

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
18 May to 24 May 2023

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
18/05/2023	P223303	10666 (Lot 1) Caves Road, Deepdene	Holiday House (Large)
19/05/2023	P223305	5320 (Lot 4) Caves Road, Gracetown	Change of Use from Farm Building to Winery
22/05/2023	P223307	3 (Lot 162) Laurina Place, Gnarabup	Holiday House (Renewal)
22/05/2023	P223308	19 (Lot 190) Alferink Crescent, Margaret River	Extension of Term
23/05/2023	P223309	809 (Lot 209) Burnside Road, Burnside	Holiday House (Large) Renewal
23/05/2023	P223310	152 (Lot 32) Bussell Hwy, Margaret River	Change of Use (Shop to Licensed Restaurant)
23/05/2023	P223311	3 (Lot 201) Churchill Avenue, Margaret River	Holiday House (Renewal)
24/05/2023	P223312	14 (lot 27) Jersey Street, Cowaramup	Warehouse Additions
24/05/2023	P223313	10665/10666 (Lot 1) Caves Road, Deepdene	Subdivision
BUILDING			
18/05/2023	223246	15 (Lot 25) Tallwood Loop, Witchcliffe	Shed and Studio
18/05/2023	223247	7 (Lot 343) Duncan Street, Margaret River	Swimming Pool and Safety Barrier
18/05/2023	223248	10A (Lot 2) Freycinet Way, Gnarabup	Alterations to Aged and Dependent Persons Dwelling (Store, Lift, door/window)
18/05/2023	223249	19 (Lot 39) McDowell Road, Witchcliffe	Shed
19/05/2023	223250	10 (Lot 277) Dempster Drive, Witchcliffe	Garage & Storage Unit
18/05/2023	223251	9 (Lot 27) Horseford Road, Burnside	Alterations and Additions to Existing Dwelling
22/05/2023	223252	31 (Lot 30) Tallwood Loop, Witchcliffe	Patio
22/05/2023	223253	Lot 4 Fifty One Road, Cowaramup	Rural Storage Shed
23/05/2023	223254	10 (Lot 51) Greenwood Avenue, Margaret River	Patio
24/05/2023	223255	56 (Lot 281) Noreuil Circuit, Cowaramup	Swimming Pool
24/05/2023	223256	56 (Lot 281) Noreuil Circuit, Cowaramup	Barrier Fence for Swimming Pool
24/05/2023	223257	41 (Lot 198) McDermott Parade, Witchcliffe	Rainwater Tank
Exploration Licenses for Comment			
Nil			

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				
23/03/2023	P223188	107 (Lot 18) Rowe Road West, Witchcliffe	Building Envelope Variation	Approved
28/03/2023	P223199	Unit 4, 35 (Lot 4) Stewart Street, Margaret River	Holiday House (Large)	Approved
28/03/2023	P223202	85 (Lot 48) Freshwater Drive, Burnside	Single Dwelling (Outbuilding)	Approved
30/03/2023	P223212	3 (Lot 559) Nuytsia Close, Margaret River	Single Dwelling (Variation to front setback for Outbuilding)	Approved
04/04/2023	P223216	106 (Lot 63) Kevill Road East, Margaret River	Boundary Fence	Approved
04/05/2023	P223275	147 (Lot 29) Bussell Highway, Margaret River	Change of Use (Restaurant to Small Bar)	Approved
SUBDIVISIONS				

Nil
LOCAL LAW PERMITS
Nil

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
22/03/2023	P223179	13 (Lot 20) Merino Way, Margaret River	Single Dwelling (Outbuilding)	Conditional approval
09/02/2023	P223089	Lot 900 Leschenaultia Avenue, Margaret River	Mixed Use (Single Dwelling and Hair Salon)	Conditional approval
23/03/2023	P223189	10 (Lot 120) Lesueur Place, Gnarabup	Holiday House	Conditional approval

DEVELOPMENT ASSESSMENT REPORTING PROCEDURE

Assessment of Development Applications (DAs)

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

Level 1

DA not advertised

Level 2

DA is advertised; and

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

Level 3

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

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



DEVELOPMENT APPLICATION ASSESSMENT
Report to Manager Planning and Regulatory Services

Proposed Single Dwelling (Outbuilding)
13 (Lot 20) Merino Way, Margaret River

Level 3

P223179; PTY/2419

REPORTING OFFICER : Tessa Ashworth
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	3ha
Zone	Rural residential
Proposed Development	Proposed 112.5m ² shed in addition to existing 54m ² shed. Variation due to total outbuilding area over 150m ² . Second hand zinalume shed, proposal includes painted walls to comply with Visual Management requirements.
Permissible Use Class	'P' Single dwelling
Heritage/Aboriginal Sites	None
Encumbrance	None
Date Received	22/03/2023



