

DEVELOPMENT ASSESSMENT UNIT
Minutes of the Development Assessment Unit
Shire of Augusta Margaret River
On 30 July 2019

ATTENDANCE

Merryn Delaney, Chris Wenman, Chris McAtee, Clare Hamilton, Sonja Pienaar, Angela Satre

PLANNING APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	DA No.
23/07/2019	A5757	6 (Lot 223) Marmaduke Point Drive, Gnarabup	Holiday House (Renewal)	P219435
24/07/2019	A5828	498 (Lot 6) Osmington Road, Bramley	Reception Centre (Wedding Venue)	P219437

BUILDING LICENCE APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
22/07/2019	A6697	33 Wallcliffe Road, Margaret River	Occupancy Permit - Change Rooms	219302
23/07/2019	A10613	5 Brennan Street, Augusta	Single Dwelling	219303
23/07/2019	A12555 A4062	70 Lot 1538 Glenarty Road, Karridale	Additions to Existing Dwelling	219304
23/07/2019	A9206	22 Lot 42 Tinglewood Court, Cowaramup	Shed	219305
25/07/2019	A11570	13 Dempster Drive, Witchcliffe	Shed and Carport	219306
25/07/2019	A9632	11 Lot 835 Lorikeet Lane, Margaret River	Single Dwelling	219307
25/07/2019	A12157	2 Lot 101 Trinder Drive, Margaret River	Alterations and Additions to Existing Dwelling	219308
26/07/2019	A12385	4 Lot 220 Kiln Way, Karridale	Patio	219309
26/07/2019	A12157	2 Lot 101 Trinder Drive, Margaret River	Approval Certificate - Unauthorised Works	219310
26/07/2019	A8755	3 Sheoak Place, Cowaramup	Patio	219311

SUBDIVISIONS DETERMINED

Nil

LEVEL 1 APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
21/02/2019	Leigh Medlen	16 (Lot 48) Greenwood Avenue, Margaret River	Single Dwelling and Ancillary Dwelling	Approved	P219112
18/04/2019	Leigh Medlen	5 (lot 15) Bandicoot Close, Gnarabup	Dwelling Additions	Approved	P219263
07/05/2019	Angela Satre	Unit 1, 4 (Strata Lot 1 of Lot 6) Town View Terrace, Margaret River	Holiday House (Renewal)	Approved	P219300
01/07/2019	Devin Moltoni	10B (Lot 1) Freycinet Way, Gnarabup	Outbuilding (Shed) Swimming Pool and Lean-To	Approved	P219395

LEVEL 2 APPLICATIONS for determination

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
04/01/2019	Clare Hamilton	52 (Lot 19) Ashton Street, Margaret River	Building Envelope Variation, Dwelling & Development Outside Envelope (Chalet, Water Tank & Shed)	Conditional Approval	P219006

MANAGEMENT OF VEGETATION ON SHIRE RESERVES

Nil

LOCAL LAW PERMITS

Nil

OTHER APPLICATIONS determined under delegation

Nil

ELECTED MEMBERS ATTENTION

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
04/01/2019	Clare Hamilton	52 (Lot 19) Ashton Street, Margaret River	Building Envelope Variation, Dwelling & Development Outside Envelope (Chalet, Water Tank & Shed)	Conditional Approval	P219006

