

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
5 September to 11 September 2024

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
06/09/2024	P224591	7 (Lot 604) Truffle Circuit, Cowaramup	Outbuilding (Garage)
09/09/2024	P224595	43 (Lot 37) Brookside Boulevard, Cowaramup	Outbuilding (Shed)
10/09/2024	P224619	5 (Lot 137) Blue Gum Place, Cowaramup	Single Dwelling, Studio and Home Business (Chiropractic Home Business)
10/09/2024	P224620	Lot 9001 Baker Close, Augusta	Outbuilding (Shed)
10/09/2024	P224621	8 (Lot 333) Ironstone Place, Margaret River	Outbuilding (Shed)
10/09/2024	P224622	Lot 60 Calgardup Road West, Forest Grove	Portable Saw Mill and Outbuilding
10/09/2024	P224623	22 (Lot 125) Mentelle Road, Burnside	Building Envelope Variation
10/09/2024	P224624	9 (Lot 78) Melody Circuit, Cowaramup	Single House
10/09/2024	P224625	12 (Lot 236) Sawmill Loop, Karridale	Ancillary Dwelling and Outbuildings (Shed & Water Tanks)
05/09/2024	P224626	Lots 9002 and 1003 Bussell Highway, Witchcliffe	Subdivision
11/09/2024	P224627	26 (Lot 300) Cusmano Retreat, Burnside	Holiday House Renewal
11/09/2024	P224628	14 (Lot 45) Lake View Crescent, Prevelly	Cancellation of Holiday House P221284
BUILDING			
05/09/2024	224510	49 (Lot 57) Forrest Road, Margaret River	Unauthorised Works - Conversion of Garage to Ancillary Dwelling
05/09/2024	224511	Unit 14, 16 (Lot 2) Magpie Street, Margaret River	Alterations and Additions to Existing Building - Repairing Damage From Vehicle Collision
05/09/2024	224512	4 (Lot 15) Stewart Smith Loop, Cowaramup	Single Dwelling, Garage and Patio
05/09/2024	224513	1886 (Lot 302) Warner Glen Road, Warner Glen	Shed
06/09/2024	224514	3 (Lot 4) Mopoke Place, Margaret River	Single Dwelling, Garage, Verandah and Patios
06/09/2024	224515	29 (Lot 2) Wambenga Retreat, Witchcliffe	Carport with Store
06/09/2024	224516	2 (Lot 1) Secluded View, Cowaramup	Single Dwelling, Patio, Shed and Carport
06/09/2024	224517	12 (Lot 11) Honeytree Grove, Cowaramup	Shed
06/09/2024	224518	Lot 1005 Hawkesford Place (Lot 76 Vintage Place), Margaret River Lifestyle Village	Single Dwelling, Carport and Patio
06/09/2024	224519	20 (Lot 286) Sawmill Loop, Karridale	Rainwater Tank
06/09/2024	224520	127 (Lot 50) Yates Road, Margaret River	Ancillary Dwelling, Patio, Verandah and Rainwater Tank
06/09/2024	224521	14 (Lot 304) Whistler Drive, Karridale	Single Dwelling and Patio
09/09/2024	224522	9 (Lot 78) Melody Circuit, Cowaramup	Single Dwelling, Garage and Patio
09/09/2024	224523	7 Hillview Road, Augusta	Alterations and Additions to Existing Building, Change of Classification - Early Childhood Centre
11/09/2024	224524	243 (Lot 216) Horseford Road, Burnside	Shed
11/09/2024	224525	1658 (Lot 2806) Jindong-Treeton Road, Treeton	Single Dwelling, Carport, Verandah and Patio
11/09/2024	224526	62 (Lot 35) Victoria Parade, Augusta	Single Dwelling, Courtyard, Patio, Retaining Walls and Shed
Exploration Licenses for Comment			
Nil			

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				
15/05/2024	P224339	35 (Lot 67) Georgette Road, Gracetown	Dwelling Addition (Carport)	Approved
25/06/2024	P224422	3 (Lot 4) Mopoke Place, Margaret River	Building Envelope Variation	Approved
26/08/2024	P224554	9 (Lot 27) Horseford Road, Burnside	Cancellation of Holiday House	Approved
27/08/2024	P224558	31 (Lot 22) Stewart Smith Loop, Cowaramup	Single House	Approved
29/08/2024	P224566	11 (Lot 109) Parry Court, Augusta	Cancellation of Bed and Breakfast	Approved
SUBDIVISIONS				
14/08/2024	P224544	4812 (Lot 112) Caves Road, Gracetown	Subdivision	Support with Conditions
LOCAL LAW PERMITS				
15/08/2024	P224584	Rosa Brook Oval, Reserve 19568, Rosabrook	Amendment to Permit P224511 - Operate dog exercise classes	Approved

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
21/03//2024	P224213	4 (Lot 179) Bayview Drive, Gracetown	Amendment to P222244	Conditional Approval

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.



