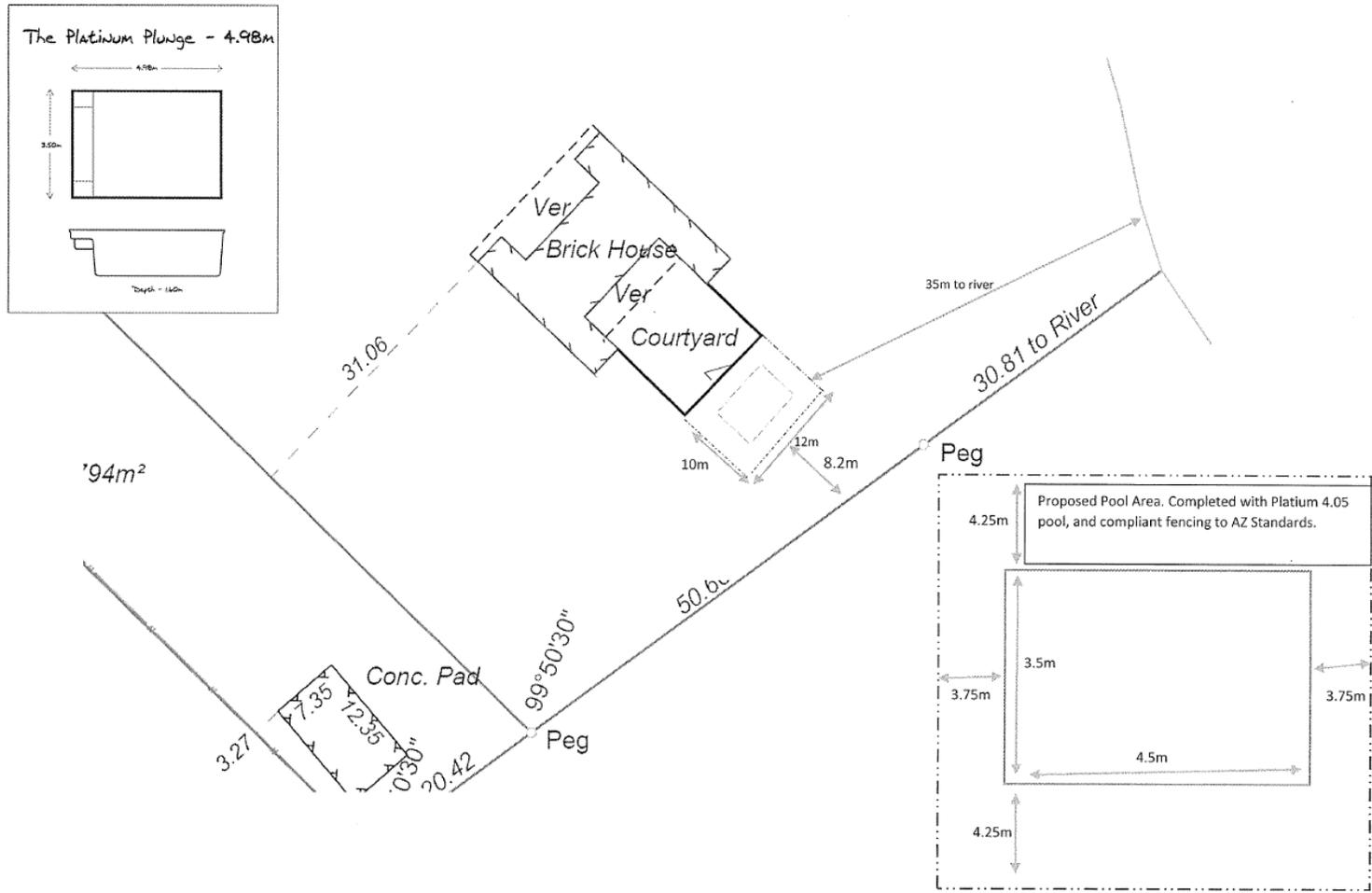
