

DEVELOPMENT ASSESSMENT UNIT

Minutes of the Development Assessment Unit Shire of Augusta Margaret River On 6 December 2016

ATTENDANCE

Angela Satre, Chris Wenman, Lauren Bidesi, Jason Heine, Johan Pienaar

APOLOGIES

CONFIRMATION OF MINUTES

Confirmation of minutes from previous meeting.

PLANNING APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	DA No.
28/11/2016	A3103	22 (Lot 2) Georgette Way, Prevelly	Carport	P216665
28/11/2016	A11850	8 (lot 16) Hogan Place, Witchcliffe	Dwelling and Water Tank	P216666
28/11/2016	A10430 A11235 A1612	13076 (Lot 3) Bussell Highway, Augusta	Farm Building	P216667
28/11/2016	A10661	9 (Lot 292) Mann Street, Margaret River	Holiday House	P216668
28/11/2016	A7551	24 (Lot 376) Percheron Place, Margaret River	Holiday House	P216669
29/11/2016	A2601	16 (Lot 3) Percy Street, Gracetown	Ancillary Dwelling	P216670
29/11/2016	A11020	Surfers Point and North Point in Gracetown	Amendment to Planning Approval P215478 - Surfing Event Drug Aware Pro	P216671
29/11/2016	A2073	4 (Lot 83) Georgette Way, Prevelly	Bed and Breakfast	P216672
30/11/2016	A7744	176 (Lots 1 - 20) Cowaramup Bay Road, Cowaramup	Subdivision	P216674
30/11/2016	A10987	Lot 501 Ashton Street, Margaret River	Compliance – Use of unauthorized building materials to approved Outbuilding	P216675
30/11/2016	A7722	12 (Lot 94) Grunters Way, Gnarabup	Bed and Breakfast	P216676
30/11/2016	A4088	2 (Lot 66) Settlers Retreat, Margaret River	Ancillary Dwelling	P216677
30/11/2016	A1915	14 (Lot 45) Lake View Crescent, Prevelly	Holiday House	P216678
01/12/2016	A1896	8 (Lot 106) Vattos Way, Prevelly	Holiday House (Large)	P216680
01/12/2016	A12225	40 (Lot 1) Tunbridge Street, Margaret River	Holiday House	P216681
01/12/2016	A8370	9 (Lot 66) Thomasia Court, Augusta	Holiday House (Large)	P216682
01/12/2016	A11638	264 (Lot 28) Redgate Road, Witchcliffe	Dam (Dam Extension)	P216683
01/12/2016	A3298	30 (Lot 6) Georgette Way, Prevelly	Holiday House	P216684
01/12/2016	A5941	Lot 1620 Hadley Road, Forest Grove	Farm Building	P216685
01/12/2016	A4575	128 (Lot 16) Rainbow Cave Rd, Margaret River	Holiday House (Large)	P216686
01/12/2016	A10822		Change of use - shed to studio	P216687
02/12/2016	A1542	5926 (Lot 201) Caves Road Margaret River	Dwelling Additions (Shed)	P216690
02/12/2016	A3717	49 (Lot 25) Culhane Road, Margaret River	Holiday House (Large)	P216691
02/12/2016	A5156	Location 1035 Bussell Highway, Witchcliffe	Subdivision	P216692
01/12/2016	A10681 A6265	235/331 and 334 (Lots 60, 62,63 and 64) Tanah Merah Road, Bramley	Amalgamation/Subdivision	P216693
02/12/2016	A1830	32 (Lot 64) Osborne Street, Gracetown	Ancillary Dwelling	P216694
02/12/2016	A6475	19 (Lot 243) Chuditch Place, Gnarabup	Holiday House	P216695

BUILDING LICENCE APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
02/12/2016	A11663	149 (Lot 821) Ashton Street, Margaret River	Dwelling Additions	216529
01/12/2016	A6546	4812 (Lot 112) Caves Road, Gracetown	Shed Extension	216532
30/11/2016	A3906	Unit 5, 8 & 9 49 (Lot 66) Town View Terrace, Margaret River	Occupancy Permit - Gym	216531
29/11/2016	A11922	Lot 9503 Roy Earl Drive, Cowaramup	Single Dwelling	216513
29/11/2016	A10519	241/237 (Lot 12) Glengarry Road, Margaret River	Water Tank	216530
28/11/2016	A2599	8005 (Lot 319) Bussell Highway,	Relocatable Dwelling	216524

