

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
11 May to 17 May 2023

APPLICATIONS RECEIVED

| Date Rec'd | Reference No. | Address | Proposal |
|---|---------------|---|--|
| PLANNING | | | |
| 11/05/2023 | P223294 | Reserve 11759 (Lot 420) Wallcliffe Road, Margaret River | Outbuilding (Margaret River Gold Club) |
| 11/05/2023 | P223295 | 29 (Lot 1) Wooredah Crescent, Prevelly | Single House |
| 11/05/2023 | P223296 | 46 (Lot 25) Isaacs Road, Margaret River | Holiday House (Large) Renewal |
| 12/05/2023 | P223297 | 42 (Lot 28) Sabina Drive, Molloy Island | Outbuilding (Water Tank) |
| 16/05/2023 | P223300 | 92 (Lot 183) Dalton Way, Molloy Island | Single Dwelling (Alterations and Additions) |
| BUILDING | | | |
| 11/05/2023 | 223230 | 87 (Lot 1) Bussell Highway, Margaret River | Alterations and Additions - Medical Centre Internal Fit Out |
| 11/05/2023 | 223231 | 13 (lot 412) Dunnart Close, Margaret River | Swimming Pool Barrier Fence |
| 11/05/2023 | 223232 | 668 (Lot 70) Wurring Road, Cowaramup | Unauthorised Works - Relocatable Dwelling |
| 12/05/2023 | 223233 | 20 (Lot 11) Carnaby Crescent, Witchcliffe | Single Dwelling, Garage and Rainwater Tank |
| 12/05/2023 | 223234 | 10 (Lot 137) Callistemon Drive, Margaret River | Single Dwelling with attached Ancillary Dwelling, Garage, Patio and Retaining Wall |
| 12/05/2023 | 223235 | 399 (Lot 1739) Holben Road, Cowaramup | Ancillary Dwelling, Carport, Verandah and Patio |
| 12/05/2023 | 223236 | 6480 (Lot 1611) Caves Road, Margaret River | Alterations and Additions - Bathroom and Carport Addition |
| 12/05/2023 | 223237 | 253 (Lot 180) Kevill Road West, Margaret River | Steel lean-to |
| 12/05/2023 | 223238 | 22 (Lot 336) Flora Grove, Molloy Island | Private Jetty |
| 14/05/2023 | 223239 | 31 (Lot 3137) Sebbes Road, Forest Grove | Farm Shed |
| 15/05/2023 | 223240 | 53 (Lot 23) Town View Terrace, Margaret River | Refurbishment of Post Office and enclosure of existing warehouse |
| 16/05/2023 | 223241 | 140 (Lot 1957) McLeod Creek Road, Karridale | Occupancy Permit or BLD222316 (Farm Building) |
| 15/05/2023 | 223242 | 164 (Lot 661) Kevill Road East, Margaret River | Shed |
| 17/05/2023 | 223243 | 3 (Lot 559) Nuytsia Close, Margaret River | Patio and Carport |
| 17/05/2023 | 223244 | 6 (Lot 451) Smokebush Court, Cowaramup | Shed |
| 17/05/2023 | 223245 | 31-79 (Lot 1003) Wallcliffe Road, Margaret River | Shed |
| Exploration Licenses for Comment | | | |
| Nil | | | |

APPLICATIONS DETERMINED UNDER DELEGATION

| Date Rec'd | Reference No. | Address | Proposal | Outcome |
|-----------------|---------------|--------------------------------------|--|-----------|
| PLANNING | | | | |
| 18/03/2019 | P219158 | 37 (Lot 1062) Ablett Road, Cowaramup | Use Not Listed (Compost Facility) | Cancelled |
| 02/07/2019 | P219400 | 37 (Lot 1062) Ablett Road, Cowaramup | Use Not Listed (Bulk Material Transfer) & Landscape Supplies | Cancelled |
| 01/02/2023 | P223070 | 7 (Lot 304) Chapel Place, Prevelly | Holiday House (Large) Renewal | Approved |