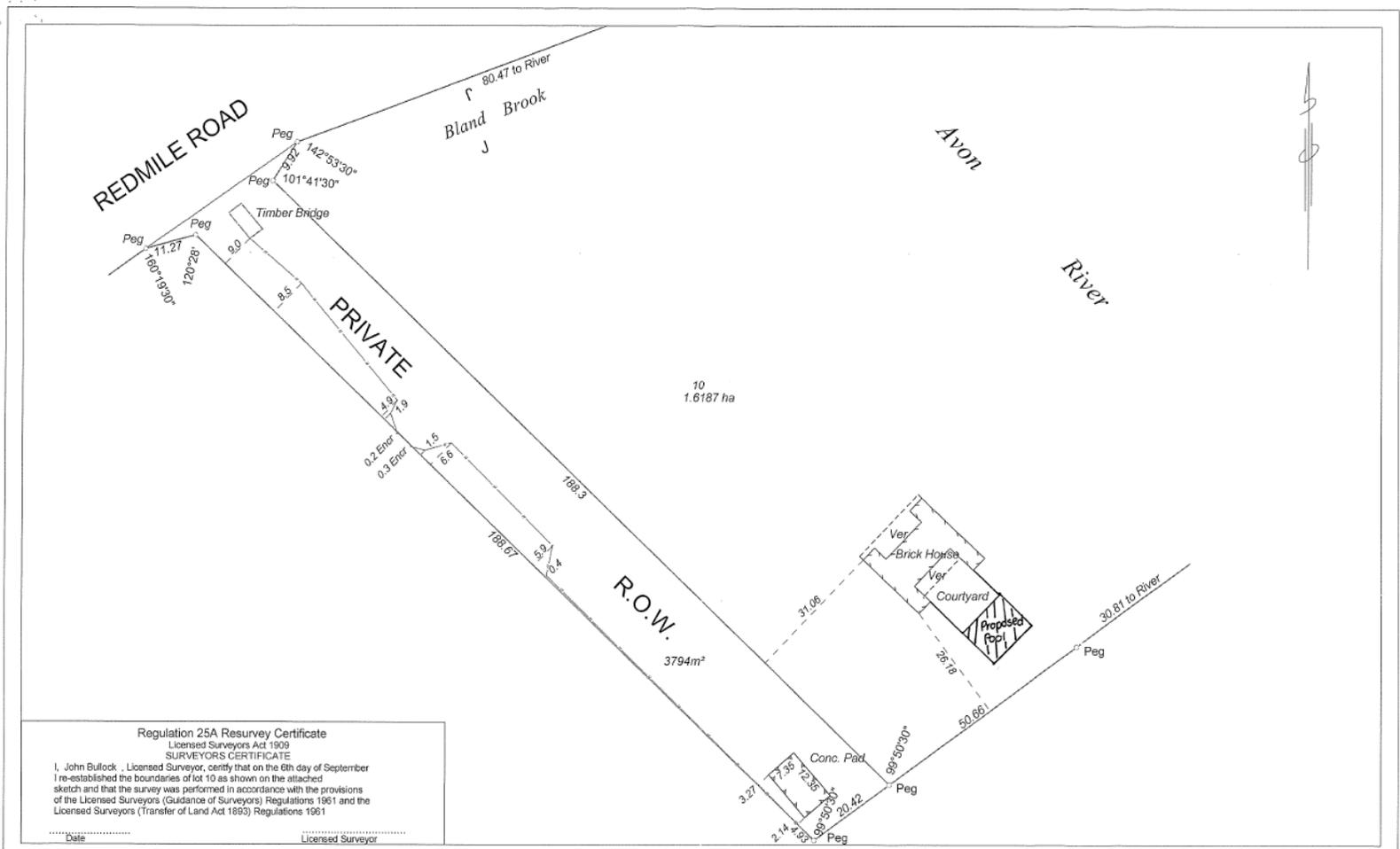


