

**DEVELOPMENT ASSESSMENT UNIT**  
**Minutes of the Development Assessment Unit**  
**Shire of Augusta Margaret River**  
**On 28 May 2019**

**ATTENDANCE**

**Jason Heine, Angela Satre, Clare Hamilton, Chris Wenman, Chris McAtee**

**PLANNING APPLICATIONS RECEIVED**

Date Rec'd	Assess No.	Address	Proposal	DA No.
20/05/2019	A10587 A5130	91 (Lot 100) Clews Road, Cowaramup	Ancillary Dwelling	P219326
22/05/2019	A6456	16 (Lot 9) Chuditch Place, Gnarabup	Dwelling Addition	P219335

**BUILDING LICENCE APPLICATIONS RECEIVED**

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
20/05/2019	A10885	9 Lot 237 Villers Street, Cowaramup	Single Dwelling and Retaining Wall	219213
21/05/2019	A10259	Unit 4 119-121 (Strata Lot 4 of Lot 800) Bussell Highway, Margaret River	Office Additions - Signs	219215
21/05/2019	A12742	60 Lot 379 Pimelia Drive, Margaret River	Single Dwelling	219216
22/05/2019	A9871	30 Lot 373 Georgiana Cross, Cowaramup	Single Dwelling & Retaining	219217
22/05/2019	A8331	24 Lot 93 Hillside Avenue, Margaret River	Patio	219218
22/05/2019	A9677	13 Lot 282 Sandalwood Drive, Margaret River	Alterations to Existing Dwelling	219219
22/05/2019	A3899	51 Lot 400 Wallcliffe Road, Margaret River	Solar System	219220
22/05/2019	A5358	9 Lot 13 Chardonnay Avenue, Margaret River	Garage	219221
23/05/2019	A11391	Unit 5 26 Lot 193 Auger Way, Margaret River	2 Unit Workshop	219222
23/05/2019	A10587 A5130	91 Lot 100 Clews Road, Cowaramup	Farm Shed	219223
23/05/2019	A11104	36 Hudsbeth Way, Margaret River	Patio	219224
23/05/2019	A1216	2 Lot 376 Storm Bay Road, Augusta	Single Dwelling	219225
23/05/2019	A1216	2 Lot 376 Storm Bay Road, Augusta	Demolition - Single Dwelling	219226

**SUBDIVISIONS DETERMINED**

Nil

**LEVEL 1 APPLICATIONS determined under delegation**

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
26/07/2018	Leigh Medlen	41 (Lot 240) Merlot Place, Margaret River	Holiday House	Approved	P218451
30/08/2018	Clare Hamilton	8 (Lot 105) Vita Court, Margaret River	Outbuilding Ancillary to Dwelling	Cancelled	P218534
27/03/2019	Clare Hamilton	15 (Lot 511) Lemon Gum Retreat, Margaret River	Holiday House	Approved	P219181
04/04/2019	Angela Satre	7 (Lot 71) Settlers Retreat, Margaret River	Bed & Breakfast (Renewal)	Approved	P219209
26/04/2019	Lucy Gouws	41 (Lot 40) Merchant Street, Margaret River	Bed and Breakfast (Renewal)	Approved	P219274
29/04/2019	Angela Satre	Unit 1 44 (Strata Lot 1 of Lot 209) Marmaduke Point Drive, Gnarabup	Holiday House (Renewal)	Approved	P219277

**LEVEL 2 APPLICATIONS for determination**

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
27/2/19	Leigh Medlen	5 (Lot 101) Waverley Road, Cowaramup	Amendment to Planning Approval (P215538) Child Care Centre	Conditional approval	P219121
30/4/19	Clare Hamilton	3 (Lot 201) Churchill Avenue, Margaret River	Holiday House	Conditional approval	P219282

