

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
3 July 2025 to 9 July 2025

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
07/07/2025	P225482	7 (Lot 399) Maclaren Crescent, Margaret River	Retaining Wall
03/07/2025	P225484	26 (Lot 17) Jacques Loop Hamelin Bay	Development outside of Building Envelope (Water Tank)
03/07/2025	P225485	3 (Lot 48) Town View Terrace, Margaret River	Holiday House Renewal
03/07/2025	P225486	177 (Lot 591) Kevill Road, Margaret River	Single Dwelling (Removal of Vegetation Outside Building Envelope)
03/07/2025	P225487	5 (Lot 500) The Boulevard, Margaret River	Dwelling Additions
03/07/2025	P225488	10406 (Lot 210) Bussell Highway, Witchcliffe	Section 40
03/07/2025	P225489	Lot 500 Wurring Road, Cowaramup (Stage 1, Birdwood Estate)	Local Development Plan
04/07/2025	P225493	22 (Lot 532) Riverslea Drive Margaret River	Single House
04/07/2025	P225494	35 (Lot 4) Bussell Highway, Cowaramup	Sauna
04/07/2025	P225495	37 (Lot 35) Donovan Street, Augusta	Outbuilding Additions
07/07/2025	P225496	1 (Lot 81) Carey Place, Margaret River	Ancillary Dwelling
08/07/2025	P225498	56 (Lot 19) Bussell Highway, Cowaramup	Section 40
09/07/2025	P225499	5 (Lot 56) Rivulet Place, Cowaramup	Outbuilding (Shed)
09/07/2025	P225500	418 (Lot 1) Bessell Road, Rosa Glen	Amendment to P224515 - Animal Husbandry (Poultry for Pasteurised Egg Production)
09/07/2025	P225501	612 (Lot 8) Redgate Road, Witchcliffe	Outbuilding (Shed/Garage)
09/07/2025	P225502	191 (Lot 592) Kevill Road, Margaret River	Building Envelope Variation & Development (Water Tank) Outside of Proposed Building Envelope
09/07/2025	P225503	71 (Lot 194) Marmaduke Point Drive, Gnarabup	2 Storey Dwelling
BUILDING			
03/07/2025	225484	39 (Lot 73) Moondyne Ridge, Kudardup	Water Tank
03/07/2025	225485	82 (Lot 201) Ashton Street, Margaret River	Shed
03/07/2025	225486	13 (Lot 387) Georgiana Cross, Cowaramup	Single Dwelling
03/07/2025	225487	35 (Lot 303) Devon Drive, Margaret River	Shed
08/07/2025	225488	18 (Lot 12) Carnaby Crescent, Witchcliffe	Single Dwelling, Shed & Water Tank
08/07/2025	225489	15 (Lot 10) Brookside Boulevard, Cowaramup	Swimming Pool
08/07/2025	225490	2 (Lot 265) Splitlog Way, Karridale	Single Dwelling, Shed & Water Tank
08/07/2025	225491	45 (Lot 243) Dalton Way, Molloy Island	Carport
09/07/2025	225492	7 (Lot 60) Waverley Road, Cowaramup	Shed
09/07/2025	225493	17 (Lot 245) Dunham Loop, Margaret River	Single Dwelling, Garage and Alfresco
09/07/2025	225494	6 (Lot 3) Wildflower Lane, Margaret River	Single Dwelling, Garage and Verandah
Exploration Licenses for Comment			
Nil			

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				
10/09/2024	P224623	22 (Lot 125) Mentelle Road, Burnside	Building Envelope Variation, Outbuilding (Shed) & Retrospective Water Tanks x 2	Approved
14/02/2025	P225111	7 (Lot 11) Tulip Way Margaret River	Single House	Approved
11/03/2025	P225188	Unit 5/3 (Lot 5) Higgins Street, Margaret River	Holiday House Renewal	Approved
17/03/2025	P225202	435 (Lot 59) Kevill Road, Margaret River	Building Envelope Variation and Outbuilding	Approved
27/03/2025	P225225	15 (Lot 20) Hideaway Entrance, Cowaramup	Outbuilding (Shed)	Approved
14/04/2025	P225279	139 (Lot 1537) Glenarty Road, Karridale	Plantation (Eucalyptus Tree Farm)	Approved
23/04/2025	P225291	64 (Lot 582) Tunbridge Street, Margaret River	Fence	Approved

28/04/2025	P225299	17 (Lot 877) Chamberlain Place, Augusta	Holiday House (Renewal)	Approved
02/05/2025	P225326	41 (Lot 52) Mitchell Drive, Prevelly	Cancellation of Holiday House Approval	No Longer Operating
07/05/2025	P225335	59 (Lot 103) Diana Road, Augusta	Outbuilding (Shed)	Approved
15/05/2025	P225350	91 (Lot 36) Rainbow Cave Road, Margaret River	Holiday House (Large) Renewal	Approved
16/05/2025	P225358	Unit 3/18 (Strata Lot 3 of Lot 38) Town View Terrace, Margaret River	Holiday House (Renewal)	Approved
21/05/2025	P225367	39 (Lot 130) Matthews Road, Augusta	Development Outside Building Envelope (Carport & Water Tank and Retrospective Water Tank)	Approved
21/05/2025	P225368	25 (Lot 507) Gidgee Road, Witchcliffe	Single House and Outbuilding (Water Tank)	Approved
22/05/2025	P225374	7 (Lot 81) Georgette Road, Gracetown	Ancillary Dwelling	Approved
28/05/2025	P225389	41 (Lot 34) Eldridge Avenue, Witchcliffe	Shed (Outbuilding)	Approved
30/05/2025	P225402	163 (Lot 62) Warner Glen Road, Forest Grove	Single House	Approved
03/06/2025	P225403	39 (Lot 214) Hardwood Loop, Cowaramup	Single House	Approved
18/06/2025	P225441	69 (Lot 132) Bussell Highway, Margaret River (Reserve 39081)	Community Purpose (Outbuilding - Sea Container)	Approved
SUBDIVISIONS				
29/05/2025	P225416	31 (Lot 193) McDermott Parade, Witchcliffe	Subdivision	Not Supported
LOCAL LAW PERMITS				
Nil				

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
09/05/2025	P225353	40 (Lot 432) Ashton Street, Margaret River	Development Outside the Building Envelope (Carport and Outbuilding)	Approval with conditions
24/03/2025	P225217	6482 (Lot 1613) Caves Road, Margaret River	Holiday House (Large)	Approval with conditions
06/08/2024	P224503	1165 (Lot 101) Scott River Road, Scott River	x4 Chalets	Approval 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 P225343

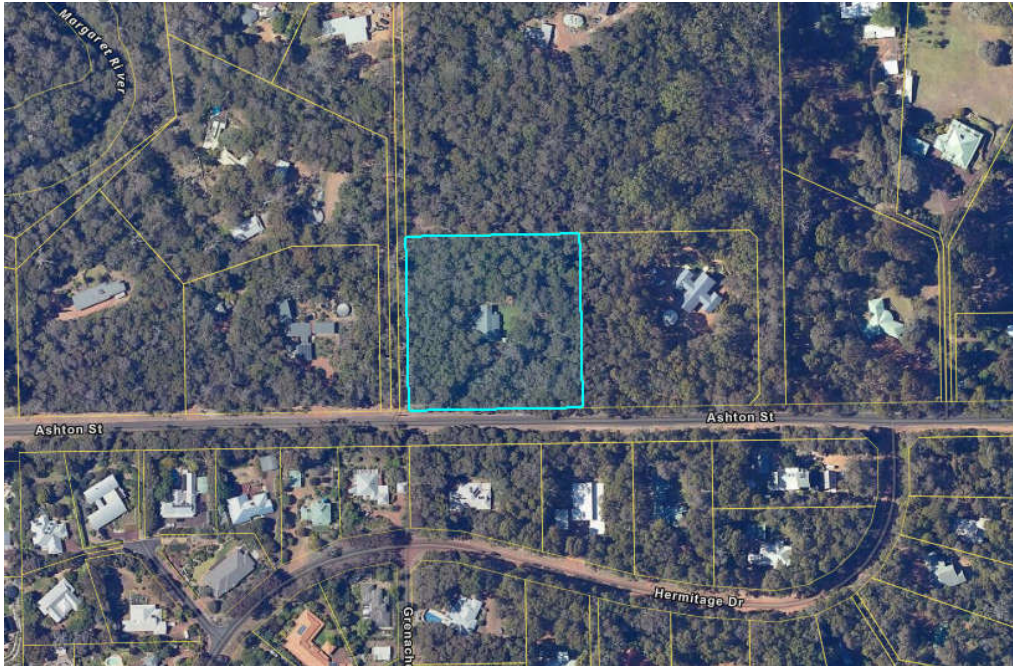
General Details

Reporting Officer	Tessa Ashworth
Disclosure of Interest	Nil
Assessment Level	Major (Level 3 - 2 objections)

Application Details

Address	40 (Lot 432) Ashton Street, Margaret River			
Proposed Development	Development Outside the Building Envelope (Carport)			
Zoning	Rural Residential			
Lot Area	1ha			
Use Class and Permissibility	'P' Single House			
Heritage/Aboriginal Sites	Nil			
Other Considerations	Visual Management Area	<input type="checkbox"/>	Sewerage Sensitive Area	<input 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	Structure plan showing subdivision/building envelopes. No other relevant provisions.			
Easements/Encumbrances	None			
Why is Development Approval Required?	Development outside the building envelope.			

