

**DEVELOPMENT ASSESSMENT REPORT**  
**Shire of Augusta Margaret River**  
**23 February to 1 March 2023**

**APPLICATIONS RECEIVED**

Date Rec'd	Reference No.	Address	Proposal
<b>PLANNING</b>			
23/02/2023	P223121	5839 (Lot 94) Caves Road, Burnside	Agriculture Extensive (Driveway)
23/02/2023	P223123	3 Nuytsia Close, Margaret River	Single Dwelling (Carport)
28/02/2023	P223127	115-117 (Lot 71) Bussell Highway, Margaret River	Signage
28/02/2023	P223128	10 (Lot 178) Jacaranda Crescent, Margaret River	Single Dwelling (Patio)
01/03/2023	P223130	4A (Lot 2) Dibbler Street, Margaret River	Family Day Care
<b>BUILDING</b>			
23/02/2023	223083	24 (Lot 31) Pierce Road, Margaret River	Two Storey Dwelling, Garage, Carport, Patio and Rainwater Tanks
23/02/2023	223084	31 (Lot 639) Surf Break Drive, Cowaramup	Single Dwelling, Garage and Patio
23/02/2023	223085	Lot 603 Truffle Circuit, Cowaramup	Single Dwelling and Garage
23/02/2023	223086	11 (Lot 44) Tremandra Boulevard, Witchcliffe	Single Dwelling and Carport
24/02/2023	223087	Reserve 51096 Lot 350 Leeuwin Road Augusta	Occupancy Permit for BLD222417 (Abalone Production, Processing Tours and Retail Sales Building)
24/02/2023	223088	49 (Lot 57) Forrest Road, Margaret River	Patio
24/02/2023	223089	10A (Lot 2) Freycinet Way, Gnarabup	Shed
24/02/2023	223090	3 (Lot 2) Yornitj Grove, Witchcliffe	Two Storey Dwelling, Carport, Verandah, Pergola and Rainwater Tank
27/02/2023	223091	6 (Lot 12) Moondyne Ridge, Kudardup	Shed with Carport
27/02/2023	223092	3 (Lot 208) Flitch Road, Karridale	Swimming Pool
28/02/2023	223093	245 (Lot 13) Manear Road, Rosa Brook	Carport Addition to Existing Farm Shed
27/02/2023	223094	Unit 2/31 (Lot 1) York Street, Augusta	Ramp and Balcony - 2 Storey
28/02/2023	223095	19 (Lot 79) Elizabeth Street, Margaret River	Alterations and Additions - Conversion of Shed to an Ancillary Dwelling
28/02/2023	223096	Reserve 28074 Bussell Hwy, Witchcliffe	Toilet Block
01/03/2023	223097	22 (Lot 41) Ryans Road, Margaret River	Alterations and Additions - 2nd storey addition
01/03/2023	223098	37 (Lot 196) McDermott Parade, Witchcliffe	Shed
01/03/2023	223099	Lot 1004 Hawkesford Place (Lot 61 Verdot Lane), Margaret River Life Style Village	Single Dwelling, Carport and Patio
<b>Exploration Licenses for Comment</b>			
Nil			

**APPLICATIONS DETERMINED UNDER DELEGATION**

Date Rec'd	Reference No.	Address	Proposal	Outcome
<b>PLANNING</b>				
27/10/2022	P222734	Lot 12 Rosa Glen Road, Rosa Glen	Agriculture Intensive (Vineyard), Dam and 2 x Farm Buildings	Approved
23/12/2022	P222892	73 (Lot 195) Marmaduke Point Drive, Gnarabup	Holiday House Renewal	Approved
04/01/2023	P223003	17 (Lot 48) Osborne Street, Gracetown	Holiday House Renewal	Approved
23/01/2023	P223046	Reserve 41545 Surfers Point Road, Prevelly	Amendment to Planning Approval P220129 - Public Event (WSL Surf Pro)	Approved
03/02/2023	P223075	10 (Lot 120) Lesueur Place, Gnarabup	Single Dwelling (Outbuilding)	Approved

SUBDIVISIONS				
09/01/2023	P223036	78 (Lot 203) Albany Terrace, Augusta	Subdivision	Concerns raised.
LOCAL LAW PERMITS				
Nil				

### LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
11/01/2023	P223013	6 (Lot 96) Nebbiolo Place, Margaret River	Ancillary Dwelling and Garage	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 Ancillary Dwelling and Garage**  
**6 (Lot 96) Nebbiolo Place, Margaret River**

