

DEVELOPMENT ASSESSMENT UNIT
Minutes of the Development Assessment Unit
Shire of Augusta Margaret River
On 6 November 2018

ATTENDANCE

Chris McAtee, Chris Wenman, Jason Heine, Angela Satre, Leigh Medlen

PLANNING APPLICATIONS RECEIVED

| Date Rec'd | Assess No. | Address | Proposal | DA No. |
|------------|------------|--|---------------------------------|---------|
| 30/10/2018 | A12110 | 20 (Lot 10) Formosa Street, Margaret River | Holiday House | P218688 |
| 31/10/2018 | A6350 | 13 (Lot 42) The Boulevard, Riverslea | Dwelling Additions | P218690 |
| 31/10/2018 | A8294 | 13 (Lot 545) Highland View, Margaret River | Holiday House (Large) (Renewal) | P218692 |
| 29/10/2018 | A2213 | 12 Hale Avenue, Molloy Island | Single Dwelling | P218693 |
| 02/11/2018 | A12059 | Lot 62 McDermott Parade, Witchcliffe | Single Dwelling | P218695 |
| 02/11/2018 | A742 | 14 (Lot 134) Walton Way, Gracetown | Holiday House | P218698 |
| 02/11/2018 | A4819 | 291 Calgardup Road, Forest Grove | Section 40 | P218699 |

BUILDING LICENCE APPLICATIONS RECEIVED

| Date Rec'd | Assess No. | Address | Proposal | BLDG No. |
|------------|------------|--|--|----------|
| 29/10/2018 | A486 | Lot 4 Higgins Street, Margaret River | Garage converted to Bedroom | 218503 |
| 30/10/2018 | A12140 | Lot 223 Kevill Road East, Margaret River | Single Dwelling and Watertank | 218504 |
| 29/10/2018 | A5337 | Lot 122 Rowe Road, Witchcliffe | Demolition of Single Dwelling and Shed | 218505 |
| 31/10/2018 | A9279 | Lot 115 Sanctuary Circle, Cowaramup | Carport and Store Room | 218506 |
| 31/10/2018 | A122 | Lot 41 Elva Street, Margaret River | Shed | 218507 |
| 31/10/2018 | A11690 | Lot 249 Tonkin Blvd, Margaret River | Patio | 218508 |
| 31/10/2018 | A7598 | Lot 11 Osmington Road, Bramley | Attached Patio | 218509 |
| 01/11/2018 | A3787 | Lot 41 Ryans Road, Margaret River | Verandah and Wardrobe Additions | 218510 |
| 01/11/2018 | A5812 | Lot 4 Connelly Road, Margaret River | Renovations and Additions - Garage, Workshop and Bedroom 4 | 218512 |
| 02/11/2018 | A11635 | Lot 1 Turner Street, Augusta | Full demolition - Single Dwelling | 218514 |

SUBDIVISIONS DETERMINED

Nil

LEVEL 1 APPLICATIONS determined under delegation

| Date Rec'd | Officer | Address | Proposal | Outcome | DA No. |
|------------|--------------|---|--|-----------|---------|
| 05/09/2018 | Matt Slocomb | 11 (Lot 76) Greenwood Ave, Margaret River | Amendment to Planning Approval P217537 - Grouped Dwellings | Approved | P218553 |
| 16/10/2018 | Leigh Medlen | Lot 4419 Scadden Road, Courtenay | Extractive Industry | Cancelled | P218645 |
| 22/10/2018 | Angela Satre | 82 (Lot 101) West Road, Cowaramup | Chalet | Cancelled | P218667 |

LEVEL 2 APPLICATIONS for determination

| Date Rec'd | Officer | Address | Proposal | Outcome of DAU Meeting | DA No. |
|------------|--------------|--|----------------------------------|------------------------|---------|
| 2/08/18 | Lisa Bell | U1/17 Station Road Margaret River | Holiday House | Conditional Approval | P218465 |
| 16/7/18 | Lucy Gouws | 53 (Lot 113) Hermitage Drive, Margaret River | Holiday House | Conditional Approval | P218419 |
| 20/9/18 | Leigh Medlen | No. 18 (Lot 354) Peppermint Drive, Augusta | Dwelling Alterations & Additions | Conditional Approval | P218594 |

