

**DEVELOPMENT ASSESSMENT REPORT**  
**Shire of Augusta Margaret River**  
**22 – 28 July 2021**

**APPLICATIONS RECEIVED**

Date Rec'd	Reference No.	Address	Proposal
<b>PLANNING</b>			
22/07/2021	P221505	345 & 183 (Lot 913) Lucas Road, Rosa Glen	Agriculture Extensive (Farm Building)
22/07/2021	P221506	7 (Lot 170) Earl Place, Gracetown	Holiday House (Renewal)
22/07/2021	P221507	59 (Lot 7) Allnutt Terrace, Augusta	Dwelling (Alterations, Additions and Outbuildings)
22/07/2021	P221508	18 (Lot 69) Birch Loop, Margaret River	Single House (Retaining)
22/07/2021	P221509	4 (Lot 370) Winton Street, Margaret River	Home Business (Kinesiology)
22/07/2021	P221511	8 (Lot 105) Walton Way, Gracetown	Survey Strata
26/07/2021	P221513	75 (Lot 417) Ironstone Place, Margaret River	Holiday House (Renewal)
26/07/2021	P221514	23 (Lot 175) Marmaduke Point Drive, Gnarabup	Holiday House (Renewal)
27/07/2021	P221516	54 (Lot 204) Marmaduke Point Drive, Gnarabup	Dwelling
28/07/2021	P221517	18 (Lot 69) Colyer Drive, Hamelin Bay	Holiday House (Renewal)
28/07/2021	P221521	16 (Lot 68) Birch Loop, Margaret River	Dwelling (Retaining)
28/07/2021	P221522	39 (Lot 66) Forest Road, Gracetown	Section 40 (Licensed Area)
28/07/2021	P221523	2 (Lot 111) Andrews Way, Margaret River	Markets (P220115 Renewal)
28/07/2021	P221524	Unit 3 / 3 (Strata Lot 3 of Lot 1) Blackwood Avenue, Augusta	Holiday House (Renewal)
<b>BUILDING</b>			
26/07/2021	221121	Lot 304 Buller Road, Karridale	Single Dwelling and Garage
23/07/2021	221180	18 (Lot 58) Elva Street, Margaret River	Retaining Wall
23/07/2021	221496	29 (Lot 31) Tallwood Loop, Witchcliffe	Single Dwelling, Garage, Alfresco and Two Rainwater Tanks
23/07/2021	221497	7 (Lot 112) Galliers Street, Gracetown	Two Storey Dwelling, Garage, Retaining and Rainwater Tanks
23/07/2021	221498	7 (Lot 135) Tall Trees Court, Cowaramup	Shed
23/07/2021	221499	101 (Lot 7) Glenellie Road, Margaret River	Alterations and Additions to Existing Structure - Decking, 2 Rooms and Internal Changes
26/07/2021	221500	97 (Lot 63) Treeton Road North, Cowaramup	Rainwater Tank
26/07/2021	221501	5 (Lot 214) Bole Way, Karridale	Rainwater Tank
26/07/2021	221502	315/325 (Lot 16) Rocky Road, Forest Grove	Farm Shed
27/07/2021	221504	67 (Lot 554) Brookfield Avenue, Margaret River	Alterations and Additions to Existing Structure - Carport into a Garage
27/07/2021	221505	116-118 Bussell Highway, Margaret River	Occupancy Permit - Internal Alterations
27/07/2021	221506	31 (Lot 32) Cidergum Loop, Margaret River	Retaining Wall
27/07/2021	221507	11 (Lot 40) Paperbark Grove, Margaret River	Shed

**APPLICATIONS DETERMINED UNDER DELEGATION**

Date Rec'd	Reference No.	Address	Proposal	Outcome
<b>PLANNING</b>				
04/03/2021	P221153	46 (Lot 25) Isaacs Road, Margaret River	Building Envelope Variation - Dwelling Addition (Outbuilding/Cubby House)	Approved
15/04/2021	P221274	6 (Lot 530) Riesling Street, Cowaramup	Dwelling	Approved
20/04/2021	P221287	18 (Lot 9) Formosa Street, Margaret River	Holiday House	Approved
22/04/2021	P221297	Unit 2 / 18 (Strata Lot 2) Townview Terrace, Margaret River	Holiday House (Renewal)	Approved
23/04/2021	P221304	35 (Lot 33) Brookside Boulevard, Cowaramup	Dwelling Additions (Outbuilding)	Approved
12/05/2021	P221354	Unit 2 / 7 (Strata Lot 2) Town View Terrace, Margaret River	Holiday House	Approved
13/05/2021	P221360	186 (Lot 2) Saunders Road, Cowaramup	Abattoir (Existing Wastewater Ponds)	Approved
01/06/2021	P221392	19 (Lot 28) Formosa Street, Margaret River	Holiday House	Approved
01/06/2021	P221394	48 (Lot 10) Heron Drive, Margaret River	Dwelling & Building Envelope Variation	Approved
02/06/2021	P221396	Unit 1 / 18 (Lot 38) Townview Terrace, Margaret River	Holiday House	Approved
09/06/2021	P221404	3 (Lot 6) Redgate Road, Witchcliffe	Shop (Patio Additions)	Approved
15/06/2021	P221418	31 (Lot 32) Cidergum Loop, Margaret River	Dwelling	Approved
17/06/2021	P221426	14 (Lot 65) LeSouef Street, Margaret River	Holiday House (Renewal)	Approved
08/07/2021	P221472	52 (Lot 279) Noreuil Circuit, Cowaramup	Single Dwelling	Approved
<b>SUBDIVISIONS</b>				
Nil				
<b>LOCAL LAW PERMITS</b>				
Nil				
<b>OTHER</b>				
Nil				

