

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
11 August to 17 August 2022

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
11/08/2022	P222539	8 (Lot 93) Sylvaner Place, Margaret River	Bed and Breakfast Renewal
11/08/2022	P222540	Unit 1, 151 (Lot 31) Bussell Hwy, Margaret River	Section 40
12/08/2022	P222541	31 (Lot 14) Wooditch Road, Margaret River	Holiday House Renewal
12/08/2022	P222542	3 (Lot 62) Concerto Drive, Cowaramup	Single House (Outbuilding)
12/08/2022	P222543	4 (Lot 127) Tonkin Boulevard, Rapids Landing	Single House (Dwelling)
12/08/2022	P222544	7 (Lot 1016) Ridgeview, Margaret River	Building Envelope Variation (Outbuilding)
12/08/2022	P222545	11 (Lot 21) Chardonnay Avenue, Margaret River	Single House (Outbuilding addition)
12/08/2022	P222546	687 (Lot 722) Ellenbrook Road Cowaramup	Section 40
16/08/2022	P222549	44 (Lot150) Waverley Road, Cowaramup	Single Dwelling (Outbuilding)
BUILDING			
12/08/2022	222451	5926 (Lot 201) Caves Road, Margaret River	Alterations and Additions to Existing Dwelling - Kitchen, Bathroom, Living and Deck
11/08/2022	222455	7 (Lot 5) Kulbardi Way, Witchcliffe	Single Dwelling, Rainwater Tank and Pergola
11/08/2022	222456	14 (Lot 439) Beech Road, Margaret River	Single Dwelling, Carport, Store, Verandah, Patio and Masonry Boundary Fence
11/08/2022	222457	413 (Lot 12) Burnside Road, Burnside	Brewery and Cellar Door Building (Stage 1 Processing and Tasting Area)
12/08/2022	222458	Lot 9014 John Archibald Drive, Margaret River	Subdivision Retaining Walls - Rapids Landing Stage 7
16/08/2022	222459	37 (Lot 168) Marmaduke Point Drive, Gnarabup	Ancillary Dwelling and Retaining Wall
16/08/2022	222460	Unit 1/151 (Lot 31) Bussell Hwy, Margaret River	Alterations and Additions - Ramp, Decking and Toilet Addition
Exploration Licenses for Comment			
Nil			

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				
13/04/2022	P222271	8 (Lot 61) Thomasia Court, Augusta	Single House	Cancelled
26/04/2022	P222298	22 (Lot 56) Elva Street, Margaret River	Holiday House Renewal	Approved
03/06/2022	P222384	21 (Lot 210) Auger Way, Margaret River	Fuel Depot (Lean-to Addition)	Approved
07/06/2022	P222387	50 (Lot 100) Coostien Road, Scott River	Single House (Dwelling)	Approved
08/06/2022	P222392	Unit A/168 (Strata Lot 1 of Lot 57) Kevill Road, Margaret River	Building Envelope Variation	Approved
10/06/2022	P222398	Unit 1 / 6 (Strata Lot 1 of Lot 4) Mann Street, Margaret River	Holiday House or Bed & Breakfast Renewal	Approved
13/06/2022	P222404	29 (Lot 287) Noreuil Circuit, Cowaramup	Single House (Outbuilding)	Approved
30/06/2022	P222446	24 (Lot 31) Pierce Road, Margaret River	Single House (Building Envelope Variation & Single House)	Approved
30/06/2022	P222447	809 (Lot 209) Burnside Road, Margaret River	Holiday House Large	Approved
04/07/2022	P222454	10 (Lot 54) Mansfield Avenue, Margaret River	Single House (Pool and Patio)	Approved
SUBDIVISIONS				
Nil				
LOCAL LAW PERMITS				

Nil

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
05/04/2022	P222248	69 (Lot 193) Marmaduke Point, Drive Gnarabup	Holiday House (Large)	Approval Subject to conditions
22/04/2022	P222295	408 (Lot 60) Roxburgh Road, Margaret River	Holiday House	Approval Subject to conditions

DEVELOPMENT ASSESSMENT REPORTING PROCEDURE

Assessment of Development Applications (DAs)

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

Level 1

DA not advertised

Level 2

DA is advertised; and

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

Level 3

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

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



DEVELOPMENT APPLICATION ASSESSMENT
Report to Manager Planning and Development Services