Site Image



Assessment

Referrals	Yes	No
Adjoining Neighbours/Property Owners	<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 objections received?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Where any issues raised through the referrals process?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Community Engagement	
Submitter Comments	Officer Comments
Private Submitter 1 Will the proposed carport screen existing white glamping tents?	The proposed development makes no mention of glamping tents on the property. The applicant has confirmed that no glamping tents are on the site. A carport as has been applied for and is not being utilised as screening, but rather the storage of vehicles. Irrespective of this, glamping tents are not considered development that requires approval unless they are being used for short stay accommodation purposes.
Private Submitter 2 <ul style="list-style-type: none"> Do not believe it meets criteria for optimizing space utilisation as reason for building envelope modification. Especially as no existing site constraints. Need to consider environmental impact. Construction noise and impact on vegetation. Bushfire risk increased and environmental impacts. 	The development is minor and over an existing gravel car parking pad. No vegetation is proposed to be removed. The proposal is for a non-habitable structure and does not need to meet BAL requirements.

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"/>

Policy Requirements

Local Planning Scheme No.1 – Schedule 9		
Standard	Required	Provided
Setback (Front)	30m	42m – complies
Setback (Side) – east	10m	13m – complies
Setback (Side) – west	10m	37m – complies
Setback (Rear)	30m	53m – complies
Site Coverage	n/a	
Plot Ratio	0.1	complies
Landscaping	*	None required
Building Height		
Standard	Required	Provided
Wall	7m	2.7m – complies
Overall	8m	3.6m – complies
Car Parking		
Standard	Required	Provided
Residential Design Codes	2 Bays	2 bays
Design	Forward entry into the Street/AS 2890.1 Parking Facilities: Off street car parking/AS 2890.6 Parking Facilities: Off street parking for people with disabilities	Complies

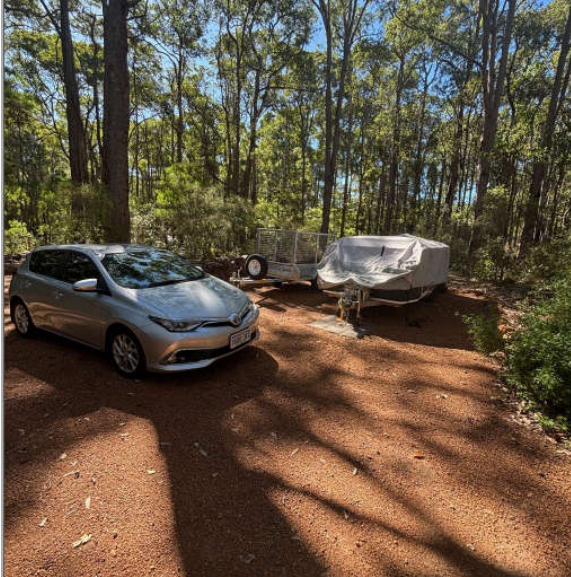
Discussion

The existing building envelope which contains the dwelling is 900m². The applicant could in theory apply to increase the building envelope to incorporate the carport as it is close enough to the dwelling, and the Local Planning Scheme No.1 allows for building envelopes up to 2000m². However, having minor development outside of the building envelope as opposed to varying it is considered a better outcome on this heavily vegetated lot.

The carport is within the setbacks as laid out in the Schedule 9 development standards of the Scheme. The provisions for development in the Rural Residential zone apply and require that the texture and colour of the materials shall be sympathetic

and complementary to the surrounding landscape amenity; and an outbuilding shall compliment the dwelling. The carport will be screened from view from the street due to the dense vegetation and would match the materials of the dwelling, with dark grey roofing and grey cladding.

There is no clearing of vegetation proposed to facilitate the carport. There is an existing clearing and gravel pad which is already being utilised as a driveway and parking area. The carport is to be constructed over the top of this. See image below.



The two objections for the proposal are not from the immediate neighbours who would be most impacted by the proposal. The immediate neighbours who are more likely to be impacted have supported the application. The concerns raised in the objections have been addressed in the relevant table above and do not warrant any amendments to the application. The development is minor and will be screened from view to street and adjoining properties. Conditional approval recommended.

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 Development outside the envelope (carport) at 40 (Lot 432) Ashton Street, Margaret River 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 1 & Plan 2 received by the Shire on the 9 May 2025
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1. 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.
2. 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 and/or disposed offsite by an approved connection to the Shire's drainage system in accordance with the Shire of Augusta Margaret River's Standards & Specifications.
3. No clearing of native vegetation is permitted as part of this approval.

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.



DEVELOPMENT APPLICATION ASSESSMENT P225217

General Details

General Details

Reporting Officer	Caitlin Jameson
Disclosure of Interest	Nil
Assessment Level	Level 3 – 2 x objections received

Application Details

Address	6482 (Lot 1613) Caves Road, Margaret River
Existing Development	<input checked="" type="checkbox"/> Single House <input type="checkbox"/> Grouped Dwelling
Zoning	Rural Residential
Lot Area	32,605 m ²
Proposed Use	A planning application has been received for a Holiday House Large use. The existing dwelling is to be used to accommodate up to eight (8) short stay guests at any one time. The holiday house is to be managed by Margaret River Properties.
Use Class and Permissibility	'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	No
Easements/Encumbrances	Easement – management of driveway
Date Received	24/03/2025
Date of Report	17/06/2025