**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**

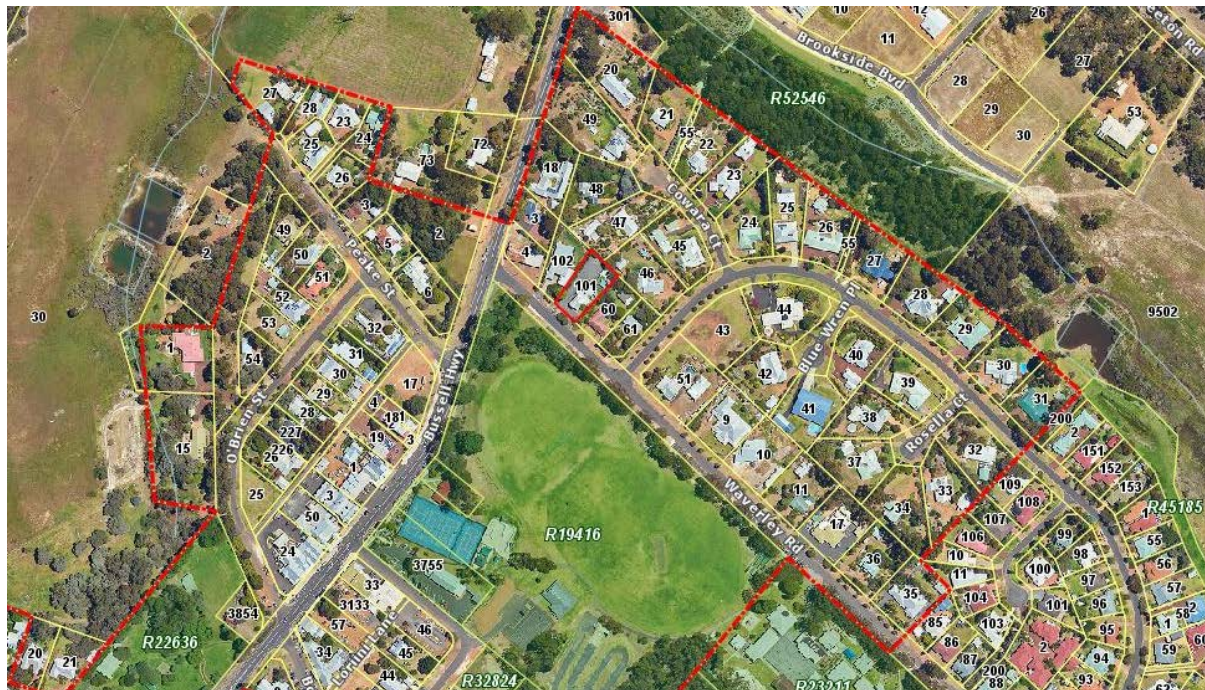
**Proposed Amendment to Planning Approval P215538 Child Care Centre**  
**5 (Lot 101) Waverley Road, Cowaramup**

**Major (Level 2)**

**P219121; PTY/6288**

**REPORTING OFFICER** : Leigh Medlen  
**DISCLOSURE OF INTEREST** : Nil

General Information	
Lot Area	1320m <sup>2</sup>
Zone	Residential 'R15'
Proposed Development	<p>Planning approval is sought for an amendment to a condition granted on the previous approval for the Child Care use (P215538). The condition on the approval currently limits the Child Care centre to the following:</p> <ul style="list-style-type: none"> <li>A maximum of 36 children at any one time, no older than 3 years of age.</li> </ul> <p>The amendment, proposes the following:</p> <ul style="list-style-type: none"> <li>A maximum of 36 children at any one time, between the ages of 0 to 6.</li> </ul> <p>The proponent proposes the following age breakdowns of children:</p> <ul style="list-style-type: none"> <li>0-2 years - 6 children</li> <li>2-3 years - 10 children</li> <li>3-6 years - 20 children</li> </ul>
Permissible Use Class	'A' – Advertising required.
Heritage/Aboriginal Sites	None Identified
Encumbrance	None affected by proposed development.
Date Received	27/02/2019





### Planning History

- P26096 – Application received for a Child Care Centre which the Shire refused.
- P26305 – A review of the decision was made by the State Administrative Tribunal (SAT). Although SAT did not agree with all of the reasons Council put forward for refusal they were unable to conclude that in the absence of certain information, the application would not be in the interest of orderly and proper planning and the amenity of the locality would not be compromised. SAT set aside the application for review and the decision of refusal therefore remained unchanged.
- P27400 – Application received for a Child Care Centre for 20 children, which the Council refused at its meeting of 16 January 2008 (Planning Officer recommendation was for conditional approval).
- P28077 – The abovementioned refusal was appealed at the SAT, with the decision over turned and the application approved subject to conditions (granted for a maximum of 20 children).
- P211240 – Application granted to amend the approval, increasing the maximum number of children from 20 to 30. Increasing the number of children beyond the 20 approved in the SAT decision was based on evidence provided in an acoustic report and a traffic impact assessment confirming that an increase in 10 children would not result in unreasonably adverse impacts.
- P215538 – Application granted to amend the approval, increasing the maximum number of children from 30 to 36. A condition on the approval was included limiting the age of children to no older than 3 years of age. This decision to limit the age of the children was based on the details provided within the acoustic impact assessment.