Proposed Holiday House (Large) at 69 (Lot 193) Marmaduke Point Drive, Gnarabup

(Level 3) objection received

P222248; PTY/5727

REPORTING OFFICER : Lina O'Halloran
 DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	1312m ²
Zone	Residential R10
Existing Development	<input checked="" type="checkbox"/> Single House <input type="checkbox"/> Grouped Dwelling
Proposed use	A planning application has been received for a Holiday House (Large) use. The existing dwelling is to be used to accommodate up to eight (8) short stay guests at any one time. The Holiday House will be managed by Private Properties Holiday Homes, with a local caretaker who resides in Margaret River.
Permissible Use Class	'A' – discretionary use requires advertising
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	05/04/2022
Date of Report	19/08/2022 The final information required to determine this application was received 12/08/2022



Have there been any objections?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Comments Received	
Nature of Submission	Officer Comments
1 x objection: <ul style="list-style-type: none"> This application will result in short term rentals on both sides of us (already a holiday house to the south) From the holiday house at Lot 191 (to the south) we are subject to continual rotation of guests who exceed the guest capacity, dispose of cans, bottles and cigarette butts over our fence, play loud music and we receive negative responses when we request it to be turned down. To expose us to the same expectations on the other side of our property needs to be addressed. The subject house has an alfresco area which we were not aware of when the house was being built, located under the main roof between the garage 	<p>In response to the objection, the applicant advises: Private Properties also manages the holiday house at Lot 191. Having one manager for both holiday houses would be beneficial for the complainant. Private Properties have management systems in place to control negative impacts on neighbours. They have managed the Lot 191 holiday house for over five years, have received very limited negative feedback, and have acted immediately to respond to concerns.</p> <p>The area in question is a covered courtyard between the garage and house which serves as an 'outdoor undercover courtyard' and 'services courtyard' - refer Figure 1. The two courtyards are</p>

separated by a fixed transparent screen – refer Figure 3.

The main outdoor entertaining areas of the property are the balcony and outdoor undercover alfresco, which are secluded and located away from this courtyard. This courtyard area is not intended to be used as an alfresco or outdoor entertaining area, and it is not anticipated it will be used by guests in this manner.

It is noted the owners have an outdoor dining table stored in the courtyard area at present – refer Figure 3. However this would be moved prior to commencement of the Holiday House use.

The boundary fence is relatively low – refer Figure 2. However, the area immediately adjacent to this is the Service Courtyard where bins are stored. It is not anticipated guests would linger in this area and the location of the bins in this area should prevent guests from disposing of rubbish over the fence.





Figure 2: View from Service Courtyard to boundary fence



Figure 3: Transparent screen separating Outdoor Undercover Courtyard and Service Courtyard

DFES Response:

DFES do not support the proposal on the basis that it does not meet the intent of Element 5: Vulnerable Tourism Land Uses of the *Guidelines for Planning in Bushfire Prone Areas*. It would intensify the land use with only one point of access and egress.

Key points were raised by DFES as follows:

- The BMP refers to an existing planning approval for Land Clearing which permitted the proponent to manage vegetation on the neighbouring northern Lot 194 to achieve a BAL-29 rating for the subject dwelling (ref P218579). It is evident that the landscaping requirements of this approval have not been upheld given the house currently has a BAL-FZ rating. The Guidelines state that an APZ should be achieved within the lot boundaries.
- Dwelling construction to AS3959 standards does not apply retrospectively but the Shire may consider upgrades to the dwelling.
- The BMP has assessed the development as within a residential built out area. DFES considers the development is outside a residential built out area as the locality is not contiguous with an urban area

The BMP acknowledges that vegetation management requirements associated with planning approval P218579 have not been maintained, resulting in the subject dwelling being subject to a BAL-FZ rating at the time of application.

P218597 required that landscaping (clearing) on Lot 194 was to be maintained at all times. To ensure compliance with this requirement, the applicant was requested to re-instate the APZ prior to approval of the subject application. A BAL Certificate has now been provided which demonstrates the APZ has been re-instated in accordance with planning approval P218579, and a BAL-29 rating is now achieved.

The dwelling was constructed in 2018 to BAL-29 standards. Re-instatement of the APZ ensures compliance with AS3959 standards.