**LEVEL 3 PLANNING APPLICATIONS for determination**

Date Rec'd	Reference No.	Address	Proposal	Recommendation
<b>PLANNING</b>				
31/5/21	P221390	83 (Lot 14) Illawarra Avenue, Margaret River	Development outside building envelope (existing tennis court, existing dwelling additions & proposed ancillary dwelling)	Conditional approval
1/6/21	P221393	24 Hobson Road, Osmington	Holiday House (Large) Change of Use from Guesthouse	Conditional approval
6/4/21	P221236	Unit 6 / 5 (Strata Lot 6 of Lot 100) Station Road, Margaret River	Holiday House (Renewal)	Conditional approval
27/5/21	P221386	Lot 213 Culhane Road, Margaret River	Dwelling (Building Envelope Variation & Boundary Fence)	Conditional approval

## DEVELOPMENT ASSESSMENT REPORTING PROCEDURE

### Assessment of Development Applications (DAs)

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

#### Level 1

DA not advertised

#### Level 2

DA is advertised; and

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

#### Level 3

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

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



## DEVELOPMENT APPLICATION ASSESSMENT Report to Manager Planning and Development Services

Proposed Development Outside Building Envelope (existing tennis court, existing dwelling additions & proposed Ancillary Dwelling) at 83 (Lot 14) Illawarra Avenue, Margaret River

Major (Level 3)

P221390; PTY/2071

REPORTING OFFICER : Lucy Gouws  
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	3.2ha
Zone	Rural Residential
Proposed Development	<p>Planning approval is sought for an Ancillary Dwelling (67.52m<sup>2</sup>) to be located towards the front (eastern) boundary of the Site.</p> <p>There has been no building envelope established on the Site. The proposal is also to:</p> <ul style="list-style-type: none"> <li>define a building envelope for the existing dwelling; and</li> <li>consider the existing tennis courts, existing dwelling additions and proposed Ancillary Dwelling outside the building envelope.</li> </ul> <p>The proposed location of the Ancillary Dwelling also involves a variation to the front (eastern) setback to Illawarra Avenue (from 30m to 10m) as provided under the Local Planning Scheme No. 1 (the Scheme).</p>
Permissible Use Class	Ancillary Dwelling 'P'
Heritage/Aboriginal Sites	Nil
Encumbrance	Easement between lots 14 and 13 for drainage with the Shire of Augusta Margaret River. Shown on the Site plan and not impacted by this application.
Date Received	31/05/2021



Figure 1: Extract of aerial image showing the Site

Policy Requirements	
Is the land or proposal referred to in any Council Policy?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Structure Plans and Local Development Plans (LDP's)	
Is the land in any Structure Plan Area or subject to a LDP?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Planning History	
<p>2016 – Approvals for alterations and extension to the existing soak, including a bridge (ref P214387)</p> <p>1994 – Approval for dwelling additions (ref P2071)</p> <p>1988 – Approval for shed (ref P305)</p> <p><b>Note:</b> Numerous building permits dating back to 1982 for the dwelling, additions and sheds.</p>	