Policy Requirements	
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 LPP1 – Outbuildings	
Officer Comment	<p><i>AD1.7 On rural residential lots greater than 2ha, outbuildings collectively are no greater than 150sqm in size.</i></p> <p>Outbuilding total floor area 166.5 – variation (Existing shed 54sqm, new shed 112.5sqm)</p> <p><i>AD1.8 ridge height does not exceed 4.5m</i> - proposed ridge height 4.35m – complies</p> <p><i>AD1.9 outbuilding ancillary to residential use</i> - It is intended to store car, caravan, tractor and materials for the approved ancillary dwelling currently being built on the site - complies</p> <p><i>AD1.10 located behind the front of the dwelling and within building envelope</i> - located within building envelope and behind dwelling - complies</p> <p>Assessment against performance criteria</p> <ul style="list-style-type: none"> • Outbuilding is screened from view from Merino Way. It can be partially seen from Wallcliffe Rd, but is at the far end of the property. • The second hand shed is zinc alume. The proponent has indicated the walls will be painted similar to Woodland Grey to comply with the visual management area (the site being within 300m of a travel corridor). This will be a condition. • The outbuilding is grouped with the existing residence. • Total outbuilding total floor area on the property is within the area that can be supported (less than 180sqm). • The variation for total floor area is relatively minor at 16sqm over. The proposed shed has been bought second hand and therefore is of a certain size.
Structure Plans and Local Development Plans (LDP's)	
Is the land in any Structure Plan Area or subject to a LDP? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, state the Policy/Policies Subdivision Guide Plan for Basildene Landowners Association 1997	
Officer Comment	Landscape protection area abutting Wallcliffe Rd. Otherwise no relevant provisions.
Planning History	
8/07/2022 – Ancillary Dwelling and Building Envelope Variation Approved	
Advertising/Agency Referrals	
Has the application been referred to adjoining landowners/agency?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Has a submission been received by Council?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A No. received: 1
Details of Submission	Officer Comment

<p>1 x objection</p> <ul style="list-style-type: none"> - Orientation facing towards their property to the north. - Loss of privacy as close to their dwelling. - Concerns around noise and dust from access track - Second driveway access from Merino way for ancillary dwelling is illegitimate 	<p>Went out to neighbouring property to discuss with objector.</p> <p>The proposed shed is within the building envelope and 30m om boundary. Explained that development can occur within the building envelope.</p> <p>The best remedy available is for the applicant to put in landscape screening to help with privacy concerns. This will be conditioned through the landscape plan.</p> <p>In regard to driveway access, the landowner can use that access, however it was determined that it should be 10m away from boundary in line with rural residential setbacks. The applicant has confirmed this.</p> <p>Applicant has confirmed that the second access is an old farm access that has always been there. Existing fencing reflects this.</p>
Assessment of Application	
Is the land referred in the Heritage Inventory?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there any Contributions applicable?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there any compliance issues in relation to existing development?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No This application came from a neighbour complaint and goes towards legitimising the building.
R Codes	
Are R Codes applicable?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Development Standards (Schedule 9)	
Are the development Standards applicable?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Officer Comment	Rural residential: 30 front setback – 65m - complies 30m rear setback – 90m - complies 10m side setback – 32m - complies
Clause 67	
In the opinion of the officer, would approval of the planning consent be appropriate under Clause 67 of the Deemed Provisions of the Scheme?	
Officer Comment	LPS - Clause 4.22.6

	<p><i>Outbuildings shall be such as to complement the dwelling constructed on the land in terms of their design and treatment of the external surfaces, including colour and type of materials, and shall be sited, within the building envelope, as to achieve a relationship to the dwelling that will not detract from the visual and rural amenity of the site and locality generally.</i></p> <p>The existing main dwelling on the site is an original weatherboard house, light in colour. The approved ancillary is quite different with vertical wood and white fibre cement cladding. As such, there is no consistent material type on the lot. Both dwellings have zincalume cladding on the roof and the proposed shed will have the same. The presence of screening vegetation and the age of the proposed shed, being second hand, will minimise the visual impact that the zincalume roof could otherwise have.</p> <p>All development is occurring within the building envelope. The outbuilding walls will be painted woodland grey to comply with visual management area requirements. A landscaping plan will be implemented to include privacy screening between the outbuilding and the adjoining neighbour as well as along Wallcliffe Road. It meets performance criteria of LPP1 and the relevant Clause 4.22.6.</p> <p>Approval recommended.</p>
In the opinion of the officer	
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?	Yes
Other Comments	
Any further comments in relation to the application?	
Officer Comment	No.

