

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
1 December to 7 December 2022

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
06/12/2022	P222827	752 (Lot 101) Wallcliffe Road, Margaret River	Proposed Redevelopment of Nature Trail, Riparian Zone Planting, Upgrades to Retaining
06/12/2022	P222828	133 (Lot 71) Horseford Road, Margaret River	Holiday House Renewal
07/12/2022	P222833	827 (Lot 206) Burnside Road, Margaret River	Retrospective Development outside of building envelope (Carport and Gazebo)
07/12/2022	P222835	5 (Lot 27) Cassia Way, Margaret River	Bed and Breakfast
BUILDING			
01/12/2022	222631	Unit 6A (Lot 103) Brady Street, Augusta	Single Dwelling and Garage
05/12/2022	222632	21 (Lot 242) Chuditch Place, Gnarabup	Patio
06/12/2022	222633	4 (Lot 47) Lomandra Way, Witchcliffe	Single Dwelling
06/12/2022	222634	20 (Lot 41) McDermott Parade, Witchcliffe	Water Tank
06/12/2022	222635	1 (Lot 258) Logging Road, Karridale	Single Dwelling
07/12/2022	222636	6 (Lot 254) Felling Road, Karridale	Single Dwelling and Water Tank
07/12/2022	222637	5 (Lot 326) Honeysuckle Glen, Cowaramup	Ancillary Dwelling
06/12/2022	222639	165 (Lot 36) Terry Drive, Margaret River	Unauthorised Works - Alterations to existing dwelling
Exploration Licenses for Comment			
Nil			

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				
22/07/2022	P222488	Recreation Private Micromobility Scooter Hire	Verge Various	Cancelled
12/08/2022	P222545	11 (Lot 21) Chardonnay Avenue, Margaret River	Single House (Outbuilding addition)	Approved
09/09/2022	P222612	5 (Lot 35) Le Souef Street, Margaret River	Holiday House	Approved
12/09/2022	P222619	74 (Lot 106) Woodland Drive, Burnside	Building Envelope Variation	Approved
20/09/2022	P222635	3 (Lot 608) Niblett Retreat, Margaret River	Single House (Vegetation Clearing - Dwelling, Outbuilding and Water Tank)	Approved
29/09/2022	P222653	2 (Strata Lot 1 of Lot 23) Walkington Avenue, Margaret River	Holiday House	Approved
04/10/2022	P222663	Unit 22/ 20 (Strata Lot 22 of Lot 229) Riedle Drive, Gnarabup	Holiday House	Approved
04/10/2022	P222664	12 (Lot 28) Cross Street, Augusta	Single House (Dwelling and Retaining)	Approved
07/10/2022	P222678	16 (Lot 43) Freycinet Way, Gnarabup	Holiday House Large	Approved
19/10/2022	P222709	21 (Lot 40) Jersey Street, Cowaramup	Motor Vehicle Repairs (Change of Use Storage Shed to Motor Vehicle Repairs)	Approved
19/10/2022	P222710	96 & 108 (Lot 1003) Redgate Road, Witchcliffe	Earthworks	Approved
19/10/2022	P222711	1 (Lot 1) Georgette Drive, Margaret River	Holiday House	Approved
07/11/2022	P222768	5/12 (Strata Lot 5 of Lot 9) Town View Terrace, Margaret River	Holiday House	Approved

09/11/2022	P222779	49 (Lot 36) Eldridge Avenue Witchcliffe	Ancillary Dwelling (Outbuilding and Water Tank)	Approved
SUBDIVISIONS				
Nil				
LOCAL LAW PERMITS				
Nil				

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
02/11/2022	P222759	59 (Lot 103) Diana Road, Augusta	Building Envelope Variation	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.

