

**DEVELOPMENT ASSESSMENT UNIT**  
**Minutes of the Development Assessment Unit**  
**Shire of Augusta Margaret River**  
**On 21 April 2020**

**ATTENDANCE**

Lucy Gouws, Matt Cuthbert, Chris McAtee, Chris Wenman, Jason Heine

**PLANNING APPLICATIONS RECEIVED**

Date Rec'd	Assess No.	Address	Proposal	DA No.
14/04/2020	A5659	24A (Lot 47) Freycinet Way, Gnarabup	Holiday House	P220208
14/04/2020	A12765	98 (Lot 203) Ashton Street, Margaret River	Dwelling	P220209
14/04/2020	A5163	744 (Lot 111) Cowaramup Bay Road, Gracetown	Amendment to Approval P219308	P220210
15/04/2020	A10563 A276 A7607	254 (Lot 22) Wright Road, Nillup	Extension to Approval P219174	P220211
15/04/2020	A6556	2/10 (Lot 8) Townview Terrace, Margaret River	Holiday House Renewal	P220212
15/04/2020	A12952	71 (Lot 51) Brookside Boulevard, Cowaramup	Single Dwelling	P220213
17/04/2020	A10748	36 (Lot 142) Tonkin Boulevard, Margaret River	Addition (Retaining Wall)	P220218
17/04/2020	A7028	50 (Lot 12) Connelly Road, Margaret River	Building Envelope Variation	P220219
17/04/2020	A10984	8 (Lot 158) Qinda Place, Margaret River	Holiday House (Renewal)	P220220

**BUILDING LICENCE APPLICATIONS RECEIVED**

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
14/04/2020	A12323	63 Lot 106 Kilcarnup Road, Burnside	Single Dwelling	220110
16/04/2020	A12082	1 Lot 211 Wailiya Way, Witchcliffe	Single Dwelling	220128
15/04/2020	A7126	19 Lot 65 Casselton Grove, Margaret River	Ancillary Building	220147
17/04/2020	A12864	39 Lot 35 Brookfield Blvd, Margaret River	Single Dwelling	220148
16/04/2020	A12903	14 Lot 7 Bettong Place, Witchcliffe	Single Dwelling	220150
16/04/2020	A4452	14 Barrett Street, Margaret River	Pump Shed	220151
16/04/2020	A12543	6 Lot 56 Lambertia Terrace, Margaret River	Single Dwelling	220152
16/04/2020	A12588	Unit 7 35 Stewart Street, Margaret River	Single Dwelling	220153
16/04/2020	A12202	21 Lot 28 Brookside Boulevard, Cowaramup	Retaining Wall	220154
16/04/2020	A11715	63 Lot 556 Brookfield Avenue, Margaret River	Single Dwelling	220155
16/04/2020	A8098 A7514	73 Leschenaultia Avenue, Margaret River	Patio and Carport	220156
17/04/2020	A12853 A2157	36 Lot 284 Fearn Avenue, Margaret River	Child Care Centre	220158
16/04/2020	A4600	29 Mansfield Avenue, Margaret River	Change of Use Shed to Ancillary Accommodation	220159
17/04/2020	A7907	7 Bankside Retreat, Margaret River	Shed and Lean to	220160
16/04/2020	A12679	27 Brockman Road, Cowaramup	Rainwater Tank	220161
17/04/2020	A12600	Lot 414 Dunnart Close, Margaret River	Single Dwelling	220162

**SUBDIVISIONS DETERMINED**

Nil

**LEVEL 1 APPLICATIONS determined under delegation**

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
05/09/2019	Clare Hamilton	2 (Lot 160) Bottlebrush Drive, Margaret River	Bed and Breakfast	Approved	P219539
23/09/2019	Matt Cuthbert	Lot 27 Redgate Road, Witchcliffe	Local Development Plan	Approved	P219573
12/12/2019	Lezia Sandon	63 (Lot 556) Brookfield Avenue, Margaret River	Single Dwelling	Approved	P219789
12/02/2020	Matt Slocomb	3 (Lot 75) Freycinet Way, Gnarabup	Additions	Approved	P220098
06/03/2020	Lucy Gouws	17 (Lot 76) Georgette Road, Gracetown	Holiday House Large - (Renewal)	Approved	P220157
06/03/2020	Lezia Sandon	1 (Lot 652) Curtis Street, Cowaramup	Home Occupation (Physiotherapy & Pilates)	Approved	P220158

