

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
1 February to 7 February 2024

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
02/02/2024	P224091	63 (Lot 47) Brookside Boulevard, Cowaramup	Outbuilding (Shed)
02/02/2024	P224093	10 (Lot 62) Salkilld Place, Augusta	Holiday House Renewal
02/02/2024	P224094	9 (Lot 398) MacLaren Crescent Margaret River	Single House & Ancillary Dwelling
05/02/2024	P224095	4 (Lot 417) Atkins Street, Margaret River	Single Dwelling
05/02/2024	P224096	40 (Lot 619) Surf Break Drive, Cowaramup	Single House
05/02/2024	P224097	1 (Lot 2) Hideaway Entrance, Cowaramup	Outbuilding (Shed)
06/02/2024	P224098	13 (Lot 111) Orchid Ramble, Margaret River	Bed and Breakfast
BUILDING			
01/02/2024	224059	53 (Lot 722) Trinder Drive, Margaret River	Occupancy Permit - Change of Building Use and Classification
06/02/2024	224060	849 (Lot 202) Burnside Road, Burnside	Patio
01/02/2024	224061	33 (Lot 638) Surf Break Drive, Cowaramup	Single Dwelling, Carport and Patio
01/02/2024	224062	Unit 4/90 Cowaramup Bay Road, Cowaramup	Single Dwelling, Garage Patio and Verandahs
01/02/2024	224063	687 (Lot 722) Ellen Brook Road, Cowaramup	Restaurant Building (Miss Chows)
05/02/2024	224064	30 (Lot 308) Whistler Drive, Karridale	Single Dwelling, Garage, Patio's, Verandah and Rainwater Tank
05/02/2024	224065	31 (Lot 1) Wambenga Retreat, Witchcliffe	Single Dwelling, Patio, Pergola and Rainwater Tanks
05/02/2024	224066	9904 (Lot 1007) Bussell Hwy, Margaret River	Shed and Store Room
05/02/2024	224067	4 (Lot 127) Tammar Place, Margaret River	Ancillary Dwelling, Carport and Office with Bathroom
06/02/2024	224068	Unit 2/7 (Lot 1) Acacia Court, Cowaramup	Single Dwelling, Garage and Patio
06/02/2024	224069	15 (Lot 68) Concerto Drive, Cowaramup	Patio
06/02/2024	224070	1 (Lot 601) Truffle Circuit, Cowaramup	Single Dwelling, Carport, Patio, Pergola
06/02/2024	224071	17 (Lot 157) Coldstream Grove, Margaret River	Single Dwelling, Garage and Patio
06/02/2024	224072	13 (Lot 232) The Greenway, Margaret River	Shed
06/02/2024	224073	494 (Lot 272) Holben Road, Cowaramup	Shed
07/02/2024	224074	54 (Lot 4) Wallcliffe Road, Margaret River	Reroof of Existing Building
07/02/2024	224075	13575 (Lot 3) Bussell Hwy, Augusta	Shed
07/02/2024	224076	13468 (Lot 311) Bussell Hwy, Deepdene	Swimming Pool
07/02/2024	224077	13468 (Lot 311) Bussell Hwy, Deepdene	Swimming Pool Barrier Fence
07/02/2024	224078	78 (Lot 425) Leschenaultia Avenue, Margaret River	Single Dwelling, Garage and Patio
Exploration Licenses for Comment			
Nil			

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				

P223544	A6628	10048 (Lot 25) Caves Road, Deepdene	Soak	Approved
P223576	A7409	11 (Lot 21) Seahawk Rest, Gracetown	Single House (Outbuilding Additions)	Approved
P223582	A8182	Lot 661 Tanah Merah Road, Bramley	Intensive Agriculture (Vineyard)	Approved
P223639	A3537	31 (Lot 3137) Sebbes Road, Forest Grove	Change of Use - Portion of Existing Outbuilding to Brewery	Approved
P223703	A2659	55 (Lot 224) Leeuwin Road, Augusta	Holiday House	Approved
P223722	A13739	9 (Lot 3) Willerin Lane, Witchcliffe	Mixed Use - Industry Light (Wood Working), Showroom, 2x Serviced Apartments, and Signage	Approved
P223769	A7412	24 (Lot 24) Seahawk Rest Gracetown	Single House (Outbuilding)	Approved
P223864	A2329	24 (Lot 119) Willmott Avenue, Margaret River	Holiday House Renewal	Approved
P223893	A906	142 (Lot 105) Railway Terrace, Margaret River	Home Occupation	Approved
P224002	A11864	26 (Lot 4) Stewart Street, Margaret River	Holiday House Renewal	Approved
P224005	A5759	2 (Lot 225) Marmaduke Point, Gnarabup	Holiday House (Large) Renewal	Approved
P224021	A7521	17 (Lot 11) Wrigglesworth Drive, Cowaramup	Signage	Approved
P224052	A6536	20 (Lot 233) Minchin Way, Margaret River	Outbuilding (Shed)	Approved
P224078	A8574	256 (Lot 21) Osmington Road, Bramley	Agriculture Intensive (Truffle Plantation)	Approved
SUBDIVISIONS				
P223866	A14025	9 (Lot 410) Atkins Street, Margaret River	Subdivision	Approve subject to conditions.
P224004	A1061	33 (Lot 37) Elva Street, Margaret River	Subdivision	Approve subject to conditions.
LOCAL LAW PERMITS				
P223860	A6725	107 Bussell Hwy, Margaret River	Permit to operate alfresco area adjacent to Rhum Burgundy Adjacent to 107 Bussell Hwy, Margaret River	Approved

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
23/11/2023	P223792	9 (Lot 2 of Lot 149) Grunters Way, Gnarabup	Holiday House Renewal	Approve subject to conditions
24/10/2023	P223696	74 (Lot 265) Dalton Way, Molloy Island	Single Dwelling and Outbuildings (Shed and 3x Water Tanks)	Approve subject to conditions
08/06/2023	P223343	6 x Cabins	452 (Lot 1) Bramley River Road, Osmington	Approve 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 Regulatory Services

Proposed Holiday House Renewal
9 (Lot 2 of Lot 149) Grunters Way Gnarabup

Level 3

P223792; PTY/10573

REPORTING OFFICER : **Grace Graham**
DISCLOSURE OF INTEREST : **Nil**

General Information	
Lot Area	522m ²
Zone	Residential R17.5
Existing Development	<input checked="" type="checkbox"/> Single House <input type="checkbox"/> Grouped Dwelling
Nature of application	Holiday House (renewal)
Proposed use	A planning application has been received for the renewal of the Holiday House. As previously approved, the existing dwelling is to be used to accommodate up to six (6) short stay guests at any one time. The property recently sold in November 2023 and the owner and management has changed since the application was lodged. The details have been updated with the new manager being Carolyn McCarthy from Holidays Margaret River. Due to the number of objections from neighbours and new ownership of the property it is recommended that the renewal only be given for a 12 month period.
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	23/11/2023
Date of Report	05/02/2024

Location Map



Planning History	<ul style="list-style-type: none"> A twelve (12) month approval (P215456) was issued on 17 November 2015 for a holiday house for eight (8) guests. A three (3) year approval (P216520) was issued on 22 December 2016 for a holiday house for six (6) guests. A three (year) approval (P220730) was issued on 27 January 2021 for six (6) guests.
Is the application same as previous?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Have there been any objections?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No three (3) objections were received

