

DEVELOPMENT ASSESSMENT UNIT
Minutes of the Development Assessment Unit
Shire of Augusta Margaret River
On 5 November 2019

ATTENDANCE

Matt Cuthbert, Chris Wenman, Jason Heine, Chris McAtee, Lara Hoole

PLANNING APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	DA No.
28/10/2019	A12124	27 (Lot 24) Formosa Street, Margaret River	Bed and Breakfast	P219649
28/10/2019	A2500	44 (Lot 149) Station Road, Margaret River	Caravan Park (Additions and Alterations)	P219650
29/10/2019	A5456	13 (Lot 56) Freycinet Way Gnarabup	Bed and Breakfast	P219651
29/10/2019	A5433	21 (Lot 36) Riedle Drive, Gnarabup	Bed and Breakfast (Renewal)	P219652
31/10/2019	A7985	21 (Lot 143) Grunters Way, Gnarabup	Dwelling	P219654
01/11/2019	A985	5 (Lot 44) Dawson Tce, Augusta	Holiday House	P219655
01/11/2019	A11007	12 (Lot 79) Calabrese Close, Margaret River	Dwelling Additions (Outbuilding and Carport)	P219656
01/11/2019	A11377	Lots 102, 103 and 104 Bussell Highway, Karridale	Subdivision	P219657

BUILDING LICENCE APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
28/10/2019	A2502	8 Georgette Street, Gracetown	Single Dwelling	219455
28/10/2019	A12720	9 (Lot 342) Duncan Street, Margaret River	Single Dwelling	219456
29/10/2019	A4429	Reserve 23973 Brockman Highway, Alexander Bridge	Additions to Fire Station	219457
30/10/2019	A2890	21 Samworth Street, Margaret River	Shed and Carport	219458
30/10/2019	A7351 A4806	Unit 2, 3 Redgum Court, Margaret River	Patio	219459
30/10/2019	A7956	99 (Lot 114) Baudin Drive, Gnarabup	Two Storey Dwelling	219460
30/10/2019	A3268	7 (Lot 197) Fairlawn Place, Molloy Island	Single Dwelling	219461
31/10/2019	A4610	44 Karri Loop, Margaret River	Conversion Shed to Ancillary Accommodation	219462
01/11/2019	A12452	9 Mahoney Street, Margaret River	Shed and Patio	219463

SUBDIVISIONS DETERMINED

Date Rec'd	Assess No.	DA No.	Address	Description of Matter	Recommendation
19/09/2019	A2555	P219571	Lots 1062 and 93 Ablett Road, Cowaramup	Subdivision (Boundary Realignment)	Supported
25/09/2019	A1301	P219589	Lots 2765 and 3998 Warner Glen Road, Forest Grove	Boundary Realignment	Supported

LEVEL 1 APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
20/08/2019	Lara Hoole	3 (Lot 380) Charles Hine Avenue, Margaret River	Dwelling Additions (Portico)	Approved	P219493
02/09/2019	Devin Moltoni	29 (Lot 125) The Boulevard, Margaret River	Dwelling Addition	Approved	P219531
10/09/2019	Devin Moltoni	9 (Lot 177) Acacia Court, Cowaramup	Dwelling (Level 2)	Approved	P219545
10/09/2019	Lara Hoole	114 (Lot 61) Armstrong Road, Cowaramup	Outbuilding (Storage Shed)	Approved	P219546
16/09/2019	Devin Moltoni	13669 (Lot 934) Bussell Highway, Augusta	Caravan Park (Cafe in Sea Container)	Approved	P219553
18/09/2019	Devin Moltoni	32 (Lot 187) Callistemon Drive, Margaret River	Home Business (Fitness Classes and Personal Training)	Approved	P219560
24/09/2019	Devin Moltoni	171 Vansittart Road, Karridale	Public Event on Private Property - Additions (Office)	Approved	P219579
02/10/2019	Lucy Gouws	62 (Lot 200) Marmaduke Point Drive, Gnarabup	Holiday House (Renewal)	Approved	P219599
17/10/2019	Lucy Gouws	2 (Lot 1) Chapel Place Prevelly	Bed & Breakfast	Approved	P219623

28/10/2019	Clare Hamilton	27 (Lot 24) Formosa Street Margaret River	Bed and Breakfast	Approved	P219649
06/11/2019	Lucy Gouws	18 (Lot 80) Holly Place Cowaramup		Cancelled	P219667

LEVEL 2 APPLICATIONS for determination

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
16/07/2019	LH	466 (Lot 73) Kevill Road West, Margaret River	Building Envelope Variation	Approve	P219426