Site Images

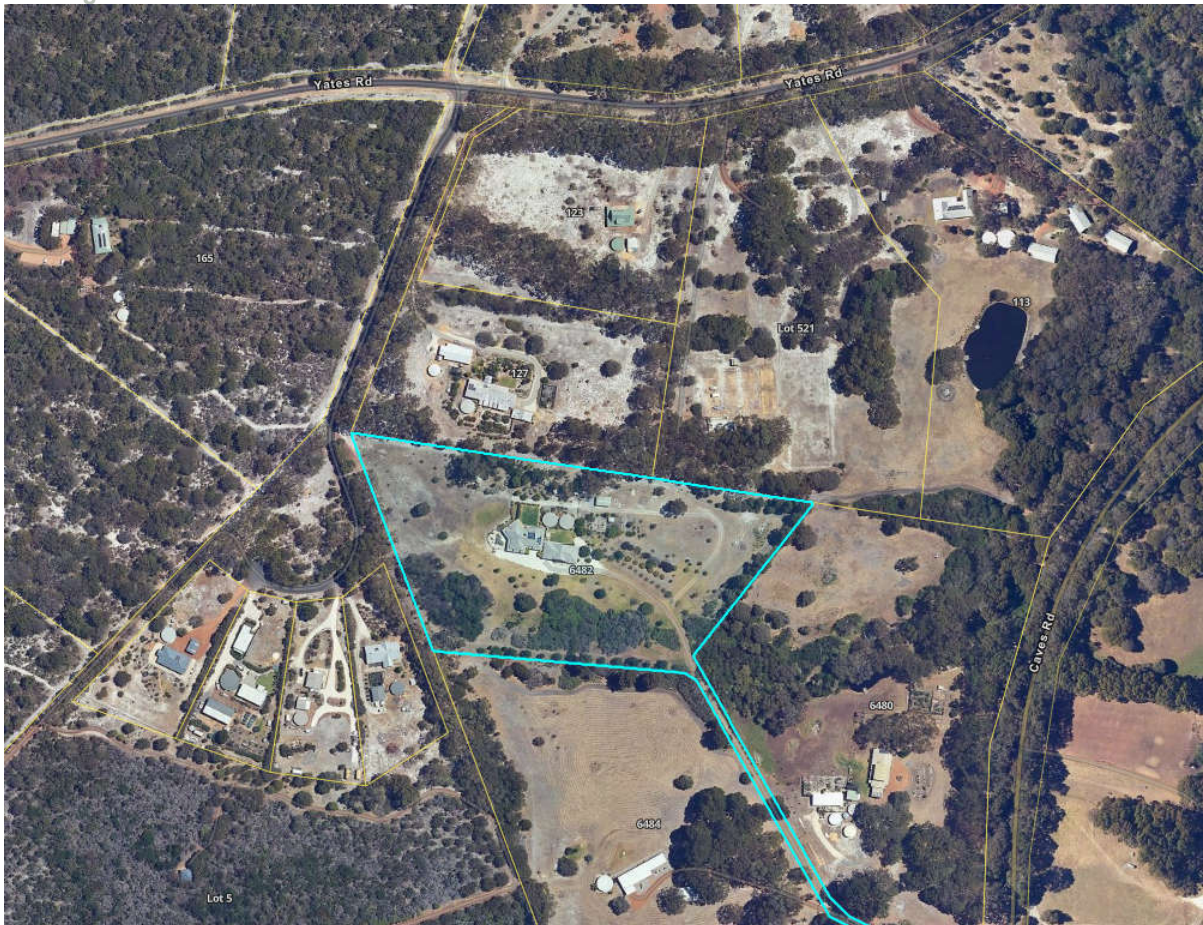


Image 1



Image 2

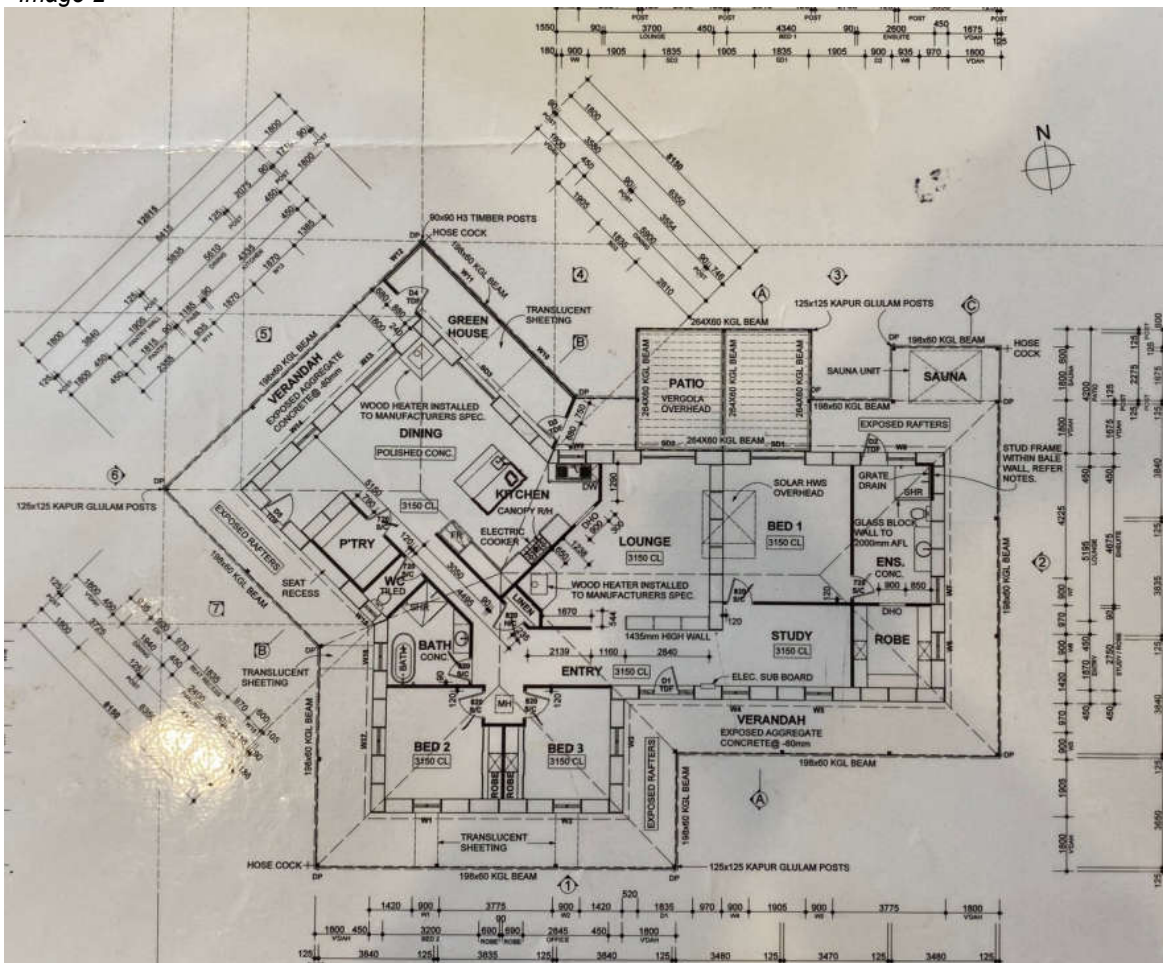


Image 3 – floor plan

Assessment

Referrals	Yes	No
Adjoining Neighbours/Property Owners – 4 Submissions	<input type="checkbox"/>	<input type="checkbox"/>
Government Agencies	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Internal Shire Departments - Environmental Health	<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 Comments	Officer Comments
<p>Environmental Health Department: The property is not connected to reticulated water or deep sewer.</p> <p>There is a Fujiclean secondary treatment system installed on the property, which has capacity for 10 guests. This system needs regular maintenance and the Shire has not received a maintenance report since July 2024. The owners will need to demonstrate that the system is being regularly maintained before EH provides support for this application.</p>	<p>The wastewater system requires maintenance every 3 months. The plumber maintaining the wastewater system is required to provide service reports to the Shire.</p> <p>The applicant submitted the two most recent service reports via email and confirmed that the plumber is providing service reports to the Shire quarterly. The Shire's Environmental Health department verified that the system is receiving regular maintenance and supported the advancement of the application.</p>
Community Engagement	
Submitter Comments	Officer Comments
<p>Private Submitter 1</p> <p>1. We feel that 8 guests in a 3 bedroom house will lead to noise issues. 6 guests would be much more appropriate given it's only a 3 bedroom house.</p> <p>2. There is an outdoor spa on the property which is not on the plan they have submitted.</p> <p>3. There is an easement benefit and a covenant burden on the title which indicate that the owners of Lot 6482 Caves Rd have a responsibility to maintain the gravel road which connects their property to Caves Rd. We are concerned that many guests will create more impact on the gravel road, which will mean it will need to be maintained regularly. The driveway is not currently being maintained by the owners.</p>	<p>1. The study is of a suitable size to be used as a fourth bedroom (see Image 3). The proposal complies with parking and wastewater management requirements to host up to 8 guests.</p> <p>2. Noted</p> <p>3. Applicant's response: The driveway to our property is part of our property title. Given we own the driveway, we remain responsible for maintaining it. We do allow two burdens of easement to accommodate vehicle access to and from Caves Rd to properties 6480 and 6484 (executed under deposited plan #72360). The driveway is approx. 450m in length from Caves Rd to our property. Properties 6480 and 6484 are permitted to utilise the first 80m (approx.) to access their properties.</p> <p>Officer comment: The Shire's Infrastructure Team confirmed that while there may be a slight increase in traffic during busy periods, the overall impact will be negligible. Maintenance of the driveway is the responsibility of the owner. Current maintenance issues are to be addressed by the property owner in accordance with the easement burden.</p> <p>The owner has confirmed that they will engage a private accommodation management company to oversee the holiday house. Should any issues arise regarding driveway maintenance, affected property owners should contact the property manager.</p>
Private Submitter 2 Indifferent	Noted
Private Submitter 3 Support. The submitters only concern is maintenance of the driveway.	Noted. See comments above.
<p>Private Submitter 4</p> <p>1. Infrastructure and Servicing: The on-site septic system and waste management arrangements are insufficient to support the proposed occupancy.</p>	<p>1. The Shire's Health Team has confirmed that the on-site septic system has the capacity to support up to 10 individuals and is therefore appropriate for the proposed guest occupancy.</p>

