

DEVELOPMENT ASSESSMENT UNIT
Minutes of the Development Assessment Unit
Shire of Augusta Margaret River
On 1 August 2017

ATTENDANCE

Lauren Bidesi, Johan Pienaar, Hilary Metcalfe, Chris Wenman, Matt Slocomb, Anne Marie Laddie, Angela Satre, Lara Hoole

PLANNING APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	DA No.
24/07/2017	A940	33 (Lot 68) Georgette Road, Gracetown	Holiday House Renewal	P217447
24/07/2017	A3787	22 (Lot 41) Ryans Road, Margaret River	Bed & Breakfast	P217448
24/07/2017	A4082	12 (Lot 61) Settlers Retreat, Margaret River	Section 40	P217452
24/07/2017	A1018	16 (Lot 56) Osborne Street, Gracetown	Dwelling Additions	P217453
25/07/2017	A10369	9 (Lot 458) Smokebush Court, Cowaramup	Dwelling Additions (Outbuilding)	P217454
25/07/2017	A11490	30 (Lot 552) Hudsbeth Way, Margaret River	Subdivision	P217455
26/07/2017	A1123	213 (Lot 74) Wilderness Road, Margaret River	Renewal – Holiday House/Guest House	P217456
27/07/2017	A6419	20 (Lot 21) Riedle Drive, Gnarabup	Renewal – Holiday House	P217458
27/07/2017	A10127	40 (Lot 2/154) Grunters Way, Gnarabup	Grouped Dwelling	P217459
28/07/2017	A8797	Unit 4, 70 (Lot 59) Town View Terrace, Margaret River	Renewal – Holiday House	P217461

BUILDING LICENCE APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
24/07/2017	A9504	15 Jacaranda Crescent, Margaret River	Double Garage	217311
24/07/2017	A9617	Lot 815 Parakeet Road, Margaret River	Unauthorised Works	217313
28/07/2017	A5721	57 (Lot 187) Marmaduke Point Drive, Gnarabup	Single Dwelling & Retaining Walls	217314
24/07/2017	A5827 A7847	Lot 5 Thomson Road, Bramley	Single Dwelling	217315
24/07/2017	A12303	Lot 73 Greenwood Ave, Margaret River	Single Dwelling	217316
28/07/2017	A7842	Lot 1629 Calgardup Road, Witchcliffe	Single Dwelling and Shed	217317
25/07/2017	A9343	Lot 21 Old Farm Road, Augusta	Single Dwelling	217320
25/07/2017	A5958	Lot 402 Ellen Brook Road, Cowaramup	Unauthorised Works - Single Dwelling	217321
26/07/2017	A11968	6 (Lot 3) Offshore Crescent, Margaret River	Single Dwelling & Shed	217322
28/07/2017	A4309	Lot 867 Chamberlain Place, Augusta	Conversion of carport to storage room	217325

SUBDIVISIONS DETERMINED

Date Rec'd	Officer	DA No.	Address	Description of Matter	Recommendation
29/06/2017	MC	P217390	13242 (Lot 1494) Bussell Highway, Kudardup	Subdivision	Support
03/07/2017	MC	P217395	51 (Lot 7) Trinder Drive, Margaret River	Subdivision	Support

LEVEL 1 APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
03/03/2017	Lara Hoole	56 (Lot 22) Sabina Drive, Molloy Island	Dwelling and 2 x Water Tanks	Approved	P217155
28/03/2017	Angela Satre	49 (Lot 66) Town View Terrace, Margaret River	Wall Sign	Cancelled	P217211
18/04/2017	Angela Satre	Lot 4 of 5962 (Strata Lot 4 of Lot 410) Caves Road, Margaret River	Building Envelope Variation	Approved	P217261
14/06/2017	Matt Slocomb	21 (Lot 71) Barrett Street, Margaret River	Dwelling and Ancillary Dwelling (Amendment to	Approved	P217356

			Planning Approval P216737)		
10/07/2017	Johan Pienaar	21 (Lot 183) Tonkin Boulevard, Margaret River	Retaining Wall Ancillary to Dwelling	Approved	P217413
10/07/2017	Johan Pienaar	6 (Lot 120) Loch Street, Augusta	Dwelling - Retaining Walls (Retrospective)	Approved	P217414
12/07/2017	Johan Pienaar	122 (Lot 2) Bussell Highway, Margaret River	Restaurant / Shop / Showroom	Approved	P217425
14/07/2017	Robyn Fergusson	8 (Lot 516) Hurford Place, Augusta	Bed and Breakfast Renewal	Approved	P217428

