

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
12 May to 18 May 2022

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
12/05/2022	P222339	47 (Lot 100) Le Souef Street, Margaret River	Grouped Dwellings (4x Grouped Dwellings)
13/05/2022	P222341	98 Tom Cullity Drive, Cowaramup	Section 40
16/05/2022	P222342	7981 Caves Road, Forest Grove	Built Strata (2 Lots)
16/05/2022	P222343	44 (Lot 209) Unit 2 Marmaduke Point Drive, Gnarabup	Grouped Dwelling Addition (Patio Addition)
17/05/2022	P222344	57 (Lot 391) Pimelia Drive, Margaret River	Single House (Patio Addition)
17/05/2022	P222345	30 (Lot 256) Stoneman Street, Margaret River	Single House (Outbuilding)
17/05/2022	P222346	Unit 60 / 1 (Strata Lot 60) Resort Place, Gnarabup	Written Planning Advice
17/05/2022	P222349	20 (Lot 62) Le Souef Street, Margaret River	Grouped Dwellings (Amendment to P221874)
18/05/2022	P222350	2 (Lot 104) Matthews Road, Augusta	Building Envelope Variation (Ancillary Dwelling and Outbuilding)
18/05/2022	P222351	20 (Lot 328) Hardy Street, Augusta	Holiday House (Large) Renewal
BUILDING			
16/05/2022	222280	159 (Lot 86) Ashton Street, Margaret River	Ancillary Dwelling and Patio
12/05/2022	222281	31 (Lot 1) Dekkers Road, Deepdene	Rainwater Tank
16/05/2022	222283	19 & 35 (lot 13) Saunders Road, Cowaramup	Farm Shed
16/05/2022	222284	Lot 1004 Hawkesford Place (Lot 19 Blanc Way) Margaret River Life Style Village, Margaret River	Single Dwelling, Patio and Carport
16/05/2022	222285	61 (Lot 3755) Bussell Hwy, Cowaramup	Storage Shed
17/05/2022	222286	Lot 1004 Hawkesford Place (Lot 60 Verdot Lane) Margaret River Life Style Village, Margaret River	Single Dwelling, Patio and Carport
16/05/2022	222287	2 (Lot 10) Dallip Spring Road, Burnside	Alterations and Additions - Carport Conversion to 2 Bedrooms
16/05/2022	222288	10 (Lot 7) Forrest Road East, Margaret River	Shed
17/05/2022	222289	119 (Lot 62) Juniper Road, Gracetown	Alterations and Additions - Conversion Carport into Storeroom
17/05/2022	222290	26 (Lot 699) Ironbark Avenue, Margaret River	Alterations and Additions - Conversion of a carport into an ancillary dwelling
16/05/2022	222291	2 (lot 122) Hunt Court, Margaret River	Shed
17/05/2022	222292	176 (lot 300) Cowaramup Bay Road, Cowaramup	Shed
18/05/2022	222293	34 (Lot 57) McDermott Parade, Witchcliffe	Swimming Pool and Barrier Fence
18/05/2022	222294	712 (Lot 3616) Bessell Road, Rosa Glen	Shed
18/05/2022	222295	1165 (Lot 101) Scott River Road, Scott River	Single Dwelling with attached Shed, Rainwater tank and Verandah
18/05/2022	222296	480 (Lot 503) Ellen Brook Road, Cowaramup	Shed

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				
08/11/2021	P221834	11500 (Lot 22) Bussell Hwy, Forest Grove	Proposed Building Envelope & Vegetation Modification Outside Envelope	Approved
03/02/2022	P222086	Unit 4/16 (Strata Lot 4 / Lot 10) Townview Terrace, Margaret River	Holiday House (Renewal)	Approved
11/02/2022	P222110	Unit 1/17 (Lot 290) Elva Street, Margaret River	Holiday House Renewal	Approved

14/03/2022	P222190	178 (Lot 71) Colyer Drive, Hamelin Bay	Holiday House Large (Renewal)	Approved
25/03/2022	P222225	20 (Lot 1020) Ridgeview Close, Margaret River	Single House (Water tank addition outside building envelope)	Approved
25/03/2022	P222226	11 (Lot 76) Georgette Way, Prevelly	Holiday House Renewal	Approved
28/03/2022	P222230	15 (Lot 30) Formosa Street, Margaret River	Holiday House Renewal	Approved
29/03/2022	P222232	4 (Lot 1) St Alouarn Place, Margaret River	Bed and Breakfast Renewal	Approved
30/03/2022	P222235	7 (Lot 71) Settlers Retreat, Margaret River	Bed and Breakfast Renewal	Approved
30/03/2022	P222236	25 (Lot 27) Waters Edge, Margaret River	Holiday House (Large) Renewal	Approved
31/03/2022	P222237	21 (Lot 27) Formosa Street, Margaret River	Holiday House Renewal	Approved
31/03/2022	P222240	10 (Lot 2) Ellis Street, Augusta	Holiday House Renewal	Approved
06/04/2022	P222256	Unit 8 / 16 (Strata Lot 8 of Lot 10) Town View Terrace, Margaret River	Holiday House Renewal	Approved
06/04/2022	P222257	480 (Lot 503) Ellenbrook Road, Cowaramup	Agriculture Extensive (Farm Building)	Cancelled
22/04/2022	P222291	18 / 410 (Lot 1004) Bussell Highway, Margaret River	Grouped Dwelling	Approved
SUBDIVISIONS				
Nil				
LOCAL LAW PERMITS				
Nil				

