

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
24 February to 2 March 2022

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
24/02/2022	P222138	2 (Lot 48) Coronation Street, Margaret River	Holiday House (Renewal)
24/02/2022	P222139	7 (Lot 209) Hermitage Drive, Margaret River	Holiday House (Renewal)
24/02/2022	P222140	3 (Lot 6) Redgate Road, Witchcliffe	Small Bar (Change of Use from Café)
25/02/2022	P222141	31 (Lot 65) Coracina Avenue, Witchcliffe	Single House (Existing Boundary Fence)
25/02/2022	P222142	18 (Lot 377) Percheron Place, Margaret River	Ancillary Dwelling
25/02/2022	P222143	211 (Lot 9007) Darch Road, Margaret River	Subdivision
28/02/2022	P222144	12 (Lot 12) East Willmott Avenue, Margaret River	Holiday House Large (Renewal)
01/03/2022	P222145	40 (Lot 83) Riedle Drive, Gnarabup	Single House (Fence Addition)
01/03/2022	P222146	5 (Lot 7) Redgate Road, Witchcliffe	Ancillary Dwelling
28/02/2022	P222148	20 (Lot 51) Tunbridge Street, Margaret River	Subdivision
02/03/2022	P222149	6 (Lot 110) Papadakis Avenue, Prevelly	Holiday House (Renewal)
02/03/2022	P222150	24 (Lot 214) Marmaduke Point Drive, Gnarabup	Holiday House
BUILDING			
24/02/2022	222113	Lot 9 Waverley Road, Cowaramup	Single Dwelling, Garage and Patio
24/02/2022	222114	30 (Lot 726) Burke Circle, Cowaramup	Shed
24/02/2022	222116	10 (Lot 106) River Heights, Road Margaret River	Patio
24/02/2022	222119	29 (Lot 65) Bovell Crescent, Augusta	Shed and Patio
24/02/2022	222120	12 (Lot 201) Flitch Road, Karridale	Demolition of Existing Dwelling and Rainwater Tank
25/02/2022	222121	11 (Lot 11) Lake View Crescent, Prevelly	Single Dwelling, Patio and Garage
24/02/2022	222122	498 (Lot 2775) Rocky Road, Forest Grove	Farm Shed
25/02/2022	222123	26 (Lot 300) Cusamo Retreat, Burnside	Single Dwelling, Garage, Rainwater Tank, Patio and Stone Pitching
24/02/2022	222124	7 (Lot 112) Galliers Street, Gracetown	Retaining Wall
25/02/2022	222125	19 (Lot 13) Tassel Road, Cowaramup	Shed
25/02/2022	222126	Lot 1 Mentelle Road, Burnside	Single Dwelling, Rainwater Tank, Patio, Verandah, Carport and Retaining
28/02/2022	222127	Lot 74 Colyer Drive, Hamelin Bay	Two Storey Dwelling, Upper Deck, Rainwater Tanks and Retaining Wall
28/02/2022	222128	11 (Lot 6) Hardy Street, Augusta	Shed
02/03/2022	222129	22 (Lot 72) Island Drive, Augusta	Shed and Carport
02/03/2022	222132	Lot 9507 Palmer Road, Cowaramup	Retaining Walls for Subdivision (Symphony Waters Stage 4)

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				
15/12/2021	P221964	306 (Lot 1) Low Road, Rosa Brook	Holiday House (Large)	Approved
17/12/2021	P221974	22 (Lot 72) Island Drive, Augusta	Dwelling (Outbuilding & Driveway Additions)	Approved

22/12/2021	P221977	33A (Lot 2) Grunters Way, Gnarabup	Grouped Dwelling	Approved
05/01/2022	P222007	6 (Lot 535) Bushland Rise, Margaret River	Holiday House (Renewal)	Approved
SUBDIVISIONS				
18/01/2022	P222031	6 (Lot 323) Blackwood Avenue, Augusta	SURVEY STRATA (SUBDIVISION)	Supported subject to conditions
LOCAL LAW PERMITS				
21/01/2022	P222050	Fearn Ave precinct, Margaret River	Renewal Local Law Permit to Busk - James Kain	Approved

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
21/01/2022	P222045	18 (Lot 165) Mahogany Way, Cowaramup	Single Dwelling	Conditional approval is recommended.

DEVELOPMENT ASSESSMENT REPORTING PROCEDURE

Assessment of Development Applications (DAs)

For the purposes of this procedure there are three types of development applications:

Level 1

DA not advertised

Level 2

DA is advertised; and

- No submissions; or
- Submission received but meets one of the following:
 - Not related to the reason the DA was advertised.
 - The development is modified to comply or to remove the element of concern to the submitter.
 - Submission is either of support, conditional support or is 'indifferent'; or is from a non-affected person.

Level 3

A submission in opposition is received from an 'affected' person or special interest group in relation to the reason the DA is advertised or the development application is recommended for refusal.

Note: This procedure applies to development applications only. It does not apply to structure plans, scheme amendments or other types of planning proposals.