		Cowaramup		
28/11/2016	A3763	41 (Lot 40) Merchant Street, Margaret River	Workshop to Ancillary Accommodation	216526
28/11/2016	A12030	5 (Lot 232) Frohawk Loop, Margaret River	Retaining Wall	216527
28/11/2016	A11762	104 (Lot 343) Kevill Road East, Margaret River	Single Dwelling, Shed and Rainwater Tank	216528

SUBDIVISIONS DETERMINED

Date Rec'd	Officer	DA No.	Address	Description of Matter	Recommendation

LEVEL 1 APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
13/10/2016	Angela Satre	27 (Lot 194) Alferink Crescent, Margaret River	Grouped Dwellings x 2	Approved	P216560
27/10/2016	Lucy Gouws	58 (Lot 101) Orchid Ramble, Margaret River	Dwelling	Approved	P216599
04/11/2016	Lara Hoole	264 (Lot 28) Redgate Road, Witchcliffe	Dwelling Additions	Approved	P216613
04/11/2016	Lara Hoole	8 (Lot 1) Brockman Road, Cowaramup	Dwelling Additions (Carport)	Approved	P216616
11/11/2016	Lucy Gouws	14 (Lot 30) Wise Road, Margaret River	Dwelling Additions & Ancillary Dwelling	Approved	P216626
15/11/2016	Lara Hoole	2 (Lot 10) Dallip Spring Road, Burnside	Detached Dwelling Additions (2 x Bedrooms & Bathroom)	Approved	P216632
17/11/2016	Lara Hoole	29 (Lot 344) Honeysuckle Glen, Cowaramup	Dwelling/Bed & Breakfast, Outbuilding (Detached Garage) and Retaining Wall	Approved	P216640

LEVEL 2 APPLICATIONS for determination under delegation

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
18/05/2016	JP	Lot 63 Treeton Road North, Cowaramup	Extractive Industry (Gravel Extraction)	Approve	P216272
13/09/2016	AS	Lot 505 Ashton Street Margaret River	Dwelling Additions (Shed)	Approve	P216488

LOCAL LAW PERMITS

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
10/11/2016	Anne Marie Laddie	Gloucester Park Oval, 39 Wallcliffe Road, Margaret River	Public Event - Lions Australia Day Breakfast - 26 January 2016	Approved	P216630

OTHER APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.

COMPLIANCE

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
08/11/2015	Angela Satre	4 (Lot 34) Ellen Place, Margaret River	Complaint regarding use of Holiday House	Matter Concluded	P215562

ELECTED MEMBERS ATTENTION

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

CLOSURE OF MEETING



DEVELOPMENT APPLICATION ASSESSMENT (DAU)
Report to Manager Planning Services
Proposed Extractive Industry (Gravel Extraction) – Lot 63 Treeton Road North, Cowaramup

Major (Level 2)

P216272; PTY/11383

REPORTING OFFICER : Johan Pienaar
 DISCLOSURE OF INTEREST : Nil.

General Information	
Lot Area	14.774 ha
Zone	Priority Agriculture Additional use right (A1) allows for the development of uses such as a 6-bedroom guest house, Intensive Agriculture, Licensed Restaurant, Cottage Industry, Arts and Crafts Studio, Rural Pursuit and Equestrian and Horse Riding Facilities.
Proposed Development	Approval is sought for the extraction of gravel on Lot 63. The extraction is proposed in a staged approach. Below is a summary of the proposed use: <ul style="list-style-type: none"> • Extraction is proposed to a depth of 0.75m over a combined area of 7.79ha. • The gravel resource is estimated at 58496m³ • The life of the pit is estimated at 5 years (minimum of 1.5ha per year). • Gravel is to be extracted from 11 identified zones. • Operating hours are 7am-7pm Monday to Friday and 7am – 1pm on Saturday. (note: the proponent has agreed to reduced operating hours as suggested in the public submission that was received) • Trucks are proposed to operate from 7am-7pm Monday to Friday. • Machinery to be used comprises of a gravel crusher, screener, grader, bulldozer, front end loader, rigid and articulated trucks. Tractors and seeders will be used for rehabilitation work. • Daily truck movements are estimated at between 3 and 15. • Clearing is proposed along the eastern and western edges of the stand of vegetation on the site.
Permissible Use Class	Extractive Industry – ‘A’ use
Heritage/Aboriginal Sites	Nil.
Encumbrance	Notification affecting land on title.
Date Received	17 May 2016





