

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
29 June to 5 July 2023

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
29/06/2023	P223406	6 (Lot 367) Davies Road, Augusta	Single House (Alterations and Additions - Retaining Wall)
30/06/2023	P223407	Lot 14 Plumage Close, Margaret River	Single dwelling & Outbuilding
30/06/2023	P223408	6-18 (Lot 9,10,11) Memorial Drive, Cowaramup	Playground Additions
03/07/2023	P223413	25 (Lot 81) Turner Street, Augusta	Proposed Grouped Dwelling
03/07/2023	P223414	49 (Lot 66) Town View Terrace, Margaret River	Proposed signage 'The Reject Shop' The Village Centre
04/07/2023	P223416	90 (Lot 6) Bussell Highway, Cowaramup	Built Stata
04/07/2023	P223417	Lot 350 Leeuwin Road, Augusta	Section 40
04/07/2023	P223418	11 (Lot 9) Tulip Way, Margaret River	Single Dwelling
05/07/2023	P223419	12 (Lot 17) Wooredah Crescent, Prevelly	Retrospective Deck additions
05/07/2023	P223420	38 (Lot 5) Elva Street, Margaret River	Ancillary Dwelling
05/07/2023	P223421	1399 (Lot 1) Osmington Road, Cowaramup	Outbuilding (Shed)
05/07/2023	P223422	89 (Lot 4553) Forest Grove Road, Forest Grove	Holiday House (Renewal)
05/07/2023	P223423	24 (Lot 214) Marmaduke Point Drive, Gnarabup	Holiday House Renewal
BUILDING			
29/06/2023	223323	9 (Lot 10) Tulip Way, Margaret River	Single Dwelling, Garage, Patio and Verandah
29/06/2023	223324	10 (Lot 273) Antina Avenue, Witchcliffe	Single Dwelling, Carport, Shed and Rainwater Tanks
29/06/2023	223325	106 (Lot 63) Kevill Road East, Margaret River	Alterations and Additions - Extension to Carport, Patio, Retaining Wall and Boundary Gate with Masonry Piers
30/06/2023	223326	841 (204) Burnside Road, Burnside	Shed
30/06/2023	223327	171 (Lot 1) Blackwood Avenue, Augusta	Verandah and Deck
30/06/2023	223328	5 (Lot 500) The Boulevard, Margaret River	Patio
30/06/2023	223329	63 (Lot 13) Karrack Cres, Witchcliffe	Two Storey Dwelling with Balcony, Retaining Wall, Pergola, Double Carport with Store, Workshop with Store and Rainwater Tanks
30/06/2023	223330	21 (Lot 238) Brookside Boulevard, Cowaramup	Swimming Pool Barrier Fence
03/07/2023	223331	8 (Lot 35) Rakali Road, Witchcliffe	Single Dwelling, Garage and Patio
03/07/2023	223332	22 (Lot 113) Woodland Drive, Burnside	Rainwater Tank
03/07/2023	223333	181 (Lot 59) Kevill Road, Margaret River	Demolition of Existing Dwelling and Outbuilding
03/07/2023	223334	6 (Lot 367) Davies Road, Augusta	Retaining Wall
03/07/2023	223335	12 (Lot 436) Ommanney Street, Augusta	Alterations and Additions to Existing Dwelling - Reroof, Replace Deck, Ensuite Addition, Patio and Balcony
03/07/2023	223336	76D (Lot 4) Albany Terrace, Augusta	Single Dwelling, Patio and Boathouse
04/07/2023	223337	29 (Lot 5) Dawson Terrace, Augusta	Two Storey Dwelling, Garage, Patio and Retaining Walls
04/07/2023	223338	3 (Lot 99) Barrett Street, Margaret River	Shed

05/07/2023	223339	45 (Lot 392) Devon Drive, Margaret River	Single Dwelling and Patio
Exploration Licenses for Comment			
Nil			