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
14/02/2022	P222112	Unit 7 / 15 (Strata Lot 7 of Lot 10) Station Road, Margaret River	Holiday House	Approve subject to conditions
04/03/2022	P222160	86 (Lot 104) Woodland Drive, Burnside	Bed and Breakfast	Refusal
09/03/2022	P222174	1 (Lot 31) Nicholson Street, Gracetown	Holiday House	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 Development Services
Proposed Holiday House: Unit 7, 15 (Strata Lot 7 of Lot 10) Station Road, Margaret River

Level 3 (Objections received)

P222112; PTY/7828

REPORTING OFFICER : LH
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	244m ² of 2152m ²
Zone	Residential R30/40
Existing Development	<input type="checkbox"/> Single House <input checked="" type="checkbox"/> Grouped Dwelling
Proposed use	A planning application has been received for a Holiday House use. The existing grouped dwelling is to be used to accommodate up to four (4) short stay guests at any one time. The Holiday House bookings are to be managed by the landowner and the proposed manager would reside in the Margaret River townsite.
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	14/02/2022
Date of Report	11/05/2022

One Location Map

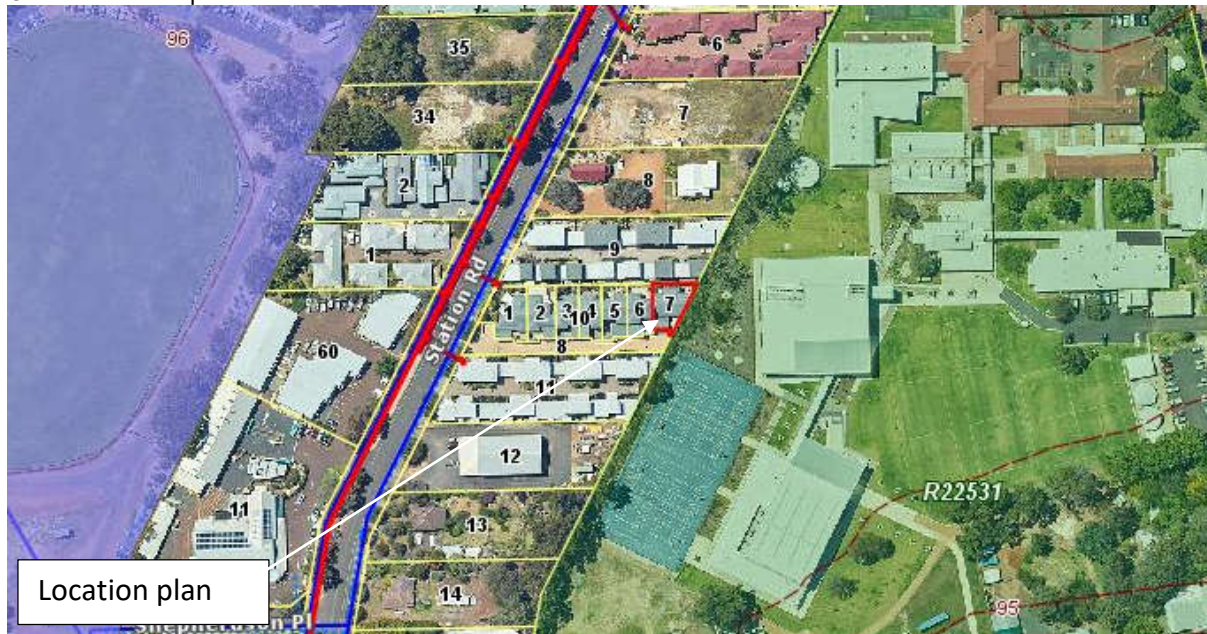




Photo 1: View of Grouped Dwellings Complex from the Station Road



Photo 2: View of common driveway and southern elevations of Grouped Dwelling complex at 15 Station Road



