

**DEVELOPMENT ASSESSMENT REPORT**  
**Shire of Augusta Margaret River**  
**28 November to 4 December 2024**

**APPLICATIONS RECEIVED**

Date Rec'd	Reference No.	Address	Proposal
<b>PLANNING</b>			
28/11/2024	P224873	4 (Lot 146) Mulberry Mews, Cowaramup	Ancillary Dwelling and x2 Outbuildings (Water Tanks)
28/11/2024	P224874	11 (Lot 113) Town View Terrace, Margaret River	Holiday House
28/11/2024	P224875	10 - 12 (Lots 11 & 12) Fearn Avenue, Margaret River	Amendment to JDAP Application (Hotel Development)
28/11/2024	P224876	8 (Lot) 32 Eucalyptus Court, Margaret River	Building Envelope Variation
28/11/2024	P224877	Lot 220 Horseford Road, Burnside	Building Envelope Variation
29/11/2024	P224878	255 (Lot 11) Wilderness Road, Margaret River	Holiday House (Renewal)
03/12/2024	P224911	55 (Lot 224) Leeuwin Road, Augusta	Holiday House (Renewal)
03/12/2024	P224912	Unit B, 5 (Lot 8) Hall Road, Cowaramup	Holiday House (Renewal)
03/12/2024	P224913	8 (Lot 891) Allnut Terrace, Augusta	Holiday House (Renewal)
04/12/2024	P224914	1 (Lot 14) Bettong Place, Witchcliffe	Outbuilding (Shed)
04/12/2024	P224916	30 (Lot 308) Whistler Drive, Karridale	Outbuilding (Shed)
04/12/2024	P224917	287 (Lot 780) Burnside Road, Burnside	Winery (Cellar Door Sales)
04/12/2024	P224919	(Lot 122) Old Ellenbrook Road, Gracetown	Dam Modifications and Landscaping
04/12/2024	P224920	10 (Lot 178) Jacaranda Crescent, Margaret River	Outbuilding (Water Tank)
<b>BUILDING</b>			
28/11/2024	224729	36 (Lot 232) Dunham Loop Margaret River	Single Dwelling, Garage and Alfresco
28/11/2024	224731	1 (Lot 2) Mansfield Avenue, Margaret River	Alteration Addition
28/11/2024	224732	Lot 121 Darch Road Witchcliffe	Alterations and additions to existing winery, cellar door and processing centre - Internal works, pergolas, toilet facility upgrade, processing area and office addition
29/11/2024	224733	163 (Lot 1) Treeton Road North, Cowaramup	Dwelling Alterations Additions
29/11/2024	224734	1260 (Lot 10) Rosa Brook Road, Rosa Brook	Patio
29/11/2024	224736	55 (Lot 260) Tonkin Boulevard, Margaret River	Front Fence
02/12/2024	224737	62 (Lot 9) Kulbardi Way, Witchcliffe	Single Dwelling, Retaining Wall and Water Tanks x 2
02/12/2024	224738	6 (Lot 302) Whistler Drive, Karridale	Single Dwelling, Garage and Water Tanks x 2
02/12/2024	224739	26 (Lot 20) Karrack Crescent, Witchcliffe	Single Dwelling, Shed, Carport and Water Tank
03/12/2024	224740	2 (Lot 111) Andrews Way, Margaret River	Covered Walkway
03/12/2024	224741	40 (Lot 39) Carnaby Crescent, Witchcliffe	Shed
03/12/2024	224742	9 (Lot 233) Plenty Street, Margaret River	Single Dwelling and Garage
03/12/2024	224743	11 (Lot 837) Millar Way, Augusta	Shed
03/12/2024	224744	14 (Lot 24) McDermott Parade, Witchcliffe	Single Dwelling
04/12/2024	224745	21 (Lot 6) Wambenga Retreat, Witchcliffe	Water Tank
04/12/2024	224746	4 (Lot 61) Concerto Drive, Cowaramup	Shed
04/12/2024	224747	37 (Lot 6) Wambenga Retreat, Witchcliffe	Single Dwelling, Carport, Store, Alfresco and Water Tank
04/12/2024	224748	6 (Lot 276) Dempster Drive, Witchcliffe	Single Dwelling and Water Tank
<b>Exploration Licenses for Comment</b>			
Nil			