APPENDIX 1 – SITE PLANS





1:40000

JOHN BULLOCK & ASSOCIATES
 12b PEPLER AVENUE
 SALTER POINT 6152
 Email: jbawa@bigpond.com
 Phone: 9450 7188 Fax: 9450 7199

Surveyor: JLB Date: 8.9.2005

RE-ESTABLISHMENT SURVEY

LOT 10 ON DIAGRAM 13503
 REDMILE ROAD, YORK

Data File: _____
 Checked By: _____ Date: _____
 Approved By: _____ Date: _____

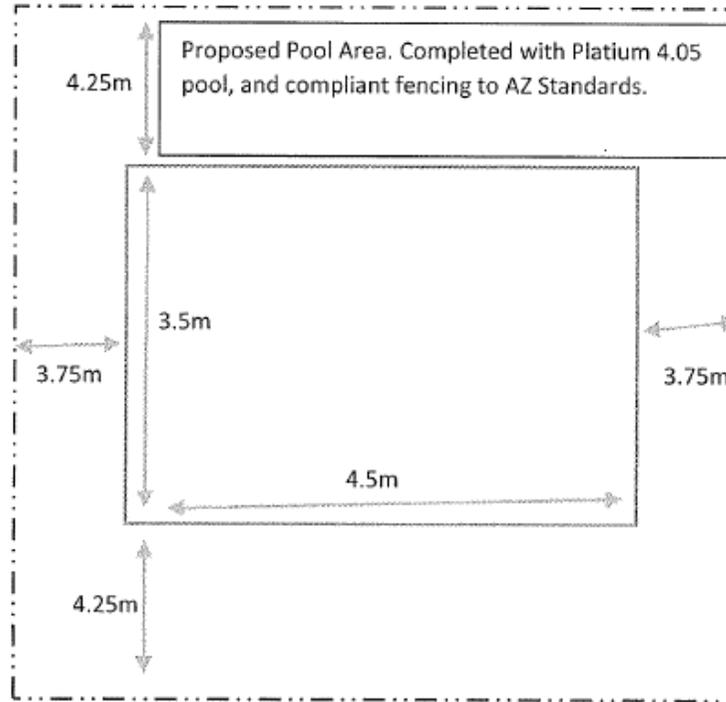
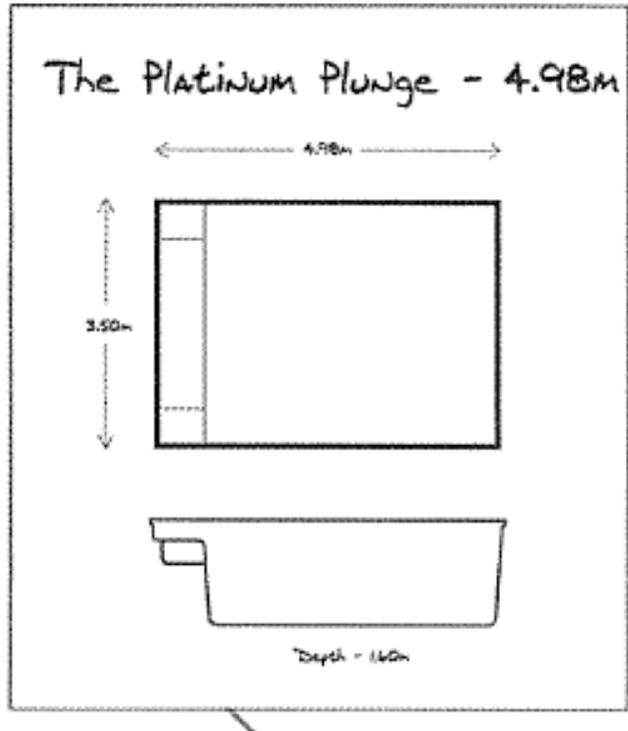
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Datum:
 Horiz: Assumed
 Vert: A.H.D.

