

**DEVELOPMENT ASSESSMENT REPORT**  
**Shire of Augusta Margaret River**  
**28 October 2021 to 3 November 2021**

**APPLICATIONS RECEIVED**

Date Rec'd	Reference No.	Address	Proposal
<b>PLANNING</b>			
28/10/2021	P221806	Lot 5 Caves Road, Margaret River	Farm Building
28/10/2021	P221807	17 (Lot 232) Treeside Lane, Margaret River	Holiday House
28/10/2021	P221808	5021 (Lot 41) Caves Road, Cowaramup	Holiday House
28/10/2021	P221809	2 (Lot 1) Formosa Street, Margaret River	Grouped Dwelling
28/10/2021	P221811	9 (Lot 292) Mann Street, Margaret River	Holiday House (Renewal)
28/10/2021	P221812	Unit 11 / 20 (Lot 11) Riedle Drive, Gnarabup	Holiday House
29/10/2021	P221814	12 (Lot 153) Georgette Road, Gracetown	Dwelling
29/10/2021	P221815	41 (Lot 9) Saint Alouarn Place, Margaret River	Chalet (Additions to Existing Chalet & 1x Proposed Chalet)
01/11/2021	P221816	2 (Lot 111) Andrews Way, Margaret River	Small Bar (Amended Operating Hours)
01/11/2021	P221817	12 (Lot 201) Abberton Lane, Cowaramup	Bed and Breakfast
02/11/2021	P221818	14 (Lot 67) Birch Loop, Margaret River	Dwelling (Over Height Retaining)
02/11/2021	P221819	Unit 13 / 20 (Lot 13) Riedle Drive, Gnarabup	Holiday House
02/11/2021	P221820	15 (Lot 1) Friesian Street, Cowaramup	Warehouse
03/11/2021	P221821	125 (Lot 20) Rowe Road West, Witchcliffe	Holiday House
<b>BUILDING</b>			
29/10/2021	221696	8A (Lot 2 of 2) Blackwood Avenue, Augusta	Garage and Carport
29/10/2021	221702	7 (Lot 285) Sandalwood Drive, Margaret River	Carport
29/10/2021	221703	116 (Lot 530) Victoria Parade, Augusta	Single Dwelling, Retaining Walls and Verandah
29/10/2021	221704	46 (Lot 25) Issacs Road, Margaret River	Outbuilding - Cubby House
29/10/2021	221705	3 (Lot 559) Nuytsia Close, Margaret River	Single Dwelling
01/11/2021	221706	133 (1026) Heron Drive, Margaret River	Shed
01/11/2021	221707	27 (Lot 73) Bovell Avenue, Margaret River	Ancillary Dwelling, Retaining Wall, Shed and Carport
29/10/2021	221708	5690 (Lot 58) Caves Road, Burnside	Alterations/Additions to Existing Studio
29/10/2021	221709	5690 (Lot 58) Caves Road, Burnside	Unauthorised Works- Sheds and Carport
01/11/2021	221710	83 (Lot 14) Illawarra Avenue, Margaret River	Ancillary Dwelling, Garage and Retaining
01/11/2021	221711	3 (Lot 1) Dyson Road, Cowaramup	Single Dwelling and Rainwater Tank
02/11/2021	221712	67 (554) Brookfield Avenue, Margaret River	Alterations/Additions to Existing Dwelling - Laundry Conversion
02/11/2021	221713	(Lot 102) Ellen Brook Road, Gracetown	Shed
02/11/2021	221714	69 (Lot 234) McDermott Parade, Witchcliffe	shed
03/11/2021	221716	752 (Lot 101) Wallcliffe Road, Margaret River	Demolition - Chaney House, Gardeners Shed and Rainwater Tank

