

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
28 April to 4 May 2022

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
28/04/2022	P222304	38 (Lot 19) Formosa Street, Margaret River	Holiday House Renewal
28/04/2022	P222305	60 (Lot 72) Colyer Driver, Hamelin Bay	Single House (Building Envelope Variation and Outbuilding Height Variation)
28/04/2022	P222306	15 (Lot 74) Barrett Street, Margaret River	Bed and Breakfast Renewal
29/04/2022	P222307	2/16 Townview Terrace, Margaret River	Holiday House Renewal
29/04/2022	P222309	38 (Lot 43) Townview Terrace, Margaret River	Holiday House Renewal
29/04/2022	P222310	10 (Lot 5) Formosa Street, Margaret River	Holiday House Renewal
29/04/2022	P222311	5 (Lot 30) Nelligan Place, Cowaramup	Single Dwelling
29/04/2022	P222312	4 (Lot 9) Dobbins Place, Witchcliffe	Bed and Breakfast Renewal
04/05/2022	P222314	2/6 (Lot 2 of Strata Lot 4) Mann Street Margaret River	Bed and Breakfast
04/05/2022	P222315	453 (Lot 2280) Bramley River Road, Osmington	Holiday House
04/05/2022	P222316	50 (Lot 246) Callistemon Drive, Margaret River	Single House (Retaining)
BUILDING			
03/05/2022	222238	10 (Lot 58) Concerto Drive Cowaramup	Single Dwelling, Dwelling Addition, Garage, Verandah and Patio
28/04/2022	222247	3 (Lot 75) Nixon Crescent, Margaret River	Demolition of a 2 Storey Dwelling
28/04/2022	222248	Reserve 11533 (Lot 829) Albany Terrace, Augusta	Rainwater Tank
28/04/2022	222249	20 (Lot 10) Offshore Crest, Margaret River	Unauthorised Works - Conversion of a Shed into an Dwelling Addition
28/04/2022	222250	5 (Lot 240) Felling Road, Karridale	Single Dwelling, Garage x2, Workshop, Patio and Rainwater Tank
02/05/2022	222251	3 (Lot 62) Concerto Drive, Cowaramup	Single Dwelling, Verandah and Patio
02/05/2022	222252	28 (Lot 21) Kulbardi Way Witchcliffe	Single Dwelling, Carport, Store and 2 Rainwater Tanks
02/05/2022	222253	15 (Lot 245) Felling Road, Karridale	Single Dwelling, Garage and Patio
02/05/2022	222254	122 (Lot 2) Bussell Hwy, Margaret River	Occupancy Permit - Change of use and classification for existing authorised building
02/05/2022	222255	130 (Lot 14) Railway Terrace, Margaret River	Occupancy Permit - Building Completion
03/05/2022	222256	147 (Lot 31) Illawarra Avenue, Margaret River	Gazebo, Retaining, Stone Columns and Shed
04/05/2022	222257	58 (Lot 83) Forrest Road, Margaret River	Masonry Fence
03/05/2022	222258	156 (Lot 13) Rainbow Cave Road, Margaret River	Shed
03/05/2022	222259	263 (Lot 42) Cullen Road, Gracetown	Shed
04/05/2022	222260	13 (Lot 14) Mammoth Street, Witchcliffe	Patio
03/05/2022	222261	23 (Lot 29) Brookside Boulevard Cowaramup	Shed

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				
31/01/2022	P222074	23 (Lot 29) Brookside Boulevard, Cowaramup	Dwelling (Outbuilding Addition)	Approved
09/02/2022	P222100	4 (Lot 121) Loch Street, Augusta	Holiday House	Approved
21/02/2022	P222130	90 (Lot 6) Bussell Highway Cowaramup	Consulting Rooms x 2 Change of Use from Shop to Consulting Rooms (middle tenancy)	Approved

