

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
30 April 2026 to 6 May 2026

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
30/04/2026	P226336	52 (Lot 184) Abelia Avenue, Margaret River	Retrospective Single House (Retaining and Fill)
30/04/2026	P226337	Unit 1, 151 (Lot 31) Bussell Highway, Margaret River	Section 40 (Amendment to P222540)
01/05/2026	P226339	7 (Lot 203) Stewart Street, Margaret River	Holiday House (Large)
04/05/2026	P226341	12 (Lot 15) Carnaby Crescent, Witchcliffe	Single House and Outbuilding (Shed)
04/05/2026	P226342	74 (Lot 71) Apsley Drive, Margaret River	Single House
04/05/2026	P226343	67 (Lot 233) McDermott Parade, Witchcliffe	Retrospective Outbuilding (Shed)
05/05/2026	P226346	73 (Lot 5) Bussell Highway, Margaret River	Dwelling Addition (Garage)
05/05/2026	P226347	4 (Lot 687) The Avenue, Margaret River	Outbuilding (Shed)
05/05/2026	P226348	114 (Lot 42) Blackwood Avenue, Augusta	Holiday House Renewal
05/05/2026	P226349	20 (Lot 32) Wooramel Boulevard, Cowaramup	Single House 20
06/05/2026	P226350	37A (Strata Lot 1 of Lot 19) Le Souef Street, Margaret River	Holiday House Renewal
06/05/2026	P226351	Lot 9015 Darch Road, Margaret River	Entry Statement Wall and Signage (Rapids Landing)
04/05/2026	P226352	186 (Lot 11) Railway Terrace, Margaret River	Subdivision
BUILDING			
30/04/2026	226336	12 (Lot 23) Rendall Close, Margaret River	Verandah
30/04/2026	226337	7 (Lot 27) Lomandra Way, Witchcliffe	Stage 1 - Single Dwelling, Garage and Carport (Shell Only) and Water Tank
30/04/2026	226338	18 (Lot 248) Felling Road, Karridale	Single Dwelling, Verandah and Deck
30/04/2026	226339	18 (Lot 248) Felling Road, Karridale	Retrospective Shed
01/05/2026	226340	70 (Lot 17) Waverley Road, Cowaramup	Single Dwelling, Carport, Alfresco, Breezeway and Studio
01/05/2026	226341	37 (Lot 17) Vista Lane, Margaret River	Single Dwelling and Alfresco
01/05/2026	226342	51 (Lot 85) Apsley Drive, Margaret River	Single Dwelling, Garage and Alfresco
01/05/2026	226343	25 (Lot 23) Jacques Loop, Hamelin Bay	Single Dwelling, Garage and Alfresco
06/05/2026	226344	7 (Lot 8) Glenroy Way, Cowaramup	Single Dwelling, Garage and Alfresco
06/05/2026	226345	5 (Lot 236) The Greenway, Margaret River	Patio
06/05/2026	226346	4 (Lot 45) Groupthree Drive, Kudardup	Single Dwelling, Carport, Alfresco, Shed and Water Tank
Exploration Licenses for Comment			
Nil			

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				
06/05/2026	P225247	8 (Lot 315) Heppingstone View, Augusta	Grouped Dwellings	Cancelled
06/05/2026	P226135	6 (Lot 3) Stewart Street, Margaret River	Holiday House	Approved
06/05/2026	P226148	185 (Lot 78) Bussell Highway, Margaret River	Dwelling Additions (Carport/Patio)	Approved
06/05/2026	P226320	243 (Lot 216) Horseford Road, Burnside	Entry Gate	Approved
SUBDIVISIONS				
05/05/2026	P226235	Lot 22 & Lot 23 Fifty One Road, Cowaramup	Boundary Realignment	Not Supported
LOCAL LAW PERMITS				
Nil				

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
17/012/2025	P225980	44 (Lot 51) Willmott Avenue, Margaret River	Ancillary Dwelling	Support with Conditions