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				
27/10/2022	P222732	28 (Lot 301) Cusmano Retreat, Burnside	Dwelling (Vegetation Modification Outside Building Envelope)	Approved
09/11/2022	P222781	668 (Lot 70) Wurring Road, Cowaramup	Holiday House	Approved
12/05/2023	P223297	42 (Lot 28) Sabina Drive, Molloy Island	Outbuilding (Water Tank)	Approved
31/05/2023	P223332	15A (Lot 561) Coronation Street, Margaret River	Bed & Breakfast	Approved
15/06/2023	P223372	462 (Lot 2278) Bramley River Road, Osmington	Single Dwelling and 2x Outbuildings (Water Tanks)	Approved
29/06/2023	P223406	6 (Lot 367) Davies Road, Augusta	Single House (Alterations and Additions - Retaining Wall)	Approved
SUBDIVISIONS				
Nil				
LOCAL LAW PERMITS				
24/01/2023	P223058	Rotary Park and Trails Reserves 18451, 27633, 38650 and 39081	Local Law Permit Renewal - Parkrun	Approved

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
09/05/2023	P223286	3 (Lot 217) Turner Street, Augusta	Amendment to Planning Approval P222516	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 Amendment to Planning Approval P222516
3 (Lot 217) Turner Street, Augusta

Level 3

P223286; PTY/1315

REPORTING OFFICER : Don Bothwell
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	1065m2
Zone	Residential R15
Proposed Development	<p>The proposal is for an amendment to P222516 for a two-storey single house approved under delegated authority from Council on 3 January 2023. Under this original application, the following variation to the deemed-to-comply provisions of the R-Codes was considered to satisfy the relevant design principles:</p> <ul style="list-style-type: none"> Proposed retaining/fill in the front setback area of 0.85m in-lieu of 0.5m above natural ground level. <p>With the amended application, the retaining wall has been setback behind the street setback area, rescinding this variation under P222516 which is a desirable outcome for the streetscape.</p> <p>The applicant is seeking the following variation to the R-Codes to that approved under P222516:</p> <ul style="list-style-type: none"> 2.123m setback in-lieu of 3.0m to the front lot boundary (Turner Street). 1.2m of cut with a setback of 0.3m from the neighbouring property boundary, in lieu of the required 1.5m setback. <p>The changes to the design have been undertaken for bushfire mitigation/BAL rating purposes.</p>
Permissible Use Class	Single Dwelling – ‘P’
Heritage/Aboriginal Sites	None identified.
Encumbrance	Nil
Date Received	09/05/2023