<p>2. Traffic and Safety: Increased vehicle movements and pressure on parking will exacerbate risks on Caves Road, a rural road with a known accident history. No traffic assessment or adequate on-site parking has been provided.</p> <p>3. Bushfire Risk: The absence of a Bushfire Management Plan is a critical omission, particularly given the bushfire-prone nature of the site and the vulnerability of transient guests (clauses 67(2)(q) and (r), and State Planning Policy 3.7).</p> <p>4. Location and Economic Impacts: The proposal does not align with the objectives of the Rural Residential zone. Approval would contribute to the loss of housing stock and create an uneven playing field for established tourism operators, with broader implications for the community and the integrity of the planning system.</p> <p>5. Noise: The central planning concern is the impact on the amenity and character of the locality, particularly in rural-residential environments, where expectations of peace and quiet are both high and fundamental to the area's appeal and intended land use.</p> <p>Both the State Administrative Tribunal (SAT) and the Supreme Court of Western Australia have confirmed that technical compliance with noise standards does not guarantee protection of amenity, particularly in noise-sensitive zones.</p> <p><i>*Officer comments addressing SAT cases in red.</i></p> <p>In <i>Hewison and the Shire of Augusta-Margaret River [2014] WASAT 62</i>, the Tribunal found that the character of the area as 'primarily residential, with numerous trees, quiet and tranquil with an absence of commercial activities and minimal traffic'— was incompatible with frequent guest turnover and social noise from short-stay accommodation.</p> <p><i>The property referred to in Hewison and the Shire of Augusta-Margaret River [2014] WASAT 62 did not comply with location requirements for holiday homes specified in LPP7. The subject site complies with location requirements of LPP7.</i></p> <p>Similarly, in <i>Sharon Property Pty Ltd v The Presiding Member [2022] WASC 332</i>, the Supreme Court upheld the refusal of a childcare centre in a residential area, noting that community expectations and the character of the locality must outweigh acoustic modelling in amenity assessments.</p> <p><i>The applicant is seeking approval for a holiday house use, not a childcare centre.</i></p> <p>In <i>Lawrence and City of Rockingham [2022] WASAT 36</i>, the Tribunal upheld the City's refusal, finding that even with a management plan, code of conduct, and noise monitoring, the proposal was unacceptable due to the likely adverse amenity impacts, especially noise, on adjoining residential properties.</p> <p><i>A temporary (12-month) approval was granted by the City of Rockingham (the City) in 2018 for a change of use to 'Short Stay Accommodation' for a residential dwelling, allowing accommodation for up to 12 guests. The applicant did not seek renewal after 12 months but continued to operate the premises until a complaint</i></p>	<p>2. GD.1 of Local Planning Policy 7 - Short Stay Accommodation (LPP7) states one parking bay is to be provided per bedroom. Considering the holiday house is proposed to accommodate up to 8 guests across 4 bedrooms, 4 parking bays are required. A double carport and adequate driveway parking (exceeding the 4-bay requirement) is provided within the property boundary.</p> <p>The applicant confirmed the house is currently occupied on a full-time basis; therefore, traffic is not expected to increase beyond typical residential use. The Shire does not require traffic assessments as part of holiday house applications.</p> <p>3. Under the revised <i>Planning for Bushfire Guidelines – State Planning Policy 3.7 Bushfire (SPP3.7)</i>, a holiday house is no longer considered a vulnerable land use and is exempt from the provisions of SPP3.7. A BMP is not required.</p> <p>4. The purpose of LPP7 is to provide guidance on the appropriate location, scale, use and management of short stay accommodation in the Shire.</p> <p>Particular attention should be drawn to Objective 3 of LPP7 which states: <i>"The primacy, affordability and use of the residential areas of the Shire for residential purposes is maintained."</i></p> <p>Under LPP7, the Shire has designated specific locations where holiday homes may be established. Properties over 1 hectare can be considered for holiday house approval. The subject site is 3.26 hectares, therefore complying with the locational criteria of LPP7.</p> <p>5. Applicant's response: The property has been occupied full time since it was built in 2014/15. Our family live here full time currently. We are applying for short term holiday approval therefore any occupancy will be exactly that - short term. If anything, noise/lighting will be reduced as the property won't be occupied 100% of the time as it has been. In line with Shire regulations, we will have a property manager who's contact details will be available from our driveway should neighbours need to bring anything unreasonable to their attention.</p> <p>Officer comments: The property is located within a semi-rural area, featuring low-density development. The dwelling is adequately set back from the property boundary and dwellings on adjoining lots, therefore reducing noise and light impacts. Vegetation surrounds the dwelling providing screening for visual privacy (see Image 2).</p> <p>The applicant has provided sufficient information to address property management requirements, complying with LPP7. Should neighbouring property owners experience any issues, the property manager can be contacted, alternatively, a complaint can be made to the Shire. If approved, a renewal application is required to be submitted after 12 months, which will consider any concerns or complaints raised by neighbouring property owners.</p> <p>6. The Planning for Tourism and Short-term Rental Accommodation Guidelines states the following regarding management plans:</p>
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<p>relating to excessive noise was received by the City. Following the City's refusal of a subsequent development application, the applicant sought review with the Tribunal. Mediation resulted in a revised application with reduced number of guests (maximum 4). The resulting development application was refused by the City and appealed by the applicant in 2022. The Tribunal upheld the City's decision to refuse the application.</p> <p>The subject application is yet to commence and therefore cannot be compared to the <i>Lawrence and City of Rockingham [2022] WASAT 36</i> case.</p> <p>6. Waste Management: The proposed Holiday Home (Large) raises serious concerns regarding the adequacy of waste management provisions, particularly given the scale and intensity of the proposed short-term rental use. With an intended maximum occupancy of eight guests, the volume of waste generated is projected to be substantial.</p> <p>The Planning for Tourism and Short-term Rental Accommodation Guidelines (November 2024) require waste management plans to address waste and recycling volumes, bin collection days, guest instructions, and overflow provisions</p> <p>7. State Administrative Tribunal decision - <i>Maciejewski and City of Belmont [2025] WASAT 4</i>. Commercial vs. Residential Use</p> <p>The Tribunal reaffirmed that un-hosted holiday homes operate as a commercial land use, not a residential one. This distinction is critical. The use removes housing from the permanent residential market and conflicts with the intent of Residential and Rural Residential Zones. <i>The Belmont case deals with a 'commercial use' - being the holiday house use, in a Residential Zone, outside the permitted short stay area as specified in the City's short stay accommodation policy.</i></p> <p><i>The holiday house did not comply with the City's short stay locational criteria and was refused for this reason.</i></p> <p><u>Policy alignment and zone objectives</u></p> <p>The application was found inconsistent with both the objectives of the Residential Zone and the City's local policy, which, like the Shire's LPP7, sets clear criteria for short-term accommodation. The Tribunal gave strong weight to the importance of protecting residential character and long-term housing supply.</p> <p><i>As above, the subject application complies with the provisions of LPP7.</i></p> <p>Implications for Lot 1613</p> <p>The Tribunal's findings are directly relevant to the Shire's assessment of this application. In particular: The proposal is inconsistent with the Rural-Residential Zone, which prioritises low-density, long-term living and the preservation of local amenity and environmental values.</p> <p><i>Clause 4.2.4.2 (Purpose of the Rural Residential Zone) of LPS1 does not mention 'long-term living'. The matter of suitability of holiday homes in the Rural Residential zone has already been decided at the Policy level.</i></p> <p>Approval would set an undesirable precedent across the Shire's rural-residential areas, risking further loss of residential stock and a cumulative erosion of amenity.</p>	<p><i>'...where appropriate, local government may require the applicant to prepare a management plan to address potential amenity impacts arising from short-term rental accommodation and necessary emergency protocols.'</i></p> <p>LPP7 does not require the preparation of a waste management plan, nor does the Shire typically request a waste management plan for holiday homes.</p> <p>The property owner has provided the following comments to address the submitter's concerns: The property manager lives locally and will ensure bins are put out in time for collection each week; that is stated in the contract agreement upon which we would execute to engage them if Shire approval is granted.</p> <p>The dwelling currently accommodates 8 people, therefore we do not expect an issue with overflowing bins however if required, we could seek provision of a full size red bin from the Shire to ensure that risk is mitigated.</p> <p>Guidelines will be provided to guests to ensure correct and responsible disposal of all waste.</p> <p>-----</p> <p>The owner advised they had experience issues in the past with missed bin collections, due to the Shire's waste contractor failing to collect bins on their side of the road. The applicant was advised to contact Cleanaway to confirm a collection point. The following advice note has been added to the approval to address waste management:</p> <p><i>The landowners are advised to regularly monitor kerbside collection bins and request a larger general waste bin if necessary to ensure adequate waste management.</i></p>
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<p>Approval of the application would not represent any kind of deviation from current practices of approving such uses in the Rural Residential Zone.</p> <p>The decision confirms that management plans and house rules are insufficient to mitigate the structural impacts of commercial short-stay use in these settings.</p> <p>The case related to a developed urban suburb, a very different setting to a Rural Residential lot. The findings of this SAT case do not form planning matters that the subject application can be assessed by. The Shire must assess the application against its relevant planning parameters, primarily being LPP7. The proposal complies with LPP7.</p>	
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Policy Requirements

Local Planning Policy 7 – Short Stay Accommodation		
Policy Element	Provision	Comment
Location	Coastal settlement	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Urban area located within Policy Plan 1?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Within 50m of Village Centre zone?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Located outside of Policy Plan 1 but comprise of an area not less than 1ha?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Design / Layout	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 rainwater tank?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/>
	Existing or proposed one site effluent disposal system sized accordingly to number of guests?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Decks and balconies located away from the bedrooms of neighbouring dwellings?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Decks and balconies located close to the living and dining areas of neighbouring dwellings, provided with suitable screening?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Each bedroom accommodates a maximum of two persons?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Management	Management Plan submitted?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	BEEP provided	<input checked="" type="checkbox"/> Yes <input type="checkbox"/>
	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
Recommended period of approval	<input checked="" type="checkbox"/> 12 months <input type="checkbox"/> 3 years <input type="checkbox"/> 5 years	

Discussion

The application requests approval for a Holiday House use on a 3.26hectare Rural Residential lot. The locational criteria of LPP7 state Holiday Houses can be located where the property comprises an area of not less than 1hectare. A Holiday House Use can therefore be considered on this site.