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 P225980

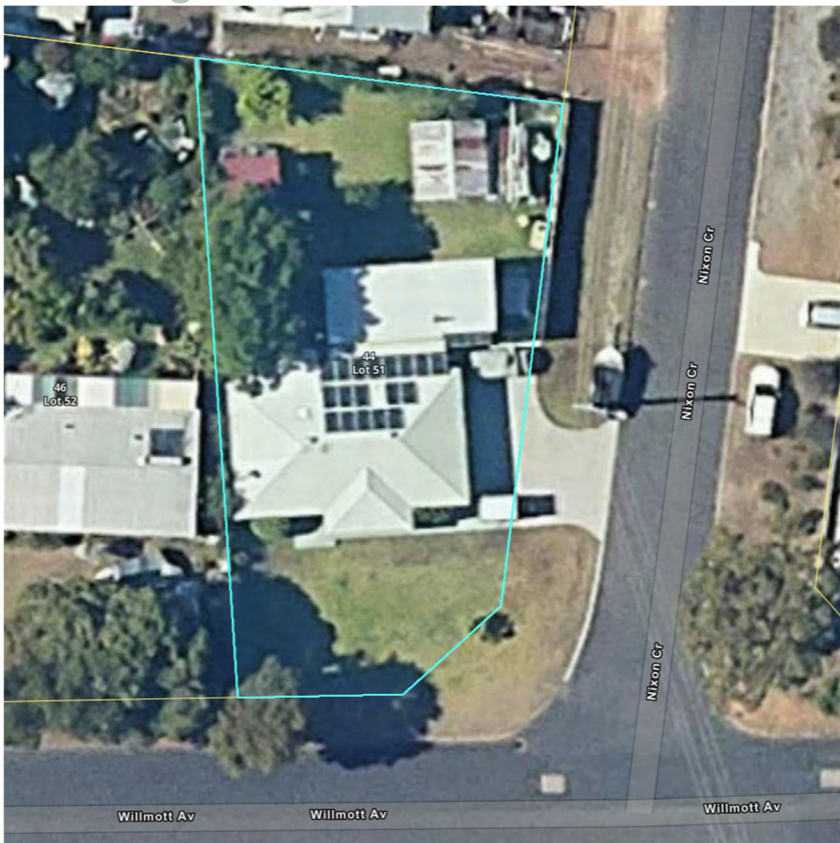
General Details

Reporting Officer	Rechelle Brookes
Disclosure of Interest	Nil
Assessment Level	Major - Level 3

Application Details

Address	44 Willmott Avenue, Margaret River			
Proposed Development	Ancillary			
Zoning	Residential – R15			
Lot Area	794m ²			
Use Class and Permissibility	'P' – Permitted Use			
Heritage/Aboriginal Sites	None identified			
Other Considerations	Visual Management Area	<input type="checkbox"/>	Sewerage Sensitive Area	<input type="checkbox"/>
	Special Control Area	<input type="checkbox"/>	Watercourses/Rivers	<input type="checkbox"/>
	Bushfire Prone Area	<input type="checkbox"/>	Environmentally Sensitive Areas	<input type="checkbox"/>
Structure Plans/LDP's	None			
Easements/Encumbrances	None			
Why is Development Approval Required?	Application varies R-Codes clause 5.1.3 Lot boundary setbacks			

Site Image



Proposal

The proposal is for an ancillary of 40.5m² in size. The ancillary has a maximum ridge height of 2.793m. It features two bedrooms, a small bathroom and living area and includes one car parking bay.

