

DEVELOPMENT ASSESSMENT UNIT

Minutes of the Development Assessment Unit
Shire of Augusta Margaret River
On
1 December 2015

ATTENDANCE

Chris Wenman, Johan Pienaar, Jason Heine, Kim Nolan, Polina Chernova

CONFIRMATION OF MINUTES

PLANNING APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	DA No.
23/11/2015	A4477	41 (Lot 508) Res 50552 Clarke Road, Margaret River	Community Garden	P215584
23/11/2015	A3752	45 (Lot 9) Doyle Place, Margaret River	Building Envelope Variation and Ancillary Accommodation	P215587
23/11/2015	A6408	Unit 10 / 20 (Lot 229) Riedle Drive, Gnarabup	Residential Building (Short Stay Use of Grouped Dwelling)	P215588
23/11/2015	A11020		Extension of local law permit to Margaret River Surf School (expires 16 December 2015)	P215590
23/11/2015	A11020	Gnarabup Beach, Reserve 41545, Wallcliffe Road Gnarabup	Public Event on Shire Reserve - Margaret River Ocean Swim - 30 January 2016	P215591
24/11/2015	A12017	36 (Lot 34) Leschenaultia Avenue, Margaret River	Dwelling	P215592
24/11/2015	A12088	Lot 217 Coracina Avenue, Witchcliffe	Dwelling and Water Tanks	P215593
24/11/2015	A1448	137 (Lot 22) Fifty One Road, Cowaramup	Change in use from Cellar Door Sales to Reception Centre	P215594
24/11/2015	A366	426 (Lot 30) Carters Road, Burnside	Subdivision	P215595
25/11/2015	A5048	46 (lot 1) Boronia Road, Rosa Glen	Caravan Park Additions (Staff Kitchen and Sitting Room)	P215596
25/11/2015	A7472	6 (Lot 527) Pelican Rise, Augusta	Dwelling and Ancillary Dwelling	P215597
25/11/2015	A3676	76-78 (Lots 64 and 65) Town View Terrace, Margaret River	Amalgamation	P215598
26/11/2015	A4750	89-157 (location 688) Stevens Road, Witchcliffe	Amendment to Planning Approval P215265	P215599
25/11/2015	A3562	331 Wallcliffe Road, Margaret River	Public Event on Private Property - "Movies in the Vineyard" - 15 December 2015 to 8 April 2016	P215600
27/11/2015	A7980	31 (Lot 138) Grunters Way, Gnarabup	Dwelling	P215601
27/11/2015	A11020	Rivermouth, Jays Beach and Huzzas	Extension of local law permit Josh Palmateer surf school expires 16 December 2015	P215602
27/11/2015	A11020	Rivermouth	Extension of local law permit Josh Palmateer water craft hire expires 16 December 2015	P215603
27/11/2015	A11126	25 (Lot 482) Stewart Street, Margaret River	Proposed Survey Strata subdivision	P215604
27/11/2015	A11020	Grunters Beach, Jays Beach and Blackwood Rivermouth	Extension of local law permit Elemental Surf kite surf school expires 16 December 2015	P215605
27/11/2015	A4451	Blackwood Rivermouth and Gracetown main beach	Extension of local law permit Elemental Surf to operate Stand Up Paddle School expires 16 December 2015	P215606
27/11/2015	A11020	Rivermouth	Extension of Local law permit Bushtucker Tours at Rivermouth expires 16 December 2015	P215607
27/11/2015	A11020	Grunters Beach	Extension of local law permit MR kitesurfing and stand up paddle expires 16 December 2015	P215608
27/11/2015	A11020	Gnarabup	Extension of local law permit Standup Surfing at Gnarabup expires 16 December 2015	P215609
27/11/2015	A11020	Rivermouth	Extension local law permit Outdoor Discoveries at Rivermouth expires 16 December 2015	P215610

BUILDING LICENCE APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
23/11/2015	A11949	1 (Lot 221) Lumber Crescent, Karridale	Dwelling	215529
23/11/2015	A11883	5 (Lot 222) Mecklenberg Drive, Margaret River	Dwelling	215530
24/11/2015	A9252	9 (Lot 88) Holley Place Cowaramup	Dwelling	215531
24/11/2015	A11751	27A Georgette Way Prevelly	Demolition Permit	215532
24/11/2015	A11927	1(Lot 249) Hocking Lane Cowaramup	Dwelling	215533
24/11/2015	A5744	Lot 210 Marmaduke Point Gnarabup	Single Dwelling	215534
24/11/2015	A7838	181 Salter Street Gracetown	Additions to Existing Clubrooms	215535
24/11/2015	A585	8 (Lot 154) Clements Crescent Molloy Island	Dwelling	215536
26/11/2015	A11936	22 (Lot 264) Noreuil Circuit Cowaramup	Dwelling	215537
25/11/2015	A10121	84 (Lot 2) Turner Street Augusta	Dwelling	215538
25/11/2015	A11751	Unit 1, 27 Georgette Way, Prevelly	Shed	215539
25/11/2015	A1782	4 (Lot 104) Vattos Way, Prevelly	Unlawful Works (Retaining Wall)	215540
26/11/2015	A3479	Lot 16 Le Souef Street Margaret River	Multi Unit Development	215541
26/11/2015	A11751	Unit 1, 27 (Lot 97) Georgette Way, Prevelly	Dwelling	215542
27/11/2015	A218	92 (Lot 5) Railway Terrace Margaret River	Dwelling Additions - Carport and Shed	215543
27/11/2015	A482	47 (Lot 2438) Coffee Road Alexander Bridge	Additions	215544
27/11/2015	A10310	2 (Lot 89) Holbrook Street Margaret River	Patio	215545

