

**DEVELOPMENT ASSESSMENT UNIT**  
**Minutes of the Development Assessment Unit**  
**Shire of Augusta Margaret River**  
**On 27 August 2019**

**ATTENDANCE** Lucy Gouws, Angela Satre, Chris Wenman, Chris McAtee, Jason Heine

**PLANNING APPLICATIONS RECEIVED**

| Date Rec'd | Assess No. | Address   | Proposal  | DA No.  |
|------------|------------|---|---|---------|
| 19/08/2019 | A9632      | 11 (Lot 835) Lorikeet Lane, Margaret River                  | Single Dwelling   | P219485 |
| 19/08/2019 | A3658      | 158 (Lot 569) Bussell Highway, Margaret River               | Farmer's Market - Amendment to Planning Approval P214329 - Amended Operating Hours  | P219486 |
| 19/08/2019 | A2648      | 410 (Lot 104) Bussell Hwy, Margaret River - Lot 4 Pinot Way | Grouped Dwelling - Margaret River Lifestyle Village - Injidup Custom                | P219487 |
| 19/08/2019 | A12382     | 202 (Lot 112) Brockman Highway, Karridale                   | Outbuilding (Shed)  | P219488 |
| 20/08/2019 | A9503      | 3 (Lot 380) Charles Hine Avenue, Margaret River             | Dwelling Additions (Patio)  | P219493 |
| 20/08/2019 | A7130      | 8 (Lot 69) Casselton Grove, Margaret River                  | Holiday House Renewal   | P219494 |
| 20/08/2019 | A7185      | 2 (Lot 24) O'Brien Street, Cowaramup                        | Change of Use from Residence to Shop and Alterations and Additions to Existing Shop | P219497 |
| 20/08/2019 | A6266      | Unit 1 16 (Lot 201) Walton Way, Gracetown                   | Dwelling - Alterations and Additions  | P219498 |
| 21/08/2019 | A432       | 780 (Lot 1101) Fisher Road, Kudardup                        | Dwelling  | P219499 |
| 21/08/2019 | A10219     | 3 (Lot 151) Meleri Close, Margaret River                    | Dwelling (Outbuilding Additions)  | P219500 |
| 21/08/2019 | A9801      | 29 (Lot 355) Dryandra Drive, Margaret River                 | Dwelling  | P219503 |
| 22/08/2019 | A7946      | 79 (Lot 104) Baudin Drive, Gnarabup                         | Cancellation of P217030 - Holiday House   | P219509 |
| 22/08/2019 | A7961      | 8 (Lot 119) Lesueur Place, Gnarabup                         | Bed & Breakfast Renewal   | P219510 |

**BUILDING LICENCE APPLICATIONS RECEIVED**

| Date Rec'd | Assess No. | Address                                       | Proposal            | BLDG No. |
|------------|------------|---|---------------------|----------|
| 19/08/2019 | A9503      | 3 Lot 380 Charles Hine Avenue, Margaret River | Alfresco            | 219350   |
| 20/08/2019 | A12614     | 25 Lot 289 Noreuil Circuit, Cowaramup         | Shed                | 219351   |
| 20/08/2019 | A8366      | 6 Lot 62 Thomasia Court, Augusta              | Single Dwelling     | 219352   |
| 21/08/2019 | A7101      | 33A Willmott Avenue, Margaret River           | Shed and Patio      | 219353   |
| 22/08/2019 | A7390      | 61 Lot 105 Orchid Ramble, Margaret River      | Single Dwelling     | 219354   |
| 22/08/2019 | A10521     | Lot 42 Caves Road, Gracetown                  | Two Storey Dwelling | 219355   |
| 22/08/2019 | A12392     | 15 Lot 228 Lumber Crescent, Karridale         | Single Dwelling     | 219356   |
| 22/08/2019 | A9779      | 32 Lot 297 Dryandra Drive, Margaret River     | Single Dwelling     | 219357   |
| 23/08/2019 | A12258     | 23 Lot 28 Cidergum Loop, Margaret River       | Single Dwelling     | 219358   |
| 23/08/2019 | A11836     | 3 Lot 2 Dobbins Place, Witchcliffe            | Single Dwelling     | 219359   |

**SUBDIVISIONS DETERMINED**

Nil

**LEVEL 1 APPLICATIONS determined under delegation**

| Date Rec'd | Officer       | Address  | Proposal                    | Outcome   | DA No.  |
|------------|---------------|--|-----------------------------|-----------|---------|
| 30/05/2019 | Leigh Medlen  | 71 (Lot 102) Patton Road, Cowaramup            | Dam and Vegetation Clearing | Approved  | P219349 |
| 30/07/2019 | Devin Moltoni | 36 (Lot 66) Osborne Street, Gracetown          | Holiday House               | Approved  | P219440 |
| 07/08/2019 | Devin Moltoni | 31 (Lot 255) Callistemon Drive, Margaret River | Outbuilding (Shed)          | Approved  | P219467 |
| 21/08/2019 | Leigh Medlen  | 29 (Lot 355) Dryandra Drive, Margaret River    | Dwelling                    | Cancelled | P219503 |