| | | | | |
|--------------------------|---------|---|---|-----------|
| 13/02/2023 | P223096 | 2 (Lot 6) Peake Street Cowaramup | Child Care Centre | Approved |
| 13/03/2023 | P223155 | 5 (Lot 8) Lake View Crescent, Prevelly | Single Dwelling (Alterations and Additions) | Approved |
| 15/03/2023 | P223164 | 26 (Lot 331) Hardy Street, Augusta | Holiday House (Large) Renewal | Approved |
| 17/03/2023 | P223168 | 41 Clarke Road, Margaret River | Community Purpose (2x Water Tanks) | Approved |
| 19/03/2023 | P223169 | 11 (Lot 30) Wooredah Crescent, Prevelly | Holiday House Renewal | Approved |
| 20/03/2023 | P223172 | 23 (Lot 117) Woodland Drive, Margaret River | Holiday House (Large) Renewal | Approved |
| 21/03/2023 | P223174 | 6 (Lot 104) Walton Way, Gracetown | Holiday House Renewal | Approved |
| 23/03/2023 | P223185 | 2 (Lot 376) Storm Bay Road, Augusta | Holiday House (Renewal) | Approved |
| 24/03/2023 | P223190 | 16 (Lot 161) Illawarra Avenue, Margaret River | Holiday House (Renewal) | Approved |
| 27/03/2023 | P223195 | 158 (Lot 115) Railway Terrace, Margaret River | Holiday House Renewal | Approved |
| 28/03/2023 | P223198 | 114 (Lot 42) Blackwood Ave, Augusta | Holiday House Renewal | Approved |
| 28/03/2023 | P223201 | 4 (Lot 37) Curtis Avenue, East Augusta | Single Dwelling (Outbuilding) | Approved |
| 29/03/2023 | P223203 | Unit 14/20 (Stata Lot 14 of 229) Riedle Drive, Gnarabup | Holiday House (Renewal) | Approved |
| 29/03/2023 | P223206 | 16 (Lot 8) Offshore Crescent, Margaret River | Single Dwelling (Additions to Alfresco Area) | Approved |
| 29/03/2023 | P223207 | 8 (Lot 48) Lakeview Crescent, Prevelly | Holiday House (Renewal) | Approved |
| 30/03/2023 | P223211 | 53 (Lot 722) Trinder Drive, Margaret River | Rural Produce Sales (Boutique Cellar Door Sales) | Approved |
| SUBDIVISIONS | | | | |
| 22/03/2023 | P223192 | Subdivision 5230 (Lot 4) Caves Road, Gracetown | Subdivision 5230 (Lot 4) Caves Road, Gracetown | Completed |
| LOCAL LAW PERMITS | | | | |
| 03/05/2023 | P223293 | Permit to operate mobile food business (one month extension) - Little Hand Dumpling House. Flinders Bay - Reserve 24653, Davis Road Augusta | Permit to operate mobile food business (one month extension) - Little Hand Dumpling House. Flinders Bay - Reserve 24653, Davis Road Augusta | Approved |

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

| Date Rec'd | Reference No. | Address | Proposal | Recommendation |
|-----------------|---------------|---|---|-------------------------|
| PLANNING | | | | |
| 10/01/2023 | P223011 | 11 (Lot 118) Mentelle Road, Burnside | Holiday House | Conditional Approval |
| 06/04/2023 | P223219 | 3 (Lot 160) Quinda Place, Margaret River | Retrospective Approval - Single Dwelling (side setback variation) | Conditional Approval |

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 Regulatory Services

Proposed Holiday House - 11 (Lot 118) Mentelle Road, Burnside

Level 3

P223011; PTY/12326

REPORTING OFFICER : Tessa Ashworth
DISCLOSURE OF INTEREST : Nil

| General Information | |
|---|---|
| Lot Area | 22091m ² |
| Zone | RR |
| Existing Development | <input checked="" type="checkbox"/> Single House <input type="checkbox"/> Grouped Dwelling |
| Proposed use | A planning application has been received for a Holiday House use. The existing dwelling is to be used to accommodate up to 6 short stay guests at any one time. The management arrangements are to be Peter Manning of 15 Lantana Lane Margaret River. |
| Permissible Use Class | 'A' – discretionary use |
| Advertising Required | Yes – completed |
| 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 | 10/01/2023 |
| Date of Report | 15/05/2023 |