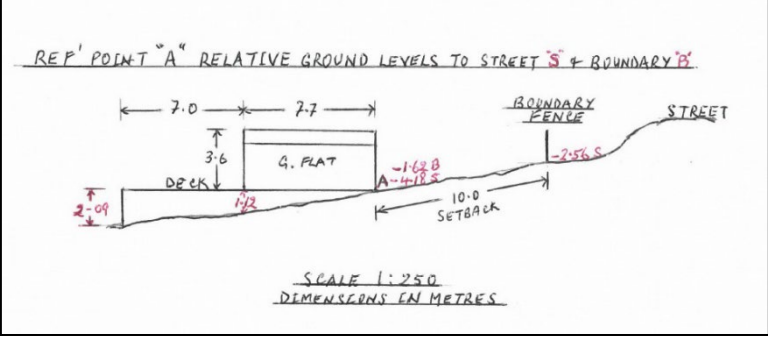




Figure 3: Existing development on the Site

Advertising/Agency Referrals	
Has the application been referred to adjoining landowners/agency?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Has a submission been received by Council?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A No. received: 1 in objection
Details of Submission	Officer Comment
<p>A summary of the points raised:</p> <p>Application is against Shire town planning guidelines in numerous ways.</p> <p>Site is too close to the boundary.</p> <p>Site is on underground waterway that feeds soaks and then flows through property.</p> <p>Where would the septic system be placed so it doesn't leach into our property.</p>	<p>Scheme clause 5.5 provides discretion for the Shire to consider and determine variations to development standards, including setback standards, subject to consultation with affected owners where '<i>...the variation is likely to affect any owners or occupiers in the general locality or adjoining the site...</i>'.</p> <p>While the proposal involves a front street setback variation, it does not involve setback variations to affected neighbouring properties and would be located a minimum 22m from the closest neighbouring adjoining property. The proposed side boundary setback more than complies with the 10m standard provided under the Scheme.</p> <p>Noted. Any septic application is required to address and consider the location of the ground water as part of the assessment. The Shire's Environmental Health section do not have concerns in relation to the likely location and impact of septic systems to service the development. Furthermore, the proposal shows the septic location over 22m from the side boundary of the Site and septic systems are not permitted to leach into other Sites, as confirmed by Environmental Health.</p>
Internal Department Comments	Officer Comments
<p><u>Environmental Health</u></p> <p><i>No concerns are raised with the location of the ancillary dwelling close to the road, which will be setback over 200m from the waterway.</i></p> <p>Note: When the septic application is lodged a detailed soil report will be required to indicate depth to seasonal ground water (i.e. measured at in winter where at its highest flow). Septic systems are not permitted to leach onto other properties and are required to meet setback requirements (1.8m from boundary).</p>	<p>Indicative location of the septic is shown at over 22m from the side (northern) boundary and over 200m from the waterway. A soil and wastewater capability assessment has been undertaken and will be required to be submitted with a septic application for assessment of the ground water.</p>
Assessment of Application	
Is the land referred in the Heritage Inventory?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there any Contributions applicable?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there any compliance issues in relation to existing development?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Local Planning Scheme No.1 (LPS1)	
Are the development Standards applicable?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Officer Comment	<p><b>Clause 5.5 Discretion to Modify</b></p> <p>Schedule 9 of the Scheme provides for a front street setback of 30m for lots zoned Rural Residential. The proposal seeks a variation to this standard to consider a setback of 10m. Clause 5.5 of the Scheme establishes the requirements for assessing variations to development standards.</p> <p>The Scheme specifies that in exercising its discretion under Clause 5.5 to determine this variation, the local government must be satisfied that the non-compliance <i>‘...will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality...’</i> The application has been referred to surrounding landowners and an objection is noted in response to the proposal.</p> <p>The impact of the proposed variation to neighbouring properties requires close consideration. In this regard, it is noted that the development would be well setback from neighbouring properties and that environmental impacts, including septic issues, can be managed through relevant approval processes. The primary areas of concern are therefore considered to be the visual impacts and impacts to the rural character and amenity arising from the proposal as discussed further below.</p> <p><b>Clause 5.10 Building Envelopes</b></p> <p>Clause 5.10 of the Scheme specifies that a building envelope is required to be shown in order to confine development within it. Shire records show a building envelope has not been specifically nominated for the Site in the past. The subject application provides an opportunity to address this Scheme standard and a 1050m<sup>2</sup> envelope has been nominated by the applicant, corresponding to the location of the existing dwelling and associated garage, in the southern portion of the Site. The result being that some existing development (tennis court and dwelling addition) and the proposed Ancillary Dwelling would be located outside the envelope. In considering this variation, the Scheme requires assessment under the standards at clause 5.10.2 and the local government must be satisfied that:</p> <ul style="list-style-type: none"> <li>objectives of the zone are not compromised;</li> <li>the visual amenity and rural character of the locality will not be compromised;</li> <li>development outside of the building envelope will not impact the protection of the property from risk of bushfire; and</li> <li>the size and location of the envelope around the existing dwelling accommodates the dwelling and associated development such as on-site septic effluent disposal systems and water supply tanks, without having an impact on the environment.</li> </ul> <p><b>Discussion</b></p> <p>The proposal is a significant departure from the standards of the Scheme to permit development of a habitable building outside the building envelope and in close proximity to the front street. The proposal is not however considered to compromise the objectives of the zone. The proposal is not adverse to the conservation of the physical, environmental and landscape characteristics of the area. The proposal does not impact native vegetation and does not require bushfire management that would be adverse to preserving environmental and landscape values noting the development site is entirely cleared of vegetation.</p> <p>With regard to the impact of the proposal to the visual amenity and rural character of the locality, the variation to the front setback results in the proposed Ancillary Dwelling being located closer to the road than other development along Illawarra Avenue, where development is located around 30m from the road. The streetscape and visual amenity and rural character impacts of the proposal are key concerns that warrant assessment.</p> <p>The applicant has advised that the location of the Ancillary Dwelling has been proposed in this location given a number of constraints within the Site. These constraints have resulted in the applicant wishing to locate the Ancillary Dwelling on the highest ground levels of the Site towards the road, away from the adjoining boundaries and the existing soak. Clause 4.22.6 of the Scheme requires that <i>onsite effluent disposal facilities shall be located within a building envelope when one is specified and shall be more than 100 metres from the high water mark of any watercourse and must have a 2 metres vertical separation from the highest known water table.</i> Upon preliminary review of the location of the Ancillary Dwelling, the Environmental Health Officer has raised no issues with the location closer to the road, which is almost 200 metres from the watercourse. The necessary setbacks of 2m from the water table are required to be achieved, and this will be thoroughly assessed upon lodgment of the septic application. Preliminary test pits have been undertaken which has guided the location of the Ancillary</p>
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	<p>Dwelling within the eastern portion of the Site based on the separation from ground water requirements.</p> <p>The acceptable visual impact arising from the proposed location of the Ancillary Dwelling is argued based on the significantly lower ground level of the development site. The finished floor level of the building would be located substantially below the road level which will assist in reducing the overall of the scale of the building when viewed from the street. As shown from site levels below (Figure 4), the Ancillary Dwelling would be relatively low in building height and at its highest point would be located lower than the road level.</p>  <p>Figure 4: Extract cross section plan submitted with application</p> <p>While there will be a visual impact arising from the proposal, the impacts are considered to be mitigated substantially by the significantly lower ground level of the development site and by the low scale of the building proposed.</p>
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#### Car Parking