Photo 3: View from end of the driveway adjacent to part of unit 7 looking west

Development Approvals	
<p>Planning Approvals P20101 7 x Attached Grouped Dwellings – 2000. P20127 7 x Lot Strata Subdivision – 2000.</p> <p>Building Licences/Permits BLD/200179 Grouped Dwelling x 7 issued 2000.</p>	
<p>Have there been any objections?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>7 x objections received from affected land owners; and 1 x objection from a relative of an affected landowner</p>
Comments Received	
Nature of Submission	Comments
<p>Summary of issues raised by submitters:</p> <p>i) Our bedroom is on the second floor with windows facing the driveway of 15 Station Road. Noise from the residents of 15 Station Road comes directly into our bedroom.</p> <p>Unit 7 is located at the rear of the complex, meaning short term tenants will be driving past all units to access Unit 7.</p> <p>The property is busy enough on holiday weekends with just owners and friends.</p> <p>ii) A holiday house at 7/15 will result in noise late at night, e.g. 12 midnight when people return from dinner and pubs. This is already occurring with some holiday house of these units (15 Station Road) and is very disruptive and we are often woken by it. Concerns of noise level and rowdy behaviour. Holiday makers are noisy, create constant disruption and are often dismissive of locals. Potential for increased noise from a holiday house will result in the loss of the current quiet amenity for both current owners and residents immediately adjacent blocks of units on both of the north and south sides.</p> <p>iii) We, at 15 Station Road are a private community of elderly owner/occupiers. Holiday House use will diminish our sense of safety & security. Only owners and</p>	<p>i) The units front the internal access way on the ground floor with garages or brick walls that do not contain openings (refer to Photo 3 above).</p> <p>The applicant advises that 5 of the 7 units are used as private holiday accommodation and are not permanently occupied.</p> <p>ii) Unit 7 is located at the rear of the site and is the most easterly unit in the complex. The Unit 7 indoor and outdoor living areas are located on the eastern side of the strata lot away from the other units and adjacent to the Margaret River High School site potentially mitigating noise/disturbance from the outdoor living area.</p> <p>A sign is required to be posted in front of the unit displaying the 24/7hr contact details of the manager should issues arise.</p> <p>The applicant advises that the manager has over 5 years experience in successfully managing other short stay properties. The property will be managed to ensure that the quiet amenity for the residents continues. Any concerns from neighbours will be addressed quickly and efficiently by the landowners and/or the local manager.</p> <p>iii) Regarding security concerns, the applicant advises that all of the bookings will be vetted prior to accepting bookings. Guests with past negative review will not be permitted. All guests are verified by identification</p>

allowed visitors enter the security gated premises, not complete strangers.

There are six other units at 15 Station Road currently used and owned by owners and their families. The complex is accessed through security gates. There is strong concern the number of short term tenants having remote keys considerably elevates the problem of security. From past experience loss of gate remotes and keys can cause problems for other owners.

Security concern and possible increase to Strata Insurance.

iv) The units only have 1 visitor bay that is almost always in use and many 4wd can't fit into the garages.

Many modern cars are relatively high and will not fit under the garage door, so some cars will either park on the communal driveway (in the only turn around area) or on the street verge or the street itself.

including driver's license/passport, contact number and email address.

The applicant advises terms and conditions of stay, including house rules will require (but are not limited to) the following:

- House rules with clear and concise written check-in and check-out instruction (followed by a phone call on the day of check in), will assist in making it very clear what is required from guests in terms of reducing noise and being respectful of our neighbours at all times.
- House rules regarding limiting noise, particularly after 9pm and before 10am.
- Speed limit for vehicles in the common driveway is 5km.
- Maximum number of 4 guests and maximum no. of 2 vehicles that are to be parked within the garage. Guest limit will assist in mitigating potential negative impacts.
- Guests with children will not be permitted to play in the common driveway.
- Parties or functions are not permitted.
- Disturbance to neighbours may result in loss of bond and/or eviction.
- Bookings from guests under 25years old will not be accepted.
- 'Automatic booking' setting is turned off to prevent anyone booking without being screened first and guests agreeing to the house rules prior to booking.

The applicant advises, the Holiday House use is generally seasonal, and it is likely that the house will be empty in the off season, which will result in times where there is no traffic or guests at all.

The applicant advises of security measures to be put in place, including the change in lockbox code upon every guest departure.

Each guest will have access to one remote to the security gate during their stay and they will have clear instructions on how to access this in their check-in and confirmed by a follow up phone call from the landowner on the day of check-in. In the unlikely event a that the guest is locked out, the local manager will be available to assist the guest gain access.

Guests will be advised when they check in that if a key or remote is lost to contact the manager and not to disturb any residents.

The key or remote will not have the address of the Holiday House but will have the landowners contact number.

WA Strata Management, who are the body corporate for the complex have confirmed that the strata by-laws do not prevent the use of short stay within the complex.

The applicant has advised that they have insurance for any damage caused to their property and to any common property from guests.

iv) The applicant advises that:

- the unit will not be booked by guests all the time, as the landowner will be using the unit intermittently; and
- the holiday house use will be seasonal and will not be booked every day of the week, therefore resulting in no traffic at all when the property isn't being used.

<p>v) With the current shortage of long-term rentals in Margaret River, it would be short sighted to allow yet another short-term rental/holiday house. Takes business from Hotels and Motels.</p> <p>vi) Devaluation of property.</p> <p>vii) The units are constructed of fibre cement and we are concerned about the dwelling not being designed for short term accommodation.</p>	<p>The driveway is well lit at night and is very easy to find as it's the very last garage and the end of the complex, avoiding any confusion of the location for guests.</p> <p>The remote provided to guests will only open Unit 7, garage providing easy identification of the premises and no disruption to neighbours.</p> <p>Guests are not permitted to park in the visitor bay (located at the front of the complex) or within the common driveway at any time. This is included in the 'house rules'.</p> <p>The garage is a standard double garage size, with no internal shelves or materials, and will be able to house a wide range of non-commercial vehicles including large 4wd vehicles.</p> <p>v) The site is walking distance to Margaret River main street, commercial area, shops, restaurants, taverns and cultural centre and is suitably located to be considered for short stay use in accordance with <i>Local Planning Policy 7 – Short Term Accommodation (LPP7)</i>. The application is capable of being able to be considered on the site in accordance with LPP7 and the LPS1.</p> <p>vi) Property valuation is not a planning matter.</p> <p>vii) The units are constructed largely of double brick (refer to photos above).</p>
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Policy Requirements		
Policy Element	Provision	Comment
Location	Coastal settlement	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Urban area located within Policy Plan 1?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Within 50m of Village Centre zone?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Located outside of Policy Plan 1 but comprise of an area not less than 1ha?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Design / Layout	One parking bay per bedroom, Or two bays for grouped dwellings	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Reticulated water supply, or minimum 120,000 (plus firefighting provision) rainwater tank?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Reticulated water supply.
	Existing or proposed one site effluent disposal system sized accordingly to number of guests?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Connected to reticulated sewer.
	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 type="checkbox"/> Yes <input checked="" 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 type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
	BAL rating at BAL-40 or FZ?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Management	Management Plan submitted?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
	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
Conclusion	Advertising for the proposal generated eight submissions of objection to potential adverse amenity impacts considered likely as a consequence of the use.	