OFFICER RECOMMENDATION

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 proposed Single Dwelling (Outbuilding) 13 (Lot 20) Merino Way, Margaret River 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	Plans 1 & 2 received by the Shire 22 March 2023
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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. The outbuilding(s) shall be used solely for purposes incidental and ancillary to the authorised use of the land.
4. The outbuilding shall not be used for human habitation.
5. Prior to lodging of a building permit application a Landscape Plan shall be prepared to the satisfaction of the Shire showing planting to the northern side of the Outbuilding and along Wallcliffe Road. The Landscape Plan shall be drawn to scale and show the following:
 - a) The location, name and mature heights of existing vegetation being retained, proposed trees, shrubs and ground covers;
 - b) Any natural landscaped areas to be retained; and
 - c) Detail the timing of planting.
6. Landscaping shall be implemented, in accordance with the approved Landscape Plan, prior to occupation/use of the development and shall be maintained at all times.
7. The walls of the building shall be clad in a non-reflective material and painted in a colour of natural or earth toning consistent with the existing landscape and existing development. To this end, reflective materials or reflective colours as cladding/external (including but not limited to) 'silver' sheeting painting white, cream, off white or pale grey are prohibited.

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 Regulatory Services

Proposed Mixed Use (Single Dwelling and Hair Salon)
Lot 900 Leschenaultia Avenue, Margaret River

Level 3

P223089; PTY/11746

REPORTING OFFICER : Don Bothwell
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	400m ²
Zone	Future Development
Proposed Development	<p>The proposal is for a mixed-use development consisting of a Single Dwelling and a Shop (Hair Salon) specifically comprising:</p> <ul style="list-style-type: none"> • 3 bedroom residence with car parking and store room • 65m² Hair Salon with separate access <p>The proposed development application has been submitted concurrently with a modification to the existing Brookfield Local Development Plan Stage 7 Precinct (LDP) (P223099) applicable to the locality which would enable the subject site to be designated as “Village Centre” and be the subject to provision 6 of the LDP, to be developed for combined residential and commercial use.</p> <p>Both applications P223099 (amended LDP) and P223089 (residential single dwelling and hair salon) were advertised concurrently with two separate letters send to the same surrounding landowners. As the issues raised similar issues across the two applications, the comments received and the officer responses to them have been grouped together in this report for clarity.</p>
Permissible Use Class	Under the proposed LDP modification: Shop (Hair Salon) – ‘P’ under the Village Centre zone
Heritage/Aboriginal Sites	None identified.
Encumbrance	Nil.
Date Received	09/02/2023





Policy Requirements	
Is the land or proposal referred to in any Council Policy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Structure Plans and Local Development Plans (LDP's)	
Is the land in any Structure Plan Area or subject to a LDP? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, state the Policy/Policies	Brookfield Local Development Plan Stage 7 Precinct & East Margaret River Structure Plan
Planning History	
P220164 – Sales Office – Approved 4 June 2020	
Advertising/Agency Referrals	
Has the application been referred to adjoining landowners/agency?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Has a submission been received by Council?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A 4 submissions of objection received in total for P223089 & P223099 as follows: <ul style="list-style-type: none"> • P223089 & P223099 – 1 submission; • P223089 (Development Proposal) – 2 submissions; and • P223099 (Local Development Plan) – 1 submission.
Details of Submission	Officer Comment
Submission 1 (P223089 & P223099) 1. Area allocated for businesses/shops, was never shown or indicated to be in parkland/proposed site.	Noted. The subject lot was a privately owned utility site with its original purpose now redundant.