### Policy Requirements

Is the land or proposal referred to in any Council Policy?  Yes  No

### Structure Plans and Local Development Plans (DAP)

Is the land in any Structure Plan Area or subject to a DAP?  Yes  No

### Advertising/Agency Referrals

Has the application been referred to adjoining landowners/agency?  Yes  No  N/A

Has a submission been received by Council?  Yes  No  N/A  
Two objections were received including one late submission.

Have agency or authority comments been received?  Yes  No  N/A

### Nature of Submission

#### Objection

The Shire already increased maximum from 20 children to 36 children prior to this new application.

### Officer Comment

Originally, SAT limited the number of children to 20 due to the size of the site and potential traffic demands of the use. Each application to increase child care centre numbers was made based on the findings of relevant technical reports including acoustic assessment and traffic impact assessments. The outcomes of the report and the assessment against the provisions of LPS1 demonstrated that the increase of children would not result in traffic impacts beyond the capabilities of the road network or noise impacts exceeding the standards in the *Environmental Protection (Noise) Regulations 1997*. Based on this information, there was no evidence to

<p><u>Noise/Amenity:</u></p> <ul style="list-style-type: none"> <li>Potentially new increase could result in 36 older children with associated noise increase.</li> <li>Noise assessment should be a priority.</li> <li>Since the day care was approved, noise has increased beyond what was expected. In the past, we can clearly hear children crying from our home which is not pleasant.</li> <li>Our amenity has slowly eroded from opening of centre to present.</li> </ul> <p><u>Privacy:</u></p> <ul style="list-style-type: none"> <li>The installation of the playground, which exceeds the height of the fence, we feel is an intrusion of privacy and also increases the noise levels beyond the fence.</li> </ul>	<p>suggest that the amendments would result in adverse impacts to the locality and were subsequently granted conditional approved.</p> <p>An updated noise impact assessment was requested for the subject application. The assessment demonstrates the likely impacts associated with the change in the proportion of children sought namely the 20 children now proposed between 3 and 6 years of age.</p> <p>The findings of the acoustic report were based on a maximum of 50 children at the centre and is therefore based on an overestimate of the intensity of the use. The report found that 10 children between 0 to 2 years of age, 20 children between 2 to 3 years of age and 20 children between 3 to 6 years of age could be accommodated at the site and comply with the relevant noise regulations. It is therefore considered that the current proposal of 36 children could be accommodated at the centre and meet the acceptable standards for noise.</p> <p>Through the previous amendments made to the original approval, it has been deemed that 36 children is acceptable and consistent with orderly town planning. The noise assessment provided, demonstrates that the noise generated by the proposal (taking into consideration the ages of the children proposed) would still be within the acceptable limits.</p> <p>Further to this, a Noise Management Plan is also a recommended requirement for any approval granted for the subject application.</p> <p>Additionally, there has been no history of any noise complaints being received at the property when operating.</p> <p>The site is fenced with a 2m high fence around the perimeter of the property. In addition to the fence, there is established landscape screening along the perimeter. A playground is not considered an active outdoor habitable space however, despite this the presence of the fence and vegetation are considered appropriate screening. Notwithstanding, the residential properties abutting the Child Care Centre site are low density (between 1,000 to 2000m<sup>2</sup> in size). This is of particular relevance given there is increased separation distance between the properties. The play area does not impact any major living spaces on an adjoining property and, at the closest point, the outdoor play area abuts a shed (a non-habitable outbuilding) on the north-eastern adjoining property. Any impacts to privacy associated with the development are considered to be adequately addressed.</p>	
<p>Has the application been referred to internal departments?</p>	<p><input checked="" type="checkbox"/> Yes      <input type="checkbox"/> No      <input type="checkbox"/> N/A</p>	
<p><b><u>Environmental Health:</u></b> Noise emissions (sound levels) resulting from the increase in numbers at the child care centre shall not exceed the assigned levels in the <i>Environmental Protection (Noise) Regulations 1997</i> and shall not unreasonably interfere with the health, welfare, convenience, comfort of amenity of an occupier of any other premises.</p>	<p>Noted. Included as advice on the original approval granted.</p>	
<p><b>Assessment of Application</b></p>		
<p>Is the land referred in the Heritage Inventory?</p>	<p><input type="checkbox"/> Yes      <input checked="" type="checkbox"/> No</p>	
<p>Are there any Contributions applicable?</p>	<p><input type="checkbox"/> Yes      <input checked="" type="checkbox"/> No</p>	
<p>Are there any compliance issues in relation to existing development?</p>	<p><input type="checkbox"/> Yes      <input checked="" type="checkbox"/> No</p>	
<p><b>R Codes</b></p>		
<p>Are R Codes applicable?</p>	<p><input type="checkbox"/> Yes      <input checked="" type="checkbox"/> No</p>	
<p><b>Development Standards (Schedule 9)</b></p>		
<p>Are the development Standards applicable?</p>	<p><input type="checkbox"/> Yes      <input checked="" type="checkbox"/> No</p>	
<p><b>Car Parking</b></p>		
<p>LPS1 / R Codes Requirement</p>	<p>Car Bays Required - 12</p>	<p>Car Bays Proposed -12</p>

