

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
28 March to 3 April 2024

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
28/03/2024	P224231	407 (Lot 1740) Donaldson Road, Cowaramup	Dam (Retrospective)
28/03/2024	P224232	54 (Lot 1040) Heron Drive, Margaret River	Development outside of the Building Envelope - Outbuilding (Shed)
03/04/2024	P224235	7 (Lot 651) Surf Break Drive, Cowaramup	Single House
03/04/2024	P224236	15A (Lot 2) Townview Terrace, Margaret River	Holiday House (Large)
03/04/2024	P224238	Unit 14 (Lot 14) 5962 Caves Road, Margaret River	Building Envelope, Home Office and Outbuilding
03/04/2024	P224239	2 (Lot 2) Walton Way, Gracetown	Holiday House (Large)
BUILDING			
28/03/2024	224195	22 (Lot 26) Kyloring Drive, Witchcliffe	Single Dwelling, Patio, Verandahs, Retaining, Shed, Carport and Rainwater Tank
28/03/2024	224196	37 (Lot 705) Burke Circle, Cowaramup	Shed and Carport
28/03/2024	224197	11 (Lot 14) Bussell Highway, Margaret River	Shed, Carport and Retaining
28/03/2024	224198	Lot 1516 Fisher Road, Kudardup	Occupancy Permit - Change of Classification (Farm shed to Dwelling)
28/03/2024	224199	19 (Lot 12) Kyloring Drive, Witchcliffe	Carport
28/03/2024	224200	20 (Lot 310) Wandoo Place Cowaramup	Shed and Verandah
02/04/2024	224201	11 (Lot 17) Carters Road, Burnside	Unauthorised Works - Storeroom Addition
02/04/2024	224202	13 (Lot 239) Antina Avenue, Witchcliffe	Single Dwelling, Garage and Patio
02/04/2024	224203	34 (Lot 332) Ironstone Place, Margaret River	Single Dwelling, Garage, Patio, Ancillary Dwelling, Carport, Patio, Shed, Rainwater Tanks
02/04/2024	224204	16 (Lot 866) Chamberlain Place, Augusta	Carport Addition
02/04/2024	224205	8 (Lot 11) Gnuraren Grove, Witchcliffe	Single Dwelling, Patio, Carport with Workshop and Rainwater Tanks
02/04/2024	224206	22 (Lot 12) Redgate Road, Witchcliffe	Rainwater Tank
03/04/2024	224207	1 (Lot 128) Lesueur Place, Gnarabup	Conversion of a Cellar into a Bathroom
03/04/2024	224208	25 (Lot 4) Karrack Crescent, Witchcliffe	Single Dwelling, Pergola, Carport, Store and Rainwater Tanks
03/04/2024	224209	11 (Lot 21) Seahawk Rest, Gracetown	Unauthorised Works - Two Storey Laundry, Toilet and Water Tank
03/04/2024	224210	3 (Lot 268) Ironbark Avenue, Margaret River	Unauthorised Works - Storage Addition
Exploration Licenses for Comment			
Nil			

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				
05/01/2024	P224011	40 (Lot 29) Merlot Place, Margaret River	Single Dwelling (Plunge Pool and Deck)	Approved
17/01/2024	P224043	19 (Lot 48) Hillier Drive, Margaret River	Home Business (Exercise Physiology and Personal Training)	Approved
18/01/2024	P224046	341 Boodjidup Road, Margaret River	Entry Signage	Approved
30/01/2024	P224073	10 (Lot 129) Tammar Place, Margaret River	Holiday House Renewal	Approved
02/02/2024	P224093	10 (Lot 62) Salkilld Place, Augusta	Holiday House Renewal	Approved
13/02/2024	P224113	24 (Lot 49) Tremandra Boulevard, Witchcliffe	Outbuilding (shed)	Approved
19/03/2024	P224208	120 (Lot 622) Kevill Road East, Margaret River	Shed and water tank in front of the dwelling	Approved
SUBDIVISIONS				
Nil				

LOCAL LAW PERMITS				
23/02/2024	P224187	Rosabrook oval Reserve 19568, Rosa Brook Road, Rosa Brook	Renewal/variation to permit to operate dog agility training sessions	Approved

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
2/11/2023	P223725	322 (Lot 2) Rocky Road, Forrest Grove	Caravan Park (3x On-site Caravan Bays)	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

