

DEVELOPMENT ASSESSMENT UNIT
Minutes of the Development Assessment Unit
Shire of Augusta Margaret River
On 1 December 2020

ATTENDANCE

Angela Satre, Chris Wenman, Chris McAtee, Jason Heine & Lezia Sandon

PLANNING APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	DA No.
26/11/2020	A3412	6 (Lot 20) Knight Place, Augusta	Holiday House	P220770
30/11/2020	A12327	20 (Lot 121) Mentelle Road, Burnside	Outbuilding Alteration	P220775
01/12/2020	A12676	7 (Lot 62) Kevill Road East, Margaret River	Holiday House (Renewal)	P220776
01/12/2020	A4996	4 (lot 117) Mann Street, Margaret River	Retaining Addition	P220777
01/12/2020	A1748	163 (Lot 1) Treeton Road North, Cowaramup	Holiday House (Renewal)	P220778
02/12/2020	A3257	16 (Lot 16) Illawarra Avenue, Margaret River	Subdivision	P220783
01/12/2020	A5384	456 (Lot 107) Boodjidup Road, Margaret River	Subdivision	P220786

BUILDING LICENCE APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
01/12/2020	A12198	11 (Lot 23) Copse Way, Cowaramup	Single Dwelling	220599
26/11/2020	A5792	13 (Lot 20) Memorial Drive, Cowaramup	Shed	220607
26/11/2020	A8860	40 (Lot 68) Dawson Terrace, Augusta	Additions to Existing Dwelling	220608
26/11/2020	A3958	2 (Lot 609) Millar Road, Augusta	Shed	220609
26/11/2020	A538	330/366 (Lot 1) Kudardup Road, Kudardup	Entry Statement	220610
26/11/2020	A12837	67 (Lot 233) McDermott Parade, Witchcliffe	Single Dwelling and Rainwater Tank	220611
26/11/2020	A1683	21 (Lot 78) Elizabeth Street, Margaret River	Ancillary Dwelling and Garage	220613
27/11/2020	A13042	16 (Lot 35) Tallwood Loop, Witchcliffe	Single Dwelling and Rainwater Tank	220614
27/11/2020	A265	22 (Lot 56) Elva Street, Margaret River	Swimming Pool and Fence	220615
27/11/2020	A12296	9 (Lot 66) Birch Loop, Margaret River	Single Dwelling and Carport	220616
27/11/2020	A12753	841 (Lot 204) Burnside Road, Burnside	Rainwater Tanks x2	220617
30/11/2020	A435	18 (Lot 99) Georgette Road, Gracetown	Spa and Fencing	220618
30/11/2020	A3008	31 (Lot 53) Town View Terrace, Margaret River	Carport	220619
30/11/2020	A9173	6 (Lot 8) Honeytree Grove, Cowaramup	Ancillary Accommodation	220620
30/11/2020	A12746	57 (Lot 391) Pimelia Drive, Margaret River	Single Dwelling and Carport	220621
02/12/2020	A12733	3 (Lot 365) Winton Street, Margaret River	Single Dwelling	220622
01/12/2020	A6276	15 (Lot 213) Hermitage Drive, Margaret River	Spa and Fencing	220623
30/11/2020	A3045	145 (Lot 2926) Stoner Road, Bramley	Carport	220624
01/12/2020	A12940	96 (Lot 420) Ironstone Place, Margaret River	Rainwater Tank	220625
01/12/2020	A9297	79 (Lot 21) Turner Street, Augusta	Decking Addition	220626
02/12/2020	A10273	17A (Lot 101) Blackwood Avenue, Augusta	Single Dwelling and Garage	220627
02/12/2020	A7925	46 (Lot 523) The Boulevard, Margaret River	Shed	220628
02/12/2020	A7003	14 (Lot 57) Sheridan Road, Margaret River	Relocate Shed	220629
02/12/2020	A5754	12 (Lot 220) Marmaduke Point Drive, Gnarabup	Additions to Existing Dwelling and Ancillary Accommodation	220630

02/12/2020	A887	19 (Lot 100) Bussell Highway, Augusta	Shed	220631
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SUBDIVISIONS DETERMINED