**Level 3**

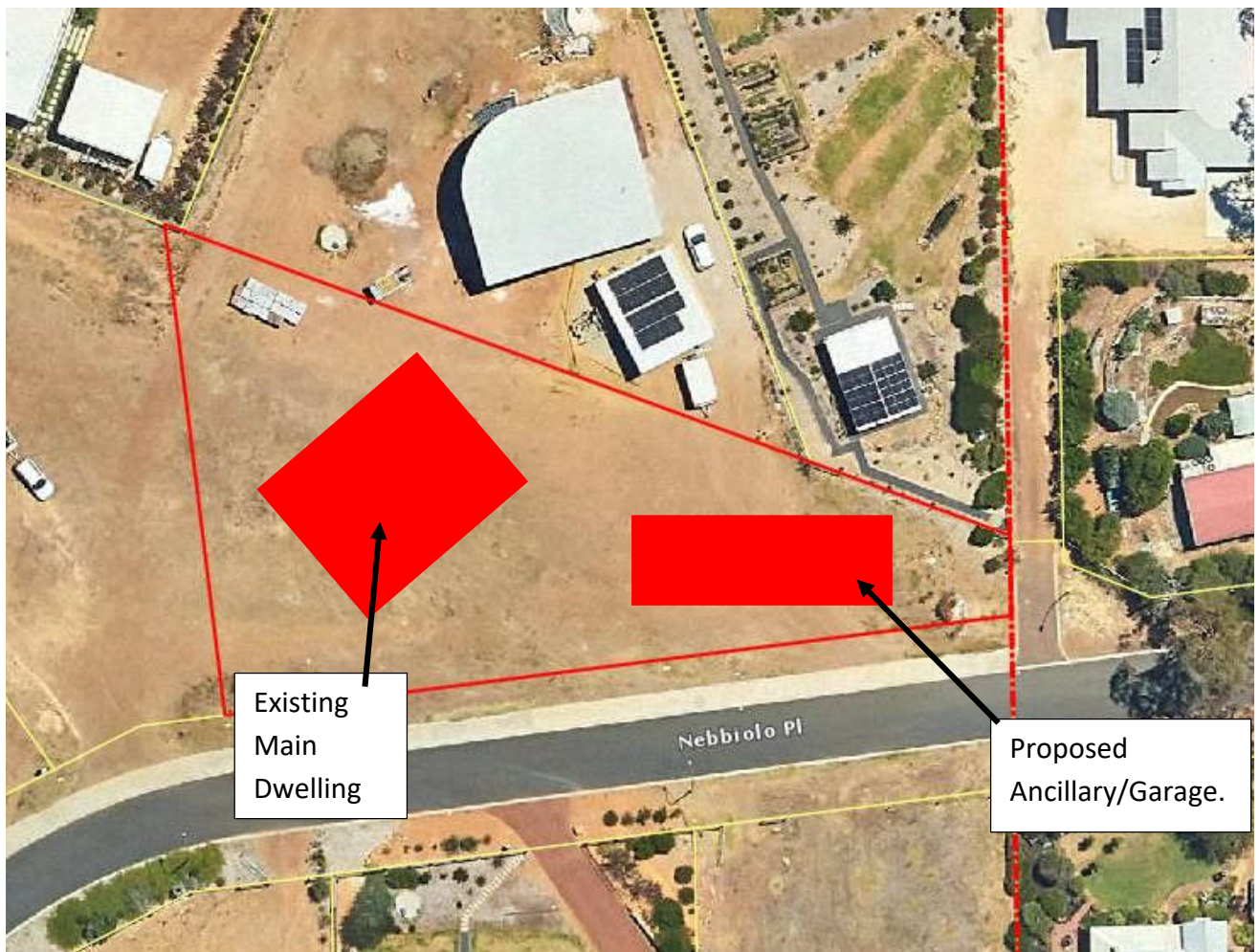
**P223013; PTY/12564**

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

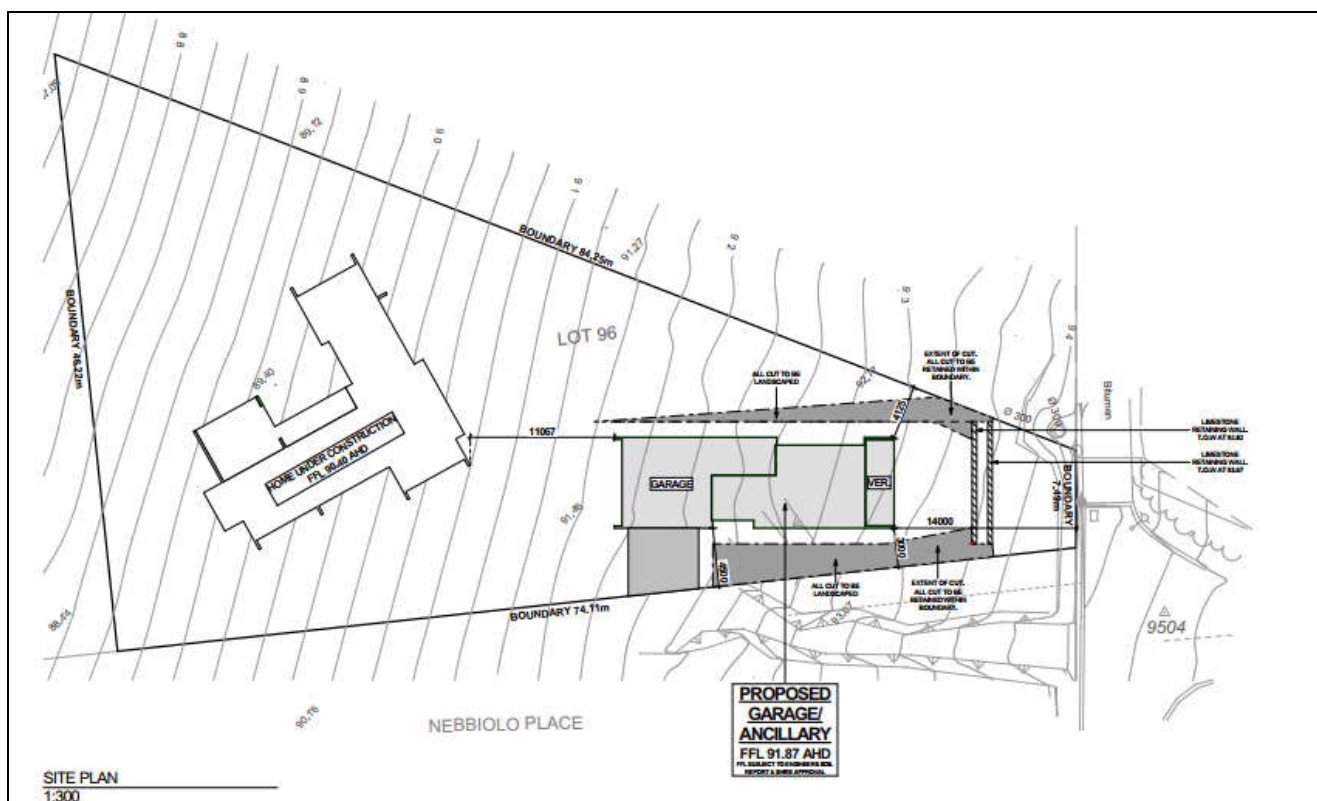
General Information	
Lot Area	2008m <sup>2</sup>
Zone	<b>Residential (R5)</b>
Proposed Development	<p>Development approval is sought for an Ancillary Dwelling, Garage and associated site works. Development includes the following:</p> <ul style="list-style-type: none"> <li>Ancillary Dwelling – 62sqm</li> <li>Garage/Store – 62sqm</li> <li>Veranda – 15.45sqm</li> </ul> <p>Development approval is required as the proposal seeks a variation to the street setback, rear setback and site works requirement of the Residential Design Codes.</p>
Permissible Use Class	'P' Ancillary Dwelling.
Heritage/Aboriginal Sites	Not an Aboriginal Heritage Site.
Encumbrance	None impacting development.
Date Received	11/01/2023







<b>Policy Requirements</b>	
Is the land or proposal referred to in any Council Policy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Structure Plans and Local Development Plans (LDP's)</b>	
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 (Endorsed 14 <sup>th</sup> of May 2015)	
<b>Officer Comment</b>	Subject site is identified as R5, no further development controls are applied via the Structure Plan.
<b>Planning History</b>	
BLD222224 – Single Dwelling and Patio (Approved April 2022) (Currently under construction)	
<ul style="list-style-type: none"> <li>No variations were proposed.</li> </ul>	



### Advertising/Agency Referrals

☒ Yes      ☐ No      ☐ N/A☒ Yes      ☐ No      ☐ N/A

No. received: **2 objections received.**

### Details of Submission

Objection —

The comments of the neighbours are noted.