The Shire has previously assessed Gnarabup as being a 'Residential Built Out Area' and as such, Holiday Houses have been approved within the suburb. Gnarabup is connected to reticulated

<p>or town, and does not incorporate a suitable destination.</p> <ul style="list-style-type: none"> Vehicular Access A5.5 – does not comply. Access in two different directions to two different destinations, in accordance with the acceptable solution, is not available until the intersection of Wallcliffe Road and Wilderness Road approximately 5km metres from the development site. This exceeds the acceptable maximum length of 200 metres for a dead-end road that passes through an extreme BHL. Therefore, the intent of A5.5 cannot be demonstrated at this location through the acceptable solutions. 	<p>services, including water and sewer. The suburb is also serviced by the Wallcliffe Bush Fire Service.</p> <p>For consistency in the Shire's approach, Gnarabup is considered by the Shire as being a 'Residential Built Out Area' providing a lower risk of bushfire impact. As such, the use of an existing dwelling as a Holiday House is considered acceptable under Version 1.4 of the Guidelines.</p>	
Policy Requirements		
Policy Element	Provision	Comment
Location	Coastal settlement	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Design / Layout	One parking bay per bedroom, Or two bays for grouped dwellings	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Sufficient space on site for 4 cars
	Reticulated water supply, or minimum 120,000 (plus firefighting provision) rainwater tank?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Reticulated water
	Existing or proposed one site effluent disposal system sized accordingly to number of guests?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Reticulated sewer
	Decks and balconies located away from the bedrooms of neighbouring dwellings?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No The upper floor balcony faces Wallcliffe Rd and is screened by walls on both sides.
	Decks and balconies located close to the living and dining areas of neighbouring dwellings, provided with suitable screening?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Each bedroom accommodates a maximum of two persons?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 4 bedroom dwelling
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 A site specific BMP has been provided and referred to DFES – see comments above
	BAL rating at BAL-40 or FZ?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No BAL-29 (initially BAL-FZ)
Management	Management Plan submitted?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	BEEP provided	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No The BEEP has been prepared by a Level 3 bushfire practitioner.
	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	

OFFICER RECOMMENDATION

That the Statutory Planning Coordinator 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 69 (Lot 193) Marmaduke Point Drive, Gnarabup 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 to P3 received by the Shire on 8 April 2022
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1. The Holiday House use permitted for a period of **12 months** from **<date of this approval>** to **<end of date of approval>**. (Refer to advice note 'a')
2. The approved Bushfire Emergency Evacuation Plan and Bushfire Management Plan shall be displayed in a conspicuous location within the dwelling at all times.
3. 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')
4. 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')
5. All vehicles & boats connected with the premises shall be parked within the boundaries of the property.
6. The short stay use of the dwelling shall not be occupied by more than **eight (8) people** at any one time.
7. Amplified music shall not be played outside of the holiday house between the hours of 10pm and 10am.
8. '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')
9. 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.
- a) 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.
- b) 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.
- c) This approval does not affect the entitlement to use the dwelling for permanent residential purposes.
- 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.
 - (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.
- 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) 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.
- g) 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.



DEVELOPMENT APPLICATION ASSESSMENT
Report to Manager Planning and Development Services
Proposed Holiday House at 408 (Lot 60) Roxburgh Road, Margaret River

(Level 3) objections received

P222295; PTY/6595

REPORTING OFFICER : LH / LO
 DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	1.0499ha
Zone	Rural Residential
Existing Development	<input checked="" type="checkbox"/> Single House <input type="checkbox"/> Grouped Dwelling
Proposed use	A planning application has been received for a Holiday House use. The site is developed with two 'cottages', which are connected by an external walkway. These originally operated as separate short stay accommodation units which were approved under a Lodging House permit by Environmental Health between 2005 – 2012. No planning approval for short stay accommodation has been issued for the site. A compliance matter was registered in March 2022 for illegal short stay accommodation, and the subject application has been lodged in response. The 'cottages' are no longer proposed to be rented independently of each other and are thus assessed as a single Holiday House. A maximum of six (6) (reduced from 8) short stay guests are proposed to be accommodated at any one time. The holiday house would be managed by Anna Dronow who resides a seven (7) minute drive from the property.
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	22/04/2022
Date of Report	18/08/2022