	<p>The capacity of the use, for up to four guests, in the two bedroom unit is considered commensurate to the expected residential capacity of the unit. Impacts such as noise and traffic are considered capable of being no greater than expected from the usual residential occupation of the premises. The management measures proposed are considered appropriate and have been comprehensively detailed to demonstrate the extent of measures and to demonstrate the intent of the operation to be run without concern to the existing occupiers.</p> <p>While the concerns are noted, in this case it is considered reasonable to recommend approval to the use for a limited twelve-month period. Upon lodgment of an application to renew the use, the application will be advertised to surrounding landowners for comment. This will provide opportunity to determine the success of the operation and management measures in any renewal application. Conditional approval is recommended for 12 months.</p> <p> <input checked="" type="checkbox"/> 12 months <input type="checkbox"/> 3 years </p>
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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 Unit 7, 15 (Lot 10) Station Road, Margaret River subject to compliance with the following conditions:

CONDITIONS

1. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent.

Plans and Specifications	P1 to P2 received by the Shire on 14 February 2022.
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2. The Holiday House use permitted for a period of **12 months** from **<date of this approval>** to **<end of date of approval>**. (Refer to advice note 'a')
3. The approved Bushfire Emergency Evacuation Plan shall be displayed in a conspicuous location within the dwelling at all times.
4. A Manager or a contactable employee of the Manager that permanently resides no greater than a 35 minute drive from the site shall be nominated for the Holiday House and this person shall attend to any callout within 35 minutes of a reported incident. The Manager or contactable employee is to be retained at all times during the use of the site as a Holiday House. (Refer advice note 'b')
5. At all times the Holiday House use is in operation, the 24-hour contact details of the **Manager** of the Holiday House shall be displayed on a sign that is clearly visible from the nearest street frontage. The sign is limited to a maximum size of 0.2 metres square and not exceeding 1.5 metres in height from the ground level. The sign shall be erected within the property frontage and must be visible from the front street. (Refer to advice note 'c')
6. All vehicles & boats connected with the holiday house use of the grouped dwelling shall be parked within the double garage of Unit 7, 15 Station Road, Margaret River. Holiday House Guests vehicles are not permitted to park in the common property driveway.
7. The short stay use of the dwelling shall not be occupied by more than **four (4) people** at any one time.
8. Amplified music shall not be played outside of the holiday house between the hours of 10pm and 10am.
9. 'House Rules' shall be developed to the satisfaction of the Shire prior to the commencement of use. Thereafter the 'House Rules' shall be provided to all guests and shall be displayed within a prominent position within the Holiday House. (Refer to advice note 'f')
10. Any marketing material for this Holiday House shall include display of the planning approval reference number for this approval. (Refer to advice note 'g')

ADVICE NOTES

- a) Following satisfactory performance of the approved use, and in the absence of any substantiated complaints over the twelve (12) month approval period, the Shire may grant further planning approval for the continuation of the use for a further three (3) years. A new planning application seeking such approval should be submitted 90 days before the expiry of this approval, along with the appropriate planning fee.
- b) If at any time there is not an appointed manager or a contactable employee of the manager for the site, the use must cease until such time as a manager is appointed.

- c) Evidence of installation of the sign will be required to be provided, to the satisfaction of the Shire, at the time an application to renew the Holiday House use is lodged.
- d) This approval does not affect the entitlement to use the dwelling for permanent residential purposes.
- e) You are advised of the need to comply with the requirements of the following other legislation:
 - (i) *Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises.
 - (ii) The *WA Building Regulations 2012* (r.59) requires that the owner of a dwelling (as defined in the Building Code of Australia) must not make the dwelling available for hire unless hard wired, battery backup smoke alarms are installed, complying with the Building Code of Australia and AS3786.
- f) The 'House Rules' document shall be consistent with key elements of the NSW Code for Holiday Houses (please refer to the attached document).
- g) Evidence of the display of the planning approval reference number within the marketing of the Holiday House is required to be provided, to the satisfaction of the Shire, at the time an application to renew the Holiday House use is lodged. Applicants are advised to include a screenshot of the website, to show that the planning approval reference number is being displayed.
- h) Please note that the Shire does not notify landowners in writing of the expiry of a Holiday House planning approval. It is the owners responsibility to monitor and ensure that the planning approval remains valid while the use is being undertaken.



DEVELOPMENT APPLICATION ASSESSMENT
Report to Manager Planning and Development Services
Proposed Bed and Breakfast at 86 (Lot 104) Woodland Drive, Burnside

Level 3 (Refusal Recommended)

P222160; PTY/7050

REPORTING OFFICER : Sophie Moscardini
DISCLOSURE OF INTEREST : Nil.