16/03/2020	Lezia Sandon	25 (Lot 621) Freycinet Way, Gnarabup	Single Dwelling and Outbuilding	Approved	P220180
17/03/2020	Lucy Gouws	Unit 2 / 9 (Lot 118) Papadakis Avenue, Prevelly	Holiday House (Renewal)	Approved	P220185
18/03/2020	Clare Hamilton	133 (Lot 37) Blackwood Avenue, Augusta	Holiday House (Large)	Approved	P220189
23/03/2020	Lucy Gouws	69 (Lot 51) Freshwater Drive, Burnside	Holiday House (Renewal)	Approved	P220195
25/03/2020	Devin Moltoni	Lot 21 Treeside Lane, Margaret River	Grouped Dwelling	Approved	P220196
01/04/2020	Matt Cuthbert	Lot 102, 103 and 104 Bussell Highway, Karridale	Minor Amendment to Local Development Plan (P219683)	Approved	P220201
15/04/2020	Lucy Gouws	254 (Lot 22) Wright Road, Nillup	Extension to Approval P219174	Cancelled	P220211
20/04/2020	Lucy Gouws	2 (Lot 10) Dallip Spring Road, Burnside	Change of Use Shed to Ancillary Accommodation	Cancelled	P220221

#### **LEVEL 2 APPLICATIONS for determination**

<b>Date Rec'd</b>	<b>Officer</b>	<b>Address</b>	<b>Proposal</b>	<b>Outcome of DAU Meeting</b>	<b>DA No.</b>
9/3/2020	CH	14 (Lot 65) Le Souef Street, Margaret River	Proposed Holiday House (Large)	Approve	P220160
11/3/2020	CH	5 (Lot 100) Station Road, Margaret River	Proposed Holiday House	Referred to Council for Determination	P220167
01/09/2016	LG	6036 (Lot 502) Caves Road, Margaret River	Chalets x 6	Approve	P216468