**APPLICATIONS DETERMINED UNDER DELEGATION**

Date Rec'd	Reference No.	Address	Proposal	Outcome
<b>PLANNING</b>				
01/07/2021	P221452	Retrospective Boundary Fence & Clearing	29 (Lot 28) Peirce Road, Margaret River	Approved
28/07/2021	P221517	Holiday House (Renewal)	18 (Lot 69) Colyer Drive, Hamelin Bay	Approved
02/08/2021	P221530	Dwelling (Vegetation Clearing)	Lot 1 Mentelle Road, Burnside	Approved
05/08/2021	P221534	Holiday House (Renewal)	13 (Lot 31) Dawson Terrace, Augusta	Approved
06/08/2021	P221544	Dwelling Additions (Garage & Water Tanks Outside Building Envelope)	3 (Lot 1) Heron Drive, Margaret River	Approved
23/08/2021	P221585	Dwelling Additions (Retaining Walls, Fill & Boundary Fencing)	11 (Lot 361) Winton Street, Margaret River	Approved
26/08/2021	P221600	Dwelling (Demolition Chaney House Gardeners Shed & Water Tank)	752 (Lot 101) Wallcliffe Road, Margaret River	Approved
01/09/2021	P221615	Single Dwelling	9 (Lot 135) Tattersall Street East, Augusta	Approved
14/09/2021	P221646	Holiday House (Large)	841 (Lot 204) Burnside Road, Burnside	Approved
28/09/2021	P221685	Holiday House – (Large) (Renewal)	299 (Lot 418) Juniper Road, Cowaramup	Approved
30/09/2021	P221694	Holiday House (Renewal)	213 (Lot 17) Manear Road, Rosa Brook	Approved
01/10/2021	P221714	Residential Building (Short Stay Use of 2 Guest Rooms and 2 Bathrooms - Guesthouse Renewal)	17 (Lot 33) Worredah Crescent, Prevelly	Approved
<b>SUBDIVISIONS</b>				
04/10/2021	P221721	Section 40 (Distillery)	30 (Lot 406) Hasluck Street, Cowaramup	Approved
04/10/2021	P221723	Section 40 (Tavern & Liquor Store)	31 (Lot 406) Hasluck Street, Cowaramup	Approved
<b>LOCAL LAW PERMITS</b>				
12/10/2021	P221762	Local Law Permit - Woodside Nippers Program 2021/2022	Portion of Gnarabup Beach, Reserve 41545, Wallcliffe Road, Gnarabup	Approved

### LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
<b>PLANNING</b>				
19/08/2021	P221579	16 (Lot 35) Tallwood Loop, Witchcliffe	Dwelling Addition (Outbuilding)	Conditional Approval
19/09/2021	P221643	25 (Lot 11) Rowe Road West, Witchcliffe	Building Envelope Variation & Holiday House (Large)	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 Development Services**

**Proposed Dwelling Addition (Outbuilding)**  
**16 (Lot 35) Tallwood Loop Witchcliffe**

**Level 3**

**P221579; PTY/13042**

**REPORTING OFFICER : Don Bothwell**  
**DISCLOSURE OF INTEREST : Nil**

<b>General Information</b>	
<b>Lot Area</b>	3927m <sup>2</sup>
<b>Zone</b>	<b>Future Development (Residential R2.5)</b>
<b>Proposed Development</b>	<p>The proposal is for an Outbuilding addition to the existing Single Dwelling as follows:</p> <ul style="list-style-type: none"> <li>• An 'A' frame design;</li> <li>• 120m<sup>2</sup> floor area (a variation to the 80m<sup>2</sup> floor area guideline under <i>Local Planning Policy No. 1 – Outbuildings, Farm Buildings and Swimming Pools</i> [LPP1])</li> <li>• A 3.55m wall height (a variation to the 3.1m wall height guideline under LPP1);</li> <li>• A 4.5m ridge height (a variation to the 4.2m ridge height guideline under the <i>Residential Design Codes</i>);</li> <li>• Located at the rear of the dwelling and setback approximately 12.5m to the west boundary and approximately 21m to the rear/north boundary (refer to Figure 1 below); and</li> <li>• To be accessed by a gravel driveway that would be setback 7m from the western boundary.</li> </ul>
	<p>The site plan extract shows Lot 35 (3927m<sup>2</sup>) bounded by Tallwood Loop. It features a 'PROPOSED SHED 120m<sup>2</sup> 10x12m' and a 'PROPOSED LEAN TOO' at the rear. A 'PROPOSED RESIDENCE FFL 76.80' is shown at the front. A 'PROPOSED SEPTIC SYSTEM TO SHEDS' is located between the shed and residence. A 'PROPOSED GRAVEL DRIVE' is shown on the western side. Dimensions for setbacks and boundaries are provided, such as 44.50m, 32.80m, and 65.61m. A north arrow is present in the bottom left corner.</p>
	Figure 1: Site Plan Extract
<b>Permissible Use Class</b>	Single Dwelling – "P"
<b>Heritage/Aboriginal Sites</b>	None identified
<b>Encumbrance</b>	Nil
<b>Date Received</b>	19/08/2021