MANAGEMENT OF VEGETATION ON SHIRE RESERVES

Nil

LOCAL LAW PERMITS

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
29/10/2019	Emma Rogers	35 Wallcliffe Road, Margaret River	Local Law Permit - Wholistic Dog Training on Nippers Oval (Gloucester Park Precinct)	Approved	P219653

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: 466 (Lot 732) Kevill Road West, Margaret River

Major (Level 2)

P219426; PTY/12633

REPORTING OFFICER : LH
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	20159smq
Zone	Rural Residential (RR29)
Proposed Development	The existing building envelope is 1826m ² proposed to be varied in shape, tilted from west to southeast, to north to south. The new building envelope 2258m ² will encompass a level cleared area to establish a studio. A BAL -29 certificate for the studio has been submitted with the application.
Permissible Use Class	Building envelope may be varied, after advertising at the discretion of Local Government. The studio is ancillary to a dwelling, which is a 'P' (permitted) use and if the envelope is approved will be exempt from requiring planning approval.
Heritage/Aboriginal Sites	Not listed
Encumbrance	<ul style="list-style-type: none"> • 3m wide drainage easement along the southern boundary of Lot 732 and adjoining Lot 731 (the building envelope does not encompass the easement). • Notifications x 2 (Bushfire Management Plan and Western Ringtail Possum Management). <p>The site is connected to reticulated water, but not reticulated sewer or drainage.</p>
Date Received	16/07/2019

Location Plan





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 72 & 73 Kevill Road, Margaret River' dated 21/09/2012.
<i>Officer Comment</i>	<ul style="list-style-type: none"> - The structure plan identifies indicative building envelopes, landscape protection area (20m wide) following creek lines in the areas, existing driveways and a 3m wide boundary fire break. - The proposed building envelope is not located within the landscape protection area and the firebreak is to be maintained. 	
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: 2
Have agency or authority comments been received?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Name	Nature of Submission	Officer Comment
Private Submission x 2	<ul style="list-style-type: none"> • Historically the building envelope was set further from the boundary and only moved to accommodate a shed on the property. The building envelopes were placed within an area on all the blocks on Kevill Road West to give a beneficial aspect for building and give privacy from neighbours. The proposed setback would reduce privacy from neighbours; • Clearing has commenced on the site to achieve a BAL rating for the application prior to approval. Concerns regarding further clearing which could be undertaken within the building envelop causing environmental impacts and further reduced privacy; • The plan is in accurate in its depiction of the treeline and the winter creekline and does not depict the proximity that the studio will have to both. The studio will have an environmental impact being so closer to the winter creek. 	<p>Shire records confirm that the building envelope was altered to encompass an existing shed. The southern point of the existing building envelope is setback 5m from the nearest side (eastern) boundary, this is at one point only and is to encompass an existing shed.</p> <p>The initial proposed building envelope submitted with the planning application (that was advertised to surrounding landowners) proposed a length of 52m and was to be setback 5 to 6m from the side (eastern) boundary.</p> <p>The applicant has since amended the proposed building envelope by increasing the side (eastern) setback from 10m to 23.5m. This will ensure that buildings are setback away from the common boundary and no clearing is required along the side (eastern) boundary. Fire risk requirements apply to habitable buildings only and this is</p>

		<p>guided by a Bush Fire Attack Level (BAL) that can be achieved for the future studio.</p> <p>The future studio is shown to be setback 25m from the side (eastern) boundary. The location of the studio was chosen to be located in an existing cleared area, to achieve a lower fire risk, with level topography and better drainage.</p> <p>The development on the site is clustered in the south-eastern corner of the site. The property was developed prior to subdivision.</p> <p>The plan submitted appears to be consistent with the Shires aerial intramaps. The creekline is shown in the same setback from the existing dwelling and the winter creekline and treeline as per the Shires aerial mapping database. The proposed studio will be setback at least 35m from the winter creek line, the same distance as the dwelling on the adjoining landowners property.</p> <p>Accordingly, onsite waste disposal is required to be via an aerobic treatment unit (ATU) (designed to mitigate potential environmental impacts from onsite waste disposal systems) that has a reticulation area approximately 70m west of the winter creek line.</p>
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	<p><u>Previous Planning Approvals</u></p> <p>PTY/3855 – Lot 73 Kevill Road West, MR. This is located on what is now Lot 732 Kevill Road West, MR.</p> <ul style="list-style-type: none"> • P28535 Re-sited Dwelling at Lot 73 Kevill Road West, approved 05/02/2009. • P28557 Development outside building envelope matter concluded 23/12/2014. Building envelope amended through Scheme Amendment and Structure Plan P212365. • P214679 Outbuilding approved 23/02/2015. <p>PTY/3854 & PTY/3855 Lots 72 & 73 Kevill Road West, MR</p> <ul style="list-style-type: none"> • P211478 In-principle Scheme Amendment and Structure Plan supported 28/03/2012. • P212365 Scheme Amendment No. 14 and Structure Plan approved 07/03/2014. To facilitate the re-subdivision of Lots 72, 73 and 74 Kevill Road West to minimum lot size 1ha. The structure plan requires ATU required 50m horizontal separation is necessary between waste water apparatus and the creekline. <p>In visual management 'A' zone. Development or changes in land use should result in in-evident visual alteration to the landscape. LPS includes specific guidelines that should be applied to proposed developments within zone 'A' (such as the use of non-reflective building materials).</p>	