Dimensions	2.5 x 5.5m	<input type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply
Turning Bay/Circles and vehicle manoeuvring	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply	
Disabled Bays	Disabled Bays – Existing	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply
<b>Officer Comment</b>	The total number of children and staff is not proposed to be amended. The proposal does not warrant any additional car parking.	
<b>Clause 67</b>		
A. 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. Whilst the proposal has received objections during the advertising period it is not considered that the amendment to the approval will not result in any adverse impact to adjoining neighbours or the locality.	
B. In the opinion of the officer:		
i. Are utility services available and adequate for the development?	Yes	
ii. Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land?	No vegetation proposed to be removed.	
iii. Has adequate provision been made for access for the development or facilities by disabled persons?	Disability access would have been assessed at the building permit stage for the development of the centre.	
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?	N/A	
<b>Other Comments</b>		
Any further comments in relation to the application?		
<b>Officer Comment</b>	<p>Conditional Approval is recommended consistent with P215538, subject to the following changes:</p> <p><b><u>Condition 3:</u></b> Amend condition 3 on the approval granted from:</p> <p><del>The Child Care Centre the subject of this development approval is permitted to accommodate a maximum of 36 children at any one time. The children that are permitted to attend the Child Care Centre shall be no older than three years of age.</del></p> <p>To:</p> <p>The Child Care Centre the subject of this development approval is permitted to accommodate a maximum of 36 children at any one time.</p> <p><b><u>Include the following additional condition No. 4:</u></b> The children that are permitted to attend the Child Care Centre shall be no older than six years of age. The number of children at any given time shall not exceed:</p> <ol style="list-style-type: none"> <li>6 children between 0 to 2 years of age.</li> <li>10 children between 2 to 3 years of age.</li> <li>20 children between 3 to 6 years of age.</li> </ol> <p><b><u>Condition 6 :</u></b> Amend Condition No. 6 on the approval granted from:</p> <p><del>A Noise Management Plan (NMP) shall be submitted to the satisfaction of the Shire prior to implementation of the additional children on site the subject of this development approval. The approved NMP shall be incorporated into the Centre's overall management measures and shall be prepared with regard to the Association of Australian Acoustical Consultants Guideline for Child Care Centre Acoustic Assessment. The NMP shall include but not be limited to preparation of a daily program for outdoor use, details of noise management measures applied on site and compliant record keeping and response procedure and process (refer to Advice Note c).</del></p> <p>To:</p> <p>An updated Noise Management Plan (NMP) shall be submitted to the satisfaction of the Shire, within 21 days from the date of this consent. The approved NMP shall be incorporated into the Centre's overall management measures and shall be prepared with regard to the Association of Australian Acoustical Consultants Guideline for Child Care Centre Acoustic Assessment. The NMP shall include but not be limited to preparation of a daily program for outdoor use, details of noise management measures applied on</p>	

	<p>site and compliant record keeping and response procedure and process (refer to Advice Note c).</p> <p>Renumber the conditions accordingly.</p>
--	---