Date Rec'd	Assess No.	DA No.	Address	Description of Matter	Recommendation
27/10/2020	A3199	P220690	30 (Lot 7) Lukes Road, Augusta	Subdivision	Support with Conditions
27/10/2020	A5388	P220692	5 (Lot 111) Waler Place, Margaret River	Subdivision	Support with Conditions

LEVEL 1 APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
11/08/2020	Lara Hoole	21 (Lot 47) Merrit Lane, Margaret River	Dwelling Additions (Retaining and Fill)	Approved	P220450
14/08/2020	Lara Hoole	280 (Lot 62) Railway Terrace, Margaret River	Dwelling Additions (Outbuilding)	Approved	P220464
08/09/2020	Lezia Sandon	89/157 (Lot 688) Stevens Road, Witchcliffe	Agriculture Intensive (Vineyard)	Approved	P220519
14/09/2020	Lezia Sandon	31 (Lot 63) Greenwood Avenue, Margaret River	Single House	Approved	P220540
14/09/2020	Lara Hoole	12 (Lot 220) Marmaduke Point Drive, Gnarabup	Dwelling Addition & Ancillary Accommodation	Approved	P220546
23/09/2020	Lara Hoole	10B (Lot 1) Walkington Avenue, Margaret River	Dwelling Additions (Outbuilding - Shed Extension)	Approved	P220582
05/10/2020	Lina O'Halloran	25 (Lot 240) Chuditch Place, Gnarabup	Bed & Breakfast (Renewal)	Approved	P220611
06/10/2020	Lezia Sandon	Unit 5/62 (Lot 118) Orchid Ramble, Margaret River	Tourism Mixed Use (Chalet/Dwelling)	Approved	P220631
12/10/2020	Lezia Sandon	102 (Lot 188) Dalton Way, Molloy Island	Dwelling Addition (Outbuilding)	Approved	P220646
15/10/2020	Angela Satre	10A (Lot 2) Walkington Avenue, Margaret River	Holiday House (Renewal)	Approved	P220661
20/10/2020	Angela Satre	2A (Lot 1) Georgette Road, Gracetown	Holiday House Large (Renewal)	Approved	P220668
22/10/2020	Angela Satre	18 (Lot 57) Osborne Street, Gracetown	Holiday House Large (Renewal)	Approved	P220678
28/10/2020	Angela Satre	17 (Lot 12) Bayview Drive, Gracetown	Holiday House Large (Renewal)	Approved	P220695
29/10/2020	Angela Satre	53 (Lot 69) Mitchell Drive, Prevelly	Holiday House Large (Renewal)	Approved	P220702
02/11/2020	Lucy Gouws	330 (Lot 100) Low Road, Rosa Glen	Dam	Approved	P220711
13/11/2020	Angela Satre	10337 (Lot 2) Caves Road, Deepdene	Agriculture Extensive (Farm Building Addition)	Approved	P220747

LEVEL 2 APPLICATIONS for determination

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
P220499	Lezia Sandon	1 (Lot 1) Dobbins Place, Witchcliffe	Building Envelope Variation & Two Water Tanks Outside the Building Envelope	Conditional Approval	P220499