21/02/2022	P222132	Unit 14 / 20 (Lot 14 of 229) Riedle Drive, Gnarabup	Holiday House	Approved
24/02/2022	P222140	3 (Lot 6) Redgate Road, Witchcliffe	Small Bar (Change of Use from Café)	Approved
03/03/2022	P222151	Unit 16 / 20 (Lot 229) Riedle Drive, Gnarabup	Grouped Dwelling (Patio Roof Additions)	Approved
09/03/2022	P222177	263 (Lot 42) Cullen Road, Gracetown	Single House (Outbuilding Addition)	Approved
10/03/2022	P222185	30 (Lot 12) Dallip Spring Road, Burnside	Holiday House Renewal	Approved
17/03/2022	P222198	4 (Lot 218) Turner Street, Augusta	Dwelling Additions (Rock Batter & Outbuilding)	Approved
01/04/2022	P222242	Passing through Reserve 47956 (Lot 352 Bussell Highway), 35 (Lot 99) Bussell Highway and Reserve 39081 (Lot 132 Bussell Highway), Margaret River	Community Purpose (Sewer Pressure Main)	Approved
06/04/2022	P222252	122 (Lot 2) Bussell Hwy, Margaret River	Office (Alterations & Additions)	Approved
06/04/2022	P222255	33 (Lot 622) Halcyon Crescent, Margaret River	Extension of Planning Approval P220205	Cancelled
SUBDIVISIONS				
Nil				
LOCAL LAW PERMITS				
27/04/2022	P222302	Hogan Place, Witchcliffe and Surrounds	Authorisation to film on Shire property - ITV studios Australia (My Kitchen Rules) - 8 to 10 May 2022	Approved
OTHER				
23/01/2022	P222070	Lot 104 Bussell Highway, Margaret River (Margaret River Lifestyle Village)	Local Development Plan - Stage 3A	Approved

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
22/11/2021	P221874	20 (Lot 62) Le Souef Street, Margaret River	Group Dwelling x4	Refusal

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 Group Dwelling x 4 at 20 (Lot 62) Le Souef Street Margaret River

Level 3 (3 x objections received)

P221874; PTY/676

REPORTING OFFICER : Sophie Moscardini
 DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	1072m ²
Zone	Residential (R30/R40)
Proposed Development	Four two storey grouped dwellings involving variations to the <i>Residential Design Codes</i> ('R-Codes') and the Shire's <i>Local Planning Scheme No.1</i> (LPS1) including: <ul style="list-style-type: none"> ▪ ridge height up to 9.5m in lieu of 8m ▪ lot boundary setback variations ▪ landscaping variations. The application is recommended for refusal.
Permissible Use Class	Grouped Dwelling: 'D' – Discretionary
Heritage/Aboriginal Sites	No Aboriginal Heritage Sites identified on site.
Encumbrance	*0730150 – Easement Benefit for Stormwater Purposes (Registered 1/6/2021)
Date Received	22/11/2021



Figure 1: Site Plan



Figure 2: Locality Plan

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	<i>Local Planning Policy 20 – Sustainable Design (LPP20)</i>
Officer Comment	LPP20 Policy Measures: a) <i>Dwellings are to achieve a 6 +1 star energy efficiency rating as calculated in accordance with the Building Code of Australia;</i>

- a) Dwellings are to be fitted with 'grey water ready' plumbing;
- b) An array of solar photovoltaic panels are to be installed on each dwelling;
- c) Water heating is to be by means of a solar (including heat pump) or gas system;
- d) Provision of rainwater tanks of at least 3,000 litres are to be provided and plumbed to dwellings to supplement the Scheme water supply;
- e) A landscaping plan should be prepared and submitted demonstrating a water wise garden through the use of local species and other low-water using plants. Landscaping should not impact upon solar passive design of dwelling(s).

The policy provisions have in part been reflected in the development proposal and are recommended to be reflected as conditions of any approval that may be granted. The proposal is considered capable of meeting the requirements of LPP20.