General Details

Reporting Officer	Donald Bothwell
Disclosure of Interest	Nil
Assessment Level	Level 3

Application Details

Address	4 (Lot 179) Bayview Drive, Gracetown			
Proposed Development	Amendment to P222244 – Proposed Mixed Use Development. A development application for a proposed mixed use development consisting of Offices x 6 and upper floor apartment was originally approved on 19/08/2022.			
Zoning	Village Centre			
Lot Area	1315m ²			
Use Class and Permissibility	Multiple Dwellings – ‘D’ Office – ‘P’			
Heritage/Aboriginal Sites				
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 checked="" type="checkbox"/>	Environmentally Sensitive Areas	<input type="checkbox"/>
Structure Plans/LDP’s	Nil			
Easements/Encumbrances	Easement – The easement is in relation to a previous agreement between the owners of the lot and the lot to the rear. Section 75 of the TLA – No effect on the application.			
Why is Development Approval Required?	Multiple Dwellings – ‘D’ or Discretionary land use			

Site Image



Assessment

Referrals	Yes	No
Adjoining Neighbours/Property Owners	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Government Agencies	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Internal Shire Departments Infrastructure / Environmental Health / Waste / Building	<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 type="checkbox"/>	<input checked="" type="checkbox"/>



Background

The proposal is for an amendment to a development application approved under delegated authority from Council on 19 August 2022. The proposed changes to the originally approved application are listed below:

1. New lower floor of 100sqm of commercial space added at Bayview Drive 'street level' on northern side of main building. The commercial space included in the previous design consisted of 6 office tenancies with a combined net floor space of 216.5sqm.
2. Plot ratio of development consequently increased from 0.48 to 0.57, which is a variation to the requirement of the Shires Local Planning Scheme No.1.
3. The middle floor of building, which was previous approved as office tenancies has changed from a commercial space to two 2-bedroom apartments.
4. Minor changes to the streetscape appearance with inclusions of sun-shading awnings and balconies.
5. North facing balconies in north-western corner of building at both levels made longer;
6. New west facing balcony provided in north-western corner of middle floor of building.
7. Roof provided over previous pergola of front terrace in south-western corner of site;
8. Overall area of storerooms on southern side of Entrance Courtyard increased and bins area moved out of building to northern side of site.
9. Northern car port roof reduced.
10. New in-ground rainwater tank under Entrance Court increased in size from 100kL to 135kL.
11. New communal kitchen garden provided over central part of existing 75 kL in-ground rainwater tank.
12. New 'green roof' provided over storerooms at eastern end of main building on southern side of Entrance Court, where immediate area overlooked by existing rear residential unit.
13. Overall 'open space' of site increased by 7%.

Comparative views of the approved and proposed development are depicted overleaf.