| Have there been any objections? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
|--|--|
| Comments Received | |
| Nature of Submission | Officer Comments |
| 1 x objection - Concerns regarding parties and noise in a quiet neighbourhood. | Objection is noted. The proponent will have a 12 month period to demonstrate that they are |

| - Loss of housing and long term rentals for local residents. | having no noise impact on the surrounding properties. | |
|--|---|---|
| 1 x submission of support | Unfortunately the lack of long term rentals is unable to be addressed in this application. Noted. | |
| Policy Requirements | | |
| Policy Element | Provision | Comment |
| Location | Coastal settlement | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | Urban area located within Policy Plan 1? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | Within 50m of Village Centre zone? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | Located outside of Policy Plan 1 but comprise of an area not less than 1ha? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Design / Layout | One parking bay per bedroom, Or two bays for grouped dwellings | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| | Reticulated water supply, or minimum 120,000 (plus firefighting provision) rainwater tank? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| | Existing or proposed one site effluent disposal system sized accordingly to number of guests? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| | Decks and balconies located away from the bedrooms of neighbouring dwellings? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| | Decks and balconies located close to the living and dining areas of neighbouring dwellings, provided with suitable screening? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| | Each bedroom accommodates a maximum of two persons? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Fire | If within bushfire prone area a BAL provided? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| | For sites with a BAL above Low, a BMP prepared by accredited consultant and where required referred to DFES for comments? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| | BAL rating at BAL-40 or FZ? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Management | Management Plan submitted? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| | BEEP provided | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| | Manager, or employee permanently resides 35m drive from Site? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| | House Rules? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| | Amplified music may not be played outside between the hours of 10pm to 10am | Require as a condition |
| | Display the manager's 24hr contact details | Require as a condition |
| Recommended period of approval | <input checked="" type="checkbox"/> 12 months <input type="checkbox"/> 3 years | |

OFFICER RECOMMENDATION

That the Coordinator Planning Services 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 a Holiday House at 11 Mentelle Road, Burnside 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 | Plans 1 & 2 received by the Shire 10 January 2023 |
|--------------------------|---|

- The Holiday House use permitted for a period of **12 months** from **<date of this approval>** to **<end of date of approval>**. (Refer to advice note 'a')

3. The approved Bushfire Emergency Evacuation Plan and Bushfire Management Plan shall be displayed in a conspicuous location within the dwelling at all times.
4. A Manager or a contactable employee of the Manager that permanently resides no greater than a 35 minute drive from the site shall be nominated for the Holiday House and this person shall attend to any callout within 35 minutes 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')
5. At all times the Holiday House use is in operation, the 24-hour contact details of the **Manager** of the Holiday House shall be displayed on a sign that is clearly visible from the nearest street frontage. The sign is limited to a maximum size of 0.2 metres square and not exceeding 1.5 metres in height from the ground level. The sign shall be erected within the property frontage and must be visible from the front street. (Refer to advice note 'c')
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. Amplified music shall not be played outside of the holiday house between the hours of 10pm and 10am.
9. 'House Rules' shall be developed to the satisfaction of the Shire 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 to advice note 'f')
10. Any marketing material for this Holiday House shall include display of the planning approval reference number for this approval. (Refer to advice note 'g')

ADVICE NOTES

- a) Following satisfactory performance of the approved use, and in the absence of any substantiated complaints over the twelve (12) month approval period, the Shire may grant further planning approval for the continuation of the use for a further three (3) years. A new planning application seeking such 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) Evidence of installation of the sign will be required to be provided, to the satisfaction of the Shire, at the time an application to renew the Holiday House use is lodged.
- 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.
 - (i) 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).
- g) Evidence of the display of the planning approval reference number within the marketing of the Holiday House is required to be provided, to the satisfaction of the Shire, at the time an application to renew the Holiday House use is lodged. Applicants are advised to include a screenshot of the website, to show that the planning approval reference number is being displayed.
- h) Please note that the Shire does not notify landowners in writing of the expiry of a Holiday House planning approval. It is the owners responsibility to monitor and ensure that the planning approval remains valid while the use is being undertaken.

