

DEVELOPMENT ASSESSMENT UNIT
Minutes of the Development Assessment Unit
Shire of Augusta Margaret River
On 9 January 2018

ATTENDANCE

Matt Slocomb, Lara Hoole, Brad Roberts, Chris Wenman, Jason Heine

PLANNING APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	DA No.
02/01/2018	A12319	Lot 202 Bussell Highway, Margaret River	Earthworks	P218000
02/01/2018	A2645	12 (lot 47) Thelma Street, Augusta	Holiday House Renewal	P218001
02/01/2018	A5866	Unit 8 / 16 Town View Terrace, Margaret River	Holiday House	P218002
04/01/2018	A5525	39 (Lot 38) Hillier Drive, Margaret River	Bed and Breakfast	P218003
04/01/2018	A4186	Lots 3, 4, 111, 112 and 113 Brumby Place, Margaret River Lots 1, 101 and 102 Exmoor Drive, Margaret River Lots 103, 104, 105, 107 and 108 Boodjidup Road, Margaret River	Structure Plan	P218004

BUILDING LICENCE APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
02/01/2018	A5881	21 (Lot 274) Larch Loop, Margaret River	Dwelling Additions	218000
02/01/2018	A8683	7 (Lot 32) Southerly Pl, East Augusta	Single Dwelling	218001
03/01/2018	A11848	7 (Lot 14) Hogan Place, Witchcliffe	Retaining Wall	218002
03/01/2018	A12574	4 (Lot 51) Todhunter Place, Margaret River	Single Dwelling and Ancillary Accommodation	218003
04/01/2018	A4085	10 (Lot 106) River Heights Road, Margaret River	Shed	218004
04/01/2018	A3654	100 Bussell Highway, Margaret River	Visitor Centre Additions	218005
04/01/2018	A4367	27-33 Tunbridge Street, Margaret River	Community Resource Centre Additions	218006

SUBDIVISIONS DETERMINED

Date Rec'd	Officer	DA No.	Address	Description of Matter	Recommendation
28/11/2017	LG	P217742	Location 2955 Fifty One Road, Cowaramup	Subdivision	Approve
28/11/2017	MC	P217745	Lot 68 & 69 Garstone Road, Cowaramup	Subdivision	Approve

LEVEL 1 APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
13/10/2017	MS	7 (Lot 45) Osnaburg Street, Augusta	Dwelling Additions (Outbuilding)	Approved	P217628
17/10/2017	MS	175 (Lot 57) Bussell Highway, Margaret River	Holiday House (Large)	Approved	P217635
17/10/2017	MS	8 (Lot 66) Hudsbeth Way, Margaret River	Ancillary Dwelling	Approved	P217637
02/11/2017	LH	31 (Lot 22) Formosa Street, Margaret River	Grouped Dwelling	Approved	P217683
12/12/2017	LG	10 (Lot 48) Caladenia Rise, Margaret River	Home Occupation (Pilates & Occupational Therapy)	Approved	P217776
13/12/2017	LG	Unit 5 19 (Strata Lot 5 of Lot 1) Auger Way, Margaret River	Section 40 (Wholesale Beverage Production)	Approved	P217779

LEVEL 2 APPLICATIONS for determination under delegation

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
30/05/2017	LH	Unit 24, 37 (Strata Lot 24 of Lot 533) Village Green, Margaret River	Dwelling Additions	Approve	P217335
11/10/2017	MS	4 (Lot 117) Mann Street, Margaret River	Dwelling (Retrospective)	Approve	P217623

LOCAL LAW PERMITS

Nil

OTHER APPLICATIONS determined under delegation
Nil

COMPLIANCE
Nil

ELECTED MEMBERS ATTENTION
Nil

CLOSURE OF MEETING



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

Retrospective Grouped Dwelling Alterations: Unit 24, 37 (Lot 533) Village Green, Margaret River

Major (Level 2)

P217335; PTY/10244

REPORTING OFFICER : LH
 DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	257sqm of 7238sqm
Zone	Residential (R30/40)
Proposed Development	Planning approval is sought to use the front section of the ground floor/garage (25sqm) to be upgraded to bedroom and bathroom. The proposal includes relocating two parking bays for the grouped dwelling from within the garage to directly in front of the garage.
Permissible Use Class	Grouped Dwelling 'D' (discretionary) under the zoning table. Additions and alterations compliant with the Residential Design Codes (R-Codes) are normally exempt, however in this case a variation to the carparking dimensions is proposed.
Heritage/Aboriginal Sites	Not listed.
Encumbrance	<ul style="list-style-type: none"> Interests notified on the survey strata plan and any amendments to lots or common property notified. Notification section 165 Planning and Development Act 2005. <p>No proposed changes to the lot or common property.</p>
Date Received	30/5/2017