COMPARATIVE VIEWS OF APPROVED AND AMENDED PROPOSALS



AMENDED PROPOSAL | FEBRUARY 2024



APPROVED PROPOSAL | MARCH 2022



Community Engagement		
Submitter	Submitter Comments	Officer Comments
Private Submitter 1	<p>1. The height is now 3 levels. This impacts on ocean views. Huge concern to us as owners.</p> <p>2. There is a Caveat with this lot over water supply. This needs to be rectified ASAP – on going issues for the past 8-9 years with owner.</p>	<p>1. Building Height: The amended proposal maintains the 'footprint' and height requirements of the originally approved application and conforms with the building height criteria for the site under LPS1. The proposed additional level to accommodate the commercial (office) space is provided at street level, under the existing building.</p> <p>2. Water easement: The easement providing a right of access to the bore on the lot to the rear of the site is not a relevant consideration for the amended planning application. The Shire is not a party to the caveat and any administrative / changes to the caveat are required to be negotiated between the caveat parties (respective owners of subject properties). It is to be noted that adequate roof catchment and rainwater storage will be provided for the site in the redevelopment, with two concealed in-ground tanks providing a combined capacity of 210kL. The existing provision is 75 kL.</p>
Private Submitter 2	<p>1. About the "new large (regional) tree (beyond)": it will massively impact our view. Also, we believe there is already enough greenery around the area, so we do not really understand the need for this very big tree. If it is only to tick the "greenery box", it does not make any sense, as it will have an impact on the view of the neighbours behind.</p> <p>2. It used to be a two levels building project, however, it is now a three levels buildings project, which worries us as well: there is now a two levels project of living apartment, instead of one previously. We question the legality of it, because of the zoning of the area. Also, the commercial area is now less than 100 square meters, as such, we wonder if it is just to get the approval of the global project, as it seems quite a small surface.</p>	<p>1. Significant tree: A large regional tree and deep soil area in the northeast corner of the property, will be provided under the planning requirements for the site, in conjunction with the accessible shared communal open space and activity area for the complex. To maintain the height profile of the adjacent tree planting along the drainage reserve and minimise any impacts on the western views of the rear (eastern) neighbours, the maximum height of the new large tree would need to be in the order of 7.5m. It is not considered that the mature tree would have an undue impact on nay surrounding property in terms of views of significance. In any case, the applicant/landowner has indicated that they are happy to provide two medium size regional trees that would meet this height restriction, instead of one large tree in the location.</p> <p>2. a) Number of levels: A three-level building is permitted under the planning requirements for the site. b) Extent of commercial space: The applicable planning framework does not set out the amount of commercial space required to be provided but requires that the commercial element is located on the ground floor. This aspect of the proposal is discussed further below.</p>



	<p>3. We would like to understand what are the intentions with the “old house” on the lot 179, as the approval of this project could impact the future development of the “old house”.</p>	<p>3. Rear residential unit: The existing rear unit does not form part of the amended development application.</p>
Private Submitter 3	<p>1. The property Lot 179 is zoned as Commercial Property. The new proposed plans have dismissed the original commercial area and replaced it with 2 x 2 apartments, along with the upper-level apartment allowing only 1 x 100sq metre of Commercial area. Does this really small commercial zone constitute under the “Commercial” guidelines when there is so much living area on the property?</p> <p>2. The large regional tree which is planned at the back Lot 179 is massive and appears to tower over the 2- level proposed home. This tree will have a significant impact to the 6 properties on Lot 19, directly behind Lot 179. We will lose a large portion of our view which over the years had already decreased with the growth of high native bushes already on the front property. We are surrounded by wonderful large regional trees and we feel this additional tree is not necessary or it could be situated elsewhere on the property. Apart from losing views, it will decrease the value of all 6 properties on Lot 29.</p> <p>3. For the past 40 years lot 179 has had a caveat on out water on Lot 29. In the previous plans submitted in 2020, we were assured the new tank on Lot 179 would be accommodate enough water for the three commercial offices and the one apartment. Now the new proposal has increased to three living areas, we do not feel confident that the owner on Lot 179 will not access our water. This has happened previously. We would like the caveat lifted.</p> <p>4. There is another building on the Lot 179 that is large enough to sleep 8-10 people. We would like to know if there are any plans to rebuild or develop another residential home on Lot 179. This would increase the “Commercial” property to prominently more residential. It will also increase noise and parking issues and even access problems.</p>	<p>1. Extent of commercial space: See response to Submitter 2 point 2. b) above.</p> <p>2. Significant tree: See response to Submitter 2 point 1. above.</p> <p>3. Water easement: See response to Submitter 1 point 2. above.</p> <p>4. Additional residential unit: See response to Submitter 2 point 3. above.</p>
Private Submitter 4	<p>1. Amended development is now predominately short term accommodation rather than commercial which is the zoning for that property.</p>	<p>1. Residential uses: It is noted that ‘short term accommodation’ is a commercial and not a residential use and as such is permitted under the zoning of the site. However, under the mixed-use development of the main building in the amended planning approval application, a residential use in the form of</p>