<p>2. Area for conservation and recreational purposes and does not suit area.</p> <p>3. Already adequate allocated business areas in neighbouring developments.</p> <p>4. Developers removed proposed shop frontages nearby as there was not a need for this and similar business in this area.</p> <p>5. Original existing infrastructure was very small, the size of a garden shed and not two stories in height.</p> <p>6. Within a riparian area and will dramatically and adversely impact the bandicoots, ring-tail possums and other endemic fauna that use this bush-land corridor.</p> <p>7. Development does not have design features that either compliment, blend in or are unoffensive, or allow for my investment and neighbouring properties that paid for park views to be considered.</p> <p>8. Building is too high and encroaches into the aesthetics of the park.</p> <p>9. Proposed building is too close to waste transfer infrastructure and poses health risks when this area floods.</p> <p>10. Biological exposure and smells that emanate from the waste transfer infrastructure are too close to a residential area.</p> <p>11. Proposed dwelling does not act to benefit park users as it will no longer be available for the public and Shire use.</p> <p>12. Concerned this property was sold privately without any notification of this. Can the Shire please provide evidence that this public asset was lawfully sold.</p>	<p>Noted. The subject lot is zoned 'Future Development' and is not a part of the adjoining public open space.</p> <p>Noted. The proposal is a minor extension of the existing local development plan which nominates two sites designated as 'Village Centre' on the Brookfield Avenue and Leschenaultia Avenue. It is noted that these sites have been developed for solely residential.</p> <p>Noted. There was a previous amendment to the local development plan which enabled residential use to occur in advance of any commercial use. The opportunity to undertake a mixed-use development on the two existing 'Village Centre' sites is still available should the current for future landowners choose to pursue this option.</p> <p>Noted. The height and scale of the previous infrastructure on-site was reflective its purpose. The height of the proposal is consistent with the building height provisions of the Shire's LPS1.</p> <p>Noted. The subject lot is not within a bushland corridor nor is it a Riparian vegetation area.</p> <p>Noted. Views to the public open space will remain available and will not be compromised by the proposal. The design of the building is considered to be sound providing passive surveillance to the public open space.</p> <p>Noted. See response to point 5. The proposed wall height and overall height of the building complies with the building height provisions of LPS1.</p>
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<p>13. Can the Shire please provide any evidence contrary to these claims, especially what the land use was clearly stated to be used for in the original land sales/marketing and or any other publications.</p>	<p>Noted. The proposed plans of the mixed-use development indicate that the levels of the site will be filled to match road levels.</p> <p>Noted. The required 10m odour buffer has been adhered too with the Water Corporation offering support to the proposal.</p> <p>Noted. The site is not available to the public at present and is private property.</p> <p>Noted. The site was not and has never been a public asset. The Council was not involved in, nor was it required to, approve the sale of the site.</p> <p>Noted. The Shire has no information on past marketing information by the developer for the estate.</p>
<p><u>Submission 2 (P223089)</u></p> <ol style="list-style-type: none"> 1. CATV receiving station was a non-intrusive structure which blended in with the natural Flora almost hidden in between the bushes and trees which new trees have been planted in its place. 2. The new trees will in time be used by wildlife and especially the local Ringtail Possums These endangered Possums use this area and the natural creek line as a natural wildlife corridor and so do the Kwenda we see around here. 3. Are we to build on all the land, bulldozing masses of natural area or keep it to certain areas such as SPINDRIFT which is where this property should be located. 4. The block is small in area and to fit everything in they have been forced to design a building of two storey premises, will destroy the natural look of the area and the pleasant look from the parkland surrounding it. 	<p>Noted. The original structure was free standing and surrounded by weeds and grass. Any surrounding vegetation on the park boundary will remain unaffected by the development. A condition has been included in the recommendation for a landscaping plan for the proposed development to be submitted to and approved by the Shire.</p> <p>Noted. The said plantings consist of tube stock planted on the site by parties unknown. The off-site habitats will remain unaffected by the development.</p> <p>Noted. The site is under private ownership and is zoned "Future Development". Development rights apply to the site.</p> <p>Noted. It is considered that the design of the two storey development has merit, and in accordance with the assessment provided below, satisfies the 10 design principles of State Planning Policy 7.0 –</p>

<p>5. If its sole use was either commercial or residential it would probably be single storey and would not be so detrimental to the surrounding skyline and tree line.</p>	<p><i>Design of the Built Environment.</i> Further to the north of the pump station is a parcel of land zoned Residential R40 which could potentially be developed for a multi-unit residential development. Therefore, the proposed development will form part of broader residential cell of development in the northern section of Leschenaultia Avenue.</p> <p>Noted. Two storey development is permitted on this site and within the estate and satisfies the building height requirements of LPS1.</p>
<p><u>Submission 3 (P223089)</u></p> <p>1. Proposed dwelling will stand out as the only building in the area and as it is a two storey dwelling would have a negative impact on the natural landscape and the experience of visitors to the reserve.</p> <p>2. Important to consider visual impact of development in sensitive areas like this.</p> <p>3. Part of a reserve that is the home to native animals – any development in the area could have a negative impact on their habitat.</p> <p>4. Insufficient parking allocated for the house and proposed hair salon. Could cause problems for both residents and visitors, as well as potentially surrounding areas if people choose to park on streets nearby.</p>	<p>Noted. Two storey development is permitted in the locality. The site will ultimately become part of a broader residential cell once the pump station site and the site to the north are developed for residential purposes as contemplated in the relevant planning framework.</p> <p>Noted. The design of the proposed building satisfies the relevant provisions of the R-Codes of WA, SPP7.0 and has been assessed as being of sound design, ameliorating any adverse impact on the immediate locality in terms of potential visual impact.</p> <p>Noted. The site is not part of the Recreation reserve and apart from some tube stock planting by unknown third parties, is fully cleared. The proposal will have no impact on fauna habitat.</p> <p>Noted. There is various on-street car parking bays in the immediate locality including embayment carparking directly in front of the shop. A car parking management plan has been included in the recommendation which will consider how staff and client car parking are effectively managed. The developer has identified that in-lieu of the car parking for the hair dressers that they would be willing to offer a contribution in the form of the construction of a footpath between Brookfield Avenue and the northern boundary of lot 900.</p>
<p><u>Submission 4 (P223099)</u></p> <p>1. Former CATV receiving station has undergone a transformation and is now</p>	<p>Noted. Unknown third parties have planted some tube stocks on-site. A landscaping plan has been</p>

<p>adorned with trees and bushes creating a harmonious blend into the existing reserve.</p> <p>2. Reserve serves as a habitat for numerous native animals and it is imperative that the former station site remains an integral part of the reserve.</p>	<p>included in the recommendation to be submitted and approved by the Shire for the site.</p> <p>Noted. The site is adjacent to a parkland reserve that largely consists of lawn and some trees. There will be no impact on habitat within the reserve by this development.</p>
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Assessment of Application