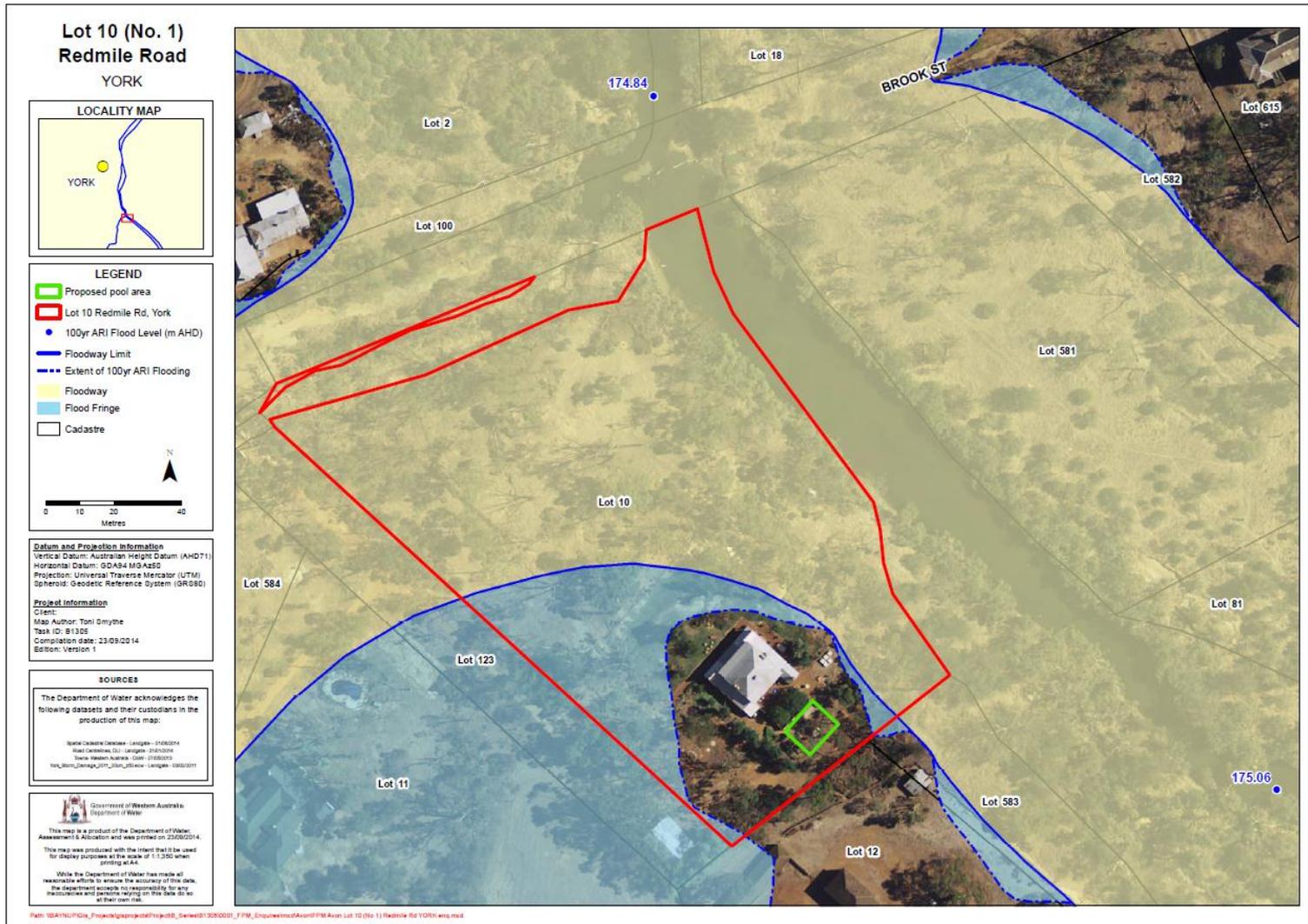
Job No: 3440

Drawing: 3440R_01_060905

APPENDIX 2 – TECHNICAL DRAWING



APPENDIX 3 – FLOOD MAP



APPENDIX 4 – FLOOD ADVICE

Hi Kira,

The Department of Water in carrying out its role in floodplain management provides advice and recommends guidelines for development on floodplains with the object of minimising flood risk and damage.