**APPLICATIONS DETERMINED UNDER DELEGATION**

Date Rec'd	Reference No.	Address	Proposal	Outcome
<b>PLANNING</b>				
12/07/2024	P224468	28 (Lot 62) Osborne Street, Gracetown	Single House	Approved
29/08/2024	P224570	43 (Lot 202) Willmott Avenue, Margaret River	Fence	Approved
18/09/2024	P224647	63A (Strata Lot 1) Devon Drive, Margaret River	Holiday House	Approved
18/09/2024	P224649	17 (Lot 225) Hardwood Loop, Cowaramup	Single House & Outbuilding (Gym)	Approved
25/09/2024	P224669	20 (Lot 62) Le Souef Street, Margaret River	Grouped Dwellings x 4 as Unhosted (Holiday House)	Approved
01/10/2024	P224685	571 (Lot 2659) Brockman Highway, Karridale	Holiday House	Approved

04/10/2024	P224704	382 (Lot 104) Boodjidup Road, Margaret River	Building Envelope Variation (Outbuilding & Water Tank)	Approved
14/10/2024	P224719	15 (Lot 8) Tyrone Loop, Margaret River	Removal of tree	Approved
18/10/2024	P224741	Unit 2 / 17 (Lot 2) Elva Street, Margaret River	Holiday House	Approved
31/10/2024	P224789	Lot 500 Wurring Road, Cowaramup	Earthworks	Approved
21/11/2024	P224861	764 (Lot 1) Brockman Highway, Karridale	Section 40 - Distillery	Approved
25/11/2024	P224866	Lot 1295 Blackboy Hollow Cave Road, Redgate	Amendment to P222492	Approved
25/11/2024	P224867	426 (Lot 1005) Bussell Highway, Margaret River	Single House	Approved
<b>SUBDIVISIONS</b>				
09/10/2024	P224726	Lot 30 Peake Street, Cowaramup	Subdivision	Approve subject to conditions
<b>LOCAL LAW PERMITS</b>				
14/11/2024	P224904	Unit 8 145 Bussell Hwy, Margaret River	Local Law Permit to operate alfresco Dining adjacent to Spot Italiano	Approved
04/11/2024	P224860	Rivermouth Beach and Reserve 37957	Local Law permit to operate junior wind surfing club (training) November to 31 March 2024	Approved

### LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
<b>PLANNING</b>				
10/10/2024	P224710	166 (Lot 34) Bushby Road, Karridale	Nature Based Campsite	Refuse

### 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>	Tessa Ashworth
<b>Disclosure of Interest</b>	Nil
<b>Assessment Level</b>	Level 3

## Application Details

<b>Address</b>	Nature Based Campsite 166 (Lot 34) Bushby Road, Karridale			
<b>Proposed Development</b>	Result of SAT appeal on refusal of 4 campsites <ul style="list-style-type: none"> <li>Addition of 2 campsites</li> <li>Change in use of chalet to ancillary dwelling</li> </ul>			
<b>Zoning</b>	<b>Priority Agriculture</b>			
<b>Lot Area</b>	<b>13.5ha</b>			
<b>Use Class and Permissibility</b>	'A' Camping ground 'P' Single dwelling (ancillary)			
<b>Heritage/Aboriginal Sites</b>	None			
<b>Other Considerations</b>	Visual Management Area	<input checked="" type="checkbox"/>	Sewerage Sensitive Area	<input type="checkbox"/>
	Special Control Area	<input type="checkbox"/>	Watercourses/Rivers	<input checked="" type="checkbox"/>
	Bushfire Prone Area	<input checked="" type="checkbox"/>	Environmentally Sensitive Areas	<input type="checkbox"/>
<b>Structure Plans/LDP's</b>	None			
<b>Easements/Encumbrances</b>	None			
<b>Why is Development Approval Required?</b>	Camping ground 'A' use in Priority Agriculture zone. Ancillary not clustered with main dwelling.			