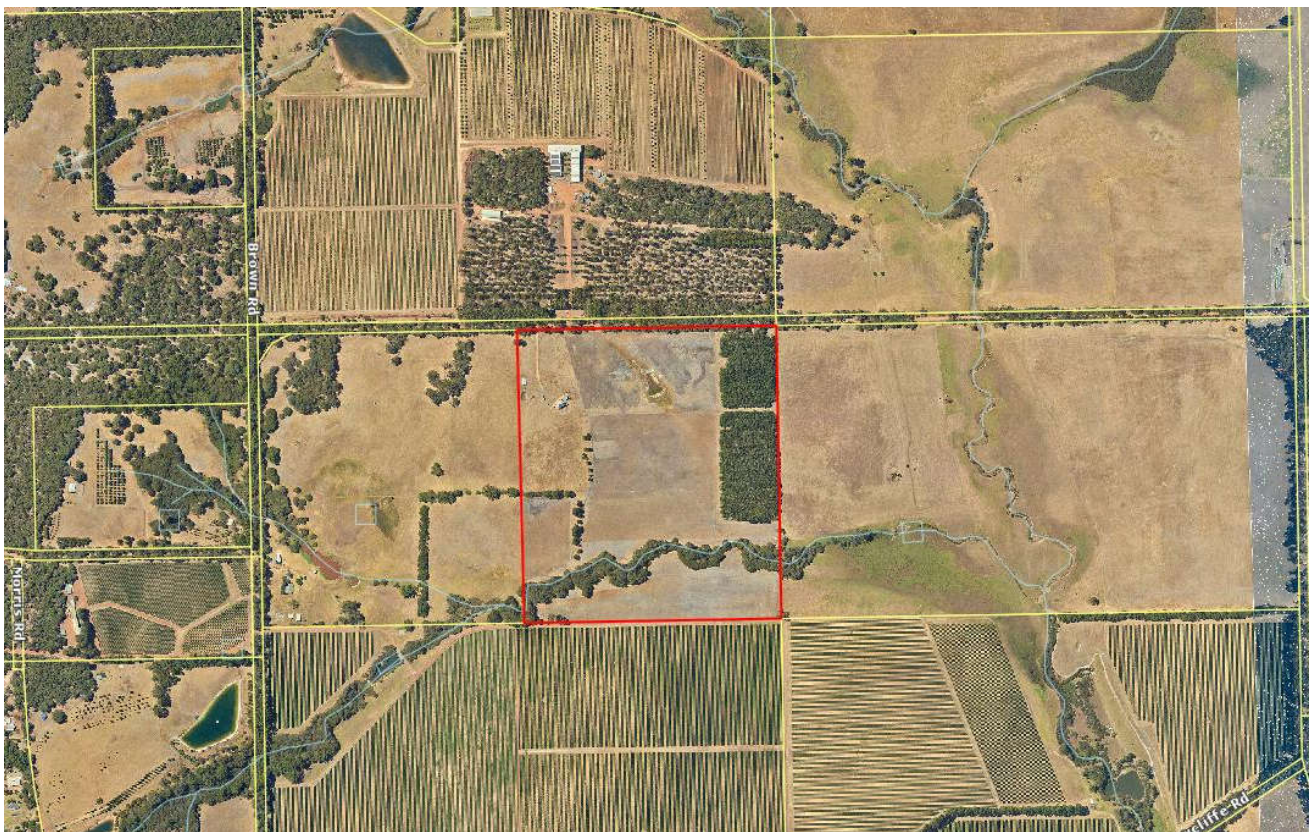
Proposed Caravan Park (3x On-site Caravan Bays)
322 (Lot 2) Rocky Road Forrest Grove

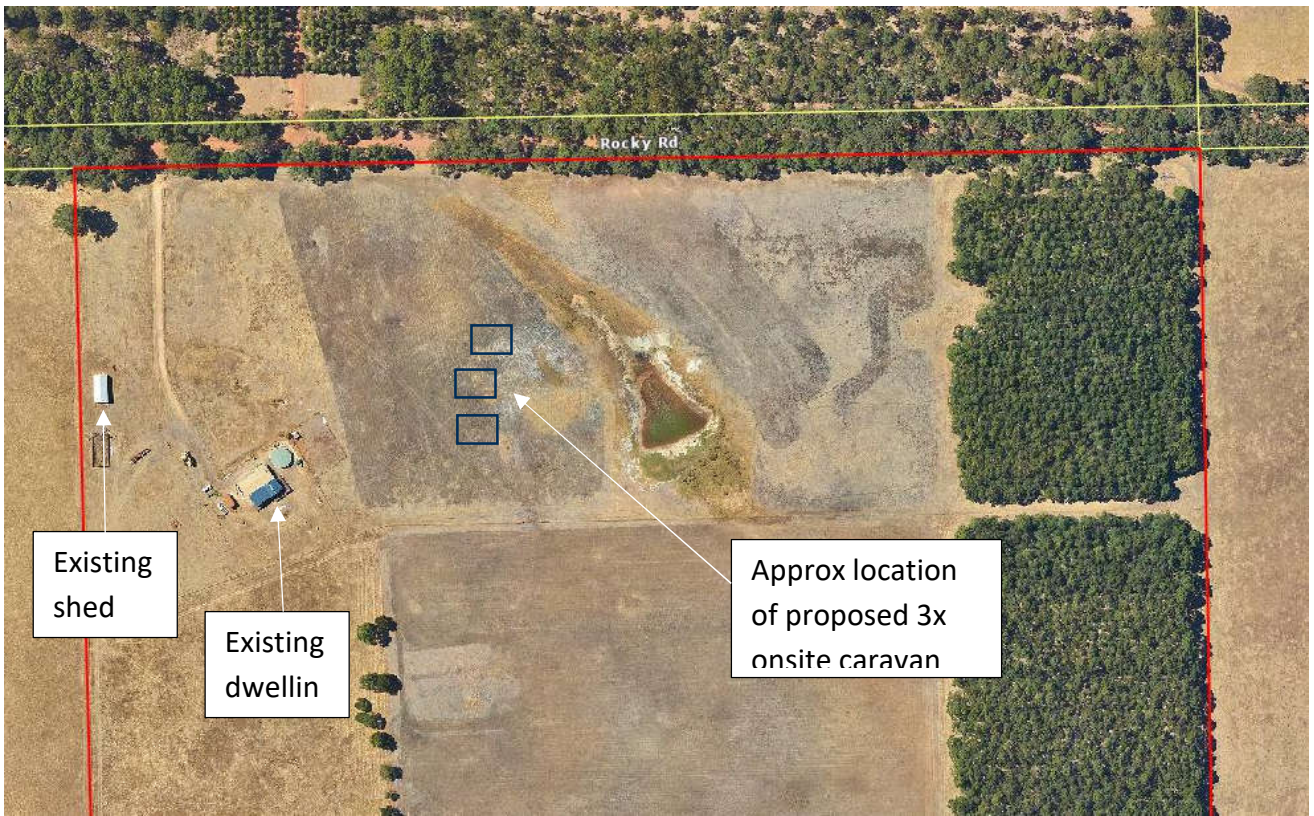
Major (Level 3 – objections received)