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

R Codes

Are R Codes applicable?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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Design Element	Policy / R Codes	Provided	Officer comment
Front Setback	4m average	4m average	Complies
Side Setbacks	2.8m from the portion of wall to the Hair Studio to the right (south) side boundary	2.8m	Yes
Rear Setback	2.8m	4.080m	Yes
Secondary Street Setback			N/A
Garage/Carport Setback			Single Open Style Carport – complies with front setback
Driveway Width	9m aggregate width	<9m aggregate width with two one crossover provided for the single dwelling and one for shop (hair studio)	Complies
Garage Width			N/A
Outdoor Living Area	24m ²	24m ²	Yes
Open Space Requirement	45%	225m ² or 56%	Yes
Upgrade Landscaping	<input type="checkbox"/> Required <input checked="" type="checkbox"/> Not Required Landscaping Plan required – condition recommended.		
Overlooking	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

Street surveillance	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Street Walls and Fences	<input type="checkbox"/> Yes <input type="checkbox"/> No N/A
Overshadowing	<input type="checkbox"/> Yes <input type="checkbox"/> No N/A
Other Variations	<input type="checkbox"/> Yes <input type="checkbox"/> No N/A
Officer Comment	<p>As the development is considered significant and situated in an important location with high visibility, the 10 design principles of State Planning Policy 7.0 (SPP7.0) are relevant with an assessment of the 10 principles provided below:</p> <p>1. Context and character <i>Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.</i></p> <p>The site has minimal built form context and is surrounded by a temporary Water Corporation station adjoining to the park to adjoining to the south. The residential built form of the area is dominated by single storey residential single dwellings. The design of the subject building is considered to enhance the character of the local area, contributing to sense of place.</p> <p>2. Landscape quality <i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.</i></p> <p>The landscaping to the outdoor areas of the commercial component of the development on the southern and eastern sides of the development are proposed not to have fencing but alternatively will be landscaped with low level ground covers and grasses to integrate with the adjacent park without definition. The outdoor areas of the residential component of the development is proposed to be fenced off from the public open space to the east for privacy.</p> <p>3. Built form and scale <i>Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.</i></p> <p>The main distinctive style of the locality is single storey single dwellings. The design responds to the proposed future zoning of the site as 'Village Centre' with a two storey mixed residential/commercial development which is considered to balance the existing built form and the intended future character of the locality. The proposed built form is consistent with the acceptable development and design principles for a Residential R30 zoned site under the R-Codes of WA.</p> <p>4. Functionality and build quality <i>Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life-cycle.</i></p> <p>The proposed development is proposed to be constructed in timber frame style with a fine textured external cladding on the first floor and a grooved Axon cladding on the ground floor. In terms of energy efficiency, the proposed building will comply with a 7 star energy efficiency rating. The proposed construction methods will assist is with the energy efficiency of the building.</p> <p>5. Sustainability <i>Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.</i></p> <p>This proposed building will achieve a 7 star NATHERS energy efficiency rating which well exceeds the requirements of the current National Construction Code resulting in a low embodied carbon build that is environmentally, socially and economically sustainable. In the interests of good passive solar design, the design has minimised the area of glazing to the south and west with the aim of minimising the potential heat gain and heat loss to these unprotected facades.</p> <p>6. Amenity</p>

Good design provides successful places that offer a variety of uses and activities while optimising internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy.

The proposed design of the mixed use development provides covered external spaces attached to the residential use on the site. There will be no negative impacts on the park area to the south and east of this development and the temporary Water Corporation pump station has been identified for future development to the north.

7. Legibility
Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.

The development is sufficiently legible with a fenced enclosure to the residential component to the street and an open paved area to the commercial portion of the development. The developer has given an undertaking to extend the footpath in front of the development on Leschenaultia Avenue.

8. Safety
Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.

In response to feedback from the Shire, the applicant has amended the plans which were originally submitted and included added a kitchen window and the entry doors are all glazed. The inclusion of narrow windows to the first floor residential portion of the building which offer passive surveillance opportunities from the bedrooms. The additional 300mm wide openable slit windows to the South Games room on the first floor to facilitate crossflow ventilation of this area.

9. Community
Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction.

The development offers a diversity of use not otherwise present in this area. The hair salon will provide a service which responds to community needs and facilitates a place of interaction for residents of Brookfield Estate and the broader Margaret River area.

10. Aesthetics
Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.

The proposed building is considered to be aesthetically pleasing with a number of architectural elements provides for active and engaging facades which has a good interface with the adjoining public open space.

