

**DEVELOPMENT ASSESSMENT REPORT**  
**Shire of Augusta Margaret River**  
**12 December to 18 December 2024**

**APPLICATIONS RECEIVED**

<b>Date Rec'd</b>	<b>Reference No.</b>	<b>Address</b>	<b>Proposal</b>
<b>PLANNING</b>			
12/12/2024	P224939	Lot 910 Low Road, Rosa Glen	Single House
12/12/2024	P224940	306 (Lot 1) Low Road, Rosa Glen	Holiday House (Renewal)
12/12/2024	P224941	37 (Lot 2) Willmott Avenue, Margaret River	Holiday House (Renewal)
12/12/2024	P224942	45 (Lot 243) Dalton Way, Molloy Island	Dwelling Additions and Carport
13/12/2024	P224943	17 (Lot 404) Hasluck Street, Cowaramup	Amendment to Planning approval P223404
13/12/2024	P224948	165 (Lot 16) Calkarri Drive, Augusta	Home Business (Massage)
13/12/2024	P224951	413 (Lot 12) Burnside Road, Burnside	Request for modification to DAP approval P224305 - DAP/24/02701
17/12/2024	P224964	Unit 1/30 (Lot 1) Riedle Drive, Gnarabup	Holiday House
17/12/2024	P224965	21 (Lot 27) Le Souef St, Margaret River	Holiday House (Renewal)
17/12/2024	P224966	40 (Lot 523) Powderbark Way, Witchcliffe	Outbuilding (Water Tank)
17/12/2024	P224967	9 (Lot 1) Mopoke Place Margaret River	Single House
17/12/2024	P224968	14 (Lot 246) Hardwood Loop, Cowaramup	Outbuilding (Shed and Water Tank)
17/12/2024	P224969	37 (Lot 34) Brookside Boulevard, Cowaramup	Outbuilding (Shed)
18/12/2024	P224971	14 (Lot 561) Guernsey Gully, Margaret River	Holiday House (Renewal)
18/12/2024	P224972	Lot 2838 Rosa Glen Road, Rosa Glen	Dam
<b>BUILDING</b>			
12/12/2024	224771	19 (Lot 5) Tulip Way, Margaret River	Single Dwelling, Garage and Alfresco
12/12/2024	224772	26 (Lot 204) Platanus Crescent, Margaret River	Single Dwelling, Garage and Alfresco
12/12/2024	224773	17 (Lot 505) Gidgee Road, Witchcliffe	Single Dwelling, Ancillary Accommodation, Games Room, Shed and Water Tank
12/12/2024	224774	32 (Lot 175) Salter Street, Gracetown - Gracetown Hall	Alterations Additions
12/12/2024	224775	82 (Lot 22) Blackwood Avenue, Augusta	Kitchen, Servery and Toilet
13/12/2024	224776	17 (Lot 17) Sequoia Court, Margaret River	Change of Use Shed to Bedroom
13/12/2024	224777	20 (Lot 51) Tunbridge Street, Margaret River	Retaining Walls
13/12/2024	224778	1/90 (Lot 1) Bussell Highway, Cowaramup	Pizza Shop
17/12/2024	224779	15 (Lot 1) Kulbardi Way, Witchcliffe	Carport
17/12/2024	224780	68 (Lot 434) Turner Street, Augusta	Workshop
17/12/2024	224781	11 (Lot 30) Wooredah Crescent, Prevelly	Dwelling Additions
17/12/2024	224782	45 (Lot 332) Firetail Rise, Karridale	Water Tank
17/12/2024	224783	3 (Lot 10) Chardonnay Avenue, Margaret River	Storeroom
17/12/2024	224784	19 (Lot 29) Zani Place, Margaret River	Shed
17/12/2024	224785	14 (Lot 4) Thelma Street, Augusta	Single Dwelling
17/12/2024	224786	Lot 250 Brookfield Avenue, Margaret River	Single Dwelling
17/12/2024	224787	6 (Lot 133) Nepean Street, Margaret River	Single Dwelling
18/12/2024	224788	65 (Lot 201) Hardwood Loop, Cowaramup	Shed
18/12/2024	224789	Lot 206 Dunham Loop, Margaret River	Single Dwelling
<b>Exploration Licenses for Comment</b>			
Nil			

## APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
<b>PLANNING</b>				
01/10/2024	P224685	571 (Lot 2659) Brockman Highway, Karridale	Holiday House	Approved
04/10/2024	P224702	134-136 (Lot 61) Heron Drive, Margaret River	Holiday House (Renewal)	Approved
08/10/2024	P224709	15 (Lot 28) Duggan Drive, Cowaramup	Entry Wall (Fence)	Approved
14/10/2024	P224717	18B (Lot 2) Georgette Drive, Margaret River	Holiday House	Approved
15/10/2024	P224724	8 (Lot 4) Stewart Street, Margaret River	Holiday House (Renewal)	Approved
26/11/2024	P224868	11 (Lot 66) Concerto Drive, Cowaramup	Section 40 - Wholesale Liquor Licence	Approved
05/12/2024	P224924	14 (Lot 301) Lemon Gum Retreat, Margaret River	Amendment to Planning Approval P223586 - Proposed Swimming Pool, Spa, Pump Room and Retaining Walls Outside of Building Envelope	Approved
10/12/2024	P224931	99 (Lot 7) Bussell Highway, Margaret River	Alterations and Additions to Existing Building	Approved
<b>SUBDIVISIONS</b>				
01/11/2024	P224813	Lot 9000 Bussell Highway, Margaret River	Subdivision	Not supported
05/12/2024	P224923	Lot 9000 Bussell Highway, Margaret River	Subdivision	Not supported
<b>LOCAL LAW PERMITS</b>				
11/11/2024	P224902	Reserves 41454 Rivermouth, Gnarabup, Inside Gunters, Reserve 11533 Jays Beach	Amendment to EOI Permit P224607 - Margaret River Surfing Academy	Approved
28/11/2024	P224906	Cowaramup and Ellis Street mbile food business locations	Permit to operate mobile food business - Chimney Treat	Approved
09/12/2024	P224959	Reserves 18451, 27633, 38650 and 39081	Local Law Permit Renewal - Parkrun Rotary Park and Trails	Approved

## LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
<b>PLANNING</b>				
10/10/2024	P224711	4 (Lot 93) Nixon Crescent, Margaret River	Holiday House (Large)	Approve with conditions
01/10/2024	P224686	3 (Lot 4) Mopoke Place, Margaret River	Holiday House (Large)	Approve with conditions
10/09/2024	P224622	Lot 60 Calgardup Road West, Forest Grove	Saw Mill and Outbuilding	Approve with conditions

## DEVELOPMENT ASSESSMENT REPORTING PROCEDURE

### Assessment of Development Applications (DAs)

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

#### Level 1

DA not advertised

#### Level 2

DA is advertised; and

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

#### Level 3

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

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

# Development Assessment P224711



## General Details

Reporting Officer	Grace Graham
Disclosure of Interest	Nil
Assessment Level	Major (Level 2)

## Application Details

Address	4 (Lot 93) Nixon Crescent, Margaret River			
Proposed Development	Holiday House (Large)			
Zoning	Residential R15			
Lot Area	863.7 sqm			
Use Class and Permissibility	'A' – discretionary use			
Heritage/Aboriginal Sites	none			
Other Considerations	Visual Management Area	<input type="checkbox"/>	Sewerage Sensitive Area	<input type="checkbox"/>
	Special Control Area	<input type="checkbox"/>	Watercourses/Rivers	<input type="checkbox"/>
	Bushfire Prone Area	<input type="checkbox"/>	Environmentally Sensitive Areas	<input type="checkbox"/>
Structure Plans/LDP's	None			
Easements/Encumbrances	None – that affect this application			
Why is Development Approval Required?	Discretionary uses are not permitted unless the Shire exercises its discretion by granting development approval.			

## Site Image



## Assessment

Referrals	Yes	No
Adjoining Neighbours/Property Owners – <b>5 Objections</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Government Agencies	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Internal Shire Departments – health	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Where any issues raised through the referrals process?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Policy Framework	Yes	No
Does the proposal involve variations to the Residential Design Codes?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the proposal involve any variations to Scheme Requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the proposal involve any variations to Policy Requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other matters that require discretion (Vegetation Removal)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Policy Requirements

Local Planning Policy 7 – Short Stay Accommodation		
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
	Reticulated water supply, or minimum 120,000 rainwater tank?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Connected to water
	Existing or proposed one site effluent disposal system sized accordingly to number of guests?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Decks and balconies located away from the bedrooms of neighbouring dwellings?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Restrictions to noise in outdoor area outlined in house rules
	Decks and balconies located close to the living and dining areas of neighbouring dwellings, provided with suitable screening?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Each bedroom accommodates a maximum of two persons?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 8 guests – 4 bedrooms
<b>Fire</b>	If within bushfire prone area a BAL provided?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	For sites with a BAL above Low, a BMP prepared by accredited consultant and where required referred to DFES for comments?	<input type="checkbox"/> Yes <input type="checkbox"/> No – No longer required updated SPP 3.7 September 2024
	BAL rating at BAL-40 or FZ?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Management</b>	Management Plan submitted?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	BEEP provided	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Not required
	Manager, or employee permanently resides 35m drive from Site?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	House Rules?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Amplified music may not be played outside between the hours of 10pm to 10am	Require as a condition
	Display the manager's 24hr contact details	Require as a condition
<b>Recommended period of approval</b>	<input checked="" type="checkbox"/> 12 months <input type="checkbox"/> 3 years	

### Discussion

The Holiday House application meets the Policy Requirements of the *Local Planning Policy 7 – Short Stay Accommodation* (LPP7) and was advertised to neighbouring properties. During advertising 5 submissions of objection were received. The summary of concerns raised is as follows:

Summary of Concerns Raised by Submitters	Applicants Response	Officers Comment
<b>Parking and Traffic:</b> The potential for 4-8 cars to park in the area, which is a narrow street not suited for street parking, could increase traffic and pose a safety risk, especially with children playing in the area.	LPP7 requires one bay per bedroom, a total of 4 bays are required on site. There is for parking of 4 cars, 2 in the double garage and 2 on the driveway. House Rules (Rule 4) have been updated to explicitly prohibit parking on the verge or street. Property Manager will be able to monitor guest adherence to this rule.	As per LPP7 1 carpark is required per bedroom. The applicant is proposing 2 carparks in the double garage and 2 in the driveway within the property boundaries. The driveway meets the minimum standards of 5.5m long for a single car. As per applicants response a house