The application was advertised to surrounding landowners and one (1) objection was received. In response, amendments were made to the original plans, including increasing the rear boundary setback and providing landscape screening along the boundary. The revised plans were sent to the objector, and they confirmed that their concerns had not been satisfied. The objection stands, and as such the application will be included in the Development Assessment Report

Assessment

Referrals	Yes	No
Adjoining Neighbours/Property Owners – 1 submission	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Government Agencies	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Internal Shire Departments	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Were any objections received?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Were any issues raised through the referrals process?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Community Engagement	
Private Submitter 1	
The submitter objected to initial plans. Amendments were made in response to their submission, and the submitter was given the opportunity to respond to amended plans. The below objection is in response to the amended plans.	
Submitter Comments	Officer Comments
<p>The submitter objects to the proposal on the following grounds:</p> <p><u>The proposal seeks a major amendment to the deemed-to-comply setback, with a setback of 3.407m proposed instead of 6m (a variation of 43.2%).</u></p> <ul style="list-style-type: none"> - The submitter requests the applicant increase the setback to be closer to the 6m compliant standard. <p><u>Visual privacy impacts (overlooking and visual intrusiveness).</u></p> <ul style="list-style-type: none"> - The submitter requests the applicant re-orient major openings away from the neighbouring property and/or introduce compliant screening devices. - The submitter requests clarification on which openings are considered major openings and what screening is provided. - The submitter requests detailed levels and cross-sections for the interface of the ancillary with their dwelling to 	<p><u>Rear setback requirements</u></p> <p>The deemed-to-comply requirement can be varied through the planning application process, if developments meet the relevant Design Principles. A detailed against the design principles have been provided below. Original plans had a reduced setback, but based on neighbour submissions, they were increased to range from 3.731m to 6.077m. Within the existing conditions of the site, every attempt has been made to provide the greatest setback possible.</p> <p><u>Visual privacy impacts</u></p> <p>The plans include one (1) major opening facing the neighbouring property, a glass sliding entrance door. This door is adequately screened with a 2.3m high boundary fence (noting that the R-Codes classifies sufficient screening as being above 1.6m in height).</p> <p>There are no overlooking variations from the development, as it does not trigger Clause 5.4.1 Visual Privacy (as the floor level is less than 0.5m above natural ground level). As there are</p>

demonstrate how overlooking impacts are mitigated/avoided, noting that there is a level difference between the two properties.

Acoustic privacy impacts.

- The submitter seeks clarification of noise-generating fixtures (including air-conditioning units).
- A Colorbond fence is not an acoustic solution.

Siting, location and orientation of the ancillary dwelling.

- The proposal is an overly intensive built-form outcome at the boundary.
- Noise, lightspill and overlooking impacts to be minimised through location, design and screening of outdoor living areas.
- The submitter seeks clarification of bin storage areas and clothes drying areas and their screening treatment.
- The ancillary is largely oriented with major openings to the northern boundary, and not within the subject site.
- Potential visual and acoustic impacts are concentrated towards the neighbouring property.
- If the entry door is a major opening, deemed-to-comply lot setbacks should be addressed.
- As the living area of the ancillary is less than 30m², the existing deck and pergola will function as primary living space and must meet highest privacy and setback standards.
- Outdoor living areas are concentrated close to the shared boundary, and adjacent to the neighbouring property's bedrooms and quiet habitable spaces.

The ancillary dwelling may be used for short-term accommodation.

Fencing.

- The submitter requests clarification on fencing, and details of any acoustic treatment where relied upon for mitigation of noise impacts.
- Insufficient information is provided to determine if the proposed 2.3m boundary fence prevents reciprocal

no overlooking variations, cross-sections and interface specifications are not required.

Acoustic privacy impacts

All development is required to comply with the Noise Regulations.

Siting, location and orientation of the ancillary dwelling.

See previous comments on noise and overlooking.

There are no standards in the Residential Design Codes relative to lightspill.

Clothes drying areas are required to be screened from the primary and secondary street in accordance with the R-Codes. A location has not been nominated on the plans supplied but a condition has been included .

The entry door is a major opening and is located at the end of the ancillary which is compliant with setback requirements. The boundary fence is sufficient as a screening device.