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 Holiday House - Unit 1/17 Station Rd, Margaret River

Major (Level 2)

P218465; PTY/11156

REPORTING OFFICER : Lisa Bell
 DISCLOSURE OF INTEREST : Nil

| General Information | |
|---|--|
| Lot Area | 2136m2 |
| Zone | Residential (R30/40) |
| Existing Development | <input type="checkbox"/> Single House <input checked="" type="checkbox"/> Grouped Dwelling |
| Nature of application | <input checked="" type="checkbox"/> New application <input type="checkbox"/> Renewal |
| Proposed use | Use of existing one bedroom townhouse for short stay accommodation for a maximum of two adults |
| Permissible Use Class | 'A' – discretionary use |
| Advertising Required | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Reason not exempted from planning approval? | Discretionary uses are not permitted unless the Shire exercises its discretion by granting development approval. |
| Heritage/Aboriginal Sites | N/A |
| Encumbrance | N/A |
| Date Received | 2 August 2018 |
| Date of Report | 24 October 2018 |

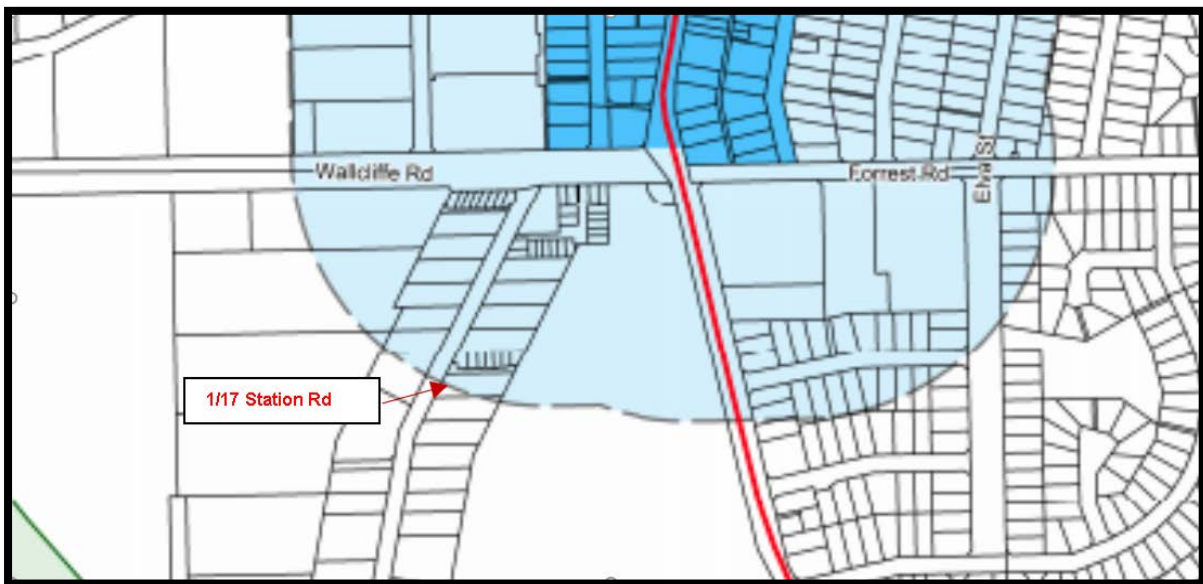
Figure 1: 17 Station Rd Aerial View



Figure 2: 17 Station Rd Aerial View



Figure 3: Margaret River Holiday House Policy Map (LPP 7 August 2016)