Aerial extracts



The Site

The Site



Background		
<p>The initial planning application proposed Dwelling Alterations, as well as a change of use from Double Garage to Bedroom and Bathroom for the purpose of Home Business (Beauty Therapy) or Bed & Breakfast use. A third car parking bay was proposed along the northern side boundary intended to be utilised by Beauty Therapy clients or Bed & Breakfast guests. The proposal was then advertised to surrounding landowners. The Shire was advised that works had already occurred on site, resulting in the reduced sized parking subject of the proposal. Following consultation, the proposed third parking bay deleted due to location of utility service points, and therefore the change of use was withdrawn as there is not sufficient parking to accommodate this use. The property is one of 24 grouped dwelling strata lot development where parking is at a premium due to the building bulk of the existing grouped dwellings. Increased traffic and parking impacts to the site are an important planning consideration of this proposal.</p>		
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 (DAP)		
Is the land in any Structure Plan Area or subject to a DAP? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
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: 3	
Have agency or authority comments been received?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Name	Nature of Submission	Officer Comment
Water Corporation	<ul style="list-style-type: none"> The Home Business will require an approval from the Water Corporation Building Services section prior to commencement of works. Infrastructure contributions and fees may be required to be paid prior to approval being issued. 	The initial planning application proposed a 'Home Business (Beauty therapy)/Bed & Breakfast' use and an additional parking bay. The applicant has since withdrawn this section of the proposal.
Strata Manager (submitted with the application).	<ul style="list-style-type: none"> Request to operate a home based business has been approved. Request that no signage is displayed within the complex and access is predominately from Village Green and not through the complex itself. 	As above.
Private Submission	<ul style="list-style-type: none"> Support the Bed & Breakfast as long as the owner is present to prevent parties and loud music. Object to the Home Business (Beauty Therapy). It appears that the external alterations have already been completed, except for the concreting of the extra parking bay. Proposed plans show a colonic room. This is not Beauty Therapy and has Health/Sewerage implications. Parking on the southern end of the private owned rear servicing the strata is extremely limited and planning permission should ensure that this is not used. Change over times for appointments is important parking is provided. Especially on weekends when demand for visitor parking is at a premium. Clients should not use the private strata road. Access is available from the public road surrounding the park. Who will monitor the client limit of four (4) customers. The Beauty Therapy multiple client based business will set a precent on the strata which will increase traffic on the private road and compromise parking and reduce privacy. Comment should be sought from the body corporate (Strata Manager). 	As above. Building Services have advised that retrospective works will require a Certified Building approval.
Private Submission	<ul style="list-style-type: none"> Extra traffic on private road. 	As above.

	<ul style="list-style-type: none"> Lack of Parking – which is already limited. Parking will overflow into strata visitor parking. Would prefer a 6 month trial for the short stay accommodation to see if parking, extra traffic and noise become a regular issue. 		
Has the application been referred to internal departments?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Environmental Health Services	N/A		
Building Services	Works to change a garage to a habitable room require a building permit. Retrospective works will require a certified approval certificate.		
Infrastructure Services	No concerns of the reduced depth of car parking bays for residential purposes, due to low traffic, wide road reserve and formalised pedestrian access provided across the road, bordering the Village Green reserve.		
Officer Comments	The parking/crossover is discussed in further detail under the 'RCodes' and 'Carparking' sections of this assessment.		
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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Driveway Width	3m to 6m	6m	Complies
Upgrade Landscaping	<input type="checkbox"/> Required	<input checked="" type="checkbox"/> Not Required	
Overlooking	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Street surveillance	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Street Walls and Fences	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Overshadowing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Other Variations	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Officer's Comments against performance criteria	The development proposes a minor variation to the parking dimensions standard and is discussed in further detail under heading 'Car Parking' below.		
Local Planning Scheme No. 1 (LPS1)			
Are the Development Standards applicable?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Officer Comment	The Planning and Development Act 2005 section 164 provides that retrospective works may be approved.		
Car Parking			
LPS1 / R Codes Requirement	Car Bays Required - Car Bays Required - 2 bays	Car Bays Proposed – 2 parking bays in front of the dwelling.	
Dimensions	2.4 x 5.4m	<input checked="" type="checkbox"/> Complies	<input type="checkbox"/> Doesn't Comply
Officer Comment	<p>Two parking bays in front of the grouped dwelling are 2.5m x 4.5m a variation to the 2.4m x 5.4m minimum dimensions of the Australian residential carparking standard. There is a 5m wide crossover in front of the grouped dwelling. The majority of standard vehicles will be able to park safely on the site, clear of the roadway. There is a park across the road to the east providing pedestrian access. As outlined above, the Shires Engineering Division have not raised any concerns with the proposal.</p> <p>On the basis that the grouped dwelling is used for residential purposes, the variation is considered minor and will not cause detrimental impacts to the streetscape or the amenity of the surrounding landowners.</p>		
Clause 67			
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?			
Officer Comment	Yes.		
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?	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?	N/A. Not located in a designated Bushfire Prone Area.		
Officer Comment	Conditional approval recommended.		