LPS1 / R Codes Requirement	Car Bays Required - +1	Car Bays Proposed - + 1
Dimensions	2.5m x 5.5m	√ Complies <input type="checkbox"/> Doesn't Comply

#### Building Height

Scheme / Policy Requirement	Wall - 7m	Roof - 8m
State the proposed building height	Wall – 4.8m Roof – 5.6m	√ Complies <input type="checkbox"/> Doesn't Comply

#### Officer Comment

The wall and roof height have been calculated based on the finished floor being raised at the highest point from the natural ground level given the slope of the Site.

At the front (road) the building will have a wall height of 3m and roof height of 3.6m.

**Note:** The natural ground level of the Ancillary Dwelling has been calculated as being approximately 4m lower than Illawarra Avenue as confirmed by Figure 2 contour mapping.



Figure 2: Extract of contour map showing 5m increments

#### 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 Comments** Yes

#### In the opinion of the officer

i. Are utility services available and adequate for the development? To be provided.

ii.	Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land?	Yes
iii.	Has adequate provision been made for access for the development or facilities by disabled persons?	n/a
iv.	Is development likely to cause detriment to the existing and likely future amenity of the neighbourhood?	No
v.	Is the development likely to comply with AS3959 at the building permit stage?	Yes – BAL12.5 achieved at the development site.
<b>Other Comments</b>		
Any further comments in relation to the application?		
<b>Officer Comment</b>	Justification for the location of proposed Ancillary Dwelling on Site has been provided to demonstrate that the property contains a number of constraints to development within the curtilage of the main dwelling. The impacts of the proposed Ancillary Dwelling have been assessed and are considered acceptable against the provisions of the Scheme and particularly with regard to the lower ground level of the development Site chosen. While a submission of objection to the application has been received, there appears to be little adverse impacts arising to neighbouring properties. Conditional approval is recommended.	

#### OFFICER RECOMMENDATION

**That the Manager of Planning and Development Services GRANTS Planning Consent under Delegated Authority Instrument No. 16 pursuant to Clause 68(2) of the Deemed Provisions of Local Planning Scheme No. 1 for the proposed Development Outside Building Envelope (existing tennis court, existing dwelling additions & proposed Ancillary Dwelling) at 83 (Lot 14) Illawarra Avenue, Margaret River subject to compliance with the following conditions:**

#### CONDITIONS

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

Plans and Specifications	P1 – P9 received at the Shire on the 31 <sup>st</sup> May 2021
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- 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 vegetation is prohibited outside the building envelope, unless in accordance with the Bush Fires Act 1954 or required for the purpose of constructing an approved driveway, installing essential services, or removing dead or dangerous trees.
- 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 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.

#### ADVICE NOTES

- You are advised of the need to comply with the requirements of the following other legislation:
  - 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*;
  - Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises; and
  - The *Bush Fires Act 1954* as amended, Section 33(3), Annual Bush Fires Notice applies to this property.
- 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.





**DEVELOPMENT APPLICATION ASSESSMENT (DAU)**  
**Report to Manager Planning and Development Services**

**Proposed Holiday House (Large) - Change of Use from Guesthouse**  
**24 Hobson Road, Osmington**

**Major (Level 3)**

**P221393; PTY/2957**

**REPORTING OFFICER** : **Lucy Gouws**  
**DISCLOSURE OF INTEREST** : **Nil**

General Information	
Lot Area	4.16ha
Zone	<b>General Agriculture</b>
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 dwelling in which the application relates, is currently approved as a Guesthouse (referred to as 'Lodging House'). The application has been submitted to change the land use approval in order to clarify this land use as a Holiday House for up to 8 short stay guests. The management arrangements are unknown at this stage, as the property is currently for sale. A condition of the approval will require a manager to reside within 35 minutes drive of the Site upon commencement of an approved Holiday House use.
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	01/06/2021
Date of Report	26/07/2021



Figure 1: Showing location of the proposal

Have there been any objections?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Planning History	2007 approval for Guesthouse (ref P27151). 2010 approval for Lodging House, Garage, Lean to and Water Tank (ref P28488)

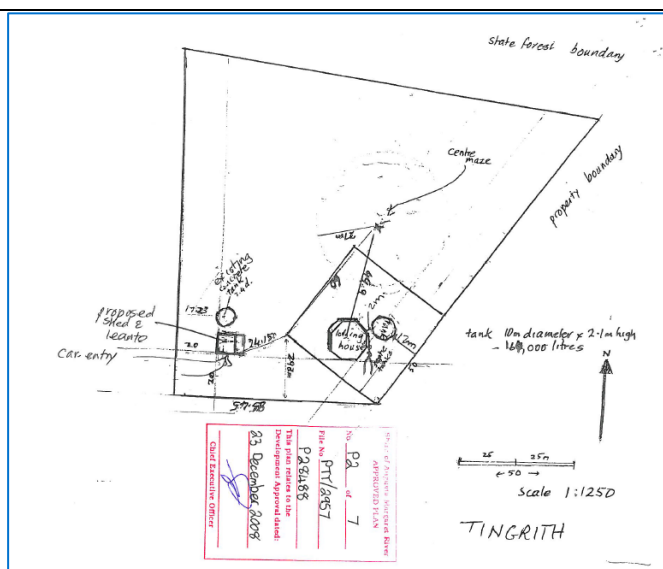


Figure 2: Extract from previous approval ref P28488 showing approved Guest House (referred to as a lodging house)