General Information	
Lot Area	1.27ha
Zone	Rural Residential
Proposed Development	<input checked="" type="checkbox"/> Single House <input type="checkbox"/> Grouped Dwelling
Proposed use	A planning application has been received for a Bed and Breakfast use. The application proposes use of the existing dwelling to accommodate up to two (2) short stay guests at any one time within one bedroom.
Permissible Use Class	'A' Advertising required; discretionary use
Advertising Required	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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	04/03/2022
Date of Report	19 May 22

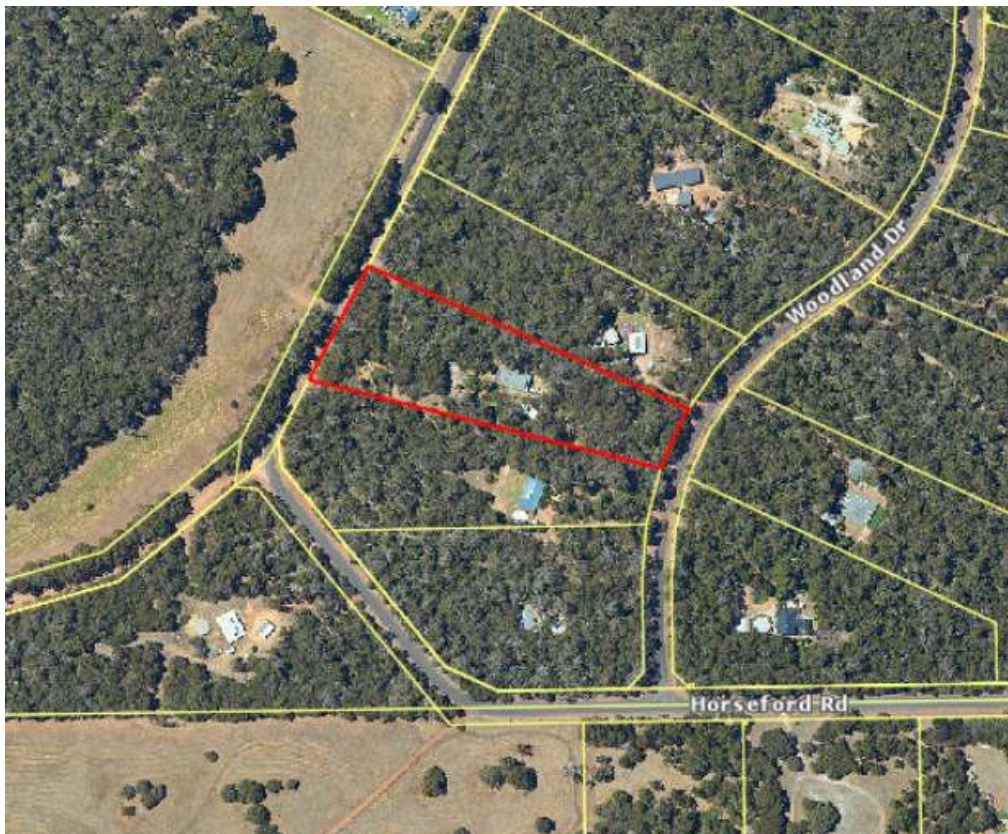


Figure 1: Site Plan

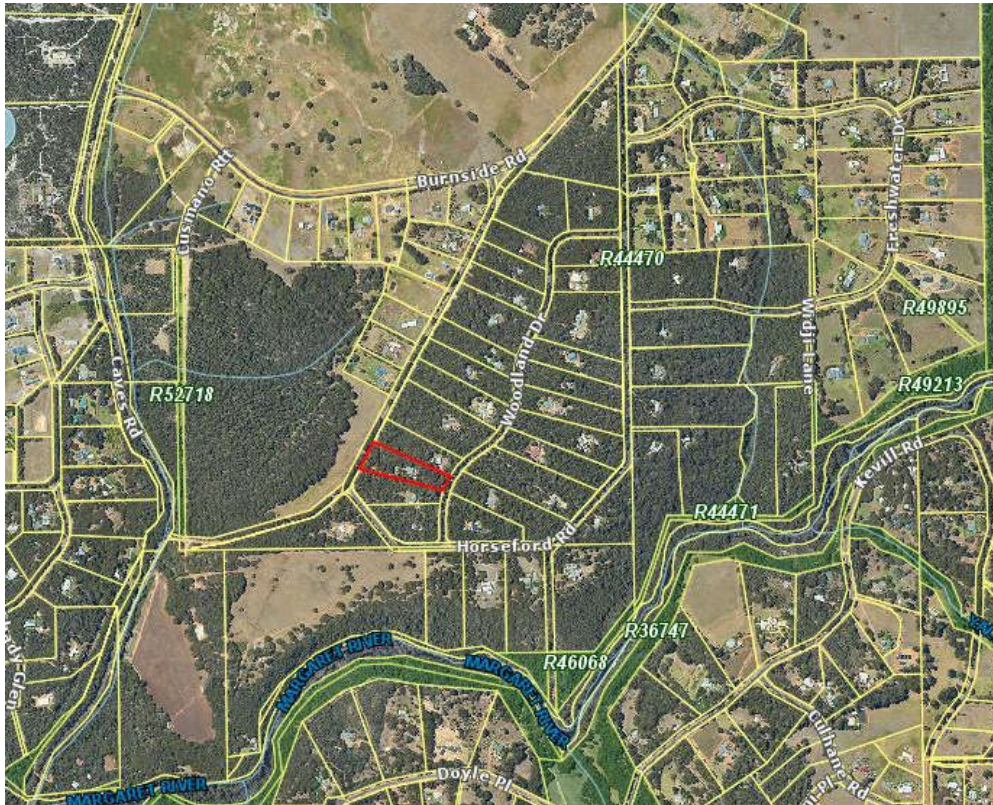


Figure 2: Locality Plan

Bed and Breakfast is located within part of the existing dwelling?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Bed and Breakfast consists of no more than two (2) bedrooms and one (1) bathroom?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Car Parking – 1 bay per bedroom provided within the Site?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
BAL and Emergency Evacuation Plan provided?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No BAL-40 achievable for the site.
Comments Received	
Nature of Submission	Officer Comments
<p>Department of Fire and Emergency Services.</p> <p>The following comments were received from DFES:</p> <p>Issue: Vegetation classification – Vegetation cannot be substantiated as Class B Woodland with the limited information and photographic evidence available. Photo ID’s 9-11 do not support the Woodland classification. The foliage cover exceeds 30% and is contiguous with the Class A Forest in plot 2.</p> <p>Environmental Considerations – The BMP states that the lot is within a Threatened Ecological Community as well as a Black Cockatoo and Possum habitat area. It is unclear if any of the proposed APZ can be cleared to meet the standards of Schedule 1 within the Guidelines.</p> <p>Landscape Management Plan – The existing dwelling and the cabin proposed for the bed and breakfast should implement a APZ to achieve BAL-29, or the lowest possible rating within the boundary of the lot. This will result in the modification of a significant amount of Class A Forest to achieve an APZ compliant with Schedule 1: Standards for Asset Protection Zones contained in the Guidelines.</p> <p>A Landscape Management Plan should be prepared to remove ambiguity for the landowner and to provide a compliance mechanism for the Shire.</p> <p>Location – Does not comply</p>	<p>The comments of DFES are noted.</p> <p>The proposal was not assessed against the relevant v1.4 <i>Guidelines for Planning in Bushfire Prone Areas</i> (the Guidelines), however, was submitted to the Shire before March 13 and therefore v1.3 was still relevant. Despite this, it is evident with the information provided that the proposal does not and cannot meet the required acceptable solution A5.4 siting and design, which requires a maximum BAL rating of BAL-29 for the dwelling.</p> <p>Largely due to the narrow lot width, this rating is not achievable within the boundaries of the site. Therefore, the proposal does not comply with the necessary requirements of the Guidelines and cannot reasonably be made to comply. For this reason, the BMP was not requested to be modified, and the proposal is recommended for refusal.</p> <p>The applicant previously lodged a development application for a Bed and Breakfast (P221704) in a freestanding cabin on the site. The application was refused in January 2022. The reasons for refusal include those relating to inconsistencies with the requirements of SPP 3.7. This includes the following refusal reason which is relevant to this proposal as the revised proposal continues to not meet this requirement.</p> <p><i>6. The proposal has not demonstrated compliance with version 1.4 of the Guidelines for Planning in Bushfire Prone Areas, Element 5: Vulnerable Tourism Land Uses including:</i></p>