Development History	
Planning Approvals <p>A search of Shire records indicates there are no planning or building approvals that have been issued for the site. It is possible the structures on site were constructed prior to Shire records, or are attached to a now redundant property file due to subdivision of the site.</p> <p>A subdivision application dated 2001 identifies the two structures on site as a Cottage and Chalet.</p> <p>The site also has several historical Lodging House approvals issued by Environmental Health, from 2005 – 2012.</p>	
Compliance Matters <ul style="list-style-type: none"> • P218077: Illegal Use of Property for Events, registered 31 January 2018. Matter concluded 09 April 2018. • P218759: Noise Compliant from Event held at Bushys Dream Cottages, registered 12 November 2018. Matter concluded 18 August 2019. • P221224: Illegal Short Stay Accommodation, registered 31 March 2022. Landowners were advised to cease the illegal operation and remove online advertising. The subject application has been lodged in response to this compliance matter. 	
Have there been any objections? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Comments Received	
Nature of Submission	Officer Comments
3 x Objections: Events & Noise: <ul style="list-style-type: none"> • The owners reside in Perth. Two cottages have been utilised for short stay accommodation and for the landowner's parties, of which there has been many complaints. • The property has been used for wedding receptions, birthday parties despite numerous requests from neighbours not to. • Parties with DJ's playing music at excessive noise levels to early hours of the morning. • Noise complaints have been made to the owner and no action has been taken. • Objection based on the repeated level of disrespect demonstrated and nuisance caused to the wider community, with out of control parties until almost sunrise. • Unmanaged schoolies will be the cause for more disturbance within the community. Guest numbers: <ul style="list-style-type: none"> • The two cottages have only one bedroom each, how does this equate to a large house? • Has the septic treatment system been confirmed as adequate for 8 guests? • 8 guests in two open sleeping areas over two cottages will be a direct invitation for further out of control events that upset the neighbourhood. 	<p>In response to the issues raised, the applicant advises:</p> <p>A number of private family celebrations have been held at the site, but these were not for short-term accommodation guests.</p> <p>Marketing will be re-directed to focus on family groups that best suit the layout of the property. We will move away from 3rd party booking agencies that attract bookings from groups.</p> <p>Noise mitigation measures have been increased by adding a 'Terms and Conditions' contract to the booking request system, which must be signed prior to confirmation.</p> <p>House Rules have been updated and will be attached to each booking confirmation. Parties and events are not permitted, and noise complaints may result in a loss of bond.</p> <p>House Rules are clearly displayed on the fridge, with the 24/7 property managers contact details. This clearly states that amplified music shall not be played outside between the hours of 10pm and 10am.</p> <p>Security cameras have been installed on the exterior of the dwelling for monitoring guest numbers and negative behaviour, so the property can be more closely monitored.</p> <p>Guest numbers have been reduced from 8 to 6. The larger cottage provides accommodation for 4 guests in one enclosed bedroom and the mezzanine. The smaller cottage accommodates 2 guests in one bedroom on the mezzanine level.</p>

<p>Management:</p> <ul style="list-style-type: none"> Is a local Holiday House manager proposed to be engaged to respond to complaints at the property as they occur, rather than the owners being in Perth and not effected. Who will be liable to cover expenses for lost revenue for other short stay accommodation in the area as the peace and quiet is lost, should further out of control events take place? If approved, request that a single complaint policy provide that the licence is cancelled immediately if there is complete disrespect for the neighbourhood. Landowners are unwilling to meet with neighbours to address any issues. <p>Online advertising:</p> <ul style="list-style-type: none"> A website search provided an advert for schoolies without approval. Two cottages are advertised as separate self-contained cottages for rent on the website. The website should have been taken down with the Blue Tourist Sign on Caves Road and the site is not approved as Holiday House. <p>Development on site:</p> <ul style="list-style-type: none"> Is the onsite waste system an adequate distance from the nearby lake (100m)? The plans are not acceptable. The green area is an outdoor seating area bridged by an external wooden path from one cottage to another. The aerial plan is deceptive in that the blocked area conceals that there are two cottages and 7m apart. It is clear that there is two separate units. There has been camping and caravans onsite. Is this to be included in the total of eight people at any one time and if so, who will monitor this? 	<p>There is one kitchen, two bathrooms and one laundry across both buildings. This is considered to be one dwelling and not two self-contained dwellings. Refer to Environmental Health comments for existing septic information.</p> <p>A local property manager has been employed to be available 24/7. They reside within a 7 minute drive of the site.</p> <p>The applicants would like to reconcile with their neighbours and are willing to organise a time to meet with them to discuss their concerns.</p> <p>Any holiday house approval would be for an initial 12 month period. Neighbours would have the opportunity to provide feedback on the management over that initial 12 months and a further approval may not be granted if it is evident the holiday house is not being affectively managed.</p> <p>The advert in question was posted by a third party website. This was done without our approval or consent. This has now been removed and we do not intend to provide accommodation for schoolies.</p> <p>The caravan belonged to a family member and was parked on site for approximately 6 weeks.</p> <p>An updated site plan has been provided showing the existing septic system is 39m from the bank of the watercourse. This is consistent with the requirements of Local Planning Scheme No.1, which requires a 30m distance between septic to waterways, except where otherwise specified. No development plans can be located in Shire records so it is unclear if the existing septic system has been approved, however based on advice from the Environmental Health department, concerns have not been raised regarding the septic system.</p>
<p>Environmental Health:</p> <p>Previously registered as a lodging house for several years (records indicate 2005-2012) for up to 14 lodgers. There are no details of the effluent disposal system, however as it was approved as a lodging house for several years with no effluent overflows/concerns, and more guests than the subject proposal, there are no concerns with wastewater for this proposal.</p> <p>The proponent will need to ensure that the occupants of the holiday house comply with the requirements of the <i>Environmental Protection (Noise) Regulations 1997</i>.</p> <p>Should food be provided for patrons, notification shall be made in the approved form to the Shire in accordance with the <i>Food Act 2008</i> and subsequent compliance shall be achieved in relation to chapter 3 of the Food Safety Standards within the Food Standards Code.</p>	<p>Noted.</p>
<p>DFES:</p> <p>The BMP has not been supported due to non-compliance with Element 5: Vulnerable Tourism Land Use. DFES have recommended that modifications are required:</p>	<p>In response to DFES concerns a revised BMP has been provided. The original BMP relied on vegetation classifications provided in the BAL Report, which was prepared by a different practitioner. The new BMP now includes independently prepared vegetation classifications no longer reliant on the BAL Report, which appeared to cause the majority of DFES concerns.</p>