LEVEL 2 APPLICATIONS for determination under delegation

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
10/05/2017	Lara Hoole	106 (Lot 24) Blackwood Avenue, Augusta	Dwelling Additions (Outbuilding – Shed)	Approve	P217280
24/5/2017	Matt Slocomb	4 (Lot 9) Dobbins Place, Witchcliffe	Dwelling Additions (Water Tank) and Effluent Disposal System	Approve	P217328
05/05/2017	Angela Satre	Lot 3 Dobbins Place, Witchcliffe	Building Envelope Variation, Dwelling Additions and Bed and Breakfast	Approve	P217287

LOCAL LAW PERMITS

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.

OTHER APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.

COMPLIANCE

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.

ELECTED MEMBERS ATTENTION

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

CLOSURE OF MEETING



2533 DEVELOPMENT APPLICATION ASSESSMENT (DAU)
Report to Manager Planning and Development Services
Proposed Outbuilding (Shed and Shed Additions) Ancillary to Dwelling: 106 (Lot 24)
Blackwood Avenue, Augusta

Major (Level 2)

P217280; PTY/2533

REPORTING OFFICER : LH
 DISCLOSURE OF INTEREST : Nil

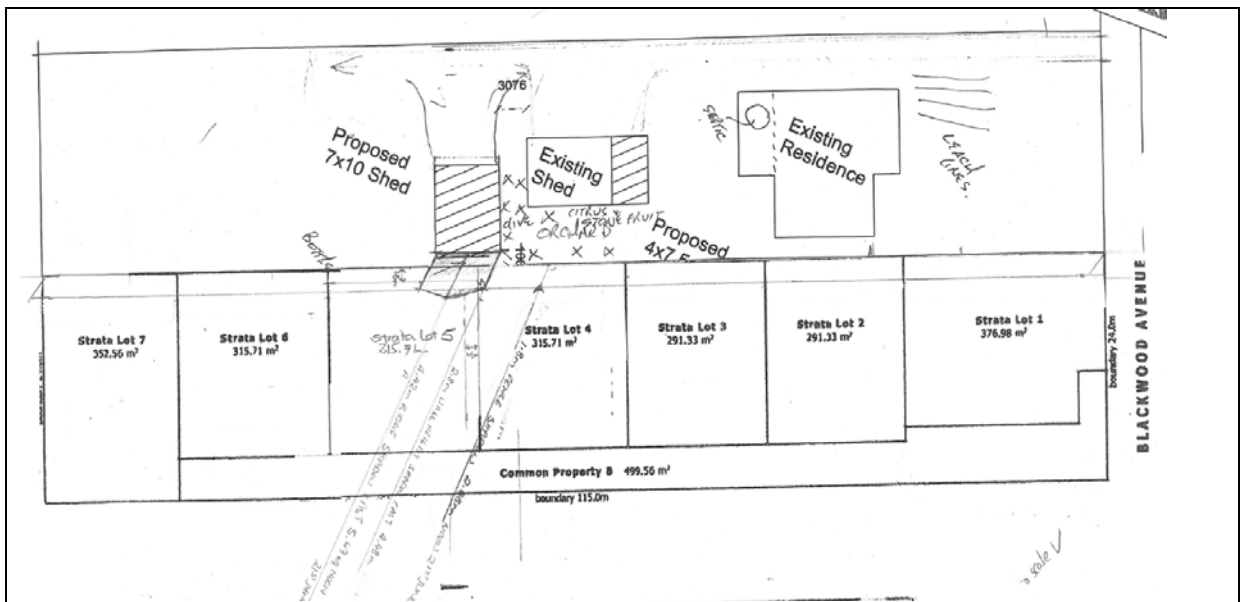
General Information	
Lot Area	2790sqm
Zone	Residential (R40)
Proposed Development	<p>Planning approval is sought for the following:</p> <ul style="list-style-type: none"> i) shed additions 4m x 7.5m (30sqm) to existing shed with a ridge height of 3.5m. ii) a new shed 7m x 10m (70sqm) with an ridge height of 3.4m. <p>The sheds are proposed to store boats and vehicles. The additions and new shed are proposed to have walls finished in Colorbond 'Mangrove' with 'Cove' doors and 'Surfmist' roof.</p>
Permissible Use Class	'P' (permitted).
Heritage/Aboriginal Sites	Not listed.
Encumbrance	Nil.
Date Received	10/05/2017