DEVELOPMENT APPLICATION ASSESSMENT
Report to Manager Planning and Development Services
Proposed Single Dwelling at 18 (Lot 165) Mahogany Way, Cowaramup

(Level 3 – objection received)

P222045; PTY/8536

REPORTING OFFICER : Lina O'Halloran
 DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	597m ²
Zone	Residential R15
Proposed Development	Planning approval is sought for a proposed single dwelling which presents variations to the rear and southern side setbacks.
Permissible Use Class	'P' Permitted Use
Heritage/Aboriginal Sites	None identified
Encumbrance	Restrictive Covenant: <ul style="list-style-type: none"> No reflective materials No relocated buildings Clothes line, bins screened from public open space No antennae or satellite dish Existing fences to be retained
Date Received	21/01/2022



Policy Requirements			
Is the land or proposal referred to in any Council Policy?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Structure Plans and Local Development Plans (LDP's)			
Is the land in any Structure Plan Area or subject to a LDP?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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: 1	
Details of Submission		Officer Comment	
1 x objection: Reducing the rear setback to 3m will cause too much noise to carry to our house. If there is a patio area ever developed on the north-east side of the building, this will cause more noise.		The following comments are made in response to the concerns raised: <ul style="list-style-type: none"> The communal living areas of the proposed dwelling are located toward the front of the site, away from the affected property. The rear of the dwelling would be occupied by the master suite, which is not expected to be a source of excessive noise or nuisance. The applicant advises they have plans to develop a pergola in future, however, this would be located adjacent to the living and dining areas of the dwelling which are located toward the front of the site. An existing Colorbond fence along the rear boundary would provide a visual and noise barrier between the two dwellings. A 3m protrusion into the 6m rear setback is not expected to result in a greater noise impact than would otherwise be expected in a residential area. It is noted a 3m rear setback variation was approved for the adjacent rear property setting a precedent for the area. The proposal would be in keeping with an established pattern of development for the surrounding area. 	
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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Design Element	Policy / R Codes	Provided	Officer comment
Front Setback	6m	4.45m	Complies with Clause C2.1 iii - averaging shown on site plan
Northern Side Setback	Length: 22.7m Height: 2.8m MO: yes = 1.5m	7.85m	Complies
Southern Side Setback	<u>Garage:</u> 0m if behind street setback and abuts an existing boundary wall <u>Dwelling:</u> Height: 2.8m Length: 17.2m MO: yes = 1.5m	0m not behind street setback and not abutting existing boundary wall 1.5m	Variation Complies
Rear Setback	6m	3m	Variation
Garage Setback	4.5m	4.75m	Complies (minor projection of boundary wall compliant)
Driveway Width	6m	6m	Complies
Garage Width	50%	33%	Complies
Open Space Requirement	50%	>50%	Complies
Upgrade Landscaping	<input type="checkbox"/> Required <input checked="" type="checkbox"/> Not Required		
Overlooking	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No The site is largely flat with the proposed FFL a maximum of 0.3m above NGL		
Street surveillance	<input type="checkbox"/> Yes <input checked="" 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		
Other Variations	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Officer's Comments against performance criteria	Southern Side Setback Variation:		

	<ul style="list-style-type: none"> The proposed boundary wall would be located 4.85m from the front of the property. Due to its location and the orientation of the lot, the proposed boundary wall would overshadow a minor portion, within the front setback area, of the adjoining southern lot. The proposed wall is not considered to result in excessive overshadowing of adjoining Lot 166. The boundary wall would account for 6m of the total 31.7m southern side boundary and would not exceed 3m in height, thus not causing adverse impacts from building bulk to Lot 166. The boundary wall has no major openings and would not impact privacy for the occupants of the subject site or future occupants of Lot 166. The location of the wall built up to the boundary maximises the open space on the north-eastern side of the lot, making more effective use of space for the occupants. It is noted no objection was received from the affected neighbouring land owners. <p><u>Rear Setback Variation:</u></p> <ul style="list-style-type: none"> Only a small portion of the building would encroach into the rear setback area, approximately 25m² of the total 597m² site. This would account for approximately 22% of the entire rear setback area, with the remaining 78% of the rear setback as open space. The dwelling would be single storey thus there would be no significant building bulk impacts. The setback variation would not impact solar access or visual privacy for any surrounding lots or the subject site. The proposal would allow the occupants to maximise the extent of open space along the north-eastern side of the site. <p>The proposal responds to the Design Principles of the RCodes and is recommended for approval.</p>	
Development Standards (Schedule 9)		
Are the development Standards applicable?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Car Parking		
LPS1 / R Codes Requirement	Car Bays Required - 2	Car Bays Proposed - 2
Dimensions	2.5m 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	
Building Height		
Scheme / Policy Requirement	Wall - 7m	Roof - 8m
State the proposed building height	Wall – 2.8m Roof – 4.4m	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply
Clause 67		
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	
In the opinion of the officer		
i. Are utility services available and adequate for the development?	Yes- power, water and sewer shown on survey plan	
ii. Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land?	N/A – vacant lot	
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. The proposal is assessed as compliant with the Design Principles of the RCodes.	
v. Is the development likely to comply with AS3959 at the building permit stage?	Yes. A BAL report will be required with the building permit however is not required at development application stage due to the size of the lot.	
Other Comments		
Any further comments in relation to the application?		
Officer Comment	The comments received during the advertising period are noted. The proposal has been assessed and it is considered that the variations meet the relevant design principles and are not uncharacteristic relative to the established pattern of development in the area. Conditional approval is recommended.	

OFFICER RECOMMENDATION

That the Statutory Planning Coordinator GRANTS Planning Consent under Delegated Authority Instrument No. 34 pursuant to Clause 68(2) of the Deemed Provisions of Local Planning Scheme No. 1 for the proposed Single Dwelling at 18 (lot 165) Mahogany Way, 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	P1 – P2 received at the Shire on 21 January 2022
--------------------------	--

2. If the development, the subject of this approval, is not substantially commenced within two (2) years from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has lapsed, development is prohibited without further approval being obtained.
3. At all times, all stormwater and drainage run-off from the development shall be detained within the lot boundaries and managed to predevelopment 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's Standards & Specifications.
4. The wall on the boundary shall be finished to the satisfaction of the adjoining landowner, or in the case of a dispute to the satisfaction of the Shire, prior to occupation.

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.