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 3 – Extractive Industries State Planning Policy 2.5 – Rural Planning Policy State Planning Policy 4.1 – State Industrial Buffer (amended)
Officer Comment	<p><u>State Planning Policy 2.5 – Rural Planning Policy</u> The provisions of this policy relate to all rural land in Western Australia. The purpose of this policy is to inform the preparation of Local Planning Schemes, Local Planning Strategies and Local Planning Policies. The policy seeks to protect agricultural land resources, whilst also acknowledging the benefits of some non-agricultural uses. Within the 'priority agriculture' zone extractive industries are to be considered as discretionary and minimising land use conflicts is the primary concern. The policy recognises the need to extract basic raw materials and recommends these activities be regarded as generally acceptable, subject to assessment on their individual merits in rural areas.</p> <p><u>State Planning Policy 4.1 – State Industrial Buffer (amended)</u> The Policy explains the need for buffers and principles behind establishing buffers. The policy also provides guidance for decision making authorities in considering development or planning proposals in a buffer area. Supported by an endorsed technical analysis, regard should be given to:</p> <ul style="list-style-type: none"> • The proximity to the emission source and estimated level of impact and/or risk on the use or development; • The sensitivity of the proposed use or development to off-site emissions and risk; • The mitigation measures proposed to be undertaken to reduce the level of off-site emissions or risk, including proposed cleaner production or resources recovery techniques; • The level of understanding demonstrated by existing landowners as to the potential likely impact (including an acceptance of likely reduced amenity) and/or risk, and the mechanisms proposed to ensure that prospective purchasers or future landowners will be made aware of the likelihood of reduced amenity or potential risk from those impacts; • The known potential for any increase or reduction in off-site emissions or risk impacts in the future; • The potential for the proposal to constrain the operation of existing or future industry or infrastructure protected by the buffer; • Applicable state, regional or local planning statutes and policies; • Advice received from appropriate government agencies; • Local Government views or submissions made during any public consultation period and any other relevant town planning consideration. <p><u>Local Planning Policy 3 – Extractive Industries (LPP3)</u> LPP3 sets acceptable development standards, in relation to various elements, as well as</p>

Performance Criteria when the acceptable standards are not met. The elements comprise:

Amenity

The acceptable standards of LPP3 comprise:

- Development must be setback away from sensitive land uses unless appropriate mitigating measures can be taken.
- Operating hours are limited to 7am to 7pm weekdays and 7am and 1pm Saturdays.
- Extraction from only one site per property.
- Sites are filled with clean material.

The proposed development meets the above acceptable standards as follows:

- The development is setback away from sensitive land uses. The appropriateness of the proposed buffers is discussed further down in this report.
- To address amenity impact concerns raised during the advertising period, the proponent is proposing to limit operating hours to weekdays only between 8am and 5pm. The proponent has discussed this with the adjoining land owners, whom confirmed in writing that they withdraw their objections on the premise of the agreed reduced operating hours.
- A staged approach (cells) is proposed. Extraction will be limited to one cell at a time.
- The topsoil will be placed in bunds in identified locations for screening. The topsoil will be used in the rehabilitation of the site. It is recommended to apply a condition requiring the use of clean material should any additional material be required for rehabilitation.

Environment

The acceptable standards of LPP3 comprise:

- Should not prejudicially affect fauna and flora and ground; ground water; sites of historic and cultural significance and application of appropriate stormwater management methods.
- Dieback is managed in accordance with best practise guidelines.
- Sites can be suitably rehabilitated.

The proposed use meets the above acceptable standards as follows:

- The site plan has been adjusted to substantially reduce the areas proposed for clearing. Clearing is now proposed to be limited to the fringe of the stand of vegetation/trees that exist on the site. The DER has confirmed that an application for a clearing permit has been lodged. The DER's decision is pending the Shire's decision on the extractive industry application. The DER has indicated that they are not bound by any decision of the Shire and any application for a permit to clear is subject to the acceptability of any potential environmental impact. The DER is aware of DPaW's comments on potential Black Cockatoo habitat trees existing in this location and will require detailed surveys to be undertaken.

Clause 5.20 of the Scheme deals with land clearing. The proposed clearing is not of a type that is exempted from planning approval. The Scheme requires aspects such as the extent of the clearing, quality and type of vegetation and any proposed revegetation on the site. The proposed clearing is supported considering the relatively small scale. The DPaW has not raised any concerns that the site may contain rare or endangered flora species. The comment that the site may contain Black Cockatoo habitat tree is relevant and appropriate surveys will be required by the DER through the clearing permit application process.

- The Department of Aboriginal Affairs (DAA) has advised that the site does not contain any registered sited.
- Stormwater will be contained on the site. The DoW has indicated that the principles of proposed stormwater management are sound.
- Dieback will be managed in accordance with best practise guidelines.
- A condition is recommended to require clean material to be used in the rehabilitation of the site.