Location Map

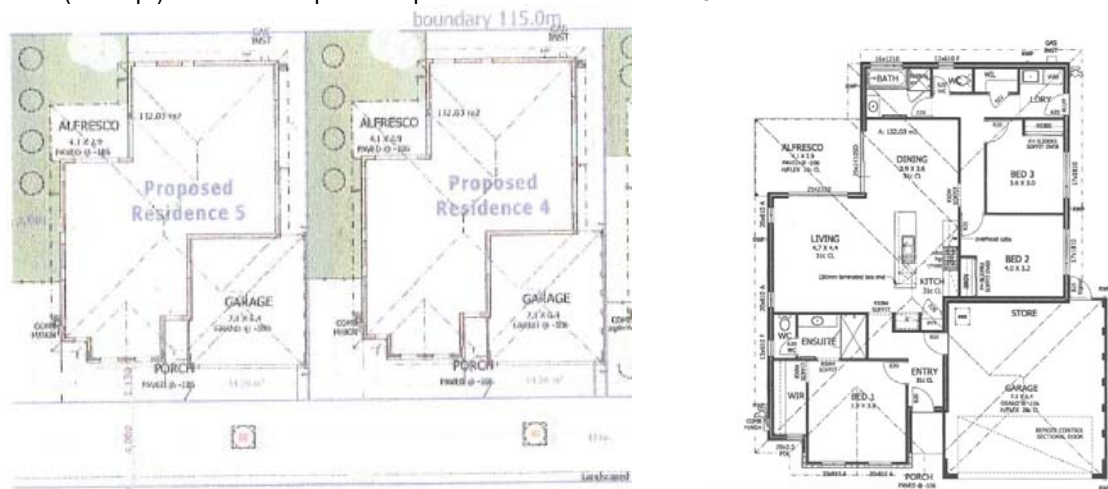


Policy Requirements	
Is the land or proposal referred to in any Council Policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, state the Policy/Policies	<p><u>Local Planning Policy 1 – Outbuildings, Farm Buildings and Swimming Pools (LPP1)</u></p> <ul style="list-style-type: none"> • Outbuildings consistent with the deemed to comply requirements, except for wall height. • 3.1m maximum wall height; Where a dwelling does not have an attached garage, the calculation of the total outbuilding floor area will not include the area of any detached garage or carport up to 45sqm in size. • Outbuildings located behind the front of an existing dwelling.
Officer Comment	<p>The proposed maximum wall height of the new outbuilding (shed) is 2.8m, which is under the maximum 3.1m wall height standard of the policy. The outbuilding's maximum ridge height is also under the 4.2m maximum ridge height standard of the RCodes.</p> <p>The outbuilding addition and new outbuilding are located behind the existing dwelling.</p> <p>The dwelling does not have an attached garage or carport, therefore 45sqm of the existing shed will not be calculated in total floor area as per the policy. The existing shed is 7.5m x 9.3m (70sqm - 45sqm) = 25sqm existing + 30sqm (proposed additions) and 70sqm (new outbuilding) resulting in a combined total floor area of 125sqm.</p> <p>The proposed outbuilding addition has a wall height ranging from 2.9m to 3.4m (a variation to the 3.1m maximum wall height standard of the policy).</p>

