

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
19 October to 25 October 2023

APPLICATIONS RECEIVED

| Date Rec'd | Reference No. | Address | Proposal |
|-----------------------------------------|----------------------|-------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| PLANNING | | | |
| 19/10/2023 | P223669 | 78 (Lot 177) Dalton Way, Molloy Island | Dwelling Additions (Rainwater Tanks) |
| 24/10/2023 | P223692 | 13575 (Lot 3) Bussell Hwy, Augusta | Single House (Outbuilding) |
| 24/10/2023 | P223693 | Unit 8/6 (Lot 1) Station Road, Margaret River | Holiday House |
| 24/10/2023 | P223694 | 8 (Lot 231) Turner Street, Augusta | Bed and Breakfast |
| 24/10/2023 | P223695 | 18 (Lot 18) Merlot Place, Margaret River | Change of Use (Home Occupation) |
| 24/10/2023 | P223696 | 74 (Lot 265) Dalton Way, Molloy Island | Single House |
| 25/10/2023 | P223697 | 104A (Lot 35) Ashton Street, Margaret River | Single House and Ancillary Dwelling |
| 25/10/2023 | P223698 | 26 (Lot 616) Truffle Circuit, Cowaramup | Single House |
| 25/10/2023 | P223699 | 8 (Lot 105) Walton Way, Gracetown | Grouped Dwelling |
| 25/10/2023 | P223700 | 9331 (Lot 5) Caves Road, Karridale | Rural Industry (Woodworking) |
| 25/10/2023 | P223702 | 2 (Lot 554) Riverslea Drive, Margaret River | Single House (Outbuilding Additions) |
| 25/10/2023 | P223703 | 55 (Lot 224) Leeuwin Rd, Augusta | Holiday House (Large) |
| 25/10/2023 | P223704 | 70 (Lot 204) Judd Road, Gracetown | Amendment to Planning Approval P222385 |
| 25/10/2023 | P223705 | Unit 5/12 (Lot 2) Town View Terrace, Margaret River | Holiday House Renewal |
| BUILDING | | | |
| 18/10/2023 | 223524 | 20 (Lot 517) Goodwine Way, Cowaramup | Shed |
| 18/10/2023 | 223525 | 24 (Lot 7) Memorial Drive, Cowaramup | Above Ground Swimming Pool and Barrier Fence |
| 18/10/2023 | 223526 | Lot 1005 Hawkesford Place (Lot 88 Shiraz Lane) Margaret River Lifestyle Village, Margaret River | Single Dwelling, Carport and Patio |
| 19/10/2023 | 223527 | 42 (Lot 67) Forrest Road, Margaret River | Above Ground Swimming Pool and Barrier Fence |
| 19/10/2023 | 223528 | Lot 1004 Hawkesford Place (Margaret River Lifestyle Village Club House), Margaret River | Occupancy Permit for BLD222272 (Assembly Building) |
| 19/10/2023 | 223529 | 1610 (Lot 22) Brockman, Hwy Karridale | Rainwater Tank |
| 19/10/2023 | 223530 | 129 (Lot 22) Bussell Hwy Margaret River | Alterations and Additions to Existing Dwelling - Remove and replace existing awnings and parapet walls and reroof |
| 20/10/2023 | 223531 | 57 (Lot 5) Halcyon Cres, Margaret River | Alterations and Additions - Bedroom, Dining and Patio |
| 20/10/2023 | 223532 | Unit 1/38 (Lot 1) Georgette Road, Gracetown | Patio |
| 20/10/2023 | 223533 | 37 (Lot 629) Surf Break Drive, Cowaramup | Shed and Carport |
| 23/10/2023 | 223534 | 19 (Lot 13) Tassel Road, Cowaramup | Warehouse - Farm building storage of rural products and equipment |
| 23/10/2023 | 223535 | Lot 4570 Clayton Road, Treeton | Single Dwelling, Carport, Patio and Verandah |
| 23/10/2023 | 223536 | 7 (Lot 14) Plumage Close, Margaret River | Single Dwelling and Verandah |
| 25/10/2023 | 223537 | 37 Lot 63) Forrest Road, Margaret River | Alterations and Additions to Existing Dwelling - Reroof, Extension and Internal Renovations |
| 25/10/2023 | 223538 | 276 (Lot 60) Railway Terrace, Margaret River | Patio |
| 25/10/2023 | 223539 | 44 (Lot 621) Surf Break Drive, Cowaramup | Single Dwelling, Garage and Patio |
| 25/10/2023 | 223540 | 129 (Lot 22) Bussell Hwy, Margaret River | Partial Demolition of Existing Shops |
| 25/10/2023 | 223541 | 113 & 115 (Lot 100) Whyte Road, Cowaramup | Ancillary Dwelling, Verandah and Patio |
| 25/10/2023 | 223542 | 21 (Lot 56) Thelma Street, Augusta | Single Dwelling and Verandah |
| Exploration Licenses for Comment | | | |
| Nil | | | |

APPLICATIONS DETERMINED UNDER DELEGATION

| Date Rec'd | Reference No. | Address | Proposal | Outcome |
|--------------------------|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| PLANNING | | | | |
| 28/01/2015 | P215038 | Holiday House (Large) 118 (Lot 2) Kilcarnup Road Burnside | Holiday House (Large) 118 (Lot 2) Kilcarnup Road Burnside | No Longer Operating |
| 27/04/2023 | P223258 | Entrance Statement Signage x 2 (Hamelin Ridge) Lot 21 Caves Road, Hamelin Bay | Entrance Statement Signage x 2 (Hamelin Ridge) Lot 21 Caves Road, Hamelin Bay | Cancelled |
| 26/07/2023 | P223459 | Jetty 8 (Lot 154) Clements Crescent, Molloy Island | Jetty 8 (Lot 154) Clements Crescent, Molloy Island | Approved |
| 02/08/2023 | P223490 | Holiday House Renewal Unit 1/63 (Lot 171) Town View Terrace, Margaret River | Holiday House Renewal Unit 1/63 (Lot 171) Town View Terrace, Margaret River | Approved |
| 17/08/2023 | P223526 | EV Charging Station Wallcliffe Road Reserve Margaret River RDS/0110 | EV Charging Station Wallcliffe Road Reserve Margaret River RDS/0110 | Approved |
| 02/10/2023 | P223629 | Single House and Water Tank 9 (Lot 302) Logging Road Karridale | Single House and Water Tank 9 (Lot 302) Logging Road Karridale | Approved |
| SUBDIVISIONS | | | | |
| 07/09/2023 | P223606 | Survey Strata 13 (Lot 140) Blue Gum Place, Cowaramup | Survey Strata 13 (Lot 140) Blue Gum Place, Cowaramup | Not Supported |
| LOCAL LAW PERMITS | | | | |
| 12/10/2023 | P223654 | Permit to operate helicopter rides at Shire approved event - Margaret River Ag Show Nippers Oval, Gloucester Park, 41 Wallcliffe, Road Margaret River | Permit to operate helicopter rides at Shire approved event - Margaret River Ag Show Nippers Oval, Gloucester Park, 41 Wallcliffe, Road Margaret River | Approved |
| 09/08/2023 | P223506 | Permit to operate Woodside Nippers Program 2023/24 Portion of Reserve 41545, Gnarabup Beach, Wallcliffe Road, Gnarabup | Permit to operate Woodside Nippers Program 2023/24 Portion of Reserve 41545, Gnarabup Beach, Wallcliffe Road, Gnarabup | Approved |