Have there been any complaints over the recent period of approval?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Have there been any substantial changes to the LPS1 or Policy?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Officer comments:	<ul style="list-style-type: none"> new owners and managers – house rules to continue on from previous approval (including the following): <ul style="list-style-type: none"> no pets permitted maximum 3 cars are allowed and must be parked within property sign on veranda reminding guests of neighbours and reducing noise outside after 9pm Photo of sign with manager details submitted New photos to be advertised showing reduced beds
Comments Received	
Nature of Submission	Officer Comments
Summary of concerns raised: <ul style="list-style-type: none"> Advertising for more guests than that approved in the approval P220730 – this looks to have been updated on Airbnb and Holidays Margaret River Noise from outdoor veranda Guests parking on the verge Repeat occurrences of guests being noisy and parking on the verge Change of ownership and management 	Concerns from neighbours were noted and addressed. Some of the concerns could have been due to the house being used by the owners during the previous renewal period, which at times included occupancy numbers to exceed the occupancy numbers and cars permitted. Due to new owners and managers the renewal timeframe will be reduced to a twelve (12) month approval. A five year approval is not recommended in this case. One year is considered reasonable in order to provide opportunity for the new owners and management to demonstrate effectiveness of the management measures.
Recommended period of approval	<input checked="" type="checkbox"/> 12 months <input type="checkbox"/> 3 years <input type="checkbox"/> 5 years

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 a Holiday House at 9 (Lot 2 of Lot 149) Grunters Way Gnarabup subject to compliance with the following conditions/for the following reasons:

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 P4 received by the Shire on 27 September 2016
--------------------------	---

- The Holiday House use is permitted for a period of 12 months from <end of previous period of approval> to <end of period 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 to 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 ground level. The sign shall be erected within the property frontage and must be visible from the street front. (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.
- Any marketing material for this Holiday House shall include display of the planning approval reference number for this approval. (Refer to advice note 'f')
- House Rules' shall be provided to all guests and shall be displayed within a prominent position within the Holiday House. (Refer to advice note 'g')

ADVICE NOTES

- a) A new planning application seeking 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) 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) The 'House Rules' document shall be consistent with key elements of the NSW Code for Holiday Houses.
- h) Please note that the Shire does not notify landowners in writing of the expiry of a Holiday House planning approval. It is the owner's 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 Regulatory Services

Proposed Single Dwelling and Outbuildings (Shed and 2x Water Tanks)
74 (Lot 265) Dalton Way Molloy Island

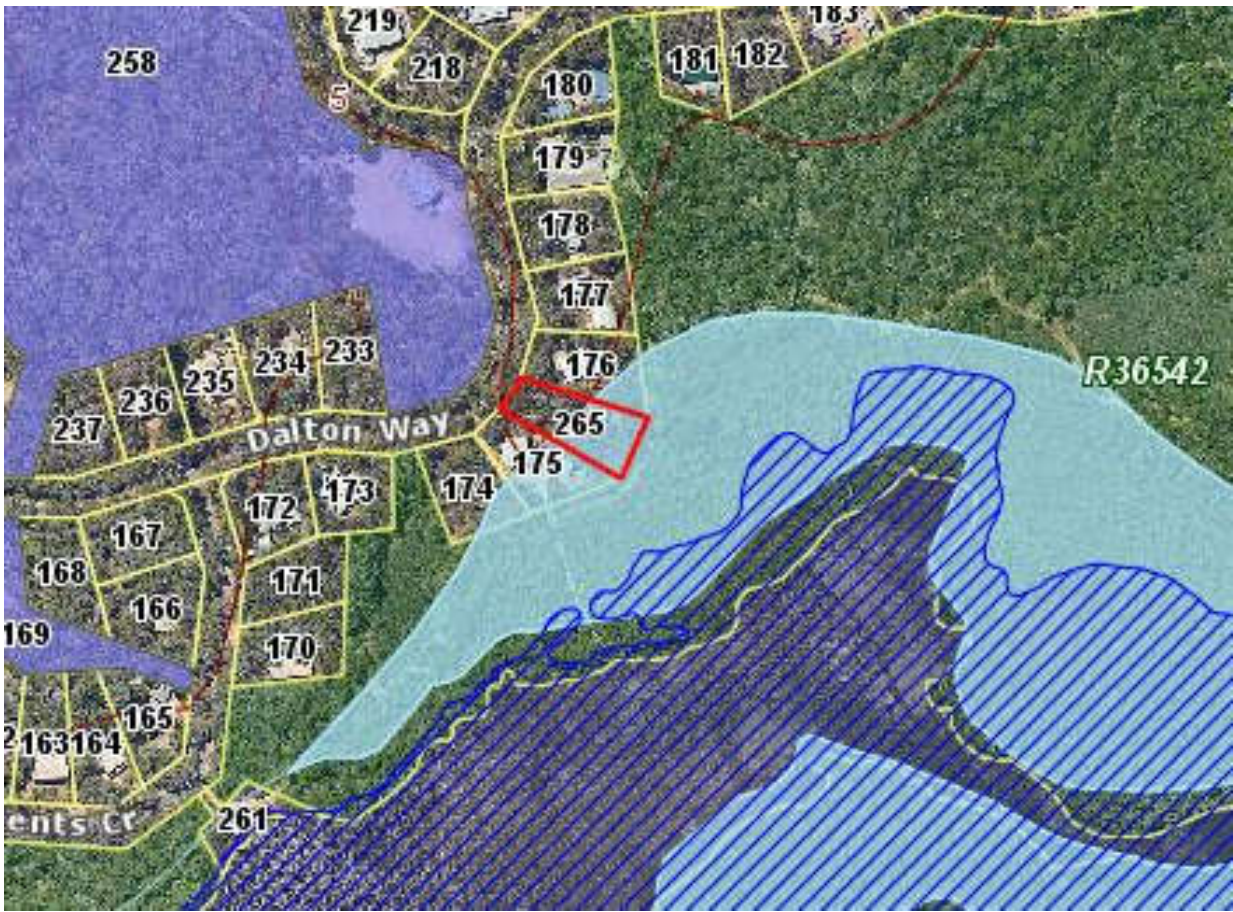
Major (Level 2 – 2x objections received - DAR)

P223696; PTY/460

REPORTING OFFICER : Harriet Park
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	1,734m ²
Zone	Residential R10
Proposed Development	<p>Planning approval is sought for a 4 bedroom 2 bathroom dwelling, 62.9m² shed with a 41.6m² lean-to, and 3x 50,000L water tanks on vacant land.</p> <p>The lot is located on Molloy Island which is identified as a special control area (SCA 2) in the Shire’s Local Planning Scheme No. 1 (LPS1). A planning application is required for all development on Molloy Island and additional development provisions apply.</p> <p>It should be noted that the original planning application submitted to the Shire proposed extensive LPS1 variations however over the assessment period the design (specifically the dwelling) has been redesigned to bring the proposal more into line with the requirements of Molloy Island Special Control Area listed in LPS1.</p> <p>The following Planning Variations are proposed:</p> <p>Shed Variations:</p> <ul style="list-style-type: none"> -The shed is located in front of the dwelling. This is a variation to AD1.4 of Local Planning Policy 1 – Outbuildings, Farm Buildings and Swimming Pools (LPP1) which states outbuildings are to be located behind the front of the house. -Proposed shed wall height of 3.65m, in lieu of 3.1m. – Variation to AD1.2 of LPP1. -Proposed shed roof height of 4.65m, in lieu of 4.2m – Variation to R-Codes 5.4.3 Outbuildings C3. -Proposed building (shed) front boundary setback of 10.5m, in lieu of 15m – LPS1 SCA2 requirement. <p>The dwelling site has a determined BAL rating of BAL-FZ however an indicative BAL rating of BAL-29 can be achieved through vegetation modification. Clearing of native trees (Jarrah and Marri) is proposed to facilitate the development and achieve a BAL-29 APZ surrounding the dwelling.</p>
Permissible Use Class	P – Permitted (Single House)
Heritage/Aboriginal Sites	None identified on site. Lot is located close to the Blackwood River which is a registered Aboriginal Heritage site.
Encumbrance	None applicable to this application.
Date Received	24/10/2023

