

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
7 September to 13 September 2023

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
08/09/2023	P223566	9 (Lot 569) Tea Tree Link, Margaret River	Single Dwelling
08/09/2023	P223567	Unit 2 / 14 (Lot 1) Albany, Terrace Augusta	Outbuilding (Garage)
12/09/2023	P223573	11 (Lot 66) Thelma Street, Augusta	Single Dwelling & Ancillary Dwelling
13/09/2023	P223576	11 (Lot 21) Seahawk Rest, Gracetown	Single House
13/09/2023	P223577	410 (Lot 1004) Bussell Hwy, Margaret River	Group Dwelling (Lot 92)
13/09/2023	P223578	19 (Lot 645) Surf Break Drive, Cowaramup WA 6284	Single Dwelling (Single Dwelling & Ancillary)
13/09/2023	P223579	341 (Lot 3135) Boodjidup Road, Margaret River	Carport & Patio
BUILDING			
08/09/2023	223446	35 (Lot 322) Fantail Place, Margaret River	Timber Framed dwelling addition with timber flooring
13/09/2023	223447	92 (Lot 206) Ashton Street, Margaret River	Dwelling and Deck
Exploration Licenses for Comment			
Nil			

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				
12/06/2023	P223358	63 (Lot 10) Blackwood Avenue, Augusta	Shop Additions (Deck and Garage)	Approved
03/07/2023	P223413	25 (Lot 81) Turner Street, Augusta	Proposed Grouped Dwelling	Approved
04/07/2023	P223417	Lot 350 Leeuwin Road, Augusta	Section 40	Approved
05/07/2023	P223422	89 (Lot 4553) Forest Grove Road, Forest Grove	Holiday House (Renewal)	Approved
13/07/2023	P223433	Lot 3 Mopoke Place, Margaret River, (Parent Lot A12874)	Holiday House (Large)	Approved
28/07/2023	P223463	10890 (Lot 5585) Bussell Highway, Forest Grove	Decking and Universal Access Ramp Additions	Approved
24/08/2023	P223534	59 (Lot 298) Clarke Road, Margaret River	Covered Walkway Additions	Approved
SUBDIVISIONS				
Nil				
LOCAL LAW PERMITS				
Nil				

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
01/06/2023	P223335	35 (Lot 620) Baudin Drive, Gnarabup	Single House and Studio	Approve subject to 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
Report to Manager Planning and Regulatory Services

Proposed Single House and Studio
 35 (Lot 620) Baudin Drive, Gnarabup

Level 3 – 1 x objection

P223335; PTY/12336

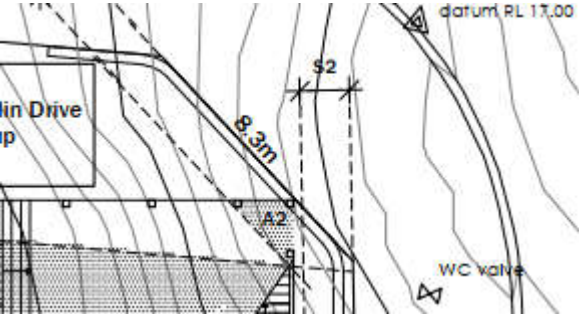
REPORTING OFFICER : Tessa Ashworth
 DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	492m ²
Zone	R20
Proposed Development	Proposed single dwelling and internal studio
Permissible Use Class	'P' Single Dwelling
Heritage/Aboriginal Sites	None
Encumbrance	Sewage easement inside the west boundary - unaffected by the proposed development.
Date Received	01/06/2023



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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

