

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
14 July to 20 July 2022

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
14/07/2022	P222479	52 (Lot 1041) Heron Drive, Margaret River	Soak Dam
15/07/2022	P222481	435 (Lot 59) Kevill Road, Margaret River	Holiday House Renewal
20/07/2022	P222482	41 (Lot 52) Mitchell Drive, Prevelly	Holiday House Renewal
20/07/2022	P222483	19 (Lot 59) Freycinet Way, Gnarabup	Holiday House
BUILDING			
14/07/2022	222393	17 (Lot 41) Lambertia Terrace, Margaret River	Swimming Pool
14/07/2022	222394	25 (Lot 263) Culhane Road, Margaret River	Single Dwelling, Patio, Verandah, Pergola, Rainwater Tank and Shed with Bathroom
14/07/2022	222396	64 (Lot 381) Pimelia Drive, Margaret River	Retaining Wall
14/07/2022	222397	114 (Lot 502) Bussell Hwy, Margaret River (Settlers Tavern)	Unauthorised Works - Temporary Shade Shelter
14/07/2022	222398	960 (Lot 30) Bessell Road, Rosa Brook	Farm Shed
18/07/2022	222399	Reserve 51096 Lot 350 Leeuwin Road, Augusta	Proposed Two-Storey Augusta Volunteer Marine Rescue Group Facility (inc. carpark on ground floor & assembly/office building on first floor)
15/07/2022	222400	6 (Lot 367) Davies Road, Augusta	Alterations and Additions - Internal remodel, Bedroom and Bathroom Additions, Garage, Deck, Patio, Granite Wall and Rock Batter
15/07/2022	222401	12 (Lot 6) Offshore Crest, Margaret River	Single Dwelling, Patio and Shed
15/07/2022	222402	13496 (Lot 312) Bussell Hwy, Deepdene	Shed
15/07/2022	222403	10 (Lot 13) Moondyne Ridge, Kudardup	Shed and Carport
19/07/2022	222406	Lot 272 Antina Avenue, Witchcliffe	Single Dwelling, Garage, Verandah, Patio and Rainwater Tank
20/07/2022	222408	2210 (Lot 201) Jindong-Treeton Road, Rosa Brook	Alterations and Additions - Extension of Patio
19/07/2022	222409	4 (Lot 2) Bettong Place, Witchcliffe	Single Dwelling, Carport, Patio, Verandah and Rainwater Tank
19/07/2022	222410	148 (Lot 153) Ashton Street, Margaret River	Alterations and Additions - Bedroom, Bathroom, Patio and Retaining Wall
20/07/2022	222411	17 (Lot 9) Kulbardi Way, Witchcliffe	Single Dwelling, Pergola's, Carport with Store and Rainwater Tank
20/07/2022	222413	3 (Lot 62) Concerto Drive, Cowaramup	Shed and Carport
Exploration Licenses for Comment			
Nil			

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				
21/03/2022	P222201	16 (Lot 21) Stewart Smith Loop, Cowaramup	Single House	Approved
04/05/2022	P222316	50 (Lot 246) Callistemon Drive, Margaret River	Single House (Retaining)	Approved
SUBDIVISIONS				
09/06/2022	P222407	211 (Lot 9007) Darch Road, Margaret River	Subdivision	Conditions recommended
LOCAL LAW PERMITS				
09/06/2022	P222431	Portion Of Gnarabup Beach, Gnarabup, Gracetown Swimmers Beach, Flinders Bay, Augusta	Local Law Permit - Vac Swim Lessons 2022-2023	Approved

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
02/03/2022	P222150	24 (Lot 214) Marmaduke Point Drive, Gnarabup	Holiday House	Approval subject to conditions
04/05/2022	P222315	453 (Lot 2280) Bramley River Road, Osmington	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.



748DEVELOPMENT APPLICATION ASSESSMENT
Report to Manager Planning and Development Services

Proposed Holiday House at 24 (Lot 214) Marmaduke Point Drive, Gnarabup

(Level 3) objections received

P222150; PTY/5748

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

General Information	
Lot Area	900m ²
Zone	Residential R12.5
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 existing dwelling is to be used to accommodate up to four (4) short stay guests at any one time. This has been reduced from the originally proposed six (6) guests. The Holiday House would be managed by House Down South, based in Margaret River.
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	02/03/2022
Date of Report	Due to administrative error this application was not allocated to the planning officer until 23 June 2022.