Buffers

LPP3 sets, as an acceptable standard, a 500m buffer distance where no blasting will occur. The performance criterion requires development to be sited in accordance with the principles of SPP4.1 and Guidance Note 3. There are 3 dwellings on surrounding

land (440m, 380m and 350m) that are within 500m of the area identified for extraction.

EPA Guidance Note 3 states that:

“...this Guidance Statement is intended to provide advice on generic separation distances between specific industry and sensitive land uses to avoid or minimise the potential for land use conflict. The distances outlined in Appendix 1 are not intended to be absolute separation distances, rather they are a default distance for the purposes of:

- *identifying the need for specific separation distance or buffer definition studies; and*
- *providing general guidance on separation distances in the absence of site specific technical studies.”*

Appendix 1 of Guidance Note 3 lists dust and noise as the impacts and advises that buffer distance is required to be determined on a case by case basis.

In this instance it is considered appropriate to support a reduced buffer distances in relation to the three dwellings for the following reasons:

- Substantial vegetation exists between the dwellings to the east and the proposed development. The vegetation is relatively dense and the breadth of the vegetation is between 150m and 360m.
- The neighbours to the east did not raise noise or operating hours as a concern.
- The neighbours to the south have withdrawn their objection based on reduced operating hours.
- Any extraction is limited to one cell at any one time. It is also intended to excavate, process and then stockpile the gravel in each cell in short periods of time.
- A condition is recommended to limit the number of truck movement to a maximum of 15.
- The use is required to meet the *Environmental Protection (Noise) Regulations 1997*. It is recommended to apply a condition that will the operation to stop if it found to exceed the acceptable noise levels. A noise management plan to address the annoyance or nuisance should be prepared and implemented before the use may resume.

Visual Impact

The performance criteria require extractive industries to be unobtrusive and do not prejudicially affect the natural landscape. The existing vegetation together with earth bunds and a staged approach will sufficiently address visual impacts.

The subject lot is located within Visual Management Area C of the Local Planning Strategy. Within area ‘C’ development may be visually dominant.

Transport

Main Roads WA have not raised any concerns. A sealed crossover is required to be constructed in accordance with the Shire’s standards and requirements. The revised site plan shows the location of the crossover to the west of the existing crossover. Appropriate sightlines are achieved and no vegetation clearing in the road reserve is required.

North Treeton Road has recently been upgraded to a 6m wide seal. Treeton Road has been upgraded in recent years, except for a 1km section, which is scheduled to be upgraded in 2016/17. The Shire’s Infrastructure Directorate has advised that the roads are of appropriate design to accommodate the additional 15 trucks (30 movements) per day as specified in the proposal. It is recommended that an appropriate condition be applied to limit the number of trucks to 15 per day. A condition requiring a contribution towards the maintenance of Treeton Road is recommended.

Structure Plans and Local Development Plans (DAP)

Is the land in any Structure Plan Area or subject to a DAP? Yes No

Advertising/Agency Referrals

Has the application been referred to adjoining landowners/agency? Yes No N/A

Has a submission been received by Council? Yes No N/A
No. received: 3

Have agency or authority comments been received? Yes No N/A

Name	Nature of Submission	Officer Comment
Submission1	<u>Objection</u> <ul style="list-style-type: none"> • Excessive noise – already experience 	<u>This objection was withdrawn on the</u>