		rule has been added to prohibit parking on the verge or street.
<b>Noise:</b> Increased noise from guests including activities in the entertainment area, which is close to neighbouring properties' bedrooms, as well as disruptions from cleaning and garden maintenance associated with the holiday home.	This is addressed in Rule 8 of the House Rules which states that "This is not a party house therefore no loud music, and if entertaining outside, please be considerate of our neighbours and be quiet after 9:30pm". Garden maintenance noise is not expected to increase beyond typical residential use and longer term the plan is to change some of the plants in the garden to require less maintenance. Cleaning will be conducted during the daytime, there may be more noise than the house currently has as it is unoccupied most of the time. However noise from cleaning is expected to be less than a working family living in the property full time when cleaning would likely be in the evenings and weekends.	Condition 8 is recommended as a standard condition for holiday houses to restrict amplified music.  Other concerns regarding noise are anticipating in a residential area.
<b>Pets and Dogs:</b> Concerns about dogs being left unattended by guests, leading to barking issues.	This is addressed in Rule1 of the submitted House Rules "...Please do not leave them unattended and ensure they do not lie on furniture." This rule has been modified to be more prescriptive. "Dogs must not be left unattended and please ensure that they do not lie on the furniture"	House rule added to prohibit dogs being left at the residence unattended.
<b>Rubbish and Maintenance:</b> Rubbish bins being left on the verge for extended periods after collection, and concerns about the property being poorly maintained, posing fire and vermin risks.	Rubbish bins will be taken to the verge by the property manager. The house will be maintained by the property manager, therefore there will be a more timely response to maintenance issues than the current situation with owner's resident in Perth.	Having a property manager involved will reduce risk of bins being left out for prolonged periods.
<b>Fire Risk:</b> The submitter/s highlights an increased fire risk due to summer heat and guests not being aware of local fire hazards, with smoking or BBQs being potential causes of fires.	This is addressed by rules 2 and 11 of the submitted House Rules "This is a non-smoking property including in the garden.". "No outdoor fires". BBQ is situated in an undercover, brick paved patio area away from combustible material. Property is outside the bushfire prone area. Prominent display of the Bushfire Emergency Evacuation Procedures will alert guests to the local fire risk.	The holiday house is not in a Bushfire prone area.  House rules have been applied to reduce any risks.  Condition 3 to be recommended to display a bushfire evac plan.
<b>Residential Rental Shortage:</b> The town has a shortage of residential rentals for locals, making a guest accommodation unnecessary and undesirable.	The property is located within the Holiday Home Permissible Area, this concern is related to planning policy rather than the individual planning application. The property has not been tenanted for several years so is not being removed from the rental housing stock.	The property is located within the Holiday Home Permissible Area under Shire's LPP7 policy.
<b>Impact on the Neighbourhood and Community Safety:</b> Concerns about the street turning from a family-oriented area to a commercial one, with signage, increased noise, and the overall safety of the neighbourhood. The submitter/s wishes to maintain the area as a safe, residential space and is opposed to the commercialisation of the street.	The only signage to be added to the property would be the required sign with the property managers details. The Holiday Home Permissible area indicates that only number 4 on Nixon Crescent is within the area so this approval would be unlikely to alter the overall nature of the street.	The property is located within the Holiday Home Permissible Area under Shire's LPP7 policy, and signage is required to notate the property manager details for any complaints.
<b>Number of Guests:</b> The submitter/s is concerned about the proposed number of 8 guests, as	The property has 3 double bedrooms and one bunkbed room, the intention is for the property to be advertised for	The LPP7 allows 2 people per bedroom. The house is 4

large groups can lead to parties, including hen and bucks parties, disrupting the quiet residential street. They suggest limiting the guest capacity to 6 guests to mitigate this risk.	family vacations rather than party groups, 8 guests will allow 2 families or an extended family to holiday together.  Property manager will advertise appropriately. The House Rules already address the concerns about noise.	bedrooms and therefore allows 8 guests.
<b>Security Concerns:</b> The submitter/s points out that the gates at the rear of the property are not secure, leaving gaps that could allow pets or small children to escape into the nearby Marri Reserve.	The gates onto Marri Reserve are shackled together, the gap is not large enough for a child to squeeze through without undoing the shackle. A warning has been included in the updated House Rules. If feedback is received from guests that the small gap is unacceptable, modifications will be made to the gate. It is the responsibility of parents and dog owners to appropriately supervise and control their children and animals.	Officer is happy with applicants response to the concern.

In relation to the neighbours concerns, it is noted that the site is located in a predetermined area under the Shires Local Planning Policy which is considered suitable for holiday homes.

The decision is unable to be made in a manner pre-empting amenity impacts, particularly in circumstances where the nature of the use, including the number of occupants and scale of development does not vary greatly from what would be expected for a single house. As is standard with short term uses, an initial 12-month approval is provided whereby the proponents will need to demonstrate that management measures are sufficient to prevent impacts on the amenity of the neighbouring properties. At the time of renewal, the neighbours will be consulted to help determine whether these management arrangements are effective. If it is apparent management has been ineffective then a renewal may be refused, or a shorter approval timeframe applied. This is considered a reasonable approach to allow for recommending approval of the holiday house.

Additionally, an internal referral to the Environment Health Department resulted in an additional advice note (k).

The applicant has confirmed the owner of the management company Leeuwin Holiday Rentals resides within 35 minutes from the property.