	<p>2. Query provision of enough rainwater for use within apartments and maintenance of green areas. Don't believe the green roof will be sustainable.</p> <p>3. Query whether adequate parking for the new development and existing older residence at rear has been allowed for.</p> <p>4. Rear accommodation is very dilapidated. ?? further development. Would need any proposed changes to be circulated to neighbours before changes implemented.</p>	<p>multiple dwellings (not short stay accommodation) will be provided above the commercial office space at the lower street level.</p> <p>2. a) Rainwater provision: Adequate roof catchment and rainwater storage will be provided for the site, with two concealed in-ground tanks providing a combined capacity of 210kL. The existing provision is 75 kL. The stored rainwater will not be used for garden reticulation. It is noted that the landscaping and replanting of the site will be undertaken with region specific, water wise and drought tolerant species, that are also bushfire resistant and retardant. b) Green roof: The applicant has advised that The 'extensive' green roof over a suspended concrete slab above the Storeroom on the southern side of the new Entrance Court, will be designed by a specialist landscape consultant, utilising low maintenance and wind and drought tolerant indigenous plants of the region. (It is to be noted that, by definition, 'extensive' green roofs have a thin layer of growing medium and are best suited to hardy groundcovers and other plants with shallow root systems.)</p> <p>3. Car parking: The car parking provision satisfies the site. The overall requirement, inclusive of the existing rear unit, is a total of nine (9) car bays with a total of 11 car abys (inclusive of accessible bay) provided on-site. It is to be noted that an additional car bay was provided on site after the final wastewater treatment and disposal system for the redevelopment had been confirmed.</p> <p>4. Rear residential unit: See response to Submitter 2 point 3. above.</p>
<p>Private Submitter 5</p>	<p>1. The design of the redevelopment is supported however the state of disrepair of the rear building and fence is not addressed. This needs to be upgraded to the standard of the front building. The assumption is that this would be via a separate development.</p> <p>2. The middle floor has changed from commercial space to apartments. Has the commercial zoning been changed or does this contravene zoning requirements?</p>	<p>1. Rear residential unit: See response to Submitter 2 point 3. above.</p> <p>2. Extent of commercial space: See response to Submitter 2 point 2. b) above.</p>



<p>Private Submitter 6</p>	<ol style="list-style-type: none"> 1. Plot Ratio – no good. 2. Not enough parking bays for amount of people staying in residential area and restaurant/café. 3. Location of septic? 4. Too close to 2 Bayview Drive 5. Could easily leach onto 2 Bayview 6. Fill north side of Bayview is fill bought in and is not lime sand – it is clay and just ordinary fill. 7. To close to road 8. 2 x 4B/R Homes 8 People + 9. 2 x 2 B/R Units 4 People + 10. 1 underground restaurant/café? 20 People 11. Total 32 People? 12. Sepic/waste from restaurant and homes is not enough 13. Underground restaurant/bar/café – where does waste go – uphill? <ol style="list-style-type: none"> a. What about grease traps – close to neighbour to south. 14. We are happy wit the design of building – it is great but there is too much going on for such a small block. What about gardens, trees, landscaping. 15. Where do you get water from for the amount of people using the block. 16. Owner is going to Strata Title the whole lot – this must be taken into account. 	<ol style="list-style-type: none"> 1. Plot ratio: The current approved building and site development has a plot ratio of 0.48. The amended planning approval proposal has a plot ratio of 0.57, which is discussed further below. 2. Car parking: See response to Submitter 4 point 4. above. Points 3 – 13: A wastewater treatment and disposal system will be provided for the site, meeting the requirements of the <i>AMR Shire</i> and the <i>Department of Health WA</i>. A restaurant/café use will not be provided. 14. Site cover and landscaping: The site planning of the amended redevelopment meets the planning requirements for site cover and landscaping, including deep soil area provisions for major trees. It is noted that the site cover of the amended proposal is 40.8% [ie: open space 59.2%], well below the <i>LPS-1</i> requirement of 50% significantly under the <i>R-Codes</i> R60 criterion of a maximum of 70%. 15. See response to Submitter 4 point 2. 16. Built Strata: The applicant has advised that they may apply for a built strata of the redeveloped building and the existing rear residential unit on the site. This is does not form part of the subject application applied for.
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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 checked="" type="checkbox"/>	<input 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 Scheme No.1 – Schedule 9		
Standard	Required	Provided
Plot Ratio	Plot Ratio for 'Village Centre' zoning of the site under LPS1 for commercial: 0.50 Plot ratio under R-Codes Volume 2 for Residential R-60: 0.80	Plot Ratio Calculations: <u>Proposed redeveloped Main Building</u> Level 1 – 100m ² Level 2 – 244.5m ² Level 3 – 214.7m ² Total – 559.2m ² <u>Existing rear Residential Unit</u> Ground level – 95.0m ² First Floor – 91.7m ² Total – 186.7m ²