Figure 3: Aerial map showing existing development on the Site

#### Comments Received

##### Nature of Submission

1. Property is for sale and states there are four main buildings referred to as the farmhouse, meeting house, lodge and the studio. All buildings are used as dwellings.
2. This application is for the meeting house whereby previous registrations as a lodging house has lapsed. There is no longer a relevant use under the Scheme for a lodging house.
3. Unclear as to the 'shed' development referred to as the studio. This was part of change of use in 2008 with the meeting house and included a commercial kitchen.
4. Since 2004 tenants accommodated on the Site in various short-term and long-term sheds, dwellings, tents, buses and tepee.

##### Officer Comments

1. Figure 3 above shows the buildings on Site and the approved uses. Further investigation of approved uses will also be conducted as a separate matter to this application.
2. A Lodging House was a registration term used by the Environmental Health department. This land use no longer accords with the Local Planning Scheme No. 1 (Scheme) land use definitions. In order to resolve this situation and clarify the actual and practical use of the dwelling, the subject application has been submitted. It is noted that the previous approval for a Lodging House does not include a time frame or validity clause and this is an ongoing approval. The subject application has simply been lodged to resolve and clarify the land use classification under the current Scheme. This approval for a Lodging House is recommended to be superseded by any conditional approval granted for a Holiday House.
3. The use of the shed as a studio is not a relevant factor to the assessment of this application and will be handled as a separate matter.
4. Noted.

<p>5. Previous short-term leasing activities including use of ancillary dwelling has not been appropriately managed and caused a number of nuisances to neighbours. This included trespass, camping, lighting of fires (out of season) increase in traffic and noise.</p> <p>6. The renewal license for short stay is not consistent with the zoning, use of the area and scheme objectives.</p> <p>7. Holiday house are more appropriate in the coastal communities and shires policy to not support accommodation of more than 6 guests.</p> <p>8. Locational criteria and siting may have not been met with the previous approval, and this needs to be considered with the new application.</p> <p>9. Management requires on site care to ensure no nuisance or annoyance to neighbours. This has not been effective.</p> <p>10. Concerns raised with bushfire and compliance with a BMP and BAL assessment.</p>	<p>5. Conditions of any approval will limit the use to 12 months with appropriate management arrangements to be in place. Concerns about unauthorised camping and fires are to be handled as a separate matter.</p> <p>6. The Scheme classifies a Holiday House as an 'A' use within the General Agricultural zone. This means that the use is discretionary and can be considered following advertising. When considered against the Scheme standards at clause 4.2.2.2, the proposed short stay use is not in conflict with the objectives of the zone including agricultural potential, rural character and amenity, and the nature of sustainable low impact tourist development and its relationship with agricultural use of the land.</p> <p>7. A Holiday House of more than six guests can be considered in the General Agriculture zone as provided in <i>Local Planning Policy No.7 – Short Stay Accommodation</i> (LPS7) and the Scheme.</p> <p>8. The previous approval for a Lodging House is still valid and current. The location of the building within the Site is unchanged and not considered to be of concern.</p> <p>9. Noted. Conditions are recommended to ensure appropriate management arrangements are in place for the future use to ensure nuisance to the neighbours is managed. The conditions of a Holiday House are far more onerous in relation to the management arrangements than the previous conditions for applicable to the Lodging House and it is expected will address concerns raised about management.</p> <p>10. As the application is for the change of use of an existing tourism related facility to another, there is not considered to be an intensification of the use to warrant the requirement of a BMP and BAL.</p>
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Policy Requirements		
Policy Element	Provision	Comment
Location	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
	Existing or proposed one site effluent disposal system sized accordingly to number of guests?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Referral to Environmental Health confirmed existing system is not suitable to accommodate more than 6 guests. Guests numbers have been reduced till such time the system is upgraded to the satisfaction of the Health Department.
	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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No Given the Site was previously approved as a Lodging House (dating back to 2008) there is no intensification of the land

		use to warrant compliance with SPP3.7.
	BAL rating at BAL-40 or FZ?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Management</b>	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
<b>Recommended period of approval</b>	<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. 16 pursuant to clause 68 (2) of the Deemed Provisions of Local Planning Scheme No. 1 for a Holiday House (Large) Change of Use from Lodging House at 24 Hobson Road, Osmington subject to compliance with the following conditions:

#### CONDITIONS

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

Plans and Specifications	P1 to P3 received by the Shire on 1 June 2021
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- The Holiday House use permitted for a period of **twelve (12) months** from **<date of this approval>** to **<end of date of approval>**. (Refer to advice note 'a')
- 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 Guesthouse shall not be occupied by more than **six (6) people** at any one time. This number may be increased to **eight (8) people** if it can be demonstrated to the satisfaction of the Shire that the on-site wastewater management system is of suitable design to cope with the higher number of people.
- Amplified music shall not be played outside of the Holiday House between the hours of 10pm and 10am.
- 'House Rules' shall be developed to the satisfaction of the Shire prior to the commencement of use. Thereafter the 'House Rules' shall be provided to all guests and shall be displayed within a prominent position within the Holiday House. (Refer to advice note 'f')
- Any marketing material for this Holiday House shall include display of the planning approval reference number for this approval. (Refer to advice note 'g')
- This development approval hereby supersedes the development approval granted for a 'Lodging House' (reference P28488) on 23 December 2008.