GD.6 of LPP7 states each bedroom of the dwelling is to accommodate a maximum of two persons at any one time. The holiday house is proposed to host up to eight short stay guests at any one time, within four bedrooms provided.

GD.1 of LPP7 states one parking bay is to be provided per bedroom. Considering the holiday house is proposed to accommodate up to 8 guests across 4 bedrooms, 4 parking bays are required. A double carport and adequate driveway parking (exceeding the 4-bay requirement) is provided within the property boundary.

GD.2 states a reticulated water supply is provided and/or minimum 120,000 litre rainwater tank (plus provision for firefighting) as determined by the Local Authority. The property owner confirmed 320,000 litres of water storage is provided on the property.

The Shire's Environmental Health Department confirmed the existing effluent disposal system is of a sufficient size to accommodate up to eight guests.

The owner has provided house rules and a bushfire emergency evacuation plan to the satisfaction of the Shire.

It is noted a particularly strong objection has been received in response to this application. However, the decision is unable to be made in a manner pre-empting amenity impacts, particularly in circumstances where the nature of the use does not vary greatly from what would be expected for a single house, or in a manner which considers factors outside of the local planning framework. 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. This is considered a reasonable approach to allow for recommending approval of the holiday house.

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 6482 (Lot 1613) Caves Road, Margaret River 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 – P3 received by the Shire on 24 March 2025
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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 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/departments-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/departments-of-energy-mines-industry-regulation-and-safety/short-term-rental-accommodation-register>
- k) The landowners are advised to regularly monitor kerbside collection bins and request a larger general waste bin if necessary to ensure adequate waste management.



DEVELOPMENT APPLICATION ASSESSMENT P224503

General Details

General Details

Reporting Officer	Grace Graham
Disclosure of Interest	Nil.
Assessment Level	Major (Level 3)

Application Details

Address	1165 (Lot 101) Scott River Road, Scott River			
Proposed Development	4x Chalets			
Zoning	General Agriculture			
Lot Area	804,507sqm			
Use Class and Permissibility	'A' Discretionary Use - Advertising Required			
Heritage/Aboriginal Sites	Yes			
Other Considerations	Visual Management Area	<input 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 checked="" type="checkbox"/>
Structure Plans/LDP's	Nil			
Easements/Encumbrances	Easement for electricity supply, Right of Carriageway, Conservation Covenant, Notifications x3 – none impacted			
Why is Development Approval Required?	Chalet Development (Short Stay) is a Discretionary Use			

Site Image



Assessment

Referrals	Yes	No
Adjoining Neighbours - 2km Radius (Non Rural use in Rural Zone)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
– 2 Submissions of Objection		
Government Agencies - DFES / DWER / DPLH Aboriginal Heritage/ DPIRD	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Internal Shire Departments - Infrastructure / Environmental Health / Environment/Sustainability / 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
Environmental Sustainability Department	<p>The site contains the following important environmental values, and is within an Environmentally Sensitive Area.</p> <ul style="list-style-type: none"> • Tributaries are registered Aboriginal Heritage Site (mythological water source) • High to moderate Acid Sulphate Soils • Scott River Ironstone Association – Critically Endangered • WA Herb – Conservation Code T. Species – Banksia nivea • Native Vegetation (Sw1) and (Sd), poorly represented vegetation. Potential impacts from development. <p>The locations of the proposed chalets does not overlay with mapped remnant vegetation. Conditions recommended.</p>	Noted. Recommended conditions to be adopted.
Environmental Health	<p>The site has constraints for effluent disposal and is in a Sewage Sensitive Area under the Government Sewerage Policy (GSP). The proponents propose using septic tanks and leach drains, but due to the area's ecological sensitivity and high water table, secondary treatment with nutrient removal is typically required. A site and soil evaluation (AS/NZS 1547) must be completed at building permit stage, and the proposal sent to Health for assessment.</p>	Upon receipt of environmental health comments the applicant has changed from a standard Septic System to an Aerobic Treatment Unit. Conditions recommended relating to GSP and site soil evaluation.
Community Emergency Services	<p>The Shire's Community Emergency Services supports Department of Fire and Emergency Service's (DFES) comments and highlights several concerns with the proposal, including non-compliance with requirements A3.2A, A3.3A, and A3.5. Additional issues include inadequate water tank placement, lack of detail on native vegetation impacts, and unclear responsibility for implementing bushfire measures, all of which require clarification and revision.</p> <p>Detailed comments are included in the report discussion below.</p>	Comments are noted. Review of Bushfire Management Plan and comments from DFES and Community Emergency Services is discussed further below.
Infrastructure	Conditions recommended.	Noted. Recommended conditions adopted.
External Agency Comments		
Department	Department Comments	Officer Comments
Department of Planning, Lands and Heritage (DPLH), Aboriginal Heritage Conservation	<p>Lot 101 (DP 73702) partly overlaps with the registered Aboriginal Site Blackwood River (ID 20434) and is near the boundary of the lodged Aboriginal Heritage Place Scott River (ID 22928). The proposed short stay units do not appear to intersect the Scott River site, but the applicant must confirm this by uploading a precise shapefile to the Aboriginal Cultural Heritage Inquiry System (ACHIS) or contacting DPLH. If the development overlaps the Scott River site, approval under the <i>Aboriginal Heritage Act 1972</i> will be required. If it does not, no approval is needed.</p>	<p>Applicant responded to the comments made by DPLH. The location of the Aboriginal Heritage Place has been surveyed by the applicant.</p> <p>It has been confirmed that there is no overlay.</p>
Department of Primary Industries and Regional Development (DPIRD)	<p>DPIRD have provided the following comments and requirements:</p> <ul style="list-style-type: none"> • Item 1 - A Pet Management Plan is required (if pets are allowed in the accommodation) to ensure that pets are responsibly managed and not allowed to 	<p>The applicants have provided the following response-</p> <p>Item 1 - Pets will not be allowed onto the property.</p>

	<p>enter the neighbouring property or paddocks where cattle are grazing.</p> <ul style="list-style-type: none"> • Item 2 - It is not clear from the application if guests will be allowed to interact with cattle on the property. If that is the case the applicant must have a plan to educate guests about their legal obligations under the ruminant feed ban (feeding prohibited feed sources (e.g. meat) to ruminants (e.g. sheep or cattle) directly or inadvertently). • Item 3 - DPIRD recommends the development of a Biosecurity Management Plan to address the risks of spreading or introducing new weeds or pathogens. The Biosecurity Management Plan should also include measures to prevent guests from trespassing onto restricted areas and neighbouring properties. 	<p>Item 2 - Guests will not be able to interact with any ruminants. 1.5m high ringlock fencing will be installed around the chalets. The applicant is currently re-fencing large areas of the block along creeklines to allow routes through areas which are ruminant free.</p> <p>Item 3 – The applicant is actively eradicating established introduced weeds with support from the Lower Blackwood Association and is aware of the associated risks. Fencing will also be installed to prevent trespass onto adjacent properties. Conditions recommended.</p>
Department of Fire and Emergency Services (DFES)	<p>The proposal does not currently meet key Bushfire Protection Criteria, with issues identified in Siting & Design (Element 2), Vehicular Access (Element 3), and Vulnerable Land Use (Policy Measure 7.4), including insufficient evidence on vegetation removal, access deficiencies, and an inadequate Bushfire Emergency Plan.</p> <p>Detailed comments are included in the report discussion below.</p>	See further discussion below.
Department of Water and Environmental Regulation (DWER)	<p>The Department has identified that the proposal has the potential for impact on the environment and water resource values. Key issues and recommendations provided below have been summarised, and these matters should be addressed:</p> <p>Issue 1: On-site sewage disposal, watercourse and wetland The applicant must submit a Site and Soil Evaluation (SSE) to the Shire for approval. The SSE must identify the riparian zone in line with DWER's 2012 policy and assess groundwater separation and sewage system suitability per the 2019 Government Sewerage Policy. There is concern that sewage contaminants could reach nearby watercourses or groundwater, especially during heavy rainfall.</p> <p>Issue 2: Water supply The applicant is to quantify their water requirements for all aspects of the proposed units and provide evidence of a secure water source, to the satisfaction of the Shire.</p> <p>Issue 3: Acid Sulphate soils (ASS) Acid sulfate soils (ASS) risk mapping indicates that parts of the site are located within an area identified as representing a high to moderate risk of ASS occurring within 3 metres of the natural soil surface. Please refer to DWER's acid sulfate soil guidelines for information to assist with the management of ground and/or groundwater disturbing works.</p>	<p>Issue 1 – applicant has revised the proposed effluent system to an ATU system that is suitable for a wetland environment and also provided a high level structural soil report. However, SSE is still required and has been conditioned on advice from DWER and the Shire's Environmental Health team.</p> <p>Issue 2 – Applicant has advised that each unit will have a 50,000L rainwater tank which will be fed from the roof of the unit. In addition, they propose to install a 250,000L tank adjacent to the equipment shed (this was noted on the building application for the shed when submitted). This will be connected to each unit to provide additional capacity.</p> <p>Issue 3 – Applicant is aware of ASS risk. It is recommended that a management plan is prepared. The applicant has insisted that they do not intend to excavate below the water table and the volume of soil to be excavated will be less than 10m³. Advice notes have been recommended. The SSE conditioned will also determine the height of water table and detail risks associated with ASS.</p>
Community Engagement		
Submitter	Summary of Submitter Comments	Officer Comments
Private Submitter 1 – Object	<p>The submitter raises concerns that the short-stay accommodation proposal may interfere with the exclusion zone of a proposed wind turbine project on nearby properties, potentially affecting the Shire's zero carbon goals. They also note the proposal may be incompatible with local agricultural land uses, highlight traffic and access issues due to unsuitable roads—including flooding on Coostien Road—and point to environmental and safety concerns due to proximity to</p>	<p>The proposed wind turbine exclusion area falls outside of what can be considered under this assessment.</p> <p>Traffic and road conditions are noted as a concern. The Shire's Infrastructure team has reviewed the proposal and recommended conditions.</p>