The Avon River Flood Study shows that a portion of the lot is affected by flooding during major river flows with the 100 year ARI flood level estimated to be ~175 m AHD (see attached plan). Based on our floodplain management strategy for the area:

- Proposed development (i.e. filling, building, etc) that is located outside of the floodway is considered acceptable with respect to major flooding. However, a minimum habitable floor level of 0.5 m above the appropriate 100 year ARI flood level is recommended to ensure adequate flood protection.*
- Proposed development that is located within the floodway and is considered obstructive to major flows is not acceptable as it would have a detrimental impact upon the existing flooding regime. No new buildings are acceptable in the floodway.*

The proposed pool area is located outside of the floodway and consequently is considered acceptable with respect to major flooding.

Please note that this advice is related to major flooding only and other planning issues may also need to be addressed.

Kind regards,

Toni Smythe

*Engineer, Floodplain Management
Department*

of

Water

APPENDIX 5 – SCHEDULE OF SUBMISSIONS

No.	Date Received	Name	Description of Affected Property	Summary of Submission	Officer's Comment
Public Submissions					
1.	11-Sep-14	Silvia and William Davidson	Western neighbour	<p><i>“... Bridge House Lot (10) 1 Redmile Road only has one entrance and that is over a small ageing timber bridge located at Redmile Road.</i></p> <p><i>The owners of Bridge House, ... own the bridge, and the land which is Lot 123. Balladong House owns a Right of Way easement which traverses this bridge and for the full extent of Lot 123. Our easement, is on title but was wrongly deemed abandoned ... from 2005 to 2011. On the 11th of February 2011 a judgement was delivered by Justice Hall in the Supreme Court of Western Australia validating our original easement...</i></p> <p><i>Our ROW easement over Lot 123 and the bridge gives access to services such as rubbish collection, mail deliveries and water and electricity metre reading.</i></p> <p><i>The following needs attention prior to any major development, such as the one in question, taking place on Lot 10.</i></p> <p><i>On the 26th July 2014 a hole, one metre deep by three metres wide appeared in the gravel at the bridge. It was pure luck that nobody drove into the open gap. This obstruction was reported to the Shire. Emergency repairs were carried out by the Shire for the safety of the ... care taker who would have unknowingly crossed the bridge and driven into the hole which was only visible through a small opening at the surface of the gravel. We were told this hole occurred due to lack of adequate compaction. It was said that the base of the bridge requires work as the problem without expert attention will occur again. In October 2008, following a heavy downpour a dam broke upstream causing</i></p>	<p>Upheld in part.</p> <p>Potential issues with access can be managed through conditions of consent.</p>

				<p><i>Bland Brook to break its banks, which left the bridge and the Redmile Road section of Lot 123 submersed by water...</i></p> <p><i>For any development to take place behind the Elkington house which borders Balladong Farm, a bridge maintenance programme, completed by the Elkingtons should be put into place and supervised by the Shire. Workers involved in the construction of a large swimming pool, extensive paving and fencing need to cross this bridge with safety.</i></p> <p><i>Clear weight limits should be sign posted at the entrance to the bridge at Redmile Road.</i></p> <p><i>We also need to know that our entrance from Redmile Road is not compromised by this development.</i></p> <p><i>Redmile road is the main historic entrance to Balladong House (Lot 11). Our ROW easement from Redmile Road also leads to various other entrances to our house and paddocks along Lot 123. In 2007, ten truckloads, each containing six cubic metres of free fill, were delivered to Lot 10. This fill was used to significantly raise the natural ground level at the front of Bridge House, which was then grassed.</i></p> <p><i>This bridge requires legal limits placed on it which will support all future loads.</i></p> <p><i>We require full unobstructed access from Redmile Road at all times and indeed from any part of Lot 123. (Justice Hall, 2011)."</i></p>	
2.	19-Sep-14	Matthew Reid (Director) on behalf of Kittochside Nominees	Southern neighbour	<p><i>"As the trustee of the Reid Property Trust, Kittochside Nominees expresses its objection to the proposed development application to construct a swimming pool within the 15m setback at the above property.</i></p> <p><i>The Trust purchased the property for the peaceful enjoyment of the amenity by the beneficiaries of the Trust. The amenities being the open rural outlook and the historic buildings and general quiet and peaceful nature of the property...</i></p> <p><i>Kittochside's reason for objecting the proposed development are:</i></p> <ul style="list-style-type: none"> <i>•That the development will significantly impact the amenity of</i> 	<p>Upheld in part.</p> <p>Potential issues associated with amenity can be managed through conditions of consent.</p>