CLOSURE OF MEETING



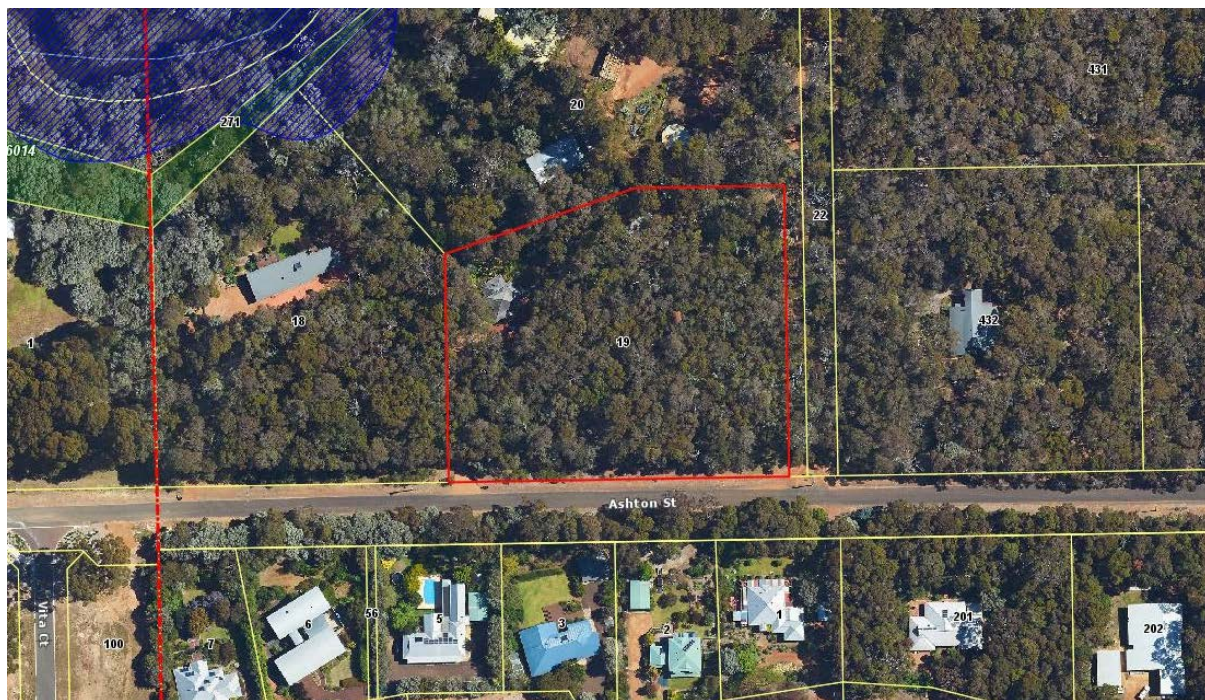
DEVELOPMENT APPLICATION ASSESSMENT (DAU)
Report to Manager Planning and Development Services
Proposed Building Envelope Variation, Dwelling and Development Outside the Building Envelope (Chalet, Water Tank and Outbuilding) at 52 (Lot 19) Ashton Street, Margaret River

Major (Level 2)


P219006; PTY/8999

REPORTING OFFICER : Clare Hamilton
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	10,004m ² (1.0004 ha)
Zone	Rural Residential (A29, SPA13)
Proposed Development	<ul style="list-style-type: none"> ▪ Building envelope variation; ▪ Dwelling within the proposed envelope; and ▪ Existing Chalet, water tank and outbuilding (shed) outside the proposed envelope.
Permissible Use Class	<p>Dwelling 'P' permitted with approval where required.</p> <p>Building envelope variations may be approved in accordance with clause 5.10 of the LPS1.</p> <p>Existing Chalet, water tank and Outbuilding outside the envelope, presents a variation at clause 5.10.1 of LPS1 requiring all development to be contained within the building envelope.</p>
Heritage/Aboriginal Sites	Nil
Encumbrance	Easement – right of way footpath – not impacted
Date Received	04/01/2019