	a protected rare plant area and a hazardous road intersection.	Chalets are contemplated as a use in the agricultural zone as per section 4.16 of LPS1. This is discussed further below.
Private Submitter 2 - Object	<p>The submitter objects to the proposal for the chalets in the current location, citing the following concerns:</p> <ul style="list-style-type: none"> The application does not consider the objectives of the general agriculture zone in LPS1 The application overlooks Clause 4.16.3(d) of LPS1. The proposal is not in line with Part 4 of the Shire's Local Tourism Planning Strategy. The introduction of tourism will negatively impact the agricultural value of the area. The development of tourism near established agricultural businesses may reduce the areas agricultural potential in the future. 	Concerns are noted and related sections of LPS1 are discussed further below.

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

Policy Requirements

Local Planning Scheme No.1 – Schedule 9		
Standard	Required	Provided
Setback (Front - East)	30m	185m – Complies
Setback (Side - North)	20m	>20m Complies
Setback (Side - South)	20m	194m – Complies
Setback (Rear - West)	20m	>20m – Complies
Chalet Size	150sqm	~55sqm each – Complies
Building Height		
Standard	Required	Provided
Wall	7m	3.4m - Complies
Overall	8m	3.7m – Complies
Car Parking		
Standard	Required	Provided
Local Planning Scheme No.1	1 space per chalet plus 1 visitor parking space for every 4 chalets.	Complies – no visitor parking required

Discussion

Planning approval is sought for three (3) chalets on a general agricultural site in Scott River. A fourth (4) future chalet is included in the plans, and will be assessed as part of the application. See indicative locations as per site plan below.

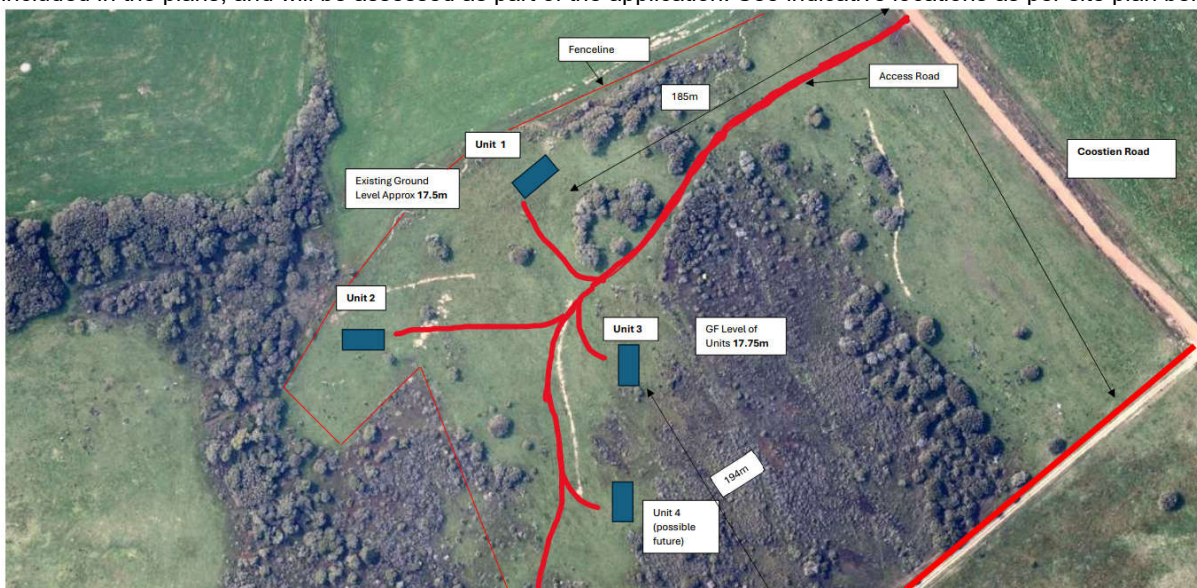


Figure 1 Proposed Chalet Development Locations

Building History

- BLD223471 – Farm Shed – Approved October 2023
- BLD222346 – Demolition Permit – Approved June 2022
- BLD222295 - Single Dwelling with attached Shed Rainwater tank and Verandah – Approved July 2022

The approved single dwelling has been built on site and accompanies the approved farm shed located in the Southwest of the lot, accessed via Scott River Road to the North West.



Local Planning Scheme No.1

The subject site is larger than 20 hectares which allows for consideration of up to six (6) chalets, as per section 4.16.3.3 of LPS1. Four (4) chalets are proposed, which meet the provisions set out in Schedule 9 of the Scheme in terms of setbacks. The proposed development aligns with the objectives of the General Agriculture Zone by providing sustainable, low-impact tourist accommodation that is incidental and complementary to the existing rural use of the land, being cattle grazing. The chalet development does not involve subdivision and maintains the existing lot size, thereby preserving the long-term utility and sustainability of the land for agricultural purposes in line with clause 4.15.5 of LPS1.

The current operation, leased to a neighbouring farmer, supports approximately 7 bulls, 16 cows with calves, and 53 heifers, with slight seasonal fluctuations.

The chalets are proposed in a portion of the property that has minimal value for productive agriculture, allowing cattle grazing and hay cultivation to continue across the remainder of the farm. The chalets are also outside the restrictive covenant conservation area located to the south west of the site.