## Site Image



## Assessment

Referrals	Yes	No
2km Radius (Non Rural use in Rural Zone)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Government Agencies Department of Fire and Emergency Services (DFES)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Internal Shire Departments Emergency Management	<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	Department Comments	Officer Comments
Emergency Management	BMP has not been updated to reflect the reduced number of campsites nor their adjusted locations which may impact APZ requirements. No BEEP attached.	Noted.
External Agency Comments		
Department	Department Comments	Officer Comments
DFES	The BMP has not been updated since August 2023, it's the same BMP that was referred to us for 4 campsites in October 2023 – the BMP doesn't reflect the current development application. There are 2 campsites shown in the current plans in the application which are in different locations to the previously proposed campsites.  The BMP will need to be updated to show the location of the new campsites and revised in accordance with the advice we sent last year.	Noted

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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>

## Policy Requirements

Local Planning Scheme No.1 – Schedule 9		
Standard	Required	Provided
Setback (Front)	30m	50m – complies
Setback (Side)	20m	37m - complies Freestanding gazebo 17m – variation
Setback (Side)	20m	45m – complies
Setback (Rear)	20m	400m – complies
Site Coverage	N/A	
Plot Ratio	N/A	
Landscaping	N/A	

## Discussion

### Background

The site has 2 existing chalets which were approved in 2013 (P213457) and 2016 (P216477) respectively. The landowner applied to add 4 x campsites in September 2023. The application was refused on 30 April 2024 (P223621) with the reasons for refusal being that the tourism use exceeded that permitted for a rural lot of this size, as well as adverse impacts on character and amenity further demonstrated through eight objections received to this proposal.

The applicant sought a review of this decision by SAT and mediation was subsequently carried out.

The applicant has since requested that they be given the opportunity to alter the extent of additional tourism accommodation, and SAT subsequently gave decision making capabilities back to the Shire to allow this to occur.

### The Proposal

The applicant is requesting approval for 2 camp sites and to change an existing chalet to an ancillary dwelling. The resultant development on the site if the application was approved would be:

- 1 dwelling
- 1 ancillary dwelling
- 1 chalet

- 2 campsites

Outbuildings

There has been a history of compliance issues at the site for an illegal campground and the building and habitation of unapproved structures. The Shire successfully prosecuted the landowner who received a significant infringement in 2022 under the *Building Code Act* for the unapproved structures.



**Consultation**

The application received 7 submissions of objection, 1 of support and 1 indifferent.

Note that of the letter of support was from a resident that does not live in the immediate area.

The concerns raised as follows:

Submitter Concerns	Officer Comment
<ul style="list-style-type: none"> <li>• Impact on amenity of neighbours from the noise from a number of parties that have taken place over the years and illegal camping. Police are frequently called to the property.</li> <li>• Property has a history of non-compliance. Campground has been operating on the property for years with large numbers of people and several permanent campers.</li> <li>• Rubbish blowing onto neighbour's property preventing running of cattle and pollution from</li> </ul>	<p>The issues raised by submitters are generally consistent with the concerns raised in the previous consultation for the campground.</p> <p>The applicant was given the opportunity to respond to these concerns in the original application and therefore unnecessary to receive response again.</p>

<p>burning of plastic rubbish on site – more people on site will make worse.</p> <ul style="list-style-type: none"> <li>Proposed campground impractical due to seasonal environmental constraints (water inundation in winter and fire risks in summer).</li> <li>Concern around diversity of ownership (joint tenancy) and who will take responsibility when illegal activity takes place.</li> <li>Noise from increased activity would disrupt the peaceful atmosphere the residents value.</li> <li>The isolated nature of the property makes it impractical for local authorities to effectively monitor visitor numbers, stay lengths, fire safety, and waste management when there is potential for non-compliance.</li> <li>Proposal inconsistent with local planning scheme and does not support current local tourism strategies.</li> <li>Further development would enable and escalate problematic land use.</li> </ul>	
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The number of objections is of note as the applicant has been unable to alleviate the concerns of neighbours following the previous refused application for a camping ground (P223621). The number and nature of the objections indicate that the applicant failed to respond adequately to the concerns of the neighbours.