Location Map



Subject Property



Policy Requirements			
Is the land or proposal referred to in any Council Policy?		√ Yes □ No	
If yes, state the Policy/Policies		Local Planning Policy 1 – Outbuildings, Farm Buildings and Swimming Pools (LPP1)	
Officer Comment	The proposed outbuilding is assessed against the acceptable development criteria of LPP1:		
	Provisions	Required	Proposed
	Floor area	75m ²	62.9m ² shed with a 41.6m ² lean-to (lean to not included in total floor area)
	Wall height	3.1m	3.65m
			Comment
			complies
			Variation

Roof ridge	4.2m	4.6m	Variation
Side setback (LPS1)	5m	5m	Complies
Rear setback	1m	146.37m	Complies
Location	Behind the front of an existing dwelling	In front of dwelling	Variation
Colour	Non- Reflective	Colorbond Monument	Complies – add condition of development approval non reflective materials only

The outbuilding proposes variations to the acceptable development criteria of LPP1 and is therefore assessed against the relevant performance criteria.

The outbuilding variations are a result of a number of site restraints limiting development capabilities of the site. The shape of the lot is relatively narrow ranging from 18m width at the street to 33m at the rear. The lot is heavily vegetated with a low lying wet area located within the rear third of the lot which is unsuitable for habitable development. The land is sloped from the highest point at the street (west) to the lowest point at the rear of the property (east) sloping towards the Blackwood River.

The proposed outbuilding is to be used as a garage and carport which is more practical to have positioned at the front of the property for ease of vehicular access. The front of the site is narrow and therefore the outbuilding is unable to be positioned in line with the dwelling. The outbuilding is placed on the northern 5m side boundary setback line which enables the dwelling to have visual street surveillance of the street from major openings of Bed 2, Bed 3 and the living room.

The outbuilding wall and roof height is 0.4m and 0.55m above that permitted in LPP1. This variation is considered minor and is a result of the fill required to be applied to the rear of the outbuilding to respond to the natural slope of the land. It will present to street as a compliant height.

The outbuilding is adequately screened from the street by existing mature vegetation located within the front setback and the verge. It is of a form and scale that is appropriate to the proposed dwelling and is consistent within the locality. The outbuilding is proposed to be constructed from Colorbond Monument which is a dark charcoal colour that will blend into the natural surrounding environment. The Monument colour will tie in with the proposed colour of the dwelling (Woodland Grey roof and light grey walls).

The application was re-referred to MIHOA and they have no objection to the outbuilding (shed) being located in front of the dwelling.

Structure Plans and Local Development Plans (LDP's)			
Is the land in any Structure Plan Area or subject to a LDP?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Planning History			
Nil			
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: 2x neighbour submissions received.
Details of Submission	Officer Comment		
<p>Private Neighbour Submission 1 - Objection</p> <ul style="list-style-type: none"> Due to the extensive impact on visual privacy, overshadowing and boundary encroachment, we feel that it is highly inappropriate to request such extensive planning variations. We also believe that approval in its current form, would set a dangerous precedent that would detrimentally affect the ambience and privacy of neighbouring properties and the sanctity of Molloy Island. We have extensive objections to the location of the proposed water tanks, outbuilding and dwelling. Objection to the proposed water tank side boundary setback – The water tanks are located 0.5m and 0.8m from southern side boundary in lieu of 5m. Worried about overflow of water tanks in winter causing erosion and run off from the tanks affecting their house, shed and water tank foundations as well as potential to adversely impact their septic system and native trees along the shared boundary. Objection to the proposed shed front setback - The shed front boundary setback of 4.055m in lieu of 15m 	<p>The applicant was provided with an opportunity to respond to the issues raised during the advertising period. As a result, the dwelling was redesigned to be made planning compliant including reducing the building height from 8.3m to 6.92m and adding privacy screening to the southern elevation of the deck area. The front setback of the outbuilding (shed) was increased to 10.5m, development was setback sufficiently from the side boundaries, and an updated set of plans was submitted to Shire for review.</p> <p>The updated set of plans addressed all setback variations, and variations associated with the dwelling and proposes only outbuilding (shed) planning variations, which is assessed against the relevant performance criteria further in this report.</p> <p>Land clearing is required to facilitate the development and for fire reduction measures to achieve an APZ surrounding the proposed dwelling and shed. A vegetation modification plan is required to be submitted as a condition of development approval to document the vegetation proposed</p>		

<p>is well outside of the 30% variance within the AMRS building code.</p> <ul style="list-style-type: none"> • Objection to the proposed dwelling height variations and visual privacy setback variation - The proposed dwelling variation of a maximum roof height of dwelling 8.3m, in lieu of 8m as well as maximum wall height of the dwelling and the visual privacy setback variation (south west corner of the deck) setback 6.7m, in lieu of 7.5m also raise significant concerns for us as neighbours due to the extensive timeframe to regain the bushland privacy of our home. The development would require significant vegetation clearing for BAL requirements and construction therefore all existing native vegetation screening would be removed on site and will create major visual privacy concerns for us. It would take approximately 15 to 20 years to revegetate adequate screening for our property. • Objection to excessive land clearing - The clearing of the land required to build the proposed oversized dwelling, outbuilding and the location of the tanks as proposed all contravene local planning codes and will affect the wildlife living in this natural sanctuary through the excessive destruction of trees and bushland habitat. • Molloy Island is a natural bush reserve island in the middle of river and estuary systems. It is promoted as 300 acres of heavily timbered land with the 286 freehold blocks each advertised as a peaceful secluded oasis offering privacy to homeowners within natural bushland settings. If this proposal is approved at 74 Dalton Way, in its current form, it will significantly de-value our property and impact on our chosen family lifestyle. We strongly oppose to all of the planning variations as proposed for 74 (Lot 265) Dalton Way as we believe they would detrimentally impact on our property, our family and Molloy Island environment, for the variety of reasons outlined in this submission. <p>Private Neighbour Submission 2 - Objection</p> <ul style="list-style-type: none"> • Location of shed/ carport at front of dwelling could be located at rear of dwelling on a sand pad if necessary with access via a driveway down one side of the lot. • Location of septic tank / leach drains are less than 100m from an existing bore on Lot 176. • Support dwelling variations. 	<p>to be removed and retained, and shall be approved by the Shire prior to issuing a building permit for the works.</p>
<p>Agency Comments</p> <p>Molloy Island Home Owners Association (MIHOA) comments: Positives:</p> <ul style="list-style-type: none"> • Tanks and sheds in front of dwellings is a long established pattern of development on Molloy Island, so we don't have an issue with the shed being located between the dwelling and the road. • The amended plan shows compliant setback of the buildings to the north boundary, which is good news. <p>Question:</p> <ul style="list-style-type: none"> • Although the amended plan shows compliant setback of the water tanks to the south boundary, we would question the accuracy of the plan as the diameter of the tanks does not appear to reflect their proposed size, i.e. 50kl. I would suggest that IF the tanks had in fact been drawn to scale, the actual 5m setback could not be achieved in the proposed location, as at least one of the tanks would sit against the dwelling wall. <p>Also, the application does not appear to include any details for the water tanks, including what colour is proposed.</p> <p>That leaves us with the following main issues:</p> <ol style="list-style-type: none"> 1. The 4m front setback is absolutely not acceptable! We would consider a 30% relaxation of the front setback from 15m to 10.5m, but nothing less. <p>This is a block with only 18m road frontage and the proposed shed (+ undercover area) is a massive 10m x 10m structure. The visual impact on what is one of our main roads will be enormous.</p>	<p>Officer Comment</p> <p>The applicant was provided with an opportunity to respond to the issues raised during the advertising period. As a result, the dwelling was redesigned to be made planning compliant. The updated plans have addressed majority of the MIHOA concerns, and were provided to MIHOA for further comment.</p> <p>The updated set of plans addressed all setback variations, and variations associated with the dwelling and proposes only outbuilding (shed) planning variations, which is assessed against the relevant performance criteria further in this report.</p> <p>It should be noted that MIHOA has included in their comments that they have no objection to the outbuilding (shed) being located in front of the dwelling as it is an established pattern of development on Molloy Island.</p> <p>The wall colour of the dwelling has been changed from white to light grey which is compliant. The colour of the water tanks and outbuilding (shed) is Colorbond Monument which is</p>