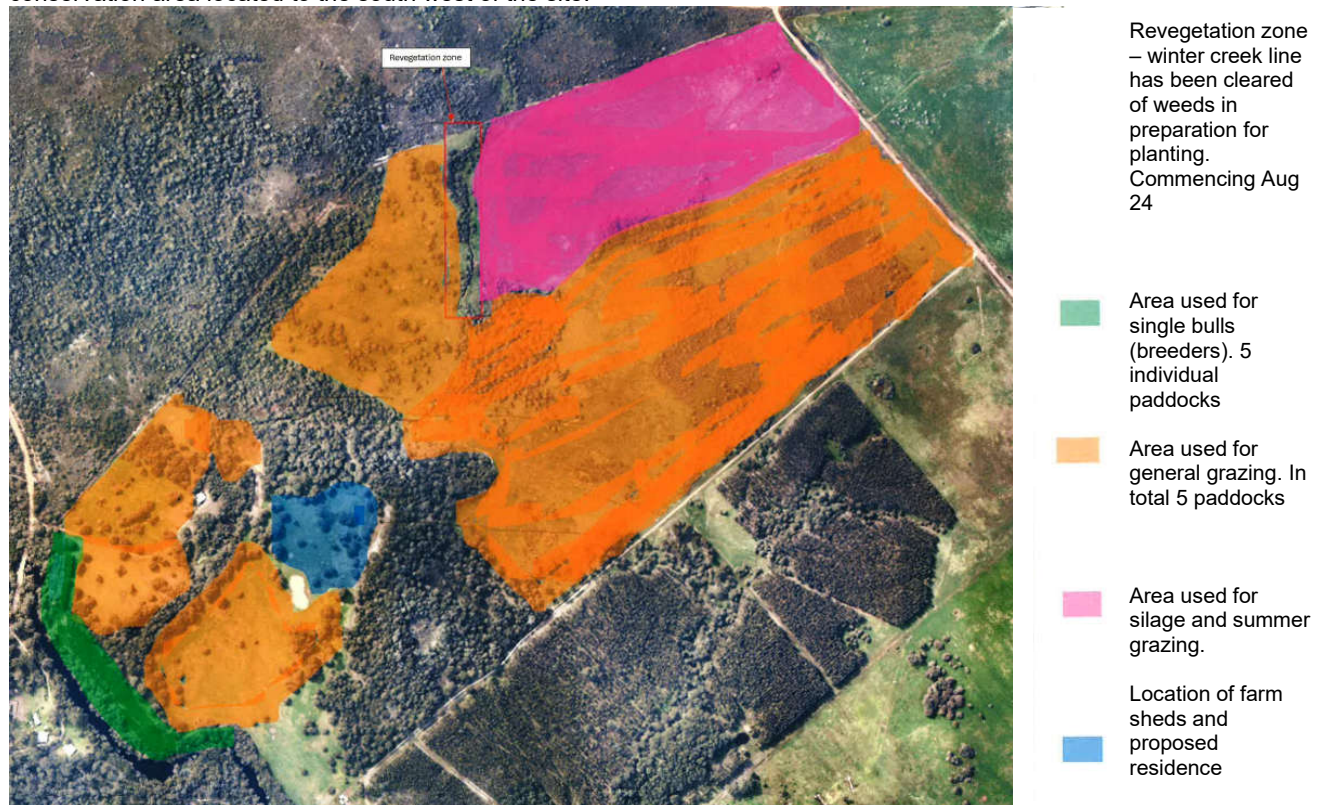


Figure 2 Summary of existing rural uses provided by applicant

Land Capability

In accordance with LSP1 Section 4.16.3(d), chalet development must avoid construction over Class 1 and 2 soils or in locations where such development would reduce the area of land available for agricultural use. The DPIRD land capability mapping confirms that the proposed chalet sites are situated on land classified as having low to very low capability for agricultural purposes. Specifically, the area scores poorly for a range of potential uses including annual horticulture, dryland cropping, grazing, perennial horticulture, and viticulture. The proposed location therefore avoids high-value agricultural soils and does not compromise land that is currently or potentially productive. As such, the development is consistent with the intent of LSP1 Section 4.16.3(d) and supports the broader objective of preserving high-capability agricultural land for ongoing rural production.

The purple area shown in Figure 3 is poorly drained flats with shallow sands over laterite (bog iron ore).

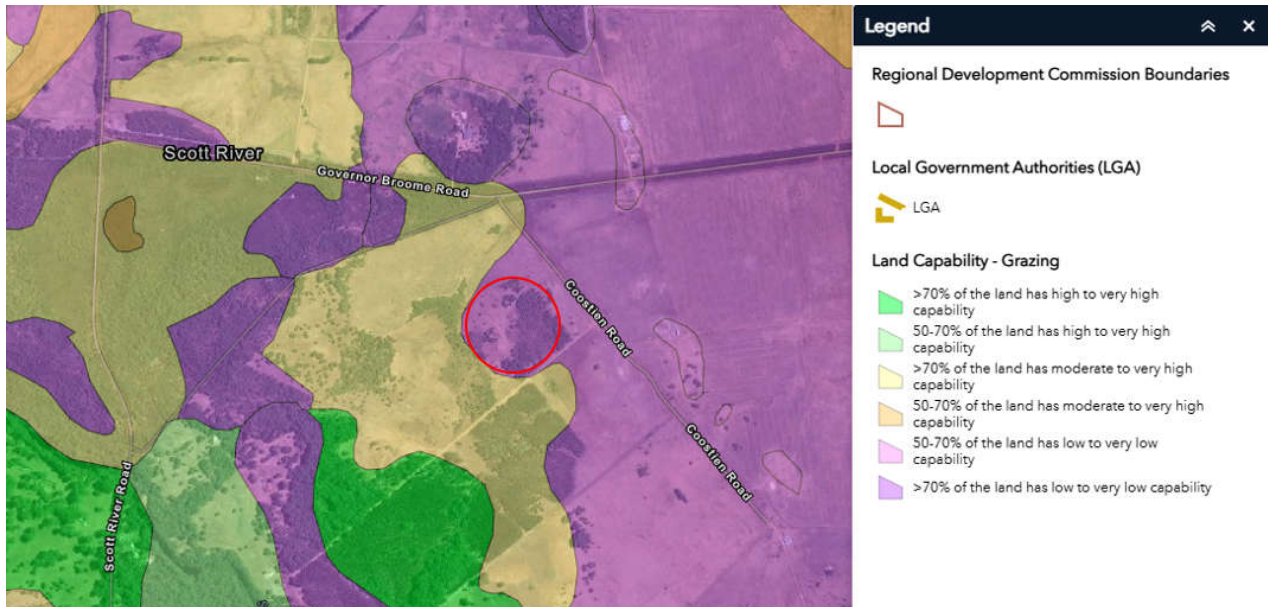


Figure 3 DPRID mapping - Land Capability Grazing

Environment Overlays

DPIRD and DWER have identified several environmental and operational considerations for the proposed chalet development. In response, the applicant has confirmed that pets will not be permitted, guests will not interact with cattle, and secure fencing will prevent trespass and protect livestock. A Biosecurity Management Plan is being implemented, with ongoing weed eradication supported by the Lower Blackwood Association. To address environmental concerns, an effluent system suitable for wetland conditions has been proposed, and water supply will be secured through individual rainwater tanks for each unit and a 250,000L central storage tank.

During the assessment a Site and Soil Evaluation (SSE) was requested by DWER and the Shire's Environmental Health Team as the site is within the Government Sewerage Policy Area and has a high water table. The applicant undertook a structural soil evaluation in the proposed location of the ATU, however this is still deemed unacceptable and does not replace the need for an SSE. Due to the proposed size of the development it has been recommended that the SSE could be completed post approval and be implemented as a condition of approval.

Additionally, any potential acid sulphate soils (ASS) risk will be identified in the SSE. The applicant has also indicated that they do not anticipate significant excavation and will manage any risk through an ASS management plan, with works remaining above the water table and minimal soil disturbance. Conditions have been recommended.

The proposed chalets and APZs do not overlay with mapped remnant vegetation, as shown in Figures 4 and 5 native vegetation and wetlands mapping.



Figure 4 Chalet locations and BAL Contours (Indicative – Attainable Post Development) overlay with native vegetation mapping

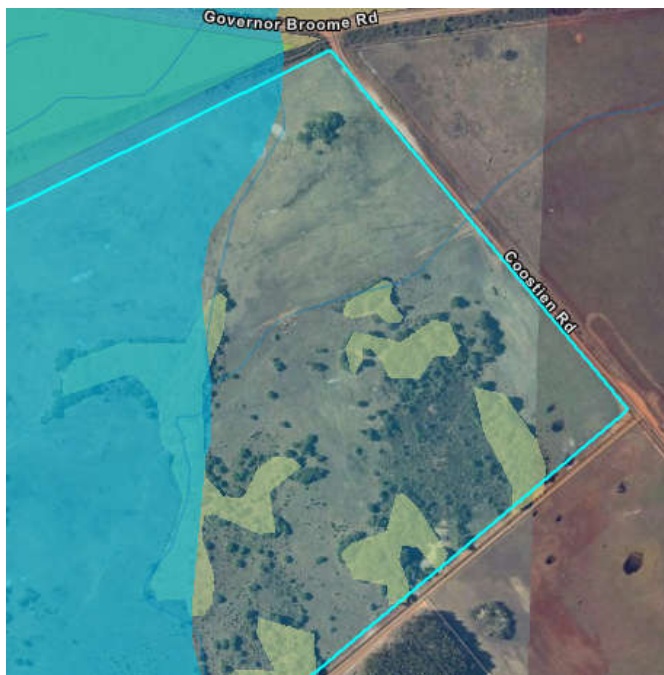


Figure 5 Native Vegetation and Wetlands Overlays

Planning for Bushfire Guidelines Assessment

The proposal has been assessed under the State Planning Policy 3.7 Bushfire September 2024. See below planning officer assessment including DFES & the Shire's Fire Services comments. As Element 1 is no longer applicable under the new Guidelines, Elements 2, 3 & 4 are discussed separately below.