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

| Date Rec'd | Reference No. | Address | Proposal | Recommendation |
|-----------------|---------------|---------------------------------------------|--------------------------------------------------------------------------------------------|--------------------------|
| PLANNING | | | | |
| 14/07/2023 | P223442 | 48 (Lot 892) Wilderness Road Margaret River | Holiday House | Approved with conditions |
| 04/04/2023 | P223213 | 6A (Lot 103) Brady St Augusta | Single Dwelling | Approved with conditions |
| 15/06/2023 | P223366 | 18 (Lot 171) Hereford Place, Margaret River | Building Envelope Variation and Development Outside of the Building Envelope (Outbuilding) | Approved 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 APPLICATION ASSESSMENT
Report to Manager Planning and Regulatory Services

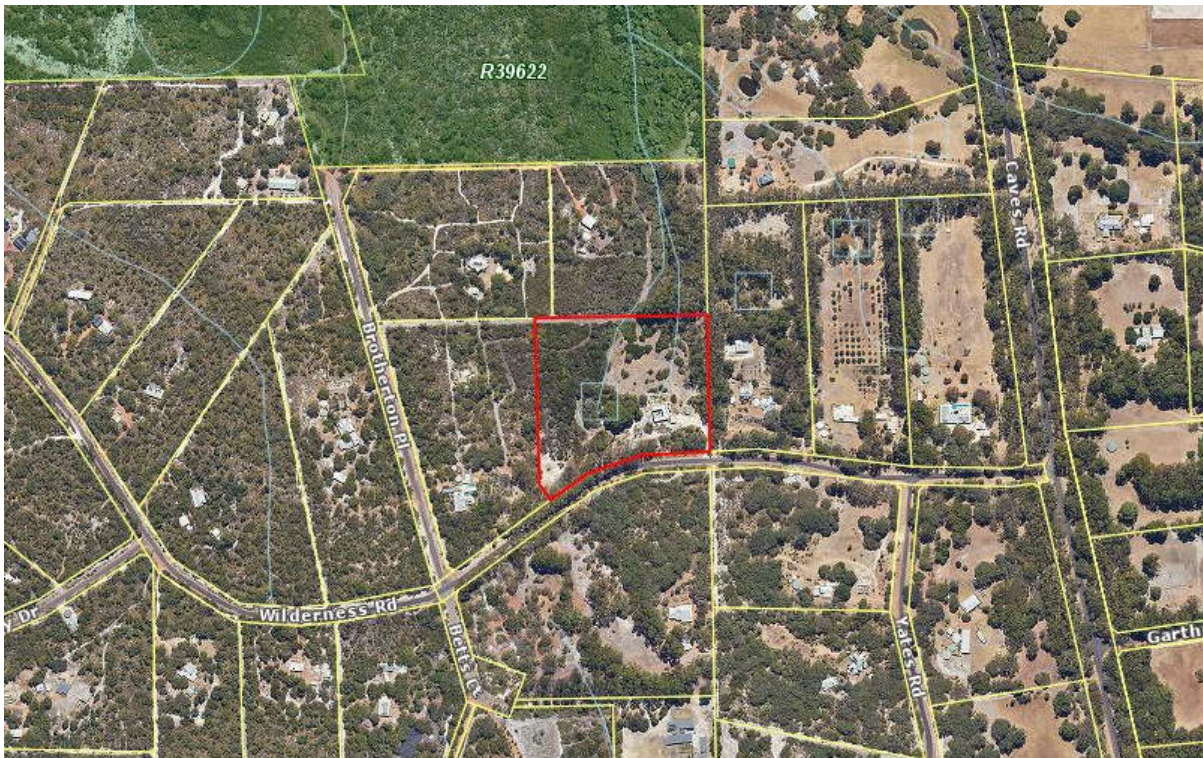
Proposed Holiday House
48 (Lot 892) Wilderness Road Margaret River

Level 3 – 1 x objection

P223442; PTY/11355

REPORTING OFFICER : Tessa Ashworth
DISCLOSURE OF INTEREST : Nil

| General Information | |
|----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Lot Area | 3ha |
| Zone | Rural Residential |
| Existing Development | <input checked="" type="checkbox"/> Single House <input type="checkbox"/> Grouped Dwelling |
| Proposed use | A planning application has been received for a Holiday House use. The existing dwelling is to be used to accommodate up to 6 short stay guests at any one time. The management arrangements are to be residents at the neighbouring property, 56 Wilderness Rd. |
| Permissible Use Class | 'A' – discretionary use |
| Advertising Required | Yes – completed |
| Reason not exempted from planning approval? | Discretionary uses are not permitted unless the Shire exercises its discretion by granting development approval. |
| Heritage/Aboriginal Sites | N/A |
| Encumbrance | N/A |
| Date Received | 14/07/2023 |
| Date of Report | 7/09/2023 |



| | |
|------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Have there been any objections? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Comments Received | |
| Nature of Submission | Officer Comments |
| 1 x support Support owners having the option for short term and long-term rentals. | Noted |
| 1 x objection (2 x same letter/household) 1. During subdivision, building envelope located close to neighbouring dwelling. | 1. The building envelope was previously considered as per subdivision approval and the proposal for a holiday house does not allow, nor should it require the amendment of a Holiday House application. |

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| <p>2. Driveway location was moved during the construction of the dwelling. Is now located close to adjoining lot boundary.</p> <p>3. Inaccurate information provided in application. Including;</p> <ul style="list-style-type: none"> - Garage not shown on plans. Does it have planning/building approval? - House and garage located further east than on the plans - Orientation of building not shown. Lights from cars driving in and out of garage shine onto their house. <p>4. Already have people going down their driveway when looking for the subject lot. Will increase due to holiday house.</p> <p>5. Historic problems with other neighbours running short term rentals resulting in police call outs due to guns, parties and fires.</p> <p>6. More cars parking closer to house, more noise from parties, greater potential for fires and people wandering onto their property through the bush.</p> <p>7. Property has been parkland cleared, including bushland on boundary between the lots, removing any buffer. Now woody weeds growing.</p> | <p>2. The driveway is seen to be in an appropriate location and consistent with other driveways within the surrounds. The driveway can be combined with the required 3m firebreak and results in a reduction in the amount of environmental impact that may otherwise be required.</p> <p>3. Building constructed as per building permit. Site plan submitted shows the correct setback.</p> <p>4. The Holiday House will require a small sign at the start of the driveway which will help direct guests. Applicant has confirmed that directions will be clearly given to guests at booking.</p> <p>5. Applicant should be given opportunity to run holiday house compliantly. Initial 12-month approval will give ability to address any issues at renewal. At the time of renewal the neighbours will be consulted prior to issue as is the standard procedure.</p> <p>6. As above. The applicant has updated house rules to address these particular concerns.</p> <p>7. Vegetation clearing is not proposed as part of holiday house application. Clearing of native vegetation is subject to the need for a separate planning application to be submitted.</p> |
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| Policy Requirements | | |
|---------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| Policy Element | Provision | Comment |
| Location | 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 |
| Design / Layout | 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 (plus firefighting provision) rainwater tank? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| | 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 |
| Fire | If within bushfire prone area a BAL provided? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| | For sites with a BAL above Low, a BMP prepared by accredited consultant and where required referred to DFES for comments? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No FMP from 2009 for 2 lot subdivision. |
| | BAL rating at BAL-40 or FZ? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No BAL-29 |
| Management | Management Plan submitted? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| | BEEP provided | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| | 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 |
| Recommended period of approval | <input checked="" type="checkbox"/> 12 months <input type="checkbox"/> 3 years | |