| | | |
|---|---|---|
| Planning History | | Planning approval was granted in October 2009 for 15 single bedroom dwellings on the site. A strata subdivision of the site was completed in 2010. |
| Has the application been advertised to adjoining landowners? | | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Have there been any objections? | | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Officer comments: | | <i>Local Planning Policy 7 – Holiday Houses (LPP7)</i> was updated after this application was submitted. In accordance with Council resolution OM2018/231, this application has been assessed under the previously adopted (August 2016) version of LPP7. |
| Nature of Submission | Comments Received | Officer Comment |
| Object | There are insufficient car parking bays for existing residential development. This results in cars parked on the verge and the commercial carpark next door. Tourist use may exacerbate this issue. | Addressed through recommended condition of approval requiring all vehicles to be parked on site. It is also noted that the proposal is for a maximum of two adults which is commensurate in most cases with parking demand for one vehicle. |
| Object | Personal experience has shown that 'two persons' develops into additional children and eventually pets. There is no guarantee for good visitors. | Number of guests to be restricted to two. Pets are to be excluded as specified in the house rules. With management of the use in accordance with the conditions of any approval granted, potential impacts are considered able to be suitably mitigated. |
| Object | Nil | Noted |
| Support (conditional) | Assumes controls on: a) 10pm noise curfew; and b) Restrictions on number of cars parked at unit. | a) addressed through standard condition restricting outside music after 10pm; and b) issue addressed through recommended condition which restricts parking to designated bay. |
| Support | Nil | Noted |
| Policy Requirements | | |
| Policy Element | Provision | Comment |
| Location | Coastal settlement; or | <input type="checkbox"/> |
| | Adjoins fronts or is within an area of "significant tourist attraction", or | <input checked="" type="checkbox"/> Unit 1 was located within the 300m town catchment zone of LPP7 (August 2016) policy map refer to Figure 3 of this report |
| | Does not adjoins, fronts or is within an area of "significant tourist attraction but exceeds 1000m ² in area. | <input type="checkbox"/> |
| | R2.5 and R5 coded lots not sharing boundaries with more than 3 lots. | <input type="checkbox"/> |
| | Does the proposed Holiday House (Large) in an urban area meet the zoning and or location requirements under AD1.4 of the policy? | <input type="checkbox"/> |
| | R30 density code or lower for Holiday Houses within grouped dwellings. | <input checked="" type="checkbox"/> |

| | | |
|---------------------------|--|--|
| Occupancy | Do the proposed number of guests (two) comply with the acceptable development criteria? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No AD2.2 limits grouped dwellings to six occupants. |
| Amenity | Have there been any complaints since previous approval? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A |
| | Complies with the objectives and provisions of the zone? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Design | Is the dwelling <u>of sufficient size</u> to cater for intended number of guests? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| | Is the dwelling <u>sufficiently serviced</u> to cater for intended number of guests? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No AD4.2 - The one bedroom dwelling contains one parking bay. This is consistent with the requirement for one bay per bedroom. AD4.4 - Existing balcony overlooks street and the driveway and car park of adjoining lot. This is consistent with requirement for decks and balconies to be located away from the bedrooms of neighbouring dwellings. AD4.5 – proposal complies with requirements for grouped dwellings: a) It is located adjacent to main entry point; b) There is a clearly delineated driveway and footpath access; c) Clear delineation between areas use by guests is provided by fences. |
| | Sufficient potable water supply? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Reticulated water |
| | Sealed Crossover | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Management | Emergency Response Plan and Fire Management Plan submitted? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Property is not located within a declared bushfire prone area. The proponent has provided an updated emergency evacuation plan. |
| | Management Plan submitted? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Required as a condition of approval. |
| | No amplified music between 10pm & 10am | Require as a condition |
| | Display the manager's 24hr contact details | Require as a condition |
| Period of Approval | <input checked="" type="checkbox"/> 12 months <input type="checkbox"/> 3 years | |
| Conclusion | Approval will not set a precedent for further holiday homes in the strata as land is excluded from permissible area in updated <i>LPP7 Short Stay Accommodation</i> . Approval should result in minimal disruption for adjoining residents. It is located at the front of the strata and overlooks the street and driveway/carpark of adjoining lot. | |

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 a Holiday House at Unit 1/17 (Strata Lot 1 of 11) 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 to P3 received by the Shire on 2 August 2018 |
|--------------------------|---|

- The Holiday House use is limited to a period of **12 months** from the date of this approval. (Refer to advice note a)