	<p>loud noise from another extractive industry on nearby land.</p> <ul style="list-style-type: none"> Excessive operating hours – 12-hour week day and 6 hour Saturday's of operating. This business will severely impede on the peaceful rural lifestyle we should be able to experience in this location. Boundary setbacks need to stay at the required 20m setback as specified in the Planning Policy. North Treeton and Treeton Road already experience high volumes of heavy traffic. To add another 15 trucks per day will increase wear and hazard of meeting these fully loaded trucks on these narrow roads. Treeton Road between Wriggleworth Drive and the turnoff to North Treeton is already hazardous with pot holes and rough surfaces. 	<p>basis of reduced operating hours. The proponent has agreed to reduce operating hours to between 8am and 5pm Mondays to Fridays only. No operations are proposed on weekends or public holidays. A condition limiting operations to these hours is proposed.</p> <p>The use is required to meet the <i>Environmental Protection (Noise) Regulations 1997</i> standards.</p> <p>Treeton road is considered suitable to accommodate the proposed additional 15 trucks per day. The section between Wrigglesworth Drive and Treeton Road which is scheduled to be upgraded in 2016/17. A condition is recommended to require a contribution towards the maintenance of Treeton Road.</p> <p>The setback standard is relevant in relation to permanent development and to allow for the establishment of vegetation buffers to mitigate spray drift. In the context of this application, there are no concerns in relation to the proposed setback variations. It is intended to rehabilitate the site and return it to paddock.</p>
Submission 2	<p><u>Objection</u> The applicant wishes to clear all bush and trees along our boundary. We request that this is not all removed as it is most beneficial as a wind break for our grazing land. To leave a screen would also be of benefit.</p>	<p>The proposed clearing of vegetation has been reduced substantially. Clearing is now marginal and is limited to the eastern and western fringes of the stand of vegetation on the site. No clearing along the boundaries of the site is proposed. Any clearing is subject to a clearing permit from the DER.</p>
Submission 3	<p><u>Objection</u> Applicant wishes to clear Bush to edge of boundary. We request that this does not happen. The bush is a great wind break from the strong southerly breeze.</p>	<p>See comment above.</p>
Main Roads	<p>Main Roads have not objections to the proposed development.</p>	<p>Noted.</p>
Department of Water	<ul style="list-style-type: none"> The applicant currently holds a licence to extract ground water for the purposes of horticulture, watering of stock and domestic use. Use of the water as part of the extractive industry use will require an amendment to the water licence. DoW is satisfied that the principles of proposed stormwater management are sound. The implementation of management measures has to be to the satisfaction of the Shire. A number of standards conditions are recommended. 	<p>The proponent advised that it is not intended to apply for additional water allocation. The proponent will be advised of the DoW's advice that an amendment to the existing water licence may be required if any water is to be used for the proposed use.</p> <p>The stormwater management measures proposed by the proponent is acceptable. An appropriate condition is recommended to require the implementation to the satisfaction of the Shire.</p> <p>Relevant standard conditions will be applied.</p>
Department of Parks and Wildlife (DPaW)	<ul style="list-style-type: none"> Lot 63 contains areas of native vegetation which are potential habitat for black cockatoos. The outcome of the DER clearing permit application will determine the extent of bushland clearing the proponent may undertake. No extraction activities should occur within 15 m of any native tree crown drip zones along the boundaries of the proposed extraction area. 	<p>See comments earlier in this report in relation to the "environment" provisions of LPP3.</p> <p>Conditions and advice notes are recommended to address the 15m setback requirement.</p>

	<ul style="list-style-type: none"> • Parks and Wildlife recommends that a suitable temporary demarcation barrier be erected 15m from the crown drip zone of the isolated trees to protect the trees and root systems from accidental machinery damage. 	
Department of Environment Regulation (DER)	<ul style="list-style-type: none"> • Applicants should be advised that the annual volume of extraction will determine if the premises is prescribed and will require consequently require an application for a works approval. • DER undertakes parallel processing of applications, however, works approvals and clearing permits may not be granted until such time as planning approval is in place. 	The proponent is familiar with the DER requirements for a works approval. The proposed volumes are not enough to trigger a works approval application.
Has the application been referred to internal departments?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
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 13)		
Are the development Standards applicable?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Officer Comment	A 30m front setback and 20m side and rear boundary setbacks apply under the Scheme. The proposed setbacks vary between 10m and 15m. This is considered acceptable. A condition is recommended, as per the comments from the DPaW, requiring a 15m setback from the crown dripline of any remnant vegetation.	
Car Parking		
Officer Comment	Any machinery and vehicles will be parked on the site.	
Building Height		
Officer Comment	N/A.	
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. Limited clearing is proposed, which is subject to a DER clearing permit.	
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. Operations will be restricted to between 8am and 5pm Monday to Friday. This is substantially less than the acceptable operating hours supported under LPP3. The application documents include procedures to deal with dust and stormwater. Visual impacts are mitigated by existing roadside vegetation and topsoil bunds in appropriate locations. Staging is proposed as further visual impact mitigation measure. Each cell of extraction will be rehabilitated before moving on the next cell.	
v. Is the development likely to comply with AS3959 at the building permit stage?		
Other Comments		
Any further comments in relation to the application?		