Clause 5.13.1.12 of the Shire’s LPS1 allow the height limits specified to be varied by not more than 20%, where certain criteria are met. Clause 5.13.2 allows for height variations to be considered where the local government is satisfied that the proposed building will be in harmony with the general character of buildings in the locality and will not adversely affect the beauty, character, quality of environment or the area generally. The proposed development is maintaining the existing roof height, with the addition of a roof lantern over the top of the kitchen. The proposed height variation is not considered to have a major visual amenity impact and has been designed sensitively to reduce impacts where possible. The proposed height variation is supported and is capable of approval.

Car Parking

Standard	Required	Provided
Car Parking Calculations:		
Multiple Dwellings 2 + Bedroom Dwelling (In Location B) = 1.25 bays per dwelling Visitor Bays (1 bay per dwellings) = 1 car parking bay 4 Dwellings = 6 car parking bays required.		
Bicycle Parking Residential 0.5 spaces per dwelling = 2 bicycle spaces Visitor 1 space per 10 dwellings = 1 bicycle spaces Total required = 3 bicycle spaces		
Office 1 space per 25m ² net lettable area 100m ² of office on ground floor 4 car parking bays required		
LPS1 – 5.8.9 Active Transport 10% reduction of car parking otherwise required by Schedule 8 when applicant agrees to preparing an active transport plan.		
Total car parking required across the site: 10 car bays Total car parking provided on site: 10 car bays plus one accessible bay		

Residential Design Codes

A full assessment against R-Code Part 2 – *Apartments* has been undertaken, it is noted that the proposal satisfies for the provisions of Part 2 of the R-Codes.

Discussion

Commercial component

It is noted that there is significantly less commercial (office) proposed with the subject amended application. The number of offices within the development has been reduced from five (5) to one (1) with the floor space being reduced from 216sqm to 100sqm.

The applicable planning framework does not specify the amount of commercial space to be provided in the development, only that it meets the ‘mixed use’ requirements of the R-Codes and that the dwellings are provided above the commercial development. Despite the reduction in floor area, the proposal remains consistent with the relevant planning framework.

Despite the above, the applicant has advised that given the main building is of frame construction, the two (2) apartments could possibly be adapted at a later stage for a dual-use commercial space.

The commercial component of the development presents well to the street and is proposed at street level with direct access from the Bayview Drive. The amended proposal is consistent with the existing mixed use nature of the building and proposes a viable commercial space, appropriate to the context of the small coastal hamlet of Gracetown.



Plot ratio

The most recently approved redevelopment of the site had an approved plot ratio of 0.48. The subject development proposes a plot ratio of 0.57. It is considered that the slightly increased plot ratio has been achieved without increasing any perception of building bulk as viewed from the street and surrounding properties and importantly increasing the buildings engagement with the street.

Whilst the amended proposal is 0.07 over the plot ratio criteria set out in LPS1 within the Village Centre zone of 0.50, it is noted that the proposed plot ratio is significantly below that allowable under the 0.80 permitted under the R-Codes for Residential R60 development. The proposal is otherwise compliant with on-site car parking and the building height is consistent with the previous approval. The change will not increase the scale or bulk of the development, and is considered to be more of a technical variation which is negligible when the building is viewed from the street .

Deep soil planting

One of the requirements of Part 2 of the R-Codes relating to Apartments is for the provision of deep soil zones for the provision of mature trees to add amenity to developments of apartments which the applicant provided in the proposal. During the consultation period, concern was expressed by some nearby landowners that the proposed large tree proposed in the north-east corner of the site would impact on their views from the rear of the subject site out towards Cowaramup Bay. Given strip of existing trees along the drainage reserve at the rear of the subject property, it has been considered that the proposed tree would not have an adverse impact on views to significance from any neighbouring property at the rear.

