

DEVELOPMENT ASSESSMENT UNIT
Minutes of the Development Assessment Unit
Shire of Augusta Margaret River
On 20 April 2021

ATTENDANCE

Lara Hoole, Lucy Gouws, Angela Satre, Jason Heine, Chris Wenman, Brad Roberts

PLANNING APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	DA No.
15/04/2021	A8923	Unit 3 / 18 (Strata Lot 3 Lot 38) Townview Terrace, Margaret River	Holiday House	P221271
15/04/2021	A8561	936 (Lot 12) Bessell Road, Rosa Brook	Ancillary Dwelling	P221272
15/04/2021	A12120	42 (Strata Lot 20) Formosa Street, Margaret River	Holiday House	P221273
15/04/2021	A10089	6 (Lot 530) Riesling Street, Cowaramup	Dwelling	P221274
15/04/2021	A3558	80 (Lot 10) Sabina Drive, Molloy Island	Dwelling	P221275
15/04/2021	A7743 A4975	413 (Lot 2) Burnside Road, Burnside	Holiday House (Large) Renewal	P221276
15/04/2021	A7443	Unit 1 (Strata Lot 1 / Lot 46) Townview Terrace, Margaret River	Holiday House	P221277
15/04/2021	A6549	Unit 1 / 5 (Lot 703) Freycinet Way, Gnarabup	Dwelling Additions	P221278
15/04/2021	A635	18 (Lot 58) Elva Street, Margaret River	Dwelling Additions (Shed and Retaining)	P221279
15/04/2021	A7863	49 (Lot 24) Horseford Road, Burnside	Holiday House (Renewal)	P221280
16/04/2021	A12127	21 (Lot 27) Formosa Street, Margaret River	Holiday House	P221281
20/04/2021	A5867	16 (S/L 9 Lot 10) Townview Terrace, Margaret River	Holiday House	P221282
20/04/2021	A12022	6 (Lot 200) Frohawk Loop, Margaret River	Bed & Breakfast (Renewal)	P221283
20/04/2021	A1915	14 (Lot 45) Lakeview Crescent, Prevelly	Holiday House (Renewal)	P221284
20/04/2021	A12130	15 (Lot 30) Formosa Street, Margaret River	Holiday House	P221285
20/04/2021	A12119	38 (Lot 19) Formosa Street, Margaret River	Holiday House	P221286
20/04/2021	A12109	18 (Lot 9) Formosa Street, Margaret River	Holiday House	P221287
21/04/2021	A8960	27 (Lot 231) Westringia Loop, Margaret River	Bed & Breakfast	P221290
21/04/2021	A6439	Unit B 6 (Strata Lot 1 (Lot 76) Redgum Court, Margaret River	Carport Addition	P221292
21/04/2021	A4011	53 (Lot 722) Trinder Drive, Margaret River	Vegetable Production	P221293

BUILDING LICENCE APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
16/04/2021	A13111	49 (S/L 11) Mardo Way, Witchcliffe	Single Dwelling and Rainwater Tank	221251
15/04/2021	A6064	10568 (Lot 2185) Bussell Highway, Witchcliffe	Single Dwelling and Swimming Pool	221274
15/04/2021	A12868	53 (Lot 42) Brookside Boulevard, Cowaramup	Single Dwelling	221276
15/04/2021	A360	5 (Lot 102) Williams Place, Augusta	Fence	221278
15/04/2021	A9843	7 (Lot 503) Malbec Street, Cowaramup	Shed	221280
16/04/2021	A11214	18 (Lot 1045) Heron Drive, Margaret River	Shed	221281
16/04/2021	A7900	275 (lot 3126) Barrett Road, Rosa Brook	Machinery Shed	221282
16/04/2021	A8975	50 (Lot 246) Callistemon Drive, Margaret River	Single Dwelling	221283
16/04/2021	A13085	32 (S/L 10) Kulbardi Way, Witchcliffe	Single Dwelling and Rainwater Tank	221284
16/04/2021	A13122	26 (S/L 22) Kulbardi Way, Witchcliffe	Single Dwelling and Rainwater Tank	221285