P223725; PTY/11292

REPORTING OFFICER : Harriet Park
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	307,847m2 (30ha)
Zone	Priority Agriculture
Proposed Development	<p>Approval is sought for a Caravan Park (3x onsite caravan bays) overlooking the existing dam.</p> <p>The proposed onsite caravans will remain on the chassis and wheels and are therefore not considered to be 'Chalets'. As a result, the landowner is required to apply for a 'Caravan Park' use and obtain a subsequent licence from the Department of Local Government, Sport and Cultural Industries. In addition to the onsite caravans, approval is being sought for a non-permanent deck 18m2 (6m x 3m) off each caravan. Although a Building Permit is not required for the onsite caravans, one may be required to be obtained for the proposed decks.</p> <p>Each caravan contains one bedroom and one bathroom with a living area comprising of 38m2 (6.4m x 5.9m) affixed to a chassis and wheels. The caravan sites are within BAL-12.5 area, and classified as a tolerable loss through the Bushfire Guidelines.</p> <p>The caravan bays will be accessed by a crushed stone driveway via a new proposed crossover along Rocky Road.</p> <p>No vegetation clearing is required for the proposed caravan sites.</p> <p>The caravans will be serviced by pumping water from an existing 140,000L rain water tank and an additional effluent disposal system (ATU). A separate 20,000L rain water tank is proposed for fire fighting supply.</p>
Permissible Use Class	A use – Caravan Park (discretionary, requires advertising)
Heritage/Aboriginal Sites	None identified
Encumbrance	None that affect this application.
Date Received	02/11/2023





Policy Requirements			
Is the land or proposal referred to in any Council Policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
<table border="1" style="width: 100%;"> <tr> <td style="width: 30%;">If yes, state the Policy/Policies</td> <td>State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7)</td> </tr> </table>	If yes, state the Policy/Policies	State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7)	
If yes, state the Policy/Policies	State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7)		
<p>SPP3.7</p>	<p>This short stay accommodation (caravan park) proposal is classified as a vulnerable land use located outside of a residential built-out area and within a bushfire prone area.</p> <p>A Bushfire Management Plan (BMP) completed by a level 3 practitioner has been submitted with the development application which includes an assessment of the proposal against Element 5 of the Bushfire Guidelines as well as a Bushfire Attack Level Assessment (BAL Assessment), Bushfire Emergency Evacuation Plan (BEEP Plan) and Bushfire Emergency Evacuation Report (BEEP Report).</p> <p>The BMP has since been updated to address the modifications required by DFES. Revision B dated 21 February 2024 is the most current version and has been referenced in the DA conditions.</p> <p>Element 5 - Vulnerable Tourism Land Uses:</p> <ul style="list-style-type: none"> • A5.7 - Siting and design <ul style="list-style-type: none"> • The BAL rating for each of the proposed caravan bays is BAL-12.5. • The onsite caravans have been classified as a tolerable loss as they are not constructed to BAL standards under AS3959 and can be left in the event of a bushfire. • An APZ has not been demonstrated for this proposal and is not required. • No vegetation modification is required and as such a landscape management plan is not applicable to this site. • A5.8 1 & A5.8.2 - Vehicle Access <ul style="list-style-type: none"> • There are two internal vehicle access/egress routes for guests to use in the event of a bushfire. This consists of two driveways for the property with two separate crossovers (one for the dwelling and one for the caravan sites). • The internal vehicle access will be longer than 70 metres in length, and has a 4m compliant trafficable surface, 6 m horizontal clearance and 4.5 m vertical clearance. The private driveway is less than 200m in length, therefore passing bays are not required. A turn around area suitable for a type 3.4 fire • The BEEP explains the signage to be displayed within the site showing access routes. • There are two evacuation routes taken in two opposite directions when exiting the property. The guests can travel east or west down Rocky Road to evacuate the property to reach Bussell Highway where they can be directed north to Margaret River or south to Augusta as instructed by fire services. West = Rocky Road to Bussell Highway, East = Rocky Road, Brooks Road, Warner Glen Road, Bussell Highway. • All public roads that are utilised to access the site are through roads. 		

	<ul style="list-style-type: none"> Emergency access way is not required. A mixture of sealed and unsealed public roads are utilised to access the site and evacuate the site. All public roads utilised are well constructed, meet the standard road requirements and managed by the Shire. No onsite shelter is proposed. <ul style="list-style-type: none"> A5.9 - Provision of Water <ul style="list-style-type: none"> Reticulated water is not available to the lot. A 140,000L domestic rain water tank and an additional separate 20,000L rain water tank is proposed to be installed for fire fighting purposes. <p>Based on the above officer's assessment the application displays compliance with the Guidelines or Planning in Bushfire Prone Areas for a vulnerable tourism land use (caravan park).</p>
--	--

Structure Plans and Local Development Plans (LDP's)

Is the land in any Structure Plan Area or subject to a LDP?	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
---	---	--

Planning History

P29329 – Timber Plantation approved 15 December 2009
applies to the eastern portion of the lot.

Advertising/Agency Referrals

Has the application been referred to adjoining landowners/agency?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
---	---	-----------------------------	------------------------------

Has a submission been received by Council?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
No. received: 7x Objections and 1x submission of indifference received.			