If yes, state the Policy/Policies		Gnarabup Beach Structure Plan 2007	
Officer Comment		Designates residential coding for the area and the subject site as R20 duplex.	
Planning History			
14/12/2021 Single Dwelling Approved (P221870) This was never constructed. Land has since been sold to new owners.			
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 The proposal was advertised due to the nil setback proposed to the corner truncation in lieu of 1.5m and excavation within the front setback area more than 0.5m below natural ground level.	
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 <ul style="list-style-type: none"> • Nil setback gains more elevation than allowed. • Rooftop deck will be an eyesore and affect their privacy as will have an uninterrupted view of their front balcony. • Extra elevation and rooftop deck will impact negatively on value of their property. 		<ul style="list-style-type: none"> • The reduced setback is discussed further below. • Elevation of rooftop deck balustrade is below the 8m height limit. Condition will be applied to ensure compliance with the overall height limit of 8m. • Neighbours front balcony is 48m away from the proposed rooftop deck. This is outside the visual privacy provisions which stipulate 7.5m cone of vision setback for outdoor living areas. • Effect on property value is not a matter that can be considered through the planning process. 	
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	9m to wall 4.5m to deck/patio	Unenclosed area can project into street setback area to a maximum of half (5.1.2 C2.4)
Sides Setback	3.8m 11.1m length 7m height	9m	Complies
Rear Setback	1.6m Table 2a 6.7m wall height above NGL at highest point. Wall length 11.1m. 1.6m	1.6m	Complies Amended plans to comply with 1.6m setback (previously 1.5m). No major openings on south elevation. Windows under 1m ²
Secondary Street Setback	1.5m Truncation 1.5m	1.5m to ground floor, 0m to deck	Variation – deck and crow's nest project to lot boundary.
Garage/Carport Setback	1.5m from secondary street	3m	Complies
Driveway Width	>3m/<6m	4.3m/3m	Complies
Garage Width	<50%	~23%	Complies
Outdoor Living Area	m ²	m ²	Complies
Open Space Requirement	50%	78%	Complies
Ancillary dwelling	70m ²	65m ²	Complies
Upgrade Landscaping	<input type="checkbox"/> Required <input checked="" type="checkbox"/> Not Required		
Overlooking	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <ul style="list-style-type: none"> • Overlooking complies – glass sliding door from non-habitable space (garage) • Upper story windows on south elevation less than 1m² 		
Street surveillance	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Street Walls and Fences	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

Overshadowing	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Up to 25% for R20 – 22% provided
Other Variations	<input type="checkbox"/> Yes <input type="checkbox"/> No
Officer's Comments against performance criteria	<p>5.1.2 Street Setback As indicated above a nil secondary street setback is proposed in lieu of 1.5m. The substantive component of the dwelling is setback at 4m, however the first-floor deck and the crow's nest have a nil setback to the NE corner of the lot.</p> <p>Where a variation is proposed to the deemed to comply standards of the R-Codes, it needs to be assessed against the relevant design principles. The design principles are provided below:</p> <p>P2.1 Buildings set back from street boundaries an appropriate distance to ensure they:</p> <ul style="list-style-type: none"> • contribute to, and are consistent with, an established streetscape; • provide adequate privacy and open space for dwellings; • accommodate site planning requirements such as parking, landscape and utilities; and • allow safety clearances for easements for essential service corridors. <p>P2.2 Buildings mass and form that:</p> <ul style="list-style-type: none"> • uses design features to affect the size and scale of the building; • uses appropriate minor projections that do not detract from the character of the streetscape; • minimises the proportion of the façade at ground level taken up by building services, vehicle entries and parking supply, blank walls, servicing infrastructure access and meters and the like; and • positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework. <p>In response to P2.1, the following comments are provided:</p> <ul style="list-style-type: none"> • The setbacks proposed are consistent with the adjoining properties. • The dwelling is to be rammed earth and timber cladding which will blend into the established vegetated streetscape and surrounding landscape. • Topography of the site constrains the layout. The location of the dwelling provides sufficient open space whilst maintaining requisite setback from the sewerage easement at lower side of the lot and accommodating space for sufficient parking and landscaping. • Minimal privacy concerns. The eastern location of the dwelling maximises separation distance from the western neighbour. A road reserve separates the dwelling from the eastern adjoining property. <p>In response to P2.2, the following comments are provided:</p> <ul style="list-style-type: none"> • Projection to corner truncation has low building bulk with 2m² corner of open wooden decking over 2 levels within the setback. • Large 6m verge on the corner will minimise impact on streetscape as does not project near to street. • Design of the dwelling is well considered and is consistent with the prevailing development of the area.  <p>5.3.5 Vehicular Access Access to be from both primary and secondary street which is a variation to the requirements of the R-Codes, which promotes access being limited to the secondary street (Freycinet Way) only. Access from Baudin Drive (primary street) is safe and legible, and no associated carport or garage is proposed, maintaining passive surveillance between the dwelling and Baudin Drive.</p> <p>5.3.7 Site Works Retaining variation as over 0.5m in front setback. Retaining wall follows the boundary, ranging from 0.3m in front setback (Baudin Dr) to 1m along corner truncation and 1.2m along secondary street boundary (Lesueur Pl). The excavation is purported for the following reasons:</p>