#### **MANAGEMENT OF VEGETATION ON SHIRE RESERVES**

Nil

#### **LOCAL LAW PERMITS**

Nil

#### **OTHER APPLICATIONS determined under delegation**

Nil

#### **ELECTED MEMBERS ATTENTION**

Nil

#### **CLOSURE OF MEETING**



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

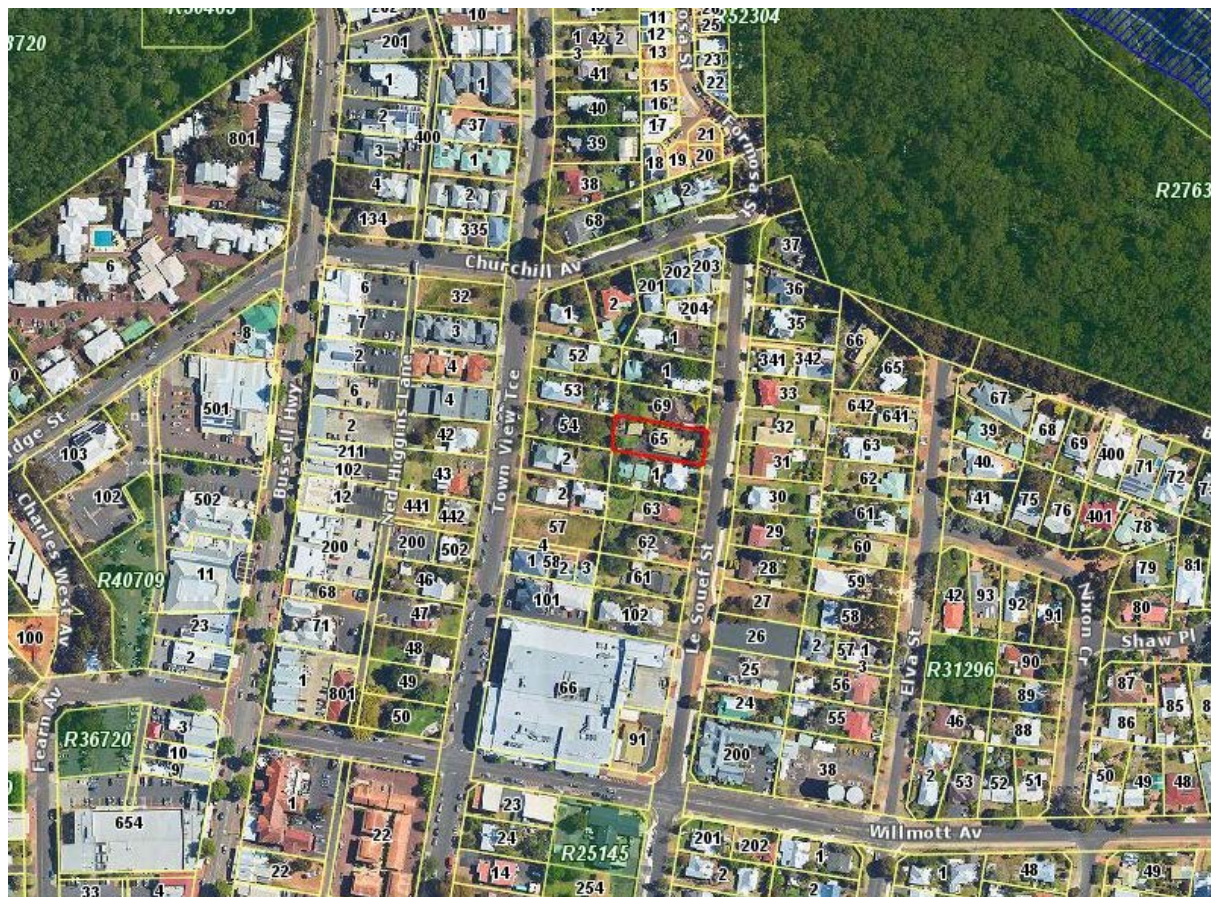
**Proposed Holiday House (Large) at 14 (Lot 65) Le Souef Street, Margaret River**

**Major (Level 2)**

**P220160; PTY/2602**

REPORTING OFFICER : Clare Hamilton  
 DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	1083m <sup>2</sup>
Zone	Residential R30/40
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 4-bedroom dwelling is to be used to accommodate up to 8 short stay guests at any one time. A Holiday House manager that resides in Margaret River has been nominated to manage the use.  Due to the COVID19 an additional 3 months has been added to the approval.
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	09/03/2020
Date of Report	20/04/2020





<b>Have there been any objections?</b>		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 2 x submissions received in objection
<b>Comments Received</b>		
<b>Submission Comments in Objection</b>	<b>Officer Comments</b>	
<p>Concern over noise control and anti-social behavior.</p> <p>Concern over increased traffic</p> <p>Concerns regarding overlooking from the property's raised verandah</p>	<p>The issues of noise and behavior of guests is dealt with by the requirement for House Rules, which is conditioned as part of any Holiday House approval. It is also dealt with through the allocation of a local property manager close to site to deal with issues as they arise. House Rules provided by the proponent require guests to behave in a courteous manner in order to prevent adverse noise impact on neighboring residents. The contact details of the property manager are also required to be displayed on the front of the Holiday House in order than neighboring residents can have direct contact for any concerns.</p> <p>The location of the proposal is also consistent with the acceptable development standards of <i>Local Planning Policy 7- Short Stay Accommodation (LPP7)</i> being located in whole within the permissible area as shown on LPP7 Policy Map. The site is located within close proximity of the town centre. The site is directly adjacent to the town centre zone, 125m from Bussell Highway and there is an existing pattern of short stay land uses that have been approved and are operating in the locality. While there may be concerns about the location of the use in proximity to residential properties the use is not out of character with the nature of development in the area and the likely impacts arising from the proposal are considered able to be effectively managed to mitigate nuisance to neighbors.</p> <p>Vehicle movement associated with the operation of a Holiday House use at the site, are expected to be consistent with vehicle movements that may ordinarily occur through the residential use of the land.</p> <p>The verandah of the subject property is located on the first floor at the rear of the dwelling. LPP7 requires that <i>decks and balconies are located away from the bedrooms of neighbouring dwellings and if located close to living and dining areas of neighbouring dwellings suitable screening is provided</i>. The existing verandah is setback an adequate distance to the adjoining properties so as not to create any issue with regard overlooking into habitable rooms. It is noted that the verandah is setback approximately 46m from the property raising this concern.</p>	