16/04/2021	A13164	20 (S/L 16) Yornitj Grove, Witchcliffe	Single Dwelling and Rainwater Tank	221286
16/04/2021	A8316	4 (Lot 525) Hillside Avenue, Margaret River	Swimming Pool	221287
16/04/2021	A8316	4 (Lot 525) Hillside Avenue, Margaret River	Pool Fence	221288
16/04/2021	A13153	70 Kulbardi Way, Witchcliffe	Two Storey Dwelling and Rainwater Tank	221289
16/04/2021	A4011	53 (Lot 722) Trinder Drive, Margaret River	Farm Shed	221290
19/04/2021	A13088	38 (Lot 13) Kulbardi Way, Witchcliffe	Single Dwelling and Rainwater Tank	221291
19/04/2021	A13120	30 (Lot 20) Kulbardi Way, Witchcliffe	Single Dwelling and Rainwater Tank	221292
19/04/2021	A13123	24 (Lot 23) Kulbardi Way, Witchcliffe	Single Dwelling and Rainwater Tank	221293
19/04/2021	A7442 A4313	29 (Lot 2) Chamberlain Place, Augusta	Single Dwelling	221294
20/04/2021	A9269	30 (Lot 105) Sanctuary Circle, Cowaramup	Gazebo	221295
20/04/2021	A10144	28 (Lot 406) Coral Vine Cross, Cowaramup	Single Dwelling	221296

SUBDIVISIONS DETERMINED

Date Rec'd	Assess No.	DA No.	Address	Description of Matter	Recommendation
09/02/2021	A11895	P221107	76 (Lot 21) Albany Terrace, Augusta	Subdivision	COM

LEVEL 1 APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
05/03/2021	Lucy Gouws	2 (Lot 111) Andrews Way, Margaret River	Small Bar (Deck Additions)	Approved	P221157
11/03/2021	Lucy Gouws	59 (Lot 298) Clarke Road, Margaret River	Amendment to Approval P219548	Approved	P221177
15/03/2021	Angela Satre	1 (Lot 203) Churchill Avenue, Margaret River	Guest House Renewal	Approved	P221185
24/03/2021	Angela Satre	23 (Lot 48) Merchant Street, Margaret River	Bed & Breakfast	Approved	P221212
06/04/2021	Lara Hoole	30 (Strata Lots 1, 2, 3, & 4 of Lot 271) Fearn Avenue, Margaret River	Short Stay Accommodation/Residential Units (Alterations & Additions - First Floor Roof Cover Over Stairwell/Courtyard)	Approved	P221234
07/04/2021	Lucy Gouws	Unit 7, 194 (Lot 501) Blackwood Avenue, Augusta	Community Purpose (Patio Addition to Existing Grouped Dwelling)	Approved	P221242
08/04/2021	Lucy Gouws	46 (Lot 28) Wallcliffe Road, Margaret River	Motel (Retaining Wall Additions)	Approved	P221244

LEVEL 2 APPLICATIONS for determination

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
18/12/2020	Lara Hoole	2 (Lot 376) Storm Bay Road, Augusta	Holiday House Renewal	Conditional Approval	P220825
12/02/2021	Lucy Gouws	13 (Lot 15) Dempster Drive, Witchcliffe	Home Business (Dog Grooming)	Conditional Approval	P221120

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 (Renewal): 2 (Lot 376) Storm Bay Road, Augusta

Major (Level 2)

P220825; PTY/1216

REPORTING OFFICER : Lara Hoole
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	580m ²
Zone	Residential, R15
Existing Development	<input checked="" type="checkbox"/> Single House <input type="checkbox"/> Grouped Dwelling
Nature of application	Holiday House (renewal)
Proposed use	A planning application has been received for renewal of the Holiday House use in the existing four-bedroom dwelling. The application proposes to continue to use the dwelling to accommodate up to four (4) short stay guests at any one time. The duration of the approval sought is three (3) years.
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	18/12/2020
Date of Report	8/1/2021

Location Map



Planning History	A twelve (12) month approval (P219605) was issued on 21 January 2020 for a holiday house for four (4) guests.
Is the application same as previous?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Have there been any objections?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Have there been any complaints over the recent period of approval?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Have there been any substantial changes to the LPS1 or Policy?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Officer comments:	Parking restrictions on property subject to the septic system. Available parking for two (2) vehicles only, therefore a maximum of four (4) guests permitted.
View from Storm Bay Road looking north.	



