

**DEVELOPMENT ASSESSMENT REPORT**  
**Shire of Augusta Margaret River**  
**3 February to 9 February 2022**

**APPLICATIONS RECEIVED**

<b>Date Rec'd</b>	<b>Reference No.</b>	<b>Address</b>	<b>Proposal</b>
<b>PLANNING</b>			
03/02/2022	P222085	Unit 4 / 62 (Lot 51) Bussell Highway, Cowaramup	Shop
03/02/2022	P222086	Unit 4 / 16 Townview Terrace, Margaret River	Holiday House (Renewal)
04/02/2022	P222089	12 (Lot 201) Fritch Road, Karridale	Local Development Plan
04/02/2022	P222090	25 Tingle Ave, Margaret River	Section 40
04/02/2022	P222091	129 (Lot 42) Freshwater Drive, Margaret River	Holiday House - Large (Renewal)
07/02/2022	P222093	88 (Lot 75) Colyer Drive, Hamelin Bay	Holiday House (Renewal)
03/02/2022	P222094	9569 (Lot 58) Caves Road, Hamelin Bay	Survey Strata (Subdivision)
07/02/2022	P222095	Unit 19 / 20 Riedle Drive, Gnarabup	Bed and Breakfast
07/02/2022	P222096	635 (Lot 23) Boodjidup Road, Margaret River	Holiday House (Renewal)
08/02/2022	P222097	63 (Lot 13) Rowe Road West, Witchcliffe	Holiday House Large (Renewal)
09/02/2022	P222098	35 (Lot 91) Waverley Road, Cowaramup	Ancillary Dwelling
09/02/2022	P222100	4 (Lot 121) Loch Street, Augusta	Holiday House (Renewal)
09/02/2022	P222101	40 (Lot 441) Ned Higgins Lane, Margaret River	Offices x2 & Serviced Apartments x3
09/02/2022	P222102	29 (Lot 1) Osborne Street, Gracetown	Chalet Alterations
09/02/2022	P222103	26 (Lot 331) Hardy Street, Augusta	Holiday House Large
09/02/2022	P222104	8588 (Lot 103) Bussell Highway, Cowaramup	Wall Sign Addition
03/02/2022	P222105	114 (Lot 4) Ashton Street, Margaret River	Subdivision
<b>BUILDING</b>			
07/02/2022	222045	10 (Lot 178) Jacaranda Crescent, Margaret River	Shed
03/02/2022	222053	15 (Lot 455) Smokebush Court, Cowaramup	Patio
03/02/2022	222056	Lot 1004 Hawkesford Place (MRLV Club House), Margaret River	Swimming Pool
03/02/2022	222058	13074 (Lot 102) Bussell Hwy, Kudardup	Ancillary Dwelling
04/02/2022	222059	15 (Lot 13) Wolghine Ave, Witchcliffe	Single Dwelling, Alfresco, Detached Garage and Rainwater Tank
03/02/2022	222060	11 (Lot 23) Tallwood Loop, Witchcliffe	Shed
03/02/2022	222061	16 (Lot 3) Brockman Road, Cowaramup	Carport
07/02/2022	222062	5 (Lot 200) Blackwood Avenue, Augusta	Alterations and Additions - Internal Renovations, Reroof, Deck and Retaining Wall
04/02/2022	222063	Unit 36 12 (Lot 815) Farrelly Street, Margaret River	Patio
09/02/2022	222064	13 (Lot 412) Dunnart Street, Margaret River	Shed
07/02/2022	222065	11 (Lot 13) Wooditch Road, Margaret River	Swimming Pool
07/02/2022	222066	11 (Lot 13) Wooditch Road, Margaret River	Swimming Pool Barrier Fence
09/02/2022	222067	132 (Lot 61) Wilderness Road, Margaret River	Rainwater Tank
07/02/2022	222068	12 (Lot 114) Sanctuary Circle, Cowaramup	Alterations and Additions - Garage and Living Area
07/02/2022	222069	27 (Lot 152) Duggan Drive, Cowaramup	Swimming Pool, Barrier Fence, Retaining Wall and Deck
09/02/2022	222070	Lot 1004 Hawkesford Place (49 Hawkesford Place), Margaret River	Single Dwelling, Garage and Alfresco