<p>The proposed development is located in an area with an extreme hazard on both on and surrounding the lot which, in the opinion of DFES, cannot be adequately managed. Development should be located in areas with the least possible risk of bushfire.</p> <p>Element 5 – Siting and design Intent and A5.4 – does not comply The BMP has not addressed Element 5. The existing dwelling cannot implement an appropriately sized APZ to achieve BAL-29.</p> <p>Element 5 – Vehicular Access A5.5f – not demonstrated The BMP has not addressed Element 5 and the Signage requirements.</p> <p>Vehicular Access A5.5 – does not comply Access in two different directions to two different destinations, in accordance with the acceptable solution is not available until the intersection of Cowaramup Bay Road and Caves Road approximately 4.3km from the development site. This exceeds the acceptable maximum length of 200 metres for a dead-end road that passes through an extreme BHL.</p> <p>Element 5 – Water A5.6 – not demonstrated The BMP has not addressed Element 5. It has not been demonstrated that the proposed 10,000 litre tank dedicated for fire-fighting purposes and adjacent hard standing is located as per E4 Location of Water Tanks of the Guidelines.</p> <p>Recommendation – not supported due to non-compliance</p> <p>The development application is not supported as it does not meet the intent of Element 5: Vulnerable Tourism Land Uses, particularly</p>	<ul style="list-style-type: none"> • <i>Acceptable Solution A5.4a) has not been given a suitably sized Asset Protection Zone to achieve BAL-29 is not possible within the boundaries of the lot.</i> <p>Following the determination in January 2022, the proponent has sought to apply for the short stay use in the main dwelling, however, was not able to resolve the fire risk concerns in the revised location.</p>
<p>Submitter 1- objection.</p> <ul style="list-style-type: none"> • Potential for anti-social behaviour and the inability to enforce conditions which limit such activities. • Fire risk associated with short term accommodation is heightened. Lack of understanding from short term guests. • Concerns about the ability of the Shire to respond to noise complaints should these arise. • There are already numerous short stay rentals within the area, at what point does the Shire consider there is enough. • Concerns that the nature of short stay accommodation will impact the movement of local wildlife and thus the enjoyment we gain from interacting with them. 	<p>The concerns of the neighbor are noted.</p> <ul style="list-style-type: none"> • The proposal is for a bed and breakfast which requires the owners to be present and therefore respond to any anti-social behaviour straight away. • Fire risk is assessed against the requirements of the State. The proposal has been assessed against the relevant Guidelines for Planning in Bushfire Prone Areas v1.4 and does not meet the required BAL rating to allow for a vulnerable land use. • Any noise issues associated with the proposal can be directed to the Shire's Environmental Health Department and the Planning sections for follow up. Any formal noise complaints will be considered when an application for renewal is received by the Shire. • <i>Local Planning Policy 7 – Short Stay Accommodation</i> provides the local framework for where short stay rentals are capable of approval, the proposed location is considered appropriate under LPP 7 in this regard.
<p>Policy Considerations</p>	
<p>State Planning Policy 3.7 – Planning in Bushfire Prone Areas.</p> <p>The proposal is unacceptable when assessed against the provisions of SPP3.7 for a number of reasons:</p> <ul style="list-style-type: none"> • The site has a rating of BAL-FZ with the lowest achievable BAL rating of BAL-40. Pursuant to SPP3.7 clause 6.6.2 the vulnerable land use is not acceptable on this site due to the extreme fire risk posed. • In accordance with SPP3.7 clause 6.1 an acceptable BMP for the land use has not been provided to demonstrate how the fire risk on the site can be effectively reduced and managed. 	