<p>The outbuilding addition is setback of 6.3m from the nearest side boundary and set behind the existing dwelling. The setback is sufficient not to raise any concerns in relation potential overshadowing or building bulk impacts on adjoining properties.</p> <p>The combined floor area of the outbuilding on the site exceeds the 60sqm deemed to comply floor area standard of the Residential Design Codes. The development is proposed on a large 2790sqm residential lot and is, regardless of the proposed non-reflective walls and landscaping, of appropriate form and scale for this large residential lot. It is considered that the proposed development will not cause detrimental impacts to the streetscape or the residential amenity of surrounding properties.</p>	
Structure Plans and Local Development Plans (DAP)	
Is the land in any Structure Plan Area or subject to a DAP? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
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
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
Private submission (objection)	<ul style="list-style-type: none"> The shed's proposed setback of 1m is too close to the boundary. The shed will shade two backyards of the proposed 7 grouped dwellings particularly in winter. Not objecting to the shed's construction, but would support a minimum setback of 3m from the fence. Please note the overshadowing effects on the backyard and alfresco of residence 3 in particular.
	<p>This comment relates to the proposed new outbuilding, which has a wall height of 2.9m above natural ground level, which is under the 3.1m maximum wall height standard of the policy. Regardless of meeting the minimum setback and height standards, the proponent has revised the southern side setback of the proposed outbuilding from 1m to 1.5m. The walls are proposed to be finished in non-reflective material and it is proposed to plant some shrubs to soften the built form - addressing potential visual impacts. The increased setback will still allow manoeuvring space for reversal of boat on a trailer in and out of the proposed shed.</p> <p>It is estimated that with the increase setback to 1.5m from the southern boundary that the overshadowing by the shed will be generally similar to that of a 1.8m high dividing fence. The 3.4m ridge height shadow will marginally exceed the shadow of a 1.8m high dividing fence. Approximately 0.9% of the adjoining lot will be overshadowed, which is well below the 25% deemed to comply standard of the R-Codes.</p> <p>Preliminary plans provided by the objector show that a 7 unit grouped dwelling development is planned for adjoining property to the south. Based on these plans it is estimated that the bulk of the shadow will fall on the wall of opposite grouped dwelling's laundry and walk in linen press. It is considered that this impact is minimal that will also decrease throughout the year.</p>
Estimated shadow cast from the proposed shed and a 1.8m high dividing fence, at noon on 21 st June with draft concept plan for Strata Lots on the adjoining lot to the south.	



Draft (concept) site and floor plans for potential Strata Lots 4 and 5



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			
Development history.	Building licences for a garage and other dwelling additions were approved in 1975, 1984, 1985		
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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Design Element	Policy / R Codes Req	Provided	Officer comment
Outbuildings (additions and proposed new outbuilding)	Not attached to dwelling.	Yes	Complies
Use	Non-habitable	Storage of boats and vehicles.	Complies
Maximum floor area (- minus 45sqm as per LPP1).	60sqm	25sqm existing 30sqm additions <u>70sqm new shed</u> Total: 125sqm	Variation
Maximum ridge height	4.2m	3.5m	Complies
Not within the primary street setback area	6m	Minimum 49.5m	Complies
Side setback	1m	<u>New outbuilding</u> North: 12.5m South: 1.5m	Complies Complies
		<u>Outbuilding additions</u> North: 10.2m South: 6.3m	Complies Complies
Rear setback	1m	Minimum 43m	Complies
Driveway Width	Existing	3m	Complies

Setback of Driveway	Min. 0.5m	Existing	Complies
Outdoor Living Area	N/A		
Open Space Requirement	50%	85%	Complies
Upgrade Landscaping	<input type="checkbox"/> Required	<input checked="" type="checkbox"/> Not Required	
Overlooking	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Street surveillance	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Street Walls and Fences	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Overshadowing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Development onsite Overshadowing on 21 June at noon is 0.9% well under the maximum 25% overshadowing deemed to comply standard of the RCodes.
Energy efficiency/solar access	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Other Variations	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Officer's Comments against performance criteria	<p>The outbuilding proposes the following variations from the 'deemed to comply' standards of the RCodes:</p> <ul style="list-style-type: none"> • Combined floor area of proposed and existing outbuildings is 125sqm, (a variation to the 60sqm maximum floor area standard); <p>See comments under the Policy section of this report. It is concluded that the proposed outbuilding additions and new outbuilding is relatively modest and will not cause detrimental impacts to the streetscape or the amenity of the adjoining properties.</p>		
Development Standards (Schedule 9)			
Are the Development Standards applicable?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Car Parking			
LPS1 / R Codes Requirement	Car Bays Required - 2	Car Bays Proposed – Excess parking space existing.	
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		
Disabled Bays	N/A		
Officer Comment	There is space to allow for reversing of a large boat on a trailer into the proposed new outbuilding.		
Building Height			
Scheme / Policy Requirement	Wall - 7m	Roof - 8m	
State the proposed building height	Roof – 3.5m	<input type="checkbox"/> Complies	<input type="checkbox"/> Doesn't Comply
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.		
A. 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?	N/A		
Officer Comment	The proposed outbuilding additions and new outbuilding are generally consistent with Local Planning Scheme No.1, and LPP1. The establishment of landscape screening is supported; however, considering the proposed development meets the acceptable height and setback standards it is not considered necessary to require landscape screening as a condition of any approval. The application is recommended for approval.		