The deck and pergola are existing, compliant, structures, which future residents of the ancillary are able to use. The spa received building approval in 2016 and the pergola is small enough in size to not need a building permit (as per the Building Regulations 2012). The submission references Clause C1.3.3 of the R-Codes, which is not relevant to this application as Part C is for single houses zoned R50 and above, grouped dwellings zoned R30 and above, and multiple dwellings zoned R30-R60. The application is for a property zoned R15.

Short-stay use of the ancillary

Ancillary dwellings cannot be used for unhosted short-stay accommodation under the Shire's Local Planning Policy 7. They can be used for hosted short-stay accommodation without approval .

Fencing

Acoustic treatment is not required for this application, and a fence height of 2.3m is sufficient to prohibit any overlooking from the ancillary dwelling. A rear boundary fence is allowable, and a height of 2.3m is compliant with the Shire's Local Planning Policy 4. Whilst it may

<p>overlooking between properties.</p> <ul style="list-style-type: none"> - The submitter requests further information on fencing outcomes along Nixon Crescent. - The 2.3m high boundary fence will materially change the outlook from the neighbouring property. <p><u>Vehicle access.</u></p> <ul style="list-style-type: none"> - The proposal includes an additional driveway along Nixon Crescent. - The submitter requests demonstration that the arrangement does not create unreasonable safety and amenity impacts. - The submitter requests information of fencing truncation requirements and the proposal's compliance. - The proposed car space is located in close proximity to the neighbouring property's master bedroom, which may result in noise impacts of engines and doors opening/closing and vehicle fumes affect the neighbouring property's habitable areas. - The 2.3m boundary fence creates safety and design issues for vehicles entering/leaving driveways. <p><u>Introduction of an ancillary is discretionary.</u></p> <p><u>Street surveillance.</u></p> <ul style="list-style-type: none"> - The street elevation does not address the street with clearly definable entry points visible and accessed from the street. - There is no major opening from a habitable room facing the street. - The street elevation does not positively contribute to the streetscape. 	<p>change the neighbour's outlook, the fencing proposed does not require planning approval.</p> <p><u>Vehicle</u></p> <p>A discussion on the driveways is included in the assessment section of the report. There are no further safety impacts from the addition of 1x driveway, and the amenity impact on the streetscape is acceptable.</p> <p>The fencing along Nixon Crescent is compliant with truncation requirements, and whilst the fence along the rear boundary varies deemed-to-comply standards, the outcome is acceptable.</p> <p><u>Introduction of an ancillary</u></p> <p>Ancillary dwellings are not a discretionary land use. They are listed as a 'P' land use in Residential zoned land, which means the use is permitted under the Local Planning Scheme and no planning application is required for the use.</p> <p><u>Street surveillance</u></p> <p>The ancillary provides 1x major opening to the street as is required. Entry to the property is clear by virtue of its siting.</p>
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Policy Framework	Yes	No
Does the proposal involve variations to the Residential Design Codes?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Does the proposal involve any variations to Scheme Requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the proposal involve any variations to Policy Requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other matters that require discretion (Vegetation Removal)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Policy Requirements

Residential Design Codes		
Standard	Required	Provided
Primary Street Setback	6m	~30m - complies

Secondary Street Setback	1.5m	6.551m - complies
Major Opening Side Setback (West)	1.5m	6.61m - complies
No Major Opening Side Setback	1m	N/A
Rear Setback	6m	3.731m – 6.077m - variation
Vehicular access	Maximum 9m for any one property	variation
	No closer than 0.5m from a side lot boundary	1m from lot boundary - complies
	Access to on-site car parking spaces to be provided from a secondary street where no right-of-way or communal street exists	Complies
Street walls and fences	Front fences within the primary street setback area are visually permeable above 1.2m of NGL	N/A - no change to fencing in front setback
Sightlines	Walls, fences and other structures truncated or reduced to no higher than 0.75m within 1.5m of where walls, fences or other structures adjoin a driveway that intersects a street, right-of-way of communal street	Side fencing along Nixon Crescent - complies Rear boundary fencing - variation
Outdoor Living Area – Main Dwelling	N/A	
Open Space – Main Dwelling	Minimum 50%	Structures = 258.26m ² Lot size = 794m ² Open space = 67.47% - complies
Overshadowing	Maximum 25% overshadowing to adjoining properties	<2% overshadowing - complies
Ancillary Dwelling Area	70sqm	40.5m ² - complies
Car Parking	1 bay	Complies
Standard	Complies	Does Not Comply
Visual Privacy	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Street Surveillance	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Street Walls and Fences	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