SUBDIVISIONS DETERMINED

Date Rec'd	Officer	DA No.	Address	Description of Matter	Recommendation
22/10/2015	Matt Cuthbert	P215516	Lots 72 and 73 Kevill Road West, Margaret River	Subdivision	Support

LEVEL 1 APPLICATIONS DETERMINED BY DIRECTOR

Date Rec'd	Officer	Address	Proposal	Determination	DA No.
14/10/2015	Angela Satre	7 (Lot 53) Freycinet Way, Gnarabup	Holiday House	Approved	P215495
15/10/2015	Angela Satre	1 (Lot 30) Osborne Street, Gracetown	Holiday House (Large)	Approved	P215500
02/11/2015	Matt Slocomb	72 (Lot 175) Dalton Way, Molloy Island	Holiday House (Large) Renewal	Approved	P215543
18/11/2015	Lara Hoole	108 (Lot 1555) Forest Grove Road, Forest Grove	Farm Building Addition (Lean-to)	Approved	P215578

LEVEL 2 APPLICATIONS FOR DETERMINATION BY DPDS

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
21/09/2015	JP/JD	5962 (S/L 10) Caves Road, Margaret River	Building Envelope Variation and Dwelling Additions	Approve	P215445

LOCAL LAW PERMITS

Date Rec'd	Officer	Address	Proposal	Determination	DA No.

OTHER APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Determination	DA No.

COMPLIANCE

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.

ELECTED MEMBERS ATTENTION

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.

CLOSURE OF MEETING





DEVELOPMENT APPLICATION ASSESSMENT (DAU)
Report to Manager Planning Services
 Proposed Dwelling Additions and Building Envelope Variation at 5962 (Strata Lot 10 of Lot 410)
 Caves Road, Margaret River

Major (Level 2)

P215445; PTY/11304

REPORTING OFFICER : Jared Drummond/Johan Pienaar
 DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	4,343m2
Zone	Rural Residential
Proposed Development	Building envelope variation and dwelling additions comprising: <ul style="list-style-type: none"> - A freestanding carport, laundry and storeroom building; and - A freestanding activity room, bedroom and undercover outdoor living area (including a deck and bedroom balcony).
Permissible Use Class	The parent lot was strata subdivided and includes common property. The dwellings in this subdivision would therefore technically be classed as 'grouped dwellings'. A Grouped Dwellings is a "D" – Discretionary use. The development is not exempted from planning approval under the deemed provisions of LPS1. Only residential development where the R-Codes apply is exempted from planning approval.
Heritage/Aboriginal Sites	Nil
Encumbrance	N/A
Date Received	21 September 2015