<p><u>Vegetation Classification:</u></p> <ul style="list-style-type: none"> Further evidence is required to support the exclusion of the entirety of Plot 5. The dwellings do not appear to have an APZ and Photos 8, 11 and 12 do not support APZ standards. If not substantiated, the vegetation should be re-classified. Plots 2 and 3 are not clearly delineated. Plot 5 also obscures the edges of Plot 2. There are additional plots of classified vegetation that have not been assigned plot numbers. Further photographic evidence is required to substantiate Plots 2 and 3 and the unnumbered plot in the south of the lot as Class B Woodland. Photos 4, 5 and 6 do not support Class B classification and photos 4 and 5 appear to support Plot 3 rather than Plot 2. If unsubstantiated, the vegetation should be reclassified to consider the vegetation at maturity. <p><u>Landscape Management Plan:</u></p> <ul style="list-style-type: none"> The BMP identifies a significant amount of vegetation modification is required to achieve a compliant APZ. A Landscape Management Plan should be prepared to clarify exactly what clearing is required. <p><u>BAL Rating:</u></p> <ul style="list-style-type: none"> There appears to be two cottages but the BAL assessment treats them as one building. Each cottage should have a separate BAL calculation table. <p><u>Construction to AS3959 Standards:</u></p> <ul style="list-style-type: none"> Dwelling construction to AS3959 standards does not apply retrospectively but should be considered by the decision maker. <p><u>Element 5.4: Siting & Design:</u></p> <ul style="list-style-type: none"> Further justification of Plots 2 and 3 as Class B Woodland, or enter into a legal agreement with the neighbour to manage the vegetation within Plot 2 which directly affects the BAL rating for the studio cottage. <p><u>Element 5.5f: Vehicular Access:</u></p> <ul style="list-style-type: none"> Signage requirements have not been addressed. <p><u>Bushfire Emergency Evacuation Plan (BEEP):</u></p> <ul style="list-style-type: none"> The BEEP should be considered in regards to the Guidelines Section 5.5.2 to ensure it contains appropriate content. 	<p>The vegetation classifications have been re-assessed and re-mapped by a Level 3 practitioner. The extent of excluded vegetation has been significantly reduced, and revised photos provided which substantiate each new vegetation plot. The revised vegetation classifications are supported.</p> <p>A Landscaping Plan has been provided which shows which vegetation will need to be modified, and to what standard. Understorey clearing and thinning will be required, however no trees are proposed to be removed. The APZ would extend up to 20m around the buildings. This is consistent with the Shire's 2021-22 Annual Firebreak Notice APZ requirements and thus would not result in any further vegetation impacts than required to comply with the Firebreak Notice.</p> <p>The BMP now includes a BAL Contour Map which differentiates between the two cottages and demonstrates they both achieve BAL-29.</p> <p>The Shire has not required retrospective dwelling upgrades to AS3959 standards for Holiday House use. The latest dwelling additions were constructed approximately 1997 and it is noted the building permit required that the additions complied with AS3959 standards. It would be prohibitive for the Shire to enforce further dwelling upgrades.</p> <p>Plots 2 and 3 have been re-defined with the areas subject to potential re-generation now classified as Class A Forrest. The remaining Class B Woodland area has been justified on the basis of semi-rural land use with partially managed grassy understorey, where re-generation is not realistic.</p> <p>The BMP has been updated with signage requirements to be provided advising access routes, travel distances and what to do in the event of a bushfire.</p> <p>A compliant BEEP has been provided.</p>
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Policy Requirements		
Policy Element	Provision	Comment
Location	Coastal settlement	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Urban area located within Policy Plan 1?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Within 50m of Village Centre zone?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Located outside of Policy Plan 1 but comprise of an area not less than 1ha?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Design / Layout	One parking bay per bedroom, Or two bays for grouped dwellings	√ Yes <input type="checkbox"/> No
	Reticulated water supply, or minimum 120,000 (plus firefighting provision) rainwater tank?	√ Yes <input type="checkbox"/> No Reticulated water
	Existing or proposed one site effluent disposal system sized accordingly to number of guests?	√ Yes <input type="checkbox"/> No On-site septic
	Decks and balconies located away from the bedrooms of neighbouring dwellings?	√ Yes <input type="checkbox"/> No
	Decks and balconies located close to the living and dining areas of neighbouring dwellings, provided with suitable screening?	√ Yes <input type="checkbox"/> No
	Each bedroom accommodates a maximum of two persons?	√ Yes <input type="checkbox"/> No
Fire	If within bushfire prone area a BAL provided?	√ Yes <input type="checkbox"/> No BAL-29
	For sites with a BAL above Low, a BMP prepared by accredited consultant and where required referred to DFES for comments?	√ Yes <input type="checkbox"/> No
	BAL rating at BAL-40 or FZ?	<input type="checkbox"/> Yes √ No
Management	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
	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
Recommended period of approval	√ 12 months <input type="checkbox"/> 3 years	