Concern proposal will impact on “real employment generating accommodation industry”	Market competition is not a valid planning consideration. Decisions on applications for Holiday House use are guided by the objectives of <i>Local Planning Scheme No. 1</i> and guidance in the Shire’s LPP7, which provide guidelines in relation to the appropriate location, scale and management of the short stay use. The proposed Holiday House is consider to meet the acceptable development requirements in this regard.	
Policy Requirements		
Policy Element	Provision	Comment
Location	Coastal settlement	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Urban area located within Policy Plan 1?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Within 50m of Village Centre zone?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Located outside of Policy Plan 1 but comprise of an area not less than 1ha?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Design / Layout	One parking bay per bedroom, Or two bays for grouped dwellings	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Adequate parking available for the required 4 bays in the existing garage and property driveway. Adequate space for maneuvering on the driveway to allow access to street in forward gear.
	Reticulated water supply, or minimum 120,000 (plus firefighting provision) rainwater tank?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Scheme water
	Existing or proposed one site effluent disposal system sized accordingly to number of guests?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Scheme 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 (not required as adequately setback and does not overlook habitable rooms)
	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 type="checkbox"/> No <input checked="" type="checkbox"/> N/A Not required as not located within a bushfire prone area
	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 type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Management	Management Plan submitted?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	BEEP provided	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
	Manager, or employee permanently resides 35m drive from Site?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	House Rules?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Amplified music may not be played outside between the hours of 10pm to 10am	Require as a condition
	Display the manager’s 24hr contact details	Require as a condition
Recommended period of approval	<input checked="" type="checkbox"/> 12 months <input type="checkbox"/> 3 years Following assessment against LPP7 it is considered that the intensity of the proposed use is no greater than the usual residential use of the property and the above items can be managed through application of appropriate conditions. The application is recommended for conditional approval for 12 months.	

**OFFICER RECOMMENDATION**

That the Acting 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) at 14 (Lot 65) Le Souef Street, 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 to P2 received by the Shire on 9 March 2020
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- The Holiday House use permitted for a period of **fifteen (15) months** from 29 April 2020 to 29 July 2021. (Refer to advice note ‘a’)

3. A Manager or a contactable employee of the Manager that permanently resides no greater than a 35 minute drive from the site shall be nominated for the Holiday House and this person shall attend to any callout within 35 minutes of a reported incident. The Manager or contactable employee is to be retained at all times during the use of the site as a Holiday House. (Refer advice note 'b')
4. At all times the Holiday House use is in operation, the 24-hour contact details of the **Manager** of the Holiday House shall be displayed on a sign that is clearly visible from the nearest street frontage. The sign is limited to a maximum size of 0.2 metres square and not exceeding 1.5 metres in height from the ground level. The sign shall be erected within the property frontage and must be visible from the front street. (Refer to advice note 'c')
5. All vehicles & boats connected with the premises shall be parked within the boundaries of the property.
6. The short stay use of the dwelling shall not be occupied by more than **eight (8) people** at any one time.
7. Amplified music shall not be played outside of the holiday house between the hours of 10pm and 10am.
8. 'House Rules' shall be developed to the satisfaction of the Shire prior to the commencement of use. Thereafter the 'House Rules' shall be provided to all guests and shall be displayed within a prominent position within the Holiday House. (Refer to advice note 'f')
9. Any marketing material for this Holiday House shall include display of the planning approval reference number for this approval. (Refer to advice note 'g')