View from Dawson Terrace looking west.



Comments Received

Nature of Submission

Private Submission

- Have observed substantial numbers staying at the house.
- Two couples with multiple children, e.g. eight on one renting arrangement.
- Two couples mean two cars at least.
- There are often dogs which bark when left during the day.
- Interested to know what other neighbours consider.

Officer Comments

The applicant provided the following response to the issues raised during the advertising period:

- The property is used both privately and as a holiday house.
- The landowners and/or the manager have not received any complaints.
- With exception of the main bedroom, there are locks on each of the bedrooms. The doors are locked by the manager to control the number of people who are sleeping at the property while it is being rented.
- The manager lives locally in Augusta and drives by the property while it is being rented. They are not aware of more people sleeping at the property than it has been rented for, or allowed for, under the approval.
- There may be additional cars at the property from time to time while the house is rented. Guests are permitted to have visitors. This does not indicate that the property is sleeping more people than permitted.
- We have not received any complaints about dogs barking while using the property privately.
- Guests may bring dogs at the discretion of manager. The manager takes all care and the house rules do not allow dogs to be left alone while the guests are out.

Following receipt of the applicant's reply to the issues raised in the advertising period, the submitter was provided a further opportunity to inform the application process. The applicant's response to the issues was forwarded to the submitter. The submitter was also asked if they had records of dates when the issues, such as excessive guests and dogs barking, had occurred. Fourteen days was offered in order for the submitter to respond and no response was received.

	<p>While the concern raised in the advertising period is noted, the issues raised are considered with regard to the following:</p> <ul style="list-style-type: none"> • There is no record of complaints for this property. • It is difficult to validate that the concerns relate specifically to the holiday house use rather than the owner's occupation of the premises. • The submitter has not provided further details to validate the nature of concerns regarding the short stay use. • The property is bound by three residential premises and the submission of concern has been raised by the owner of one adjoining premises. No other submissions were received. • The capacity of the use for four guests is considered to be modest in relation to the size of the four bedroom dwelling. The proposed short stay use for four guests is considered low key and likely to generate less impact than the expected residential use of the premises. • The site has a 24/7 local manager with contact details posted within view of the front street as required. <p>Regarding dogs kept at the premises, it is noted that the fenced backyard is located near an adjoining dwelling. There is concern that given the proximity to the neighbouring dwelling, this area may not be suitable to accommodate guests' dogs. It was recommended to the owner that the holiday house use of the property does not permit dogs. The owner has chosen to not follow this operating suggestion however offers the following management measures:</p> <ul style="list-style-type: none"> • it being made plain in the advertising of the house that dog/s will only be allowed on application to the manager – which will give managers the opportunity of discussing the type of dogs and that they are not to be left alone; • the house rules reflecting that dogs are not to be left alone; • the manager being able to be contacted if there are any concerns at a particular point in time about dogs; • the manager making spot checks while they are out and about in Augusta. <p>Given the abovementioned factors, the renewal to the short stay use is recommended to be supported albeit for a limited timeframe of two years.</p>
<p>Recommended period of approval</p>	<p><input type="checkbox"/> 12 months <input type="checkbox"/> 3 years <input type="checkbox"/> 5 years</p> <p>Approval for two years is recommended.</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 a Holiday House (Renewal) at 2 (Lot 376) Storm Bay Road, Augusta 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 & 2 received by the Shire on 18 December 2020.
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2. The Holiday House use is permitted for a period of **two (2) years** from <end of previous period of approval> to <end of period of approval>. (Refer to advice note 'a')
3. The approved Bushfire Emergency Evacuation Plan shall be displayed in a conspicuous location within the dwelling at all times.