- i) Please note that approval as short stay accommodation will change the rating category applied to the property to Tourism and may lead to an increase in rates levied for the site. For further information on these changes contact the Shires Revenue team on 9780 5234 or by email at revenue@amrshire.wa.gov.au.



DEVELOPMENT APPLICATION ASSESSMENT
Report to Manager Planning and Regulatory Services

Proposed Retrospective Approval - Single Dwelling (side setback variation)
3 (Lot 160) Quinda Place, Margaret River

Level 3

P223219; PTY/10986

REPORTING OFFICER : Don Bothwell
DISCLOSURE OF INTEREST : Nil

| | |
|----------------------------------|---|
| General Information | |
| Lot Area | 2154m ² |
| Zone | Residential R5 |
| Proposed Development | <p>The proposal involves a new Single Dwelling, Ancillary Dwelling and Outbuilding (Free Standing Garage/Boat Store). The application proposes the following variations to Clause 4.21.2 (d) of Local Planning Scheme No. 1 (LPS1) as follows:</p> <ul style="list-style-type: none">• 2.5m – 5.990m in-lieu of 5m from the proposed single dwelling to the eastern lot boundary;• 3.0m – 5.896m in-lieu of 5m from the proposed ancillary dwelling to the western lot boundary; and• 1.017m – 1.798m in-lieu of 5m from the proposed boat store to the north-eastern lot boundary. <p>The lot is located at the end of the cul-de-sac head of Quinda Place and is bound by seven (7) adjoining properties, four of which back onto the left (east) boundary of the subject property.</p> |
| Permissible Use Class | Single Dwelling – ‘P’ |
| Heritage/Aboriginal Sites | None identified. |
| Encumbrance | Nil |
| Date Received | 06/04/2023 |





| Policy Requirements | |
|--|---|
| Is the land or proposal referred to in any Council Policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | |
| If yes, state the Policy/Policies Local Planning Policy No. 1 – Outbuildings, Farm Buildings and Swimming Pools (LPP1) | |
| Officer Comment | <p>Clause AD1.5 of LPP1 sets out that on properties coded residential R5, the 5m side setback does not apply to Outbuildings (including water tanks) and swimming pools where located behind the rear elevation of the associated dwelling and where complaint with tables 2a and 2b and clause 5.4.1 of the R-Codes.</p> <p>Given that the proposed the proposed Outbuilding (Free Standing Garage/Boat Store) is not located behind the rear elevation of the proposed dwelling, the 5m setback requirement remains applicable to the Outbuilding. The proposed side setbacks to the main dwelling and the outbuilding are discussed in detail below.</p> |
| Structure Plans and Local Development Plans (LDP's) | |
| Is the land in any Structure Plan Area or subject to a LDP? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | |
| If yes, state the Policy/Policies Ashton Street Local Structure Plan | |
| Planning History | |
| <p>A Building Permit has been issued for a similar design with the single dwelling 1m closer to the left (east) side boundary. The sand pad associated with the dwelling was subsequently constructed on the subject lot. The Shire contacted the applicant to advise that the 5m side setback requirement applied to the site and that a development application addressing this to be submitted to the Shire. The applicant subsequently submitted the subject development application with the dwelling relocated 1m to the west, away from the eastern boundary.</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 No. received: 2 submissions of objection received |
| Details of Submission | Officer Comment |