**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 Amendment to Planning Approval (P215538) Child Care Centre at No. 5 (Lot 101) Waverley Road, Cowaramup 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 offices on 21 December 2015.
--------------------------	---

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 Child Care Centre the subject of this development approval is permitted to accommodate a maximum of 36 children at any one time.
4. The children that are permitted to attend the Child Care Centre shall be no older than six years of age. The number of children at any given time shall not exceed:
  - a) 6 children between 0 to 2 years of age;
  - b) 10 children between 2 to 3 years of age; and
  - c) 20 children between 3 to 6 years of age.
5. The Child Care Centre the subject of this development approval is permitted to operate from 7am to 6pm Monday to Friday.
6. Vehicle parking areas, access ways and crossover(s) shall be designed, constructed, sealed, kerbed, drained, line marked and thereafter maintained in accordance with Australian Standard AS 2890.1 – 2004 and the Shire's standards and specifications within 30 days from the date of this development approval. (I)
7. An updated Noise *Management Plan* (NMP) shall be submitted to the satisfaction of the Shire, within 21 days from the date of this consent. The approved NMP shall be incorporated into the Centre's overall management measures and shall be prepared with regard to the *Association of Australian Acoustical Consultants Guideline for Child Care Centre Acoustic Assessment*. The NMP shall include but not be limited to preparation of a daily program for outdoor use, details of noise management measures applied on site and compliant record keeping and response procedure and process (refer to Advice Note c).

**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) Noise emissions (sound levels) resulting from the increase in numbers at the child care centre shall not exceed the assigned levels in the *Environmental Protection (Noise) Regulations 1997* and shall not unreasonably interfere with the health, welfare, convenience, comfort or amenity of an occupier of any other premises.
- c) The Noise Management Plan (NMP) should address, but not be limited to, the following:
  - i) A daily program for warmer and cooler months to regulate children's time spent outdoors and indoors including:
    - Details of the numbers of children playing outside at any one time with regard to staggering playtimes throughout the day to mitigate noise impacts (a reduction in the number of children by half will reduce the noise impact by 3dB).
    - Commitments to monitor the behaviour and noise levels of children to mitigate noise impacts while outside as required by trained child care workers.
    - Commitments for carers to be educated to control their voice levels while outside.
    - Details of noise management measures such as avoiding use of amplified music, and maximising the separation between active and passive activities (painting, drawing etc) and neighbouring residential premises.

The daily program is to be made available to parents and neighbours and is to include contact details for the Centre's director to facilitate communication and to resolve neighbourhood issues that may arise due to operation of the Centre.

- ii) The NMP is to include details of noise management measures applied on site such as:
- details of measures to deal with crying children such as taking children inside the Centre to be comforted to mitigate noise impacts;
  - commitments to ensure parents and guardians are informed of the importance of noise minimisation when entering the site, dropping off or picking up children;
  - use of self-closing gates with soft close hinges;
  - use of low noise air conditioning condensers;
  - minimising the use of speed humps and ensuring car park surfaces and access ways are smooth;
  - locating staff parking bays in proximity to neighbouring residential premises rather than drop off parking bays to minimise noise impacts from car doors closing;
  - minimising hard-paved areas and pathways in the play area to reduce the reverberant noise levels; and
  - locating buildings and other structures such as storage sheds or covered shade areas in the outdoor play area to provide acoustic shielding.
- iii) The NMP is to include a compliant record keeping and response procedure and process for amending the operation of the Centre to address the concern(s) raised and to mitigate the effects of noise on adjoining premises.
- d) The proponent is reminded of the obligations of the operator and employees of the child care centre to achieve a current Provider Approval and Service Approval, under the *Education and Care Services National Law (WA Act 2012)* and the *Education Care Services National Regulations 2012*, from the Department of Local Government and Communities.