OFFICER RECOMMENDATION

That the Statutory Planning Coordinator GRANTS Planning Consent under Delegated Authority Instrument No. 16 pursuant to Clause 68(2) of the Deemed Provisions of Local Planning Scheme No. 1 for Dwelling Additions (Outbuilding Additions and New Outbuilding) at 106 (Lot 24) Blackwood Avenue, 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 received by the Shire on 26 July 2017. P2 & P3 received by the Shire on 10 May 2017.
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2. If the development, the subject of this approval, is not substantially commenced within two (2) years from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has lapsed, development is prohibited without further approval being obtained. (P)
3. 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. (I)
4. The outbuilding shall not be used for human habitation. (H)
5. The outbuilding shall be used solely for the purposes incidental and ancillary to the authorised use of the land. (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 (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises; and
 - (iii) The *Bush Fires Act 1954* as amended, Section 33(3), Annual Bush Fires Notice applies to this property.
- b) Conditions 6 & 7 is to provide vegetated screening along the southern elevation of the proposed outbuilding.

**DEVELOPMENT APPLICATION ASSESSMENT (DAU)**

Report to Manager Planning and Development Services

**Proposed Building Envelope Variation (Water Tank Outside Building Envelope) –
4 (Lot 9) Dobbins Place, Witchcliffe**

Major (Level 2)

P217328; PTY/11843

REPORTING OFFICER : Matt Slocomb
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	4858m ²
Zone	Future Development (Structure Plan Area 22)
Proposed Development	Planning approval is sought for two water tanks to be located outside the nominated building envelope, as well as a conventional onsite waste disposal apparatus instead of an ATU, which is contrary to the structure plan applicable to the area and located partially outside of the building envelope. The proposed dwelling, carport, store and studio is exempted from Planning Approval provided it meets the relevant Scheme and Policy Provisions. Compliance will be checked at the building permit stage.
Permissible Use Class	Ancillary to a Dwelling 'P' (permitted) use.
Heritage/Aboriginal Sites	Nil.
Encumbrance	Notifications advising that lot is subject to a fire management plan, contain Black Cockatoo habitat trees that shall not be removed and is located adjacent to rural land and rural activity which may have cause nuisance.
Date Received	24/05/2017

Aerial Extract



Policy Requirements	
Is the land or proposal referred to in any Council Policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, state the Policy/Policies Local Planning Policy 1 – Outbuildings, Farm Buildings and Swimming Pools	
Officer Comment	In respect to development in Future Development zone, the policy states that water tanks should be located behind the front of an existing dwelling. The water tanks are to be located behind the proposed dwelling and are within the 3.1m height limitation (2.18m height proposed). Accordingly, the proposal is consistent with the relevant requirements of the Local Planning Policy.
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 Redgate Park Pty Ltd, Revised Structure Plan Lot 27 and 9000 Redgate Road, Witchcliffe.	
<i>Officer Comment</i>	<p>The Redgate Park Structure Plan contains the following requirements which are of relevance to the subject application:</p> <ul style="list-style-type: none"> • Designated building envelopes; • Non-habitable structures may be considered outside of designated building envelopes. • Council will only consider such development where it does not result in clearing of native vegetation, visual amenity, impact on adjoining lots and other relevant matters. <p>Given the relatively small size of the designated building envelopes, the Structure Plan provides for development of non-habitable structures (sheds and tanks) outside the boundaries of the envelopes. As previously discussed the proposal comprises of a water tank and part of the onsite waste disposal system, which is to be partially located outside the designated building envelope.</p> <p>The water tanks are proposed to be located 1m from the northern boundary, and the rationale provided in support of this location is to minimise obstructions of views and walkways on site. It has also been stated that the 1m setback will allow for screen planning on the northern side of the tanks to reduce the impact on the adjoining neighbour. Additionally, two mature peppermint trees are being retained within the building envelope that reduces the useable area but is considered a positive outcome.</p> <p>The primary pattern of development along this side of Dobbins Place is with dwellings located towards the southern side of the building envelope taking advantage of the northern aspect. There are also attractive views to the east over remnant vegetation, to which development also has some orientation. Whilst plans have not yet been submitted for the northern adjoining property, it is likely, based on good design principles that the living areas will be located to the north or the northeast. Primarily the tank location is not likely to affect the main living area of the adjoining site, but should the owner build an outdoor living area to the east/north east side of the dwelling, there is potential for some visual impact.</p> <p>The impact of the tank location is capable of being reduced to an acceptable level using non-reflective colours/materials and through the provision of landscape screening as proposed by the applicant. A tank colour has not been specified however, this is capable of being addressed through a condition of planning approval (when discussed with the</p>