Have there been any objections?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Have there been any substantial changes to the LPS1 or Policy?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
Submissions	Applicant's Response
<p>6 x objections: 6 objections from 4 properties were received (note 3 objections were not from direct neighbours). The comments are summarised below:</p> <ul style="list-style-type: none"> The covered deck and outdoor area is approximately 4m from two bedroom windows at our property. Even quiet noises carry in this area and there is no adequate noise barrier around the outdoor areas. We frequently have to ask guests at other neighbouring holiday houses to turn music down after 10pm. Guests typically stay up later and 	<p>The applicant has provided the following response to the concerns raised:</p> <ul style="list-style-type: none"> The undercover area is a carport and will be used for car parking. It would not have any furniture for entertaining. House Rules will reflect that there is to be no noise after 8pm which would be reasonable for guests to have dinner. Signs will be displayed inside the house to reiterate this.

<p>make more noise than residents even on week nights.</p> <ul style="list-style-type: none"> • This street is a narrow cul-de-sac and has several curves and corners with poor sight lines. Holiday house guests typically speed which affects our safety. • The house is too small to accommodate 6 guests and too close to neighbouring properties on both sides without creating nuisance. There would be an inappropriate impact on the amenity of the area. • 6 guests may result in 6 cars, which could not be safely parked within the lot and would drastically increase traffic pressure not only from guests but also from cleaners and service vehicles. Holiday house guests parking on this street or over the footpath is a real issue. • If approved, we recommend a maximum of two guests to reduce noise and prevent guests from spending more time outdoors as the internal areas are too small for 6 guests. • Holiday houses generate higher amounts of waste than residents, which adds to the issue of waste disposal in this environmentally sensitive region. • Smoking from guests would drift to our home and if approved, we recommend no smoking is allowed. • The house would be an affordable residential home for locals due to its small size, which is particularly relevant in light of housing affordability and the proliferation of holiday homes in the Shire. This is fracturing the sense of community and forcing local families to relocate. The number of holiday homes on this street in particular is an unfair burden on residents and directly impacts our amenity. • We have experienced that holiday house managers are not always contactable after 10pm. An onsite manager could avoid this risk, and also help prevent guest's unattended dogs from barking. • This application was advertised during school holidays while several neighbours are away and we expect more objections would have been raised if they were home. 	<ul style="list-style-type: none"> • The subject site is halfway down the straight section of Marmaduke Point drive and many of the local residents also speed along the street. • The guest capacity has been reduced to 4 people and there is adequate parking available in the allocated carport and driveway areas for up to 4 cars. The footpath is on the other side of the street and is often blocked by long-term rental tenants who regularly park across the footpath. • It's not expected that the holiday house would be rented at 100% capacity throughout the year, and with only 4 guests, it's unlikely it would generate more waste than residential use. • The holiday house will be a no-smoking house. This will be reflected in the house rules. • Regardless of the house size, Gnarabup is not in an affordable location for all rental budgets. Gnarabup is a tourist destination and showcases the natural beauty everyone can enjoy. The property falls within the permitted holiday rental area. • Pets will not be permitted at the holiday house and this will be reflected in advertising.
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Officer Comments

It is considered that the proposed holiday house use would not pose an unacceptable risk to the amenity of surrounding neighbours for a number of reasons:

- The initially proposed six (6) guests has been reduced to four (4) in order to comply with bedroom ventilation requirements and reduce potential noise impacts. It is not expected that 4 guests would cause a nuisance to neighbours from excessive noise, rubbish or vehicles.
- The holiday house would be non-smoking and pets would not be permitted.
- Holiday House Rules and standard conditions of holiday house approval require that outdoor amplified music and excessive noise is not permitted after 10pm. In this case, the applicant has volunteered a noise curfew of 8pm in consideration of surrounding residential properties. This has been reflected as a recommended condition of approval.
- A condition of planning approval would require that the property manager is available 24/7 and within a 35-minute drive of the site. In this case, a professional holiday house management company located in Margaret River has been appointed to manage the holiday house.
- The holiday house is relatively small in comparison to other accommodation options in the Gnarabup area. There is no covered outdoor entertaining area or pool. It is considered the holiday house would provide an accommodation option for small families, rather than large groups of guests.

Concerns regarding the impact of Holiday Homes in the surrounding area are noted, and it is a key objective of *Local Planning Policy 7 - Short Stay Accommodation (LPP7)* that short stay accommodation does not inappropriately impact the amenity of surrounding areas.

In this case, the site meets the locational requirements for a holiday house under LPP7. Being a coastal settlement, Gnarabup falls within the permissible short stay area and LPP7 does not provide a cap on the maximum number of holiday houses that may be considered in the area. The impact to amenity from multiple surrounding holiday homes in the Gnarabup area, as observed in the objections received, is concerning. However this falls outside of the scope of this individual planning application to address. Each application for a holiday house must be considered on its own merits. In this case, the application satisfies the policy requirements of LPP7 and for the reasons above, is not expected to cause an adverse impact to neighbours. It would not be fair to penalise the subject applicant on the basis of negative impacts caused by other holiday houses. These should be managed through the individual planning application process for each holiday house. Approval for an initial 12 month period is recommended.