Officer Comment	The proposed extractive industry is considered to be generally consistent with the provisions of the Scheme and State and Local Policies. Conditional approval for 5 years is recommended.
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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 an Extractive Industry (Gravel Extraction) on Lot 63 Treeton Road North, Cowaramup 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	Plan P1 received at the Shire on 10 November 2016
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2. This approval is valid for a period of five (5) years starting on the date this approval is granted.
3. This approval does not include blasting activities. (P)
4. The extractive industry (including site construction and truck operating hours) shall not operate outside the hours of 8am and 5:00pm Monday to Friday. The extractive industry shall not operate on weekends or public holidays.
5. The maximum number of trucks per day is restricted to 15 (30 truck movements).
6. Appropriate measures shall be implemented, to the satisfaction of the Shire, to prevent erosion or airborne transmission of soil (dust control) from the development.
7. Surface water runoff from the site shall be contained onsite and appropriate measures shall be put in place, to the satisfaction of the Shire, to avoid sediment mobilisation to any open watercourse or public drainage system. (see advice note 'b'). (P)
8. Where in the opinion of the Shire the emission of noise, and vibration from the approved development is considered to cause annoyance or nuisance to occupants of neighbouring buildings or members of the public the owner/occupier of the approved development shall immediately cease operations and submit a noise management plan to address the annoyance or nuisance to the satisfaction of the Shire. (see advice notes 'd', 'e' and 'f')
9. Vehicle crossovers shall be constructed to minimum standard 2 coat bitumen seal and designed, constructed and drained in accordance with the Shire's crossover standards and specifications, prior to the commencement of the development.
10. The proponent shall be responsible for the cost of maintaining, and repairing damage to, North Treeton Road to the extent that the traffic generated by the development contributes to the need for such maintenance and repair.
11. An agreement shall be entered into with the Shire for the payment of an annual contribution for road maintenance, for the period that the extractive industry is in operation.
12. The clearing of native vegetation as identified on the approved plan is subject to obtaining a clearing permit from the Department of Environment Regulation (DER).
13. No extraction activities shall occur within 15 m of any native tree crown drip zones along the boundaries of the proposed extraction area, including native trees on adjoining land. (see advice note 'g')
14. Extraction is limited to one cell at a time. Rehabilitation of a cell shall commence prior to moving on to the next cell and shall be completed within a reasonable time to the satisfaction of the Shire.
15. All excavation areas shall be rehabilitated to the satisfaction of the Shire within 12 months from the expiry date of this approval or within 12 months of depletion of the recourse. (see advice note 'h') (P)
16. The proponent shall pay a Rehabilitation bond prior to the commencement of the use, to be held against satisfactory completion of the rehabilitation works required as a condition of this approval. The rehabilitation bond will be based on the final exposed footprint at any stage of extraction.
17. Heavy vehicles shall suitable avoid school bus times on the immediate road network to the Shire's satisfaction.
18. The finished slope of the restored landform shall be no more than 1:6. (P)

19. This approval allows for excavation to an average depth of 750mm below natural ground level.
20. The excavation shall not intercept the water table and must be a minimum of 300mm above the seasonal ground water table as determined by the Department of Water. (see advice note 'c')
21. There shall be no standing water occurring at the end of the extractive operation. (see advice note 'c')
22. Crushing and screening activities in cells 1A and 1B shall be undertaken as far as possible from the dwelling on adjoining Lot 101.
23. No Hydrocarbons must be stored on-site.
24. No major repairs or maintenance of vehicles and machinery must take place on-site.

ADVICE NOTES

- a. You are advised of the need to comply with the requirements of the following other legislation:
 - (i) *Health Act 1911* and Department requirements in respect to the development and use of the premises; and
 - (ii) *The Aboriginal Heritage Act 1972*
- b. The proponent is also advised to refer to the principles of best practice drainage design as described in the *Stormwater Management Manual for Western Australia*. (P)
- c. The Department of Water (DoW) has advised as follows:
 - The extractive industry shall not intercept the water table;
 - Excavation is permitted only to a depth that is 0,3m higher than the maximum seasonal groundwater level, as agreed by DoW;
 - Dewatering of the extraction area is not permitted;
 - If any interception of ground water occurs, the Shire shall be advised within 72 hours followed by agreed remedial action.
- d. The Proponent is required to ensure that ongoing operational activities associated with the approved development including processing and transportation, and any other works that cannot be considered as construction site work complies with the standard prescribed under the *Environmental Protection (Noise) Regulations 1997*.
- e. Noise monitoring required at the request of the Shire is to be undertaken by a person authorised under the *Environmental Protection Act 1986*.
- f. As a noise control measure it is advised that it is considered to install 'broadband' reversing alarms on all mobile plant (including transport vehicles) instead of 'tonal' alarms. Care must be taken to ensure that a safe work place is maintained when choosing those alarms.
- g. Parks and Wildlife recommends that a suitable temporary demarcation barrier be erected 15m from the crown drip zone of the isolated trees to protect the trees and root systems from accidental machinery damage.
- h. In regards to rehabilitation of the site the 'Guidelines for Preparing Mine Closure Plans', Department of Mines and Petroleum and Environmental Protection Authority, June 2011' provides a useful reference.
- i. and will require the prior approval of the Shire.
- j. The proposed crushing operations may be prescribed and as such require a Works Approval, License or Registration under Part V of the *Environmental Protection Act 1986*. The proposal may be prescribed under Category 70.
- g. The Proponent is advised that the following dust minimisation practices should be implemented for the proposed gravel extraction operations:
 - i. Stockpiles of processed material will be sprayed with water and compacted as required.
 - ii. Green belts will be used to augment the adjoining road reserve in reducing wind-speed through the pit-operations and to assist with trapping any resulting dust.
 - iii. Completed sections of the pit will be rehabilitated as soon as practicable to reduce the area of open ground and help reduce wind speed.
 - iv. The top soil/root layer will not be removed until immediately prior to the commencement of gravel rock extraction.
 - v. Covering of loads before leaving property.
 - vi. Stabilisation of areas completed over summer (when vegetation stabilisation is impracticable) is to be achieved by spreading mulch.

