

# DEVELOPMENT ASSESSMENT UNIT

## Minutes of the Development Assessment Unit Shire of Augusta Margaret River On 17 November 2015

**ATTENDANCE:** Kim Nolan, Chris Wenman, Johan Pienaar, Angela Satre

**APOLOGIES:** Jason Heine

### CONFIRMATION OF MINUTES

Minutes of meeting dated 10 November 2015 confirmed as correct.

### PLANNING APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	DA No.
09/11/2015	A11855	3 (Lot 21) Knox Place, Witchcliffe	Dwelling and Ancillary Water Tank	P215560
09/11/2015	A2683	1 (Lot 1) Bridge Road, Augusta	Compliance - Unauthorised Construction of a Boundary Fence	P215561
11/11/2015	A8793	37 (Lot 221) Mansfield Avenue, Margaret River	Holiday House	P215563
11/11/2015	A4525	69 (Lot 132 of Reserve 39081) Bussell Highway, Margaret River	Compliance - Unapproved A Frame Sign	P215564
11/11/2015	A5385	Lot 108 Boodjidup Road, Margaret River	Compliance - Alleged Illegal Use of Land for Camping)	P215565
12/11/2015	A11190	15 (Lot 452) Hibbertia Terrace, Margaret River	Retaining Wall Ancillary to Dwelling	P215566
13/11/2015	A3890	790 (Lot 1) Low Road, Rosa Glen	Chalet	P215567

### BUILDING LICENCE APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
09/11/2015	A8544	69 (Lot 173) Duggan Drive, Cowaramup	Single Dwelling	215497
09/11/2015	A9389	33 (Lot 191) Hereford Place, Margaret River	Swimming Pool	215499
09/11/2015	A1123	213 (Lot 74) Wilderness Road, Margaret River	Pergola	215502
09/11/2015	A6262	13 (Lot 13) Mitchell Road, Rosa Glen	Shed	215503
09/11/2015	A12025	Lot 215 Mecklenberg Drive, Margaret River	Two Storey Dwelling	215504
09/11/2015	A4367	27-33 (Lot 295) Tunbridge Street, Margaret River	Building Alterations	215505
10/11/2015	A3156	7 (Lot 64) Thelma Street, Augusta	Carport	215506
10/11/2015	A7396	13 (Lot 111) Orchid Ramble, Margaret River	Ancillary Accommodation	215507
11/11/2015	A8851	Lot 213 Westringia Loop, Margaret River	Dwelling	215509
12/11/2015	A2200	73 (Lot 5) Bussell Highway, Margaret River	Additions and Restumping	215511
13/11/2015	A10324	38 (Lot 107) Lloyd Loop, Margaret River	Dwelling	215514

### SUBDIVISIONS DETERMINED

Date Rec'd	Officer	DA No.	Address	Description of Matter	Recommendation

### LEVEL 1 APPLICATIONS DETERMINED BY DIRECTOR

Date Rec'd	Officer	Address	Proposal	Determination	DA No.
14/07/2015	Johan Pienaar	6 (Lot 25) Walkington Avenue, Margaret River	Grouped Dwellings x 3	Approved	P215316
21/09/2015	Lucy Gouws	227 (Lot 11) Fifty One Road, Cowaramup	Cellar Door Sales, Brewery and Ancillary Restaurant	Approved	P215443
22/09/2015	Lara Hoole	8 (Lot 154) Clements Crescent, Molloy Island	Amendment to Planning Approval P214392	Approved	P215446
06/10/2015	Jared Drummond	65 (Lot 191) Marmaduke Point Drive, Gnarabup	Holiday House (Large)	Approved	P215476
07/10/2015	Angela Satre	29 (Lot 70) Georgette Road, Gracetown	Holiday House	Approved	P215479
08/10/2015	Angela Satre	15 (Lot 77) Georgette Road, Gracetown	Holiday House (Large)	Approved	P215481

09/10/2015	Angela Satre	83 (Lot 16) Coppin Grove, Redgate	Holiday House (Large)	Approved	P215486
23/10/2015	Angela Satre	6 (Lot 170) Rapids Landing Avenue, Margaret River	Dwelling	Approved	P215521
26/10/2015	Johan Pienaar	32 (Lot 210) Marmaduke Point Drive, Gnarabup (L1)	Dwelling	Approved	P215527
28/10/2015	Johan Pienaar	24 (Lot 42) Harrington Road, Margaret River (L1)	Dwelling	Approved	P215536
02/11/2015	Lara Hoole	11 (Lot 222) Wise Road, Margaret River (L1)	Dwelling	Approved	P215542
04/11/2015	Matt Slocomb	8 (Lot 100) Willmott Avenue, Margaret River	Caravan Park (Additions to Caretaker's Dwelling)	Approved	P215552
06/11/2015	Matt Slocomb	44 (lot 26) Isaacs Road, Margaret River	Dwelling Additions and Alterations	Approved	P215558