				<p><i>the area by concentrating construction against the boundary of the two properties. This will have a significant impact on the rural outlook from the Trust's property thus reducing a key amenity of the locality.</i></p> <ul style="list-style-type: none"> <i>•That the development will significantly impact on the quiet enjoyment of the property. The allowing of development within the 15 metre setback will impact on the quiet enjoyment of the peaceful rural environment that currently exists. Swimming pool areas are typically places that people congregate to socialize and enjoy each other's company. This enjoyable pastime is often noisy and will significantly impact on the quiet rural nature of the Trust's property Balladong Farm. It is our understanding that purpose of the 15 meter setback specified in York's planning scheme exists to ensure that owners of property within a rural zoning keep development away from boundaries to minimize any impact on their neighbours' quiet enjoyment of their property. Kittochside's objection is to the location of the development within the 15 meter setback.</i> <p><i>Definitions and interpretations:</i></p> <ul style="list-style-type: none"> <i>•It is our interpretation of the local planning scheme that a 15 meter setback is required.</i> <i>•Amenity – In real property and lodging, amenities are any tangible or intangible benefits of a property, especially those that increase its attractiveness or value of that property.</i> <i>•Quite enjoyment is a right to the undisturbed use and enjoyment of real property by a tenant or landowner, the right to enjoy and use premises in peace and without interference. “</i> 	
Agency Submissions					
3.	10-Sep-14	State Heritage Office		<p><i>... We received the following information: The referral for the proposed development has been considered in the context of the identified cultural significance of Bridge House & Grounds and the following advise is given: Findings</i></p>	<p>Noted. The condition of consent will be included on the approval.</p>

				<ul style="list-style-type: none"> •The proposal is for a new swimming pool, located to the rear of the dwelling. •We note that the house is not visible from the main road, and is accessed from a private road. •We note that the proposed fencing is to be constructed of corrugated iron with timber/brick piers to comply with Australian standards. •The swimming pool is outside the area of 'great archaeological importance' but the edge of it is in the area of 'moderate archaeological importance' identified in the 1998 Conservation Plan. •The setting of the place is classed as having considerable significance, particularly the relationship to the topography, road network, Avon River and Bland's Brook. •The proposed works are to the rear of the site and area reversible. They will have minimal impact on the identified cultural significance of the place. <p>Advice</p> <p>The proposed development, in accordance with the plans submitted, is supported subject to the following condition:</p> <p>1.If archaeological material or features are encountered during the construction of the proposed swimming pool, works shall cease and the State Heritage Office shall be notified immediately in order that consultation with an appropriately qualified archaeologist can be undertaken to assess the finds and provide advice on an appropriate course of action..."</p>	
4.	23-Sep-14	Toni Smythe Department of Water		<p>"The Department of Water in carrying out its role in floodplain management provides advice and recommends guidelines for development on floodplains with the object of minimizing flood risk and damage.</p> <p>The Avon River Flood Study shows that a portion of the lot is affected by flooding during major river flows with the 100 year ARI flood level estimated to be ~175 m AHD (see attached plan). Based on our floodplain management strategy for the area:</p>	Noted.