**LEVEL 2 APPLICATIONS for determination**

| <b>Date Rec'd</b> | <b>Officer</b> | <b>Address</b>                     | <b>Proposal</b>                | <b>Outcome of DAU Meeting</b> | <b>DA No.</b> |
|-------------------|----------------|------------------------------------|--------------------------------|-------------------------------|---------------|
| 27/06/2019        | LG             | Lot 118 Mentelle Road,<br>Burnside | Building Envelope<br>Variation | Conditional<br>Approval       | P219387       |

**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 at Lot 118 Mentelle Road, Burnside**

**Major (Level 2)**

**P219387; PTY/12326**

REPORTING OFFICER : Lucy Gouws  
DISCLOSURE OF INTEREST : Nil

| General Information       |  |
|---------------------------|--|
| Lot Area                  | 2.2ha  |
| Zone                      | Rural Residential  |
| Proposed Development      | Planning approval is sought to vary the building envelope by changing the shape of the envelope and increasing the size from 1600m <sup>2</sup> up to 1972m <sup>2</sup> . The general location of the envelope is similar to the existing envelope, but the change in shape allows for improved orientation and solar access for the future dwelling. |
| Permissible Use Class     | 'P' permitted subject to approval (Dwelling)   |
| Heritage/Aboriginal Sites | Nil  |
| Encumbrance               | Nil  |
| Date Received             | 27/06/2019   |



| 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   Subdivision Guide Plan – Kilcarnup  |  |
| <b>Officer Comment</b>  | The proposal involves varying the building envelope locations shown on the Guide Plan, otherwise, there are no implications arising from the Guide Plan.   |
| Advertising/Agency Referrals  |  |
| Has the application been referred to adjoining landowners/agency?<br>The proposal is for a building envelope variation only. An indicative depiction of a future dwelling, ancillary dwelling, shed and water tank is provided on the application site plan that was referred to neighbors.   | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A   |
| Has a submission been received by Council?<br>Two submissions were received including one submission of support and one objection.  | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A<br>No. received: <b>2</b>   |
| Have agency or authority comments been received?  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A   |
| Nature of Submission  | Officer Comment  |
| <ul style="list-style-type: none"> <li>- The existing envelope has plenty of area to build the proposed shed in the northern corner, which will not affect the street amenity.</li> <li>- A great big shed close to the road as proposed in the variation is going to be ugly and detract from the country ambience.</li> <li>- The proposed shed's bulk is disproportionately large for what is a rural residential area, and will be a general eye sore to neighbouring properties and passing visitors.</li> <li>- It seems proposed variation is to accommodate the shed and is requested to avoid disrupting the new house views, why do the neighbours have to suffer?</li> </ul> | <ul style="list-style-type: none"> <li>- The applicant has advised that the location of the shed, in the southern corner of the building envelope, is to provide for maximum northern solar access to a future dwelling. The location of the shed would be densely screened by mature landscaping, approximately 15m wide, along the south eastern and south western boundaries (refer to Figure 2 below). This landscaping will screen future development from the street such that the streetscape appeal is unlikely to be adversely impacted.</li> <li>- This application does not include the assessment of the shed, but provides an indication of the future location of a shed. The shed shown is consistent with the 80m<sup>2</sup> floor area guideline for sheds in the zone. Notwithstanding, sheds are usual features in the landscape and are common in the rural residential zone.</li> <li>- Please refer to comments above. The bulk of the proposal has not been detailed in the application as the building footprint only is indicatively shown on the site plan. Accordingly, the application is determined only for the location of the envelope.</li> <li>- The Site does not share common boundaries with residential lots but rather is bound by roads on all sides. The location of the <i>existing</i> envelope also has the potential for a shed to be constructed in the south eastern corner. If a shed was located in this area, it would obstruct affected neighbour's views to a far greater extent, than what is proposed. This is demonstrated in the diagram (Figure 1) below:</li> </ul> |

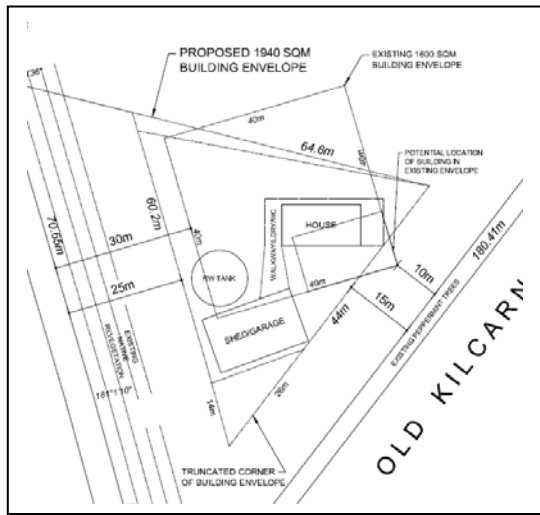


Figure 1: Existing (square) envelope in comparison with the proposed (triangular) envelope.