<b>Policy Requirements</b>	
Is the land or proposal referred to in any Council Policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, state the Policy/Policies	Local Planning Policy No. 1 – <i>Outbuildings, Farm Buildings and Swimming Pools (LPP1)</i>
<b>Officer Comment</b>	<p>The variation to the acceptable development standards under LPP1 for the floor area of the outbuilding and for the wall height is assessed against the performance criteria as follows:</p> <p><i>Outbuildings that are/can be adequately screened from view from the street and neighbouring properties, or are otherwise an appropriate form and scale, and in an appropriate location, consistent with the visual management guidelines of the Local Planning Strategy.</i></p> <ul style="list-style-type: none"> <li>The outbuilding is adequately screened from view of the street and neighbouring properties and is contained within the Building Envelope prescribed in the Local Development Plan for the locality.</li> </ul>

	<p><i>Outbuildings constructed of colours and materials that complement the landscape, dwelling and/or the amenity of the surrounding area.</i></p> <ul style="list-style-type: none"> <li>The outbuilding is proposed to be constructed of colours (dark grey) and would be well setback from lot boundaries such that it is not considered to be adverse to the amenity of the area.</li> </ul> <p><i>Outbuildings that will not have an adverse impact to or detract from the streetscape or amenity of neighbouring properties.</i></p> <ul style="list-style-type: none"> <li>The outbuilding is not considered to have any adverse impact to or detract from the streetscape or amenity of the neighbouring properties with the height and floor area of the shed reduced in response to concerns raised.</li> </ul> <p><i>Outbuildings that, where practical, are grouped with the residence to limit potential adverse visual impacts and are proportionally scaled relative to the dwelling on site.</i></p> <ul style="list-style-type: none"> <li>The outbuilding is grouped with the residence within the building envelope.</li> </ul> <p>The size of the outbuilding has been reduced, in response to concerns raised, to the largest floor area that can be considered in the zone under the performance criteria in LPP1.</p>
<b>Structure Plans and Local Development Plans (LDP's)</b>	
Is the land in any Structure Plan Area or subject to a LDP? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, state the Policy/Policies	Leeuwin parklands Estate, Witchcliffe – Local Development Plan (LDP) and Structure Plan Amendment No. 10 Lot 12 and Location 1035 Bussell Highway Witchcliffe.
<b>Officer Comment</b>	There are no relevant provisions of the LDP or structure plan in relation to the proposal.
<b>Advertising/Agency Referrals</b>	
<p>Has the application been referred to adjoining landowners/agency?</p> <p>The original application that was advertised to neighbours was for an outbuilding with a floor area of 157m<sup>2</sup>, a wall height of 4.2m and a ridge height of 5.145m. The application was amended in response to concerns raised in the advertising period and the wall and ridge heights and floor area were reduced.</p>	<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: Two objections were received
<b>Details of Submission</b>	<b>Officer Comment</b>
<p>The issues raised in the objections received are as follows:</p> <ol style="list-style-type: none"> <li>Concern over size of the shed and its effect of the amenity of the streetscape and the area.</li> <li>Concern over 5.145m ridge height and it standing out from the road and surrounding properties.</li> <li>Concern over risk of loss of sunlight from overshadowing.</li> <li>Comment that the proposal does not meet the acceptable development standards of LPP1.</li> <li>Concern over the intended use of the shed and impacts to noise and privacy.</li> <li>Noise and privacy concerns with the driveway being adjacent to the fence line.</li> </ol>	<ol style="list-style-type: none"> <li>Noted, the variations to the deemed to comply and acceptable development standards are discussed elsewhere in this report.</li> <li>The plans were amended to reduce the height of the outbuilding in response to the concerns raised. The height of the amended outbuilding would be 0.6m higher than the ridge point of the dwelling on site and would be setback 19m behind the rear of the house. While the outbuilding will be marginally higher than the existing dwelling, given the location at the rear of the building envelope and the substantial setback from the street (of more than 40m), the streetscape impacts are considered to be mitigated.</li> <li>The proposed shed satisfies the overshadowing requirements set out in the R-Codes. Further it is noted that the shed would be located in the northern central portion of the subject site with a minimum setback of 10m to the closest side boundary. The shadow cast from the structure would impact the development site rather than adjoining properties.</li> <li>Refer to point one above.</li> <li>The applicant has stated in their application that the intended use of the shed is to house a caravan and hobby truck. The likely noise impacts associated with the use of the outbuilding are considered to be</li> </ol>