			<ul style="list-style-type: none">• <i>Proposed development (i.e. filling, building, etc) that is located outside of the floodway is considered acceptable with respect to major flooding. However, a minimum habitable floor level of 0.5 m above the appropriate 100 year ARI flood level is recommended to ensure adequate flood protection.</i>• <i>Proposed development that is located within the floodway and is considered obstructive to major flows is not acceptable as it would have a detrimental impact upon the existing flooding regime. No new buildings are acceptable in the floodway.</i> <p><i>The proposed pool area is located outside of the floodway and consequently is considered acceptable with respect to major flooding.</i></p> <p><i>Please note that this advice is related to major flooding only and other planning issues may also need to be addressed.”</i></p>	
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APPENDIX 6 – DA ASSESSMENT

DA ASSESSMENT REPORT

DA No. P933
Address: Lot 10 (1) Redmile Road, York
Proposal: Swimming Pool and Fencing

4.6 DISCRETION TO MODIFY DEVELOPMENT STANDARDS

Except for development in respect of which the R Codes apply under this Scheme, if a development the subject of an application for planning consent does not comply with a standard prescribed by the Scheme with respect to minimum lot sizes, building height, setbacks, site coverage, car parking, landscaping and related matters, the local government may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit. The power conferred by this clause may only be exercised if the local government is satisfied that: *AMD 9 GG 17/10/03*

- a) **approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;**

The majority of Lot 10 is influenced by the floodway and flood fringe of the Avon River, with only a small portion of the lot available for domestic development. To accommodate the proposed pool outside the floodway/floodfringe and also outside the 15 metre setback would require the removal of vegetation.

- b) **the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.**

Minor development, though has potential to impact rural character and amenity as viewed by the neighbouring property. The neighbouring property has raised concerns that there will be visual (impacted rural outlook) and noise impacts as a result of the development in close proximity to the boundary.

The proposed swimming pool will not be visible from public realm therefore will have limited impact on the scenic values of the district and the views from roads.

Whilst the property is zoned General Agricultural, the property – and surrounding properties – reflect a rural residential character, therefore it is reasonable to utilise discretion in relation to the location and experience of domestic and residential activities.

There is limited opportunity to relocate the proposed swimming pool development to a location that would impose lesser potential noise or visual impacts to the adjacent property due to the presence of the floodway/floodfringe.

It is not considered that a domestic swimming pool will result in significant noise impacts that would be inconsistent with other noises and levels experienced in the immediate locality. Potential amenity impacts to the neighbouring property can be managed through solid fencing and appropriate screening and landscaping

8.5 MATTERS TO BE CONSIDERED BY LOCAL GOVERNMENT

The local government in considering an application for planning consent is to have due regard to such of the following matters as are in the opinion of the local government relevant to the use or development the subject of the application:

- (a) **The aims and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme area.**

The following minimum setbacks are required in the general agricultural zone

Front : 15.0m

Rear : 15.0m

Side : 15.0m

The proposed swimming pool will be a 12 metre by 12 metre structure, with a setback of 8.2 metres at it closest. As noted above this variation in setbacks is to accommodate the development outside the floodway/floodfringe and avoid the removal of vegetation. Clause 4.15.2 of the scheme states developments are to have regard to the scenic value of the district and views from the roads. The proposed swimming pool will not be visible from public realm therefore will have limited impact on the scenic values of the district and the views from roads.

A fence constructed of brick/timber pillars and corrugated iron is proposed. No elevations have been provided for this.

- (b) The requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, which has been granted consent for public submissions to be sought.**

See above discussion in relation to managing potential impacts on the amenity of the immediate location.

- (c) Any approved statement of planning policy of the Commission.**

Not applicable

- (d) Any approved environmental protection policy under the *Environmental Protection Act 1986*.**

Not applicable

- (e) Any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State.**

Not applicable

- (f) Any Planning Policy adopted by the local government under clause 8.8, any policy for a designated heritage precinct adopted under clause 5.1.3, and any other plan or guideline adopted by the local government under the Scheme.**

Nil.