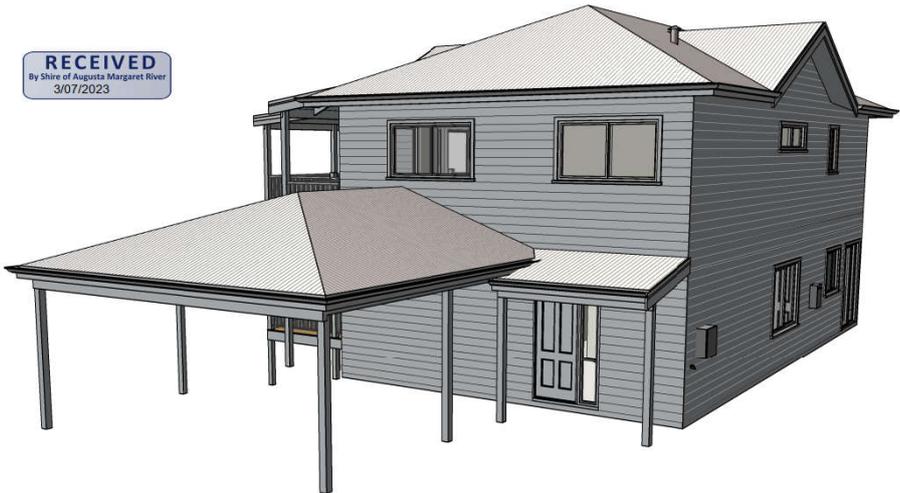


Policy Requirements	
Is the land or proposal referred to in any Council Policy?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Structure Plans and Local Development Plans (LDP's)	
Is the land in any Structure Plan Area or subject to a LDP?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Planning History	
<ul style="list-style-type: none"> • P25203 – Dwelling – Approved 1 July 2005 • P222516 – Single Dwelling – Approved 13 July 2023 	
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: Two (2) submissions received. One (1) submission of objection, (1) submission of indifference.
Details of Submission	Officer Comment
<u>Submission 1 – objection</u> <ol style="list-style-type: none"> Proposed dwelling will diminish our view by more than 70% which will de-value our property. Setback to our boundary has been reduced from 3m as originally proposed to 1.5. Openings looking straight into our habitable/living areas. 	<p>Noted. The plans submitted with the applicant demonstrate a complaint wall and overall building height. In this regard, loss of views and potential de-valuing of property are not a consideration with planning merit.</p> <p>Noted. The amendments to the location of the proposed dwelling have come about due to bushfire mitigation and BAL rating purposes. The proposed setback of the proposed dwelling is setback a complaint 1.5m from the subject western lot boundary.</p> <p>Noted. The plans submitted by the applicant show no major openings above 0.5m from Natural Ground Level (NGL) on the rear (west) elevation, resulting in compliance with the R-Codes visual privacy requirements to the neighbouring property to the west. It should be noted that the remainder of the elevations demonstrate compliance with privacy setback requirements from major openings and balconies/raised decks.</p>

<p>4. Information on size and height of the retaining wall is insufficient.</p> <p>5. Proposed development is excessively bulky impacting on the amenity of adjoining properties.</p> <p>6. Areas of deck and balcony require screening.</p> <p>7. Existing levels of the site have not been taken into account. Concerns over site works associated with the proposed development.</p>	<p>Noted. The plans show the top and bottom of proposed retaining wall, which is sufficient for the purpose of a planning assessment. The proposed retaining wall is at a maximum height of 1m (south east corner) and setback 11m from the nearest boundary, which demonstrates compliance with Clause 5.3.7 of the R-Codes. The proposed retaining is consistent in height with the previous approval. The amended application has reduced the overall extent of retaining walls on the site, including the removal of a 0.85m high section of retaining previously located within the front setback area.</p> <p>Noted. Due to the extent of cut proposed for the site works associated with the dwelling, it is apparent that on the subject west elevation, the building height of the dwelling has been reduced along the western elevation with wall heights of approximately 4.214 – 4.276m from the existing natural ground level. These wall heights are not dissimilar to those of a single story dwelling.</p> <p>Noted. See response at point 3 above.</p> <p>Noted. A site feature survey was submitted with the proposal which considers the existing ground levels on the site. Additionally, the proposed plans include the newly proposed ground levels as a result of the development. The site slopes from west to east and the proposed site works are responsive to the natural ground level to facilitate a dwelling while maintaining compliance with building height and reducing the wall height along the western boundary. Please see the design principle assessment for the proposed site works below.</p>
---	--

Submission 2 – indifferent		
<p>1. Seems unnecessary to position dwelling in top corner given block size.</p>	<p>Noted. The final location of the proposed dwelling on the lot has been determined by a number of factors including allowing a suitable area for waste management, providing reasonable access and bushfire mitigation.</p>	
<p>2. Understand the reason may be so house sits as high as possible but at risk of offending the view of others around.</p>	<p>Noted. See response at point 1 above.</p>	