#### 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.
- 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 (DAU)**  
**Report to Manager Planning and Development Services**

**Proposed Holiday House (Renewal)**  
**Unit 6/5 (Strata Lot 6 of Lot 100) Station Road, Margaret River**

**Major (Level 3)**

**P221236; PTY/6804**

**REPORTING OFFICER** : Lara Hoole  
**DISCLOSURE OF INTEREST** : Nil

General Information	
<b>Lot Area</b>	247m <sup>2</sup>
<b>Zone</b>	<b>Residential R30/40</b>
<b>Existing Development</b>	<input type="checkbox"/> Single House <input checked="" type="checkbox"/> Grouped Dwelling
<b>Nature of application</b>	Holiday House (renewal)
<b>Proposed use</b>	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 four (4) short stay guests at any one time. The existing management arrangements are to be retained and the duration of the approval sought in this case is 3 years.
<b>Permissible Use Class</b>	'A' – discretionary use
<b>Advertising Required</b>	Yes - completed
<b>Reason not exempted from planning approval?</b>	Discretionary uses are not permitted unless the Shire exercises its discretion by granting development approval.
<b>Heritage/Aboriginal Sites</b>	N/A
<b>Encumbrance</b>	N/A
<b>Date Received</b>	06/04/2021
<b>Date of Report</b>	5/05/2021

Location Map



Planning History	A twelve (12) month approval (P221236) was issued on 25 February 2020 for a holiday house for four (4) guests. A three (3) month extension to 25 May 2021 was given due to Covid-19.	
Is the application same as previous?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Have there been any objections?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
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	
Comments Received		
Nature of Submission (Objection)		Officer Comments
The plans submitted are outdated.		Initial site plan was dated 1996 and the site plan for the application has now been updated. The floor plan and layout of the unit is unchanged since construction with the exception of the carport for the dwelling which has been enclosed as a garage. Parking bays within the complex have been formalized and marked since original

	construction. The parking allocation for the strata unit is not change and two parking bays for the unit are provided.
The main entertaining area is in a different location.	The living area is adjacent to the front door/veranda. The site has been inspected. The floor plan submitted with the planning application is consistent with the existing building and is unchanged.
The area is a small complex of long term residents.	The strata site is approximately 6000m <sup>2</sup> consisting of 26 strata units at the top of main street of town nestled in between the Margaret River High School, Medical Centre and other grouped dwelling sites. The strata units are predominately approved for permanent residents with two other units approved for short stay use. The strata lots range in size from 216m <sup>2</sup> to 273m <sup>2</sup> with additional common property access/driveway and visitor parking. The site is located within the town centre and is identified in the Shire's <i>Local Planning Policy 7 – Short Term Accommodation</i> as being in a location suitable for short term accommodation use subject to effective management.
Parking is already an issue.	The Holiday House use is to continue to provide accommodation for a maximum of four guests with two parking bays provided in accordance with <i>Local Planning Policy 7 – Short Term Accommodation</i> (LPP7). The conditional approval requires Holiday House guests to park in the parking bays provided within the strata lot boundaries.
There has never been any signs with the contact details of the owners.	A sign exists on site and is fixed to the building. The sign is located within the property boundaries with the details of the 24/7 manager. Notwithstanding, the applicant has agreed to post a sign at the front of the unit in full view of the strata complex. The submitter has also been updated with the contact details for the manager.
Complex strata council previously objected.	Noted, the applicant may require additional permission by the Body Corporate depending on their strata management agreement. This objection has no bearing on a local government approval however may have a civil implication.
<b>Conclusion</b>	The comments received are general in nature and do not demonstrate ineffective management or operation of the short stay use. The applicant has clarified a number of issues raised in the submission with clearer plans and the site has been inspected and the signage is to be modified. While the concerns are noted, they are not considered to warrant refusal or further modification of the proposal. The application is recommended for approval for three years.
<b>Recommended period of approval</b>	<input type="checkbox"/> 12 months <input checked="" type="checkbox"/> 3 years <input type="checkbox"/> 5 years

#### OFFICER RECOMMENDATION

That the Statutory Planning Coordinator GRANTS Planning Consent under Delegated Authority Instrument No. 16 pursuant to clause 68 (2) of the Deemed Provisions of Local Planning Scheme No. 1 for a Holiday House at Unit 6/5 (Strata Lot 6 of Lot 100) Station Road, Margaret River subject to compliance with the following conditions:

#### CONDITIONS

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

Plans and Specifications	P1 received by the Shire on 27 July 2021. P2 received by the Shire on 6 April 2021.
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- The Holiday House use is permitted for a period of **three (3) years** from <<date to be inserted>> to <<date to be inserted>> (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').