At the conclusion of the 12 month approval period, a holiday house renewal application would be required to continue the use. At this point, surrounding neighbours would have the opportunity to comment on the specific management of the holiday house and if it is determined that the use is being managed inappropriately, the continuation of the holiday house use may not be approved.

Policy Requirements		
Policy Element	Provision	Comment
Location	Coastal settlement	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Urban area located within Policy Plan 1?	<input type="checkbox"/> Yes <input 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 type="checkbox"/> Yes <input checked="" 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 Adequate space within the carport and driveway for up to 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 ground level patio on the western side of the dwelling is not covered. It is unlikely guests would linger here late at night. It is approximately 7m from the nearest dwelling and separated by the boundary fence. With 4 guests and a noise curfew of 8pm, this is not expected to cause a nuisance for neighbours.
	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 Bed 2 & 3 do not meet ventilation requirements for 2 guests and can accommodate a maximum of 1 guest each = maximum guest capacity of 4.
Fire	If within bushfire prone area a BAL provided?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No BAL-LOW
	For sites with a BAL above Low, a BMP prepared by accredited consultant and where required referred to DFES for comments?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No The site is subject to a BAL-LOW rating, and is also covered by the Gnarabup subdivisional BMP. Referral of the application to DFES is not required.
	BAL rating at BAL-40 or FZ?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Management	Management Plan submitted?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	BEEP provided	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

	Manager, or employee permanently resides 35m drive from Site?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	House Rules?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Amplified music may not be played outside between the hours of 10pm to 10am	Require as a condition
	Display the manager's 24hr contact details	Require as a condition
Recommended period of approval	<input checked="" type="checkbox"/> 12 months <input type="checkbox"/> 3 years	

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 24 (Lot 214) 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 P2 received by the Shire on 2 March 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 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 **four (4) people** at any one time.
- Amplified music shall not be played outside of the holiday house between the hours of **8pm** 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 'e')
- Any marketing material for this Holiday House shall include display of the planning approval reference number for this approval. (Refer to advice note 'f')

ADVICE NOTES

- Following satisfactory performance of the approved use, and in the absence of any substantiated complaints over the twelve (12) month approval period, the Shire may grant further planning approval for the continuation of the use for a further three (3) years. A new planning application seeking such approval should be submitted 90 days before the expiry of this approval, along with the appropriate planning fee. Please note that the Shire does not notify landowners of the expiry of a planning approval. It is the owner's responsibility to ensure that the planning approval remains valid.
- 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.
- This approval does not affect the entitlement to use the dwelling for permanent residential purposes.
- You are advised of the need to comply with the requirements of the following other legislation:
 - Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises.
 - 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.
- 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 installation of the sign and 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.



DEVELOPMENT APPLICATION ASSESSMENT
Report to Manager Planning and Development Services

Proposed Holiday House at 453 (Lot 2280) Bramley River Road, Osmington

(Level 3) Objections received

P222315; PTY/2188

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

General Information	
Lot Area	48ha
Zone	General Agriculture Special Control Area 1
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 existing dwelling is to be used to accommodate up to six (6) short stay guests at any one time, while it is not being used by the owners who reside in Perth. The Holiday House would be managed by Swell Stayz with a local manager.
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	04/05/2022
Date of Report	21/07/2022





Have there been any objections? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Comments Received	
Nature of Submission	Applicant's Response
<p>1 x Indifferent: No objection to the proposal but note that Bramley River Road is a dangerous road.</p> <p>1 x Objection: We consider it is still a rural area. It has a bush nearby and a neighbouring blue gum plantation that we consider a fire risk to our property. We graze stock and are concerned about dogs being allowed at the holiday house. More traffic will be generated on the gravel road which is sometimes in poor condition.</p>	<p>In response to the submissions received, the applicant advises:</p> <p>Concern with the condition of Bramley River Road is noted however falls outside the scope of the subject application.</p> <p>There is approximately 900m of gravel between the site entrance and the bitumised extent of Bramley River Road to the east. The area in the immediate vicinity of the site entrance is also bitumised. Guests would be advised to access the site from the east, and therefore would traverse less than 1km of relatively straight gravel road.</p> <p>The caravan park is to the west of the site, which accounts for a lot of the traffic in the area, but guests would not be advised to travel in that direction.</p> <p>The dwelling would be available for holiday house use only while not in use by the owners. It is not anticipated this would generate significantly more traffic than typical residential occupation of the dwelling.</p> <p>Dogs will not be permitted at the holiday house in the interest of neighbours and stock.</p> <p>Officer Comment The concerns raised are noted. However the site falls within an applicable holiday house location under LPP7. The condition of Bramley River Road is beyond of the scope of this planning application and road condition is not a consideration under LPP7. Nevertheless, access to the site requires only 900m of gravel to be traversed and further degradation to the gravel road surface is not an expected result of the holiday house use.</p>
<p>DFES: DFES support the BMP subject to modifications and the following advice was provided:</p> <p><u>Vegetation Classification:</u></p>	<p>In response to DFES comments, further information and an amended BMP have been provided:</p> <p>Further photos have been provided of Plot 6 which validate the vegetation classification. The area comprises predominantly buildings, the gravel driveway, non-vegetated areas around sheds and the</p>