07/02/2022	222071	199 & 231 (Lot 3) McDonald Road, Karridale	Single Dwelling, Double Garage, Rainwater tank, Alfresco, Deck and Retaining
07/02/2022	222072	273/299 (Lot 418) Juniper Road, Gracetown	Warehouse/Shed and Verandah
09/02/2022	222073	25 (Lot 41) Tallwood Loop, Witchcliffe	Patio
09/02/2022	222074	173 (Lot 15) Calkarri Drive, Augusta	Garage
09/02/2022	222076	278 (Lot 16) Kevill Road West, Margaret River	Carport
09/02/2022	222077	19 (Lot 3) Heron Drive, Margaret River	Shed and Carport
09/02/2022	222080	16 (Lot 305) Yellow Gum Walk, Margaret River	Alterations and Additions - Living Room Extension
09/02/2022	222081	43 (Lot 199) McDermott Parade, Witchcliffe	Single Dwelling, Ancillary Dwelling, Alfresco, Rainwater Tank, Shed and Carport
09/02/2022	222085	18 (Lot 9) Offshore Crest, Margaret River	Single Dwelling

#### APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
<b>PLANNING</b>				
18/11/2021	P221866	Lots 1 & 4256 Payne Road, and Lots 4254 & 4152 Scott River Road, Karridale	Agriculture Extensive - Mounted Solar Panels	Approved
<b>SUBDIVISIONS</b>				
15/12/2021	P221958	Lot 9001 Bussell Highway, Witchcliffe (Witchcliffe Eco Village)	Survey Strata	Supported subject to conditions
22/12/2021	P221978	Lot 9001 Brockman Highway, Karridale	Subdivision	Supported subject to conditions
<b>LOCAL LAW PERMITS</b>				
Nil				

#### LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
<b>PLANNING</b>				
01/10/2021	P221718	1 (Lot 6) Chapel Place, Prevelly	Dwelling (Wall Height Variation)	Approval 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 Development Services**  
**Proposed Dwelling at 1 (Lot 6) Chapel Place Prevelly**

**Level 3 (objection received)**

**P221718; PTY/5037**

**REPORTING OFFICER** : Sophie Moscardini  
**DISCLOSURE OF INTEREST** : Nil.

General Information	
Lot Area	2000m <sup>2</sup>
Zone	<b>Residential (R5)</b>
Proposed Development	Development approval is sought for a two-storey dwelling involving a (477mm) variation to the 7m wall height standard under <i>Local Planning Scheme No. 1 (LPS1)</i> and therefore requiring planning approval.
Permissible Use Class	'P' Single Dwelling
Heritage/Aboriginal Sites	No Aboriginal Sites.
Encumbrance	Nil.
Date Received	01/10/2021