Development Standards (Schedule 9)	
Are the development Standards applicable?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Officer Comment	<p>The development standards within a Village Centre zone are replaced in this instance by provision 6 of the LDP (proposed revised version) which states that the “Village Centre” zone will have regard to adjoining and nearby residential use and amenity in terms of car parking location, service areas, bin storage, vehicle and pedestrian access, lighting and advertising, noise sources from public machinery, air conditioning plants, refrigerators, compressors and the like. Given the subject site does not abut any residential lots, the above provision of the LDP relating to the commercial component is satisfied.</p> <p>The proposed design incorporates windows for both the residential and commercial components of the development providing passive surveillance to the POS to the east and well as on the south elevation to the hair dressers providing passive surveillance and outlook to the adjoining parkland.</p>
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Car Parking		
LPS1 / R Codes Requirement	<p>Car Bays Required – 2 car bays required for the Single Dwelling</p> <p>3 Car Bays required for the Shop (Hair Salon) use at 1 bay per 25sqm net lettable area.</p>	<p>Car Bays Proposed – 2 car bays (one bay is undersized/partially located in Road Reserve)</p> <p>Nil car bays proposed for the Hair Salon. See comment below.</p>
Dimensions	2.5m x 5.5m	<input type="checkbox"/> Complies <input checked="" type="checkbox"/> Doesn't Comply
Turning Bay/Circles and vehicle maneuvering	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply	
Disabled Bays	Disabled Bays -	<input type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply - N/A

Officer Comment	<p>Dwelling</p> <p>The plans depict two tandem bays for the residence located to the northern side of the site. The minimum dimension for two tandem bays is 10m, with the bays proposed at 8.8m. If approved vehicles would encroach into the road reserve and obstruct future footpath connections. As a result, a condition has been included to ensure that the sufficiently sized bays are provided for the residence.</p> <p>Hairdresser (Shop)</p> <p>As outlined above, no bays have been provided for the proposed Hairdresser. A variation can be considered in accordance with Clause 5.5 of the Local Planning Scheme where it is satisfied that the noncompliance will not have an adverse impact on occupiers or users of the development in the locality.</p> <p>The variation to the Hair Salon component of the development is supported in this instance for the following reasons:</p> <ul style="list-style-type: none"> • As a commercial development has been contemplated and desired on the intersections of Brookfield Avenue and Leschenaultia Avenue and has not been realised, there is surplus parking provided in the vicinity which is underused. • There is various on-street car parking bays in the immediate locality including embayment carparking directly in front of the shop. • A car parking management plan has been included in the recommendation which will consider how staff and client car parking are effectively managed. • The developer has identified that in-lieu of the car parking for the hair dressers that they would be willing to offer a contribution in the form of the
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	<p>construction of a footpath between Brookfield Avenue and the northern boundary of lot 900.</p> <ul style="list-style-type: none"> • A condition has been imposed requiring the submission of an active transport plan to determine a suitable location for bicycle parking within the site. • Additional parking on site would dramatically increase the amount of hardstand required and would impact the transition between the development and the surrounding parkland. 			
Building Height				
Scheme / Policy Requirement	Wall - 7m Roof - 8m			
State the proposed building height	<table border="1"> <tr> <td>Wall – 5.5m</td> <td rowspan="2"> <input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply </td> </tr> <tr> <td>Roof – 5.8m</td> </tr> </table>	Wall – 5.5m	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply	Roof – 5.8m
Wall – 5.5m	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply			
Roof – 5.8m				
Clause 67				
In the opinion of the officer, would approval of the planning consent be appropriate under Clause 67 of the Deemed Provisions of the Scheme?				
Officer Comment	<p>Yes. The proposal will serve an important function in realizing a number of strategies set for East Margaret River area, with smaller, localized shopping precincts that add vitality to the area and can serve the surrounding residents.</p> <p>The mixed use nature of the development is entirely consistent with the type of outcomes that were envisioned at the intersection of Brookfield Avenue and Leschenaultia Avenue, and is an opportunity to achieve an intended strategic outcome for this area that was not realized when it was initially developed.</p>			
In the opinion of the officer				
vi. Are utility services available and adequate for the development?	Yes.			
vii. Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land?	N/A – previously cleared site. Landscaping proposed and landscaping plan recommended.			
viii. Has adequate provision been made for access for the development or facilities by disabled persons?	Yes.			
ix. Is development likely to cause detriment to the existing and likely future amenity of the neighbourhood?	No. The site is engulfed by POS and a pump station site and is not located in proximity to any residential land use.			
x. Is the development likely to comply with AS3959 at the building permit stage?	Yes.			
Other Comments				
Any further comments in relation to the application?				
Officer Comment	Condition approval is recommended.			