#### Determination

**That the Acting Coordinator Planning Services Grant Planning Consent under Delegated Authority Instrument No. 34 pursuant to Clause 68(2) of the Deemed Provisions of Local Planning Scheme No. 1 for the Holiday House (Large) at 3 (Lot 93) Nixon Crescent, Margaret River subject to compliance with the following 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	Plan P1 -P3 received by the Shire on the 10/10/2024
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2. 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')
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 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 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')
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 **eight (8) 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) Following satisfactory performance of the approved use, and in the absence of any substantiated complaints over the twelve (12) month approval period, the Shire may grant further planning approval for the continuation of the use for a further three (3) years. A new planning application seeking such approval should be submitted 90 days before the expiry of this approval, along with the appropriate planning fee.
- 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 owners responsibility to monitor and ensure that the planning approval remains valid while the use is being undertaken.
- i) Please note that approval as short stay accommodation will change the rating category applied to the property to Tourism and may lead to an increase in rates levied for the site. For further information on these changes contact the Shires Revenue team on 9780 5234 or by email at [revenue@amrshire.wa.gov.au](mailto:revenue@amrshire.wa.gov.au).
- j) Noise emissions resulting from development/use of premises for the approved purpose 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.
- k) The number of people proposed for the holiday house is to comply with Section23, of the Shire of Augusta Margaret River Health Local Laws 1999, Overcrowding:

The owner or occupier of a house shall not permit –

  - a. a room in the house that is not a habitable room to be used for sleeping purposes; or
  - a. a habitable room in the house to be used for sleeping purposes unless –
    - i. for every person over the age of 10 years using the room there is at least 14 cubic metres of air space per person; and
    - ii. for every person between the ages of 1 and 10 years there is at least 8 cubic metres of air space per person; or
  - b. any garage or shed to be used for sleeping purposes

# Development Assessment P224686



## General Details

Reporting Officer	Grace Graham
Disclosure of Interest	Nil
Assessment Level	Major Level 2

## Application Details

Address	3 (Lot 4) Mopoke Place, Margaret River		
Proposed Development	Holiday House (Large)		
Zoning	<b>Rural Residential</b>		
Lot Area	<b>10,073 sqm</b>		
Use Class and Permissibility	'A' – discretionary use		
Heritage/Aboriginal Sites	none		
Other Considerations	Visual Management Area	<input checked="" type="checkbox"/>	Sewerage Sensitive Area <input type="checkbox"/>
	Special Control Area	<input type="checkbox"/>	Watercourses/Rivers <input type="checkbox"/>
	Bushfire Prone Area	<input checked="" type="checkbox"/>	Environmentally Sensitive Areas <input type="checkbox"/>
Structure Plans/LDP's	None		
Easements/Encumbrances	None – that affect this application		
Why is Development Approval Required?	Discretionary uses are not permitted unless the Shire exercises its discretion by granting development approval.		

## Site Image



## Assessment

Referrals	Yes	No
Adjoining Neighbours/Property Owners – <b>3 Submissions</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Government Agencies	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Internal Shire Departments – Environmental Health	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Where any issues raised through the referrals process?	<input checked="" type="checkbox"/>	<input type="checkbox"/>



Policy Framework	Yes	No
Does the proposal involve variations to the Residential Design Codes?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the proposal involve any variations to Scheme Requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the proposal involve any variations to Policy Requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other matters that require discretion (number of guests)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Policy Requirements

Local Planning Policy 7 – Short Stay Accommodation		
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 type="checkbox"/> Yes <input checked="" 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 checked="" type="checkbox"/> Yes <input 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
	Reticulated water supply, or minimum 120,000 rainwater tank?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Connected to water
	Existing or proposed one site effluent disposal system sized accordingly to number of guests?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Decks and balconies located away from the bedrooms of neighbouring dwellings?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Decks and balconies located close to the living and dining areas of neighbouring dwellings, provided with suitable screening?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Each bedroom accommodates a maximum of two persons?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 8 guests – 4 bedrooms (reduced from 10)
<b>Fire</b>	If within bushfire prone area a BAL provided?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No BAL 19
	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 – No longer required updated SPP 3.7 September 2024
	BAL rating at BAL-40 or FZ?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Management</b>	Management Plan submitted?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	BEEP provided	<input checked="" type="checkbox"/> Yes <input type="checkbox"/>
	Manager, or employee permanently resides 35m drive from Site?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	House Rules?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Amplified music may not be played outside between the hours of 10pm to 10am	Require as a condition
	Display the manager's 24hr contact details	Require as a condition
<b>Recommended period of approval</b>	<input checked="" type="checkbox"/> 12 months <input type="checkbox"/> 3 years	

### Discussion

The Holiday House application meets the Policy Requirements of the Local Planning Policy 7 – Short Stay Accommodation and was advertised to neighbouring properties. During advertising 3 submissions were made, with 2 submissions of objection and 1 submission of support received. Below is a summary of the concerns raised:

Concern	Response
The development application for large holiday homes in Marri Park raises concerns about the impact on the local community and the area's character.	The holiday house is located within the permitted policy area according to our local planning policy on short stay accommodation.