- (g) In the case of land reserved under the Scheme, the ultimate purpose intended for the reserve.**

Not applicable – the land is not reserved.

- (h) The conservation of any place that has been entered in the Register within the meaning of the *Heritage of Western Australia Act 1990*, or which is included in the Heritage List under clause 5.1.2, and the effect of the proposal on the character or appearance of a heritage precinct.**

The subject land forms part of the listed heritage site “Bridge House & Grounds”. Advice was sought from the Heritage Council in relation to impacts of the proposed development on the cultural and heritage significance of the site.

The Heritage Council advised that the proposed works are to the rear of the site, and are reversible, concluding that the proposed development would have minimal impact on the identified cultural significance of the place.

The Heritage Council recommend the following condition:

‘If archaeological material or features are encountered during the construction of the proposed swimming pool, works shall cease and the State Heritage Office shall be notified immediately in order that consultation with an appropriately qualified archaeologist can be undertaken to assess the finds and provide advice on an appropriate course of action.’

- (i) The compatibility or a use or development with its setting.**

The proposed pool will be fenced utilising a style and material consistent with existing development on the site. The pool is consistent with the use of its setting as a domestic envelope within a larger rural lot.

- (j) Any social issues that have an effect on the amenity of the locality.**

Not applicable

- (k) **The cultural significance of any place or area affected by the development.**
See above (h)
- (l) **The likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment.**
The proposed development is located outside the floodway and flood fringe and will not disturb natural vegetation. It is not considered that the proposal will impact on the environment.
- (m) **Whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bushfire or any other risk.**
The proposed development is located outside the floodway and flood fringe.
- (n) **The preservation of the amenity of the locality.**
See above (response to clause 4.6 of the scheme)
- (o) **The relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal.**
The proposed pool will be fenced utilising a style and material consistent with existing development on the site. It will appear as an extension of existing domestic structures, therefore will have a minor impact on adjoining land.
Impacts associated with a reduced setback can be managed through screening with appropriate soft landscaping.
- (p) **Whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles.**
Access to the site is via a small, ageing timber bridge located at Redmile Road. The access to the site is a right of way to the benefit of the adjoining Lot 11 (3) Redmile Road.
The owners of the adjoining lot have raised concerns about the structural integrity of the timber bridge, and potential impacts of the proposed development on their access from Redmile Road. In the event that access to the property is interrupted, alternative access for the adjoining neighbours could potentially be maintained from Parker Road.
It is noted that the applicant would be impacted by any loss of access as a result of the bridge failing, and should be responsible for ensuring that access remains and, if impacted, is made good for the beneficiaries of the right of way. Appropriate conditions on any approval can formalise this requirement, and ensure access is maintained.
- (q) **The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.**
Nil.
- (r) **Whether public transport services are necessary and, if so, whether they are available and adequate for the proposal.**
Not applicable
- (s) **Whether public utility services are available and adequate for the proposal.**
Not applicable
- (t) **Whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities).**
Not applicable
- (u) **Whether adequate provision has been made for access by disabled persons.**
Not applicable

- (v) **Whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved.**
The application in its current form does not incorporate landscaping, which should be provided to ensure adequate screening of the development as viewed from the adjacent Balladong Farm.
- (w) **Whether the proposal is likely to cause soil erosion and degradation.**
Nil.
- (x) **The potential loss of any community service or benefit resulting from the planning consent.**
Nil.
- (y) **Any relevant submissions received on the application.**
Submissions have been discussed above.
- (z) **The potential impacts of noise, dust, light, risk, and other pollutants on surrounding land uses.**
Discussed above
- (aa) **The comments or submissions received from any authority consulted under clause 7.4.**
Discussed above
- (bb) **Any other planning consideration the local government considers relevant.**
Nil.