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 ground level. The sign shall be erected within the property frontage and must be visible from the street front. (Refer to advice note 'c')
6. All vehicles & boats connected with the premises shall be parked within the boundaries of the strata lot and visitor parking bays within the complex are not permitted to be used.
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) 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.
  - (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 owner's responsibility to monitor and ensure that the planning approval remains valid while the use is being undertaken.





**DEVELOPMENT APPLICATION ASSESSMENT (DAU)**  
**Report to Manager Planning and Development Services**  
**Proposed Dwelling (Building Envelope Variation & Boundary Fence)**  
**Lot 213 Culhane Road, Margaret River**

**Major (Level 3)**

**P221386; PTY/12145**

**REPORTING OFFICER** : **Sophie Moscardini**  
**DISCLOSURE OF INTEREST** : **Nil**

General Information	
Lot Area	1.0964ha
Zone	Rural Residential (RR15)
Proposed Development	Development approval is sought for a post and wire fence on the western boundary of the site and a building envelope variation to accommodate a dwelling, ancillary dwelling and shed.  With the exception of the boundary fencing, the built development does not generate a requirement for development approval.
Permissible Use Class	'P' – may be permitted
Heritage/Aboriginal Sites	No heritage sites.
Encumbrance	Nil.
Date Received	27/05/2021



Policy Requirements	
Is the land or proposal referred to in any Council Policy?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Structure Plans and Local Development Plans (LDP's)	
Is the land in any Structure Plan Area or subject to a LDP?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, state the Policy/Policies	Kevill Road East – Precinct No.1 Local Structure Plan

<b>Officer Comment</b>	<p>The following Structure Plan requirements are relevant to the proposal:</p> <p><i>To improve accessibility for fire tenders and the movement of wildlife, new lot owners are encouraged to fence building envelopes only. Fencing of new boundaries will require the planning approval of Council in accordance with Clause 4.21.7 of the Scheme and installation of gates to improve accessibility.</i></p> <p>The application proposes fencing along the western boundary, fencing is already constructed along the site's southern and eastern boundaries. The proposal does not include any fencing along the northern/front boundary. Vegetation is not required to be removed for the fence construction.</p> <p>Two objections were received to the proposed fencing due to impacts to the movement of wildlife, as discussed below.</p>
<b>Advertising/Agency Referrals</b>	
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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A No. received: Two objections were received from owners of affected lots.
<b>Details of Submission</b>	<b>Officer Comment</b>
<p>Objection to the proposed fencing on the western boundary.</p> <p>Summary of the submission:</p> <ul style="list-style-type: none"> <li>We strongly object to the proposed new post and wire fencing. We have lived in this valley for 30 years.</li> <li>We continue to see boundary fencing occurring as what seems to be many people's first priority on purchasing land, without ever having lived on their property or had the benefit of considering other options regarding internal garden and house fencing, in order to live in harmony with the resident wildlife.</li> <li>We have been working closely with the Shire's Environmental Officers, to establish appropriate wildlife road signage and develop the AMR Shire's Living with Kangaroo's information kit for residents. We are currently in the process of drafting a new one page RETHINK YOUR FENCE document, to ensure best chance of new landowners reading and taking seriously the options for fencing the building envelope only and using native plantings to establish their outer boundaries.</li> <li>Those residents who put in fences before learning of the of the behaviour and needs of the resident kangaroos have now actually taken down sections of their fences or have expressed regret when meeting socially with their neighbours that they were not better informed when first planning their fencing.</li> <li>Our most specific objection regards the 'scatter behaviour' of the kangaroos which we have observed for 30 years. So many surrounding fences have gone up that this valley now houses a very large population of kangaroos, living in harmony with the local residents, but in an ever-decreasing area.</li> <li>The proposed fence would cut off another large 'safe' scatter area and force the kangaroos to bunch up more and scatter straight onto Culhane Rd, within metres of the steep corner on Kevill Rd East, which is largely blind to traffic coming from both sides.</li> <li>The existing posts can be shifted with minimal effort to enclose the building envelope and keep the home gardens and living space free from</li> </ul>	<p>The comments of the submitter are noted.</p> <p>The applicant has provided the following in response to the concerns raised:</p> <ul style="list-style-type: none"> <li>The presence of kangaroos in the subdivision and the intrinsic value of these to the area is acknowledged. Accordingly, it is the owner's intention to only fence the western side boundary to exclude vehicle and dog access from Lot 212 which has been occurring, as well as provide a clear definition of that boundary.</li> <li>The north boundary will remain unfenced to allow wildlife access to and across the lot.</li> <li>Lots to the south east and north of the subject site are all fenced. The fencing of the western boundary is therefore in keeping with development in the immediate area.</li> <li>The majority of lots in the subdivision are fenced, including kangaroo exclusion fencing for some lots.</li> <li>The subdivision plan does not preclude fencing of the subject lot, which has been respectfully requested.</li> </ul> <p>A site visit was undertaken with the Shire's Sustainability Officer to understand the context of the proposal. The posts for the proposed fencing have been installed, however this process was put on hold when the landowner was made aware that planning approval was required.</p> <p>The associated fire management plan does not demonstrate a fire break along the southern boundary. The proposed fence does not impact or raise concerns in relation to fire access in the locality.</p> <p>With the front boundary unfenced, environment staff are confident this will allow for enough movement for kangaroos while mitigating impacts from roaming dogs.</p>