MANAGEMENT OF VEGETATION ON SHIRE RESERVES

Nil

LOCAL LAW PERMITS

Nil

OTHER APPLICATIONS determined under delegation

Nil

ELECTED MEMBERS ATTENTION

Nil

CLOSURE OF MEETING



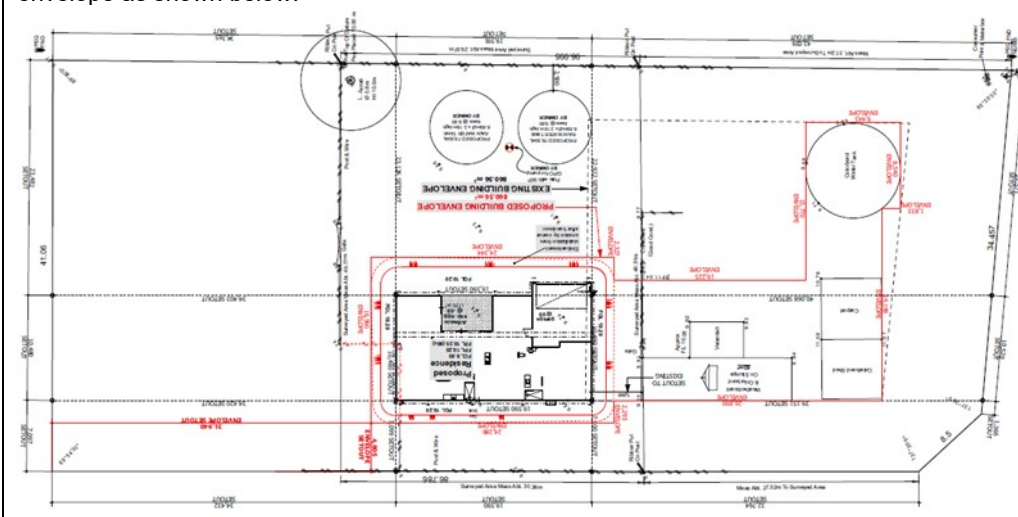
**DEVELOPMENT APPLICATION ASSESSMENT (DAU)
Report to Manager Planning and Development Services**

**Proposed Building Envelope Variation & Water Tanks x 2 Outside the Building Envelope
1 (Lot 1) Dobbins Place, Witchcliffe**


Major (Level 2)

P220499; PTY/11835

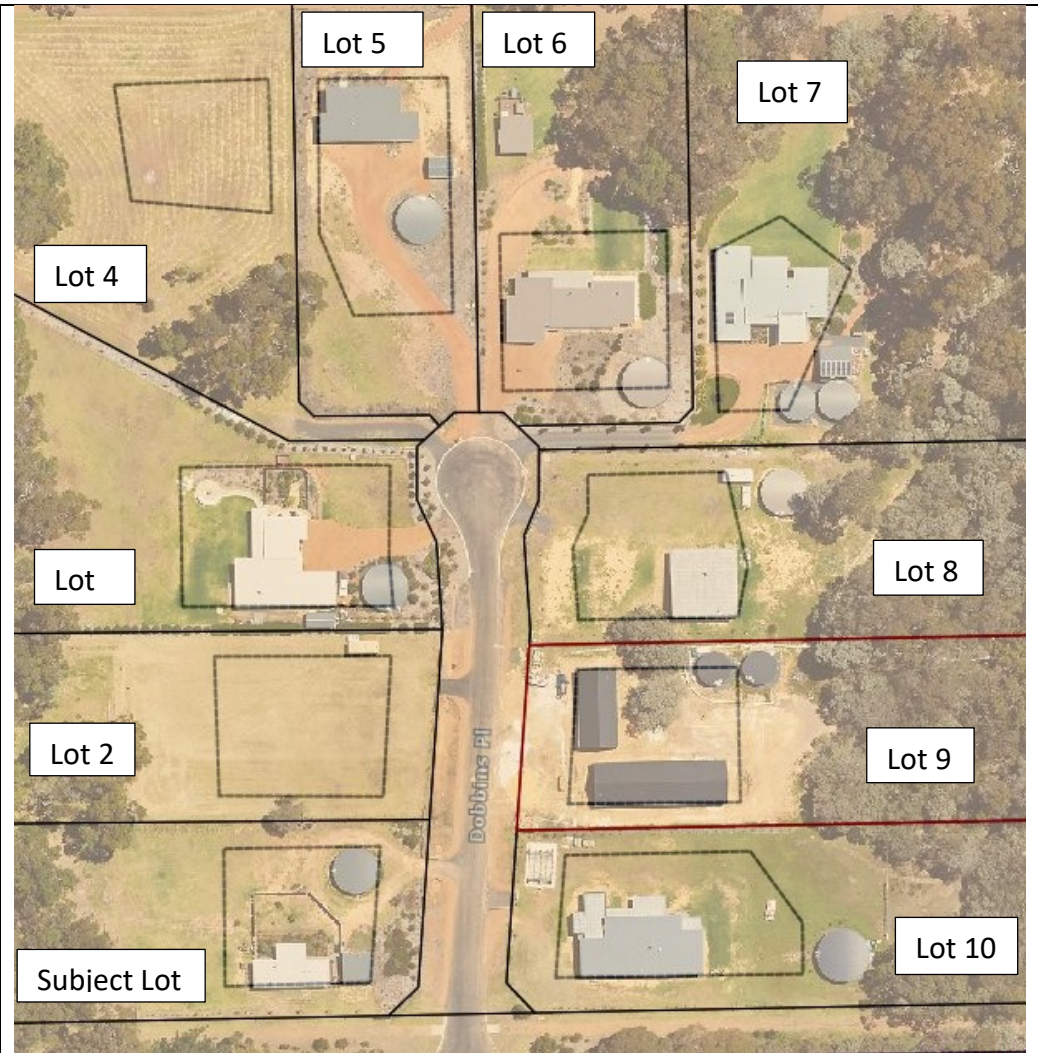
REPORTING OFFICER : Lezia Sandon
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	3808m ²
Zone	Future Development
Proposed Development	<p>Proposed building envelope modification and two rainwater tanks (coloured grey) outside the envelope as shown below.</p>  <p>As an outcome of the advertising period, amended plans were lodged that increased the side setback for both tanks from 1m to 2.5m to the northern boundary.</p>
Permissible Use Class	A building envelope is not a use class but specifies the area in which development should occur. It is possible to consider a variation to a building envelope or development outside a building envelope provided advertising and consideration of comments received.
Heritage/Aboriginal Sites	Nil
Encumbrance	<p>Three notifications on the certificate of title advising the landowner of the following:</p> <ul style="list-style-type: none"> • Lots are subject to a fire management plan; • Black Cockatoo habitat trees, as identified on the endorsed Structure Plan, shall not be removed or damaged; and • The land is located adjacent to rural land and rural activity which may have cause nuisance.
Date Received	01/09/2020