		commensurate with the normal residential use of the premises.	
		6. The plans submitted show a gravel driveway setback between seven and eleven metres to the closest side boundary which is consistent with the pattern of development for land of this type (zone and density).	
<b>Assessment of Application</b>			
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
<b>R Codes</b>			
Are R Codes applicable?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Design Element</b>	<b>Policy / R Codes</b>	<b>Provided</b>	<b>Officer comment</b>
<b>Outbuildings</b>	4.2m ridge height	4.5m ridge height	See comments below
<b>Officer's Comments against the Design Principles</b>	<b>5.4.3 Outbuildings</b> The variation to the deemed-to-comply provisions of the R-Codes is considered to satisfy the relevant design principles for the following reasons: <ul style="list-style-type: none"> <li>The outbuilding does not detract from the streetscape or the visual amenity of residents or neighbouring properties for the reasons discussed above.</li> </ul>		
Are there any compliance issues in relation to existing development?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<b>Development Standards (Schedule 9)</b>			
Are the development Standards applicable?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<b>Clause 67</b>			
In the opinion of the officer, would approval of the planning consent be appropriate under Clause 67 of the Deemed Provisions of the Scheme?			
<b>Officer Comment</b>	Yes.		
<b>In the opinion of the officer</b>			
i. Are utility services available and adequate for the development?		Yes.	
ii. Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land?		Yes.	
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?		No.	
v. Is the development likely to comply with AS3959 at the building permit stage?		N/A	
<b>Other Comments</b>			
Any further comments in relation to the application?			
<b>Officer Comment</b>	The lot is relatively large at 3927m <sup>2</sup> , on balance the proposed amended size and height of the outbuilding is not considered to have an undue impact on the streetscape or the surrounding properties. Conditional approval recommended.		

#### OFFICER RECOMMENDATION

That the Statutory Planning Coordinator GRANTS Planning Consent under Delegated Authority Instrument No. 16 pursuant to Clause 68(2) of the Deemed Provisions of Local Planning Scheme No. 1 for the proposed Dwelling Addition (Outbuilding) at 16 (Lot 35) Tallwood Loop Witchcliffe 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 – P4 received at the Shire on 28 October 2021
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- 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.
- All stormwater and drainage run-off from the development shall be contained within the lot boundaries or disposed offsite by an approved connection to the Shire's drainage system in accordance with the Shire of Augusta Margaret River Standards & Specifications.
- The outbuilding(s) shall be used solely for purposes incidental and ancillary to the authorised use of the land.
- The outbuilding shall not be used for human habitation.
- The construction of the outbuilding is only permitted when a dwelling exists, or when an approved dwelling is under construction, on the same lot. A building permit for the outbuilding must be issued with, or after, a building permit has been issued for a dwelling on the site.

**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**  
**Report to Manager Planning and Development Services**

**Proposed Building Envelope Variation, Effluent System Outside Envelope & Holiday House (Large) at 25 (Lot 11) Rowe Road West Witchcliffe**

**Level 3**

**P221643; PTY/12420**

**REPORTING OFFICER** : Lucy Gouws  
**DISCLOSURE OF INTEREST** : Nil

General Information	
Lot Area	3.4ha
Zone	Rural Residential
Proposed Development	<p>Planning approval is sought for the following:</p> <ul style="list-style-type: none"> <li>- variation to the location of the 2000m<sup>2</sup> building envelope; and</li> <li>- use of the proposed five bedroom Dwelling as a Holiday House (large) for up to eight guests.</li> </ul> <p><b>Note:</b> The Dwelling, Ancillary Dwelling (67.5m<sup>2</sup>) and Outbuilding do not form part of the planning assessment given the development (excepting the effluent system) will be located within the revised building envelope and the development complies with <i>Local Planning Scheme No. 1 (LPS1)</i> and <i>Local Planning Policy 1 – Outbuildings Farm Buildings &amp; Swimming Pools (LPP1)</i>.</p>
Permissible Use Class	Holiday House 'A'
Heritage/Aboriginal Sites	Nil
Encumbrance	Notifications and covenants not impacted by this application.
Date Received	14/09/2021



Policy Requirements		
Is the land or proposal referred to in any Council Policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Local Planning Policy 7 Short Stay Accommodation (LPP7)		
Policy Element	Provision	Comment
Location	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	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Onsite water system proposed including 2 x water tanks with combined capacity of 185,140L. Septics system to cater for more than 8 guests and the Ancillary Dwelling as confirmed by Environmental Health.	<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 outside area overlook the dam and adjoining reserve to the north west and west respectively.
	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 Outdoor areas located over 35m from side (south eastern) boundary



		& setback 48m from the building envelope on the neighbouring northern property.
	Each bedroom accommodates a maximum of two persons?	√ Yes <input type="checkbox"/> No Bedrooms accommodate 2 guests each, maximum 10 guests can be considered under this policy provision.
<b>Management</b>	Management Plan submitted?	√ Yes <input type="checkbox"/> No
	BEEP provided	√ Yes <input type="checkbox"/> No
	Manager, or employee permanently resides 35m drive from Site?	√ Yes <input type="checkbox"/> No Margaret River based managing agency.
	House Rules?	√ 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

**Structure Plans and Local Development Plans (LDP's)**

Is the land in any Structure Plan Area or subject to a LDP?      √ Yes       No

The site is subject to the *Lot 12 and Location 1035 Structure Plan* (the Structure Plan). An extract of the Structure Plan is provided below.