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
Planning History	
P221624 – Survey strata subdivision conditionally approved in December 2021.	
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: Objections x 3
Details of Submissions	Officer Comment
<p>Density Increased density, reduced outdoor areas and reduced setbacks between dwellings sets a poor precedent.</p> <p>Height</p> <ul style="list-style-type: none"> ▪ No justification for increased height. ▪ The height variation will result in development dominating neighbouring single storey dwellings. ▪ The significant variation to the front unit will impact the street. <p>Drainage The Shire should not accept western boundary setbacks that do not take into account the future reticulation of common drainage for all lots on the west side of Le Souef Street. A strategy needs to be developed for drainage infrastructure in the locality to set aside land for a common drainage connection point. This should be resolved prior to determining development proposals.</p> <p>Energy Efficiency</p> <ul style="list-style-type: none"> ▪ It is my understanding that to achieve R40 density on this site the design must meet an energy rating of 7+ stars. ▪ Lack of north facing windows reduces potential for 7+ star energy rating. ▪ Variations do not assist in achieving a higher energy rating, a more functional, aesthetically resolved or more environmentally sensitive design. ▪ North / south ridge line of units reduces uptake for roof fitted solar energy systems. <p>Landscaping & Crossovers</p> <ul style="list-style-type: none"> ▪ Three crossovers are excessive, reduce landscaping opportunities & are adverse to the streetscape. ▪ Object to the proposal for pools which are resource intensive. Natural swimming pools are preferable. A tree would be ideally located where the pools are proposed. ▪ The street tree to be removed has not been noted. <p>Fencing</p> <ul style="list-style-type: none"> ▪ Request that future fencing is a minimum of 1.8m high for privacy reasons. <p>Privacy Privacy concerns given outlook of windows to the north.</p>	<p>Density Subdivision approval for four survey strata lots on the site was conditionally approved by the WAPC in December 2021. The lot yield is consistent with the neighbouring western lot and therefore is consistent with the pattern of contemporary development in the area.</p> <p>In relation to the built form proposed, the development does not involve variations to open space standards. The development does however involve variations to setback standards between units and does propose a substantial variation to the height standard as discussed further in this report.</p> <p>Therefore, while the lot yield is in accordance with the development standards for the locality, the scale and visual impact of the proposal does raise concerns.</p> <p>Height The proposal involves significant variations to the height standards under LPS1 and in relation to the surrounding single storey development. The concerns raised in the advertising period were communicated to the applicant who advised the following:</p> <ul style="list-style-type: none"> ▪ Reducing the ridge height would result in an increased wall height and a poor aesthetic appeal. Although over height, the development as proposed is considered to have less of an impact. ▪ The roof pitch is also designed so solar panels sit flush onto the roof, altering the roof height and in turn pitch would require the panels to be installed on stilts which would have an increased impact on the amenity of the neighbourhood. ▪ The dwellings follow the natural ground level of the site, avoiding site works and retaining which would create further overshadowing. <p>The applicant's comments are noted, however they do not respond to the concerns and do not respond to the justification criteria under LPS1 for a variation to the height standard.</p> <p>Drainage The rear boundary setback on the development site has been increased, to the satisfaction of the Shire's Infrastructure section, to accommodate the drainage requirements of the broader locality as raised in the submission.</p> <p>With regard to onsite stormwater management, the development site has an easement benefit over the western property to secure the right to discharge stormwater via the adjoining western lot.</p> <p>With regard to the issue of stormwater management in the locality, the development setback at the rear of Lot 62 was</p>

modified to allow for development of drainage infrastructure. With future installation of this infrastructure along the rear of lots on the west side of Le Souef Street, intensification of development on these lots can be accommodated. In the interim, private arrangements with lots fronting Town View Terrace is needed to as has occurred with the subject site.

It is not possible for the Shire to require the proposal to be amended further to accommodate drainage servicing requirements of neighbouring lots. Therefore, the measures taken in this case, to increase the setback are considered sufficient to respond to the concern raised.

Energy Efficiency

The applicant will be required to submit an energy rating report as part of the building permit which will demonstrate the compliance with the 7+ stars. This process is consistent with the other grouped dwelling developments at the R40 density. The applicant is aware that this will be included as a condition of approval of any approval granted.

The applicant advises that the orientation of the roof pitch has been designed to allow for maximum northern sunlight into the dwelling and the orientation of the solar panels will still achieve a great amount of solar access.

Landscaping

Access to the site has been proposed via two crossovers. The applicant advises, this is due to a separate access way to Unit 1 to increase the street presence and avoid a reduced front setback. The additional crossover is for Unit 1 only and provides additional onsite parking for guests via the driveway. The total length of the combined crossovers is less than 9m which is compliant with the R-Codes.

A revised landscaping plan was submitted following the outcome of the advertising period. The revised plan increased the landscaped area and included stepping pavers to reduce hard surfaces onsite. The two existing street trees fronting Le Souef Street are shown in the amended proposal to be retained.