<p>kangaroo impacts. Boundary trees as shown in the plans can be placed in the existing holes.</p> <ul style="list-style-type: none"> <li>We would also like to point out that if the current fenceposts were to be fenced with proposed wire to our boundary, it would block the existing fire break, along the southern boundary. We ask for an explicit copy of the fire plan for the fire breaks including required 3m boundary firebreaks from all buildings as currently proposed with the new building envelope.</li> </ul>		
<p><b>Objection – Proposed boundary fence.</b></p> <ul style="list-style-type: none"> <li>The reason for our objection is the impact on wildlife, particularly kangaroos.</li> <li>The area to the north and south of Culhane Road has become a wildlife precinct with residents collaborating to enhance it. Tourists regular visit the area to view and photograph the kangaroos close up.</li> <li>Freedom of movement is an important factor in encouraging kangaroos; we have removed most of the fences on our property for this reason. Fences are a danger to kangaroos and can easily cause injury especially to younger (smaller) animals attempting to jump the fence. The proposed fence may have the result that a kangaroo go onto Culhane Road if disturbed causing vehicle damage and injury or death to the animal.</li> <li>In the absence of livestock, fences are not necessary – they serve no purpose. Planted screening is a much more efficient method of securing privacy, if that is what is desired. The lot concerned does not have any public pathways on its side and rear boundaries so there is no issue regarding pedestrian movement.</li> </ul> <p>We also note that construction of the fence has begun prior to obtaining the required development approval and submit that the owner should be directed to cease work on the fence until the development application is determined.</p>		
<p><b>Assessment of Application</b></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><b>R Codes</b></p>		
Are R Codes applicable?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<p><b>Development Standards (Schedule 9)</b></p>		
Are the development Standards applicable?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No



<b>Officer Comment</b>	The following setbacks are applicable to development in the Rural Residential zone:	
	<b>Required Setbacks</b>	<b>Provided Setbacks</b>
	Front: 30m	Front: 69m
	Rear: 30m	Rear: 30m
	Side: 10m	Side: 10m
	<p>Clause 5.10 of LPS 1 is also relevant for the purpose of varying the existing building envelope.</p> <p><i>The local government may, in circumstances where full and satisfactory justification is provided by the applicant and where deemed necessary by the local government advertising in accordance with the provisions of clause 64 of the Deemed Provisions has been undertaken, approve a variation to, or relocation of the building envelope provided in each case it is satisfied that:</i></p> <ul style="list-style-type: none"> <li>a) <i>The objectives of the zone are not compromised;</i></li> <li>b) <i>The visual amenity and rural character of the locality will not be affected to any greater degree by development within the proposed new building envelope to that which might have occurred within the building envelope as originally proposed;</i></li> <li>c) <i>Development within the proposed new building envelope will not render the protection of the property from the risk of bushfire any more difficult to achieve than would be the case with the approved building envelope; and</i></li> <li>d) <i>The proposed size and location of the envelope can accommodate future development, including on-site septic effluent disposal systems and water supply tanks, and not have a detrimental impact on the environment.</i></li> </ul> <p>The proposed building envelope is located predominately within the footprint of the existing envelope and further towards the south (rear) boundary. As such it is expected that there will be no detrimental change to the amenity of the locality from the proposed envelope variation.</p> <p>The proposed building envelope orientation will enable development along the site contours which will assist with minimising site erosion and water movement downhill. The orientation across slope will also require less cut and fill, which will result in an overall less environmental impact. The proposed building envelope is considered to satisfy Clause 5.10 of LPS 1.</p>	
<b>Clause 67</b>		
In the opinion of the officer, would approval of the planning consent be appropriate under Clause 67 of the Deemed Provisions of the Scheme?		
<b>Officer Comment</b>	Yes	
<b>In the opinion of the officer</b>		
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?	No clearing is proposed as part of the development.	
viii. Has adequate provision been made for access for the development or facilities by disabled persons?	N/A	
ix. Is development likely to cause detriment to the existing and likely future amenity of the neighbourhood?	No.	
x. Is the development likely to comply with AS3959 at the building permit stage?	Yes. A BAL contour map was provided with the application to demonstrate that the revised building envelope location will achieve a BAL29 or less.	
<b>Other Comments</b>		
Any further comments in relation to the application?		
<b>Officer Comment</b>	The concerns raised in the advertising period are noted. The site was inspected by environment staff and the issues considered in the assessment of the application. Given the front boundary would remain unfenced, vegetation does not require removal and with regard to the justification provided by the proponent the proposed western boundary fencing is considered acceptable.	

#### OFFICER RECOMMENDATION

That the Manager Planning and Development Services GRANTS Planning Consent under Delegated Authority Instrument No. 16 pursuant to Clause 68(2) of the Deemed Provisions of Local Planning Scheme No. 1 for the proposed Dwelling (Building Envelope Variation & Boundary Fence) at Lot 213 Culhane 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 (received at the Shire on 27 May 2021)
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2. If the development, the subject of this approval, is not substantially commenced within two (2) years from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has lapsed, development is prohibited without further approval being obtained.
3. The revised building envelope hereby approved, wholly replaces that previously applicable to the site.
4. Clearing of vegetation is prohibited outside the building envelope, unless in accordance with the Bush Fires Act 1954 or required for the purpose of contracting an approved driveway, installing essential services, or removing dead or dangerous trees.

**ADVICE NOTE**

- 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.