Details of Submission	Officer Comment
------------------------------	------------------------

<p>Key issues raised in submissions received:</p> <ul style="list-style-type: none"> Vehicle Access and road safety Turning from Bussell Highway onto Rocky Road requires making a 140 degree turn which will involve the vehicle and caravan needing to manoeuvre onto the other side of the road. This is a dangerous intersection. Where the bitumen ends along Rocky Road the road narrows and turns into a gravel surface involving two steep turns and a steep decline, then incline. This is dangerous terrain for a vehicle towing a caravan who is unfamiliar with the area. Large haulage trucks regularly use Rocky Road, increasing the number of tourists on this road will increase the chances of collision and accidents. Unauthorised Works Construction of the caravan park has commenced prior to receiving Shire approval Impacts on the amenity of surrounding properties Noise from guests, lights used at night Loss of character This is an attractive area with dams, vineyards and native bush. It will spoil the area to put a caravan park in such a visible location. Affects of surrounding agriculture on guests. Worried about complaints received from guests will impede on the agricultural operations of surrounding properties. Guests need to be aware and respect that surrounding properties are zoned rural and are working farms that involves noise from machinery, smells from surrounding agriculture and spraying herbicides and 	<p>The applicant was provided with an opportunity to respond to the key issues raised. The submitter's concerns have been considered by the applicant.</p> <p>It is noteworthy to mention that the application was advertised to surrounding land owners within a 2km radius as a caravan park. Later in the assessment process the applicant had clarified that they wish to apply for onsite caravans to accommodate guests. The most common issue raised in the objections received involved concerns about road safety when guests are towing caravans along Rocky Road to the site. These concerns are no longer relevant as the applicant is supplying the onsite accommodation for the guests and no towing of caravans to the site is proposed. All public roads utilised to access the site are well constructed, meet the standard road requirements and are managed by the Shire.</p> <p>Most of the concerns can be addressed through imposing a house rules condition of development approval for guests to abide by during their stay. It should be noted that the owner will reside onsite in the existing dwelling to manage the short stay guests and be contactable at all times.</p> <p>The House Rules shall include, but are not limited to the following;</p> <ul style="list-style-type: none"> Advising guests of the change in road surface when travelling to the property, and to travel with caution. The accommodation is surrounded by agricultural activity and associated noise and disturbance from agricultural operations may be present. Noise from guests is not permitted outside of the hours of 10pm to 10am. Pets are not permitted. Trespassing is not permitted. <p>The owner has advised they were unaware that the existing internal accessway required development approval for the Caravan Park land use prior to being constructed. This has been addressed through this development application.</p>
--	--

pesticides which can occur not only during the day but at night and in the early hours of the morning. Complaints from guests will not be welcomed as the predominant use of the land and surrounding properties is agriculture.

Bushfire Risk

The property has high grass and the firebreaks are not maintained or absent. Lack of bushfire management of this property increases the bushfire risk to neighbouring properties on Rocky Road. It is questionable if there is a safe and sufficient fire exit out of Rocky Road in case of a fire.

Management of Caravan Park

The property is regularly absent. What permanent management arrangements will be enforced? There is no information on whether the caravan park will be hosted or not, no rules and operating procedures, or rules around permitting dogs. If dogs are allowed there is a risk that they will attack native wildlife and live stock.

Land Use Concerns:

This type of land use should not be supported in outer rural areas. The property is zoned priority agriculture and not tourism.

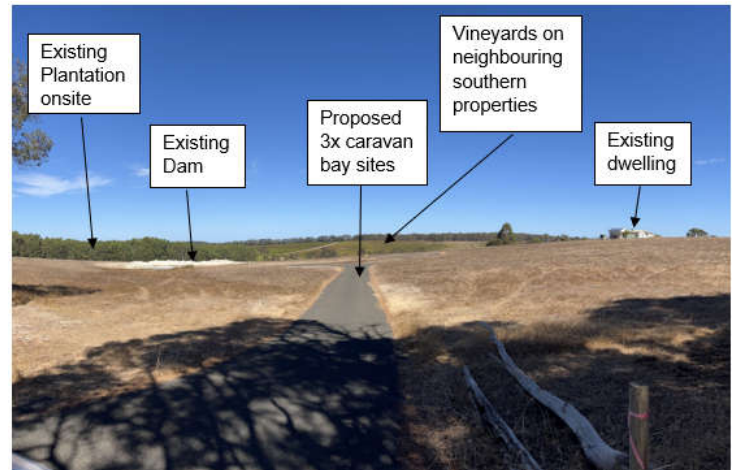
Environmental Concerns

Dieback - If guests wander or trespass onto neighbouring properties it will increase the risk of introducing dieback into the area.

Effluent Disposal affects on the environment of rare native species - Concerns of the affects of high volumes of effluent disposal leaching into the habitat of rare native species such as Geocrinea alba frogs identified on a neighbouring property.

Supply and Quality of Drinking Water - How will drinking water be provided to the caravan park and will this be via access to underground spring water? The current application does not specify and this item causes great concern around management and impact on local water for surrounding residents.

The site was visited by Shire officers on the 20 March 2024 to inspect any affect the development may have on the amenity of adjoining land owners. It was evident that the 3x caravan bay sites are surrounded by properties with agricultural uses and cannot be viewed by a dwelling on any adjoining lot due to the slope of the land and screening by the existing plantation onsite. The closest dwelling is 800m south west of the proposed location of the caravan sites. The caravans are placed on sloping land facing south east which makes the development only visible from the southern adjoining properties where there is established working vineyards and no residential development. The Shire is satisfied there will be minimal to no impact of the development on the amenity of adjoining land owners.