The proposal varies the following clauses of the Residential Design Codes, and so assessment against the relevant Design Principles is necessary.

Clause 5.1.3 Lot boundary setbacks

The subject site is zoned R15, which has a deemed-to-comply rear setback distance of 6m. The site is a corner lot, and so its rear boundary abuts the side boundary of a neighbouring property. Given the rear boundary is on an angle, the ancillary's setback ranges from 3.731m to 6.077m. The western portion of the ancillary is therefore compliant with this requirement.

The following Design Principles are relevant to this application:

P3.1 Buildings set back from lot boundaries or adjacent buildings on the same lot so as to:

- *Reduce impacts of building bulk on adjoining properties;*
- *Provide adequate sunlight and ventilation to the building and open spaces on the site*

- and adjoining properties; and*
- *Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.*

Given the size of the ancillary proposed, its location closer to the boundary has minimal impact from building bulk to the adjacent property. The ancillary has a small footprint, with a wall length facing the adjoining property of 9m, and maximum roof height of 2.793m, which is only 49cm taller than the proposed 2.3m boundary fence. The Ancillary is also replacing an Outbuilding, located closer to the northern than the proposed Ancillary Dwelling.

The rear boundary of the property is oriented towards the north, and a setback distance of at least 3.731m provides sufficient space for adequate sunlight and ventilation to the ancillary, which is also oriented to capture the northern sunlight. The design also includes a small window for ventilation to the bathroom (facing south) which is located 0.5m from an internal fence that runs through the subject site. A distance of 0.5m is sufficient to provide ventilation to the bathroom.

The main dwelling has an undercover outdoor area which is designed to maximise the northern light. The ancillary is located a distance of 2.19m – 2.9m from the main dwelling, a distance that will maintain northern sunlight access to the main dwelling and its outdoor living areas. There is no impact to sunlight or ventilation to neighbouring properties, especially the property adjacent to the rear setback variation as it is located north of the subject site.

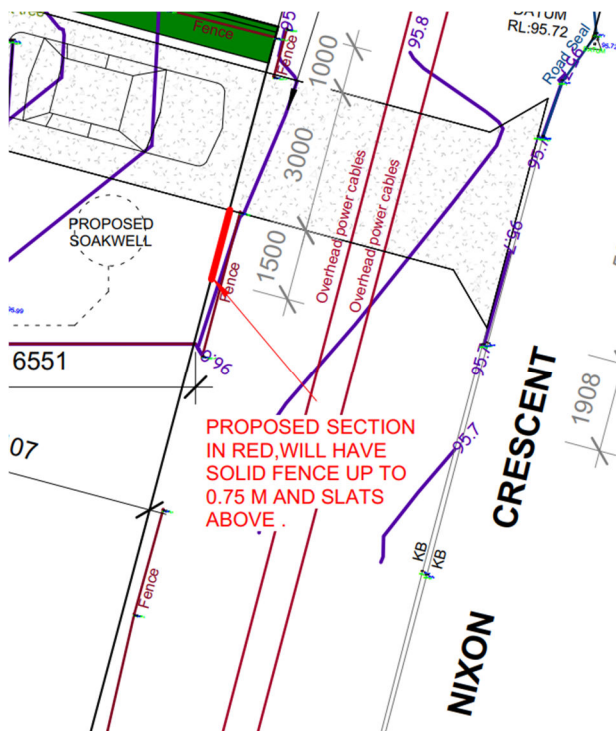
The proposal does not trigger visual privacy/overlooking concerns, which as per clause 5.4.1 Visual privacy are applicable where the floor level of a development is more than 0.5m above natural ground level. The finished floor level of the ancillary will not be more than 0.5m above natural ground level. Further, a boundary fence of 2.3m in height is proposed. Under clause 5.4.1, screening of at least 1.6m in height is considered sufficient to mitigate overlooking. Given no windows extend above the height of the fence, there are no overlooking concerns from the ancillary to neighbouring dwellings.