- vii. Induction of employees and contractors includes awareness of dust generation and management measures.
- viii. Complaint response procedure.



DEVELOPMENT APPLICATION ASSESSMENT (DAU)

Report to Manager Planning Services

**Proposed Building Envelope Variation & Outbuilding at 124 (Lot 505) Ashton Street
Margaret River**

Major (Level 2)

P216488; PTY/10991

REPORTING OFFICER : **Angela Satre**
DISCLOSURE OF INTEREST : **Nil**

General Information	
Lot Area	1ha
Zone	Rural Residential
Proposed Development	Building envelope variation from 910m2 to 1000m2. Outbuilding as follows: <ul style="list-style-type: none">• 172.5m² (15 x 11.5m);• 4.4m wall height; and• 5.7m ridge height.
Permissible Use Class	'P' permitted with approval
Heritage/Aboriginal Sites	No
Encumbrances	Rights of carriageway & sewer easement.
Date Received	13/09/2016





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 <i>Local Planning Policy 1 – Outbuildings (August 2016)</i>	
Officer Comment	<p>The total area of the shed (as amended) would be 172.5m². LPP1 provides for 45m² to be deducted from the area where there is no attached garage to the dwelling, which is the case with the subject site. Therefore, the assessable area of the shed is 127.5m².</p> <p>LPP1 provides a floor area guideline of 80m² in the Rural Residential zone. The proposal exceeds this guideline by 47.5m² and the variation is required to be assessed against the performance criteria in LPP1.</p> <p>When assessed against the performance criteria, the application is considered acceptable given the shed:</p> <ul style="list-style-type: none"> a) would be grouped with the main dwelling (20m from the main dwelling); b) would not have adverse streetscape impact given: <ul style="list-style-type: none"> o the shed would be setback 90m from the road; o would be at lower ground level to the road; and o would have a ridge height of 2.3m on the east elevation facing the road. c) would be constructed of non-reflective materials ('Monument' dark grey is proposed to be used); d) would be screened to the north by existing and proposed landscape screening; and e) would be screened to the east, west and south by landscape screening on adjoining properties. <p>LPP1 provides a wall height guideline of 3.5m & the proposed shed would have a wall height of 4.0m on the west elevation (the wall height on the east elevation complies at 1.0m). LPP1 provides a ridge height guideline of 4.5m and the proposed shed would have a ridge height of 5.6m. The variations are acceptable when assessed against the</p>