- The variation to the building envelope will bring the proposed buildings and any noise generated closer to my property than the existing building envelope.
- This variation has the most impact on my property than the neighbour's properties on Mentelle Rd and Kilcarnup Road.
- This is a major proposed extension of the envelope some 24% in area.
- The extension of the envelope will serve to create a major 'urban wall' parallel to Old Kilcarnup Road.
- This variation bringing a major fire risk even closer to my boundary which was actively defended in the 2011 Margaret River fires.

- The proposed building envelope will result in all development being setback a further 5m from the affected side boundary (refer to Figure 1).
- The neighbour does not share a common boundary with the development Site. This site is located alongside Old Kilcarnup Road (south). The closest affected neighbouring lot is located over 40m from the development.
- The LPS1 allows for envelopes up to 2000sqm. The proposal therefore complies with the LPS1 in this regard.
- The southern corner of the Site is an area that benefits from existing landscape buffers that screen the Site from Mentelle Road. Furthermore, the scale of development is not dissimilar to other development found within the area.
- The bushfire assessment report contains a contour map for the proposed building envelope which illustrates that an acceptable rating of BAL 29 is able to be achieved. There is no evidence to suggest that the proposal presents a greater fire risk to the neighbours.

Has the application been referred to internal departments?  Yes  No  N/A

**Assessment of Application**

Is the land referred in the Heritage Inventory?  Yes  No

Are there any Contributions applicable?  Yes  No

Are there any compliance issues in relation to existing development?  Yes  No

**R Codes**

Are R Codes applicable?  Yes  No

**Development Standards (Schedule 9)**

Are the development Standards applicable?  Yes  No

**Officer Comment**  
 The proposed setback of 25m to the western (front) boundary is a variation to the 30m setback guidelines under the LPS1. The variation was referred to neighbors and one letter of objection was received (see comments and responses above).  
  
 The front (western) boundary has a mature landscaping buffer approximately 15m deep that extends the entire length of the building envelope (see Figure 2 below), along with a further landscaping buffer along Old Kilcarnup Road (south east) (refer to Figure 2).



**Figure 2: Approximate location of building envelope and landscape buffer**

Considering the particular site circumstances with the existing landscaping buffer, which will assist in screening future development of the Site, the variation to the front setback is considered to be acceptable.

**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?

|                        |   |
|------------------------|---|
| <b>Officer Comment</b> | Yes. While an objection to the proposal was lodged from a landowner in the locality, the variation to the setback standard does not occur in proximity to the submitters land. The variation has also been assessed and is found to be acceptable given the presence of screening vegetation. Approval to the variation to the front setback standard is recommended to be supported pursuant to LPS1 clause 5.5. |
|------------------------|---|

B. In the opinion of the officer:

|  |  |
|--|--|
| i. Are utility services available and adequate for the development?  | No   |
| ii. Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land? | None impacted  |
| 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?                                       | The BAL report provided demonstrates that a BAL 29 is able to be achieved on the Site. |

**Other Comments**

Any further comments in relation to the application?

|                        |  |
|------------------------|--|
| <b>Officer Comment</b> | The envelope on Site is proposed to be slightly changed in shape and slightly increased in size to accommodate a future single dwelling, ancillary dwelling, water tank and shed. The future development does not generate a requirement for planning approval. The proposed envelope would be setback 25m to the western boundary which is a variation to the setback guideline under LPS1. The proposal raised concerns during the advertising period. The application has been assessed and is found to be acceptable in spite of the variation. 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. 16 pursuant to Clause 68(2) of the Deemed Provisions of Local Planning Scheme No. 1 for Building Envelope Variation at Lot 118 Mentelle Road, Burnside 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 on the 15 July 2019 |
|--------------------------|--|

2. The revised building envelope hereby approved, wholly replaces that previously applicable to the site.
3. 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

**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) The construction of the outbuilding is only permitted when a dwelling exists, or when an approved dwelling is under construction, on the same lot. A building permit for the outbuilding shall only be issued with, or after, a building permit has been issued for a dwelling on the site.