2. We also object to the height of the main building and request that the shire enforces the height restrictions that are in place, i.e. maximum 8m roof height and maximum 7m wall height. This is already an oversized building with boundary setbacks that are only just compliant – the impact on neighbouring properties and the community as a whole needs to be considered!


3. In regards to materials and finishes: The predominant colours (Woodland Grey and Monument) are acceptable and will blend in with our bush environment, however we have some concerns regarding the proposed colour of the cladding at the top of the walls: “Terrace White”. A more muted colour would be preferable (this is a minor issue in comparison to 1 & 2).

classified as a non reflective colour and blends in with the surrounding vegetation.

Internal Department Comments **Officer Comments**

Environment Department
Apply Vegetation Modification Plan condition to the DA.

Environmental Health Department
-Property is not connected to reticulated water or sewer.
-Sewage Sensitive Area
-There are site constraints for disposal of effluent. The Site and Soil Evaluation determined that the most appropriate land application area for the effluent disposal is indicated below (Test Hole 1). This is to avoid siting the effluent disposal system in the flood fringe, and so a 90m buffer from the Hardy Inlet can be achieved.



-Both primary and secondary treatment systems can be considered here. It would be preferable to have a secondary treatment system, but we cannot enforce it.
-No additional conditions recommended.

Vegetation Modification Plan condition applied to development approval.

Noted.

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? Yes No

Design Element	Policy / R Codes	Provided	Officer comment
Front Setback (LPS1 requirement)	15m Can be reduced by 30% to 10.5m	10.5m	complies
Sides Setback (LPS1 requirement)	5m	5m	complies
Rear Setback	6m	>6m	complies
Driveway Width	3m	>3m	complies
Open Space Requirement	60%	>60%	complies
Upgrade Landscaping	<input type="checkbox"/> Required	<input checked="" type="checkbox"/> Not Required	
Overlooking	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Street surveillance	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Overshadowing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Other Variations	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Officer’s Comments against performance criteria	The design is compliant with the relevant R-Code requirements, and setback provisions of LPS1 for development on Molloy Island.		

Local Planning Scheme No. 1 (LPS1)

Are the development Standards (**Schedule 9**) applicable? Yes No

<p>Clause 6.4.2 – Molloy Island Area – Special Control Area 2 (SCA 2)</p>	<p>Development approval is required in respect of any development on Molloy Island. The objective is to protect the existing natural qualities and amenity of Molloy Island. Applications are required to be referred to MIHOA. MIHOA have provided their comments on the proposal and the applicant has addressed most of their concerns through an updated set of plans.</p> <p>A minimum 90,000L water tank is required to service dwellings on Molloy Island. A total of 150,000L is proposed - Complies.</p> <p>A 15m street setback is required for development on Molloy Island. However this can be varied by up to 30%. This application proposes a 10.5m street setback which complies with the 30% reduction and is required due to site restraints (wetland at the rear of the lot) restricting development on the property to the front portion of the site. This 30% reduction of the street setback is supported by the Shire and MIHOA.</p> <p>The lot is mostly vegetated consisting of mature native Jarrah and Marri trees with a wetland at the rear of the property fringed by tea trees. Clearing of native trees (Jarrah and Marri) is proposed to facilitate the development however as the lot is under 2,000m² the clearing is exempt from the LPS1 Land Clearing requirements. As the clearing will also facilitate the creation of a BAL-29 APZ and is necessary for fire hazard reduction measures, then the proposed clearing is compliant with <i>Clause 6.4.2.2 Preservation of Natural Vegetation</i> on Molloy Island.</p> <p>The application complies with the provisions and development setbacks of SCA2 within the Scheme.</p>	
<p>Local Planning Strategy 2036 (LPS)</p>	<p>Molloy Island is located within a Visual Management Area – Landscape Protection. Reflective colours and materials are not permitted in this area.</p> <p>A Woodland Grey Colorbond roof and painted light grey cement sheeting wall cladding is proposed for the dwelling. The shed and water tanks are proposed to be constructed from Colorbond Monument (dark charcoal colour). The colour schedule for the development is considered to be non reflective (<0.4 solar absorbance rating) and shall blend in / be complimentary to the surrounding natural vegetation. Condition of development approval to be applied confirming the use of non reflective colours and materials only.</p>	
<p>Car Parking</p>		
<p>LPS1 / R Codes Requirement</p>	<p>Car Bays Required - <2></p>	<p>Car Bays Proposed - <2></p>
<p>Dimensions</p>	<p>2.5m x 5.5m</p>	<p><input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply</p>
<p>Building Height</p>		
<p>Scheme / Policy Requirement</p>	<p>Wall - 7m</p>	<p>Roof - 8m</p>
<p>State the proposed building height</p>	<p>Wall – 6.98m Roof – 6.98m</p>	<p><input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply</p>
<p>Clause 67</p>		
<p>In the opinion of the officer, would approval of the planning consent be appropriate under Clause 67 of the Deemed Provisions of the Scheme?</p>		
<p>Officer Comment</p>	<p>Yes</p>	
<p>In the opinion of the officer</p>		
<p>i. Are utility services available and adequate for the development?</p>	<p>Yes. The property is not connected to reticulated sewer or water however an effluent disposal system and 3x 50,000L water tanks are proposed to service the dwelling. There is a minimum 90,000L potable water requirement for new dwellings on Molloy Island. The 150,000L water capacity proposed complies.</p>	
<p>ii. Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land?</p>	<p>The lot is heavily vegetated. Removal of native vegetation is required for the development and to achieve a BAL rating of BAL-29 (currently BAL-FZ). 6x Jarrah trees and 3x Marri trees have been identified to be removed for development of the dwelling. 1x Marri tree and Tea Trees fringing the wetland at the rear of the lot are proposed to be retained and are depicted on the site plan.</p> <p>Clearing of native trees (Jarrah and Marri) is proposed to facilitate the development however as the lot is under 2,000m² the clearing is exempt from the LPS1 Land Clearing requirements. However, as the clearing will also facilitate the creation of a BAL-29 APZ and is necessary for fire hazard reduction measures then the proposed clearing is compliant with <i>Clause 6.4.2.2 Preservation of Natural Vegetation</i> on Molloy Island.</p> <p>As the site is heavily vegetated a Vegetation Modification Plan (VMP) will be required to be submitted and approved by the Shire prior to issuing a building approval to ensure retention of as many existing mature native trees on the site not affected by the development or APZ. This has been applied as a condition of development approval.</p>	
<p>iii. Has adequate provision been made for access for the development or facilities by disabled persons?</p>	<p>N/A</p>	