#### **ADVICE NOTES**

- a) Following satisfactory performance of the approved use, and in the absence of any substantiated complaints over the fifteen (15) month approval period, the Shire may grant further planning approval for the continuation of the use for a further three (3) years. A new planning application seeking such approval should be submitted 90 days before the expiry of this approval, along with the appropriate planning fee.
- a) If at any time there is not an appointed manager or a contactable employee of the manager for the site, the use must cease until such time as a manager is appointed.
- b) Evidence of installation of the sign will be required to be provided, to the satisfaction of the Shire, at the time an application to renew the Holiday House use is lodged.
- c) This approval does not affect the entitlement to use the dwelling for permanent residential purposes.
- d) You are advised of the need to comply with the requirements of the following other legislation:
  - (i) *Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises.
  - (i) The *WA Building Regulations 2012* (r.59) requires that the owner of a dwelling (as defined in the Building Code of Australia) must not make the dwelling available for hire unless hard wired, battery backup smoke alarms are installed, complying with the Building Code of Australia and AS3786.
- e) The 'House Rules' document shall be consistent with key elements of the NSW Code for Holiday Houses (please refer to the attached document).
- f) Evidence of the display of the planning approval reference number within the marketing of the Holiday House is required to be provided, to the satisfaction of the Shire, at the time an application to renew the Holiday House use is lodged. Applicants are advised to include a screenshot of the website, to show that the planning approval reference number is being displayed.
- g) Please note that the Shire does not notify landowners in writing of the expiry of a Holiday House planning approval. It is the 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 Chalets x 6 at 6036 (Lot 502) Caves Road, Margaret River**

**Major (Level 2)**

**P216468; PTY/8066**

REPORTING OFFICER : Lucy Gouws  
 DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	25ha
Zone	<b>General Agriculture</b>
Proposed Development	<p>6 x Chalets (tents) are as follows:</p> <ul style="list-style-type: none"> <li>- One bedroom</li> <li>- Single storey</li> <li>- All with individual ensuite and kitchenette</li> <li>- Total floor area of 66.5sqm</li> </ul> <p>The 6 chalets resemble a permanent tent. The tent is constructed on a permanent platform with an attached ensuite and deck to the front. Each chalet will accommodate a maximum of 4 guests, allowing a total of 24 guests across the 6 chalets. The chalets are to be located within an existing cleared area of the Site towards the rear (north eastern) of the Site (see Figure 2 below).</p> <p>The assessment of the application has been delayed due to a number of obstacles experienced in relation to addressing the bushfire planning requirements.</p>
Permissible Use Class	'A' advertising required
Heritage/Aboriginal Sites	Nil
Encumbrance	Nil
Date Received	01/09/2016





Figure 2: Location of the proposed chalets

<b>Policy Requirements</b>			
Is the land or proposal referred to in any Council Policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
If yes, state the Policy/Policies		State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP3.7)	
<b>Officer Comment</b>	<p>As per SPP3.7 Planning in Bushfire Prone Areas, the development constitutes a 'vulnerable use', which is defined as "a land use where persons may be less able to respond in a bushfire emergency".</p> <p>Clause 6.6 of SPP3.7 (depending on the Bushfire Attack Level) sets the fire management requirements for Vulnerable uses, and requires the preparation of a Bushfire Management Plan (BMP) and a Bushfire Emergency Evacuation Plan (BEEP).</p> <p>The proposed chalets are located within areas that have been assigned a rating below BAL - 29 upon completion therefore meeting the requirements of SP3.7 at clause 6.6. Internal Emergency Services and Department of Fire and Emergency Services comments have been sought which are summarised in the consultation section of the report.</p>		
<b>Structure Plans and Local Development Plans (LDP's)</b>			
Is the land in any Structure Plan Area or subject to a LDP? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
<b>Planning History</b>			
<p>2003 – Development approval refused for 6 x chalets and caretakers residence.</p> <p>2004 – Development approval refused for 6 x chalets and caretakers dwelling. Refusal based on proposal exceed 2 chalets permitted, proposal was not incidental to primary agricultural use of the land and structures did not contain necessary kitchen and laundry facilities.</p> <p>2005 – SAT appeal - development approved.</p> <p>2016 – Development approval granted for 6 x chalets.</p> <p>Current application was lodged in 2016, prior to the expiry of the previous approval for 6 x chalets. The intention was to extend and amend the previous approval by way of the new application lodged.</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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
<b>Details of Submission with Officer response</b>			
<p>The application was advertised to 14 surrounding landowners. 5 submissions of support and 2 letters raised the following points:</p> <ul style="list-style-type: none"> <li>- Concerns with visual impact of the proposal when viewed from a proposed new dwellings on Offshore Crescent,</li> <li>- Concerns with traffic, light and noise from the access which runs in front of the proposed domes, with the living areas of the proposed domes looking into the back gardens of future dwellings on Offshore Crescent,</li> <li>- Concerns if pets are allowed to the accommodation, and</li> <li>- Concerns with the colour of opaque white, rather than blending in with the surrounding landscape.</li> </ul>			
<b>Officers Response</b>			
<p>The comments received have been addressed by revisions to the application which has been both to the type of chalets and location. The original chalet design (see Figure 3 below) consisted of 6 dome style structures. The domes were a mixture of clear and white fabric and were around 5 metres in height.</p>			