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

ADVICE NOTES

- a) A new planning application seeking approval should be submitted 90 days before the expiry of this approval, along with the appropriate planning fee.
- b) If at any time there is not an appointed manager or a contactable employee of the manager for the site, the use must cease until such time as a manager is appointed.
- c) Evidence of installation of the sign will be required to be provided, to the satisfaction of the Shire, at the time an application to renew the Holiday House use is lodged.
- d) This approval does not affect the entitlement to use the dwelling for permanent residential purposes.
- e) You are advised of the need to comply with the requirements of the following other legislation:
 - (i) *Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises.
 - (ii) The *WA Building Regulations 2012* (r.59) requires that the owner of a dwelling (as defined in the Building Code of Australia) must not make the dwelling available for hire unless hard wired, battery backup smoke alarms are installed, complying with the Building Code of Australia and AS3786.
- f) The 'House Rules' document shall be consistent with key elements of the NSW Code for Holiday Houses (please refer to the attached document).
- g) Evidence of the display of the planning approval reference number within the marketing of the Holiday House is required to be provided, to the satisfaction of the Shire, at the time an application to renew the Holiday House use is lodged. Applicants are advised to include a screenshot of the website to show that the planning approval reference number is being displayed.
- h) Please note that the Shire does not notify landowners in writing of the expiry of a Holiday House planning approval. It is the owner's responsibility to monitor and ensure that the planning approval remains valid while the use is being undertaken.
- i) No vehicles to park on the wastewater sub-surface irrigation system.



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

Proposed Home Business (Dog Grooming)
13 (Lot 15) Dempster Drive, Witchcliffe

Major (Level 2)

P221120; PTY/11570

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

General Information	
Lot Area	1995sqm
Zone	Future Development – Residential R5
Proposed Development	Planning approval is sought for a Home Business for dog grooming. The dog grooming will operate as follows: <ul style="list-style-type: none"> • Maximum of 3 days a week and not more than 3 dogs a day between Monday to Friday. • No washing of dogs. • Dogs are groomed, trimmed, clipped. • Appointments are staggered 15m apart.
Permissible Use Class	Home Business - 'A' (discretionary after advertising)
Heritage/Aboriginal Sites	Nil
Encumbrance	Interests on titles showing easement benefits and burdens, none relevant to this application.
Date Received	12/02/2021



Figure 1: Shows existing development and proposed location of dog grooming

Policy Requirements			
Is the land or proposal referred to in any Council Policy?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Structure Plans and Local Development Plans (LDP's)			
Is the land in any Structure Plan Area or subject to a LDP?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, state the Policy/Policies		Lot 1032 modified Structure Plan – June 2020	
Officer Comment	Development requirements relevant to the assessment are the following: <ul style="list-style-type: none"> • Fencing shall be open style (eg post and wire). 		
Planning History			
2015 – Development approval for dwelling additions (water tank), change in use to allow ancillary dwelling, dwelling and water tank.			
2019 – Development approval for dwelling addition (outbuilding) the building to be used for the proposal.			
Advertising/Agency Referrals			
Has the application been referred to adjoining landowners/agency?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> N/A
Has a submission been received by Council?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> N/A
		No. received: 1	

Details of Submission		Officer Comment
<p>The business is already operating, and very busy.</p> <p>Concerns that the business will be open greater than 2 / 3 days per week for 3hrs.</p> <p>Neighbours been subjected to continual barking by multiple dogs, dogs wandering along back fence.</p> <p>How will the waste be handled and how is it currently being handled?</p> <p>Are pest control measures in place?</p> <p>Request that business does not operate on the weekends.</p> <p>Will screening be provided along the back fence?</p>		<p>The applicant has acknowledged that the business is already operating. Upon lodgement the applicant paid the penalty retrospective application fee (3 x fee) upon lodgement.</p> <p>The business will only operate 3 days per week, from Monday – Friday with no weekend clients. Only 3 dogs per day will be groomed. This will be controlled by a conditions of the development approval.</p> <p>There are a number of dogs in the area, each neighbour to the Site has a dog. The applicants has advised that all clients upon arrival keep their dogs on a lead as soon as leaving the car, and dogs under no situation are permitted to wander the Site. Dogs are controlled and kept calm.</p> <p>Waste from the dog grooming amounts to around 2 – 3 kilos of dog fur each week (shopping bag). Fur is biodegradable and is disposed of in the rubbish. Dog faecal matter is either bagged and taken by owners, or disposed of in fogo bin which is collected weekly.</p> <p>Dogs are not handled if they have fleas, this is routinely checked prior to grooming.</p> <p>The dog grooming will operate no more than 3 days a week between Monday – Friday only, no weekends.</p> <p>There is no requirement to provide screening along the back fence. Covenants for this subdivision limit fencing to open style rural fencing only.</p>
Internal Department Comments		Officer Comments
<p>Environmental Health Officer Health raised initial questions about:</p> <ul style="list-style-type: none"> - Wastewater, dog numbers per day, noise, and cleaning hygiene. <p>Applicants provided a response as follows:</p> <ul style="list-style-type: none"> - No dog bathing facility provided. - Only 3 dogs per day. - The salon is insulated part of the shed. When dogs are being groomed dogs are required to be well behaved, kept on a lead and don't bark. - The salon is cleaned and disinfected twice per week, plus flea bombed as a precaution. Any dogs with fleas are not allowed to enter the salon and are checked before entering. 		<p>The Health officer confirmed they are happy with the additional information provided. Recommended conditions are to be applied.</p>
Assessment of Application		
Is the land referred in the Heritage Inventory?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there any Contributions applicable?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there any compliance issues in relation to existing development?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
R Codes		
Are R Codes applicable?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Development Standards (Schedule 9)		
Are the development Standards applicable?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Car Parking		
LPS1 / R Codes Requirement	Car Bays Required Dwelling – 2 Ancillary Dwelling – 1 Home Business - 2	Car Bays Proposed 5 – 7 bays can be accommodated within the Site
Officer Comment	There is adequate space on the lot to accommodate the additional 2 bays required for the proposed Home business in addition to the existing parking requirements on site. No works are required for the additional parking requirement for the Home Business.	