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 Dwelling Alterations at Unit 24, 37 (Strata Lot 24 of Lot 533) Village Green, Margaret River subject to compliance with the following conditions:

CONDITIONS

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

Plans and Specifications	P1 to P4 received by the Shire on 3 August 2017.
--------------------------	--

2. All stormwater and drainage run-off from the development shall be contained within the lot boundaries or disposed offsite by an approved connection to the Shire's drainage system. (l)

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) A Certified Building Approval Certificate is to be submitted to the Shires Building Services as the works have already been completed. You are advised to engage a registered Building Surveyor Contractor to assist with the Building Permit stage.



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

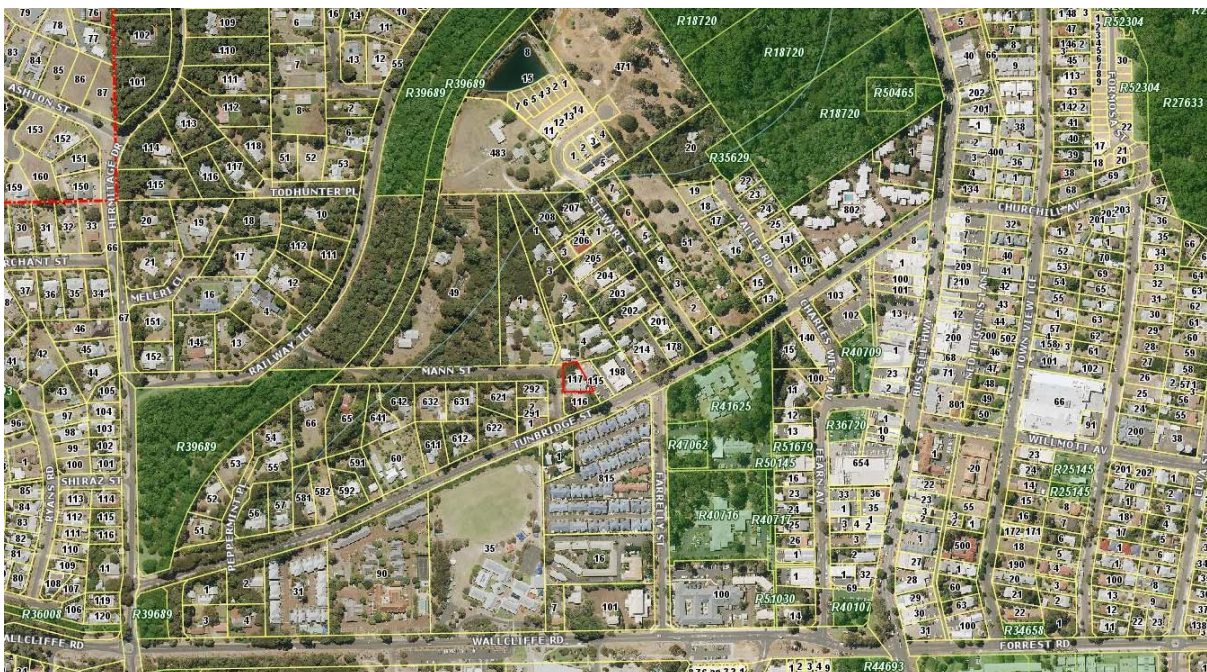
Proposed Dwelling (Retrospective) – 4 (Lot 117) Mann Street, Margaret River