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. The dwelling site has a determined BAL rating of BAL-FZ however through thinning and the removal of several trees surrounding the proposed dwelling location a BAL rating of BAL-29 can be achieved.
Other Comments	
Any further comments in relation to the application?	
Officer Comment	Conditional Approval Recommended.

OFFICER RECOMMENDATION

That the Coordinator Planning Services Grants Planning Consent under Delegated Authority Instrument No. 34 pursuant to Clause 68(2) of the Deemed Provisions of Local Planning Scheme No. 1 for the proposed Single Dwelling and Outbuildings (Shed and 2x Water Tanks) at 74 (Lot 265) Dalton Way Molloy Island 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 P5 received by the Shire on the 1 February 2024.
--------------------------	--

- 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.
- Clearing of native vegetation is only permitted in those areas approved for development.
- Prior to the commencement of works, a vegetation modification plan shall be prepared and submitted to the satisfaction of the Shire indicating the location and species name of:
 - vegetation to be removed
 - vegetation to be modified
 - vegetation to be retained
- Clearing of native vegetation is only permitted in accordance with an approved vegetation modification plan. (Refer to Advice Note 'b').
- When undertaking any clearing, revegetation and rehabilitation associated with the approved works, the Proponent shall take the following steps to minimise the risk of introduction and spread of dieback/weeds:
 - clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
 - avoid the movement of soil in wet conditions;
 - ensure that no dieback-affected materials are brought into an area that is not affected by dieback; and
 - restrict the movement of machines and other vehicles to the limits of the areas to be cleared.
- At all times, all stormwater and drainage run-off from the development shall be detained within the lot boundaries and managed to predevelopment flow regimes and/or disposed offsite by an approved connection to the Shire's drainage system in accordance with the Shire of Augusta Margaret River's Standards & Specifications.
- The outbuilding(s) shall be used solely for purposes incidental and ancillary to the authorised use of the land.
- The outbuilding shall not be used for human habitation.
- The construction of the outbuilding is only permitted when a dwelling exists, or when an approved dwelling is under construction, on the same lot. A building permit for the outbuilding must be issued with, or after, a building permit has been issued for a dwelling on the site.
- The walls and roof 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.
- The Dwelling shall be constructed and the site maintained to achieve a minimum Bushfire Attack Level Rating of 29. Details shall be provided with the building permit.
- During construction, areas of native vegetation outside of the Asset Protection Zone in accordance with the BAL Assessment report dated 2 February 2023 for the site must not be damaged by any works including the placement of fill, rubble, rubbish or any other material, nor is any removal, clearing or damage to occur to any vegetation.

ADVICE NOTES

- 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) In relation to Condition 5, vegetation that is proposed to be modified and/or removed is required to be marked on site. A site inspection should then be requested in order to determine the suitability of the proposed works. Please contact the Shire's Environment & Sustainability Officer to arrange an agreeable time for a site inspection (9780 5200).
- c) Implementation of the Asset Protection Zone is recommended to be undertaken with regard to retention of significant and endemic mature vegetation and protection of biodiversity values where possible.
- d) In relation to condition 11, colourbond colours which have a solar absorbance of less than 0.4 are 'Dover White', 'Surfmist', 'Classic Cream', 'Whitehaven', 'Cosmic' and 'Southerly'. Use of these colours does not meet condition 11.



DEVELOPMENT APPLICATION ASSESSMENT
Report to Manager Planning and Regulatory Services
Proposed 5 x Cabins - 452 (Lot 1) Bramley River Road, Osmington

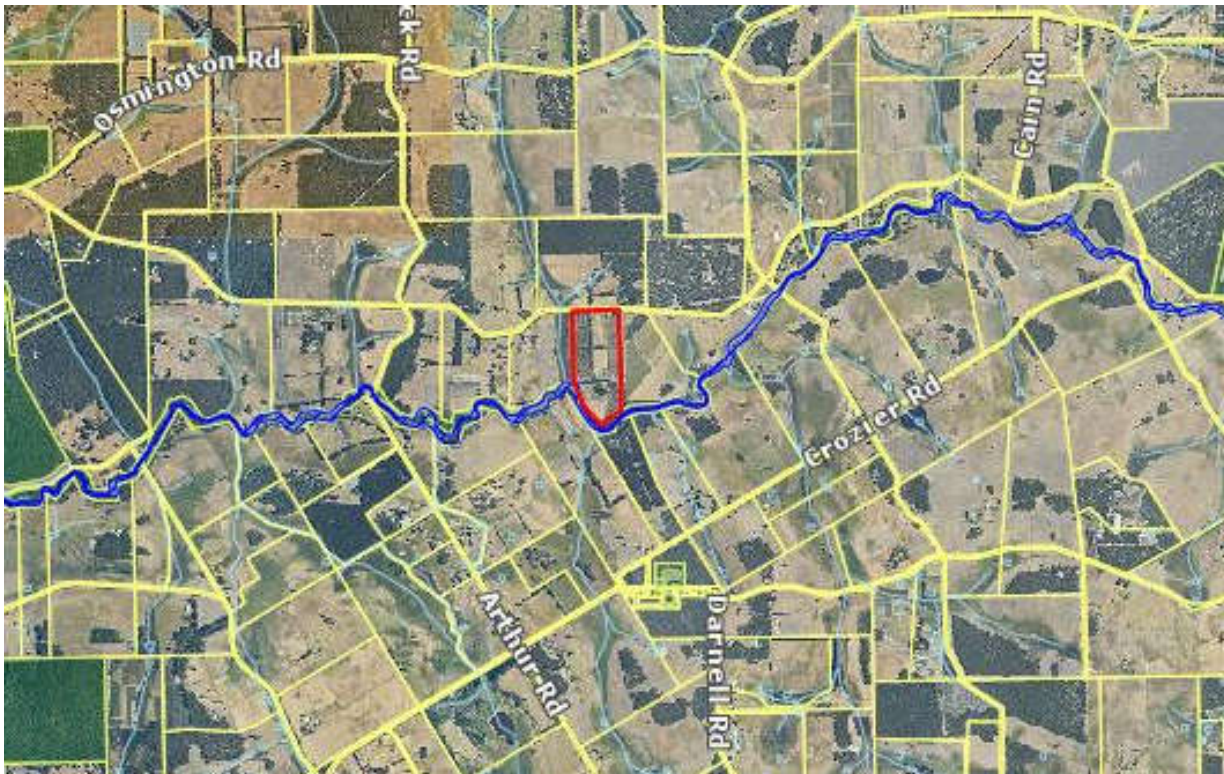
Level 3

P223343;