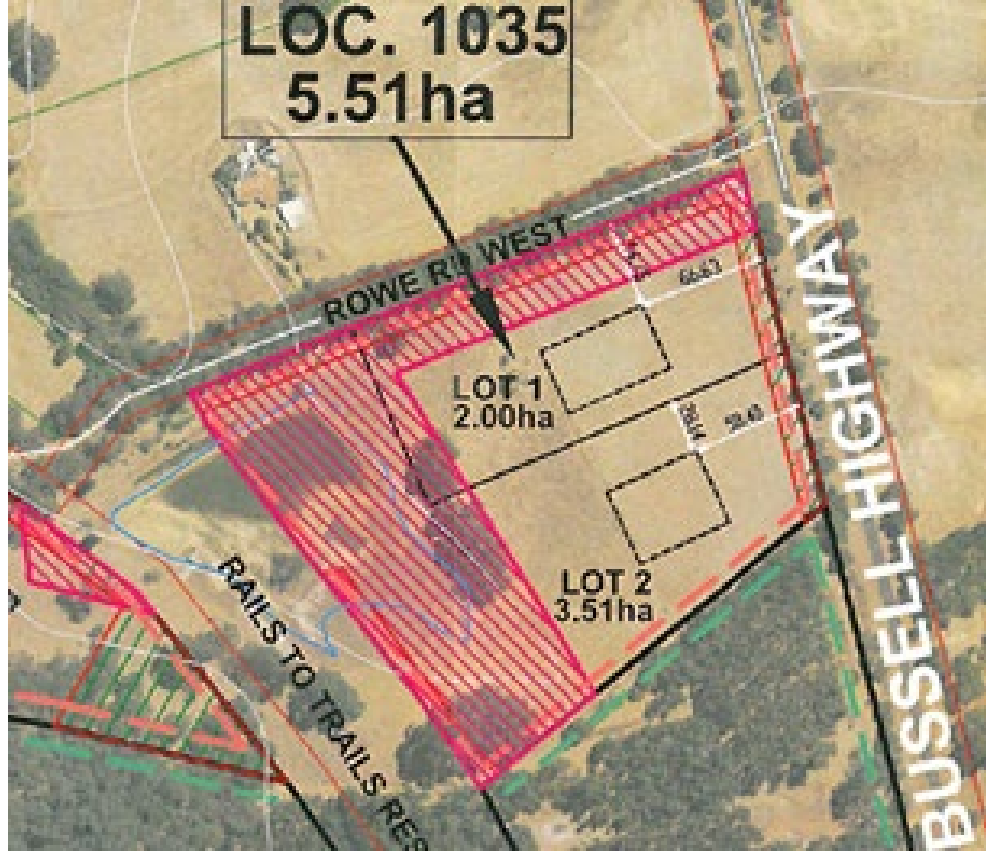


Figure 1: Extract from Structure Plan showing the subject site as 'Lot 2', the existing building envelope, and effluent exclusion area in red.