Guidelines for Planning in Bushfire Prone Areas V1.4

In December 2021, version 1.4 of the *Guidelines for Planning in Bushfire Prone Areas (the Guidelines)* was released to supersede version 1.3. Version 1.3 of the Guidelines remained in effect to 13 March and therefore as the proposal was submitted before this date the proposal has been assessed against v1.3. Notwithstanding, an assessment against the updated version of the Guidelines is also provided.

A fifth Bushfire Protection Criteria element is provided in the Guidelines v1.4, Element 5 – Vulnerable Tourism Land Uses, replacing the former TPS. The proposal is assessed against Element 5 (A5.4 – 5.6) as follows:

A5.4 Siting and design:

- A5.4a) requires a habitable building to be surrounded by an APZ in accordance with A2.1 APZ requirements. A suitably sized APZ to achieve BAL-29 is not possible within the boundaries of the lot – **Does not comply.**

A5.5 Vehicular access:

- A5.5a) public road access required in two directions – **complies.**
- A5.5b) public roads to be through roads – **complies.**
- A5.5c) N/A
- A5.5d) public roads to comply with Table 6, Column 1 requirements – **complies.**
- A5.5e) requirements for private driveways longer than 50m – BMP states the driveway will be upgraded to comply; however insufficient information has been provided to demonstrate this is achievable – **insufficient information provided.**
- A5.5f) signage – details not provided. Compliance can be ensured by a condition of planning approval – **complies.**

A5.6 Provision of water:

- A5.6a) N/A
- A5.6b) water tanks required in accordance with Element 4, Schedule 2, 2.2 Technical Requirements. Compliance can be ensured by a condition of planning approval – **complies however the water tank could not be located in an area of BAL-29 which conflicts with DFES advice.**

The applicant was not asked to revise the provided BMP as the outcome would remain the same. This is consistent with the refusal reasons of the previous application.

OFFICER RECOMMENDATION

That the Statutory Planning Coordinator REFUSE TO 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 Bed & Breakfast at 86 (Lot 104) Woodland Drive, Burnside for the following reasons:

REFUSAL REASONS:

1. The proposal is not accompanied by a bushfire management plan that is acceptable to the Department of Fire and Emergency Services or the Shire of Augusta Margaret River and therefore the proposal does not comply with Clause 6.6.1 of the *State Planning Policy 3.7 – Planning in Bushfire Prone Areas*.
2. The proposal for a vulnerable land use in an area of BAL-40 risk, does not meet the definition of unavoidable development nor is the site within an area that can be classified as minor development. Therefore, the proposal is inconsistent with clause 6.6.2 of *State Planning Policy 3.7 – Planning in Bushfire Prone Areas*.
3. The proposal has not demonstrated compliance with version 1.4 of the *Guidelines for Planning in Bushfire Prone Areas*, Element 5: Vulnerable Tourism Land Uses including Acceptable Solution A5.4a) given a suitably sized Asset Protection Zone to achieve BAL-29 is not possible within the boundaries of the lot.
4. Approval of the proposal would set an undesirable precedent for approval of similar development applications, where vulnerable land uses are proposed on sites that pose an extreme fire risk and do not comply with the intent and provisions of *State Planning Policy 3.7 – Planning in Bushfire Prone Areas*. This would not be in the interests of the community as a whole.



DEVELOPMENT APPLICATION ASSESSMENT
Report to Manager Planning and Development Services

Proposed Holiday House at 1 (Lot 31) Nicholson Street, Gracetown

Level 3 (DFES Objection)

P222174; PTY/3432

REPORTING OFFICER : Sophie Moscardini
 DISCLOSURE OF INTEREST : Nil.