The Site



Policy Requirements			
Is the land or proposal referred to in any Council Policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
Officer Comment	<p>The applicable policy is <i>Local Planning Policy 28 - Development and Subdivision in Bushfire Prone Areas</i>.</p> <p>The proposal is exempted from the requirements prepare a FMP as fire management plan has previously been submitted that includes the site. The approved FMP requires development to comply with the AS3959 standard, which is assessed at building licence stage. The FMP requires the implementation and maintenance a hazard separation zone (HSZ) to ensure development can happen at an acceptable standard.</p>		
Structure Plans and Local Development Plans (DAP)			
Is the land in any Structure Plan Area or subject to a DAP? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
Officer Comment	<p>Subdivision and Development Guide Plan – Part Sussex Location 410 Caves Road, Margaret River.</p> <p>This application is seeking to vary the building envelope for Strata Lot 10 as shown on the Subdivision Guider Plan.</p>		
Advertising/Agency Referrals			
Has the application been referred to adjoining landowners/agency?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> N/A
Has a submission been received by Council?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> N/A
Have agency or authority comments been received?		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Name	Nature of Submission	Officer Comment	
Private Submission (Objection)	<ol style="list-style-type: none"> The current setback on the strata title is 6m and should remain so. This is already a reduction of the standard 10m setback for rural residential blocks; Lot 11 was purchased to build a residence in a bushland setting, secluded from the neighbours. The block was purchased with an understanding of the existing conditions and building envelopes in place, and reasonably expect these to be maintained; Lot 11 is currently undeveloped. The proposed changes would mean that the new storage and carport buildings would be within 2 metres of the boundary, reducing options for location and design of future buildings and gardens on Lot 11; Building this close to the boundary may create situations in future where trees on our property would become a concern to our neighbours possibly due to windfall, fire or nuisance. Thus the onus could then be on us to potentially remove a tree that we wanted to keep; Supporting this proposal may set precedence for further applications. It is considered undesirable to change the minimum setback on any of the other lots; and There is sufficient space available within the existing building envelope on Lot 10 to accommodate the proposed structure without developing further towards the southern boundary. 	<p>The proponent was informed of the objection. The proponent was also informed that a nil metre setback, as initially proposed, is not consistent with the objectives of the scheme for setting building envelopes. Additionally, a nil metre setback would not allow for any fire management measures to be applied within the boundaries of the site.</p> <p>An amended proposal was submitted showing a small portion of the corner of the proposed laundry/store building to be approximately 4.8m from the boundary. This requires a minor shift of the building envelope closer to the southern boundary. The neighbours have confirmed in writing that they support the revised proposal.</p>	
Has the application been referred to internal departments?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
Assessment of Application			
Is the land referred in the Heritage Inventory?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there any Contributions applicable?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there any compliance issues in relation to existing development?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Development Standards (Schedule 13)			
Are the development Standards applicable?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Officer Comment	<p>The underlying zoning of the site is "priority agriculture", which requires a 30m setback from the front boundary and 20m from the side and rear boundaries. The site is identified on the approved Subdivision and Development Guide Plan as a "rural residential cluster" lot. Considering the intended use of the lot it is reasonable to apply the rural residential setback</p>		

	standards, which are 30m from the front and rear boundaries and 10m from the side boundaries. These setback standards have already been varied under the approved Subdivision and Development Guide Plan with setbacks of 6m from the side and rear boundaries. The variation as proposed in the revised proposal is a minor departure from the building envelope setbacks approved under the Subdivision and Development Guide Plan and will not result in any detrimental off-site impacts.
Clause 67	
A. In the opinion of the officer, would approval of the planning consent be appropriate under Clause 67 of the Deemed Provisions of the Scheme?	
Officer Comment	Yes.
B. In the opinion of the officer:	
i. Are utility services available and adequate for the development?	Yes
ii. Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land?	Yes
iii. Has adequate provision been made for access for the development or facilities by disabled persons?	N/A
iv. Is development likely to cause detriment to the existing and likely future amenity of the neighbourhood?	No
v. Is the development likely to comply with AS3959 at the building permit stage?	<p>The subdivision is subject to a Fire Management Plan (FMP). Individual firebreaks are not required due to the requirement for strategic firebreaks around the perimeter of the subdivision.</p> <p>The approved FMP requires development to comply with AS3959. A BAL assessment will be required at building license stage to confirm required level of construction.</p> <p>The FMP states that the “building sites” in the subdivision is setback more than 100m from forested areas. The fuels between the building sites and the forested areas are required to be maintained ‘low’ in accordance with the hazard separation zone requirements as outlined in <i>Planning for Bushfire Protection</i>.</p> <p>The proposal would not place any buildings closer the forested areas identified in the approved FMP. The proposed development would therefore not have any implications in relation to fire management under the approved FMP.</p>
Other Comments	
Any further comments in relation to the application?	
Officer Comment	The proposed building envelope variation and dwelling additions are supported subject to standards conditions.

OFFICER RECOMMENDATION

That the Manager of Planning and Development Services **GRANTS** Planning Consent under Delegated Authority Instrument No. 15 pursuant to Clause 68(2) of the Deemed Provisions of Local Planning Scheme No. 1 for a Building Envelope Variation and Dwelling Additions at 5962 (Strata Lot 10 of Lot 410) Caves Road, Margaret River subject to compliance with the following conditions:

CONDITIONS

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

Plans and Specifications	P1 to P9 received at the Shire on 23 November 2015
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- If the development, the subject of this approval, is not substantially commenced within two (2) years from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has lapsed, development is prohibited without further approval being obtained. (P)
- The revised building envelope hereby approved, wholly replaces that previously applicable to the site. (P)

4. 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.(P)
5. All stormwater and drainage run-off from the development shall be contained within the lot boundaries or disposed offsite by an approved connection to the Shire's drainage system in accordance with the Shire of Augusta-Margaret River Standards & Specifications. (I)
6. The walls and roof of the building shall be clad in a non-reflective material and painted in a colour of natural or earth toning consistent with the existing landscape and existing development. To this end, reflective materials (including but not limited to 'silver' sheeting) or reflective colours as cladding/external painting (including but not limited to white, cream, off white or pale grey) are prohibited.(P)

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 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.