In any case, this matter has been carefully considered by Shire offices and the applicant, with the landowner of the subject site indicating that they would be happy to instead propose two medium sized trees (for example two (2) *Wonnill* or Peppermint trees-*Agonis Flexuosa* of a maximum height of 7.5m) in-lieu of one large regional tree. Upon further investigation into this matter, it was apparent that under the BAL-29 bushfire requirements of the site, the applicant would not be able to provide two (2) medium sized trees in such close proximity to each other. As a compromise and listening to the neighbours concerns, it is considered that the provision of one (1) medium sized tree to a maximum height of 7.5m would be appropriate in this instance. The applicant has agreed to this and this element has been incorporated into the recommended landscaping condition.

On-site waste water disposal

The applicant has submitted revised drawings showing the amended site planning arrangements for a confirmed Fujiclean ATU system containing two (2) paired in-series concrete soak wells for the sites wastewater disposal. The re-arrangement of the waste water disposal requirements on-site following detailed assessment from a Hydraulic consultant and plumber allowed for the provision of an additional car bay which was considered to be a positive outcome. The drainage design is being undertaken and the application of the ATU has been submitted to the Shire and will be forwarded to the Department of Health for their approval.

Amended Design

The amended design is considered to present better to the street than the previous design with the undulating elements incorporated into the front façade with improved engagement and interaction with the street.

The fundamentals of the originally approved application have remained consistent. The proposed development is building upon the existing footprint, with some additions to the north and western sides. The development is well setback from the northern boundary and allows building separation, northern access and cross ventilation. The development utilises the existing southern boundary parapet wall and rationalises the roof form currently on site.

Overall, the proposed development will provide a considerable improvement on the streetscape and benefit the Gracetown 'Village Centre' with a new and improved mixed use development. The proposed development is considered appropriate for the locality, with appropriate built form and streetscape appeal. The proposed development is recommended for approval.

Determination

That the Manager Planning and Regulatory 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 3 x Multiple Dwellings and 1 x Office at 4 Bayview Drive, Gracetown 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 26 August 2024 and P4 – P13 received 21 March 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. The building shall not exceed 8.05 metres in height from natural ground level in accordance with the provisions of Local Planning Scheme No.1.
4. A licenced surveyors report shall be submitted to the Shire within 30 days of completion of the building to confirm compliance with the maximum height limit.
5. Prior to lodging of a building permit application, the proponent shall pay the required developer contribution costs for providing community and / or common infrastructure as established through the Local Planning Scheme No.1 – Schedule 11 Community Infrastructure Development Contribution Plan for Development Contribution Areas.
6. A minimum 120,000 litre rain water tank or alternative potable water supply shall be supplied for domestic use. Water tanks shall be installed prior to the occupation of the dwelling and thereafter maintained.
7. Prior to lodging of a building permit application a Landscape Plan shall be prepared to the satisfaction of the Shire by a suitably qualified and/or experienced landscape consultant. The Landscape Plan shall be drawn to scale and show the following:
 - a) The location, name and mature heights of existing and proposed trees and shrubs and ground covers on both the subject site and the adjoining street verge(s);
 - b) Any lawns and paved areas to be established;
 - c) Any natural landscaped areas to be retained;
 - d) Those areas that are to be reticulated or irrigated are demonstrated to be designed using water sensitive principles; and
 - e) The provision of one (1) medium sized tree to a maximum height of 7.5m in the allocated deep soil zone on the site.
8. Prior to lodging a building permit application, a detailed Stormwater Management Engineering Plan shall be prepared to the satisfaction of the Shire and submitted to the Shire showing drainage details, storage capacity, lid levels, drainage pipe inverts, sump connections details, slow release, offsite infrastructure connection details. The Shire's written acceptance of the Stormwater Management Plan must be provided with the building permit application (refer to advice note 'c').
9. Prior to practical completion of the development, stormwater management systems on the subject site shall be constructed in accordance with the accepted Stormwater Management Engineering Plan referred to in abovementioned condition and shall thereafter be maintained.
10. Prior to lodging a building permit application, a detailed Vehicle Parking Construction Engineering Plan shall be prepared in accordance with the Australian Standard AS 2890 to the satisfaction of the Shire and submitted to the Shire showing construction details including pavement levels, thickness, cross fall, lighting proposal and drainage disposal method. The Shire's written acceptance of the Vehicle Parking Engineering Plan(s) must be provided with the building permit application (refer to advice note 'c').
11. Prior to occupation of the development, vehicle parking areas shall be designed, sealed, lit, drained and thereafter maintained in accordance with accepted Vehicle Parking Construction Plan(s), the Australian Standard AS 2890 and the Shire's Standards and Specifications.
12. Prior to lodging a building permit, a detailed Pedestrian Path Construction Plan for the construction of a footpath within the Shires Road Reserve fronting the development shall be prepared in accordance with the Shire's



Standards and Specifications. The Shire's written acceptance of the Pedestrian Path Construction Plan must be submitted at the time of lodging a building permit (refer to advice note 'd').