| | |
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| <p><u>Submission 1</u></p> <ol style="list-style-type: none"> 1. Strongly opposed to proposal right along our boundary. Not in keeping with area and violation of the 5m building envelope. 1. Peaceful, quiet enjoyment and feeling of space on our property and would be greatly diminished. 2. Majority have complied with rules which maintains special rural feel of area. Ample space to move the residence within the 5m building envelope. 3. Extremely concerned about the development devaluing our property due to its close proximity and decreasing feeling of space. 4. Planned house position directly behind our work shed where we chop wood and house chickens. 5. Concern over increased fire risk and easement that runs along the back of our property. | <p>Noted. The proposed main dwelling is setback 2.5m – 5.990m with a portion of wall 14.990m in length and 3.0m in height setback 2.5m from the left (east) side boundary. It is considered that the staggered setbacks ranging from 2.5m – 5.990 from the left (east) side boundary will not have an undue impact on the amenity of the adjoining properties in relation to building bulk or scale, access to direct sunlight, ventilation or overlooking.</p> <p>Noted. The proposed outdoor living areas of the dwelling are orientated towards and located on the western side of the dwelling ameliorating any adverse amenity impacts in terms of potential noise from alfresco/outdoor living areas. In terms of the feeling of space, it is noted that the adjoining properties to the east and north-east have relatively large outbuildings within their respective 6m rear setback areas.</p> <p>Noted. Given the relatively unique lot configuration and location with seven (7) adjoining landowners, it is considered that on balance, the design of the dwelling and how it is proposed to be situated within the lot is considered acceptable and not to have an undue impact on the amenity of the immediate locality.</p> <p>The concerns regarding the potential devaluing the neighbours property have been duly noted, however, are not a valid planning consideration.</p> <p>Noted. Please refer to response to points 1 – 3 above.</p> <p>Noted. The BAL assessment report accompanying the application determines a BAL12.5 rating which is low risk. The proposed development will be required to comply with the National Construction Code in terms of fire separation for buildings. The easement at the rear of the neighbours property is unaffected by the proposed development.</p> |
| <p><u>Submission 2</u></p> <ol style="list-style-type: none"> 1. Not in support of application with reduced setbacks to the main house and the boat store just 1.25m from our property. 1. While main house does not abut our property, it will be very visible and contribute to feeling of being crowded. | <p>Noted. The proposed boat store is part of an outbuilding which also comprises a double garage. The boat store itself is an open style structure similar to that of an open style carport. The proposed outbuilding satisfies the height and size requirements for outbuildings contained in LPP1 for this locality. The open style boat store is not considered to have an adverse impact on the adjoining properties in terms of building bulk or scale, access to direct sun, ventilation or overlooking.</p> <p>Noted. The proposed dwelling and subject property are located at the rear elevation of the four (4) adjoining properties to the east with the single storey development not considered to have an adverse impact on the amenity of these properties</p> |