## Setback variations

The subject site is unique in its shape with a width of only 7.5m on the eastern side boundary. It is not considered to be unreasonable that a variation would be requested, given the main dwelling is positioned on the western side of the lot which is significantly wider. The proposal does not seek a variation to the open space requirement of the R-Codes, with an ancillary dwelling capable of approval at the subject site.

Both rear adjoining properties have sheds within the rear setback area and therefore the variation to the northern boundary will have a minimal impact on these properties.

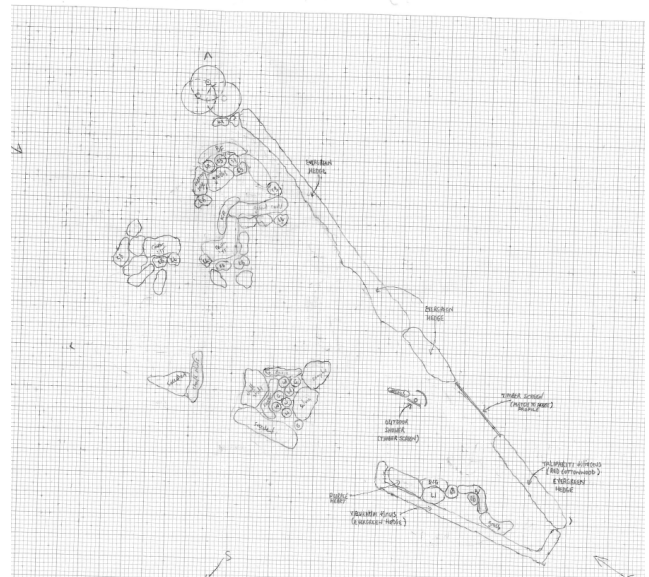
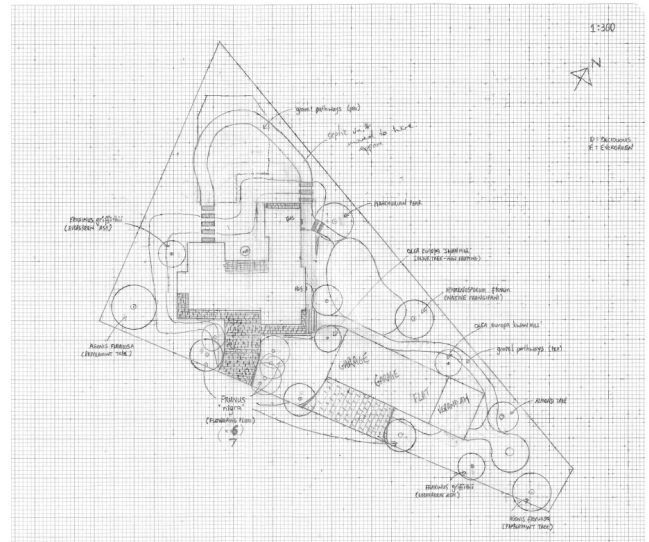
**Objection –**

The applicant has provided the following comments in relation to the neighbour's concerns:

- The site works which sit out of setback requirements are to ensure that the development has a minimal impact on the streetscape, sitting into the hill.
- The ancillary will not be used for air bnb or long-term rental, it will be used by our 20-year-old son who has some learning difficulties which impact his ability to afford his own accommodation. We want to give him the opportunity to have some independence without the financial stress associated with buying or renting his own home. He is a quiet young man who spends his time volunteering with the elderly to help them with technology support.

The applicant also provided the landscaping plan for the site which includes a variety of landscaping across the site including within the front setback area to minimise the visual impact of the dwelling on the streetscape as well as provide privacy. The proposed veranda is also closed in at the sides

to reduce any privacy impacts on the neighbour across the road. The landscaping will be required as a condition of approval.



Despite the neighbours' concerns the proposed variations are considered appropriate and will not impact the existing streetscape.