There are concerns about the presence of transient guests, particularly regarding children's safety and the potential loss of privacy, as the holiday homes would overlook private properties.	The holiday house is located on a property over 1ha and any privacy issues are typically dealt with at the stage of the house design.
The potential for noise from large gatherings, especially during peak seasons, could disrupt the quiet enjoyment of neighbouring properties and attract events due to the size of the homes.	In response to noise concerns the application has been reviewed by the Shires Environmental Health Team and a recommendation has been made to reduce the number of guests to 8.  Conditions restricting noise are also recommended.
Increased traffic from visitors could lead to parking issues and pose safety risks for families and pedestrians, with only one road in and out of the area. This may also increase the fire risk to the estate.	The holiday house is within a bushfire prone area and a BEEP and evacuation plan have been submitted with the application.  Condition 3 is recommended.
Fire safety could be compromised if guests are not familiar with local safety procedures, especially during fire season.	House rules address fire risk and safety procedures. Condition 3 is also recommended as per above comments.
The development is opposed by residents, as it may conflict with the peaceful, family-oriented environment valued by the community.	The holiday house is located within the permitted policy area according to our local planning policy on short stay accommodation.

In relation to the neighbours concerns, it is noted that the site is located in a predetermined area under the Shires Local Planning Policy which is considered suitable for holiday homes. The applicants have also provided a comprehensive response to the concerns raised and a copy of the property managers management plan has been provided.

The decision is unable to be made in a manner pre-empting amenity impacts, particularly in circumstances where the nature of the use, including the number of occupants and scale of development does not vary greatly from what would be expected for a single house. As is standard with short term uses, an initial 12-month approval is provided whereby the proponents will need to demonstrate that management measures are sufficient to prevent impacts on the amenity of the neighbouring properties. At the time of renewal, the neighbours will be consulted to help determine whether these management arrangements are effective. If it is apparent management has been ineffective then a renewal may be refused, or a shorter approval timeframe applied. This is considered a reasonable approach to allow for recommending approval of the holiday house

An internal referral to the environment health department resulted in the following comments.

- *10-guest holiday house. Property not connected to reticulated water or sewerage. House has not been built yet. ATU system approved.*
- *Effluent disposal system has capacity for 10 people.*
- *Noise from 10 guests will have the potential to impact on nearby residents. Would recommend reducing the number of guests to start.*
- *The house will have 4 bedrooms. They are proposing 2 guests in each bedroom and another 2 guests in an 'office'.*

Based on the Environmental Health Departments feedback and taking into consideration the concerns raised during advertising it has been recommended that the number of guests is reduced to 8, to be accommodated across the 4 bedrooms proposed in the building plans.

The applicant will have the opportunity at renewal (12 months from completion of the build) to reapply for the additional 2 guests. It will be at renewal stage that the additional guests will be assessed.

The applicant has confirmed the owner of the management company Exclusive Escapes Holiday Rentals and is in Dunsborough 35-40 minutes from the property.

#### **Determination**

**That the Acting Coordinator Planning Services Grant Planning Consent under Delegated Authority Instrument No. 34 pursuant to Clause 68(2) of the Deemed Provisions of Local Planning Scheme No. 1 for the Holiday House (Large) at 3 (Lot 4) Mopoke Place, Margaret River subject to compliance with the following conditions:**

11. 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	Plan P1 -P4 received by the Shire on the 3 October 2024.
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12. The Holiday House use permitted for a period of twelve (12) months from the practical completion of the dwelling (BLD 224514). The proponent must inform the Shire upon completion of the approved works. (Refer to advice note 'a')
13. The approved Bushfire Emergency Evacuation Plan shall be displayed in a conspicuous location within the dwelling at all times.
14. 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')
15. 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')
16. All vehicles & boats connected with the premises shall be parked within the boundaries of the property.
17. The short stay use of the dwelling shall not be occupied by more than 8 people at any one time.
18. Amplified music shall not be played outside of the holiday house between the hours of 10pm and 10am.
19. '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')
20. 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

- l) Following satisfactory performance of the approved use, and in the absence of any substantiated complaints over the twelve (12) month approval period, the Shire may grant further planning approval for the continuation of the use for a further three (3) years. A new planning application seeking such approval should be submitted 90 days before the expiry of this approval, along with the appropriate planning fee.
- m) 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.
- n) 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.
- o) This approval does not affect the entitlement to use the dwelling for permanent residential purposes.
- p) You are advised of the need to comply with the requirements of the following other legislation:
  - (iii) *Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises.
  - (iv) 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.
- q) The 'House Rules' document shall be consistent with key elements of the NSW Code for Holiday Houses (please refer to the attached document).
- r) 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.
- s) Please note that the Shire does not notify landowners in writing of the expiry of a Holiday House planning approval. It is the owners responsibility to monitor and ensure that the planning approval remains valid while the use is being undertaken.