Fencing

The applicant advises that the builder will liaise with the adjoining neighbours during construction regarding changes to the fence line and that fencing will be replaced as required.

Privacy

The plans have been amended to show frosted glass to the master bedroom windows on the first floor of Units 2-4.

Internal Department Comments

Infrastructure
 The Shire's Infrastructure Section determined that a 3m wide drainage easement would be required along the western boundary of the property.

The required size of the drainage pipe is 225mm diameter, not 150mm as suggested by the applicant. A nominal level has been set for the pipe at future pits to be located both upstream and downstream of the development site. The Shire will seek external advice on the invert level that the stormwater pipe has to be installed within the subject site, but this is only required prior to commencement of earthworks on the site.

Lot 62 Le Souef Street will be required to provide onsite stormwater storage for the 1% AEP with slow release to predevelopment flows, which drains to the drainage easement as provided by 57 Townview Terrace to the benefit of Lot 62. An engineered stormwater design shall be submitted to the Shire for review demonstrating compliance the Shire's requirements.

To allow for the site to be developed the Shire will require a drainage easement up to and possibly wider than 3m along the rear (Western) boundary. Prior to proceeding with any works the proponent will be

Officer Comments

The amendments to provide the 3m rear setback resulted in modifications to the lot sizes as follows:

Submitted site areas	Modified site areas
Unit 1: 246.8m ²	Unit 1: 274.5m ²
Unit 2: 242.5m ²	Unit 2: 239.5m ²
Unit 3: 242.5m ²	Unit 3: 239.5m ²
Unit 4: 292.5m ²	Unit 4: 318.5m ²

The modified lot sizes remain consistent with the requirements of the R-Codes, however the changes require a modified subdivision with the WAPC. A condition is recommended to be applied in any approval that may be granted to require evidence of the amended subdivision approval to this effect at the building permit stage.

A drainage easement is required as a condition of any approval granted to secure the 3m drainage infrastructure along the rear boundary. This is required for the future stormwater infrastructure to allow for development of the properties on the western side of Le Souef Street. The easement is recommended to be required as a condition of any approval that may be granted.

In relation to the crossovers, the applicant advises that safe access and egress is only possible with a separate crossover to

required to confirm the easement requirements with the Shire's Asset Services Department. The design shows multiple crossovers are proposed from the development to the Le Souef Street Road pavement, one crossover to serve the battle-axe providing access to the rear units and a double crossover serving the proposed unit adjoining the Le Souef Street Road reserve. Ideally, to reduce the amount of sealed road reserve, all units would access from the battle-axe, if this is not possible then the proponent should landscape the area of the road reserve between the two accesses.	Unit 1. A condition is recommended to any approval granted requiring landscaping between the crossovers and on the street verge.		
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 type="checkbox"/> Yes	<input type="checkbox"/> No	
Design Element	Policy / R Codes	Provided	Officer comment
Site Area (min average)	Min – 180m ² Av – 220m ²	Lot 1 – 274.5m ² Lot 2 – 239.5m ² Lot 3 – 239.5m ² Lot 4 – 318.5m ²	Complies.
Front Setback	4m	4.949m	Complies.
Sides Setback (North / South)	<u>Northern boundary</u> Ground Floor Lot 1: 1.1m Lots 2 – 4: 1.5m Upper Floor: Lot 1: 1.2m Lots 2 – 4: 1.2m <u>Southern Boundary</u> Ground Floor Lot 1: 1m Lots 2 – 4: 1.5m Upper Floor Lot 1: 2.3m Lots 2 – 4: 2.3m	<u>Northern Boundary</u> Ground Floor Lot 1: 1.2m Lots 2 – 4: 2m & 4.5m Upper Floor Lot 1: 1.2m Lots 2 – 4: 2m & 4.5m <u>Southern boundary</u> Ground Floor Lot 1: 1.2m Lots 2 – 4: 2.5m Upper Floor: Lot 1: 3.6m Lots 2 – 4: 3m – 7m	Complies. Complies with cl. 5.4.1 C1.1 Visual Privacy.
Rear Setback (Lot 1) Side Setback (Lot 2 – 4)	Ground Floor Lot 1: 1.5m Lot 2: 1.1m Lot 3: 1.1m Lot 4: 1.1m Upper Floor Lot 1: 1.1m Lot 2: 1.5m (0.75m eaves) Lot 3: 1.5m (0.75m eaves) Lot 4: 1.5m	Ground Floor Lot 1: 1.0m (0.5m variation) Lot 2: 1.0m (0.1m variation) Lot 3: 1.0m (0.1m variation) Lot 4: 3.026m Upper Floor Lot 1: 1.1m Lot 2: 1.1m (0.4m variation) 0.65m (Eaves – 0.10m variation) Lot 3: 1.1m (0.4m variation) 0.65m Eaves – 0.10m variation) Lot 4: 1.8m	Variation (Lots 1 – 3) Clause 5.1.3
Storage Area	4m ²	Yes	Clause 5.4.4
Garage/Carport Setback	4m	4m (Lot 1)	Complies.
Driveway Width	>9m	CP – 3m Unit 1 – 5.21m Total - 8.21m	Complies.
Garage Width	10m	6.150m	Complies.
Outdoor Living Area	20m ²	34.2m ²	Complies.