OFFICER RECOMMENDATION

That the Coordinator Planning Services GRANTS Planning Consent under Delegated Authority Instrument No. 34 pursuant to clause 68 (2) of the Deemed Provisions of Local Planning Scheme No. 1 for a Holiday House at 48 (Lot 892) Wilderness Rd subject to compliance with the following conditions:

CONDITIONS

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

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|--------------------------|-----------------------------------------------|
| Plans and Specifications | P1 & P2 received by the Shire on 14 July 2023 |
|--------------------------|-----------------------------------------------|

2. The Holiday House use permitted for a period of **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 and Bushfire Management 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 **6 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.
 - (i) 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.



DEVELOPMENT APPLICATION ASSESSMENT
Report to Manager Planning and Regulatory Services

Proposed Single Dwelling
6A (Lot 103) Brady St Augusta

Level 3

P223213; PTY/10645

REPORTING OFFICER : **Don Bothwell**
DISCLOSURE OF INTEREST : **Nil**

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|----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| General Information | |
| Lot Area | 1203m ² |
| Zone | Residential (R15) |
| Proposed Development | <p>The proposal involves the development of a Single House which proposes the following variation to the R-Codes:</p> <ul style="list-style-type: none"> Proposed rear (north) setback of 1.5m in-lieu of 6.0 on the ground, first and second floors. Proposed wall height from natural ground level of 7.25m (western elevation) – 8.0m (eastern elevation) in-lieu of 7.0m. Proposed retaining wall setback 0.91m in-lieu of 1.0m to the rear (north) boundary. <p>The plans which were originally submitted for the application have been amended prior to advertising to the surrounding landowners. The amended plans received by the Shire on 23 August 2023, which are the subject of this report are sought for determination.</p> |
| Permissible Use Class | Single House – ‘P’ |
| Heritage/Aboriginal Sites | None identified |
| Encumbrance | Nil |
| Date Received | 04/04/2023 |



Figure 1 – Location Plan.

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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| Policy Requirements | |
| Is the land or proposal referred to in any Council Policy? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Structure Plans and Local Development Plans (LDP's) | |
| Is the land in any Structure Plan Area or subject to a LDP? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Planning History | |
| On 18 November 2022, the Shire, under delegated authority from Council, approved a Dwelling (Retaining) at the subject property. | |
| On 7 November 2022, the Western Australian Planning Commission approved a boundary re-alignment between lots 201 and 202 depicted on the dotted line below. The realignment meant that Lot 102 (now changed to Lot 201) was reduced to 788sqm, Lot 103 (now changed to Lot 202) was increased to 1203sqm. | |



Figure 2 – Boundary re-alignment.

On 20 April 2022, the Shire issued a Building Order to stabilise excavation works inadvertently undertaken on the site.

| Advertising/Agency Referrals | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Has the application been referred to adjoining landowners/agency? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A |
| Has a submission been received by Council? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A No. received: 5 |
| Details of Submission | Officer Comment |
| <u>Submission 1</u> <ul style="list-style-type: none"> We wish to register an objection to the proposed building application at the above address. Our concerns are based on the AMR shires apparent disregard for its own building R code as in our opinion this sets dangerous precedence allowing future applicants to apply for even higher buildings. The height restrictions are in place for reason and should be rigorously policed. | <p>Noted. The proposed development satisfies the relevant Design Principles of the R-Codes and the provisions of Local Planning Scheme No.1. Please refer to the assessment below.</p> |
| <u>Submission 2</u> <ul style="list-style-type: none"> That the owner was able to proceed with deep excavations without the AMRSC giving formal approval and ensuring compliance with the R Codes could be regarded as considered ineffectual management. The lifestyles of the surrounding owners will be negatively and substantially impacted by this development. If passed then I believe people will assume from this example, that a new precedent has been set and more lax requirements can be claimed for other developments in this immediate area. Of special importance to me is the retaining of the north-western corner and northern fence. The site excavations were dug right to the north-western survey peg to a depth of more than 4 metres. The deep cut into the western boundary was retained all the way up to about 1.5 metres from the northern boundary. Retaining to the north-western corner and about 8 metres east along the northern boundary was not appropriately addressed in my assessment. I ask that the levels and retaining be thoroughly checked to ensure that the fence will be secure into the future. | <p>Noted. It is considered that the matters around the excavation works and stabilisation can be sufficiently addressed through conditions of the proposed Development Application and future Building Permit.</p> <p>Noted. The proposed development satisfies the relevant design principles of the R-Codes. Please refer to Design Principle assessment below.</p> |
| <u>Submission 3</u> <ul style="list-style-type: none"> I have major concern on the ability to gain the correct compaction for the size of the proposed structure being multi story with 2 x suspended slab floors and massive brick external walls. The block has already been over excavated without | <p>Noted. It is considered that the matters around the excavation works and stabilisation can be sufficiently addressed through conditions of the proposed Development Application and future Building Permit.</p> |