General Information	
Lot Area	984m ²
Zone	Residential (R15)
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. The management arrangements are to be located within 35 minutes of the subject site.
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	09/03/2022
Date of Report	



Have there been any objections?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Officer comments:	The Shire considers Gracetown to be a residential built out area which is relevant for the assessment against the Guidelines for Planning in Bushfire Prone Areas (the Guidelines).
Comments Received	
Nature of Submission	Officer Comments
Department of Fire and Emergency Services (DFES):	The proposal includes a Bushfire Management Plan, prepared by a level 3 practitioner, which assesses the development against Element 5 of the Guidelines

<p>DFES does not support the proposal for the following reasons:</p> <ul style="list-style-type: none"> • DFES considers the development as a 'Holiday House' <u>outside</u> a residential built out area as the locality is not serviced with reticulated water, not continuous with an urban area or town (or similar) and does not incorporate a suitable destination. • Vehicle access (A5.5) does not comply. Access in two different destinations, in accordance with the acceptable solution, is not available until the intersection of Cowaramup Bay Road and Caves Road approximately 4.3km from the development site. This exceeds the acceptable maximum length of 200 metres for a dead-end road that passes through an extreme BHL. • Water (A5.6 & P5vii) insufficient information. The BMP states a strategic water supply (>50kl) for firefighting purposes is located at the Gracetown Bushfire Brigade. It is unclear within the BMP if the strategic water supply is sufficient and permanently available for the locality. 	<p>(Holiday House – where the development is within a residential built out area). The BMP demonstrates compliance with the acceptable solutions 5.1 – 5.3.</p> <p>In response to DFES comments the following is noted:</p> <ul style="list-style-type: none"> • The Shire has consistently considered Gracetown to be a residential built out area given the provision of a strategic supply of water for fire fighting, the preference for short stay use in coastal areas in accordance with LPP7, and the built up nature of the locality. • There is no requirement for access in two different destinations in a residential built out area and therefore the proposal can be considered compliant with the residential built out area Guideline requirements. • The strategic tanks are considered appropriate for compliance with the Guidelines, there is no requirement for the residential lots to provide additional tanks for fire fighting purposes. The strategic firefighting supply is located at the Gracetown Bushfire Brigade – approximately 500m from the site. <p>The proposal demonstrates a fundamental difference in the interpretation and application of the Guidelines to the definition of a residential built out area. The Gracetown locality, along with a number of other coastal localities such as Gnarabup, Prevelly and Augusta, are considered residential built out areas by the Shire. While they are serviced by a single road, they are also developed with what is considered appropriate infrastructure for fire fighting and are areas in which short stay use is directed. This fundamental difference of interpretation brings about a point of difference in the assessment and comments provided from DFES. Based on the Shire's assessment of the proposal, conditional approval to the application is recommended.</p>
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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
	Reticulated water supply, or minimum 120,000 (plus firefighting provision) rainwater tank?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No The site provides a domestic supply of 100k litres however does not provide a separate tank for firefighting purposes. This is considered satisfactory within the Gracetown locality. Gracetown provides strategic tanks for firefighting purposes which is accepted.
	Existing or proposed one site effluent disposal system sized accordingly to number of guests?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Decks and balconies located away from the bedrooms of neighbouring dwellings?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Decks and balconies located close to the living and dining areas of neighbouring dwellings, provided with suitable screening?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Each bedroom accommodates a maximum of two persons?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 3 bedrooms and up to 6 guests.

Fire	If within bushfire prone area a BAL provided?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	For sites with a BAL above Low, a BMP prepared by accredited consultant and where required referred to DFES for comments?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No BAL- 12.5 identified for the subject site.
	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 The property will be managed by Seaside Homes which is located within 35minutes from the site.
	House Rules?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No The house rules are outlined as part of Seaside Homes management.
	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 1 (Lot 31) Nicholson Street, Gracetown subject to compliance with the following conditions:

CONDITIONS

11. 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 9 March 2022.
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12. The Holiday House use permitted for a period of **<1> year** from **<date of this approval>** to **<end of date of approval>**. (Refer to advice note 'a')
13. The approved Bushfire Emergency Evacuation Plan and Bushfire Management Plan shall be displayed in a conspicuous location within the dwelling at all times.
14. 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')
15. 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')
16. All vehicles & boats connected with the premises shall be parked within the boundaries of the property.
17. The short stay use of the dwelling shall not be occupied by more than **six (6) people** at any one time.
18. Amplified music shall not be played outside of the holiday house between the hours of 10pm and 10am.
19. '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')
20. Any marketing material for this Holiday House shall include display of the planning approval reference number for this approval. (Refer to advice note 'g')
21. This approval does not permit short stay use of the Ancillary Dwelling at any time. Pursuant to the Shire's *Local Planning Policy 7 – Short Stay Accommodation*, when the primary dwelling is in use as a Holiday House, the Ancillary Dwelling shall only be used for permanent accommodation by the owner of the site.

ADVICE NOTES

- i) 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.
- j) 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.
- k) 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.
- l) This approval does not affect the entitlement to use the dwelling for permanent residential purposes.
- m) You are advised of the need to comply with the requirements of the following other legislation:
 - (iii) *Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises.
 - (iv) 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.
- n) The 'House Rules' document shall be consistent with key elements of the NSW Code for Holiday Houses (please refer to the attached document).
- o) 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.
- p) 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.