Open Space Requirement	45%	>50%	Complies.
Upgrade Landscaping	<input checked="" type="checkbox"/> Required	<input type="checkbox"/> Not Required	
Overlooking	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Street surveillance	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Street Walls and Fences	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Overshadowing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	The proposed development provides 15.2% overshadowing to the southern neighbour. This is compliant with requirement that overshadowing shall not exceed 35% of the site.
Officer's Comments against design principles	<u>Lot Boundary Setbacks</u> The proposal involves variations to the rear/side lot setbacks, or, the internal setbacks between the units. When assessed against the applicable design principles (clause 5.1.3), these variations are considered acceptable given they do not impact solar access or ventilation, do not impact major openings or cause loss of privacy, and do not impact outdoor living areas on the site.		
	<u>Landscaping</u> The proposal seeks a variation to the landscaping requirement of the R-Codes (clause 5.3.2 C2.2) which requires landscaping of the street setback area with not more than 50% of this area to consist of impervious surfaces. The development proposes only 18.1% of landscaping within the street setback area largely due to the proposed Unit 1 driveway from Le Souef Street.		
	The applicant advises that the existing topography of the site makes vehicle access to Unit 1 from the proposed common property driveway unfeasible. Evidence to demonstrate the need for the additional access to the street has not however been provided.		
	There is concern that the excessive impervious surfaces and lack of landscaping in the front setback is in conflict with the design principles of the R-Codes and does not contribute positively to the amenity of the development or the streetscape. Further the lack of landscaping in the front setback area is in conflict with LPS1 intent for development at the R40 density to ensure landscaping between the building and the street. The proposal does include one tree for each dwelling that would be located abutting the accessway improving the amenity of this area and the proposal also retains two street trees. The lack of landscaping in the front setback area however, conflicts with the Scheme and R-Codes standards. Accordingly, the proposal is considered unacceptable in this regard.		
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 - <8>		Car Bays Proposed - <8>
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 checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply	
Officer Comment	The development complies with the parking requirements of the R-Codes providing a double garage for each unit.		
Building Height			
Scheme Requirement	Wall - 7m <input checked="" type="checkbox"/> Complies	Roof - 8m <input checked="" type="checkbox"/> Doesn't Comply	
Proposed Ridge Heights	Lot 1: 9.5m (rear/west)	8.6m (front/east)	
	Lot 2: 8.752m (north)	8.643m (south)	
	Lot 3: 8.967m (north)	8.747m (south)	
	Lot 4: 9m (north)	8.747m (south)	
Officer Comment	<p>The Unit 1 ridge height was amended by 500mm from the originally advertised proposal based on height concerns. The amendments were achieved by reducing the wall height and the amended proposal has a maximum wall height of 6.24m at Unit 1. Notwithstanding, the ridge height of all four grouped dwellings exceeds the LPS1 requirement of 8m.</p> <p>The amended proposal involves significant variations to the ridge height standard with a maximum 1.5m height variation arising for a portion of the Unit 1 ridge as shown in Figure 1 below.</p> <p>The applicant has provided justification for the proposed ridge height variations as follows:</p> <ul style="list-style-type: none"> There is a notable 4m difference in height from the rear of the site to the front lot boundary. With the development proposed along the natural ground level reducing extensive amounts of site works and retaining along the boundary which would have a negative impact on neighbouring properties. 		