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	6m achieved to primary street (Turner Street)	Complies.
Side Setbacks	Ground floor setback to the western side boundary – 1.5m	1.5m	Complies
	Upper floor setback to the western side boundary – 1.5m	1.5m	Complies
Rear Setback	6m	14m	Complies
Garage/Carport Setback	Complies	2.123m	Variation. Please refer to Design Principle assessment below.
Driveway Width	6m max width at street frontage	5.6m	Complies
Open Space Requirement	50%	<50%	Complies
Site Works	Between 1 – 1.5m of cut/ fill, a setback of 1.5m.	1.2m cut, setback 0.3m from the boundary.	Variation. Please refer to Design Principle assessment below.
Upgrade Landscaping	<input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required Provision of tree with a 2.0m planting area 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 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
Officer's comments against relevant Design Principles of the R-Codes	<p>Garage/ Carport Setback: The application presents a variation to the deemed-to-comply provisions of the R-Codes in relation to the setback of the carport to the front lot boundary to Turner Street of 2.123m in-lieu of 3.0m. The variation is considered to satisfy the relevant design principles for the following reasons:</p> <ul style="list-style-type: none"> • The proposed carport maintains clear sight lines along the street, to not obstruct views of dwellings from the street and vice versa, and designed to contribute positively to streetscapes and the appearance of dwellings; • The proposed setback to the carport ensures that vehicle parking on a driveway does not impede on any existing or planned adjoining pedestrian, cycle or dual-use path; • The proposed carport can be effectively used for the benefit of residents and does not detrimentally affect adjoining dwellings or the Tuner Street streetscape. • The proposed retaining wall and associated cut into the site where there is a significant fall in topography from east to west by approximately 4.55m allowing vehicular access without including fill in the front setback area. • The setback of 2.123m in-lieu of 3m to the street is not considered to have any undue impact on the streetscape. The subject section of Turner Street is surrounded by a mixture of vacant lots and vegetated front setback areas. No dominant streetscape pattern has been established and as such the proposal is acceptable. • The proposed carport is open style and has been designed to tie in with the proposed dwelling in terms of colours, materials and roof pitch and considered to contribute to the desired streetscape. 	
	<div style="text-align: center;">  </div> <p>Site Works: The application presents a variation to the required setback for cut, with a finished floor level of 1.2m below natural ground level setback 0.3m from the neighbouring boundary to the west. The variation is considered to satisfy the relevant design principles for the following reasons:</p> <ul style="list-style-type: none"> • The proposed site works located along the western boundary facilitates an appropriate building pad for the dwelling and responds to the sloping nature of the subject site. The proposed cut and fill on the site has been reduced to a minimum to facilitate a dwelling. • The proposed cut assists in reducing the overall building height along the western elevation and will reduce the impact of the dwelling on the neighbouring lot. • The proposed site works across the site allow for effective use by the residents of an otherwise sloping site. • The proposed cut along the western boundary will require specific engineering details to be submitted at the time of a building permit application in accordance with the Building Code of Australia and relevant Australian Standards. 	
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 - 2	Car Bays Proposed - 2

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 – 7.0m	Roof – 8.0m
State the proposed building height	Wall – 6.499m from natural ground level Roof – 7.879m from natural ground level	<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.	
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	The proposal is consistent with the requirements of the Residential Design Codes and Local Planning Scheme No.1 and is recommended for conditional approval.	

OFFICER RECOMMENDATION

That the Acting 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 Amendment to Planning Approval P222516 at 3 (Lot 217) Turner Street, Augusta 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	P1 – P6 received by the Shire on 3 July 2023
--------------------------	--

- 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.
- All stormwater and drainage run-off from the development shall be detained within the lot boundaries, managed to pre-development 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 Standards & Specifications.
- The building shall not exceed 8 metres in height from natural ground level in accordance with the provisions of Local Planning Scheme No.1.
- 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.
- Prior to issuing of the building permit, a Landscape Plan shall be submitted to the satisfaction of the Shire demonstrating the following in accordance with the *Residential Design Codes* deemed to comply standards at clause 5.3.2:
 - a minimum of one tree within a tree planting area of at least 2m x 2m to be provided on the site; and
 - landscaping within the street setback area with no more than 50% of this area consisting of impervious surfaces.
- Vehicle crossovers shall be designed and constructed in accordance with the Shire's crossover standards and specifications, prior to occupation of the development.

8. The vehicle parking and access ways shall be designed, constructed and drained to a minimum compacted gravel or similar material standard in accordance with the Shire's standards and specifications, prior to occupation of the development.

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.