3. A manager or a contactable employee of the manager that permanently resides no greater than a 1 hour drive from the site shall be nominated for the Holiday House and this person shall attend to any callout within 1 hour of a reported incident. The Manager or contactable employee is to be retained at all times during the use of the site as a Holiday House. (Refer advice note b)
4. The 24-hour contact details of the **manager and owner** of the Holiday House shall be visible on the property from the nearest street frontage and maintained to the satisfaction of the Shire.
5. All vehicles & boats connected with the premises shall be parked within the boundaries of the property.
6. The short stay use of the dwelling shall not be occupied by more than **two people** at any one time.
7. The approved Emergency Evacuation Plan shall be displayed in a conspicuous location within the development at all times.
8. Amplified music may only be played outside of the Holiday House between the hours of 10am and 10pm.
9. 'House Rules' shall be developed prior to the commencement of use. Thereafter the 'House Rules' shall be provided to all guests and shall be displayed within a prominent position within the Holiday House. (Refer advice note f)
10. Parking of cars, trailers, boats and other equipment is only permitted within the car parking bay allocated to Unit 1 and must be contained entirely within this allocated bay. The parking of cars, trailers, boats and other equipment is not permitted within the visitor bays, road or verge.

ADVICE NOTES

- a) A new planning application seeking approval should be submitted 90 days before the expiry of this approval, along with the appropriate planning fee.
- b) If at any time there is not an appointed manager or a contactable employee of the manager for the site, the use must cease until such time as a manager is appointed.
- c) A sign limited to a maximum of 0.2 square metres and not exceeding 1.5 metres in height from ground level may be erected at the property frontage and within the property.
- d) This approval does not affect the entitlement to use the dwelling for permanent residential purposes.
- e) You are advised of the need to comply with the requirements of the following other legislation:
 - (i) *Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises.
 - (ii) The *WA Building Regulations 2012 (r.59)* requires that the owner of a dwelling (as defined in the Building Code of Australia) must not make the dwelling available for hire unless hard wired, battery backup smoke alarms are installed, complying with the Building Code of Australia and AS3786.
- f) The 'House Rules' document shall be consistent with key elements of the NSW Code for Holiday Houses (please refer to the attached document).



**DEVELOPMENT APPLICATION ASSESSMENT (DAU)
Report to Manager Planning and Development Services**

Proposed Holiday House - 53 (Lot 113) Hermitage Drive, Margaret River

Major (Level 2)

P218419; PTY/5270

REPORTING OFFICER : Lucy Gouws
DISCLOSURE OF INTEREST : Nil

| General Information | |
|---|--|
| Lot Area | 4000m ² |
| Zone | Residential R2.5 |
| Existing Development | <input checked="" type="checkbox"/> Single House <input type="checkbox"/> Grouped Dwelling |
| Nature of application | <input checked="" type="checkbox"/> New application <input type="checkbox"/> Renewal |
| Proposed use | Planning approval is sought to use the existing dwelling as a Holiday House for a maximum of six (6) guests. |
| Permissible Use Class | 'A' – discretionary use |
| Advertising Required | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Reason not exempted from planning approval? | Discretionary uses are not permitted unless the Shire exercises its discretion by granting development approval. |
| Heritage/Aboriginal Sites | N/A |
| Encumbrance | N/A |
| Date Received | 16/07/2018 |
| Date of Report | 1/10/18 (Additional information [Permit to Use Certificate for existing septic] received 31/10/18) |



| | |
|--|--|
| Planning History | No previous planning approvals on the Site for a Holiday House. |
| Has the application been advertised to adjoining landowners? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Have there been any objections? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Submissions of conditional support were received from four land owners of two affected neighbouring lots. One submission was received raising concerns, without specifying the nature of the submission, from the landowner of one affected neighbouring lot. |
| Issues Raised | Officer Comment |

| | |
|--|--|
| Concerned guests will not be aware of fire regulations, information about restrictions will need to be provided to guests. | The House Rules that have been prepared addressing matters in relation to bushfire risk, and include strict policies not allowing open fires. |
| Expect the property will be well managed, with an avenue for contact to manager if issues arise. | Agreed, and details of the manager will be provided to neighbours and will be required on a sign at the front of the Site. |
| Input is sought from neighbours again after 12 months. | Agreed. If the proponent wishes to continue with the Holiday House after the initial 12 months, a new planning application will be required and this will be referred to neighbours for comments. |
| Section of fence remains broken, concerns guests will access neighbours property. | Owner has advised that the fence will be repaired. |
| Concerns if guests are noisy. | A local manager will be responsible for dealing with guests, and guests are required to adhere to the House Rules. If the manager receives complaints this can result in termination and eviction without refund of the security bond. |