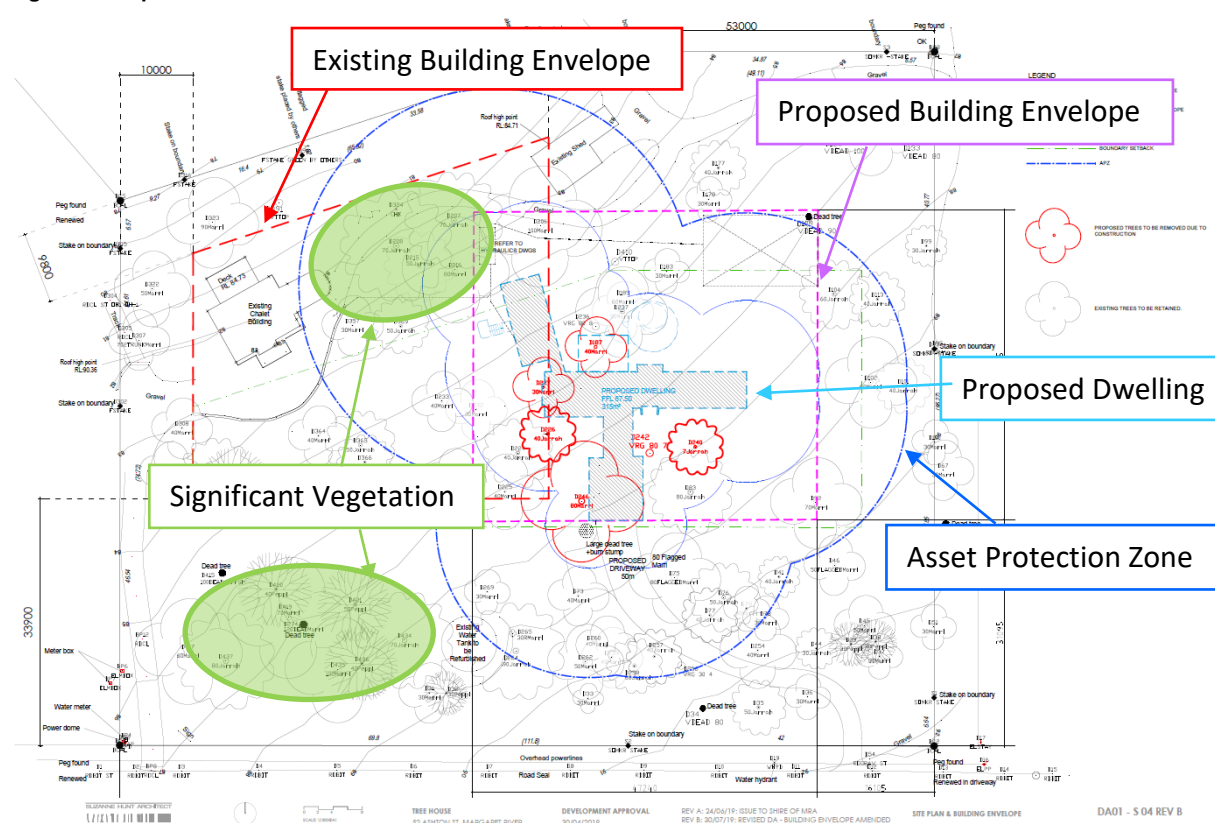


Policy Requirements	
Is the land or proposal referred to in any Council Policy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Structure Plans and Local Development Plans (DAP)	
Is the land in any Structure Plan Area or subject to a DAP? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, state the Policy/Policies	
Structure Plan Lots 11-15, 431-433, 18-20 and 22 Ashton Street, Margaret River (October 2018)	
Officer Comment	<p>The Structure Plan identifies the current building envelope (see extract below).</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	
Notification for Original Proposal	
<p>The original proposal, received on 4 January 2019, was the subject of notification to surrounding landowners. The application originally proposed a building envelope that extended across a significant portion of the site and included an orchard outside the envelope. The original proposal would be in conflict with the intent of LPS1 to cluster development within the site. The application was amended following the close of the advertising period.</p>	
Has a submission been received by Council? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Two submissions received – one objection and one indifferent.	
Submitter 1 - Objection	<p>No objection to the amendment of the building envelope or the design of the house (which is to be highly commended).</p> <p>Noted</p>