#### LEVEL 2 APPLICATIONS FOR DETERMINATION BY DPDS

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
26/08/2015	Angela Satre	Lot 2 Saint Alouarn Place, Margaret River	Building envelope variation, dwelling and Guesthouse	Approve	P215394

#### 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 Building Envelope Variation, Dwelling and Guesthouse at 12 (Lot 2) Saint Alouarn Place, Margaret River**

Major (Level 2)

P215394; PTY/5491

REPORTING OFFICER : Angela Satre  
 DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	1.3h
Zone	Rural Residential
Proposed Development	<p><b>Building envelope</b> variation as follows:</p> <ul style="list-style-type: none"> <li>From the existing 900m<sup>2</sup> envelope to a 1465m<sup>2</sup> envelope;</li> <li>The proposed envelope would be setback a minimum of 23m from the front boundary facing St Alouarn which is a variation to the 30m front setback guideline under LPS1.</li> </ul> <p><b>Dwelling</b> as follows:</p> <ul style="list-style-type: none"> <li>A four bedroom largely single storey dwelling with a two storey portion (6m x 5.5m) facing St Alouarn Place.</li> </ul> <p><b>Guesthouse</b> as follows:</p> <ul style="list-style-type: none"> <li>One guest room for short stay accommodation for up to two adults or one family in the two storey portion of the proposed dwelling.</li> </ul> <p>The proposed short stay accommodation use is most accurately defined as a Guesthouse given:</p> <ul style="list-style-type: none"> <li>the use is proposed in a two storey portion of the dwelling that has a separate roof structure to the main dwelling; and</li> <li>the use is separated from the dwelling by an attached garage and workshop.</li> </ul> <p>It is considered that due to this separation of both habitable portions of the dwelling and to the separate rooves, the proposal is most accurately a guesthouse which would be conducted '<i>...in part of the building occupied...</i>' as a dwelling rather than under the main roof of the dwelling house as is required for a Bed &amp; Breakfast proposal.</p>
Permissible Use Class	'P' a single dwelling is a permitted use. 'A' advertising required for the Guesthouse.
Heritage/Aboriginal Sites	No
Encumbrance	Nil
Date Received	26/08/2015



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 (DAP)		
Is the land in any Structure Plan Area or subject to a DAP? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, state the Policy/Policies   Wallcliffe Road Special Rural Subdivision Plan (the subdivision plan)		
Officer Comment	This subdivision plan identifies original building envelopes for the locality. The original envelope for the site is reflected on the site plan submitted with the development application.	
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 checked="" type="checkbox"/> No <input type="checkbox"/> N/A
Name	Nature of Submission	Officer Comment
One objection was received from a land owner to the south of the site.	Objection to the proposed building envelope enlargement and varied location given the potential adverse impact to views ' <i>...enlarging this envelope and moving it towards the road will affect my views...</i> '.	<p>The proposed envelope and development within it has been carefully considered using a site scaffold and assessing the impact from neighbouring southern sites. In summary, a two storey structure will obstruct the view of the skyline enjoyed from neighbouring southern properties if positioned in the southern part of either the existing or proposed envelopes.</p> <p>The ground level over the existing envelope slopes toward the river to the north and to the east. The result being the original envelope is positioned on the highest natural ground level on the site.</p> <p>The proposed envelope is at slightly different ground level; the ground over the southern portion of the envelope slopes toward the east and south.</p> <p>The proposed location of the development, namely the two storey portion of the dwelling, would however be no more adverse when viewed from the south than if located in the southern portion of the existing envelope due to the slightly lower natural ground level in the proposed southern portion of the envelope.</p> <p>The proposed envelope will result in impacts to views enjoyed from neighbouring southern dwellings; however the impact is no more adverse, and likely to be less adverse, than the impact arising from the same development in the existing envelope.</p> <p>The proposed envelope variation is considered acceptable.</p> <p>The size of the proposed envelope is also consistent with the 2000m<sup>2</sup> size for envelopes provided for in the 'omnibus' amendment (Amendment 29 of LPS1) adopted by Council at its Ordinary Meeting of 13 August 2014 (OM2014/169). The proposed envelope size is considered acceptable.</p>
Has the application been referred to internal departments?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> N/A
Environmental Health: No issues raised – advice notes recommended.	Noted	
Assessment of Application		
Is the land referred in the Heritage Inventory?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there any Contributions applicable?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there any compliance issues in relation to existing development?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
R Codes		
Are R Codes applicable?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Development Standards (Schedule 9)		
Are the development Standards applicable?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Officer Comment	<p>Pursuant to Schedule 9 of LPS1 setbacks of 30m from the front and rear and 10m from the side boundaries apply to the site. In this case the amended building envelope will result in a variation to the front boundary setback; a minimum front setback of 23m is proposed.</p> <p>For lots fronting St Alouarn, there is a pattern of building envelope and front setback variations as follows:</p> <ul style="list-style-type: none"> <li>Lot 11 St Alouarn – Building envelope variation approved 5 April 2011 (P20151) for a 1300m<sup>2</sup> envelope setback 25m to the northern/St Alouarn boundary.</li> </ul>	