A condition of development approval has been added to ensure the onsite caravans are screened from the road by landscaping to the satisfaction of the Shire, to allow for the development to blend into the surrounding rural landscape.

The septic system proposed has been accepted by the Department of Health to ensure appropriate treatment of effluent is managed according to the Health (Treatment of Sewage and Disposal of Effluent & Liquid Waste) Regulations 1974.

The Bushfire Management Plan Rev B has been assessed and accepted by DFES and the Shire to ensure ongoing management of the property. In addition to this the Shire's annual Fire Break Notice is applicable to the lot.

A caravan park is an 'A' use on a priority agriculture lot as stated in the Shire's Local Planning Scheme. This land use can be considered through a planning application which requires consultation with surrounding land owners.

There is no legislative requirement to supply additional potable water for the onsite caravans. However, the applicant has advised the existing 140,000L rain water tank onsite that currently services the dwelling will also be pumped to the onsite caravans.

The applicant has addressed majority of the concerns raised in the 8x submissions received.

Agency Comments

Department of Health (DoH) comments:

The DoH has no objection to the proposal subject to the provision of further information. In particular –

1. The proposed wastewater treatment system is undersized as it has been sized for three tent sites rather than three caravan bays, as indicated in the

application. It is recommended the system be upgraded to accurately reflect expected volumes and to comply with the Regulations. The proposed system products will need to be approved, or certified for use, by the DoH.

Officer Comment

The applicant has worked closely with the Department of Health directly to address their request for further information. The initial proposed septic tank with leach drains was undersized and not supported by the department. The applicant has proposed a secondary effluent disposal system to service the onsite caravans and the Department of Health have provided their written advice accepting the proposed ATU and 240m2 irrigation area.

An advice note has been added to the DA to ensure the effluent disposal system is installed to the satisfaction of the DoH and Shire.

<p>2. The site and soil evaluation (SSE) was undertaken near the correct time of the year (20 September 2023), and it was determined the soils were heavy clay, with a high moisture content below 1.1 meters deep, with water observed at 700mm deep in one test pit. Given 2023 has been one of the driest years on record, the Design Loading Rate should be rated at a higher number classification level than currently proposed. The sizing and design of the leach drains need to reflect this, including increased drain lengths need to accommodate the increased volumes.</p> <p>3. Detailed plans showing the proposed building envelopes, all trafficable areas, parking bays and land application area/s including setback distances, exclusion zones and measurements.</p> <p>4. Further wastewater system approvals will be required if additional structures are proposed in the future as this proposal is for only three caravan bays.</p> <p>In accordance with the Regulations an 'Application to Construct or Install an Apparatus for the Treatment of Sewage' should be submitted to the Local Government for each wastewater treatment system. As this proposal is viewed as commercial, the</p> <p>application will also need to be forwarded to the DoH for assessment and approval.</p> <p><u>Department of Fire and Emergency Services (DFES) comments:</u></p> <p>A5.9 - Modifications required to be made to the BMP regarding installing a separate rain water tank for fire fighting purposes. This water tank cannot be associated with water storage for domestic use.</p> <p>A5.8 – clarification of Vehicular Access required The BMP states that compliance is achieved by means of the site being on a through road. The Shire should be satisfied that the roads in the area meet the required standards.</p>	<p>The applicant has included on the site plan a separate 20,000L rain water tank for fire fighting purposes only. The applicant has amended the BMP to satisfy DFES comments. Revision B dated 21 February 2024 has been referenced in the conditions of this DA.</p> <p>The Shire is satisfied that Rocky Road meets the standard road requirements and can confirm it is a through road providing access via Bussell Highway and Warner Glen Road via Brooks Road.</p> <p>Ongoing compliance with Rev B of the BMP has been added as a condition of the DA.</p>
<p>Internal Department Comments</p>	<p>Officer Comments</p>
<p><u>Environmental Health Department</u></p> <p>3 bay caravan park. Property is not connected to reticulated water or sewer.</p> <p>It's not clear from the proposal if the 'caravan park' proposed is a nature-based caravan park. If not, the applicant should become familiar with the Caravan Park Regulations and the considerable infrastructure that the regulations will require, even for 3 sites. If a nature-based caravan park is proposed, the applicant will need to demonstrate that the site for the caravans is in a primarily undisturbed natural setting. See https://www.dlgsc.wa.gov.au/department/publications/publication/nature-based-parks#Definition-of-a-Nature-Based-Park for further information on the definition and requirements of nature based park. The site and soil evaluation is satisfactory for our purposes. The total</p>	<p>Further approvals for the caravan park or nature-based park will be dealt with through a separate application process under the <i>Caravan Park and Camping Ground Regulations 1997</i>.</p> <p>The applicant has advised they will be seeking a licence for a Nature Based Park under the <i>Caravan Park and Camping Ground Regulations 1997</i>. The applicant has been provided with the information required to apply for a Nature Based Park licence. Details of the licence requirements can be seen through the below link: https://www.dlgsc.wa.gov.au/department/publications/publication/nature-based-parks#Definition-of-a-Nature-Based-Park</p> <p>The applicant has since amended the proposed effluent disposal system to a secondary system (ATU) with 240m2 of irrigation area to the satisfaction of the Department of Health.</p>

volume of wastewater proposed is 840L/day which will still need referral to the Department of Health for approval but in terms of wastewater volume produced, it is relatively minor. There is a high water table and clay to be considered.