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	
Redgate Park Pty Ltd, Revised Structure Plan Lot 27 and 9000 Redgate Road, Witchcliffe.	
Officer Comment	<p>An excerpt of the Structure Plan is included below.</p>  <p>The Structure Plan provides for:</p> <ul style="list-style-type: none"> Building envelopes to achieve BAL29 and to minimise impact to potential Black Cockatoo habitat trees. Section 70A notification on the certificate of title informing of the existing of habitat trees & an approved BMP for the site. Non-habitable structures outside of the building envelope may be considered on a site by site basis and subject to a development application. In assessing any application, the Council will only consider development where it does not result in the clearing of vegetation, visual amenity impact on adjoining lots and other relevant matters it determines. <p>One possible habitat tree is identified on the Structure Plan within the property. Details provided with the application demonstrate the tree is not within proximity of proposed development or the amended building envelope.</p> <p>The proposal does not require vegetation removal and will achieve a BAL29 fire risk rating. The applicant has planted landscaping along the northern lot boundary which is currently establishing.</p> <p>The proposed location of the envelope and the water tanks meets the relevant provisions of the Structure Plan.</p>
Planning History	
Dwelling shed and water tank granted planning approval (P216245)	
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
No. received: 1 Objection	
Details of Submission	Officer Comment
<p>The Shire received a submission which included the submitters previous history of applications and enquires with the Shire and the rationale for their dwelling design.</p> <p>Below is a summary of the comments raised:</p> <ul style="list-style-type: none"> No objection to the building envelope modification and position of the dwelling. Concerns that the two rainwater tank pad and required aggregate may spill over the boundary with the 1m setback. The 1m setback will not allow for landscaping/screening. Concerns that the proposed rainwater tanks will create a visual impact at a height of 2.18 and 1m setback. The creation of a precedent for development outside the envelope. Impact the view of the conservation trees. The proposal is contrary to the rules in the subdivision. 	<p>The proposal has been amended to increase the northern side setback to 2.5m (previously 1m) in response to the concerns raised. The increased setback is considered acceptable in addressing concerns about spill over the boundary, adequate separation for landscape screening and will reduce perceived visual bulk impacts.</p> <p>The applicant advises the location of the proposed tanks will assist to provide privacy between the dwellings in the locality, noting that adjoining development provides views into the subject site.</p> <p>Existing water tanks have been developed on the neighbouring northern site also partly outside the building envelope and setback 3m from the northern boundary. There is an existing pattern of development in the area with water tanks located along northern lot boundaries and partly outside the building envelopes.</p>