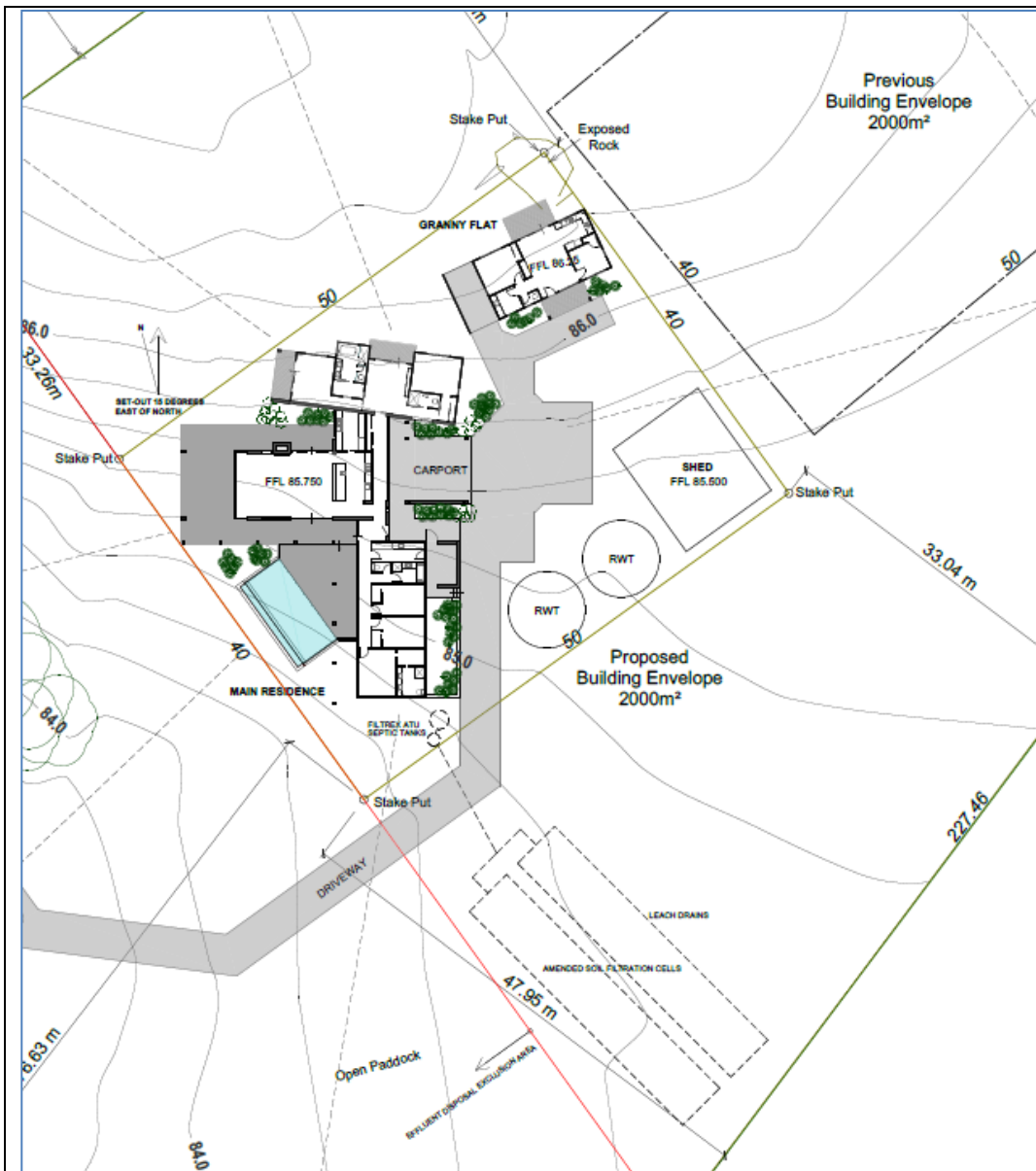


Figure 2: Proposed building envelope.

<b>Advertising/Agency Referrals</b>	
<p>Has the application been referred to adjoining landowners/agency?</p> <p>The original application for 10 guests was amended in response to concerns raised during the advertising period and guest numbers were reduced to eight.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<p>Has a submission been received by Council?</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A No. received: 12 submissions received
<b>Details of Submissions</b>	
<p>Comments in Relation to Holiday House</p>	
<p>Adjoining landowners</p> <ul style="list-style-type: none"> <li>- Location right next door to my house.</li> <li>- Should not be allowed in a rural residential area.</li> <li>- Concerns with noise and disturbance.</li> <li>- Holiday house will have unreasonable impacts on the amenity of existing locality in relation to noise and visual privacy.</li> <li>- Holiday house (large) will have visitors and occupants who will use the outdoor entertaining area more intensively and at more unpredictable hours than if the property was used on a permanent basis. This will result in more noise and disturbance to neighbours.</li> <li>- Vegetation is sparse and would not provide sufficient noise and visual screening between properties.</li> </ul>	<p>The applicant has provided the following response regarding concerns about noise:</p> <ul style="list-style-type: none"> <li>• We will limit the number of guests to 8 for the 1st year to assess the potential noise impact.</li> <li>• We will change the noise policy to state no music or outdoor entertaining after 9 pm.</li> <li>• The house is fully double glazed; therefore, noise transfer from inside to outside will be minimal.</li> <li>• We are targeting high-end holidaymakers; the rental amount will be high with large bonds withheld; this will ensure we are not attracting youth/school leavers</li> <li>• There will be a strict policy of NO school leavers.</li> <li>• Our holiday home will be leased to holidaymakers during off-peak periods as the owners will be utilizing the house during peak periods.</li> </ul>