Major (Level 2)

P217623; PTY/4996

REPORTING OFFICER : **Matt Slocomb**
DISCLOSURE OF INTEREST : **Nil**

General Information	
Lot Area	1062m ²
Zone	Residential R15
Proposed Development	Retrospective approval is sought for the construction of a dwelling. A building permit was issued for the development in 1997 however; the dwelling was built in a completely different location to that approved. Planning approval is required as the proposal involves a setback variation and variation to the visual privacy requirements of the Residential Design Codes.
Permissible Use Class	Dwelling - P
Heritage/Aboriginal Sites	Nil.
Encumbrance	Nil.
Date Received	11/10/2017



Background		
Officer Comment	The retrospective application has arisen through the intended sale of the site. The owner/applicant requested copies of the approvals from which it was determined that the dwelling has been constructed in a completely different location to that approved in 1997. The approved position of the house is effectively perpendicular to the location constructed by a previous owner.	
Policy Requirements		
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	Local Planning Policy 1 – Outbuildings, Swimming Pools and Outbuildings (LPP1), Local Planning Policy 4 – Boundary Fencing (LPP4).	
Officer Comment	<p>LPP1</p> <p>The policy replaces the 2.4m wall height limit of the Residential Design Codes as it relates to Outbuildings and provides exemptions in circumstances where building meet the acceptable development standards of the policy. The Outbuilding is exempt based on the following:</p> <ul style="list-style-type: none"> • 42m² floor area, within the 60m² restriction of the R-Codes; • Maximum wall/ridge height of 2.6m within the 3.1m wall height limit of LPP1 and the 4.2m limit of the R-Codes. • Rear setback of 1.4m provided which exceeds the 1m requirement of the R-Codes. <p>Based on the Outbuilding is exempted from the need for planning approval.</p> <p>LPP4</p> <p>The proposal comprises a solid 1.8m high fence forward of the dwelling which is a variation to AD2.5 which requires fencing to be visually permeable for the first 3m from the front boundary. Given the extent of vegetation within the verge, compliance with the policy would be of limited effect for the most part of the streetscape elevation. The dwelling contains upper level major opening that provide interaction between the dwelling and the street accordingly a variation in this case is considered acceptable.</p>	
Structure Plans and Local Development Plans (DAP)		
Is the land in any Structure Plan Area or subject to a DAP? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
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	
Have agency or authority comments been received?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	
Has the application been referred to internal departments?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	
Name	Nature of Submission	Officer Comment
Private Submitter	<p>Indifferent.</p> <p>Had concerns with the location of the dwelling since construction.</p> <p>Expressed concerns with the following:</p> <ul style="list-style-type: none"> • Privacy issues with the rear deck; • Privacy issues with the upper level window; • Issues with shadow, lack of natural light to the dwelling during winter months. 	<p>Noted.</p> <p>The rear deck has been provided with screening such that there is no visual privacy variation associated with this aspect of the deck. This is discussed further in the comment section of the report.</p> <p>Noted. The applicant has advised that this window can be screened to comply with the Residential Design Codes. A condition has been enclosed to this effect.</p> <p>The proposal complies with the requirements of the Residential Design Codes in respect to Overshadowing.</p>
Environmental Health	No recommended conditions.	Noted.
Building	Application for a Building Approval Certificate required to be submitted to the Shire.	Noted.
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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No Discussed above. There dwelling contains a kitchen/type facility on the upper level. A condition will be enclosed to ensure that this is not made self-contained in order to provide ancillary accommodation on the premises.	
R Codes			
Are R Codes applicable?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Design Element	Policy / R Codes Req	Provided	Officer comment
Front Setback	6m	6m	Averaged as per 5.1.2 C2.1iii.
Side Setback (South GF)	1.5m	1.5m	Complies
Side Setback (South Balcony)	2.5m	1.5m	Variation
Rear Setback	6m	2.15m (at closest point)	Variation
Garage/Carport Setback	4.5m	5m	Complies
Driveway Width	6m	6m	Complies
Garage Width	50%	27.3%	Complies
Open Space Requirement	50%	72.5%	Complies
Overshadowing	25%	11.3%	Complies
Eaves Incursion	0.75m limit	0.71m proposed	Complies
Upgrade Landscaping	<input type="checkbox"/> Required	<input checked="" type="checkbox"/> Not Required	
Overlooking	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Overlooking from office window. Upper floor living area opening to be modified. Condition to be enclosed to ensure compliance from a visual privacy perspective.		
Street surveillance	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Street Walls and Fences	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	See discussion above on LPP4.
Other Variations	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Officer's Comments against performance criteria	<p>The setback variations associated with the proposal are assessed individually below:</p> <p>Rear Setback The proposal involves a partial variation to the rear setback requirements of the R-Codes. This is attributable in part to the angle of the rear boundary, which results in a setback of 2.15m at the closest point. The setback is adjacent to the St. Johns Ambulance training facility and is limited to a small component of the elevation. The proposal is not anticipated to affect the adjoining property or its ongoing use as a reserve for public purpose.</p> <p>Setback of Balcony The dwelling is compliant with the setback requirements of the Residential Design Codes from the southern adjoining property with the exception of the elevated balcony located to the eastern side of the site.</p> <p>The proposal is considered to meet the design principles of the R-Codes for the following reasons:</p> <ul style="list-style-type: none"> • The part of the elevation subject of variation is short in length and unenclosed, resulting in a lesser bulk impact in comparison to a standard second storey elevation; • The overall proposal is compliant with the requirements of the R-Codes and not located in proximity to the main outdoor living area of the southern adjoining dwelling (located more centrally on the northern elevation). • The balcony has been provided screening in order to mitigate impacts associated with visual privacy (see image below). In respect to the construction requirements for visual screening the R-Codes, outline that the maximum permeable area should be approximately 25%. It is unclear if the screening put in place meets this requirement however a condition will be enclosed to ensure this is maintained moving forward. 		