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| <p>the correct Shire approval on the West boundary which is my adjoining being 8A, currently Mr Roger Pateman from Margaret Structural Engineering has done a site visit and advised NO vibration or compaction should be carried out near the West boundary due to the possibility of destabilisation of what remains of the existing earth.</p> <ul style="list-style-type: none"> In addition I have a personal concern of the safety for the workers at 8A in close proximity of the West boundary with potential engulfment and loss of life as the current excavation is in excess of 3.8 m vertical, should the structure be approved I would ask the question on how the correct angle of repose will be achieved to be able to build 1.8m from the West boundary without collapse or undermining of the joint fence currently in place and also what assurance can be given that no damage occurs to the building on 8A . My second objection is to the proximity to the North Boundary which I believe is not fair for all as it is not within the building code, I am at a loss to understand how the building code can be varied. | <p>Noted. Worker safety is covered under separate legislative requirements and is not a valid planning matter to be considered under the relevant planning framework.</p> <p>Noted. The proposed development has been assessed to satisfy the relevant provisions of the R-Codes and Local Planning Scheme No.1. Please refer to the assessment below.</p> |
| <p><u>Submission 4</u></p> <ul style="list-style-type: none"> The Development Application varies from the R-Codes and Local Planning Scheme 1 in respect of the rear (north) setback, the proposed wall height and retaining wall setback to the rear (north) boundary. The proposed dwelling of three habitable levels would seem to be totally at odds with the surrounding residential environment which are a mix of single and two level homes and in my view will have a negative impact on the amenity of the surrounding area. The proposed wall height of 7.25 to 8.0m in lieu of 7.0m is up to 14% above the relevant R-Codes and Planning Scheme. Together with the proposed reduced setbacks for the first and second levels the impact on the amenity of our property will be significant. The reduced setbacks for the whole property other than sewerage easement provide the owner of 6A Brady Street with a ground level that is afforded privacy from the surrounding properties while significantly reducing the amenity of those surrounding properties. I strongly oppose the significant variations from the R-Codes and the Local Planning Scheme No. 1 and therefore request the Shire rejects those variations contemplated by the development. | <p>Noted. The proposed development has been assessed to satisfy the relevant provisions of the R-Codes and Local Planning Scheme No.1.</p> <p>The site works proposed allow for a flat development site, although the house is technically 3 storey's in height presents for much of it as a 2 storey dwelling. The overall building is also compliant with the maximum 8m roof height.</p> <p>Further assessment and information can be seen below.</p> |
| <p><u>Submission 5</u></p> <ul style="list-style-type: none"> As was the case for the initial application on this site we are opposed to the variations proposed. The proposal increases in height and decreases in set backs are an imposition on neighbouring properties (including our own) We understand from discussions with all surrounding neighbours there is unanimous opposition to this and the initial proposal In addition to shadowing and the loss of all privacy we are of the view that the proposal is not in keeping with the neighbourhood. We ask that the proposal be declined and made compliant with the councils own stipulations and R codes | <p>Noted. The proposed development has been assessed to satisfy the relevant provisions of the R-Codes and Local Planning Scheme No.1. Please refer to the assessment below.</p> |

| Assessment of Application | | |
|----------------------------------------------------------------------|------------------------------|-----------------------------|
| Is the land referred in the Heritage Inventory? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Are there any Contributions applicable? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Are there any compliance issues in relation to existing development? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

The proposal seeks a variation to the deemed to comply requirements of Clause 5.1.3 with a rear (north) lot boundary setback of 1.5m proposed in lieu of the 6m requirement. The following design principles are therefore applicable to the proposal:

P3.1 Buildings setback from lot boundaries or adjacent buildings on the same lot so as to:

- Reduce impacts of building bulk on adjoining properties;
- Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and
- Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.

The proposal is considered to be consistent with the applicable design guidelines for the following reasons.

- The levels of the proposed dwelling are below the levels of the rear adjoining sites ameliorating any adverse impact on surrounding properties in terms of building bulk.
- The proposed dwelling is a maximum height of 8.0m (compliant with the maximum roof height of Local Planning Scheme No.1) from the natural ground level further reducing any adverse impact in terms of visual amenity, bulk and scale.
- The length of the boundary that is non-complaint is 15m or 39% with 30% of the rear setback area taken up by the proposed dwelling. The proposed dwelling is only proposing a minor area of development within the setback area and would therefore have minimal impact on the neighbouring dwellings.
- Neighbouring dwellings are setback from the boundary and as a result the setback variation will not impact sun and ventilation to the proposed dwellings or the surrounding neighbours.
- The proposal is compliant with the visual privacy provisions of the R-Codes. The proposed windows on the upper levels of the northern façade include obscure glazing up to 1.6m from the respective finished floor levels to protect the adjoining property against any potential overlooking.
- Landscaping including the provision of trees is proposed along the rear boundary acting as a partial screen to the rear. Condition 9 requires a landscaping plan to be submitted prior to a building permit being lodged.
- The use of lightweight materials and lighter colours on the upper floors contrasting that of the lower floors combined with use of windows and the skillion roof provides articulation, reducing any perception of building bulk as viewed from the rear (north).

Development Standards (Schedule 9)

Are the development Standards applicable? Yes No

Car Parking

LPS1 / R Codes Requirement Car Bays Required - 2 Car Bays Proposed - 4

Dimensions 2.5m x 5.5m Complies Doesn't Comply

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

Disabled Bays Disabled Bays – N/A Complies Doesn't Comply

Building Height

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

State the proposed building height Wall – 7.25 - 8m Complies Doesn't Comply

Roof - 8m

Officer Comment

Wall Height

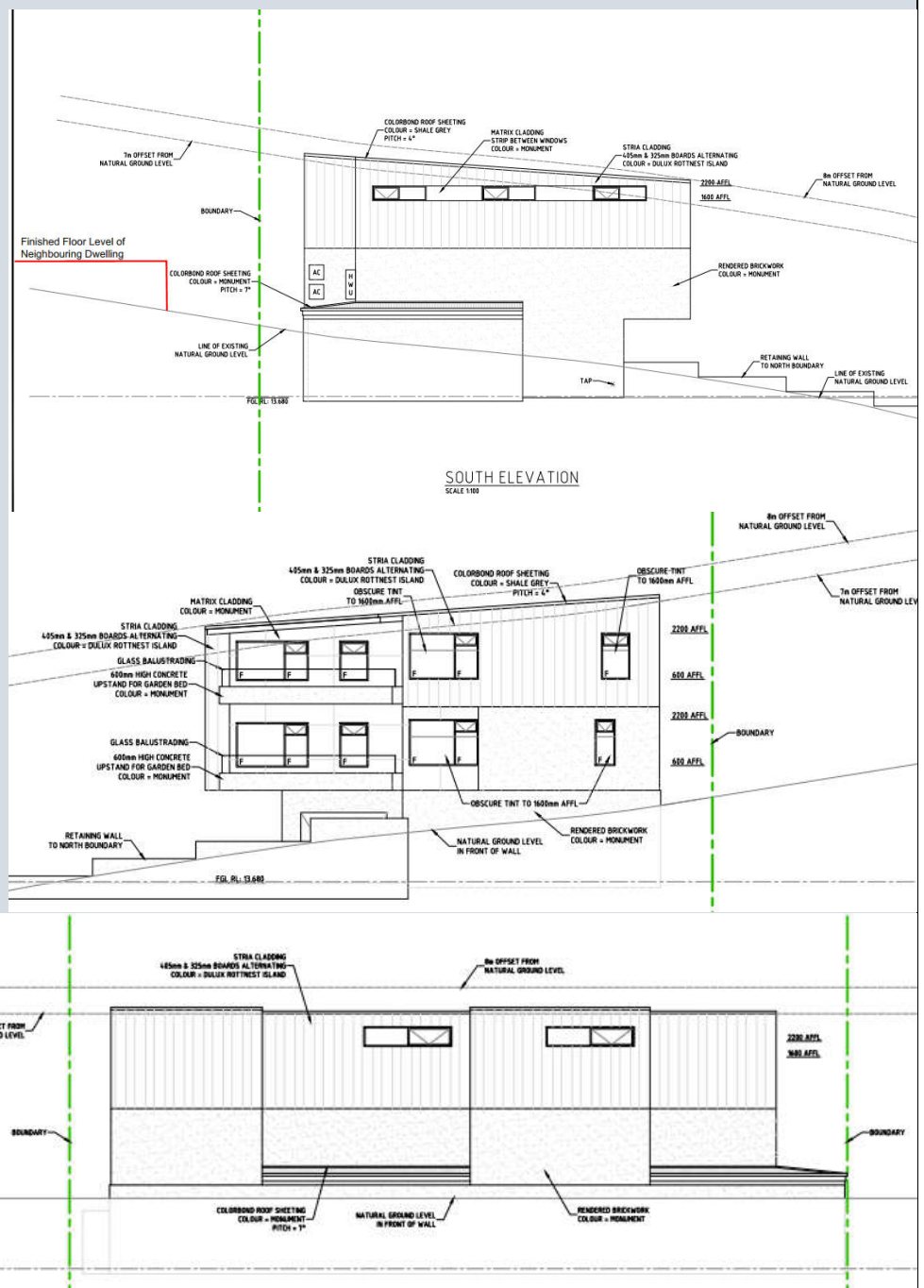
The application proposes a wall height variation of 7.25m (western elevation) – 8.0m (eastern elevation) from natural ground level in-lieu of 7m. It is noted that the maximum overall height to the top of the concealed roof at the highest point from natural ground level is 8.0m. The proposal is considered to satisfy the above criteria contained in Clause 5.13.2 of LPS1 for the following reasons:

- The proposal consists of cutting into the slope towards the western boundary, which results in a portion of the dwelling being located below the Natural Ground Level. The cut results in the western wall of the proposed dwelling presenting only a 0.25m height variation along the western boundary. The proposed western elevation height variation is considered minor given the scale of the development and is not considered unreasonable given the sloping nature of the lot.
- In the assessment of the building height it is important to consider and acknowledge the impact on the neighbouring dwelling. While the proposed dwelling does include a minor height variation adjoining the neighbouring property, the neighbouring dwelling has undertaken 2m of fill along the western edge of the dwelling in order to facilitate a

flat development site. This has resulted in the neighbouring dwelling having a finished floor level approximately 2m above the natural ground level of the corresponding location of the wall on the subject site. The fill on the adjoining site essentially brings the finished floor level above the bottom of the western wall of the proposed dwelling and effectively presents as a 4.5m wall from the neighbouring dwelling. Given the finished floor level of the neighbouring dwelling the actual impact of the proposed dwelling is reduced and would be considered akin to that of a standard two storey dwelling that is consistent with the surrounding area. It should also be noted that a flat (concealed roof) is proposed on the dwelling, further reducing the potential building bulk. A dwelling could be permitted with a maximum pitched roof height of 8m within this location.

The neighbouring dwelling has a study/ bedroom setback 4.5m from the western boundary (resulting in a 6.3m setback from the proposed dwelling wall) and a 7.3m setback to the living/ dining (9.1m setback from the proposed dwelling wall). As a result, sufficient building separation has been achieved and the proposed development will not adversely affect the neighbouring properties ability to access northern sunlight or restrict the use of the property. Finally, the western wall of the proposed dwelling does not contain any major openings and as such no visual privacy variation exists.

The below elevations demonstrate the proposed roof height closest to the western neighbour and the sloping nature of the natural ground level and finished floor level on the neighbouring site:



- The plans originally submitted with the application have been amended to incorporate lighter colours and such as a Shale Grey roof and light weight cladding on the upper floor reducing the visual impact in terms of bulk and scale.

- The perspectives below demonstrate the amended material palette and lightweight cladding:



- The use of contrasting building materials, undulating balconies, windows, recessed walls and articulated roof all assist in ameliorating the building bulk as viewed from surrounding properties and from the street.

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| | <ul style="list-style-type: none"> The southern wall is setback 2.6m from the boundary, which is 0.5m greater than the setback required by the R-Codes. The southern wall setback assists in reducing the overall impact on the neighbouring property to the south and creates adequate building separation. Furthermore, the southern neighbour has reviewed the plans and provided signed support. Views and amenity to surrounding properties should be given consideration when assessing a height variation. In this case it is important to recognise that current views exist to the east and south east towards Blackwood River and Flinders Bay. The locality is sloping from west to east and this gives the ability for the majority of dwellings to access views when a property is developed to its full potential under the Local Planning Scheme and R-codes. <p>Of particular interest is the dwelling to the west of the subject site and while it must be acknowledged that they currently have expansive views from the property, the proposed dwelling does not unacceptably impact upon the expected views. The finished floor level of the neighbouring dwelling reduces the wall height impact and would still facilitate views towards Flinders Bay and Blackwood River, albeit they would be reduced from is current. Finally, it should be recognised that it would be unacceptable from a planning perspective to assume that all views will remain in perpetuity and the neighbouring sites do maintain the ability to access views into the future.</p> <ul style="list-style-type: none"> It is also important to note that the setbacks adjoining the southern and western boundary are compliant, meaning that the dwelling has been appropriately sited for the zone and density coding. Furthermore, the siting of the development has been undertaken as a response to the location of the vehicle access leg and required vehicle manoeuvring area within the subject property. |
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Clause 67

In the opinion of the officer, would approval of the planning consent be appropriate under Clause 67 of the Deemed Provisions of the Scheme?

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| Officer Comment | Yes. |
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In the opinion of the officer

| | |
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| i. Are utility services available and adequate for the development? | Yes. |
| ii. Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land? | Vegetation on site was removed as part of the previous application for a dwelling which was exempt under LPS1. |
| iii. Has adequate provision been made for access for the development or facilities by disabled persons? | N/A |
| iv. Is development likely to cause detriment to the existing and likely future amenity of the neighbourhood? | No |
| v. Is the development likely to comply with AS3959 at the building permit stage? | Yes. |

Other Comments

Any further comments in relation to the application?

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| Officer Comment | <p>Previous Site Works:</p> <p>It is acknowledged that the landowner undertook site works without a necessary approval, however are now looking to legitimise those works through this planning application. Although the site works were undertaken in an adverse way, when treated on their merits they do produce a cut method which delivers positive outcomes for building bulk and scale of the proposed dwelling. The site works have been considered through this application and are seen as being an appropriate response to a difficult sloping site.</p> <p>Local Planning Scheme No.2 – Building Height</p> <p>While only in draft form and as such decisions aren't able to be made under Local Planning Scheme No.2 (LPS2), the document should be given due regard when assessing applications. The draft LPS2 proposes to remove the requirement for a 7 metre maximum wall height and contain only a maximum building height of 8 metres in this locality. This proposal would demonstrate compliance with LPS2 and it could be reasonable to assume that it will be in keeping with the expected future streetscape and development pattern.</p> <p>The application has been considered in detail through the above assessment and while presenting a height variation has been considered to be appropriately sited, designed and setback to reduce much of the building bulk. The proposal is considered acceptable under the Shire's Local Planning Scheme No.1 and the R-Codes. The application is recommended for approval.</p> |
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OFFICER RECOMMENDATION

That the Acting 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 the proposed Single Dwelling at 6A (Lot 103) Brady St Augusta subject to compliance with the following conditions:

CONDITIONS

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

| | |
|--------------------------|-------------------------------------------------|
| Plans and Specifications | P1 – P8 received by the Shire on 23 August 2023 |
|--------------------------|-------------------------------------------------|

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. All stormwater and drainage run-off from the development shall be detained within the lot boundaries, managed to pre-development 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 Standards & Specifications.
4. The building shall not exceed 8 metres in height from natural ground level in accordance with the provisions of Local Planning Scheme No.1.
5. 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.
6. Prior to the commencement of works, the Shire is to approve detailed engineering plans and specifications of the works, including earthworks, roads and paths, drainage, clearing, landscaping/rehabilitation and soil stabilisation measures, both during and after construction.
7. The wall on the boundary shall be finished to the satisfaction of the adjoining landowner, or in the case of a dispute to the satisfaction of the Shire, prior to occupation.
8. Prior to lodging of a building permit application, a schedule of colours and texture of the building materials shall be submitted and approved by the Shire. The approved colours and materials shall be implemented in accordance with the approved plans.
9. 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 vegetation being retained, proposed trees, 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; and
 - d) Those areas that are to be reticulated or irrigated are demonstrated to be designed using water sensitive principles.
 - e) Detail the timing of planting.

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.



DEVELOPMENT APPLICATION ASSESSMENT
Report to Manager Planning and Regulatory Services

Proposed Building Envelope Variation and Development Outside of Building Envelope (Outbuilding)
18 (Lot 171) Hereford Place, Margaret River

Major (Level 2 – 2x neighbour submissions received)

P223366; PTY/11615

REPORTING OFFICER : Harriet Park
DISCLOSURE OF INTEREST : Nil

| General Information | |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Lot Area | 20,019m2 (2ha) |
| Zone | Rural Residential |
| Proposed Development | <p>Planning approval is sought for a building envelope variation to accommodate a proposed 69.92m2 ancillary dwelling located in the south west corner of the property.</p> <p>A BAL report is included with the application resulting in a determined BAL rating of BAL29 for the location of the proposed ancillary dwelling with no native vegetation removal required. The proposed location of the ancillary dwelling requires the removal of old fruit trees only. The existing mature peppermint trees (<i>Agonis flexuosa</i>) to the north and east of the proposed ancillary dwelling are to be retained.</p> <p>The property is connected to reticulated water. Reticulated sewer is not available to the lot so it is currently serviced by an ATU to the south of the existing dwelling which is proposed to service the ancillary dwelling as well.</p> <p>A site visit was conducted on the 4 September 2023 and due to site constraints the proposed location is seen to be the most suitable location for development of the future ancillary dwelling.</p> <p>Two submissions were received during the neighbour advertising period. One submission of support and one of indifference with issues raised.</p> <p><u>Site History:</u> The subject property proposes a legacy issue with two historic building envelopes allocated to the site, one of which is oversized, which is not something the Shire would normally entertain under current planning provisions. The two building envelopes were allocated through a two lot subdivision approval (WAPC reference number 144709). The first building envelope is 3,587m2 and is mostly developed containing the existing dwelling, manicured gardens, stone retaining walls, a large gravel horseshoe driveway and water fountain. The second building envelope is much smaller at 678m2 which contains an existing shed and rainwater tank to the northwest of the lot. It is noted that the 678m2 building envelope containing the shed and water tank is proposed to be removed through this application and classified as development outside of the building envelope. It is noted that the proponent originally lodged the planning application for a single 3,536m2 building envelope that would include the existing dwelling and proposed ancillary dwelling, however would include mature peppermint trees. In order to retain the peppermint trees and ensure they are not impacted by future development of the site it was vital to remove these from the envelope. Therefore, the original building envelope variation included with this application could not be supported by the Shire, and as a result of negotiation between the applicant, land owner and Shire officers a split envelope approach was considered most suitable for this site.</p> <p>The split envelope proposal includes: - Eliminating the existing 678m2 building envelope that contains the existing shed and water tank and considering this as development outside of the building envelope. - Apply two envelopes, one containing the existing dwelling and one containing the proposed ancillary dwelling, excluding the mature Peppermint Trees between the two buildings from the envelopes. - The two envelopes reflect a cumulative area of no greater than 2000m2 to be in accordance with LSP1. - The building envelope containing the proposed ancillary dwelling is situated a minimum of 10m from the western lot boundary (in accordance with LPS1 Schedule 9 side setback) and a minimum of 26m from the southern lot boundary to address a submission received during the advertising period. - The building envelope containing the proposed ancillary dwelling accommodates BAL-29 development with no native vegetation removal required.</p> |

The split envelope approach is extremely site specific and seeks to rectify a legacy issue of two building envelopes allocated to the site of a size that we would not normally support. See figure 1 for existing and proposed building envelope plan.

Planning Variations Proposed:

- The proposed second building envelope presents a rear (southern) setback of 26m in lieu of 30m – variation to Schedule 9 of Local Planning Scheme No. 1.
- Proposed development outside of the building envelope (existing shed and water tank).

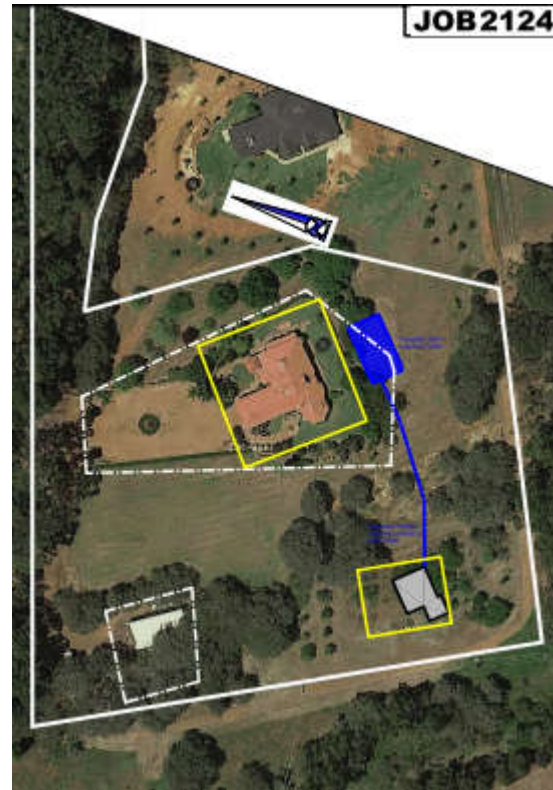


Figure 1: Existing Building envelopes (white dashed line) 3,587m², and 678m². Proposed building envelopes (yellow solid line) 1,500m² and 500m².

| | |
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| Permissible Use Class | P – Permitted (ancillary to single house) |
| Heritage/Aboriginal Sites | None identified |
| Encumbrance | Notification - Land is subject to a fire management plan Easement – Electricity supply easement along the southern boundary None affect this application. |
| Date Received | 15/06/2023 |



| | |
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| Policy Requirements | |
| Is the land or proposal referred to in any Council Policy? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Structure Plans and Local Development Plans (LDP's) | |
| Is the land in any Structure Plan Area or subject to a LDP? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| If yes, state the Policy/Policies | Subdivision Guide Plan for various addresses within the Basildene Estate approved 9 October 1997. |