	<ul style="list-style-type: none"> The site works are considered to respond to the natural features of the site with minimal excavation given the slope of the site (approximately 6m fall). It allows for efficient use of the small site and does not detrimentally affect adjoining neighbours. It allows the dwelling to move further away from the southern neighbours and is consistent with retaining proposed on adjoining properties. Natural ground level as viewed from the street will be maintained, as the retaining will not be visible from the street. Does not detrimentally affect adjoining properties as is located on the corner away from neighbouring dwellings. Allows applicant to maximise use of site. Retaining is to be formed of stabilised earth which will blend into the landscape.
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 Proposed - 3
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
Disabled Bays	Disabled Bays – n/a <input type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply
Building Height	
Scheme / Policy Requirement	Wall - 7m Roof - 8m
State the proposed building height	Wall – 6.7m <input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply Roof - 8m
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	<p>LPS1 – Gnarabup Area - SCA3</p> <p>Development is compatible with the surrounding environmental and natural landscape attributes, with stabilised earth and timber cladding used as the main external material. Roof to be surfmist in colour with a 1-degree slop that angles to the south. This is a variation to the visual management requirements. However, it will not be visible from the street, is unlikely to affect surrounding landowners with reflection and there were no objections to the colour. The colour is consistent to the roofs of surrounding dwellings and given the very low pitch is capable of being supported.</p> <p>The dwelling responds well to the contours of the site, dropping in height down the slope and has a relatively small ground floor footprint at 114m². Placement of the building on the north-eastern highest side of the block allows for access to views of significance towards the north-west for the proposed dwelling, while also maintaining the views of Lot 621 to the south. Placement of the proposed dwelling any further to the west will impose on the most significant aspect of Lot 621's outlook.</p> <p>Objections raised by the submitter have been considered, however, it was deemed no changes are required to the proposal. In the instance if the crow's nest was brought back behind the 1.5m corner truncation setback to be compliant with the R-Codes, the difference in terms of impacts are considered to be negligible. The FFL of balcony of neighboring dwelling approximately 26.4m, with the FFL of crow's nest for proposed dwelling at 22.42m, approximately 4m higher. The difference in height will mean that impacts on views are anticipated to be minimal.</p> <p>Conditional approval recommended.</p>
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?	n/a – no vegetation on 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
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	No.

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OFFICER RECOMMENDATION

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 proposed Single House and Studio at 35 (Lot 620) Baudin Drive, Gnarabup 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	Plans 1 – 8 received by the Shire 1 August 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.
4. The building shall not exceed 8 metres in height from natural ground level in accordance with the provisions of Local Planning Scheme No.1.
5. A licenced surveyors report shall be submitted to the Shire within 30 days of completion of the building to confirm compliance with the maximum height limit.
6. 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.

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.