PTY/5949

REPORTING OFFICER : Tessa Ashworth
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	23.3ha
Zone	General Agriculture
Proposed Development	<p>The proposal is to locate 5 x 29m² transportable cabins to the western side of the property, to be occupied by maximum of 2 guests.</p> <p>The cabins are to be located within an existing eucalypt plantation and accessed from Bramley River Road.</p> <p>The proposal was initially submitted at 6 cabins, however following consultation the number of cabins has been reduced to 5 and the vehicle access relocated.</p>
Permissible Use Class	'A' Chalet
Heritage/Aboriginal Sites	Lot borders Margaret River mythological site, however, development is not within the mapped heritage area.
Encumbrance	20m wide power pole easement – not impacted by development
Date Received	08/06/2023





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	State Planning Policy 3.7 – Planning in Bushfire Prone Areas. (SPP3.7) Government Sewerage Policy 2019
Officer Comment	<p>SPP 3.7 – Planning in Bushfire Prone Areas A cabin (short term accommodation) use falls under the ‘Vulnerable land use’ category under SPP3.7. Vulnerable land uses in areas where a BAL -12.5 to BAL-29 risk rating applies, will not be supported unless they are accompanied by an endorsed Bushfire Management Plan (BMP).</p> <p>A suitably endorsed BMP was submitted with the application. The BMP demonstrates how the criteria under Element 5 of the Guidelines for Planning in Bushfire Prone Areas (the Guidelines) will be met through the development.</p> <p>The Site has a BAL FZ due to surrounding grassland around the chalet sites. Through the implementation of the submitted BMP and an asset protection zone (APZ), which is completely contained within the lot boundaries, the BAL can be reduced to achieve between a BAL 19 – 29 risk rating on completion.</p> <p>The steps recommended in the BMP to achieve compliance with the acceptable solutions in the Guidelines are recommended to be implemented prior to commencement of the short stay use of the chalets. This reflected as a recommended condition of any approval with certification required of the BMP implementation steps by a level 3 bushfire planning practitioner.</p> <p>The BMP demonstrates that the development can meet the requirements of SPP3.7.</p> <p>Government Sewerage Policy 2019 (GSP) The government sewerage policy sets requirements for effluent disposal in Public drinking water source areas.</p> <p>Given the absence of reticulated sewerage in the vicinity, the GSP incorporates a number of standards that guide on site sewerage disposal as follows:</p> <ul style="list-style-type: none"> • 100m separation distance from waterway or wetland (5.2.2) • Groundwater separation distance of 2m (5.2.3) • Secondary treatment systems with nutrient removal will generally be required (5.2.5) <p>A site for effluent disposal has been nominated in the north-east corner of the open pasture, closer to the entrance to the site and 250m from the creek line.</p> <p>Ground water at this location measured in July was 2.1m and measured again in November, although out of the wet season, was at least 4.5m below the surface.</p>

	<p>DWER has provided feedback that as a secondary treatment system is <u>generally</u> required, however primary treatment can be considered at the discretion of local government. Shire's Environmental Health Department have accepted of primary treatment system following DWER advice and due to the location away from any water course.</p> <p>The proposal complies with the Government Sewerage Policy.</p>
Structure Plans and Local Development Plans (LDP's)	
Is the land in any Structure Plan Area or subject to a LDP?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Planning History	
<p>2002 – Dwelling approved (P22176) 2004 – Olive oil storage and bottling shed approved (P24630) 2005 – Farm storage shed approved (P25053) 2013 – Dam approved (P213138) 2014 – Agriculture intensive, agroforestry, rural stall, apiculture, industry rural (processing olives) (P213456)</p>	
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: 5 x objections; 1 x support
Details of Submission	Officer Comment
<p>5 x objections A summary of the issues raised is provided below:</p> <ul style="list-style-type: none"> • Prime rural land should not be used for this purpose. • Will affect neighbours ability to farm and grow vegetables with the associated noise, dust and sprays which may be incompatible with tourism use. • Development should be moved away from the creekline due to septs. • Visual impact of the development. • Location proposed often gets very soft in a wet winter. • Short stay guests have little knowledge of fire risks and activities • Many do not support due to the unsealed road access and impact from increase in traffic. 	<p>Response to submissions is provided below:</p> <ul style="list-style-type: none"> • The relationship between the agricultural use of the site and the development is discussed further below. • The House Rules for the chalets are to be updated to remind people that they located within an agricultural area, and may be subjected to noise and other amenity impacts which are part of agricultural operations, which are prioritised in this zone. • Refer to discussion above on the additional controls applied in a drinking water catchment and separation to water courses. • The applicant has removed the northern most cabin from the proposal, increasing the front setback to 123m. Chalets are small in size, non-reflective and will be located amongst an existing plantation. It is considered that the amended plans address concerns around visual impacts. • Environmental factors have been considered and assessed for suitability by the proponent through site and soil assessment, and will need to be confirmed through the building permit process. • The Planning for Bushfire Protection Guidelines have requirements in place to ensure management of guests, reinforced by operators House Rules and Emergency Evacuation Plans. • The scale of development is not considered to contribute to significant increases in traffic or be of a scale to require upgrades to Bramley River Road.
Agency Comments	Officer Comment
<p>Department of Water and Environmental Regulation</p> <p>Wastewater In its initial assessment, DWER advised that because of the sites proximity to the Margaret River that the use of conventional effluent disposal may be problematic and requested a Site and Soil Assessment.</p> <p>The applicant provided a site and soil assessment, to which DWER advised that the location of the proponent's preferred land application area location appeared to meet the criteria of the GSP for onsite disposal.</p>	<p>Refer to discussion above. The location identified by the proponent is suitable for effluent disposal, further assessment will occur through the application to install an effluent disposal apparatus to determine the type of system required to service the accommodation.</p>