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| <p>request the building be built as far away from the southern boundary as possible to reduce this hazard. Reasons being:</p> <ol style="list-style-type: none"> 1. We do not want the liability of damage to a building (or people) on a neighbouring property caused by a fire that may have come from or through our property via our existing trees. 2. There is a large power pole close to the proposed building. 3. The building should be strategically placed further northwards as the ground there is clear and has no trees barring a low level orchard. 4. We do not want to remove the trees on our northern boundary to reduce fire hazards to the proposed residence un-necessarily. <p>From a safety point of view the above 4 points makes a much safer environment for a potential renter or occupier of the proposed new building.</p> | <p>rating for consideration of future development without needing any modification of this vegetation.</p> <ul style="list-style-type: none"> • The location of a power pole has no implication for the siting of a structure of this nature or the proposed building envelope overall. • The siting of the ancillary dwelling has been moved further from the adjoining boundary to that setback previously proposed by an additional 5 metres to increase separation from the adjoining landowner. • The BAL assessment demonstrates that the siting of development can be accommodated and achieve BAL29 rating where proposed with no tree removal required. <p><u>Officers Comments:</u> The applicant was able to respond to the issues raised by the submitter by moving the proposed building envelope and ancillary dwelling an additional 5m north making the setback distance from the southern boundary 26m. Schedule 9 of LPS1 states the rear setback for a rural residential property shall be 30m. The 26m rear setback still proposes a variation to LPS1 however is considered necessary to satisfy the southern neighbours concerns and facilitate an acceptable BAL rating of BAL29 with no native tree removal required. Fire risk shall be managed through the accepted fire management plan for the subdivision and maintaining the property as per the Shire's annual firebreak notice.</p> |
| <p>Internal Department Comments</p> | <p>Officer Comments</p> |
| <p><u>Sustainability Department Comments</u></p> <ul style="list-style-type: none"> • The information provided with application does not provide BAL contour based on site of ancillary accommodation, only from the existing dwelling. BAL needs to be based on final location of ancillary accommodation. • Unclear how much vegetation will be cleared. • Appears to be a more suitable location to the south-east of existing dwelling closer to the dwelling and cleared area. • Proposal will result in development spread out across the site rather than confined/clustered. Better outcome for fire management in the future, vegetation retention. • Site inspection required. <p><u>Environmental Health Comments</u> Connected to reticulated water Not connected to reticulated sewerage</p> <p>Plans show that effluent disposal will be via secondary treatment and that a 100m separation distance can be achieved from the creekline to the effluent disposal land application area. No health conditions are required at this stage as the effluent disposal will be assessed at building application stage.</p> | <p>The applicant has since provided a BAL report resulting in a determined BAL rating for the proposed ancillary dwelling location of BAL 29, with no tree removal required.</p> <p>A site inspection was conducted on the 4 September 2023. The planning officer and land owner were in attendance. From walking around the subject property there were other cleared areas on the site that appeared suitable and were considered for the ancillary dwelling. The cleared grassed area to the north between the existing dwelling and shed appeared to be a suitable location, however it was made evident that there is an extensive band of gravel deposits stretching north / south along the ridge running through the property, making it difficult to excavate the land in this area, and therefore the owner has explained that this portion of land is unsuitable for development.</p> <p>The option of locating the ancillary dwelling within the cleared grass area to the south east behind the existing dwelling was explored, however this area is constrained by the existing effluent disposal system which irrigates most of this area.</p> <p>The location proposed for the ancillary dwelling is down slope and has minimal to no gravel deposits. The area is mostly flat, consisting of old fruit trees (to be removed), and achieves a BAL rating of BAL-29 without impacting surrounding clusters of mature peppermint trees.</p> <p>Noted.</p> |
| <p>Assessment of Application</p> | |
| <p>Is the land referred in the Heritage Inventory?</p> | <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> |
| <p>Are there any Contributions applicable?</p> | <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> |
| <p>Are there any compliance issues in relation to existing development?</p> | <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> |

| R Codes | | | | | | | | | | | | | | | | | | | | |
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| Are R Codes applicable? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | | | | | | | | | | | | | | | | | | |
| Local Planning Scheme No. 1 (LPS1) | | | | | | | | | | | | | | | | | | | | |
| Development Standards (Schedule 9) Are the development Standards applicable? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | | | | | | | | | | | | | | | | | | |
| Officer Comment | Schedule 9 – Development Setbacks | | | | | | | | | | | | | | | | | | | |
| | <table border="1"> <thead> <tr> <th></th> <th>Schedule 9 Requirement</th> <th>Provided</th> <th>Officer comment</th> </tr> </thead> <tbody> <tr> <td>Front Setback</td> <td>No front setback as this lot is a battleaxe lot.</td> <td>-</td> <td>-</td> </tr> <tr> <td>Side Setback (west)</td> <td>10m</td> <td>10m</td> <td>Complies</td> </tr> <tr> <td>Side Setback (east)</td> <td>10m</td> <td>>10m</td> <td>Complies</td> </tr> <tr> <td>Rear Setback (south)</td> <td>30m</td> <td>26m</td> <td>Variation</td> </tr> </tbody> </table> <p>The following variation is proposed to Schedule 9:</p> <ul style="list-style-type: none"> 26m rear (south) lot boundary setback in lieu of 30m. <p>The variation to the rear setback is supported for the following reasons:</p> <ul style="list-style-type: none"> The site contains areas of dense vegetation (mature peppermint trees) to the north and east of the proposed ancillary dwelling screening the development site from view of the adjoining properties. The site is a battle-axe lot with no street frontage. The development site is not visible from Hereford Road. Dense mature vegetation exists on the neighbouring property to the south to provide additional vegetation screening between the proposed ancillary dwelling and the dwelling on the southern property. The development site is not visible from the dwelling on the southern property. The location of the proposed development has been chosen by the land owners to utilise the most level part of their property for development. Most of the site is sloped from east to west, with the highest point located at the existing dwelling and the lowest point towards the Shire Reserve 36747 which contains Yalgardup Brook. Due to site constraints alternative locations of the site are unsuitable for development. There is a ridge with excessive gravel deposits that runs north / south through the middle of the property making a portion of the site difficult and unsuitable to be developed. The location is chosen based on advice from the bushfire consultant. An acceptable BAL rating of BAL-29 is achieved at the proposed location, with no impacts on vegetation. If the ancillary dwelling is shifted further north towards the mature peppermint trees to achieve the 30m rear setback distance, this could increase the bushfire risk, increase the BAL rating and/or impact existing vegetation. | | Schedule 9 Requirement | Provided | Officer comment | Front Setback | No front setback as this lot is a battleaxe lot. | - | - | Side Setback (west) | 10m | 10m | Complies | Side Setback (east) | 10m | >10m | Complies | Rear Setback (south) | 30m | 26m |
| | Schedule 9 Requirement | Provided | Officer comment | | | | | | | | | | | | | | | | | |
| Front Setback | No front setback as this lot is a battleaxe lot. | - | - | | | | | | | | | | | | | | | | | |
| Side Setback (west) | 10m | 10m | Complies | | | | | | | | | | | | | | | | | |
| Side Setback (east) | 10m | >10m | Complies | | | | | | | | | | | | | | | | | |
| Rear Setback (south) | 30m | 26m | Variation | | | | | | | | | | | | | | | | | |
| 4.22.6 Development in the Rural Residential Zone – Building Development and land use | Clusters of large mature peppermint trees are located on the site screening the development from view by surrounding land owners and the road. A condition of development approval is to be applied to provide native vegetation screening between the ancillary dwelling and the Shire Reserve 36747 to screen the development from recreational users of the public Reserve. The proposal meets the requirements of Clause 4.22.6 of LPS1. | | | | | | | | | | | | | | | | | | | |
| 5.28 Ancillary Dwellings in the Rural Zones and Rural Residential Zone | The proposal meets the LPS1 requirements for an ancillary dwelling in the rural residential zone. | | | | | | | | | | | | | | | | | | | |