<p>Object to any clearing of native vegetation outside the new building envelope, except for whatever is necessary for the new driveway.</p> <p>Clarification sought as to the reference to the limit of the building envelope, which is outside the lot itself, and the proposed building envelope itself is shown dotted inside the lot.</p> <p>Clarification sought as to the reference to a 10m setback from the east boundary.</p> <p>Clarification sought if the proposal seeks to clear existing vegetation up to the boundary (eastern) for an orchard and veggie patch. Submitter states objection to this.</p>	<p>Clearing outside the envelope is proposed and required to be limited, under LPS1 clause 4.22.2, to that necessary for installation of a driveway and Asset Protection Zone (APZ) to mitigate fire risk. In this case, the proponent has taken considerable steps to locate the proposed dwelling and envelope to ensure protection of significant vegetation outside the envelope. This included submission of a tree survey and redesign of the garage and driveway to retain significant vegetation.</p> <p>This query is in relation to the original proposal. The annotations referred to are simply mapping measurements. The building envelope, APZ and all development is contained within the site boundaries as clarified in the amended proposal plans.</p> <p>This query is in relation to the original proposal. Ten metres is the setback guideline under LPS1 to a side boundary in the zone. The final proposed envelope achieves compliance with this setback.</p> <p>This query is in relation to the original proposal. The proposed orchard and veggie patch have been removed from the amended proposal.</p>
<p>Submitter 2 – Indifferent No objection.</p> <p>Understand that the eastern edge of the building envelope has exceeded the original building envelope approval</p> <p>The proposed dwelling's eastern most room will be within metres of the existing shared driveway and could potentially be disruptive due to vehicle noise.</p>	<p>Noted.</p> <p>Clause 4.22.2 (b) of LPS1 provides discretion for the local government to vary the building envelope in accordance with clause 5.10.2. The original proposal was amended after the close of the notification period to increase the separation distance between the proposed envelope and the eastern property boundary. The location of the proposed envelope in relation to the eastern boundary meets the development standards under LPS1. The size of the amended envelope is consistent with the 2000m² area provided for under LPS1 clause 4.22.2.</p> <p>The final proposed envelope exceeds the side boundary setback guideline of 10m under LPS1. The proposed dwelling is setback 26m from the east lot boundary. The eastern access is existing and is not proposed to change.</p>
<p>Have agency or authority comments been received? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p>	
<p>Has the application been referred to internal departments? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>	
<p>Emergency Services Internal meeting of 11/1/19: If there is an opportunity to reduce the fire risk rating from FZ to BAL29 then this must be sought. An amended BMP is needed showing the extent of clearing and modification of vegetation on site.</p> <p>If the BAL rating will not be reduced, or cannot be reduced to BAL29, then the BMP should be referred to DFES otherwise DFES referral not required.</p>	<p>A BAL 29 can be achieved through implementation of an APZ on site and DFES referral is not required. Significant assessment and steps have been taken with regard to balancing preservation of vegetation with requirements for vegetation modification to reduce bushfire risk.</p>
<p>Infrastructure Services Existing accesses on the western and eastern boundaries supported The application shows an existing shed and access to the private driveway on adjoining northern Lot 20. The subject site does not have rights of access over this</p>	<p>No modification to the existing access is proposed.</p> <p>These access tracks are existing legacy situation in place prior to subdivision. The matter of access being taken over the site by third parties is a civil matter and is not related to the proposal for a dwelling. The matter is</p>

private Lot 20 and this access is not supported. The application also appears to show access to Lot 19 on the Northern boundary, again this is private property and is not supported and confirmation of this is sought.	recommended to be addressed by the affected land owners independently to the subject application.
Environmental Services Proponent has endeavoured to minimise impact to the trees and the amended proposal should be supported in this regard.	Noted – see comments below.
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
Local Planning Scheme No.1 (LPS1)	
Additional Use 29	
The subject site has an Additional Use provision (A29) under Schedule 2 of <i>Local Planning Scheme No. 1 (LPS1)</i> . This A29 provision provides for a maximum of 2 chalets (over and above the residential development of the land) subject to planning approval.	
One Chalet has been developed in the north west corner of the site in accordance with planning approval (P99216) granted in August 1999. The existing Chalet is proposed to continue to be used for short stay accommodation.	
The proponent has agreed in writing to amend Schedule 2 of LPS1 as it applies to A29 to remove the opportunity for the second Chalet. This has been recommended for inclusion in the review of LPS1 and is a separate matter to the subject application.	
Vegetation Impacts	
It is noted that the site contains very good quality vegetation. Considerable concern was raised to the original proposal regarding vegetation impacts due to the extent of proposed development across the site. During the processing of the application a number of steps were taken to inform the final recommendation.	
A tree survey was undertaken by the proponent and used in the dwelling site selection. The outcomes of the survey were provided to the Shire. The site was also inspected by staff on a number of occasions, including with the proponent, to assess vegetation impacts. The survey and inspection outcomes demonstrate that:	
<ul style="list-style-type: none"> ▪ The north-eastern portion of the site, corresponding to the location of the dwelling, contains vegetation of somewhat lesser quality than the remainder of the site. ▪ The most significant mature trees on site are located in the north west and south west (as shown in green on Figure 1). ▪ The stand of trees in the south west contains trees that appear to be dead and others that may contain hollows for breeding fauna. The retention of these trees is highly desirable. ▪ The dwelling is located in the area of least impact to mature significant vegetation. ▪ Every effort has been made to identify and retain significant mature vegetation on site including in the APZ areas outside the envelope and particularly with regard to the long-term likelihood of their survival. ▪ The existing building envelope contains the northern stand of vegetation which would be permitted to be removed due to its location in the envelope. ▪ The existing building envelope would be in proximity to the south western stand of vegetation. This may result in removal of trees with the installation of an APZ for future development within the existing envelope and due to the risk of dead trees falling in the existing envelope. 	