Policy Requirements (the proposal is assessed under LPP7 Holiday House) given application was lodged July 2018

| Policy Element | Provision | Comment |
|---------------------------|---|---|
| | Does not adjoin, fronts or is within an area of "significant tourist attraction but exceeds 1000m ² in area. | <input type="checkbox"/> |
| Occupancy | Does the proposed number of guests comply with the acceptable development criteria? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Amenity | Have there been any complaints since previous approval? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A |
| | Complies with the objectives and provisions of the zone? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Design | Is the dwelling of sufficient size to cater for intended number of guests? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| | Is the dwelling sufficiently serviced to cater for intended number of guests? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No A 'permit for use apparatus' of the existing septic system was issued on the 31/10/18. |
| | Sufficient potable water supply? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Site is connected to town water supply. |
| | Sealed Crossover | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Management | Emergency Response Plan and Fire Management Plan submitted? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No New BEEP prepared in the new Shire template. |
| | Management Plan submitted? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| | No amplified music between 10pm & 10am | Require as a condition |
| | Display the manager's 24hr contact details | Require as a condition |
| Period of Approval | <input checked="" type="checkbox"/> 12 months <input type="checkbox"/> 3 years | |
| Conclusion | <p>A holiday house is defined as a vulnerable land use under <i>State Planning Policy (SPP) 3.7 Planning in Bushfire Prone Areas</i>. The Bushfire Attack Level (BAL) Assessment submitted with the application identifies a BAL-29 rating for the site.</p> <p>Clause 6.6.1 of SPP 3.7 requires that where a vulnerable landuse has a BAL rating above Low, a Bushfire Management Plan (BMP) and Emergency Evacuation Plan (EEP) is required to be submitted.</p> <p>A BMP has been lodged, and provides assessment against the bushfire protection criteria acceptable solutions of the SPP3.7 Guidelines. The proposal achieves compliance with the acceptable solutions of all elements. Referral to DFES is not required. The proposal accordingly meets the provisions of SPP3.7.</p> | |

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 a Holiday House at 53 (Lot 113) Hermitage Drive, 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 to P2 received by the Shire on the 16 July 2018 |
|--------------------------|--|

2. The Holiday House use is limited to a period of **12 months** from the date of this approval. (Refer to advice note a)
3. A manager or a contactable employee of the manager that permanently resides no greater than a 1 hour drive from the site shall be nominated for the Holiday House and this person shall attend to any callout within 1 hour of a reported incident. The manager or contactable employee is to be retained at all times during the use of the site as a Holiday House. (Refer advice note b)
4. The 24-hour contact details of the **manager and owner** of the Holiday House shall be visible on the property from the nearest street frontage and maintained to the satisfaction of the Shire.
5. The boundary fence is required to be repaired prior to commencement of the Holiday House use.
6. All vehicles & boats connected with the premises shall be parked within the boundaries of the property.
7. The short stay use of the dwelling shall not be occupied by more than **6 people** at any one time.
8. The approved Bushfire Emergency Evacuation Plan shall be displayed in a conspicuous location within the development at all times.
9. Amplified music may only be played outside of the Holiday House between the hours of 10am and 10pm.
10. 'House Rules' shall be developed prior to the commencement of use. Thereafter the 'House Rules' shall be provided to all guests and shall be displayed within a prominent position within the Holiday House. (Refer advice note e)

ADVICE NOTES

- a) A new planning application seeking approval should be submitted 90 days before the expiry of this approval, along with the appropriate planning fee.
- b) If at any time there is not an appointed manager or a contactable employee of the manager for the site, the use must cease until such time as a manager is appointed.
- c) A sign limited to a maximum of 0.2 square metres and not exceeding 1.5 metres in height from ground level may be erected at the property frontage and within the property.
- d) This approval does not affect the entitlement to use the dwelling for permanent residential purposes.
- e) You are advised of the need to comply with the requirements of the following other legislation:
 - (i) *Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises.
 - (ii) The *WA Building Regulations 2012* (r.59) requires that the owner of a dwelling (as defined in the Building Code of Australia) must not make the dwelling available for hire unless hard wired, battery backup smoke alarms are installed, complying with the Building Code of Australia and AS3786.
- f) The 'House Rules' document shall be consistent with key elements of the NSW Code for Holiday Houses (please refer to the attached document).