OFFICER RECOMMENDATION

That the Statutory Planning Coordinator 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 408 (Lot 60) Roxburgh Road, 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	P1 received by the Shire on 28 June 2022 P2 received by the Shire on 15 August 2022
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- The Holiday House use permitted for a period of **12 months** from <date of this approval> to <end of date of approval>. (Refer to advice note 'a')
- The approved Bushfire Emergency Evacuation Plan and Bushfire Management Plan shall be displayed in a conspicuous location within the dwelling at all times.
- 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')
- 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')
- All vehicles & boats connected with the premises shall be parked within the boundaries of the property.
- The short stay use of the dwelling shall not be occupied by more than **six (6) people** at any one time.
- Amplified music shall not be played outside of the holiday house between the hours of 10pm and 10am.
- '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')
- Any marketing material for this Holiday House shall include display of the planning approval reference number for this approval. (Refer to advice note 'g')

ADVICE NOTES

- a) Following satisfactory performance of the approved use, and in the absence of any substantiated complaints over the twelve (12) month approval period, the Shire may grant further planning approval for the continuation of the use for a further three (3) years. A new planning application seeking such approval should be submitted 90 days before the expiry of this approval, along with the appropriate planning fee.
- b) If at any time there is not an appointed manager or a contactable employee of the manager for the site, the use must cease until such time as a manager is appointed.
- c) Evidence of installation of the sign will be required to be provided, to the satisfaction of the Shire, at the time an application to renew the Holiday House use is lodged.
- d) This approval does not affect the entitlement to use the dwelling for permanent residential purposes.
- e) You are advised of the need to comply with the requirements of the following other legislation:
 - (i) *Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises.
 - (ii) The *WA Building Regulations 2012* (r.59) requires that the owner of a dwelling (as defined in the Building Code of Australia) must not make the dwelling available for hire unless hard wired, battery backup smoke alarms are installed, complying with the Building Code of Australia and AS3786.
- f) The 'House Rules' document shall be consistent with key elements of the NSW Code for Holiday Houses (please refer to the attached document).
- g) Evidence of the display of the planning approval reference number within the marketing of the Holiday House is required to be provided, to the satisfaction of the Shire, at the time an application to renew the Holiday House use is lodged. Applicants are advised to include a screenshot of the website, to show that the planning approval reference number is being displayed.
- h) Please note that the Shire does not notify landowners in writing of the expiry of a Holiday House planning approval. It is the owners responsibility to monitor and ensure that the planning approval remains valid while the use is being undertaken.