<ul style="list-style-type: none"> <li>- The overlooking of a backyard is inconsistent with the low density amenity of the locality, this is a strong reason refuse the application.</li> <li>- The application does not comply with LPP7 and no information has been provided that demonstrates there will be no off-site impacts and the applicant has prepared a management plan for the holiday house use.</li> </ul>	<ul style="list-style-type: none"> <li>• The house is designed to cater to family vacations that would like to experience a luxury self-catered holiday. We will be cautious in whom we allow the property to be leased.</li> </ul>
<p>Landowners within 100m of the Site</p> <ul style="list-style-type: none"> <li>- Owners have a history of flouting Shire requirements, previously setting up illegal camping on numerous occasions.</li> <li>- Inconsistency between tourism and residential use.</li> <li>- If holiday house is approved we expect an increase in noise an increased visual impact.</li> <li>- Concerns about safety to my family.</li> <li>- Antisocial behaviour.</li> <li>- Concerns with 10 guests, which will likely be more guests, plus dogs.</li> <li>- 10 people or more in a house out of town, noise pollution will be significant.</li> <li>- These type of holiday houses are to accommodate bucks parties, leavers, wedding parties.</li> <li>- Concerns large numbers of guest's minimal knowledge about fire regulations.</li> </ul>	<p>Officer comments:</p> <p>While the concerns about the proposed short stay use of the Dwelling are noted, it is considered that the capacity of the land use is no greater than the expected residential use for a house of the scale proposed. The intensity of the use has also been amended in response to the concerns raised and guest numbers have been reduced. There is no evidence to suggest that the proposed site would host weddings or parties. The successful management of the use can be monitored during the limited initial 12 month timeframe of any approval that may be granted and the use can be reassessed at the time an application is lodged for renewal. Conditional approval to the amended Holiday House proposal is recommended.</p>
<p>Landowners over 100m of the Site</p> <ul style="list-style-type: none"> <li>- Concerns with late night noise and disturbance.</li> <li>- Concerns with guest numbers.</li> <li>- Who will police guest numbers and deal with complaints.</li> <li>- Lot 11 is located on the highest ground level in the area, noise will filter down towards Bettong Place.</li> </ul>	
<p>Relation to the building envelope variation</p>	
<p>Adjoining landowners</p> <ul style="list-style-type: none"> <li>- Building envelope variation will result in the holiday house (large) overlooking backyard of the neighbour. Having an adverse impact on the amenity of the neighbours from lack of privacy and overlooking.</li> </ul>	<p>The applicant advises the following regarding the newly proposed building envelope:</p> <ul style="list-style-type: none"> <li>• The reason for the envelope relocation is that we are trying to move away from the Bussell highway as far as possible as we are worried about noise impacts from the highway.</li> <li>• We intend on planting trees/hedges on the back of the property facing the highway and along both sides of the new building envelope as we have no intention of looking into the adjoining properties; this will assist with the privacy concerns.</li> </ul>
<p>Landowners within 100m of the Site</p> <ul style="list-style-type: none"> <li>- Location of the existing building envelope was critical factor when we purchased the Site.</li> <li>- Our new dwelling is heavily impacted by the proposed building envelope.</li> <li>- At the time of planning our house, we took into consideration privacy and effect of existing building envelope.</li> <li>- Specific design decisions were made based on the existing building envelope.</li> <li>- Moving the envelope will result in an unacceptable visual and amenity impact.</li> <li>- Suspect this want get approved for geographical reasons (e.g. water-logged)</li> <li>- Location will be close to dense vegetation.</li> <li>- Relocation will hugely affect 3 immediate landowners.</li> </ul>	<p>Officer comments:</p> <p>The revised location of the envelope involves a variation to the Structure Plan for the area. Building envelopes were nominated at the time the Structure Plan was drafted and not necessarily by land owners with regard to site specific considerations. Land owners have the right to lodge an application for an envelope variation and the impacts are considered on a case by case basis. The justification for the change to the location of the envelope, to increase the separation distance to the highway, is acknowledged noting the noise and amenity impacts that arise with proximity to a travel route corridor. The proposed envelope location is in an existing cleared area and does not rely on vegetation removal. While the revised envelope location would bring the development on site closer to the western boundary and the adjoining western reserve, the setback to the southern boundary would increase from 23m to a minimum of 33m while the setback to the north would increase from 27m to 33m. The proposed Dwelling on site would also be located with decks, the pool and main outdoor living areas orientated to the north west, these areas would be screened to the southeast by the proposed shed and water tanks and the living areas. Given the considerable setback distance to boundaries, the layout proposed overlooking the dam, and the screening by tanks and the shed to the southeast, it is difficult to argue that the proposed envelope relocation would have an unreasonable adverse impact to the amenity of adjoining neighbouring properties. Further, the envelope location meets the development setback requirements under the <i>Local Planning Scheme No. 1</i> (the Scheme). For</p>