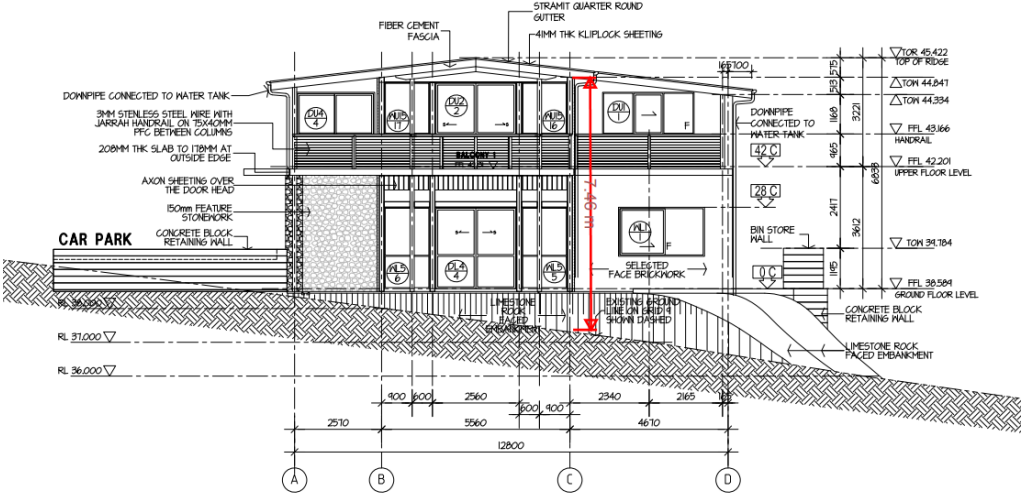
Figure 1: Locality plan



Figure 2: Approximate location of proposed dwelling

Policy Requirements	
Is the land or proposal referred to in any Council Policy?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Structure Plans and Local Development Plans (LDP's)	
Is the land in any Structure Plan Area or subject to a LDP?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Planning History	
N/A.	
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: <b>(4 submissions of objection were received during the advertising period from affected land owners of 4 properties in the immediate area).</b>
Details of Submission	Officer Comment
<b>Objection –</b> <ul style="list-style-type: none"> <li>Concerns over the proposed wall height variation.</li> <li>The subject site has already been cleared of vegetation which could have provided some screening.</li> <li>The elevation of the ground on the plot already means that any property built there would have considerable views into, and onto, our property and hugely effect our privacy.</li> <li>Any house built within the Shires requirements will encroach on our privacy as our social living space will be overlooked by the property at Lot 6. Therefore, any further extension to these height restrictions will have a major impact on privacy.</li> </ul>	<ul style="list-style-type: none"> <li>The concerns of the neighbouring dwellings are noted.</li> <li>Given the size of the lot, clearing of the site is permitted without prior approval of the local government. Vegetation is also proposed along the southern boundary bordering the dwelling.</li> <li>The proposed dwelling demonstrates compliance with the 8m roof height standard under LPS1. The dwelling meets all required setbacks and has been designed to achieve a minimum setback of 7.5m to the closest neighbouring dwelling to the south therefore meeting the deemed to comply standards under the R-Codes for overlooking and privacy. The dwelling has also been designed with the outlook largely toward the east and west. Balconies are proposed facing the east and west elevations and the most southerly portion of the dwelling (the main bedroom) contains no openings to the south. While openings are proposed on the south from the main living areas these would be setback approximately 12m from the common boundary exceeding the deemed to comply 7.5m setback standard. In this regard the overlooking to the neighbouring southern dwelling has been considered in the proposal.</li> </ul> <p>Shire records also show that the affected southern property has been similarly developed with the main outdoor terrace to the south. While a terrace exists on the north elevation, this is largely</p>

	<p>screened by a solid wall up to eaves height. The southern dwelling is also developed internally with wet areas and landings on the north and, with the exception of one opening from the kitchen to the north, no other active habitable spaces front the affected property.</p> <p>While the concern about overlooking is noted, the concern is not considered to warrant modification to the proposal in this case.</p>		
<b>Objection –</b> <ul style="list-style-type: none"> <li>Privacy, extra height will expose vision directly into our kitchen and living areas.</li> <li>Lack of large tree buffers.</li> <li>Precedent for any future building in the street.</li> <li>Overall aesthetics to the current street appeal.</li> <li>Possible increase noise travel with extra height in the build.</li> </ul>	<ul style="list-style-type: none"> <li>With regard to the first concern raised, please see comments above.</li> <li>With regard to issues about vegetation, please see comments above.</li> <li>There is an existing pattern of variations granted to the wall height of dwellings in the locality with the dwelling at Lot 1 granted approval for a variation of 0.7m to the wall height standard.</li> <li>The proposal would be setback 15.6m to the front boundary and is designed with balconies and major openings fronting the street. The proposal responds to the intent and provisions under the R-Codes with regard to streetscape interaction.</li> <li>There is no correlation between travel noise and the proposed wall height variation.</li> </ul>		
<b>Objection –</b> <ul style="list-style-type: none"> <li>Object to any height changes.</li> </ul>	<ul style="list-style-type: none"> <li>The proposal seeks a small variation to the wall height which is considered reasonable given the slope of the site. The dwelling will still comply with the overall 8m roof height.</li> </ul>		
<b>Objection –</b> <ul style="list-style-type: none"> <li>The maximum height is significant and therefore we strongly object.</li> </ul>	See responses above.		
<b>Assessment of Application</b>			
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
<b>R Codes</b>			
Are R Codes applicable?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Design Element</b>	<b>Policy / R Codes</b>	<b>Provided</b>	<b>Officer comment</b>
<b>Front Setback</b>	12m	15.68m	Complies.
<b>Sides Setback</b>	3.5m (south) 2.5m (north)	7.5m (south) 11m (north)	Complies.
<b>Rear Setback</b>	6m	14.8m	Complies.
<b>Garage/Carport Setback</b>	4.5m	14.8 (rear)	Complies.
<b>Driveway Width</b>	3-6m	3.5m	Complies.
<b>Open Space Requirement</b>	70%	>70%	Complies.
<b>Upgrade Landscaping</b>	<input type="checkbox"/> Required	<input checked="" type="checkbox"/> Not Required	
<b>Overlooking</b>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
<b>Street surveillance</b>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
<b>Street Walls and Fences</b>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
<b>Overshadowing</b>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
<b>Site Works</b>	<p>Clause 5.37 - Site works: Deemed to comply standards are met for site works as follows:</p> <p>a) The proposal includes retaining and fill up to 2.4 metres above natural ground level, all fill proposed meets the required setback as detailed in Table 4.</p> <p>b) Retaining is proposed below 500mm on the eastern and northern boundaries.</p> <p>c) The site works respond to the natural features of the site as the land slopes approximately 6 metres from the east to west, with a similar fall from the north to south.</p>		
<b>Development Standards (Schedule 9)</b>			
Are the development Standards applicable?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<b>Car Parking</b>			
LPS1 / R Codes Requirement	Car Bays Required - <2>	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		