DEVELOPMENT APPLICATION ASSESSMENT (DAU)
Report to Manager Planning and Development Services

Proposed Dwelling Alterations and Additions at 18 (Lot 354) Peppermint Drive, Augusta

Major (Level 2)

P218594; PTY/1407

REPORTING OFFICER : Leigh Medlen
DISCLOSURE OF INTEREST : Nil

| | |
|----------------------------------|--|
| General Information | |
| Lot Area | 560m ² |
| Zone | Residential 'R15' SCA4 – Flinders Bay |
| Proposed Development | <p>Dwelling additions including:</p> <ul style="list-style-type: none"> • A carport and deck; • Converting the existing garage and extending the building to provide a store room/TV/Media room; • Converting the existing store room into an additional bathroom. <p>The deck and carport additions are compliant with the Residential Design Codes. The TV room additions propose a 0.7m setback variation in lieu of the 1m side setback guideline under the Residential Design Codes.</p> |
| Permissible Use Class | Permitted – 'P' |
| Heritage/Aboriginal Sites | SCA4 - Flinders Bay Heritage Area |
| Encumbrance | Nil |
| Date Received | 20/09/2018 |





| 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 27 – Heritage Places (LPP27)</i> <i>Draft Local Planning Policy 29 – Flinders Bay (DLPP29)</i> | |
| Officer Comment | <p>The proposal complies with the provisions of LPP27.</p> <p>Policy Measures of DLPP29 have the following considerations:</p> <ul style="list-style-type: none"> - New development should complement the scale of existing building. - Existing buildings reflecting the design and style of the original housing stock should be preserved and adapted to new development. - New development should complement scale, mass and character of existing buildings on site neighbouring dwellings and streetscape. - Colours and materials of new development are to complement the colours and materials of existing buildings on site. - Outbuildings and garages are not permitted to be located in front of the dwelling and should be located at the side or rear of the site. - Development is to respect informal lot setbacks, orientations and existing development pattern. - Maintenance of an open outlook onto the street and preservation of open, informal space between neighbouring buildings. - The use of sealed cross overs is not suitable and where existing cross overs can be removed and reinstated is preferred. - Boundary fencing and walls are not permitted. If boundary fencing is required landscaping and use of natural features is preferable. Open style fencing may be considered in limited circumstances. - The location of development should minimise the removal of vegetation on site. Where vegetation is permitted to be removed as a consequence of development this should be offset by additional planting elsewhere on site. - Maintained lawn verges should be preserved. - Retaining vegetation and trees within any redevelopment. - When demolition is proposed, the integrity of the structure and ability to preserve and integrate the development should be considered. <p>Due consideration is given to the above mentioned provisions of the draft policy. The development is considered to be relatively consistent with the aims and objectives of the policy as well as the development considerations listed above. The proposed additions are in keeping with the style and character of the existing building and proposes to retain a portion of the existing garage. While the site does have a sealed crossover, this is existing and does not detrimentally impact the character of the surrounding area. Similarly, the site has extensive gardens and open space, retaining the open feel and distinct character of the site. The proposal is not considered to be in conflict with the intent of the policy and would not be detrimental to the unique character and historical significance of the Flinders Bay area. The vegetation plantings along the western boundary have since been removed which will be required to be partially offset by replanting within the setback area as a condition of approval, where practical.</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 | | Special Control Area 4 (SCA4) – Flinders Bay Heritage Conservation Area | |
| <i>Officer Comment</i> | | <p>The Scheme specifies that development applications in SCA4 to be referred to the State Heritage Council for comments.</p> <p>Previous advice from the State Heritage Council suggested that Flinders Bay is not of significance under the State Heritage Register therefore they do not provide comments regarding applications for development in this area. The State Heritage Office has confirmed that a referral for the development application was not required as the Flinders Bay Settlement is not included on the State Register or Heritage Councils assessment program. The provisions of SCA4 have been met.</p> | |
| Advertising/Agency Referrals | | | |
| Has the application been referred to adjoining landowners/agency? | | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No <input type="checkbox"/> N/A |
| Has a submission been received by Council? | | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No <input type="checkbox"/> N/A |
| <p>The original application, that was referred to neighbours proposed a 200mm setback to the side boundary. In response to this proposal, one submission was received from an affected neighbour.</p> | | No. received: 1 | |
| Have agency or authority comments been received? | | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A |
| Submission Received | | Comments | |
| <p>Objection</p> <p>The variation to the side setback of only 0.2m on the adjoining boundary of our property is not acceptable.</p> <p>We used to have a small, character filled cottage next to us, if there additions are approved the footprint of the building will be immense.</p> <p>The 1m setback should be enforced to preserve the feeling of space and visual amenity in Old Flinders Settlement.</p> | | <p>Noted. The application was amended in response to concerns raised increasing the side setback to 0.7m (at the closest point) from the side boundary. This increase setback still involves a variation to the 1.0m setback guideline under the Rcodes, however, the amended setback corresponds to the existing setback from the garage. The setback distance of the proposed additions increases from 0.7m to 1.152m across the length of the wall. The variation is only sought across a minor portion of the wall being 4m in length. The extent of the variation is considered to be minor at 0.3m from the required standard.</p> <p>The additions are proposed in similar style and character to the existing dwelling. The garage is existing on site, part of which will be removed and part of which will be converted to a storeroom. The existing garage is 6m in length. The proposed additions in total are 10.36m in length. The building line is therefore proposed to increase by 4m while the building footprint is proposed to increase by approximately 20m². The additional portion of the building will be setback farther from the boundary than the existing garage. The impacts of the additions, that have raised concern during the notification period, are minor given the relevant portion of the additions would not be visible from the street, will not have an adverse impact to sunlight and ventilation to neighbouring properties, and will not result in overlooking. While the submission is noted, the proposed additions will not be adverse to the amenity of the neighbouring property and the concern has been adequately addressed in the amended proposal. It is also noted that the setback variation to the existing garage is pre-existing and the additions are setback farther than the existing development on site.</p> <p>The dwelling additions are considered unlikely to impact the visual amenity of the Flinders Bay Settlement. The additions are proposed to be consistent in style and character of the existing dwelling. A setback variation of 0.3m across a 4m long wall is not out of context or character with the area given there is an existing pattern of side setback variations in the locality.</p> | |
| Has the application been referred to internal departments? | | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No <input type="checkbox"/> N/A |
| <p><u>Environmental Health:</u></p> <p>The application does not include any addition of bedrooms or a change of use. Recommended condition to ensure the proposed extensions are not located over a waste water treatment system.</p> | | Noted. Environmental Health Condition has been included. | |
| Assessment of Application | | | |
| Is the land referred in the Heritage Inventory? | | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Are there any Contributions applicable? | | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Are there any compliance issues in relation to existing development? | | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