Figure 1: Proposal Plan



The amended location of the envelope on site is preferable to the location of the existing envelope for the opportunity it provides to retain the significant stands of trees. The dwelling has also been sensitively located in the area of least quality vegetation. The relocation of the envelope however raises questions about the location of the existing chalet and shed on site.

Existing Development

It was agreed with the proponent that the Shire considers the existing chalet and shed as development outside the proposed envelope. While this is an unusual situation, the outcome would be a reduction in impacts to significant vegetation as described above by limiting all future development to the site of the proposed envelope. Discretion under LPS1 clause 5.5 is required in this regard.

It is also noted that there is an existing gravel track in the north east of the lot straddling the property boundary and providing access with the adjoining northern lot. This is a legacy situation not secured by a legal mechanism and is recommended to be addressed as a separate matter to the subject application.

Bushfire Risk Management

The entire site is densely vegetated and the site has a Bushfire Attack Level (BAL) rating of BALFZ or Flame Zone. A Bushfire Management Plan (BMP) addressing the protection criteria, as set out under *State Planning Policy 3.7 Planning in Bushfire Prone Areas* was submitted with the application. The BMP clarifies that the site would meet an acceptable BAL risk rating of 29 subject to implementation of the APZ. The APZ is contained fully within the lot boundaries.

Implementation of the APZ will involve modification of vegetation through pruning and clearing understorey to a 'parkland' state. It is noted that due to the BAL-FZ rating of the site, some clearing would be required to construct a dwelling and reduce the bushfire hazard to an acceptable level regardless of the building envelope location, both inside and outside of that building envelope.

It is noted that the 30m low fuel zone associated with the existing Chalet, would already require this vegetation modification. The proposal therefore does not change the existing fire reduction requirements in this portion of the lot.

The proposed vegetation modification is considered to achieve an acceptable balance of reducing the bushfire risk and maintaining environmental values. Vegetation modification is also not considered to present any significant alteration to the amenity of adjoining lots, considering a significant amount of mature vegetation is to be retained in the APZ. For these reasons the works to modify vegetation and install the APZ are recommended to be supported.

It is recommended that relevant conditions are applied to ensure an update to the BMP prior to application for building permit approval and thereafter implementation of the BMP on site prior to occupation of the dwelling.

Second Driveway

An additional driveway from Ashton Street is proposed. The driveway has been located so as to avoid significant native trees. There is an existing driveway located close to the western boundary of the site which provides access to the existing Chalet. No modification is proposed to this.

Vegetation modification for the second private driveway will involve parkland clearing of understory, this clearing is considered appropriate to gain vehicular access as per clause 4.22.2 c of LPS1.

LPS1 Development Standards

The proposed envelope complies with the setback standards under Schedule 9 of LPS1 with the exception of the setback to the northern boundary. A rear setback guideline of 30m is provided under LPS1 and the envelope would be setback 16.5m to the boundary. The setback variation has been assessed and is considered acceptable, pursuant to LPS1 clause 5.5 and clause 5.10.2, for the following reasons:

- The existing building envelope is already setback 10m to the northern boundary and therefore the proposed envelope would increase this setback distance.
- Adequate screening between the proposed envelope and adjoining lots is provided by existing vegetation.
- The proposed building envelope is generally consistent with other building envelopes within the area.
- The visual and rural character of the locality will not be affected to any greater degree by development within the proposed envelope relative to the existing envelope.
- The objectives of the zone are maintained through balancing requirements for environmental protection and measures for bushfire management through vegetation modification.
- Development within the proposed envelope will not render the protection of the property from the risk of bushfire any more difficult to achieve than would be the case with the existing approved envelope.