Element	Acceptable Solution	DFES/Fire Services Comments	Officer Comment
Element 2: Siting & Design	A2.1 & A2.2 – Comply A2.3 Clearing of native vegetation A2.4 Landscape Management Plan	A2.3 Insufficient evidence provided regarding vegetation removal for compliance. A2.4 - Landscape management plan is deferred as a condition of approval; this requires further consideration by the decision maker.	A2.3 Figure 4 of this report overlays the indicative post development contours with the local and state identified native vegetation within the vicinity of the chalets. A vegetation modification and management plan is recommended to be conditioned prior to lodging the building permit to confirm vegetation modification within the BAL contours. Based on the indicative locations of the APZs the vegetation modification is likely to be minor. A2.4 A landscape management plan will be conditioned to be prepared prior to lodgement of the building permit to identify ongoing vegetation management. This will be required to the satisfaction of the Shires' Environmental Sustainability officer.
Element 3: Vehicular Access	A3.1 Public Roads A3.2a Access routes A3.3a No-through roads A3.8 Signage	A3.1: Existing road network is stated as "likely to comply," which is not definitive. A3.2a: Access to two suitable destinations has not been clearly demonstrated. A3.3a: Secondary access does not meet requirements. A3.8: Incorrect reference in documentation needs correction.	A3.1 BMP updated. Existing road networks meet local road standards. A3.2a – BMP updated to demonstrate access to two suitable destinations. A3.3a – The subject sites northern property boundary is located at the intersection of Governor Broome Road, which provides two way access. The Guidelines state that public road access in two directions is to be a maximum of 200 meters from the lot boundary. The subject site demonstrates compliance with A3.3a. A3.8 – BMP updated
Element 4: Water		Water tanks must be fitted with 80mm female camlock fittings, in accordance with Shire standards. The proposed location of the water tanks is not supported, as it may	BMP Modification required.

		obstruct ingress and egress for Units 2 and 4.	
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In Section 5 of the BMP, requires clarification to determine who is responsible for implementing bushfire management measures. Condition recommended for BMP to be updated to ensure that the maintenance of APZ and implementation of BEEP are carried out by a responsible manager or owners representative, not the short term guests. Additionally the Bushfire Emergency Plan (BEP) is to be revised in line with Guidelines Section 8.3.1 to ensure adequacy.

Condition 18 & 19 are recommended as standard conditions reinforcing the responsible management of the Chalets.

Conclusion

The proposed development of four (4) chalets on a Priority Agricultural site in the Scott River aligns with the Shire's Local Planning Scheme No. 1. It remains within the permitted number of chalets for the lot size and is sited on land with low agricultural value, ensuring continued cattle grazing and rural use.

The development supports sustainable, low-impact tourism complementary to existing farming operations. Environmental, bushfire, and heritage considerations have been addressed through appropriate design measures, with further requirements to be managed via conditions of approval, including BMP modifications, vegetation modification and management plans and Site and Soil Evaluation.

Overall, the proposal is consistent with planning objectives, balancing agricultural productivity with compatible rural tourism, and is considered suitable for conditional approval.

Determination

That the Manager of Planning and Regulatory 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 X4 Short Stay Units at 1165 (Lot 101) Scott River Road, Scott River 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 -P5 received by the Shire on the 6 August 2024
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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. 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 and/or disposed offsite by an approved connection to the Shire's drainage system in accordance with the Shire of Augusta Margaret River's Standards & Specifications.
4. Prior to occupation of the development, crossovers shall be designed and constructed in accordance with the Shire's standards and specifications.
5. 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.
6. Fencing shall be of an open form which permits the movement of native wildlife.
7. Prior to occupation of the development, a Waste Management Plan shall be prepared and submitted to the satisfaction of the Shire addressing the following:
 - a. Ownership, maintenance and management of waste receptacles;
 - b. Provider of waste collection services;
 - c. Categories (landfill, recycling, FOGO, etc.) and volumes of waste expected to be produced;
 - d. Bin storage area and types of receptacles – showing quantity and placement of bins in storage area;
 - e. Method of collection and disposal of waste including access, circulation and collection times for the servicing of waste bins/receptacles;
 - f. Hygiene and noise, odour and vermin control;
 - g. Health, safety and environmental considerations, particularly focussed around manual handling, and prevention of accidental spills and releases; and,
 - h. Waste avoidance and staff education on avoiding waste.
8. The accepted Waste Management Plan shall be implemented on site from commencement of the use.
9. Prior to the commencement of the Short Stay Use, the Bushfire Management Plan and Bushfire Emergency Evacuation Plan (prepared by Bushfire Smart and dated the 14/03/2025) shall be revised to the specifications of the Department of Fire and Emergency Services and to the satisfaction of the Shire. The revised Bushfire Management Plan and

Bushfire Emergency Evacuation Plan shall be submitted for the acceptance of the Shire.

10. The revised and accepted Bushfire Management Plan and Bushfire Emergency Evacuation Plan, required in above-mentioned condition 9, shall be implemented on site prior to commencement of the short stay use and at all times thereafter.
11. The Bushfire Emergency Evacuation Plan shall be displayed in a conspicuous location within the development at all times.
12. Certification shall be provided to the Shire by an accredited Bushfire Consultant that all bushfire management actions detailed in the accepted Bushfire Management Plan have been implemented prior to commencement of the use.
13. The Dwelling shall be constructed and the site maintained to achieve a minimum Bushfire Attack Level Rating of 29. Details shall be provided with the building permit.
14. Prior to lodging a building permit a Landscape Management Plan shall be prepared and submitted to the Shire to address the vegetation management of the Site as specified in the accepted Bushfire Management Plan. The approved Landscape Management Plan shall be implemented on site from commencement of use of the development the subject of this approval.
15. Prior to the commencement of works, a vegetation plan shall be prepared and submitted to the satisfaction of the Shire indicating the location and species name of:
 - a. vegetation to be removed
 - b. vegetation to be modified
 - c. vegetation to be retainedto comply with the accepted Bushfire Management Plan.
16. Clearing of native vegetation is only permitted in accordance with an approved vegetation plan. (Refer to Advice Note 'b').
17. 'House Rules' shall be developed 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 advice note c).
18. 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 Chalets 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 Chalet is in use.
19. The 24 hour contact details of the Manager of the Chalets shall be visible on the property from the nearest street frontage and maintained to the satisfaction of the Shire.
20. The Chalets are approved for Short Stay purposes only. Short stay means premises occupied by the same people for no more than three months in any 12 month period.
21. Any marketing material for the Chalet must display the planning approval reference number for this approval.
22. The proponent is to quantify their water requirements for all aspects of the proposed activities and provide evidence of a secure water source, to the satisfaction of the Shire.
23. Prior to occupation, Biosecurity Management Plan to address the risks of spreading or introducing new weeds or pathogens as well as including measures to prevent guests from trespassing onto restricted areas and neighbouring properties to the satisfaction of the Shire
24. Prior to the issue of a building permit, the applicant shall prepare and submit for assessment a Site and Soil Evaluation (SSE) report to be submitted and approved by the Shire on advice from Department of Water and Environmental Regulation. In accordance with requirements under the Government Sewerage Policy (2019).
25. The proposed location of the chalet sewage disposal points in the riparian zone of the watercourse do not form part of this approval.

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.

- a) The Shire of Augusta Margaret River has been declared a *Bushfire Prone Area*. Buildings are required to be constructed in accordance with *Australian Standard 3959 - Construction of Buildings in Bushfire Prone Areas* to satisfy the performance requirements of the Building Code of Australia.
- 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."

The rules shall also include access details informing guests to use Scott River Road to access the property, with access to Brockman Highway limited to emergency situations only.

- 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) The proposal is to comply with the *Government Sewerage Policy 2019*, including the submission of a site and soil evaluation overseen by a qualified and experienced soil scientist, in accordance with *AS/NZS 1547 On-site domestic wastewater management*, to the satisfaction of the local government and Department of health, prior to any development.
- f) Rainwater storage tanks should be sealed to prevent the ingress of rodents and other vertebrates, dust and to prevent mosquito breeding. A first flush diverter should be installed in line to enable flushing of dust and other sources of contamination deposited on roof catchment and in drainage lines, to minimise contaminants entering water storage tank.
- g) 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.
- h) 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.
- i) 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.
- j) The proponent will need to ensure that the occupants of the chalets comply with the requirements of the Environmental Protection (Noise) Regulations 1997.
- k) The Site and Soil Evaluation (SSE) should provide details of a suitable location/s of the chalets on the basis of the site investigations. As such, the SSE should contain a determination of the watercourse riparian zone, consistent with DWER's *Operational policy 4.3: Identifying and establishing waterways foreshore areas* (Sept 2012); separation to the highest groundwater and appropriate sewage treatment systems, consistent with the principles of the *Government Sewerage Policy 2019*
- l) Development is proposed in an Environmentally Sensitive Area. If any clearing is proposed, a clearing permit is required under the Environmental Protection Act, noting that exemptions do not apply. If further clarification is required, please contact the Department's Native Vegetation Regulation section by email (admin.nvp@dwer.wa.gov.au) or by telephone (6364 7098)
- m) Acid sulfate soils (ASS) risk mapping indicates that the site is located within an area identified as representing a high to moderate risk of ASS occurring within 3 metres of the natural soil surface. Please refer to Department of Water and Environmental Regulation's (DWER) acid sulfate soil guidelines for information to assist with the management of ground and/or groundwater disturbing works: <https://www.der.wa.gov.au/your-environment/acid-sulfate-soils/69-acidsulfatesoils-guidelines>
- n) If interception of ground water occurs, the Shire shall be advised within 24 hours and agreed remedial action undertaken to the specifications of the Department of Water and Environmental Regulation and to the satisfaction of the Shire.