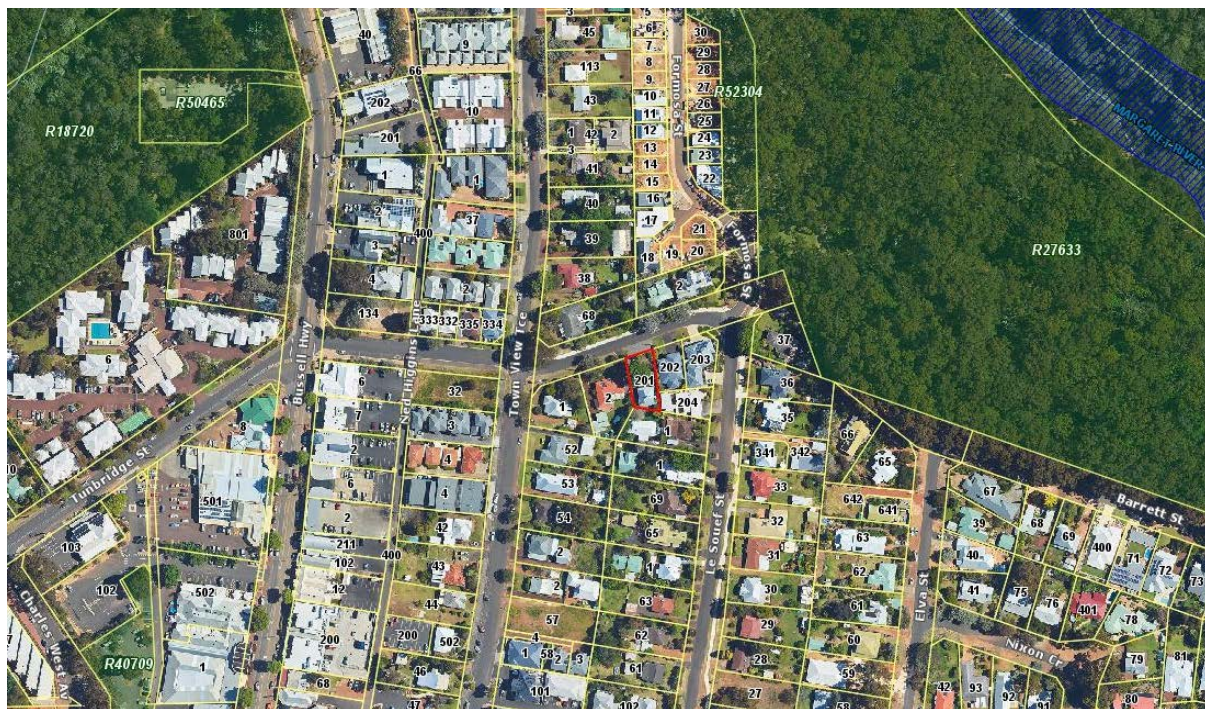
**DEVELOPMENT APPLICATION ASSESSMENT (DAU)**  
**Report to Manager Planning and Development Services**  
**Proposed Holiday House at 3 (Lot 201) Churchill Avenue, Margaret River**

**Major (Level 2)**

**P219282; PTY/8407**

**REPORTING OFFICER** : Clare Hamilton  
**DISCLOSURE OF INTEREST** : Nil

General Information	
Lot Area	523m <sup>2</sup>
Zone	Residential R30/40
Existing Development	<input checked="" type="checkbox"/> Single House <input type="checkbox"/> Grouped Dwelling
Nature of application	<input checked="" type="checkbox"/> New application <input type="checkbox"/> Renewal
Proposed use	Proposed Holiday House in an existing 3-bedroom dwelling, for up to 5 guests for an initial 12-month period.
Permissible Use Class	'A' – discretionary use
Advertising Required	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Reason not exempted from planning approval?	Discretionary uses are not permitted unless the Shire exercises its discretion by granting development approval.
Heritage/Aboriginal Sites	N/A
Encumbrance	Easement Sewer Water Corp & Easement Drainage AMRS – not impacted
Date Received	30/04/2019
Date of Report	29/05/19





<b>Has the application been advertised to adjoining landowners?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Have there been any objections?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Two submissions have been received noting objection including one late submission.
<b>Comments Received</b>	
<b>Submission</b>	<b>Officer Comment</b>
<b>Objection</b>  Object on the basis that the proposed Holiday House is next to the submitter's and other residential properties. Concern about the impact on quiet neighbourhood.          Concern about the effect on property values.   There is already evidence in the town of problem holiday homes causing noise and constant traffic problems from people on holiday seeking a 'good' time without consideration to the local population.	The issue of noise/amenity is dealt with by the requirement for House Rules, which is conditioned as part of any 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 impacts. The contact details of the property manager are also required to be displayed on the front of the Holiday House in order than neighbouring residents can have direct contact for any concerns.  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 within 80m of the town centre zone, 180m 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 neighbours.  Effect on property prices is not a valid planning consideration.  Applications are assessed individually and on their merits. The operation of other holiday houses is a matter that is managed through compliance of those operators with their conditions of planning approval. Should approval be granted for the subject proposal, the proponent will be required to manage their property effectively in accordance with any approvals.
<b>Objection</b>	