	<p>applicant it was indicated that monument was likely to be used – which would meet this requirement).</p> <p>The approval of a water tank at 1m is not unprecedented, with a tank being approved with a 1m side setback at 4 (Lot 25) Knox Place within the same subdivision.</p> <p>Based on the above, it is considered that the location of the tanks is capable of being supported subject to appropriate conditions.</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 checked="" type="checkbox"/> No	<input type="checkbox"/> N/A
Has the application been referred to internal departments?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A
Name	Nature of Submission	Officer Comment		
Private Submitter	Indifferent. Comment that 1m is very close to the boundary.	Noted. The reduced setback has been discussed above. It is considered that this is capable of being supported subject to appropriate conditions.		
Environmental Health	No comment.	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				
Are the development Standards applicable?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Minimum 135,000 litres (including 15,000 litres for firefighting purposes) in areas with non-reticulated water.		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Dwelling connected to ATU unless otherwise approved by the Shire and the Department of Health		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
<i>Officer Comment</i>	<p>The applicant is proposing a conventional effluent disposal system to which a geotechnical report has been provided in support. The Shires Environmental Health Department have indicated no objection to this, with several other conventional systems being approved throughout the subdivision.</p> <p>The applicant has depicted a hardstand area on the submitted plans in order to satisfy the requirements of the FMP applicable to the site.</p>			
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?		N/A. A requirement of the applicable Fire Management Plan is the provision of a hardstand area and sufficient turning space for a fire appliance. The applicant has demonstrated this on the plans lodged on the 2 August 2017.		
Other Comments				
Any further comments in relation to the application?				
Officer Comment	The proposal is recommended for approval subject to conditions.			

OFFICER RECOMMENDATION

That the Statutory Planning Coordinator GRANTS 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 (Water Tank Outside Building Envelope) at 4 (Lot 9) Dobbins Place, Witchcliffe, 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 received at the Shire Offices on the 2 August 2017
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2. If the development, the subject of this approval, is not substantially commenced within two (2) years from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has lapsed, development is prohibited without further approval being obtained. (P)
3. 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. (I)
4. The water tanks shall be clad in a non-reflective material or 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)
5. A Landscape Plan (for establishing vegetative screening of the water tanks along the northern boundary of the site) shall be prepared to the satisfaction of the Shire, implemented prior to occupation of proposed development and maintained thereafter.

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 (DAU)
Report to Manager Planning and Development Services

Proposed Building Envelope Variation for Dwelling Addition & Bed & Breakfast at 5 (Lot 3) Dobbins Place, Witchcliffe

Major (Level 2)

P217287; PTY/11837

REPORTING OFFICER : Angela Satre
DISCLOSURE OF INTEREST : The Officer knows the owners and this has not had an implication to the assessment or recommendations in this report.

General Information	
Lot Area	5067m2
Zone	Future Development
Proposed Development	Building Envelope variation to accommodate a one bedroom single storey addition proposed to be used for short stay accommodation (Bed and Breakfast for up to two guests).
Permissible Use Class	'A' advertising required
Heritage/Aboriginal Sites	No
Encumbrance	Notification – not affected
Date Received	05/05/2017