| R Codes | | | |
|---|---|--|---|
| Are R Codes applicable? | | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | |
| Design Element | R Codes Req | Provided | Officer comment |
| Front Setback | 6m | 3m | Complies. The proposed deck meets the averaging provisions of the R-Codes. 15.6m ² of deck intrudes into the 6m front setback requirement and 24m ² of compensating open space has been provided. |
| Sides Setback (west) | 1m | 0.7m | Variation. See discussion below. |
| Rear Setback | 6m | 6.756m | Complies |
| Carport Setback | 6m | 9.17m | Complies |
| Open Space Requirement | 50% | 61.4% | Complies |
| Upgrade Landscaping | <input type="checkbox"/> Required <input checked="" type="checkbox"/> Not Required | | |
| Overlooking | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No The FFL of the deck is less than 500mm from natural ground level and therefore does not invoke the privacy provisions of the Rcodes. | | |
| Street surveillance | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | |
| Street Walls and Fences | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | |
| Overshadowing | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | |
| Energy efficiency/solar access | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | |
| Other Variations | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | |
| Officer's Comments against performance criteria | <p><u>Western Side Setback Variation:</u> The proposal involves converting a portion of the existing garage into a store room. The remainder of the garage is proposed to be demolished and additions made to incorporate a TV and media room. The additions will follow the same building line as the existing garage. The following variations are proposed to the residential design codes:</p> <ul style="list-style-type: none"> 0.7m side setback distance in lieu of 1m requirement of the Residential Design Codes. <p>As a variation is proposed to the deemed to comply standards of the R-Codes an assessment has been undertaken against the performance principles with the following comments:</p> <ul style="list-style-type: none"> The proposed variation is presented along a 4m long wall. There is existing screening between the proposed development and the western adjoining property through an existing timber fence. The area of the proposed variation abuts an area of open space to the adjoining neighbour and maintains a separation distance of approximately 8m between the closest points of the neighbouring buildings. The proposed variation is not considered likely to result in any adverse impact to building bulk to the western adjoining property as it is a minor setback variation of 0.3m across a 4m long wall. The proposed variation is unlikely to result in an impact to the adjoining properties sun access or privacy. There are no major openings proposed along the length of wall subject to the variation and there is existing screening remaining in-between adjoining property boundaries. The proposed variation would not hinder solar access gained from the north to the adjoining property. The variation does not generate overlooking concerns or adversely impact the privacy of the western adjoining neighbour. <p>On this basis, while the application proposes a variation to the deemed to comply standards, the discretionary components of the application have been met in turn the additions are capable of being supported.</p> | | |
| Development Standards (Schedule 9) | | | |
| Are the development Standards applicable? | | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| Car Parking | | | |
| 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 – N/A | | Roof – 6m |
| State the proposed building height | Wall – 3.3m | <input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply | |
| | Roof – 4.5m | | |