<p>The Shire should defer determination of the planning application until after the State Parliamentary Inquiry considering measures to regulate short stay accommodation has concluded and its report has been handed down.</p> <p>Concern over fewer homes for local residents and fewer major new hotels.</p> <p>Further competition in a saturated market if application approved.</p> <p>High proportion of short stay homes already located in Churchill Avenue – Shire should propose a limit on the number in the street as it disproportionately impacts on the amenity and tranquillity of the neighbourhood</p> <p>The owner of the subject property did not buy the property for investment purposes and it did not have short stay use approved at the time of purchase.</p>	<p>As noted above, determination of the application is based on the provisions of <i>Local Planning Scheme No. 1</i> and LPP7. The proposal meets the acceptable development requirements in this regard. It is not reasonable or in accordance with planning process to withhold determination of development applications pending the outcome of the Inquiry.</p> <p>The proposed use is not considered to be detrimental to the long term residential housing stock in the area. The proposal on this site is also not considered to detract from the primacy of the residential area. Furthermore, the premises is permitted to be interchangeably used as a residence when not in operation as a holiday house.</p> <p>Market competition is not a valid planning consideration.</p> <p>Amenity is dealt with as described above. Limiting the number of holiday houses in the vicinity is not a 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.</p> <p>Noted, however this is not a valid planning consideration.</p>
---	---

Policy Requirements		
Policy Element	Provision	Comment
<b>Location</b>	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
<b>Design / Layout</b>	One parking bay per bedroom, Or two bays for grouped dwellings	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Adequate parking on site for 3 cars
	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 Existing deck area is screened to east side
	Each bedroom accommodates a maximum of two persons?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Fire</b>	If within bushfire prone area a BAL provided?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	For sites with a BAL above Low, a BMP prepared by accredited consultant and where required referred to DFES for comments?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No BAL 12.5
	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 A BMP is provided which demonstrates that all acceptable solutions of Appendix 4 of the Guidelines to SPP3.7 are met. The proposal is considered as 'Minor Development in a Residential Built-out Area' and therefore does not require referral to DFES.
	BEEP provided	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Adequate BEEP provided by bushfire assessor

	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>Period of Approval</b>	<input checked="" type="checkbox"/> 12 months <input type="checkbox"/> 3 years	
<b>Any discretionary considerations under LPP7's performance criteria</b>	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. While concerns have been raised about the proposal the issues can be managed through application of appropriate conditions. The application is recommended for conditional approval for 12 months.	

#### 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 3 (Lot 201) Churchill 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 to P3 received by the Shire on 30 April 2019
--------------------------	---

- 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)
- All vehicles & boats connected with the premises shall be parked within the boundaries of the property.
- The short stay use of the dwelling shall not be occupied by more than **five (5) people** at any one time.
- The approved Bushfire Emergency Evacuation Plan shall be displayed in a conspicuous location within the development at all times.
- Amplified music shall not be played outside of the Holiday House between the hours of 10pm and 10am.
- 'House Rules' shall be developed prior to the commencement of use. Thereafter the 'House Rules' shall be provided to all guests and shall be displayed within a prominent position within the Holiday House. (Refer advice note f)
- At all times the Holiday House use is in operation, the 24-hour contact details of the Manager of the Holiday House shall 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 front street. (Refer advice note c)

#### ADVICE NOTES

- A new planning application seeking 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.
- 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.
- This approval does not affect the entitlement to use the dwelling for permanent residential purposes.
- You are advised of the need to comply with the requirements of the following other legislation:
  - Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises.
  - The *WA Building Regulations 2012 (r.59)* requires that the owner of a dwelling (as defined in the Building Code of Australia) must not make the dwelling available for hire unless hard wired, battery backup smoke alarms are installed, complying with the Building Code of Australia and AS3786.
- The 'House Rules' document shall be consistent with key elements of the NSW Code for Holiday Houses (please refer to the attached document).