Conclusion

It is considered that the proposed location of the building envelope and dwelling is acceptable in relation to balancing boundary setback requirements, consolidation of development on site, impact on vegetation and requirements of bushfire hazard reduction.

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	
Disabled Bays	Disabled Bays – n/a	<input type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply

Building Height

Scheme / Policy Requirement	Wall - 7m	Roof - 8m
State the proposed building height	Wall - 7m Roof – 7.5m	<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?	Yes - Connected to reticulated water. Effluent system proposed is within the proposed building envelope and does not impact vegetation outside the envelope.
ii. Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land?	Yes. The vegetation required to be modified / cleared is considered to balance the risk of bushfire threat with the environmental values of the site.
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 is able to achieve a rating of BAL-29 with the establishment of an APZ around the dwelling.
Other Comments	
Any further comments in relation to the application?	
Officer Comment	The proposed building envelope variation, to accommodate a single dwelling and effluent system, and the proposal for approval of the existing Chalet and Shed outside the building envelope 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, Dwelling and Development Outside the Building Envelope (Chalet, Water Tank and Outbuilding) at 52 (Lot 19) Ashton Street, Margaret River 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 Office on 1 August 2019 P2 - P4 received at the Shire Office on 31 July 2019
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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.
3. The revised building envelope hereby approved, wholly replaces that previously applicable to the site.
4. Clearing of vegetation is prohibited outside the building envelope, unless in accordance with the *Bush Fires Act 1954* or required for the purpose of constructing an approved driveway, installing essential services, or removing dead or dangerous trees.
3. All stormwater and drainage run-off from the development shall be detained within the lot boundaries, managed to pre-development flow regimes and/or disposed offsite by an approved connection to the Shire's drainage system in accordance with the Shire of Augusta Margaret River Standards & Specifications.
4. Prior to application for a building permit, an APZ Vegetation plan shall be submitted by the proponent and to the satisfaction of the Shire. The APZ Vegetation plan shall demonstrate in detail how vegetation outside the building envelope is to be modified and retained within the Asset Protection Zone (refer to advice note 'c'). Works on site shall be carried out in accordance with the approved Asset Protection Zone plan.
5. The Bushfire Management Plan (prepared by Ecosystem Solutions dated the 11 December 2018) shall be revised to the satisfaction of the Shire. The revised Bushfire Management Plan and shall be submitted for the approval of the Shire prior to application for a building permit.
6. The endorsed Bushfire Management Plan shall be implemented on site prior to occupation of the dwelling at all times thereafter (refer to advice notes 'b' and 'c').
7. Prior to occupation of the dwelling, certification is to be provided to the Shire by an accredited Bushfire Consultant that all bushfire management actions detailed in the approved Bushfire Management Plan have been implemented within the boundaries of the subject site.
8. Crossovers shall be designed, constructed, and drained in accordance with the Shire's standards and specifications.
9. Works are prohibited within the road reserve including any pruning or clearing of vegetation without prior written approval of the Shire. The Proponent shall submit and implement a Traffic Management Plan prepared by a licenced Traffic Manager in accordance with MRWA Traffic Management Code of Practice and Australian Standards AS1742.3-2002 for any works on or within the road reserve (including road).

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 Asset Protection Zone must be maintained within the Lot boundaries at all times and in accordance with the Bushfire Management Plan.
- c) Works to implement the actions of the Bushfire Management Plan, including construction of the private driveway and maintenance of the Asset Protection Zone should be conducted with regard to retention of native trees and protection of biodiversity values.
- d) The existing Chalet on site subject of Planning Approval P99216 granted on 3 August 1999 is for short stay purposes only. Short stay means premises occupied by the same people for no more than three (3) months in any 12 month period.