| 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 | <p>Yes.</p> <p><u>Special Control Areas (SCA4 – Flinders Bay Conservation Area)</u> All development within an SCA requires planning approval.</p> <p>Clause 6.4.4 provides the following objective for development within SCA4:</p> <p><i>“The objective of the Flinders Bay Heritage Conservation Special Control Area is to protect and enhance the present townscape qualities of Flinders Bay through sustainable development controls, conservation controls and/or building design guidelines.”</i></p> <p>The proposal involves alterations to the existing dwelling that are considered to be in keeping with the style of the existing dwelling. It is unlikely that the additions would appear out of character of the area of be detrimental to the streetscape within Flinders Bay.</p> |
| 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. The vegetation along the western boundary has since been removed and is required to be reinstated with additional planting within the setback area where practical. |
| iii. Has adequate provision been made for access for the development or facilities by disabled persons? | N/A |
| iv. Is development likely to cause detriment to the existing and likely future amenity of the neighbourhood? | No. |
| v. Is the development likely to comply with AS3959 at the building permit stage? | N/A – The site is under 1,100m ² therefore SPP3.7 does not require a BAL assessment at the planning stage of development. |
| Other Comments | |
| Any further comments in relation to the application? | |
| Officer Comment | The discretionary components of the application have been met and on this basis conditional approval is recommended. |

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 Dwelling Alterations and Additions at No. 18 (Lot 354) Peppermint Drive, Augusta 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's Offices on 2 November 2018. |
|--------------------------|---|

- 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.
- 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.
- The extension and/or alterations shall be in the same materials, colour and design as the existing building.
- This development approval does not permit the removal or interference of vegetation on the site or in the road reserve and any trees on adjoining properties shall not be impacted by the excavation or construction phases of the development. Steps must be taken during construction to ensure retention of vegetation on site and in the adjoining road reserve.
- The Dwelling must comply with the Health (*Treatment of Sewage and Disposal of Effluent and Liquid Waste*) Regulations 1974. Details to be submitted with the building permit (refer to advice note c).
- Prior to occupation of the development, landscaping shall be reinstated within the setback area along the western boundary (as shown on approved plan 'P1') and shall be maintained at all times thereafter. Details shall be submitted prior to issue of a building permit.

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 handling, transportation and disposal of asbestos should be carried out in accordance with the requirements of the *Occupational Safety and Health Act 1984 (and Regulations)*, *Health (Asbestos) Regulations 1992*, *Environmental Protection Act 1986* and *Environmental Protection (Controlled Waste) Regulations 2004*.
- c) A building shall not be located over an apparatus for the treatment or disposal of sewerage. Leach drains shall not be located within 1.8 metres from the foundations of any building or boundary. Septic tanks shall not be located within 1.2 metres of the foundations of any building or the boundary.