- t) Please note that approval as short stay accommodation will change the rating category applied to the property to Tourism and may lead to an increase in rates levied for the site. For further information on these changes contact the Shires Revenue team on 9780 5234 or by email at [revenue@amrshire.wa.gov.au](mailto:revenue@amrshire.wa.gov.au).
- u) Noise emissions resulting from development/use of premises for the approved purpose 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.
- v) The development is to provide a potable water source in accordance with Shire of Augusta Margaret River Health Local Laws 1999 (EH).
- w) The number of people proposed for the holiday house is to comply with Section 23, of the *Shire of Augusta Margaret River Health Local Laws 1999*, Overcrowding:

The owner or occupier of a house shall not permit –

- a. a room in the house that is not a habitable room to be used for sleeping purposes; or
- b. a habitable room in the house to be used for sleeping purposes unless –
  - i. for every person over the age of 10 years using the room there is at least 14 cubic metres of air space per person; and
  - ii. for every person between the ages of 1 and 10 years there is at least 8 cubic metres of air space per person; or
  - iii. any garage or shed to be used for sleeping purpose



# Development Assessment P224622

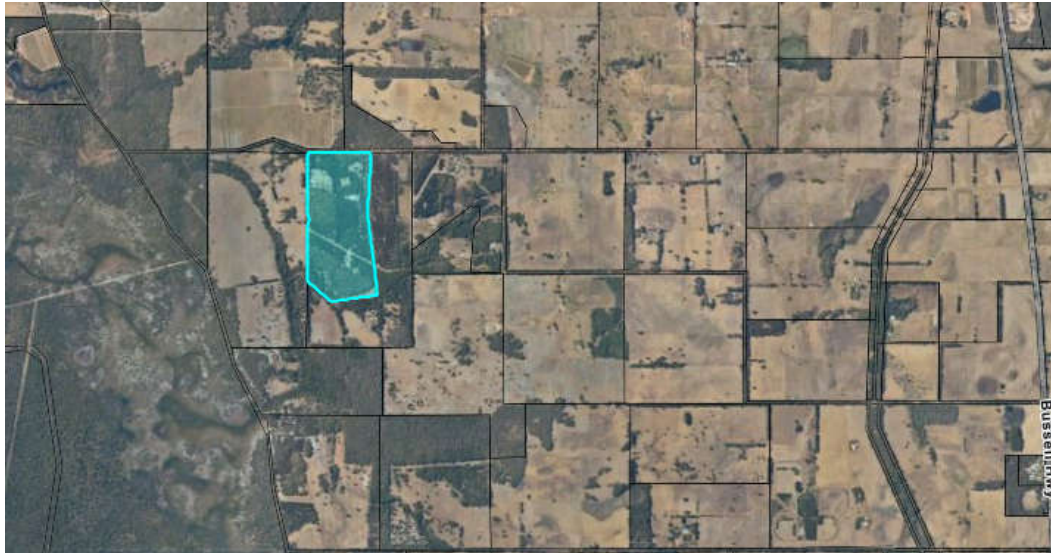
## General Details

<b>Reporting Officer</b>	Tessa Ashworth
<b>Disclosure of Interest</b>	Nil
<b>Assessment Level</b>	Level 3

## Application Details

<b>Address</b>	Saw Mill and Outbuilding Lot 60 Calgardup Road West, Forest Grove			
<b>Proposed Development</b>	Proposed portable sawmill and slabbing mill Associated timber stacking area and two sea containers.			
<b>Zoning</b>	<b>Priority Agriculture</b>			
<b>Lot Area</b>	<b>40ha</b>			
<b>Use Class and Permissibility</b>	'A' Saw Mill			
<b>Heritage/Aboriginal Sites</b>	None			
<b>Other Considerations</b>	Visual Management Area	<input type="checkbox"/>	Sewerage Sensitive Area	<input type="checkbox"/>
	Special Control Area	<input type="checkbox"/>	Watercourses/Rivers	<input type="checkbox"/>
	Bushfire Prone Area	<input checked="" type="checkbox"/>	Environmentally Sensitive Areas	<input type="checkbox"/>
<b>Structure Plans/LDP's</b>	None			
<b>Easements/Encumbrances</b>	None			
<b>Why is Development Approval Required?</b>	'A' use in the zone			

## Site Image



## Assessment

Referrals	Yes	No
Adjoining Neighbours/Property Owners / 2km Radius (Non Rural use in Rural Zone)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Government Agencies DFES / DBCA / DWER / DPLH Aboriginal Heritage/ DPLH European Heritage / Main Roads / DPIRD / DoH / DoE	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Internal Shire Departments Infrastructure / Environmental Health / Environment/Sustainability / Waste / Building / Emergency Management / Parks and Gardens / Legal	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Where any objections received?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Where any issues raised through the referrals process?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Internal Department Comments		
Department	Department Comments	Officer Comments
Environmental Health	<p>Fuel storage will need to be compliant with Department of Mines and Petroleum requirements for storage of dangerous goods.</p> <p>The Herring Storer report is sufficient. This demonstrates compliance with the <i>Environmental Protection (Noise) Regulations 1997</i> however you may like to request a complaint response procedure.</p> <p>Conditions provided.</p>	<p>Conditions applied.</p> <p>Complaint noise procedure to be included in a noise management plan requested as a condition of approval.</p>
Community Engagement		
Submitter	Submitter Comments	Officer Comments
Private Submitter 1 – Object	<ul style="list-style-type: none"> <li>Building a house nearby from 2025.</li> <li>Noise impacts on residents as well as native animals.</li> <li>Access to site via unsealed Rd which is already heavily corrugated.</li> </ul>	<ul style="list-style-type: none"> <li>Applicant updated noise report to consider this future dwelling.</li> <li>A sea container has been positioned to block sound and can comply with the noise regulations.</li> <li>Impacts on the road are generally not considered as part of a specific application of this nature. Irrespective, the level of traffic expected to the proposal is not greater than what would typically be generated by a rural use and the road is suitable to accommodate the use. Road maintenance is scheduled through the Shire's standard processes.</li> </ul>
Private Submitter 2 – Support	<ul style="list-style-type: none"> <li>Provides much needed hardwood timber to the local market</li> <li>Provides a service to have local trees milled and utilised when they fall or require removal</li> <li>Its small scale is appropriate for this location</li> </ul>	Noted.
Private Submitter 3 – Support	Strongly support saw mill run by local family	Noted.
Private Submitter 4 – Object	<ul style="list-style-type: none"> <li>Intends to build chalets near the sawmill</li> <li>Limited information provided and wished to have copy of noise report</li> <li>Non-compliance history of owner</li> <li>Potential of visual impact</li> <li>Should not be classified as a portable sawmill as use over 30 days</li> <li>Road impacts/wear and tear</li> </ul>	<ul style="list-style-type: none"> <li>Planning/ building application for chalets has not been submitted and therefore cannot be considered. Rural use should be predominant use in this area according to the scheme.</li> <li>The level of information provided was sufficient for an application of this nature.</li> <li>Visual impact is relatively minor and only viewed for a small portion along the neighbour's driveway and far from the dwelling. The mill and work area are compliant with the applicable setbacks.</li> <li>Owner is currently working to bring all</li> </ul>