	<ul style="list-style-type: none"> P215516 Subdivision Lots 72 and 73 Kevill Road West into 4 Lots (Lot 721, 722, 731 & 732). Endorsed Deposited Plan on 16/10/2017. 																						
Is the land referred in the Heritage Inventory?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No																					
Are there any Contributions applicable?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No																					
Are there any compliance issues in relation to existing development?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No																					
R Codes																							
Are R Codes applicable?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No																					
Development Standards (Schedule 9)																							
Are the Development Standards applicable?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No																					
Schedule 13 – Rural Residential	<table border="1"> <thead> <tr> <th>Standard</th> <th>LPS1</th> <th>Proposed</th> <th>Comment</th> </tr> </thead> <tbody> <tr> <td>Plot Ratio</td> <td>0.1</td> <td>0.02</td> <td>Complies</td> </tr> <tr> <td>Front Setback</td> <td>30m</td> <td>146m</td> <td>Complies</td> </tr> <tr> <td>Rear Setback</td> <td>30m</td> <td>63m</td> <td>Complies</td> </tr> <tr> <td>Side Setback</td> <td>10m</td> <td>East:: 10m South: 20m North: 55m</td> <td>Complies Complies</td> </tr> </tbody> </table>			Standard	LPS1	Proposed	Comment	Plot Ratio	0.1	0.02	Complies	Front Setback	30m	146m	Complies	Rear Setback	30m	63m	Complies	Side Setback	10m	East:: 10m South: 20m North: 55m	Complies Complies
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<i>Development in Rural Residential zone</i>	Variations to the building envelope may be approved in accordance with clause 5.10.																						
<i>Officer Comment</i>	<p>The proposed building envelope meets the minimum boundary setback standards.</p> <p>The proposed variation was advertised to surrounding landowners. Two submissions of objection were received. The applicant amended the proposed building envelope to address the submissions and to increase the setback from 6m to 10m from the side (eastern) lot boundary. The proposed building envelope encompasses a level cleared area facing north, opposed to the existing building envelope extends to the west uphill that is vegetated. The location of the proposed studio is shown to be setback 25m from the side (eastern) boundary to achieve an acceptable BAL-29 rating, without any further clearing of vegetation. The proposed building envelope has been designed to allow for potential extensions to the existing buildings without allowing development within 10m minimum Rural Residential side boundary setback. An existing native landscape buffer 36m to 60m wide surrounds the creekline, this also screens development between adjoining landowners. The proposed building envelope size of 2258m² is in keeping with the scale of the property and represents approximately 11% of the site. The area of the envelope will allow future dwelling additions if required without affecting the natural environment.</p> <p>The applicant is aware of the bushfire management requirements for a habitable building and obligations to meet bushfire management requirements within the property boundaries. The visual amenity and rural character of the locality will not be affected to any greater degree by the development within the proposed new building envelope. The building envelope can accommodate future development and existing development. The proposed building envelope will reduce potential clearing. The proposed building envelope variation is considered to meet the performance criteria of the Scheme and is therefore supported.</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?	Yes.
Other Comments	
Any further comments in relation to the application?	
Officer Comment	The proposed building envelope variation complies with the minimum setback standards of Local Planning Scheme No. 1. The building envelope will be relocated to encompass a level cleared area that will reduce potential clearing for development and improve fire management around new buildings. The proposal is consistent with Local Planning Scheme No. 1 and is recommended for approval.

OFFICER RECOMMENDATION

That the Acting 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 Building Envelope Variation at 466 (Lot 732) Kevill Road West, Margaret River subject to compliance with the following conditions:

CONDITIONS

- The development is to be carried out in compliance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent.

Plans and Specifications	P1 received by the Shire on 18 October 2019.
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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.

ADVICE NOTES

- 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.