OFFICER RECOMMENDATION

- A. That the Manager Planning and Regulatory Services approve the Local Development Plan in accordance with clause 52(1)(a) of the Deemed Provisions of Local Planning Scheme No.1.**
- B. That the Manager 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 proposed Mixed Use (Single Dwelling and Hair Salon) at Lot 900 Leschenaultia Avenue, Margaret River subject to compliance with the following conditions:**

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	P1 – P9 received by the Shire on 9 February 2023
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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. Prior to submission of a building permit for the development, a Landscape Plan shall be prepared to the satisfaction of the Shire by a suitably qualified and/or experienced landscape consultant. The Landscape Plan shall be drawn to scale and show the following:
- a) The location, name and mature heights of existing and proposed trees and shrubs and ground covers on both the subject site and the adjoining street verge(s);
 - b) Any lawns and paved areas to be established;
 - c) Any natural landscaped areas to be retained;
 - d) The retention of the existing street trees; and
 - e) Those areas that are to be reticulated or irrigated are demonstrated to be designed using water sensitive principles.
4. Landscaping shall be implemented, in accordance with the approved Landscape Plan, prior to occupation/use of the development and shall be maintained at all times.
5. Prior to occupation of the development, crossovers shall be designed, constructed, sealed, and drained in accordance with the Shire's standards and specifications.
6. Any external fan, air conditioner or similar equipment shall be installed and located so that there is no loss of amenity to the locality by appearance, noise, emissions or otherwise, to the satisfaction of the Shire.
7. Prior to the commencement of development, a Waste Management Plan (WMP) must be submitted to and approved by the Shire and implemented. The WMP must be implemented to the satisfaction of the Shire, and having due regard to the following:
- a) Ownership, maintenance and management of waste receptacles;
 - b) Provider of waste collection services;
 - c) Categories (landfill, recycling, FOGO, etc.) and volumes and waste expected to be produced;
 - d) Bin storage are 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. Prior to occupation of the development, a Car Parking Management Plan (CPMP) shall be provided to the satisfaction of the Shire. The CPMP shall address the effective management of the car parking for the hair salon, considering staff and customers.
9. Prior to lodging a building permit, a detailed Pedestrian Path Construction Plan shall be prepared in accordance with the Shire's Standards and Specifications for the provision of a shared path fronting the development and linking into the Brookfield Avenue and Melaleuca Boulevard path network. The Shire's written acceptance of the Pedestrian Path Construction Plan must be submitted at the time of lodging a building permit.

10. Prior to occupation, the pedestrian path system shall be constructed at the full cost of the proponent and in accordance with the accepted Pedestrian Path Construction Plan.
11. Prior to lodging a building permit a verge reinstatement plan is to be prepared for the removal of the on-street parking bays and the reinstatement of the verge fronting the development. The Shire's written acceptance of the Verge Reinstatement Plan must be submitted at the time of lodging a building permit.
12. Prior to occupation, the verge reinstatement works shall be constructed at the full cost of the proponent and in accordance with the accepted Verge Reinstatement Plan.
13. Prior to lodging a building permit a verge reinstatement plan is to be prepared for the removal of the on-street parking bays and the reinstatement of the verge fronting the development. The Shire's written acceptance of the Verge Reinstatement Plan must be submitted at the time of lodging a building permit.
14. Prior to occupation, the verge reinstatement works shall be constructed at the full cost of the proponent and in accordance with the accepted Verge Reinstatement Plan.
15. Prior to lodging a building permit application, a detailed Stormwater Management Engineering Plan shall be prepared to the satisfaction of the Shire and submitted to the Shire showing drainage details, stated storage capacity, lid levels, drainage pipe inverts, sump connections details, slow-release details and calculations, offsite infrastructure connection details and a feature survey showing existing services, street trees, footpaths and furniture etc. The Shire's written acceptance of the Stormwater Management Plan must be provided with the building permit application. (Refer to advice note 'c').
16. Prior to practical completion of the development, stormwater management systems on the subject site shall be constructed in accordance with the accepted Stormwater Management Engineering Plan referred to in abovementioned condition and shall thereafter be maintained.
17. Prior to the submission of a building permit, details shall be provided to the Shire demonstrating sufficient space is provided for two parking bays on site for the approved dwelling.
18. Prior to commencement of works, an Active Transport Plan (ATP) shall be submitted to the Shire for approval. The ATP shall detail how and to what extent non-motorised forms of transport will be encouraged through the provision of end of trip facilities, and include location for bicycle parking on 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.
- 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 submit and implement a Traffic Management Plan for all works in a road reserve. The TMP is required to be prepared by a licenced Traffic Manager in accordance with MRWA Traffic Management Code of Practice and Australian Standards AS1742.3-2002 for any works on or within the road reserve (including road)".
- c) Engineering plans are required to be developed and designed by a suitably qualified engineer and submitted to the Shire's Asset Services department (PH 9780 5274) The plans shall include a feature survey of the Shire's road reserve as part of the submission.
- d) At all times, all stormwater and drainage run-off from the development shall be detained within the lot boundaries and where available disposed offsite by an approved connection to the Shire's drainage system. At all times stormwater shall be managed to predevelopment flow regimes.