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| <p>2. Proposed development completely occupies the northern frontage and 1.017m from the eastern elevation. Question the need triple carport, double garage and boat store when non-complaint and inconvenience adjoining properties.</p> <p>3. We recommend the Shire requires alternative plans to achieve the following:</p> <ul style="list-style-type: none"> - Modify the carport/concrete path/garage/boat store to comply with the 5m setback requirement, - Relocate the main house to comply with the 5m setback requirement. | <p>in terms of building bulk or scale, overlooking, access to sunlight or ventilation.</p> <p>Noted. The proposed carport and garage and boat store comply with the relevant deemed-to-comply provisions of the R-Codes. The open style carport allows for passive surveillance to the cul-de-sac head of Quinda Place from the proposed ancillary dwelling abutting the carport to the south. In relation to the setback of the proposed boat store from the left (east) side boundary, please refer to the response to point 1 above. 3 Car bays are required for this type of development (Two for dwelling and one for the Ancillary).</p> <p>Noted. The applicant has advised that the design has taken into account the relatively large outbuildings in the rear setback area of the eastern adjoining properties with the rear of the proposed dwelling orienting towards these existing outbuildings. The proposed setbacks to the eastern boundary of 2.5m/4.5m/5.990m for the for the portions of wall to the dwelling and 1.017m – 1.798m are considered sufficient in this context. A condition has been included in the recommendation for the planting of vegetative screening along the east and north-east boundaries to provide screening to the adjoining properties.</p> |
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| 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 | 12m | 12.607m | Complies |
| Side Setbacks | | | Complies - proposed setbacks satisfy tables 2a and 2b of the R-Codes. |
| Rear Setback | 6m | 10.452m | Complies |
| Secondary Street Setback | | | N/A |
| Garage/Carport Setback | 4.5m | 12.607m | Complies |
| Driveway Width | Driveway to be no wider than 6m at the street boundary | >6m | Condition included in recommendation for the crossover/driveway to be a maximum width of 6.0m |
| Garage Width | Max 50% of frontage | <50% of frontage | Complies |
| Outdoor Living Area | | | N/A |
| Open Space Requirement | 70% | 84.86% | Complies |
| Upgrade Landscaping | <input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required provision of 1 tree on the site required under Clause 5.3.2 (C2.2) to be included as part of a landscaping plan for the site which has been included in the recommendation as a condition. | | |
| Overlooking | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | |
| Street surveillance | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No Front door to the Ancillary Dwelling to be clear glazing to provide surveillance to the street which has been included. | |
| 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 | |
| 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 – 3 car bays (2 car bays for main dwelling and 1 car bay for ancillary dwelling). | Car Bays Proposed – 3 car bays |
| Building Height | | |
| Scheme / Policy Requirement | Wall - 7m | Roof - 8m |
| State the proposed building height | Wall - <7m Roof - <8m | <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. | |
| ii. Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land? | Yes. A condition for a detailed landscaping plan for the site including vegetative screening along the east and north-east boundaries. | |
| 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. Please refer to the officer comment below. | |
| v. Is the development likely to comply with AS3959 at the building permit stage? | Yes. | |
| Other Comments | | |
| Any further comments in relation to the application? | | |
| Officer Comment | <p>The variations proposed to the 5m setback requirement set out in LPS1 are supported in this instance for the following reasons:</p> <ul style="list-style-type: none"> • The setbacks to the left (east) side boundary are staggered ranging from 2.5m up to 5.990m. The staggered setbacks break the massing of the elevation to reduce building bulk as viewed from the east elevation; • The proposed single dwelling, outbuilding (garage/boat store) and ancillary dwelling are single storey and satisfy the building height requirement of LPS1, LPP1 and the R-Codes of WA; • The proposed setbacks to the eastern boundary allow for sufficient access to direct sunlight and ventilation; • No adverse impact in relation to overlooking with no major openings on the rear (east) elevation of the proposed dwelling and the finished floor level of the proposed dwelling is consistent with the natural ground level; • The proposed design has taken into account the outbuildings in the rear setback area of the eastern adjoining properties with the rear of the proposed dwelling orienting towards these existing outbuildings; and • A condition has been included in the recommendation for a landscaping plan to be submitted to and approved by the Shire. The landscaping plan is to include the planting of trees on the rear (eastern) elevation of the dwelling and boat store to ameliorate any visual impact as viewed from the eastern elevation. | |

OFFICER RECOMMENDATION

That the Manager of Planning and Regulatory 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 proposed Retrospective Approval - Single Dwelling (side setback variation) 3 (Lot 160) Quinda Place, 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.

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| Plans and Specifications | P1 – P7 received by the Shire on 6 April 2023 |
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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 by a suitably qualified and/or experienced landscape consultant. The Landscape Plan shall be drawn to scale and show the following:
 - a) The location, name and mature heights of existing vegetation being retained, proposed trees, shrubs and ground covers on both the subject site and the adjoining street verge(s);
 - b) Any lawns and paved areas to be established;
 - c) Any natural landscaped areas to be retained;
 - d) Those areas that are to be reticulated or irrigated are demonstrated to be designed using water sensitive principles;
 - e) The planting of trees along the east and north-east boundary to provide an appropriate level of screening between the single dwelling and the boat store/garage and the adjoining properties to the east and north-east of the subject property to the satisfaction of the Shire; and
 - f) Green/soft landscaping within the front setback area.
5. Landscaping shall be implemented, in accordance with the approved Landscape Plan, prior to occupation/use of the development and shall be maintained at all times.
6. The front door of the Ancillary Dwelling shall be clear glazing to provide passive surveillance to the street.
7. The crossover/driveway shall be a maximum width of 6m at the street frontage.

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.