	these reasons, the revised envelope is considered to be acceptable and approval under clause 5.5 of the Scheme to this aspect of the application is recommended.
<b>Internal Department Comments</b>	<b>Officer Comments</b>
Swimming pools and spas are considered to be aquatic facilities and as such must comply with the Health (Aquatic Facilities) Regulations 2007 and the Code of Practice for the Design, Operation, Management and Maintenance of Aquatic Facilities if offered to guests for use in association with accommodation. Recommended conditions/advice in relation to wastewater treatment, water supply, noise & swimming pools.	Environmental Health comments are noted and are included where relevant as recommended advice to any approval.
<b>Assessment of Application</b>	
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
<b>Development Standards (Schedule 9)</b>	
Are the development Standards applicable?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Officer Comment</b>	The location of the revised envelope complies with the development standards under LPS1.
<b>Building Height</b>	
Scheme Requirement	Wall - 7m      Roof - 8m
Proposed Building Height	Wall – 3.7m      Roof – 5.5m (measurement includes fill) <input checked="" type="checkbox"/> Complies
<b>Clause 67</b>	
In the opinion of the officer, would approval of the planning consent be appropriate under Clause 67 of the Deemed Provisions of the Scheme?	
<b>Officer Comment</b>	Yes.
<b>In the opinion of the officer</b>	
vi. Are utility services available and adequate for the development?	Yes to be provided for both the dwelling, ancillary and for the holiday house use.
vii. Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land?	None to be removed.
viii. Has adequate provision been made for access for the development or facilities by disabled persons?	n/a
ix. Is development likely to cause detriment to the existing and likely future amenity of the neighbourhood?	See officer's response to submissions above.
x. Is the development likely to comply with AS3959 at the building permit stage?	The Site has a rating of a BAL 12.5 as shown in the BAL report dated 29 June 2021.
<b>Other Comments</b>	
Any further comments in relation to the application?	
<b>Officer Comment</b>	The application generated a considerable number of submissions during the advertising period and the proposed Holiday House use was amended in response to the concerns raised. The envelope variation and the proposed Holiday House have been assessed with regard to the gravity of the potential impacts. While the concerns are noted, the amended proposal is considered acceptable subject to conditions and approval is recommended.

#### OFFICER RECOMMENDATION

That the Manager of Planning and Development Services **GRANTS Planning Consent under Delegated Authority Instrument No. 16 pursuant to Clause 68(2) of the Deemed Provisions of Local Planning Scheme No. 1 for the proposed Building Envelope Variation, Effluent Disposal System Outside Envelope & Holiday House (Large) at 25 (Lot 11) Rowe Road West Witchcliffe 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 – P4 received by the Shire on the 14 September 2021
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- The revised building envelope hereby approved, wholly replaces that previously applicable to the site.
- 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.
- The Holiday House use is limited to a period of **twelve (12) months** from the date of this approval (refer to advice note 'a').
- The approved Bushfire Emergency Evacuation Plan shall be displayed in a conspicuous location within the dwelling at all times.

6. A manager or a contactable employee of the manager that permanently resides no greater than 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 a).
7. At all times the Holiday House use is in operation, the 24-hour contact details of the Manager of the Holiday House shall displayed on a sign installed within the property and 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 ground level (refer to advice note c).
8. All vehicles and boats connected with the premises shall be parked within the boundaries of the property.
9. The short stay use of the dwelling shall not be occupied by more than **eight (8) people** at any one time.
10. Amplified music shall not be played outside of the Holiday House between the hours of 10pm and 10am.
11. Any marketing material for this Holiday House shall include display of the planning approval reference number for this approval.
12. The Ancillary Dwelling and is not permitted to used for short stay accommodation. The Ancillary Dwelling is only permitted to be used by the land owner of the site for permanent accommodation simultaneously with the use of the primary dwelling for a holiday house.

#### 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. Please note that the Shire does not notify landowners in writing of the expiry of a planning approval' it is the owner's responsibility to monitor and ensure that the approval remains valid.
- b) Evidence of the installation of the sign and 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 that planning approval reference number is being displayed.
- c) 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.
- d) 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;
  - (iii) The *Environmental Protection (Noise) Regulations 1997*.
- e) The 'House Rules' document shall be consistent with key elements of the NSW Code for Holiday Houses (please refer to the attached document).
- f) Swimming pools and spas are considered to be aquatic facilities and as such must comply with the *Health (Aquatic Facilities) Regulations 2007* and the Code of Practice for the Design, Operation, Management and Maintenance of Aquatic Facilities if offered to guests for use in association with accommodation.