RECOMMENDED DEPARTMENT CONDITIONS

1. A management plan is required to be submitted with the application for planning approval. Information regarding a management plan is available from the Department of Local Government and Communities website: www.dlgc.wa.gov.au or <https://www.dlgsc.wa.gov.au/department/publications/publication/nature-based-parks#Definition-of-a-Nature-Based-Park> (for a NBP)
2. The development is subject to the provisions of the *Nature Based Parks - licensing guidelines for developers and local governments* – published by the Department of Local Government and Communities (DLGC). (for a NBP)
3. The development is subject to the provisions of the *Caravan Parks and Camping Grounds Act 1995* and the *Caravan Parks and Camping Grounds Regulation 1997*
4. Applicant to apply for licence under the *Caravan Park and Camping Ground Regulations 1997*. Application form is found at Schedule 1 of the *Caravan Park and Camping Ground Regulations 1997*.
5. An apparatus for the onsite treatment and disposal of wastewater shall be installed in accordance with the *Health (Treatment of Sewage and Disposal of Effluent & Liquid Waste) Regulations 1974* and to the satisfaction of the Local Government/Department of Health prior to occupation of the building. (EH)

Emergency Services Comments

The emergency services officer has provided their comments on the BMP and BEEP which are similar DFES concerns.

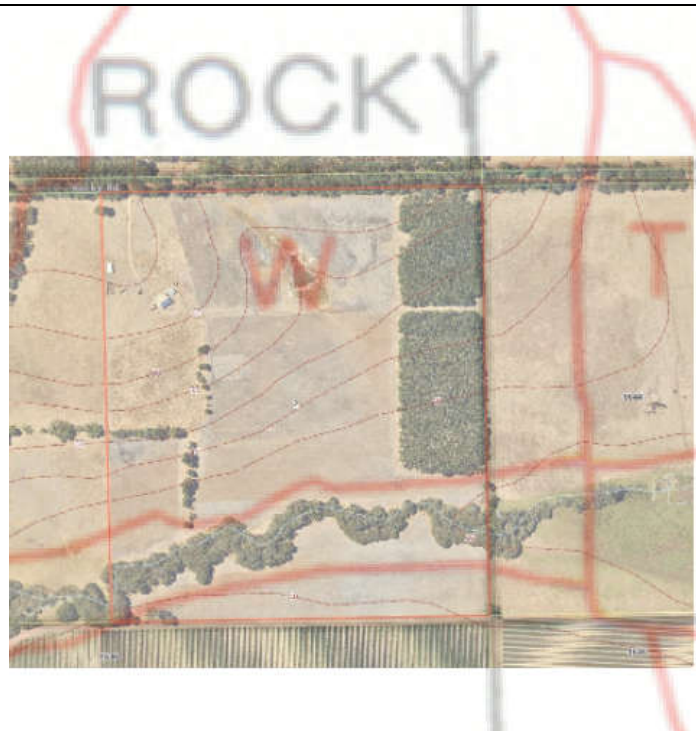
Recommended conditions added as advice notes to the DA.

The applicant has amended the BMP to address the concerns raised by DFES, which has addressed the emergency services officer's comments.

Assessment of Application

Is the land referred in the Heritage Inventory?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there any Contributions applicable?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there any compliance issues in relation to existing development?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

R Codes	
Are R Codes applicable?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Local Planning Scheme No. 1 (LPS1)	
Development Standards (Schedule 9)	<p>The proposed on-site caravans and associated decks comply with the Development Standards, as follows:</p> <p>Front setback: Required: 30m Proposed: approx.. 55m to the nearest caravan site.</p> <p>Side setback: Required: 20m Proposed: >20m</p> <p>Rear setback: Required: 20m Proposed: >20m</p> <p>The development complies with the setback requirements for the priority agricultural zone.</p>
4.2.2.1 Purpose and Objectives of the Priority Agriculture Zone	<p>The objectives of the priority agricultural zone explicitly emphasize the main purpose for the land is to maintain sustainable agricultural industry while preserving the rural character and amenity of the land within this zone.</p> <p>The scheme objectives for this zone allows for the provision of sustainable low impact tourism development, only where there is an established and continued agricultural, horticultural, viticultural or other similar rural production on the land holding. The low impact tourist development shall be incidental and complementary to the established use.</p> <p>The owner has explained there has been no agricultural activity on the property for the past 10 years besides the plantation located in the northeastern corner of the site which was planted by the previous land owner. The owners will be residing within the existing dwelling onsite and have plans to establish future agriculture on the land.</p> <p>Consisting of running cattle (Scottish highland cows) for beef production on the land south of the dwelling. Wildflower production is also proposed for 10 acres of paddock east of the proposed caravan bay sites.</p> <p>The short stay accommodation is intended to compliment the future agricultural activity on the property which is yet to be established. For financial reasons the owner intends to get the caravan sites operating at the same time as establishing their agricultural pursuits. The caravan sites will overlook the existing dam, future wildflower paddock and existing plantation on the site. The Scottish Highland cows will be located in the rear paddock.</p>
4.16.3 Development in the Priority Agriculture and General Agriculture Zone – Caravan Parks	<p>Clause 4.16.3 of LPS1 set out provisions for the development of a Caravan Park within the Priority Agriculture and General Agriculture zones, with the following requirements applicable to the proposal:</p> <ul style="list-style-type: none"> • The number of caravan bays permitted on lots having areas greater than 20 hectares shall not exceed twelve (12). • No caravan bays are to be constructed over Class 1 and 2 soils or where the land occupied by the caravan bays reduces the land area for agricultural uses. • The development shall satisfy the definition of Low Impact Tourist Development under the Scheme. <p>The number of caravan bays proposed is three (3) which is within the scheme limits. The caravan sites are located on cleared paddock between the existing dwelling and dam onsite. The location of the caravan bays is currently not being used for any agricultural activity.</p> <p>The Department of Agriculture's land capability study indicates that this property has a soil classification described as <i>Wilyabrup Valleys land system (W)</i> with a further classification of <i>Willyabrup Steep Slopes (W4)</i> due to the slope of the land where the caravan bays are proposed.</p> <p>The land capability of this property is Class 2 for grazing and forestry, Class 3 for vineyards and orchards and Class 4 for market gardens.</p>



Although the land capability of majority of the site is classified as class 2 for grazing and forestry the three caravan sites take up such a small area of the entire 30ha site, where more than half of the property is intended to be used for beef cattle grazing which identified as one of the most suitable agricultural uses for the property as per the land capability study.