- The finished floor level of Unit 1 cannot be dropped given the driveway level gradients down into the garage are currently at a max which are 1:8 for the 2m transition max 1:5 slope down to garage from the existing verge/street levels. This results in an increased height at the rear of the ridge.
- The street level and verge is 700mm higher than the proposed Unit 1 finished floor level and therefore the development will not be perceived as over height from the street.
- The proposal meets all the required setbacks and does not involve any overlooking into the neighbouring property to the north.
- The proposed wall height is well under the required 7m for all developments, which reduces the bulk of the development on the neighbouring properties.
- The proposed ceiling height for Units 2 – 4 will create a more functional living space for the upper floor of the dwellings. The ceiling is proposed to rake to the upper floor at 30-degree pitch, this in turn creates additional height and volume to each of the rooms.
- The development is situated approximately 40m from the Woolworths site located on the corner of Le Souef and Willmott Avenue where the maximum height has been approved at 12m and therefore the proposed height is consistent with the existing streetscape.
- Although it could be suggested that the roofs can be pitched lower, this would conflict with the proposed solar panels. The roofs are designed to optimise the placement of solar panels flush with the roof cladding. They are angled to maximize exposure to direct sunlight. If the roof pitch is shallower, the solar panels would need to be mounted on stilts. This would have a far more significant impact on views compared to what is being proposed. With this in mind, views from nearby properties are respected.