Image: Screening applied to the balcony as viewed from the east.

Development Standards (Schedule 9)

Are the development Standards applicable? Yes No

Car Parking

LPS1 / R Codes Requirement Car Bays Required - 2 Car Bays Proposed -2

Dimensions 2.5 x 5.5m Complies Doesn't Comply

Turning Bay/Circles and vehicle manoeuvring Complies Doesn't Comply

Building Height

Scheme / Policy Requirement Wall - 7m Roof - 8m

State the proposed building height Wall - 3.15m Roof - 7m Complies Doesn't Comply

Clause 67

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?

Officer Comment Yes.

B. In the opinion of the officer:

i. Are utility services available and adequate for the development? Yes. Department of Health granted approval for an effluent disposal system for the dwelling.

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? A BAL is not required given that the lot is less than 1100m².

Other Comments

Any further comments in relation to the application?

Officer Comment The development has been in existence for nearly twenty years, within which there have not been any recorded complaints in respect to the dwellings location. Whilst it is acknowledged that the location represents a significant deviation from the original approval, the proposal does not contain any substantive deviations from the requirements of the Residential Design Codes. In this respect conditional approval is recommended.

OFFICER RECOMMENDATION

That the Statutory Planning Coordinator GRANT 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 Dwelling (Retrospective) at 4 (Lot 117) Mann Street, 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 – P4 received at the Shire Offices on the 11 October 2017
--------------------------	--

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. (P)
3. All stormwater and drainage run-off from the development shall be contained within the lot boundaries or disposed offsite by an approved connection to the Shire's drainage system in accordance with the Shire of Augusta Margaret River Standards & Specifications. (I)
4. Prior to occupation, the upper level window(s) on the southern elevation shall be fixed obscured or translucent glass to a height of 1.6 metres above the upper floor level and maintained thereafter or alternatively a minimum sill height of 1.6 metres as determined from the internal floor level.
5. Prior to occupation, 75% solid surface area / obscured balustrading to a minimum height of 1.6 metres above the floor level shall be provided to the western/southern/eastern elevation of the proposed balcony in accordance with clause 5.4.1 C1.2 of the Residential Design Codes and maintained thereafter.
6. The kitchen, as shown on approved plan P3, shall be decommissioned to the satisfaction of the Shire. The Shire must be informed once the works to the kitchen have been completed, to allow for an inspection of the site.

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) In respect to condition 6, in order to be decommissioned to the satisfaction of the Shire, the kitchen shall not have either a cooktop or oven installed.