### Relevant Policy

#### SPP3.7 – Planning in Bushfire Prone Areas

The proposal was referred to DFES, the applicant had not had the BMP updated to reflect the change in the proposal to 2 campsites which are in a different location to that proposed previously. DFES have requested the BMP be updated to show the location of the new proposed camp sites.

For this reason, the Shire is unable to determine whether any vegetation modification will be required.

Given the recommendation for refusal based on provisions of LPS1, it is not considered necessary to have the BMP updated, landing the applicant with further cost.

#### LPS1

4.16.3 (b) *The number of chalets/cabins, caravan/camping bays or guest house accommodation permitted on lots having area between 5 hectares and 20 hectares within the Priority Agriculture and General Agriculture Zones shall not exceed 2 chalets/cabins, 4 caravan/camping bays or 4 guest bedrooms.*

The site is 13.5ha with two chalets currently approved on the lot. The applicant is proposing to change the use of one of the chalets to an ancillary dwelling. By reducing the number of chalets to one (1) and proposing only two (2) campsites, the applicant complies with the above scheme provision.

However, this proposal is inconsistent with Clause 4.16.2 (c) in that the proposed ancillary dwelling is not generally clustered together with the principle dwelling on the property. The proposed ancillary is approximately 300m from the main dwelling.

Evidence gained through compliance investigations and information provided by the applicant suggests that both chalets are already used for long term accommodation. Essentially there are three dwellings spread across the lot with this level of residential accommodation at odds with 4.16.2 (a) the scheme.

The scheme requires that the tourism proposal *'will not have any adverse effect on rural production activities on the subject land or nearby land and that the proposed development will be incidental to the principal use of the land for agricultural purposes'* (Clause 4.16.3 (i)).

There is no evidence of any substantial continued rural use on the lot to legitimise the tourism use, the intensive agriculture proposed with the original chalet never eventuated. The campsite also poses a greater risk of amenity impact to adjoining properties. While a chalet use is somewhat self-limiting according to its size, the campsite poses a greater risk on amenity given the potential of greater number of guests which could be extended across the site and evolve into long-term camping.

A key objective of the priority agriculture zone is to *'To manage land use changes so that the rural productivity and the rural character and amenity of the land within the zone is preserved'*. (4.2.2.1 (iii)). The applicant has not been able to demonstrate that they can meet this objective. All immediate neighbours have written strong objections to the proposal. Impact on amenity has occurred through previous illegitimate use as a campground, as such it cannot be determined this will lessen if it is legitimised.

The proposal does not meet the requirements of LPS1 for the priority agriculture zone. Refusal recommended.

#### **Determination**

**That the Manager Planning and Regulatory Services Refuse to 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 Camping Ground at 166 (Lot 34) Bushby Road Karridale for the following reasons:**

1. The proposal is inconsistent with Clause 4.16.2 (c) of Local Planning Scheme No. 1 in that the proposed ancillary dwelling is not generally clustered together with the principle dwelling on the property.
2. The proposal is inconsistent with the aims and provisions of Local Planning Scheme No. 1 applicable to the Priority Agriculture Zone 4.2.2.1, particularly Objective (iii) to manage land use changes so that the rural productivity and the rural character and amenity of the land is preserved.
3. The proposal is inconsistent with clause 4.16.3 (e)(i) of Local Planning Scheme No. 1 applicable to the Priority Agriculture Zone, in that it will have an adverse effect on rural production activities on the subject land or nearby land and that the proposed development will not be incidental to the principal use of the land for agricultural purposes.
4. The proposal will create an undesirable precedent.