Figure 3: Original proposal - domes

The new design of the chalets are referred to as eco tents constructed from canvas of muted natural tones and around 3.5m in height.



Figure 4: Revised design of chalets (tents)

The original location of the chalets was spread out through the site (see Figure 5 below). With the original layout the orientation of 3 of the chalets were facing east, towards Offshore Crescent. The revised location groups the chalets to the northern part of the Site, orientation focused south, away from Offshore Crescent.



Figure 5: Original location of chalets



Figure 6: Revised location of chalets

The revisions to the proposal in terms of design and location have addressed the submissions received.

**Department of Fire and Emergency Services/Shire of Augusta Margaret River Emergency Services**

A bushfire management plan (BMP) and bushfire emergency evacuation plan (BEEP) was submitted to the Shire on May 2017. These documents were not lodged with the application when submitted to the Shire in September 2016.

The initial feedback from DFES on the BMP and BEEP raised the following concerns:

- Request for additional information on mechanisms to ensure excluded vegetation is maintained in low threat state.
- Concerns with the vehicular access. The BMP included an alternative second access via a gated access to the neighbouring site Offshore Crescent. The alternative access linked to an existing emergency access way that traverses through Offshore Crescent, through to Caves Road. Concerns were raised to the legality of the whether the easement exists.

The applicant reviewed options for created a secondary access to address the concerns raised by DFES. This would have included construction of a secondary access that would linked into the existing emergency access that runs through the neighbours Site. This arrangement was explored and was not able to progress.

Advice was sought from DFES in reviewing the existing access and removing any secondary access through the neighbours Site. DFES provided advice on using only the existing access to Caves Road, without providing an alternative secondary access. DFES confirmed that the existing access was compliant to the Bushfire Guidelines clause A3.5 as a private driveway. DFES preferred option is to provide an alternative access, but if this is not possible, the existing access is considered to comply.

Based on the advice from DFES a revised BMP and BEEP was prepared and submitted to DFES. No concerns were raised in regards to the access, but feedback in relation to vegetation classification was raised. The Shires Emergency Services Officer undertook a Site visit, and has confirmed that the vegetation assessment including in the BMP is correct. Based on this advice, no further changes are required to the BMP.

#### Health Department

The application does not contain information about water, waste water disposal and food. These can be addressed by conditions.

#### Assessment of Application

Is the land referred in the Heritage Inventory?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there any Contributions applicable?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there any compliance issues in relation to existing development?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

#### R Codes

Are R Codes applicable?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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#### Development Standards (Schedule 9)

Are the development Standards applicable?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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<b>Officer Comment</b>	<p>The location of the chalets complies with the setback requirements for the site.</p> <p>In respect to the sites agricultural potential and visual impacts (clause 4.16.3 (d) &amp; (e), the following comments have been provided.</p> <p>Previous agricultural soil assessment was undertaken as a part of the original application. The previous approval of the 6 chalets (through SAT) including a Land Capability Report dated 2003 that determined that the soil capability on the site was between classes 3 to 4 with a low capability for horticultural crops. In light of this report, it is not considered necessary to require a new up to date Land Capability Report. The report dated 2003, identifies that the development will not be located over class 1 – 2 soils.</p> <p>From a visual impact perspective, the revised development in relation to location and the design of the chalets (tents) is considered to address initial concerns raised with the visibility of the chalets. The proposal is considered consistent with the definition of a low impact tourism development.</p>
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#### Car Parking

Car Bays Required 7 (based on one 1 per chalet a 1 visitor bay).