<b>Officer Comment</b>	The proposal includes a garage at the rear of the site as well as a visitor bay at the front of the site. The number of bays provided is compliant with the requirements under the R-Codes.	
<b>Building Height</b>		
Scheme / Policy Requirement	Wall - 7m	Roof - 8m
State the proposed building height	Wall – 7.477m Roof – 7.842m	<input type="checkbox"/> Complies <input checked="" type="checkbox"/> Doesn't Comply
<b>Officer Comment</b>	<p>A variation to the wall height requirements is considered to be capable of being supported under the provisions of clause 5.13.3 of the Scheme for the following reasons:</p> <ul style="list-style-type: none"> <li>• There is a notable difference in height across the subject site, being approximately 6m from the east to west boundaries, at the same time there is a similar steep cross fall from the north to south. Therefore, the development incorporates fill and retaining responding to the natural slope of the site. The outcome of which means that the wall height is higher from natural ground level where the land slopes down (southern boundary).</li> <li>• The proposed site sits naturally higher than the other sites within the cul-de-sac but given the location of the lot this will have no impact on the views from all other existing residences.</li> <li>• The proposal meets all the required setbacks and does not overshadow into the neighbouring Lot 50, with the development setback more than 7.5m from the southern side boundary.</li> <li>• Designs that incorporate a flat, skillion or curved roof are more likely to require a greater wall height than a development that incorporates a more traditional pitched roof, but may have a lesser overall impact in terms of bulk.</li> <li>• The building has been designed to comply with the 8m overall height standard under LPS1.</li> </ul> 	
<b>Clause 67</b>		
In the opinion of the officer, would approval of the planning consent be appropriate under Clause 67 of the Deemed Provisions of the Scheme?		
<b>Officer Comment</b>	Yes.	
<b>In the opinion of the officer</b>		
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?	The subject site is largely cleared of vegetation, with some vegetation that will be retained around the existing water tank at the rear of the site. The proposal includes vegetation around along the southern boundary of the site for screening purposes.	
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, BAL29 determined for the dwelling.	
<b>Other Comments</b>		
Any further comments in relation to the application?		
<b>Officer Comment</b>	The proposed development is consistent with the existing developments in the cul-de-sac. The proposal presents a small variation to the wall height which is considered appropriate given the natural slope of the site, the height will not impact the privacy of the neighbouring dwelling or views of significance and therefore conditional approval is recommended.	

**OFFICER RECOMMENDATION**

**That the Manager Planning and Regulatory 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 the proposed Dwelling at 1 (Lot 6) Chapel Place Prevelly subject to compliance with the following conditions:**

**CONDITIONS**

1. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent.

Plans and Specifications	P1 – P17 received at the Shire on 8 February 2022.
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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. The Dwelling shall not exceed (8) metres in height as measured from the natural ground level in accordance with the provisions of the *Local Planning Scheme No. 1*.
5. The wall height of the Dwelling the subject of this approval shall not exceed 7.477 metres from natural ground level. Details to be provided with the building permit.
6. A licensed surveyors report shall be submitted to the Shire within 30 days of completion of the building to confirm compliance with the maximum height limits.

**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.