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/6m	3m – 4.5m	Variation Cl. 5.1.2
Sides Setback (LPS 1)	5m	14m	Complies.
Rear Setback	6m	4.125m	Variation Cl. 5.1.3
Secondary Street Setback	N/A		
Garage/Carport Setback	4.5m	4.5m	Complies.
Driveway Width	<9m total	<9m	Complies.
Open Space Requirement	70%	83%	Complies.
Upgrade Landscaping	<input type="checkbox"/> Required	<input checked="" 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 checked="" type="checkbox"/> No	
Overshadowing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Other Variations	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Officer's Comments against performance criteria			



Where a proposal seeks a variation to the deemed to comply requirements of the R-Codes it can be assessed against the relevant design principles. The following design principles are applicable to the proposal:

#### Site Works

##### P7.1

- *Development that considers and responds to the natural features of the site and requires minimal excavation/fill.*
- *Where excavation/fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street*
- *Retaining walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties*

Despite the proposed excavation within the street setback area up to 1.3m in lieu of 0.5m the proposal is considered to meet the applicable design principles for the following reasons:

- The proposal requires site works given the slope of the block, excavation is proposed instead of fill to reduce the impact of the development to the street and adjoining properties.
- The FFL is consistent with the street FFL at the garage to allow ease of access for vehicles.
- Retaining walls are stepped and do not impact the adjoining residents.
- The impression of the topography as viewed from the street will be maintained.

#### Street Setback

*P2.1 Buildings set back from street boundaries an appropriate distance to ensure they:*

- *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.*

Despite the reduced street setback of up to 3m the proposal is considered to meet the required design principles for the following reasons:

- Given the unique shape of the block a street setback variation is not considered unreasonable to facilitate further development on the site.
- The break between buildings in the centre of the site will help reduce bulk impacts compared to them being developed closer together.
- There is a similar setback provided between the property to the east and Nebbiolo Place.
- The proposal includes extensive landscaping to contribute to the visual amenity of the streetscape in response to neighbour concerns.
- The dwelling is also cut into the site to reduce any privacy impacts as a result of the reduced setback.
- The site meets the applicable open space requirements and provides the required parking onsite.
- No easements or essential service corridors are impacted by the proposal.

#### Rear Setback

*P3.1 Buildings setback from lot boundaries or adjacent buildings on the same lot so as to:*

- *Reduce impacts of building bulk on adjoining properties;*
- *Provide adequate sunlight and ventilation to the building and open spaces on the site and adjoining properties; and*
- *Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.*

Despite the reduced rear setback of 4.125m in lieu of 6m the proposal is considered to meet the applicable design principles for the following reasons:

- The variation only applies to part of the elevation;
- The proposed development borders the rear boundary of two properties both of which have outbuildings within their rear setback area.
- The proposal meets the visual privacy standards of the R-Codes.
- There is no overlooking impacts as a result of the reduced rear setback.
- The proposal allows for adequate sunlight into the building and adjoining properties.

#### **Development Standards (Schedule 9)**

Are the development Standards applicable?

☐ Yes

☒ No

#### **Car Parking**

LPS1 / R Codes Requirement	Car Bays Required - <1>	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 checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply
<b>Building Height</b>		
Scheme / Policy Requirement	Wall - 7m	Roof - 8m
State the proposed building height	Wall – 2.5m Roof – 4.3m	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply
<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 proposal includes extensive landscaping across the site, which will enhance the visual amenity of Nebbiolo Place as well as assist in providing privacy to the proposed dwelling.	
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. Despite the reduced setback the proposed ancillary is built of the same materials of the main dwelling and will fit in well on the site being cut in and surrounded by adequate landscaping.	
v. Is the development likely to comply with AS3959 at the building permit stage?	Yes.	
<b>Other Comments</b>		
Any further comments in relation to the application?		
<b>Officer Comment</b>	Conditional approval recommended.	

#### 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 Ancillary Dwelling and Garage at 6 (Lot 96) Nebbiolo Place, Margaret River 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 – P5 Received at the Shire on 11 <sup>th</sup> of January 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.
- This approval does not permit short stay use of the Ancillary Dwelling at any time. Pursuant to the Shire's Local Planning Policy 7 – Short Stay Accommodation, when the primary dwelling is in use as a Holiday House, the Ancillary Dwelling shall only be used for permanent accommodation by the owner of the site.
- 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:
  - 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);
  - Any lawns and paved areas to be established;
  - Any natural landscaped areas to be retained; and
  - Those areas that are to be reticulated or irrigated are demonstrated to be designed using water sensitive principles.
  - Detail the timing of planting.
- 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. 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.