	There is also adequate area on site to allow manoeuvring of vehicles in order to access the driveway and street in forward gear.
Building Height	
Not applicable.	
Clause 67	
In the opinion of the officer, would approval of the planning consent be appropriate under Clause 67 of the Deemed Provisions of the Scheme?	
Officer Comment	LPS1 provides that Home Businesses requires planning approval. A Home Business is defined in LPS1 to include employment of no more than 2 people not members of the occupier's household.
In the opinion of the officer	
i. Are utility services available and adequate for the development?	Existing on site wastewater system is not impact by the proposal as no washing of dogs is carried out.
i. Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land?	None impacted.
ii. Has adequate provision been made for access for the development or facilities by disabled persons?	n/a
iii. Is development likely to cause detriment to the existing and likely future amenity of the neighbourhood?	The Home Business is of a small scale and will only operate 3 days per week with no more than 3 dogs per day. Appointments will be staggered to ensure there are no more than 1 client at the Site at a time.
iv. Is the development likely to comply with AS3959 at the building permit stage?	n/a
Other Comments	
Any further comments in relation to the application?	
Officer Comment	The discretionary components of the proposal are considered to meet the relevant provision of the LPS1, accordingly the proposal is recommended for conditional approval.

OFFICER RECOMMENDATION

That the Manager of Planning and Development Services GRANTS Planning Consent under Delegated Authority Instrument No. 16 pursuant to Clause 68(2) of the Deemed Provisions of Local Planning Scheme No. 1 for Home Business (Dog Grooming) at 13 (Lot 15) Dempster Drive, Witchcliffe subject to compliance with the following conditions:

CONDITIONS

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

Plans and Specifications	P1 received by the Shire on the 11 February 2021
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- If the development, the subject of this approval, is not substantially commenced within two (2) years from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has lapsed, development is prohibited without further approval being obtained.
- The Home Business (Dog Grooming) is not permitted to involve the retail sale, hire or display of goods.
- The Home Business (Dog Grooming) is permitted to operate three (3) days per week between the hours of 8:00 am to 5:00 pm from Monday – Friday only.
- The Home Business (Dog Grooming) is permitted to groom up to three (3) dogs per day.
- The Home Business (Dog Grooming) is approved to operate in the area identified on the approved plan P2 and shall not occupy an area greater than 50m².
- Appointments must be staggered with a minimum of 15 minutes apart.
- A sign limited to a maximum of 0.2 square metres and not exceeding 1.5 metres in height from ground level may be erected at the property frontage and within the property.
- All vehicles connected with the premises shall be parked within the boundaries of the property.

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 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.
- c) The development or use of the land shall not cause or permit to cause the escape of dust, smoke, fumes, offensive matter or foul odours in such quantity or of such nature as to unreasonably impact on the amenity of the locality.
- d) Chemical use, storage, mixing, preparation and wash down facilities are required to comply with the *Health (Pesticides) Regulations 2011* and *Agricultural and Veterinary Chemicals (Western Australia) Act 1995*.