		The proposed tanks do not impact the conservation trees and are appropriately setback from the western area of protected vegetation. While the concerns are noted, the proposal has been amended to respond to the concerns raised.	
Internal Department Comments		Officer Comments	
Environmental Health: The applicant is required to submit application to up-grade the existing on-site effluent treatment and waste water disposal system sized to accommodate the additional bedrooms/occupancy rate.		Noted, recommended as an advice to any approval granted.	
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 type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Building Height			
Scheme / Policy Requirement		Wall -7 m	Roof - 8m
State the proposed building height		Wall -2.1 m	<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		Context: There are ten properties within Dobbin Place in which approval has been granted for development of non-habitable structures outside the building envelope: <ul style="list-style-type: none"> ▪ Lot 2 – Development outside the building envelope (water tanks) ▪ Lot 3 – Building Envelope variation ▪ Lot 6 – Development outside the building envelope- (Outbuilding) ▪ Lot 7 – Development outside the building envelope (water tanks and outbuilding) ▪ Lot 8 – Development outside the building envelope (water tank) ▪ Lot 9 – Development outside the building envelope (water tanks) ▪ Lot 10 – Development outside the building envelope (water tank) 	



As demonstrated in the diagram above, there is an existing pattern of development in the area where water tanks are located outside the building envelope and setback in proximity to side boundaries.

Clause 5.10 Building Envelopes

The LPS1 requires the following considerations for development applications to vary a building envelope:

- The objectives of the zone are not compromised.
- The visual amenity and rural character will not be affected.
- Development will not render the protection of property more difficult.
- The proposed size can accommodate future development.

The proposed building envelope variation (to allow a main dwelling) and tank locations are consistent with the objectives of the Structure Plan (as demonstrated above). The proposal is consistent with the pattern of development for the Dobbins Place with no impact to the protected vegetation.

The lot sizes and existing building envelope is the smallest in comparison to surrounding lots on Dobbins Place and the proposed variation is considered modest to allow for a main dwelling and ancillary dwelling (existing). The proposal, including the tanks at 2.5m setback, is consistent with the rural character of the area and visual amenity on these relatively small lots (3336m² to 9155m²).

The application included a BAL rating BAL29 which does not increase the bushfire risk to the property for the proposed future development.

The proposal demonstrates the considerations of Clause 5.10 of the LPS1 and is recommended to be supported.

In the opinion of the officer

i. Are utility services available and adequate for the development?

The onsite wastewater system may be required to be upgraded.

i. Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land?	No vegetation is proposed to be removed. Additional landscape screening is proposed as a condition of any approval granted.
ii. Has adequate provision been made for access for the development or facilities by disabled persons?	N/A
iii. Is development likely to cause detriment to the existing and likely future amenity of the neighbourhood?	No.
iv. Is the development likely to comply with AS3959 at the building permit stage?	Yes – a BAL report has been provided indicating the site is able to achieve a BAL29 rating.
Other Comments	
Any further comments in relation to the application?	
Officer Comment	The proposed development meets the objectives of LPS1 and structure plan for Dobbins Place and is recommended to be supported subject to conditions.

OFFICER RECOMMENDATION

That the Manager Planning and Development Services GRANT Planning Consent under Delegated Authority Instrument No. 16 pursuant to Clause 68(2) of the Deemed Provisions of Local Planning Scheme No. 1 for a building envelope variation & two water tanks outside the building envelope at Lot 1 Dobbins Place, Witchcliffe 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 28 October 2020 and P2 received at the Shire 1 November 2020
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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.
- The revised building envelope hereby approved, wholly replaces that previously applicable to the site.
- 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.
- The walls and roof of the building(s) and structures (including water tank) on the site 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.
- 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.
- A Landscape Plan shall be prepared to the satisfaction of the Shire and shall be submitted to the Shire prior to an application for a building permit. The landscape plan shall be drawn to scale and show the following:
 - Screening to the northern, eastern and western elevations of the water tanks; and
 - The location, name and mature heights of the existing and proposed trees to screen the development.
- Landscaping shall be implemented, in accordance with the approved Landscape Plan, prior to occupation/use of the development and shall be maintained at all times.

ADVICE NOTE

- You are advised of the need to comply with the requirements of the following other legislation:
 - 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*;
 - Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises; and
 - The *Bush Fires Act 1954* as amended, Section 33(3), Annual Bush Fires Notice applies to this property.