The site is large enough to provide for parking that is required to serve the chalets. At this stage the applicant has stated that the intention is to have a combined parking area to serve the chalets. Parking has not been shown on the site plan, but this can easily be addressed at later stage with provision of further details. A planning condition will request this.

One of the chalets it to be universally access, and an associated universal access bay will be required to be provided in accordance with the Building Code of Australia.

#### Building Height

Scheme / Policy Requirement	Wall - 7m	Roof - 8m
State the proposed building height	Wall – 3.5m	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply
	Roof - 4m	

<b>Officer Comment</b>	Complies.
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#### 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?

<b>Officer Comment</b>	Yes, proposal complies.
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#### In the opinion of the officer

i. Are utility services available and adequate for the development?	To be provided.
i. Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land?	Some vegetation removal will be required to achieve the asset protection zones around the chalets. This is considered to be minimal, and in whole the majority of vegetation otherwise remains.
ii. Has adequate provision been made for access for the development or facilities by disabled persons?	One universally accessible chalet will be required to be provided.
iii. Is development likely to cause detriment to the existing and likely future amenity of the neighbourhood?	Initial concerns are considered to be addressed by the revised proposal.

iv. Is the development likely to comply with AS3959 at the building permit stage?	Yes, it will comply.
<b>Other Comments</b>	
Any further comments in relation to the application?	
<b>Officer Comment</b>	The application has taken considerable time to progress to a stage where all elements including siting, design and fire have finally been addressed and the application is recommended for approval.

#### OFFICER RECOMMENDATION

**That the Acting 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 Chalets x 6 at 6036 (Lot 502) Caves 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 the 18 October 2019 and P2 & P3 received 14 April 2020
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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 approved Bushfire Management Plan (Revision 2 dated 27/09/2019) shall be implemented on site prior to the commencement of the use and thereafter maintained in accordance with the approved plan.
4. Prior to commencement of the use, certification shall be provided to the Shire by an accredited Bushfire Consultant confirming that all bushfire management actions detailed in the approved Bushfire Management Plan (Revision 2 dated 27/09/2019) have been implemented.
5. A manager shall reside permanently on Site and be on Site whenever there are one or more guests of the chalets.
6. The approved Bushfire Emergency Evacuation Plan shall be displayed in a conspicuous location within the development at all times.
7. The Chalets are approved for short stay purposes only. Short stay means premises occupied by the same people for no more than three (3) months in any 12 month period.
8. Minimum of one (1) visitor parking bay shall be provided in proximity to the Chalets hereby approved.
9. Prior to the lodgement of a building license details shall be provided to show the design of the vehicle parking areas. Vehicle parking shall be designed, constructed to a gravel standard, drained and thereafter maintained in accordance with Australian Standard AS 2890 and the Shire's standards and specifications.

#### ADVICE NOTES

- a) You are advised of the need to comply with the requirements of the following other legislation:
  - (i) This is not a Building Permit. A Building Permit must be issued by the relevant Permit Authority before any work commences on site as per the *Building Act 2011*;
  - (ii) *Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises; and
  - (iii) The *Bush Fires Act 1954* as amended, Section 33(3), Annual Bush Fires Notice applies to this property.
- b. The proponent shall capture and treat all waste water associated with the proposed activity on site in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*. Given that the land is within 2km and drains into the Margaret River, all waste water will need to be treated to secondary standard in accordance with the *Government Sewerage Policy 2019*.
- c. Should the proposed operation involve the provision of food, the proposed activity must comply with the *Food Act 2008* and the Food Standards Australia New Zealand Code.
- d. The development is to provide a potable water source in accordance with *The Australian Drinking Water Guidelines*. Any untreated water supply that is available to the public shall be provided with signage stating that water is not treated. Rain water storage tank(s) should be sealed to prevent the ingress of dust and to prevent mosquito breeding. A first flush diverter should be installed in line to enable flushing of dust and other sources of contamination deposited on roof catchment and in drainage lines, to minimise contaminants entering water storage tank.
- e. Noise emissions resulting from the development or use of the land shall not exceed the assigned levels in the *Environmental Protection (Noise) Regulations 1997*, and shall not unreasonably interfere with the health, welfare and amenity of an occupier of another premises.