The owner has advised that they have carefully selected the location of the caravan bays in an area of the property that has high clay and has demonstrated poor growth/production over the years. The caravan bays have been located close to the existing dwelling onsite, and overlooking the existing dam which is an area that limits visibility to surrounding properties.

Low impact tourist development is defined in the scheme as tourism development designed in such a manner that is does not detract from the rural and natural amenity of the locality, which includes the following criteria;

- (a) development being located so as to avoid ridge lines, escarpments or visually exposed sites and situated where screening vegetation or landform can be utilised;
- (b) use and development being sensitively located and designed to minimise impact on vegetation, watercourses, soil quality and existing land uses;
- (c) development being of a scale and nature so as to be self sustaining on the lot or demonstrating the ability to provide servicing without significant modifications to existing infrastructure;
- (d) development that by the nature of its scale, design, colours, materials, landscaping and use, has minimal impact on its site and surrounding areas; and
- (e) where the land use and any development has a minimal offsite consequence;

The caravan bays will be visible from the street (Rocky Road) and southern adjoining properties (vineyards), however a landscape plan to the satisfaction of the Shire is required as a condition of approval to screen the development from view and allow the development to blend into the surrounding rural landscape. The landscaping is required as the property is predominantly open paddock.

The development is of a scale and nature that it can be self sustaining on the lot without significant permanent infrastructure. Caravan bays are non permanent development that will have a low impact on the site and can be easily removed if the caravan park is to cease use in the future. Three caravan bays proposes minimal tourism impact than the maximum 12 caravan bays that the scheme allows. The waste water is to be treated through a secondary effluent system (ATU) which has been accepted by the Department of Health. The proposed effluent disposal system will ensure the waste water is treated prior to being irrigated onto the land to protect the soil quality and water bodies nearby. It is considered the imposition of landscaping conditions can reduce the visual impact of the caravan bays.

Car Parking		
LPS1 Schedule 8 Requirement	Car Bays Required - <4> Minimum car parking requirements for Caravan Parks and Camping Grounds:	Car Bays Proposed - <4>

	1 space per caravan site plus 1 visitor parking space for every four sites.	
Dimensions	2.5m x 5.5m	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply
Turning Bay/Circles and vehicle manoeuvring	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply	
Disabled Bays	Disabled Bays – N/A	<input type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply <input checked="" type="checkbox"/> N/A
Clause 67		
In the opinion of the officer, would approval of the planning consent be appropriate under Clause 67 of the Deemed Provisions of the Scheme?		
Officer Comment	Yes.	
In the opinion of the officer		
i. Are utility services available and adequate for the development?	The property is not connected to reticulated water or sewer, however a rainwater tank and effluent disposal system has been proposed with this application.	
ii. Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land?	Yes. A landscaping plan is to be submitted to screen the development from view of Rocky Road. Condition applied to DA.	
iii. Has adequate provision been made for access for the development or facilities by disabled persons?	N/A	
iv. Is development likely to cause detriment to the existing and likely future amenity of the neighbourhood?	The property is not located within a Visual Management Area therefore no colour or material restrictions apply. 8x submissions were received during the neighbouring advertising process (7x submissions of objection and 1x of indifference). The concerns raised have been addressed by the applicant and discussed in this report. The development has minimal to no impact on the amenity of adjoining land owners. The future amenity of neighbours is protected by enforcing vegetation screening of the development so that it cannot be viewed from the street.	
v. Is the development likely to comply with AS3959 at the building permit stage?	N/A	
Other Comments		
Any further comments in relation to the application?		
Officer Comment	This application is considered under LPS1 as a Caravan Park land use, as there is no land use referred to in the scheme for a Nature Based Park. Approval of the application is recommended on the basis that the caravan park meets the definition of a Nature Based Park under the Caravan Parks and Camping Grounds Act 1995 and the Caravan Parks and Camping Grounds Regulation 1997. This is subject to further approval outside of planning legislation. An advice note has been added. This application is supported on basis that the proposed structures are temporary in nature and is consistent with low impact tourism development as per LPS1. For the abovementioned reasons, conditional approval is recommended.	

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 the proposed Caravan Park (3x On-site Caravan Bays) at 322 (Lot 2) Rocky Road Forest Grove 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 and P2 received by the Shire on 11 January 2024.
--------------------------	---