<p>Further evidence is required to support the vegetation classification of Plot 6 as managed grassland. If unsubstantiated, the classification should be revised.</p> <p><u>Landscape Management Plan:</u> The BMP identifies that vegetation in Plot 6 will need to be modified to achieve a compliant APZ. A Landscape Management Plan should be prepared to remove ambiguity for the landowner and provide a compliance mechanism for the Shire.</p> <p><u>Construction to AS3959 Building Standards:</u> Dwelling construction to AS3959 standards does not apply retrospectively but should be considered by the decision maker.</p> <p><u>Bushfire Emergency Evacuation Plan (BEEP):</u> The BEEP should be considered in regards to the Guidelines Section 5.5.2 to ensure it contains appropriate content.</p>	<p>maintained gardens. The exclusion of vegetation in Plot 6 is supported.</p> <p>The BMP identifies that vegetation modification would be required in Plots 2 & 3 only. Plot 6 is already excluded and requires no further modification to achieve APZ standards. Only minor vegetation modifications would be required to Plots 2 & 3 and a Landscape Management Plan is not considered necessary.</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..</p> <p>A compliant BEEP has been submitted with the application.</p> <p>The revised BMP demonstrates that compliance with all relevant provisions of the Guidelines can be achieved. The proposal would require a 27m APZ. This would not result in excessive vegetation modification beyond what would be required to comply with the Shire's 2021-22 Firebreak Notice, which requires a 20m APZ.</p> <p>The existing driveway can be suitably upgraded to comply with SPP3.7 requirements and there is a suitable turn around area at the end of the driveway for fire appliances.</p> <p>Generous water supplies for firefighting purposes have been provided.</p> <p>The revised BMP is supported and the proposal is recommended for approval.</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	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Reticulated water supply, or minimum 120,000 (plus firefighting provision) rainwater tank?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No There is an existing 100,000L potable water tank. Water is pumped from a dam for the laundry, toilet and gardens. Since the subject application was lodged, a building permit has been issued for a second 110,166L tank. The minimum potable water requirements are now met.
	Existing or proposed one site effluent disposal system sized accordingly to number of guests?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Septic system
	Decks and balconies located away from the bedrooms of neighbouring dwellings?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Decks and balconies located close to the living and dining areas of neighbouring dwellings, provided with suitable screening?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Each bedroom accommodates a maximum of two persons?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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 BMP has been prepared by a Level 2 practitioner and reviewed by a Level 3.

	BAL rating at BAL-40 or FZ?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	<p>The dwelling has a determined rating of BAL-FZ as a result of a 7m separation distance to Class A Forest (Plot 2 – BAL-FZ) and Class G Grassland (Plot 3 – BAL-40). Plot 2 is a historical windbreak with a pastured understorey. Shire mapping demonstrates that areas of remnant vegetation on site are well setback from the dwelling and will not be impacted by implementation of the asset protection zone. The BMP demonstrates that BAL-29 can be achieved through implementation of an APZ within the boundaries of the lot. For reasons outlined above, the BMP is considered to satisfy the relevant bushfire protection requirements.</p>	
Management	Management Plan submitted?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	BEEP provided	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Manager, or employee permanently resides 35m drive from Site?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	House Rules?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Amplified music may not be played outside between the hours of 10pm to 10am	Require as a condition
	Display the manager's 24hr contact details	Require as a condition
Recommended period of approval	<input checked="" type="checkbox"/> 12 months <input type="checkbox"/> 3 years	

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 453 (Lot 2280) Bramley River Road, Osmington subject to compliance with the following conditions:

CONDITIONS

10. 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 & P2 received by the Shire on 5 May 2022
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11. 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')
12. The approved Bushfire Emergency Evacuation Plan and Bushfire Management Plan shall be displayed in a conspicuous location within the dwelling at all times.
13. 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')
14. 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')
15. All vehicles & boats connected with the premises shall be parked within the boundaries of the property.
16. The short stay use of the dwelling shall not be occupied by more than **six (6) people** at any one time.
17. Amplified music shall not be played outside of the holiday house between the hours of 10pm and 10am.
18. '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')
19. 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:
 - (ii) *Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises.
 - (iii) 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.