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| 5.10 Building Envelopes | <p>Development of dwellings and buildings is usually prohibited outside of the building envelope unless otherwise approved by the local government. Due to a legacy issue consisting of two allocated building envelopes and site constraints, development outside of the building envelope has been considered to minimise the impact on large Peppermint trees onsite, and to prevent overdevelopment of the site.</p> <p>It is noted that the existing 678m² building envelope containing the shed and water tank is proposed to be removed through this application and reallocated to the proposed ancillary dwelling site. The existing shed and water tank will be classified as development outside of the building envelope, in order to bring the building envelope variation proposal closer to alignment with the rural residential provisions of LPS1.</p> <p>The two envelopes reflect a cumulative area of no greater than 2000m² to be in accordance with LSP1.</p> <p>Despite being unusual to see two building envelopes on one Rural - Residential zoned property, however this application delivers a reduction in size of the current building envelopes on site and facilitates the development of an additional small dwelling which can be used to house a permanent resident. The proposal yields a positive outcome when viewed on its merits and is supported.</p> | |
| Local Planning Strategy 2036 | | |
| Visual Management | The property falls within a visual management area identified in the Shire's Local Planning Strategy 2036. A condition of the development approval will be added to restrict the ancillary dwelling to be constructed from non reflective materials and colours, to ensure the development reflects the rural character of the surrounding natural landscape. | |
| Car Parking | | |
| LPS1 / R Codes Requirement | Car Bays Required – 3 total 2x bays for dwelling 1x bay for proposed ancillary dwelling | Car Bays Proposed – 3 bays |
| Dimensions | 2.5m x 5.5m | <input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply |
| Building Height | | |
| Scheme / Policy Requirement | Wall - 7m | Roof - 8m |
| State the proposed building height | Wall – 3.351m Roof – 3.950m | <input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply |
| Clause 67 | | |
| In the opinion of the officer, would approval of the planning consent be appropriate under Clause 67 of the Deemed Provisions of the Scheme? | | |
| Officer Comment | <p>Yes.</p> <p>The application has been amended to an application for a Building Envelope Variation for the proposed ancillary dwelling which has resulted in a split envelope proposal, and Development Outside of the Building Envelope. This approach is extremely site specific in attempt to align the legacy issues of the property with the provisions of LPS1. The split envelope approach intentionally minimises the impact on large mature Peppermint trees on site, and to prevent overdevelopment of the site. The proposed ancillary dwelling is located in an area on the property where there is the least amount of existing native vegetation and for ease of construction as the site is predominantly flat.</p> | |
| In the opinion of the officer | | |
| vi. Are utility services available and adequate for the development? | Yes. Reticulated water is supplied to the lot. The existing secondary effluent disposal system will service the proposed ancillary dwelling. This system is located >100m from the Yalgradup Creek. | |
| vii. Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land? | Yes. No native vegetation is proposed to be removed. Condition of Development Approval applied to ensure native vegetation endemic to the area is planted between the ancillary dwelling and the western boundary to screen the development from recreational users of Shire Reserve 36747. | |
| viii. Has adequate provision been made for access for the development or facilities by disabled persons? | N/A | |
| ix. Is development likely to cause detriment to the existing and likely future amenity of the neighbourhood? | No. The site is located within a Visual Management Area identified as an area of landscape protection outlined in the Local Planning Strategy 2036. Reflective materials and colours are not permitted in this area. Condition of development approval added. | |
| x. Is the development likely to comply with AS3959 at the building permit stage? | Yes. A BAL report was submitted with the application resulting in a determined BAL-29. | |
| Other Comments | | |
| Any further comments in relation to the application? | | |
| Officer Comment | Conditional Approval is recommended. | |

OFFICER RECOMMENDATION

That the Acting Manager of Planning and Regulatory Services Grants 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

proposed Building Envelope Variation and Development Outside of Building Envelope (Outbuilding) at 18 (Lot 171) Hereford Place, Margaret River subject to compliance with the following conditions:

CONDITIONS

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

| | |
|--------------------------|-------------------------------------------------------------------------------------------------------------------|
| Plans and Specifications | P1 Dated 26 October 2023, P2 received by the Shire on the 23 October 2023, and P3 to P4 received on 15 June 2023. |
|--------------------------|-------------------------------------------------------------------------------------------------------------------|

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 Shire's Local Planning Strategy 2036 identifies that the site is located within a Visual Management Control Area. Therefore development must not include materials with a colour which has a solar absorbance rating less than or equal to 0.4. Prior to lodging of a building permit for the development, a schedule of colours for the exterior building materials shall be submitted to the satisfaction of the Shire. The approved schedule of colours shall be implemented for the development from commencement of works and all times thereafter.
5. The revised building envelope plan hereby approved, wholly replaces that previously applicable to the site.
6. Clearing of vegetation is prohibited outside the building envelope, unless in accordance with the *Bush Fires Act 1954* or required for the purpose of constructing an approved driveway, installing essential services, or removing dead or dangerous trees as verified by a suitably qualified arboriculturist.
7. During construction, areas of native vegetation must not be damaged by any works including the placement of fill, rubble, rubbish or any other material, nor is any removal, clearing or damage to occur to any vegetation.
8. When undertaking any clearing, revegetation and rehabilitation, the Proponent shall take the following steps to minimise the risk of introduction and spread of dieback/weeds:
a) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
a) avoid the movement of soil in wet conditions;
b) ensure that no dieback-affected materials are brought into an area that is not affected by dieback; and
c) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.
9. Landscaping along the western boundary of the property, between the ancillary dwelling and Shire Reserve 36747 as shown on approved plan 'P1', shall be implemented. Landscaping shall consist of native species endemic to the area. The landscaping must not be impacted by construction works and shall at all times be maintained and replanted as required and to the satisfaction of the Shire. Details of the landscaping shall be provided on the building permit plans.
10. This approval does not permit short stay use of the Ancillary Dwelling at any time. Pursuant to the Shire's *Local Planning Policy 7 – Short Stay Accommodation*, the Ancillary Dwelling shall only be used for permanent accommodation.

ADVICE NOTES

- b) 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.