		<p>buildings and use into compliance.</p> <ul style="list-style-type: none"> <li>• The land use is to be classified as 'sawmill', alleviating the concern surrounding the 30-day use period.</li> <li>• Impacts on the road are generally not considered as part of a specific application of this nature. Irrespective, the level of traffic expected to the proposal is not greater than what would typically be generated by a rural use and the road is suitable to accommodate the use. Road maintenance is scheduled through the Shire's standard processes.</li> </ul>
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<b>Policy Framework</b>	<b>Yes</b>	<b>No</b>
Does the proposal involve variations to the Residential Design Codes?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the proposal involve any variations to Scheme Requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the proposal involve any variations to Policy Requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other matters that require discretion (Vegetation Removal)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Policy Requirements

<b>Outbuildings</b>		
<b>Standard</b>	<b>Required</b>	<b>Provided</b>
Outbuilding Area	150sqm	14sqm x 2 sea containers near saw mill = 28sqm – complies Other outbuilding to be approved as part of separate building permit application.
Wall Height	3.1m	2.4m - Complies
Ridge Height	4.5m	2.4m – complies
Setback (Side)		See below
Setback (Rear)		See below
Location	Behind Dwelling/Within Building Envelope/Behind rear elevation of Dwelling	
<b>Local Planning Scheme No.1 – Schedule 9</b>		
<b>Standard</b>	<b>Required</b>	<b>Provided</b>
Setback (Front)	30m	Sawmill - 160m – complies Rural Stall - 10m - variation
Setback (Side) East	20m	Rural Stall 40m Sawmill – 90m – complies
Setback (Side)	20m	240m - complies
Setback (Rear)	20m	580m - complies
Site Coverage	N/A	
Plot Ratio	N/A	
Landscaping	N/A	

### Discussion

#### Background

In September 2023 the Shire was made aware of non-compliant buildings, land use and camping on site. The landowner has subsequently met with Shire officers to understand the necessary applications for compliance with the Local Planning Scheme and Building Act. The landowner has since resolved the illegal camping onsite, is rectifying building non-compliance and this application will deal with the unapproved outbuildings and 'Sawmill' operation.

The end of native forest logging has resulted in the shutting down of many sawmills across the southwest of WA with the availability of locally sourced timber significantly reduced. Many sawmills took advantage of state government payments to shut down rather than risk continuing operations in an uncertain environment. Small scale local sawmills with sustainably sourced timber provide an important product to the local market, however very few exist. It should be noted that the clearing of native vegetation is not the subject of this application.

#### Proposal

During the past 30 years various parts of the plantation on the subject lot have been harvested by commercial timber harvesters using large machines and road trains in short and infrequent but large-scale operations. The owner no longer wishes to manage the property in that way and will change to a business structure that involves the slow thinning of the plantation trees for a more sustainable long-term operation. The harvested trees will be milled on-site using the sawmills.

Two different sawmills are to be used; a circular sawmill and a slabbing mill. The sawmill would operate on or off the property on a part-time basis for a maximum of 4 hours per day for a maximum of 3 days per week. A tractor and timber processor to produce timber products (slabs, boards, siding) that will be stacked for drying in a large, recently cleared work field which includes an 18 x 9m concrete slab. Occasionally logs may be delivered from other properties for milling. Two sea containers are proposed to be located in the work area and are associated with the sawmill use, including their use as noise mitigation measures to demonstrate compliance with the Noise Regulations.

The applicant has indicated that intended use is only on a part time basis for a maximum of 4 hours a day for a maximum of 3 days a week. 1-2 people will be working as part of the sawmill operation.

### **Location**

The site is located on an agricultural lot with existing timber plantations, the neighbouring lot immediately to the east has recently harvested plantation timber. Other neighbouring lots include grazing, vineyards, and further afield, more plantation lots. The remainder being larger bush blocks, including a recent conservation subdivision to the northeast of the subject lot.

Historically plantation timber has been a common primary product in this area of the Shire. The subject lot itself consists of 30ha of a variety of timber plantations as well as sections of native bush. It should be noted that the native vegetation is not permitted to be removed or modified for the purpose of milling.

### **Consultation**

Public consultation resulted in 2 x objections and 2 x supporting applications. Response to these concerns is included in the table above. The main concerns for consideration; land use and noise, are addressed below.

