allowed until upgrade after which can have 8.
	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	

### Discussion

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.

The decision is unable to be made in a manner pre-empting amenity impacts, particularly in circumstances where the nature of the use, including the number of occupants and scale of development does not vary greatly from what would be expected for a single house.

As is standard with short term uses, an initial 12-month approval is provided whereby the proponents will need to demonstrate that management measures are sufficient to prevent impacts on the amenity of the neighbouring properties. At the time of renewal, the neighbours will be consulted to help determine whether these management arrangements are effective. If it is apparent management has been ineffective then a renewal may be refused, or a shorter approval timeframe applied.

### 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 52 (Lot 5) Doyle Place, Margaret River subject to compliance with the following conditions/for the following reasons:**

### 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 to P2 received by the Shire on 9 August 2024
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2. The Holiday House use permitted for a period of **12 months** from **<date of this approval>** to **<end of date of approval>**. (Refer to advice note 'a')
3. The approved Bushfire Emergency Evacuation Plan shall be displayed in a conspicuous location within the dwelling at all times.
4. A Manager or a contactable employee of the Manager that permanently resides no greater than a 35 minute drive from the site shall be nominated for the Holiday House and this person shall attend to any callout within 35 minutes of a reported incident. The Manager or contactable employee is to be retained at all times during the use of the site as a Holiday House. (Refer advice note 'b')
5. At all times the Holiday House use is in operation, the 24-hour contact details of the **Manager** of the Holiday House shall be displayed on a sign that is clearly visible from the nearest street frontage. The sign is limited to a maximum size of 0.2 metres square and not exceeding 1.5 metres in height from the ground level. The sign shall be erected within the property frontage and must be visible from the front street. (Refer to advice note 'c')
6. All vehicles & boats connected with the premises shall be parked within the boundaries of the property.
7. The short stay use of the dwelling shall not be occupied by more than **6 people** at any one time. Until such a time that the Shire is provided with evidence of an upgraded waste water treatment system the guest numbers may then be increased to 8 people.
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.
  - (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).
- j) From 1 January 2025, short term accommodation will also require registration through the State Government [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/department-of-energy-mines-industry-regulation-and-safety/short-term-rental-accommodation-register>