<p>Issue 2: Water Supply Referral documentation indicates that the water supply will be sourced from an existing water tank to service each cabin. In addition, dedicated fire-fighting tank of 50,000L in accordance with Schedule 2 of Guidelines for Planning in Bushfire Prone Areas to be installed as per the Bush Fire Management Plan. The Shire will need to ensure that the water supply is adequate to service the proposal.</p> <p>Department of Fire and Emergency Services DFES reviewed the BMP initial provided with the application an requested the following updates:</p> <ul style="list-style-type: none"> Clarification required on vegetation classification for some specific areas within the site. Requirements for a BAL contour map to be provided; Requirement for a Landscape Management Plan to ensure APZ in plantation area are maintained. Modification to BMP to address access requirements. <ul style="list-style-type: none"> Increased tank capacity required (60,000L). 		<p>The Scheme does not have an express standard for additional water supplies for a tourist accommodation. The proposed cabins will use an existing 300,000L rainwater tank shown on the site plan which will be supplied to each cabin. The proponent has advised that water tank levels will be monitored during the summer periods and in instances where the water level of the tank reaches 25% volume, refilling of the tank will take place by a local potable water supplier. This is considered sufficient.</p> <p>An updated BMP has been provided, response to the following comments is provided below.</p> <p>Partially completed, further updates are minor will be capable of being addressed via a condition of planning approval.</p> <p>Provided.</p> <p>Provided, implementation will be included as a condition of approval.</p> <p>Updated BMP addresses these comments and Guidelines.</p> <p>Tank capacity increased.</p>																
<p>Internal Department Comments</p> <p>Environmental Health Initial comments provided in line with DWER, requesting further information to support effluent disposal.</p> <p>Environmental Health Staff reviewed the site and soil assessment and found that the report and recommendations where sound.</p> <p>Environment Clarification sought on the type of vegetation being impacted by the Asset Protection Zones.</p> <p>Emergency Services Comments provided in line with those provided by DFES which are capable of being addressed though a further update t the BMP. Detailed comments provided on the BEEP which are relayed to the applicant to be incorporated into an update, required as a condition of approval.</p>		<p>Officer Comments</p> <p>As above, the location identified by the proponent is suitable for effluent disposal, further assessment will occur through the application to install an effluent disposal apparatus to determine the type of system required to service the accommodation.</p> <p>Confirmed to be part of the pre-existing plantation.</p> <p>Conditions of approval to be included to require additional updates to the Bushfire Management Plan and Bushfire Emergency Evacuation Plan.</p>																
<p>Assessment of Application</p>																		
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															
<p>R Codes</p>																		
Are R Codes applicable?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No															
<p>Development Standards (Schedule 9)</p>																		
Are the development Standards applicable?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No															
<p>Officer Comment</p> <p>The proposal complies with the relevant setbacks as provided below:</p> <table border="1"> <thead> <tr> <th>Setback</th> <th>Required</th> <th>Provided</th> </tr> </thead> <tbody> <tr> <td>Front</td> <td>30m</td> <td>123m</td> </tr> <tr> <td>Side (West)</td> <td>20m</td> <td>60m</td> </tr> <tr> <td>Side (East)</td> <td>20m</td> <td>260m (approx.)</td> </tr> <tr> <td>Rear (South)</td> <td>20m</td> <td>216m (approx.)</td> </tr> </tbody> </table> <p>Clause 5.7 of the scheme provides a generic requirement across all zones for a 150m² floor area limitation on Chalets and Cabins. The proposed cabins comprise of an individual floor area of 30m² which is consistent with this requirement.</p>		Setback	Required	Provided	Front	30m	123m	Side (West)	20m	60m	Side (East)	20m	260m (approx.)	Rear (South)	20m	216m (approx.)		
Setback	Required	Provided																
Front	30m	123m																
Side (West)	20m	60m																
Side (East)	20m	260m (approx.)																
Rear (South)	20m	216m (approx.)																
<p>Car Parking</p>																		
LPS1 / R Codes Requirement		Car Bays Required - 6	Car Bays Proposed - 6															
Dimensions	2.5m x 5.5m	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply																

Turning Bay/Circles and vehicle manoeuvring	√ Complies □ Doesn't Comply	
Disabled Bays	Disabled Bays -	□ Complies □ Doesn't Comply
Officer Comment	Cabins and Chalets require 1 bay per unit of accommodation, and one visitor bays for every four chalets/cabins. Ample space has been provided on site. Requirements for accessible parking will be determined through the building permit process.	
Building Height		
Scheme / Policy Requirement	Wall - 7m	Roof - 8m
State the proposed building height	Wall – 2.5m Roof – 3.3m	√ Complies □ Doesn't Comply
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>Chalets within the Priority Agriculture Zone</p> <p>Clause 4.16.3 of LPS1 set out provisions for the development of Chalets within the Priority Agriculture and General Agriculture zones, with the following requirements applicable to the proposal:</p> <ul style="list-style-type: none"> • The number of chalets permitted on lots having areas greater than 20 hectares shall not exceed 6. • No chalets are to be constructed over Class 1 and 2 soils or where the land occupied by the chalets reduces the land area for agricultural uses. • The development shall satisfy the definition of Low Impact Tourist Development under the Scheme. <p>The modified proposal of five chalets is within the Scheme limits based on the lot size.</p> <p>The chalets are spread across a low density stand of plantation eucalypts which covers 4ha of the site. An area of the site has an existing 3.5ha olive grove with the rest allocated to pasture and future grazing. The soil classification is Class I for grazing and Class II for viticulture and forestry. Some clearing of the plantation is required to facilitate development. The plantation is not due for harvesting for a number of years, and the location within the plantation retains a greater area of the site for grazing (for which the soils have a higher capability) and provides spray drift buffers to nearby intensive agricultural uses. The applicant has indicated that the income generated from the accommodation will allow for the repair and improvement of the farming infrastructure on site.</p> <p>The proposal has been modified to reduce visual impacts. The northernmost chalet has been removed, which was likely visible as you drive down Bramley River Rd, being on a slope overlooking the small valley. The applicant has also relocated the access to the chalets internally, which was previously located adjacent to the western boundary. The chalet will be visible from the western adjoining property, however a landscape plan to be required as condition of approval given that the plantation is young, sparse with no understory.</p> <p>The chalets are small at only 30sqm floor area and will be clad in night sky colour bond which will help minimise visual impact. Servicing for the chalets has been grouped or utilises existing facilities on site, minimising the need for additional structures adjacent to the cabins.</p> <p>It is considered the combination of the design modifications and imposition of conditions can reduce the visual impacts in this instance.</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?	Yes, vegetation required to be removed is plantation timber.	
viii. Has adequate provision been made for access for the development or facilities by disabled persons?	To be considered further through the building permit process.	
ix. Is development likely to cause detriment to the existing and likely future amenity of the neighbourhood?	It is considered that amendments to the design and imposition of conditions will reduce impacts on adjoining properties.	
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	Conditional approval recommended.	

OFFICER RECOMMENDATION

That the Manager of Planning and Regulatory Services Grant Planning Consent under Delegated Authority Instrument No. 34 pursuant to Clause 68(2) of the Deemed Provisions of Local Planning Scheme No. 1 for the proposed 5 x Cabins at 452 (Lot 1) Bramley River Road, Osmington 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 received by the Shire on the 8 February 2024 and P2 received by the Shire on the 9 June 2023.
--------------------------	--