13. Prior to occupation, the pedestrian path system shall be constructed at the full cost of the proponent and in accordance with the accepted Pedestrian Path Construction Plan.
14. Prior to occupation of the development, crossovers shall be designed, constructed, sealed, and drained in accordance with the Shire's standards and specifications.
15. ACROD bay and statutory signs shall be located convenient to the building entrance and shall be designed in accordance with AS2890.6 Parking Facilities Part 6: Off street Parking for People with Disabilities to the satisfaction of Local Government.
16. Prior to lodging a building permit application, the proponent shall pay a \$8,000.00 development bond to the satisfaction of Local Government.
17. Any external fan, air conditioner or similar equipment shall be installed and located so that there is no loss of amenity to the locality by appearance, noise, emissions or otherwise, to the satisfaction of the Shire.
18. The installed wastewater disposal system shall be inspected by the Shire, and a Permit to Use Apparatus issued to the owner prior to occupation of the building.
19. A building shall not be located over an apparatus for the treatment or disposal of sewerage. Leach drains shall not be located within 1.8 metres from the foundations of any building or boundary. Septic tanks shall not be located within 1.2 metres of the foundations of any building or the boundary.
20. All onsite effluent treatment and disposal apparatus shall be decommissioned in accordance with *Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974*.
21. Rubbish enclosure areas adequate to service the development are to be constructed and provided in accordance with *the Shire of Augusta Margaret River Health Local Laws 1999* prior to the occupation or use of the development to the satisfaction of the Local Government.
22. The *development* is to provide a potable water source in accordance with *The Australian Drinking Water Guidelines*
23. Rainwater storage tank(s) should be sealed to prevent the ingress of dust and to prevent mosquito breeding. A first flush diverter *should* be installed in line to enable flushing of dust and other sources of contamination deposited on roof catchment and in drainage lines, to minimise contaminants entering water storage tank.
24. Prior to issue of a building permit for the development, the proponent shall make a contribution toward public art in accordance with the Shire's *Governance and Business Excellence Policy 5.8 – Public Art Policy* to the satisfaction of the Shire.
25. 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.
26. Prior to occupation of the development, an Active Transport Plan (ATP) is to be prepared, approved by the Shire and implemented. The ATP shall detail facilities to be provided to encourage non-motorised forms of transport including the provision of end of trip facilities.

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) Works in a road reserve, including any pruning or clearing of vegetation, are prohibited without first obtaining written approval of the Shire. The proponent will be required to submit and implement a Traffic Management Plan for all works in a road reserve. The TMP is required to be prepared by a licenced Traffic Manager in accordance with MRWA Traffic Management Code of Practice and Australian Standards AS1742.3-2002 for any works on or within the road reserve (including road).
 - c) Engineering plans are required to be developed and designed by a suitably qualified engineer and submitted to the Shire's Asset Services department **prior to lodging a building permit application**. (Asset Services PH 9780 5274) The plans shall include a feature survey of the Shire's road reserve as part of the submission.
 - d) Pedestrian paths shall remain continuous at vehicle crossovers and shall be reinforced with mesh. The existing path along the frontage of the development shall be upgraded to a 2.5 metre concrete shared path designed and constructed in accordance with the Shires Standards and Specifications.
 - e) At all times, all stormwater and drainage run-off from the development shall be detained within the lot boundaries and where available disposed offsite by an approved connection to the Shire's drainage system At all times stormwater shall be managed to predevelopment flow regimes.
 - f) Noise emissions (sound levels) shall comply with the *Environmental Protection (Noise) Regulations 1997*.
 - g) 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.
 - h) An apparatus for the onsite treatment and disposal of wastewater shall be installed in accordance with the *Health (Treatment of Sewage and Disposal of Effluent & Liquid Waste) Regulations 1974* and to the satisfaction of the Local Government/Department of Health prior to occupation of the building.