	relevant performance criteria given their adverse visual impact is mitigated due to: <ol style="list-style-type: none"> The closest neighbouring dwelling to the west is setback approximately 190m and the setback area comprises a vegetated creek; and The wall height variation on the west elevation would have greatest visual impact to the occupier of the subject site and to the north west adjoining premises. A submission of support has been received from the north western neighbour. <p>The variations are considered to meet the relevant performance criteria in this case.</p>	
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 <i>Ashton Street Outline Development Plan, September 2008</i>		
Officer Comment	A 50m landscape protection zone exists along the western site boundary and this is not impacted by the proposal. No other implications arise from this proposal to the outline development 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>4</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
Two objections were received from nearby affected landowners.	<ul style="list-style-type: none"> Concern about potential business activities being conducted in the area due to the proposal. Concern about the potential use of the shed now and in the future due to its excessive size. Objection to the size (height and area) of the shed and that the proposal is industrial in nature. Noise and traffic impacts that could arise from use of such a large shed including impacts of vehicles using the access way and Ashton Street. Objection to the reduced side setback resulting in the development being highly visible and audible to adjoining properties. Concern about potential adverse visual impact arising from shed that has little architectural 'merit' in an area that has been developed with aesthetically pleasing residential development. 	<ul style="list-style-type: none"> The proponent advises that the proposal is for storage of a 12m long and 4.3m high motor home, a 14m long and 4m high boat, and for storage of vintage cars. Any approval granted would be subject to the outbuilding being ancillary to the approved residential use of the premises and not a commercial land use. The proposal was reduced in size from 183m² to 172.5m². Given the proposal is to use the shed to store goods already permitted on the site, and ancillary to the residential use of the premises, there is no likely adverse impacts that would arise from traffic and noise. The side setback has been increased to 10m to meet the setback requirements under LPS1. The adverse visual impact is proposed to be mitigated by landscape screening along the northern boundary, use of non-reflective colours & by reducing the finished floor level and therefore the overall height of the structure.
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		
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 13)		
Are the development Standards applicable? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Officer Comment	A 10m side setback applies in the Rural Residential zone and the proposal has been modified to comply with this setback for the building envelope and shed from the northern boundary.	
Building Height		
Scheme / Policy Requirement	Wall - 7 m	Roof - 8m
State the proposed building height	Wall – 4m Roof – 5.6m	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply
Clause 67		
C. 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
D. In the opinion of the officer:	
vi. Are utility services available and adequate for the development?	Yes
vii. Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land?	Yes – the proponent has offered to plant a landscape buffer along the northern boundary and this is recommended as a condition of any approval granted.
viii. Has adequate provision been made for access for the development or facilities by disabled persons?	n/a
ix. Is development likely to cause detriment to the existing and likely future amenity of the neighbourhood?	No – see points discussed above. The site is in visual management zone 'A' – non-reflective building materials and colours are recommended to be required.
x. Is the development likely to comply with AS3959 at the building permit stage?	n/a
Other Comments	
Any further comments in relation to the application?	
Officer Comment	<p>The application was originally for a shed 183m² in area and a building envelope setback 7m from the northern boundary. The application was referred to neighbours for comments and two objections and two comments of support were received.</p> <p>The application was modified in response to concerns raised by increasing the side setback to 10m and by reducing the shed area to 172.5m². As well the floor level of the shed was dropped to reduce the height of the structure from natural ground level. The shed is proposed to be constructed of non-reflective materials and to be screened with landscaping to the north. Based on the verbal advice of the nearest affected land owner, they are satisfied with the amended proposal. As well, the concerns raised in the referral period are considered to have been addressed.</p> <p>The variations to the guidelines under LPP1 are significant namely in relation to the area and height of the structure. The justification provided by the proponent is noted as acceptable and is consistent with a trend toward ownership of recreational equipment on larger 'lifestyle' lots. In this case the site enjoys a reasonably unique aspect. The development would not be visible to residences to the south and west due to screening by significant stands of vegetation. The neighbouring dwellings immediately to the north and east are also screened by vegetation. As well, the shed site drops down significantly from the ground level to the east, including the access way, mitigating the potential adverse visual impact of a shed of this scale. In spite of the significant variations arising from the application, conditional approval is recommended.</p>

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 Building Envelope Variation & Outbuilding at 124 (Lot 505) Ashton Street 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 – P4 received at the Shire offices on 13 September 2016.
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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. (P)
- The revised building envelope hereby approved, wholly replaces that previously applicable to the site. (P)
- Clearing of vegetation is prohibited outside the building envelope, unless in accordance with the *Bush Fires Act 1954* or required for the purpose of constructing an approved driveway, installing essential services, or removing dead or dangerous trees.
- The outbuilding(s) shall be used solely for purposes incidental and ancillary to the authorised use of the land.
- The outbuilding shall not be used for human habitation.

7. A Landscape Plan shall be prepared to the satisfaction of the Shire and shall be submitted to the Shire prior to commencement of works. The Landscape Plan shall be drawn to scale and show the following:
 - a) The location, name and mature heights of existing and proposed trees, shrubs and ground covers that shall be established along the northern boundary of the site to screen the development to the north and north east;
 - b) Any natural landscaped areas to be retained; and.
8. Landscaping shall be implemented prior to occupation/use of the development and shall be maintained at all times to the satisfaction of the Shire.
9. The existing trees are to be retained upon the lot and any trees on adjoining properties shall not be impacted by the excavation or construction phases of the approved development.
10. The walls and roof of the building shall be clad in a non-reflective material and painted in a colour of natural or earth toning consistent with the existing landscape and existing development. To this end, reflective materials (including but not limited to 'silver' sheeting) or reflective colours as cladding/external painting (including but not limited to white, cream, off white or pale grey) are prohibited
11. 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. (l)

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 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.