To further mitigate any impacts, a 1m wide landscape strip has been included along the rear of the property. The landscaping will provide further visual privacy screening.

Clause 5.2.5 Sightlines

The deemed-to-comply standard requires walls, fences and other structures be truncated or reduced to no higher than 0.75m within 1.5m of where they adjoin a driveway.

The proposed fencing along Nixon Crescent, within 1.5m of where it adjoins the driveway, is noted on the plans as being a solid fence up to 0.75m with slats above. As this is the second crossover for the property, compliance with this clause will be ensured through a condition of permit. The slats indicated on the plans do not pose an issue so long as visual permeability is maintained, by providing a sufficient distance between the solid slat components.



The rear boundary fence varies this requirement. Consultation with the Shire's Asset Management Department confirmed that a variation to deemed-to-comply standards in this location did not pose a safety issue. Of note is that the road verge is particularly wide, being approximately 6m, and no footpath is located within this area. Given there is no safety concerns about the fence height from a traffic perspective, a boundary fence at full height is appropriate given the concerns raised about privacy and overlooking.

Clause 5.3.5 Vehicular access

Clause 5.3.5, C5.2 requires 'no driveway wider than 6m at the street boundary and driveways in aggregate no greater than 9m for any one property'. The proposal includes a secondary crossover towards the rear of the property, to provide the required parking bay for the ancillary. The proposed crossover/driveway is 3m in width, so it in itself is compliant. However, the application varies the maximum 9m driveway aggregate. The existing driveway is approximately 11.19m in width at the property boundary and 6.98m in width where it meets the street.

The following Design Principles are relevant to this application:

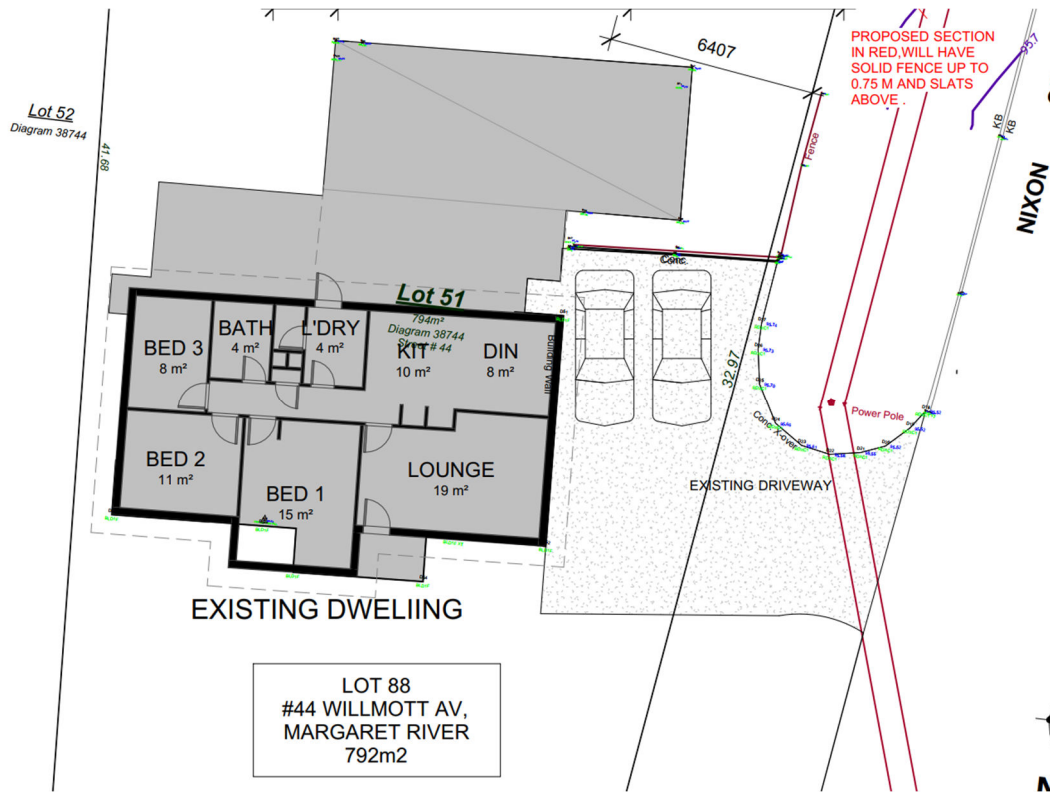
P5.1 Vehicular access provided for each development site to provide:

- *Vehicle access safety;*
- *Reduced impact of access points on the streetscape;*
- *Legible access;*
- *Pedestrian safety;*
- *Minimal crossovers; and*
- *High quality landscaping features.*

The application was discussed with the Shire's Asset Management Department and they had no concerns about vehicle access safety. The new crossover is compliant, and so does not introduce any additional safety risks to the streetscape, including for pedestrians. Legible access to both the main dwelling and ancillary is provided.

The existing crossover is larger than deemed-to-comply standards as it combines a driveway and vehicle parking area. As can be seen in the below excerpt from the site plan, the driveway area is

constructed so that vehicles park parallel to the street, thus necessitating a larger area than if it was purely a driveway.



Whilst the design principle aims to reduce the number of crossovers, two crossovers is necessary in this instance to provide the required number of carparking bays, which are two (2) for the main dwelling and one (1) for the ancillary.

The size of the driveways is acceptable in this instance, and given the size of the driveways individually, no additional landscaping features are required.

Clause 5.5.1 Ancillary dwellings

The application is compliant with the deemed-to-comply requirements for an ancillary dwelling.

The ancillary has an internal floor area of 40.5m², which is below the 70m² maximum. Sufficient parking is provided, with one (1) bay required and provided, and the ancillary is behind the street setback line which is 1.5m for a secondary street on a R15 zoned lot.

The ancillary does not preclude the single house from meeting the required minimum open space area, with 67.47% open space provided and a minimum of 50% required. There is no outdoor living area requirement for R15 zoned lots.

As the lot has a secondary street, the ancillary must comply with street surveillance requirements. A major opening is provided from Bed 1 facing the street. Window 4 (W4) has a dimension of 790mm x 1505mm (which is over 1m² as is required) and has a sill height of 1.4m (which is compliant with the 1.6m maximum sill height).

Conclusion

The applicant has taken reasonable steps to reduce the impact on the neighbouring property. The proposal meets the Deemed to Comply Standards or is capable of meeting the relevant Design Principles of the R-Codes. Conditional approval is recommended.

Determination

That the Coordinator Planning Services Grant 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 Ancillary Dwelling at 44 (lot 88) Wilmott Avenue, Margaret River subject to compliance with the following 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 -P6 received by the Shire on the 6 th April 2026
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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. Prior to lodging of a building permit application, a Landscape Plan shall be prepared to the satisfaction of the Shire. The Landscape Plan shall be drawn to scale and show the following:
 - a) The location, name and mature heights of proposed trees, shrubs and ground covers on both the subject site; and
 - b) Planting schedule/timing.
5. Fencing along Nixon Crescent is not to be solid above 0.75m above natural ground level within 1.5m of the ancillary driveway. Any fencing above 0.75m in height must be visually permeable, to the satisfaction of the Shire.
6. Clothes drying areas shall be screened form view from the primary and secondary street.

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.