2. If the development, the subject of this approval, is not substantially commenced within two (2) years from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has lapsed, development is prohibited without further approval being obtained.
3. Prior to lodging of a building permit application a Landscape Plan shall be prepared to the satisfaction of the Shire by a suitably qualified and/or experienced landscape consultant to provide screening to the caravan bays. The Landscape Plan shall be drawn to scale and show the following:
 - a) The location, name and mature heights of existing vegetation being retained, proposed trees, shrubs and ground covers on both the subject site and the adjoining street verge(s);
 - b) Any natural landscaped areas to be retained;
 - c) Those areas that are to be reticulated or irrigated are demonstrated to be designed using water sensitive principles; and
 - d) Detail the timing of planting.
4. Landscaping shall be implemented, in accordance with the approved Landscape Plan, prior to use of the development or as otherwise agreed by the Shire and shall be maintained at all times.
5. The Bushfire Management Plan Revision B and Bushfire Emergency Evacuation Plan (prepared by Ecosystem Solutions and dated the 21 February 2024) shall be implemented on site prior to commencement of the caravan bay use and at all times thereafter.
6. Certification shall be provided to the Shire, by a level 3 accredited Bushfire Planning Practitioner, that all bushfire management actions detailed in the updated Bushfire Management Plan have been implemented on the subject Site prior to commencement of use of the caravan bays.
7. The approved Bushfire Emergency Evacuation Plan shall be displayed in a conspicuous location within the development.
8. 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 Caravan sites 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 the Caravans are in use.
9. The caravan sites are permitted to be used for short stay accommodation purposes only. This means accommodation by a person or group of people for a period of less than three (3) months in any one 12 month period. The caravan sites shall not be used for permanent residential purposes.
10. Four (4) parking bays shall be provided in close proximity to the caravan sites to the satisfaction of the Shire.
11. 'House Rules' shall be developed prior to the occupation of the Caravans. Thereafter the 'House Rules' shall be provided to all guests and shall be displayed within a prominent position within the Caravans (Refer advice note 'c'). The House Rules shall include, but are not limited to the following;
 - The guests must be advised of the change in road surface when travelling to the property, and to travel with caution.
 - The accommodation is surrounded by agricultural activity and associated noise and disturbance from agricultural operations may be present.
 - Noise from guests is not permitted outside of the hours of 10pm to 10am.
 - Pets are not permitted.
 - Trespassing is not permitted.
12. Prior to occupation of the development, crossovers shall be designed, constructed, sealed, and drained in accordance with the Shire's standards and specifications (refer to advice note 'b')
13. During construction, including access/driveway construction, areas of native vegetation must not be damaged by any works including the placement of fill, rubble, rubbish or any other material, nor is any removal, clearing or damage to occur to any vegetation.
14. A 20,000 litre minimum water supply for firefighting purposes shall be provided in a separate tank on the subject site. Water tanks shall be installed prior to the occupation of the caravan sites and thereafter maintained. To enable standardisation of fire brigade access, each private domestic vessel (water tank) shall be fitted with a single 80mm female camlock fitting, maintained in a correct operating condition and adequately sign posted at all times at the property owners expense.
15. At all times, all stormwater and drainage run-off from the development shall be detained within the lot boundaries and managed to predevelopment flow regimes in accordance with the Shire of Augusta Margaret River's Standards & Specifications.

ADVICE NOTES

- a) You are advised of the need to comply with the requirements of the following other legislation:
- (i) This is not a Building Permit. A Building Permit must be issued by the relevant Permit Authority before any work commences on site as per the *Building Act 2011*;
 - (ii) *Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises; and
 - (iii) The *Bush Fires Act 1954* as amended, Section 33(3), Annual Bush Fires Notice applies to this property.
- b) Works in a road reserve, including any pruning or clearing of vegetation, are prohibited without first obtaining written approval of the Shire. The proponent will be required to contact Asset Services to arrange for a site meeting to assess the suitability of the proposed crossovers location and agree on the final site.
- c) The 'House Rules' document shall be consistent with key elements of the NSW Code for Holiday Houses (please refer to the attached document), and is required to contain the following advice to reinforce the difference between a rural lot and other areas is the recommended to include a brief: "The subject site is located adjacent to operational agricultural activities, which are provided exemptions to operate under section 12 of the Environmental Protection (Noise) Regulations, which may have a nuisance effect on amenity. Guests must remain within property boundaries at all times in the interests of guest safety and biosecurity for agricultural producers."
- d) A potable water source is required to be provided in accordance with the Shire of Augusta Margaret River Health Local Laws 1999 (e.g. water to be treated by filter and ultraviolet light). Any untreated water supply is required to be provided with signage stating that water is not treated.
- e) If the proponents intend to supply / prepare food for guests, application will need to be made to register the business in accordance with the Food Act 2008. Food provided and the food preparation areas will need to comply with the requirements of the Food Standards Australia New Zealand.
- f) An apparatus for the onsite treatment and disposal of wastewater shall be installed in accordance with the Health (Treatment of Sewage and Disposal of Effluent & Liquid Waste) Regulations 1974 and to the satisfaction of the Local Government and Department of Health prior to use of the development.
- g) Noise emissions resulting from the development or use of the land shall not exceed the assigned levels in the Environmental Protection (Noise) Regulations 1997, and shall not unreasonably interfere with the health, welfare and amenity of an occupier of another premises.
- h) Clearing of native vegetation is prohibited, unless clearing is authorised by a clearing permit obtained from the Department of Parks and Wildlife, or is of a kind that is exempt in accordance with Schedule 6, or Regulation 5 (contained in the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*).
- i) The development is subject to the provisions of the Caravan Parks and Camping Grounds Act 1995 and the Caravan Parks and Camping Grounds Regulation 1997. (EH)
- j) Applicant to apply for licence under the *Caravan Park and Camping Ground Regulations 1997*. Application form is found at Schedule 1 of the *Caravan Park and Camping Ground Regulations 1997* which can be accessed via the Shire's website: <https://www.amrshire.wa.gov.au>
- k) The caravan park license application shall meet the definition of a Nature Based Park under the Caravan Parks and Camping Grounds Act 1995 and the Caravan Parks and Camping Grounds Regulation 1997. Any further development required on the site associated with a Caravan Park use is subject to further development approval from the Shire.