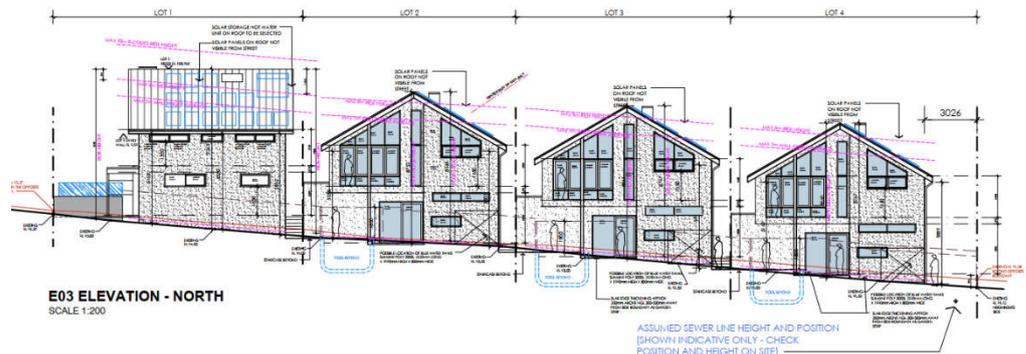


Figure 1: Ridge height variations

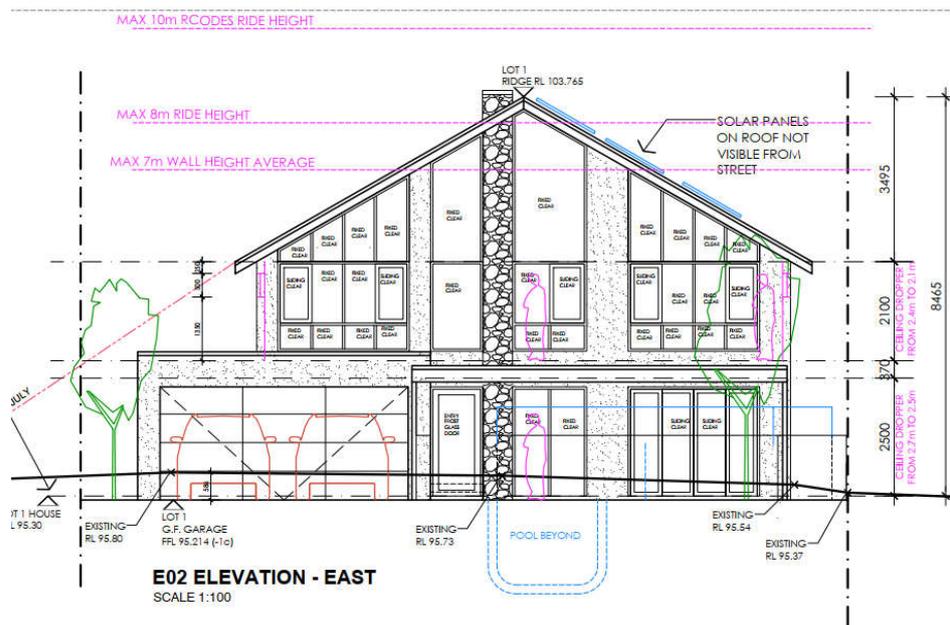


Figure 2: Unit 1 Le Souef Street frontage

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>The proposal is considered to meet a number of LPS1 provisions at clause 4.21.4, for grouped dwelling development at an R30/40 density code, specifically in relation to:</p> <ul style="list-style-type: none"> • Provision of openings that present attractively to the street. • Fencing in accordance with the R-Codes. • Provision of a plan of landscaping. • Provision of sustainable and solar passive building design. • Connection to reticulated services. <p>While a number of the relevant LPS1 provisions are met, the building at the height proposed does not meet clause 4.21.4 (b) (i) in terms of design and compatibility with development in the area. The building is considerably and uncharacteristically over height particularly when viewed from neighbouring properties to the north and south. While a plan of landscaping has been provided it demonstrates a lack of planting and excessive impervious surfaces in the front setback area. The proposal is not considered to comprehensively meet the LPS1 standards for development at the R40 density.</p>
In the opinion of the officer	
i. Are utility services available and adequate for the development?	Yes. The site incorporates an easement for stormwater purposes.
ii. Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land?	Landscaping is adequate.
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?	Yes.
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 proposal meets the required setbacks from neighbouring lots and largely complies with the R-Codes acceptable development standards. The development contains a number of openings to the street and the proposal has been amended to accommodate future drainage infrastructure to the benefit of the locality.</p> <p>The proposal however presents a significant height variation which results in an unacceptable and incompatible scale of development particularly relative to the development in the locality. The scale of the development renders it unacceptable when assessed against LPS1 standards for development at the higher R40 density. The application also generated objections to the height variation among other issues including lack of landscaping and excessive crossover development.</p> <p>The concerns about the excessive height were raised to the proponent however insufficient justification for the variations was provided. Accordingly, the proposal does not meet the criteria set out in LPS1 to allow for additional height. In particular there is insufficient justification to demonstrate that site constraints prevent compliance with the height limit, and justification has not been provided to demonstrate that to be functional the buildings must be higher, or, that any other extraordinary circumstances exist to allow the proposed variations.</p> <p>The development is not considered to be in harmony with the general character of the locality and will therefore have a negative impact to the amenity of the adjoining lots whilst also creating a precedent for additional unnecessary height variations. As a result, the proposal is recommended for refusal.</p>

OFFICER RECOMMENDATION

That the Manager Planning & Regulatory Services REFUSES TO 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 Group Dwelling x 4 at 20 (Lot 62) Le Souef Street Margaret River for the following reasons:

REASONS FOR REFUSAL

1. The proposal fails to comply with clause 5.13.1(b) of the Shire of Augusta Margaret River *Local Planning Scheme No. 1* (the Scheme) because it exceeds the 8m ridge height standard by 1.5m.
2. Site constraints, functional requirements or any other extraordinary circumstances do not exist to justify the variation to the proposed ridge height as required at Scheme clause 5.13.2.
3. The proposal fails to comply with clause 4.21.4 of the Scheme given the unacceptable height and scale of the development and the lack of landscaping in the front setback area which renders the development incompatible with existing development in the locality.
4. The proposal is inconsistent with the Deemed Provisions of the Scheme, Matters to be Considered at clause 67, with specific regard to the following:

- The aims and provisions of this Scheme with regard to building height limits.
 - The proposal is incompatible with its setting including the relationship of the development to development on adjoining land or on other land in the locality due to the proposed excessive height and scale.
 - The excessively high development with insufficient landscaping in the front setback area is considered to have an adverse impact to the amenity and character of the locality.
 - The proposal is unacceptable when assessed with regard to the submission(s) of objection received during the notification period.
5. The proposal fails to comply with the *Residential Design Codes* clause 5.3.2 given lack of landscaping and excessive impervious surfaces in the street setback area and the unacceptable adverse impact to the streetscape as a result.