	<ul style="list-style-type: none"> <li>Lot 12 St Alouarn – Building envelope variation approved 15 March 2011 (P211021) resulting in a 1260m2 envelope setback a minimum of 14m from the northern/St Alouarn boundary.</li> <li>Lot 13 St Alouarn – Building envelope variation (P960042) granted 30 July 1996 for a 1090m2 envelope setback approximately 60m from St Alouarn.</li> <li>Lot 14 Wooditch Road – Building envelope variation (P211312) granted 11 October 2011 for a 1000m2 envelope setback 19m to the front/Wooditch Road boundary.</li> <li>Lot 3 St Alouarn – Building envelope variation (p23189) granted on 19 June 2003 for a 1070m2 envelope setback 22m to the front/St Alouarn boundary.</li> </ul> <p>The proposed variation is therefore not inconsistent with front setbacks for development in the locality and the variation is considered acceptable.</p>
<b>Car Parking</b>	
LPS1 Requirement	Car Bays Required - <2>      Car Bays Proposed -<2>
Dimensions	2.5 x 5.5m <input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply
Turning Bay/Circles and vehicle manoeuvring	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply
<b>Building Height</b>	
Scheme / Policy Requirement	Wall - 7 m      Roof - 8m
State the proposed building height	Wall – 6.0m <input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply Roof – 7.9m
<b>Clause 67</b>	
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?	
<b>Officer Comment</b>	Yes – A Guesthouse use on the site has the potential to be managed without nuisance to neighbours given the dwelling is occupied by the operator. A 12 month conditional approval is therefore recommended in this case for the Guesthouse.
B. In the opinion of the officer:	
i. Are utility services available and adequate for the development?	Yes – the site is connected to reticulated water but not reticulated sewer.
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?	The site exists in Visual Management Zone 'A' therefore non-reflective building materials are required.
v. Is the development likely to comply with AS3959 at the building permit stage?	Yes
<b>Other Comments</b>	
Any further comments in relation to the application?	
<b>Officer Comment</b>	The proposal was notified to neighbours and one objection was received to the building envelope variation due to concern about the envelope size and the potential adverse impact to views enjoyed from southern sites. The variation was assessed and it was noted that a two storey structure in the southern portion of the proposed envelope would be no more adverse than a two storey structure in the southern portion of the existing envelope. Furthermore, there is an existing pattern of front setback variations to envelopes in the area such that the proposed setback would be consistent with the pattern of front setbacks for envelopes on both the north and south sides of St Alouarn. With regard to the envelope size, the proposed size is within the adopted size for envelope's provided for in the omnibus amendment. For these reasons, the proposed variation to the envelope is considered acceptable and the application is recommended for conditional approval.

#### 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 to a Building Envelope Variation, Dwelling and Guesthouse at 12 (Lot 2) Saint Alouarn Place, 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 received at the Shire offices on 19 November 2015 and P2 – P4 received at the Shire offices on 6 November 2015.
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2. The revised building envelope hereby approved, wholly replaces that previously applicable to the site. (P)
3. 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)
4. The Guesthouse use is limited to a period of **twelve (12) months** from the practical completion of the dwelling (refer to advice note a). (P)
5. 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)
6. The dwelling/building, in which the Guesthouse use is approved, shall be occupied as a residence by the operator of the Guesthouse at all times the Guesthouse use is in operation. (P)
7. The Guesthouse use pursuant to this approval allows for rooms to be set aside for short stay accommodation only. Short stay means tourist accommodation set aside either continuously or from time to time for temporarily living purposes but which are not occupied by the same person or group of persons for a period in excess of three (3) months in any one 12 month period. (P)
8. A maximum of one bedroom shall be used for accommodation purposes and the total number of guests shall not exceed **two (2) persons, or one family (up to a maximum four people)**, at any one time. (P)
9. An Emergency Response Plan and Fire Management Plan (i.e. fire escape route maps and other details as required) shall be prepared and submitted to Council prior to commencement of the Guesthouse use. The Emergency Response Plan shall be displayed in a conspicuous location within the dwelling. (P)
10. The keeper or manager shall reside continuously on the site whenever there are one or more guests in the Guesthouse. (H)
11. The walls and roof of the building(s) 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) 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 Guesthouse 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. (P)
- 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 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.
- c) Should food be provided to guests, registration is required under the *Food Act 2008*. Make application to the Shire's Environmental Health department. (EH)
- d) Should the dwelling be occupied by the public (for short-stay accommodation), the development is to provide a potable water source in accordance with Shire of Augusta *Margaret River Health Local Laws 1999* (e.g. water to be treated by filter and ultra violet light).