## **LPS1 – Development in the priority agriculture zone**

### Use class

While the mills are portable, the use does not meet the definition of a 'portable sawmill' under the scheme as it is proposed to be used for over 30 days. There are little implications for this classification under the planning scheme, both are an 'A' use. Consideration to be given to use and amenity impacts as with any such proposal.

The woodshed at the front of the lot near the road acts as a collection point for people to collect timber and can be classified as a 'rural stall'. This is a permitted use under the planning scheme and usually does not need planning approval. However, the 18m<sup>2</sup> unenclosed structure does fall within the 30m front setback. Trees along the front boundary screen the stall from the road and as per the nature of most rural stalls, is expected development in the entry to the lot. It is not expected to be highly used and the variation to the front setback is supported. Furthermore, firewood collection will be 'by appointment' and as a result is expected to be managed by the landowner, ensuring that any associated noise/traffic generation can be maintained within the normal hours of operation reducing any impact on surrounding lots.

### Aims and objectives of the zone

The general purpose of the priority agriculture zone, as summarised from the scheme, is to protect agricultural land and provide for development activities that are compatible with the agricultural land use. The proposed sawmill is distinctly compatible with the rural land use for this area, with plantations common in the site's vicinity.

An objective of the zone:

*"to manage land use changes so that the rural productivity and the rural character and amenity of the land within the zone is preserved"* (4.2.2.1 (iii))

presents a requirement to investigate any impacts on amenity. In this case, the noise from the sawmill is the primary consideration and compliance with the noise regulations at any of the surrounding dwellings has been demonstrated to be met. The proposed sawmill is also consistent with maintaining rural productivity and character of the area.

A further objective of the zone is:

*"to provide for a strong sustainable agricultural industry that is sufficiently flexible in response to changing industry circumstances by protecting the long-term availability of suitable land for a diverse range of agricultural purposes"* (4.2.2.1 (i))

The small-scale sawmill using locally sourced timber demonstrates an agricultural industry that is adapting to the changing economic environment. It does not take up a lot of space on the site nor take away from the predominant land use of timber plantation, in fact the sawmill could reasonably be considered incidental to the timber plantation. The limited infrastructure associated with the sawmill can be removed in future if the land use is to change to a different agricultural pursuit.

### Noise

A site-specific acoustic assessment was provided with the application and identified seven (7) sensitive receiver points (dwellings) within proximity to the site. The acoustic report was amended to include a sensitive noise premises that was missed due to a building permit approval that was only issued in April 2024.

Under the *Environmental Protection (Noise) Regulations 1997* the maximum day time noise levels at a sensitive receiver point are not to exceed 45dB, Monday to Saturday and 40dB Sunday.

The sound power level of the mobile sawmill has been based upon the data in the noise report from Ray Walsh Acoustics (2017) carried out for the Lucas mill and slabbing mill manufacturer (also provided with the application) to gather the base line readings for the equipment use, with +5dB was added to the milling due to the tonal characteristics. Noise levels for the cutting of trees and the cutting of timber in preparation for milling and for firewood production are assessed and demonstrate compliance.

The milling component identified two sensitive noise premises measuring 44dB and 45dB respectively, which is compliant for Monday - Saturday. Milling would not meet the 40dB required for Sunday and therefore, a condition will be applied to restrict the use of the sawmill on a Sunday and outside the daytime hours.



A sea container will be located on the northeast side of the mill for sound attenuation which aids the proposal in meeting the noise regulations.

Compliance with the noise regulations has been demonstrated and is a suitable measure in this case to ensure that the impact on amenity is acceptable.

#### Summary

The proposed small-scale sawmill is a suitable use for this location and consistent with the aims and objectives of the priority agricultural zone. The applicant has been able to demonstrate compliance with the noise regulations indicating that there should be minimal adverse impacts on the surrounding community. The milling of sustainably sourced local timber provides a much-needed material for the local community and presents a type of industry that should be supported.

Conditional approval recommended.

#### Determination

**That the Acting Coordinator Planning Services Grant Planning Consent under Delegated Authority Instrument No. 34 pursuant to Clause 68(2) of the Deemed Provisions of Local Planning Scheme No. 1 for the Saw Mill at Lot 60 Calgardup Road West, Forest Grove subject to compliance with the following 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	Plan P1 received by the Shire on the 19 December 2024.
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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. At all times, all stormwater and drainage run-off from the development shall be detained within the lot boundaries and managed to predevelopment flow regimes and/or disposed offsite by an approved connection to the Shire's drainage system in accordance with the Shire of Augusta Margaret River's Standards & Specifications.
4. The sawmill shall only be permitted to operate within the hours of 7am – 5pm Monday to Saturday.
5. Prior to the commencement of the use, a Noise Management Plan is to be prepared in accordance with the Environmental Acoustic Assessment dated December 2024 and shall include a noise complaint response procedure, to the satisfaction of the Shire of Augusta Margaret River.
6. The sawmill use is to operate in compliance at all times, with the Noise Management Plan required by above Condition 4.
7. Noise emissions resulting from development/use of premises for the approved purpose shall not exceed the assigned levels in the *Environmental Protection (Noise) Regulations 1997*.
8. 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.
9. The outbuildings shall be used solely for purposes incidental and ancillary to the authorised use of the land.
10. The outbuildings shall not be used for human habitation.

#### **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.