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 Redgate Park Structure Plan (the Structure Plan)		
<i>Officer Comment</i>		The Structure Plan identifies building envelopes on the properties and habitat trees. There are no impacts to habitat trees from the proposal and there are no other implications arising from the Structure Plan.
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: <u>1</u>
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
Nearby land owner	Objection: <ul style="list-style-type: none"> • Use of the amended building envelope for short stay accommodation; • That the proposal is inconsistent with the covenants for the area; and • High turnover of guests will have an adverse impact to the amenity of the area. 	<p>The objection was received from the owner of a site not yet developed with a dwelling, therefore, it is not possible that the proposal would be adverse to the amenity of an existing neighbouring dwelling. Notwithstanding, based on the building envelopes and the location of potential habitat trees identified on the Structure Plan, any future dwelling on the site in question would be setback approximately 50m and not in proximity to the proposed addition. There is therefore no identifiable adverse impact to the amenity of the objecting neighbour.</p> <p>Furthermore, the density of the land use proposed (two guests) is no greater than the normal residential occupation of a dwelling.</p> <p>Finally, any approval granted to the land use is recommended for 12 months after which an application to renew the use must be lodged. This application is also required to be advertised to neighbours and the comments considered in the assessment. In this regard, the suitable management of the land use will be considered at the time of subsequent applications.</p> <p>For these reasons the objection is noted however the concerns raised are not</p>

		considered to warrant amendment to the application or a recommendation for refusal to the application.
Has the application been referred to internal departments?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> N/A
Environmental Health: The owners will be required to treat the drinking water to Australia Drinking Water Guidelines standards. Leach drains will require upgrading (extending length). Applicant to liaise with Shire Environmental Health Unit.	Conditions/advice are recommended to be applied to any approval granted to ensure that the use commences following upgrade to the leach drains.	
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
<i>Officer Comment</i>	Development standards are as per the Rcodes for this land use zone. There is no Rcode applicable to the site. Development is guided by the Structure Plan.	
Car Parking		
LPS1 / R Codes 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	
Building Height		
Scheme / Policy Requirement	Wall - 7 m	Roof - 8m
State the proposed building height	Wall - 3.7m Roof - 4.1m	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply
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?	Leach drains must be upgraded	
ii. Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land?	Yes – no clearing proposed.	
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 – the site has a BAL29 rating.	
Other Comments		
Any further comments in relation to the application?		
Officer Comment	Conditional approval is recommended.	

OFFICER RECOMMENDATION

That the Statutory Planning Coordinator GRANTS 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 for Dwelling Addition & Bed & Breakfast at 5 (Lot 3) 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 – P2 received at the Shire offices on 5 May 2017.
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- The Holiday House use is limited to a period of twelve (12) months from the date of the commencement of the use. The proponent shall inform the local government of the practical completion of the dwelling addition to activate the commencement of the 12 month approval period. (refer to advice note 'd').
- 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.

4. If the bed and breakfast use hereby approved has not commenced within two years of the date of this approval, the short stay use approval has lapsed and is prohibited without further planning approval.
5. The dwelling/building, in which the Bed and Breakfast use is approved, shall be occupied as a residence by the operator of the Bed and Breakfast at all times the Bed and Breakfast use is in operation. (P)
6. The Bed and Breakfast use allows the one bedroom dwelling additions 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)
7. A maximum of one bedroom is permitted to be used for short stay accommodation purposes and the total number of guests shall not exceed two **(2) persons or one family** at any one time. (P)
8. 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 the Shire prior to commencement of the use. The Emergency Response Plan shall be displayed in a conspicuous location within the dwelling. (P)
9. No more than seven (7) people may occupy the Dwelling, including the addition the subject of this development approval, until it is demonstrated to the satisfaction of the Shire that the onsite septic system is adequately upgraded.
10. 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)

ADVICE NOTES

- a) You are advised of the need to comply with the requirements of the following other legislation:
 - (i) This is not a Building Permit. A Building Permit must be issued by the relevant Permit Authority before any work commences on site as per the *Building Act 2011*;
 - (ii) *Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises; and
 - (iii) The *Bush Fires Act 1954* as amended, Section 33(3), Annual Bush Fires Notice applies to this property.
- b) Provision of food – should food be provided to guests, registration is required under the *Food Act 2008*. Submit application to the Shire's Environmental Health department. (EH)
- c) The development shall at all times be provided with an adequate supply of potable water in accordance with Shire of Augusta Margaret River *Health Local Laws 1999* (e.g. water to be treated by filter and ultra violet light). (EH)
- d) Following satisfactory performance of the approved short stay 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 short stay 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)
- e) A sign limited to a maximum of 0.2 square metres and not exceeding 1.5 metres in height from ground level may be erected at the property frontage and within the property.(P)
- f) The one bedroom addition is approved as additions to the dwelling and is not as a self-contained accommodation facility. The approval allows for the installation of a small bench, but not the installation of kitchen facilities.
- g) This approval does not affect the entitlement to use the dwelling for permanent residential purposes.