2. If the development, the subject of this approval, is not substantially commenced within two (2) years from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has lapsed, development is prohibited without further approval being obtained.
3. Prior to lodging of a building permit application a Landscape Plan shall be prepared to the satisfaction of the Shire by a suitably qualified and/or experienced landscape consultant to provide screening to the Cabins. The Landscape Plan shall be drawn to scale and show the following:
 - a) The location, name and mature heights of existing vegetation being retained, proposed trees, shrubs and ground covers on both the subject site and the adjoining street verge(s);
 - b) Any natural landscaped areas to be retained;
 - c) Those areas that are to be reticulated or irrigated are demonstrated to be designed using water sensitive principles; and
 - d) Detail the timing of planting.
4. Landscaping shall be implemented, in accordance with the approved Landscape Plan, prior to occupation/use of the development or as otherwise agreed by the Shire and shall be maintained at all times.
5. Prior to the commencement of the use, an updated Bushfire Management Plan and Bushfire Emergency Evacuation Plan shall be submitted to the satisfaction of the Shire (refer to advice note 'j').
6. Certification shall be provided to the Shire, by a level 3 accredited Bushfire Planning Practitioner, that all bushfire management actions detailed in the updated Bushfire Management Plan have been implemented on the subject Site prior to commencement of use of the Cabins.
7. The approved Bushfire Emergency Evacuation Plan shall be displayed in a conspicuous location within the development.
8. Prior to lodging of a building permit application, a Landscape Management Plan shall be prepared to the satisfaction of the Shire and implemented thereafter.
9. During construction, including access/driveway construction, areas of native vegetation must not be damaged by any works including the placement of fill, rubble, rubbish or any other material, nor is any removal, clearing or damage to occur to any vegetation.
10. At all times, all stormwater and drainage run-off from the development shall be detained within the lot boundaries and managed to predevelopment flow regimes in accordance with the Shire of Augusta Margaret River's Standards & Specifications.
11. A Manager or a contactable employee of the Manager that permanently resides no greater than a 35 minute drive from the site shall be nominated for the Chalets and this person shall attend to any callout within 35 minutes of a reported incident. The Manager or contactable employee is to be retained at all times the Chalet is in use.
12. The 24 hour contact details of the Manager and owner of the Chalets shall be visible on the property from the nearest street frontage and maintained to the satisfaction of the Shire.
13. Any marketing material for the Chalet must display the planning approval reference number for this approval.
14. The Chalets are approved for short stay purposes only. Short stay means premises occupied by the same people for no more than three (3) months in any 12 month period.
15. 'House Rules' shall be developed prior to the commencement of use. Thereafter the 'House Rules' shall be provided to all guests and shall be displayed within a prominent position within the Holiday House. (Refer advice note 'c').
16. Prior to occupation of the development, crossovers shall be designed, constructed, sealed, and drained in accordance with the Shire's standards and specifications (refer to advice note 'b')

ADVICE NOTES

- a) You are advised of the need to comply with the requirements of the following other legislation:
 - (i) This is not a Building Permit. A Building Permit must be issued by the relevant Permit Authority before any work commences on site as per the *Building Act 2011*;
 - (ii) *Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises; and

- (iii) The *Bush Fires Act 1954* as amended, Section 33(3), Annual Bush Fires Notice applies to this property.
- b) Works in a road reserve, including any pruning or clearing of vegetation, are prohibited without first obtaining written approval of the Shire. The proponent will be required to contact Asset Services to arrange for a site meeting to assess the suitability of the proposed crossovers location and agree on the final site.
- c) The 'House Rules' document shall be consistent with key elements of the NSW Code for Holiday Houses (please refer to the attached document), and is required to contain the following advice to reinforce the difference between a rural lot and other areas is the recommended to include a brief: "The subject site is located adjacent to operational agricultural activities, which are provided exemptions to operate under section 12 of the Environmental Protection (Noise) Regulations, which may have a nuisance effect on amenity. Guests must remain within property boundaries at all times in the interests of guest safety and biosecurity for agricultural producers."
- d) A potable water source is required to be provided in accordance with the Shire of Augusta Margaret River Health Local Laws 1999 (e.g. water to be treated by filter and ultraviolet light). Any untreated water supply is required to be provided with signage stating that water is not treated.
- e) If the proponents intend to supply / prepare food for guests, application will need to be made to register the business in accordance with the Food Act 2008. Food provided and the food preparation areas will need to comply with the requirements of the Food Standards Australia New Zealand.
- f) An apparatus for the onsite treatment and disposal of wastewater shall be installed in accordance with the Health (Treatment of Sewage and Disposal of Effluent & Liquid Waste) Regulations 1974 and to the satisfaction of the Local Government/Department of Health prior to occupation of the building.
- g) Noise emissions resulting from the development or use of the land shall not exceed the assigned levels in the Environmental Protection (Noise) Regulations 1997, and shall not unreasonably interfere with the health, welfare and amenity of an occupier of another premises.
- h) Clearing of native vegetation is prohibited, unless clearing is authorised by a clearing permit obtained from the Department of Parks and Wildlife, or is of a kind that is exempt in accordance with Schedule 6, or Regulation 5 (contained in the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*).
- i) Acid sulfate soils (ASS) risk mapping indicates that the site is located within an area identified as representing a moderate to low risk of ASS occurring within 3 metres of the natural soil surface. Please refer to Department of Water and Environmental Regulation's (DWER) acid sulfate soil guidelines for information to assist with the management of ground and/or groundwater disturbing works: <https://www.der.wa.gov.au/your-environment/acid-sulfate-soils/69-acidsulfatesoils-guidelines>.
- j) The following updates to the Bushfire Management Plan are required:
- a) Separation distance to plot 1
 - b) Inclusion of slope in table 2
 - c) Osmington and Bussell Highway not considered suitable destinations, locations within townsites that meet the definitions to be included.

The following updates to the Bushfire Emergency Evacuation Plan are recommended:

- a) Consider whether the water tank the most appropriate assembly area, consider another location closer to the facility exits.
- b) Include advice on "signalling the alarm", what is it, who is responsible. How do senior members acknowledge reading and understanding procedures.
- c) Emergency Management Team – Requires completion.
- d) Facility Details – Requires completion.
- e) Responsibilities – Include direction or instructions as to how Chief Warden is to "assess the need for evacuation".
- f) Include instructions as to how to initiate evacuation or sound alarm.
- g) Include direction on how to make a determination of evacuate or shelter on site.
- h) "Arrange transportation if needed" competes with instructions provided in section 3. How is safe destination to be determined, how will visitors be notified of safe destination.
- i) Preparation – Daily, consider more frequent checking of Emergency WA for alerts. How are visitors to be made aware and familiar with evacuation and refuge procedure.
- j) Include information on adequate transportation and how is this to be enforced
- k) Awareness and pre-emptive – Fire Danger Ratings referenced are out of date and no longer used. Consider greater prominence to monitoring and alerts and warnings. Primary trigger requires clarification and more clarity, consider time impact. Consider inclusion of available time to evacuate and required time to evacuate calculations
- l) Emergency Procedure Location and Transport Details – Require clarification of map reference. Directions could be confusing, consider greater clarity around directions within site and including from assembly point. Bramley River Rd is north of all accommodation.
- m) Shelter in Place – Do not meet the guidelines for a place of last resort. Little or no guidance provided through plan as to when shelter in place is required.
- n) Response – Evacuate – Review trigger of Advice. Action competes with official warning messaging. Requires completion with responsible person. Requires further details as to how assessments of suitability of 1 route suggested is to be provided and undertaken. Lacks details. Trigger required for initiating of evacuation free from Emergency Services advice. Requires completion of responsible person. Trigger All Clear – Requires completion of responsible person.
- o) Response Shelter in Place – Requires completion of responsible person. Are actions contained within the table i.e. fill gutters, soak blankets, run sprinklers etc achievable and available, for example will buckets be available

and if so where will they be stored, are ladders available to access gutters, will the grounds be reticulated. No advice provided for when shelter in place is to occur.

- p) Trigger during a bushfire – Requires completion of responsible person. Are actions achievable, is BEEP proposing guests check roof spaces if so how.
- q) Trigger After a front passes – requires completion of responsible persons. Requires further details, consider defining safe, are post fire actions achievable and by who, will residents have access to these areas. Clarification required around actions following “until surrounding area is clear of fire”.
- r) Map bottom left does not cover entirety of site. Refer comments above around clarity required for shelter in place or evacuate.