DEVELOPMENT APPLICATION ASSESSMENT
Report to Manager Planning and Regulatory Services

Proposed Holiday House - 10 (Lot 120) Lesueur Place, Gnarabup

Level 3 (1 x objection)

P223189; PTY/7962

REPORTING OFFICER : Tessa Ashworth
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	1484m ²
Zone	R10
Existing Development	<input checked="" type="checkbox"/> Single House <input type="checkbox"/> Grouped Dwelling
Proposed use	<p>A planning application has been received for a Holiday House use. The existing dwelling is to be used to accommodate up to 3 short stay guests at any one time. The management arrangements are to be Margaret River Beach Studios, Prevelly.</p> <p>The holiday house is the future ancillary dwelling for the lot, no building permit issued for the main dwelling at this time.</p>
Permissible Use Class	'A' – discretionary use
Advertising Required	Yes – completed
Reason not exempted from planning approval?	Discretionary uses are not permitted unless the Shire exercises its discretion by granting development approval.
Heritage/Aboriginal Sites	N/A
Encumbrance	N/A
Date Received	23/03/2023
Date of Report	22/05/2023



Have there been any objections?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Comments Received		
Nature of Submission		Officer Comments
<p>1 x objection</p> <ul style="list-style-type: none"> Current residence approved and constructed on basis of being ancillary dwelling. Non-compliant with LPP7 – ancillary dwellings not to be used for short stay accommodation. Concern it will continue use after main dwelling has been constructed. Site plan out of date, additional structure present which does not appear on any plans. Four guest limit too high, second bedroom too small. Lack of interior space will push guests outside which will create noise. <p>2 x indifferent submissions with comments</p> <ul style="list-style-type: none"> Subject to parking, noise and bin regulations No camping, no outdoor lights left on, no drone flying 		<ul style="list-style-type: none"> Planning approval for main dwelling has been granted, however no building permit submitted. As such, the future ancillary acts as the main dwelling for the time being. Precedent for similar approval at 15 Grunters way, Gnarabup. Condition included to ensure no ongoing use once main dwelling is complete. Additional structure is a recently constructed approved outbuilding. Second bedroom is too small for 2 people as per BCA requirement. Applicant has agreed to reduce to 3 guests. <ul style="list-style-type: none"> Conditions on approval to this effect. These matters are deal with under separate legislation and don't have an exclusive relationship with how the house is used.
Policy Requirements		
Policy Element	Provision	Comment
Location	Coastal settlement	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Urban area located within Policy Plan 1?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Within 50m of Village Centre zone?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Located outside of Policy Plan 1 but comprise of an area not less than 1ha?	<input 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 (plus firefighting provision) rainwater tank?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Existing or proposed one site effluent disposal system sized accordingly to number of guests?	<input 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"/> n/a <input type="checkbox"/> No
	Each bedroom accommodates a maximum of two persons?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Fire	If within bushfire prone area a BAL provided?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	For sites with a BAL above Low, a BMP prepared by accredited consultant and where required referred to DFES for comments?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	BAL rating at BAL-40 or FZ?	<input type="checkbox"/> Yes <input checked="" 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"/> No
	Manager, or employee permanently resides 35m drive from Site?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	House Rules?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

	Amplified music may not be played outside between the hours of 10pm to 10am	Require as a condition
	Display the manager's 24hr contact details	Require as a condition
Recommended period of approval	<input checked="" type="checkbox"/> 12 months <input type="checkbox"/> 3 years Or if main dwelling is built sooner.	

OFFICER RECOMMENDATION

That the Coordinator Planning Services GRANTS Planning Consent under Delegated Authority Instrument No. 34 pursuant to clause 68 (2) of the Deemed Provisions of Local Planning Scheme No. 1 for a Holiday House at 10 (Lot 120) Lesueur Place, Gnarabup subject to compliance with the following conditions:

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	Plans 1 & 2 received by the Shire on 23 March 2023
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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>** or upon completion of the main dwelling (Approval P222293), whichever the lesser. (Refer to advice note 'a')
3. The approved Bushfire Emergency Evacuation Plan and Bushfire Management 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 **3 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.
 - (i) The *WA Building Regulations 2012* (r.59) requires that the owner of a dwelling (as defined in the Building Code of Australia) must not make the dwelling available for hire unless hard wired, battery backup smoke alarms are installed, complying with the Building Code of Australia and AS3786.
- f) The 'House Rules' document shall be consistent with key elements of the NSW Code for Holiday Houses (please refer to the attached document).
- g) Evidence of the display of the planning approval reference number within the marketing of the Holiday House is required to be provided, to the satisfaction of the Shire, at the time an application to renew the Holiday House use is lodged. Applicants are advised to include a screenshot of the website, to show that the planning approval reference number is being displayed.
- h) Please note that the Shire does not notify landowners in writing of the expiry of a Holiday House planning approval. It is the owners responsibility to monitor and ensure that the planning approval remains valid while the use is being undertaken.
- i) Please note that approval as short stay accommodation will change the rating category applied to the property to Tourism and may lead to an increase in rates levied for the site. For further information on these changes contact the Shires Revenue team on 9780 5234 or by email at revenue@amrshire.wa.gov.au.