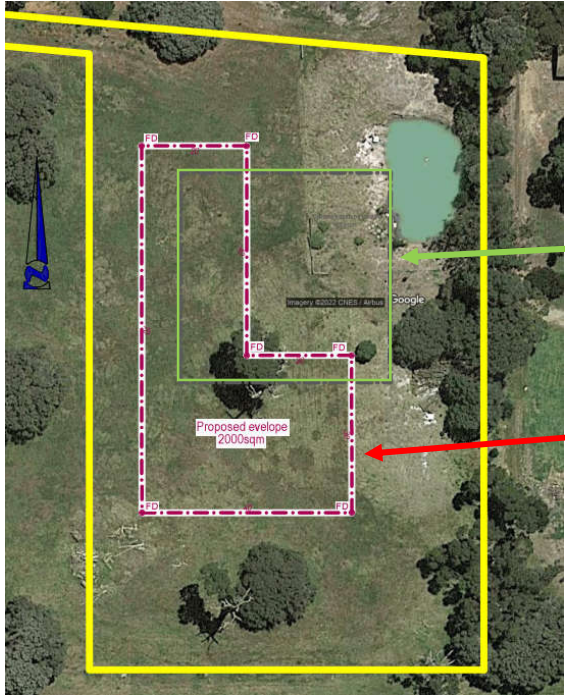


DEVELOPMENT APPLICATION ASSESSMENT
Report to Manager Planning and Development Services
Proposed Building Envelope Variation at 59 (Lot 103) Diana Road, Augusta

(Level 3) objection received


P222759; PTY/13313

REPORTING OFFICER : Lina O'Halloran
 DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	1ha
Zone	Rural Residential RR30
Proposed Development	<p>Planning approval is sought for a proposed building envelope variation as follows:</p> <ul style="list-style-type: none"> • Revised from a square shape to 'L' shape design; • Increase in size from 1600m² to 2000m²; • Minimum side setback of 10m; • Rear setback of 30m;  <p>The proposal does not present any variations to the provisions of <i>Local Planning Scheme No. 1</i>.</p>
Permissible Use Class	'P' Permitted (ancillary to residential use)
Heritage/Aboriginal Sites	None identified
Encumbrance	Right of Carriageway Easement Emergency Accessway Easement Notifications: within bushfire prone area, no mains potable water supply None impacted
Date Received	02/11/2022



Policy Requirements	
Is the land or proposal referred to in any Council Policy?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Structure Plans and Local Development Plans (LDP's)	
Is the land in any Structure Plan Area or subject to a LDP?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, state the Policy/Policies	Structure Plan, Matthews Road Augusta – approved 3 December 2018

Officer Comment	<p>The Structure Plan appoints the existing 1600m² building envelope to the site:</p>  <p><i>Extract of site from Structure Plan</i></p> <p>The Structure Plan does not contain any development provisions relevant to the proposal. The landscaping shown on the Structure Plan was listed as a requirement of subdivision but does not appear to have been implemented.</p>
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Planning History	
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N/A	
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Advertising/Agency Referrals	
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Has the application been referred to adjoining landowners/agency?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
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Has a submission been received by Council?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A No. received: 1 objection
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Details of Submission	Officer Comment
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<p>1 x Private Objection:</p> <ul style="list-style-type: none"> Concerns the proposed building envelope is a significant expansion to the south, closer to the living zone of the neighbouring eastern site. When subdivision of Matthews Road was approved it was with the strict intent of maintaining the rural character, visual amenity and privacy of all residents. Envelopes were carefully planned. Additionally, vegetation screens with maintenance agreements were required on boundaries. 	<p>The following comments are made in response to the concerns raised:</p> <ul style="list-style-type: none"> The concerns about impact to the living zone of the adjoining eastern site are noted, however the proposed building envelope would be within the permitted setbacks applicable to the Rural Residential zone thus impacts to the eastern site would be within the accepted standards. The dwelling on the neighbouring eastern property is approximately 35m from the shared boundary. In addition to the proposed 25m side setback of the proposed building envelope, this would result in a distance of approximately 60m between development on the sites, which provides adequate privacy. The proposed envelope provides a greater setback to this property than the existing. The comments regarding the planned location of the building envelopes within the Matthews Road subdivision, as depicted on the Structure Plan above are noted. However, LPS1 Clause 4.22.2 does allow landowners to apply to vary building envelopes depicted on Structure Plans and in this case the proposed building envelope complies with all relevant planning provisions. The applicant advises there is already existing screening shrubs along the eastern side boundary which will be maintained. Additional screening has been proposed in response to the concerns raised. This is recommended to be applied as a condition of approval.
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Assessment of Application	
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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	
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Are R Codes applicable?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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Development Standards (Schedule 9)	
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Are the development Standards applicable?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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Officer Comment	<p>Front setback: N/A – battleaxe lot Northern side setback: 10m required – 20m proposed - complies Western side setback: 10m required – 10m proposed – complies Eastern side setback: 10m required – 25m proposed – complies Rear setback: 30m required – 30m proposed - complies</p> <p>Clause 4.22 Development in the Rural Residential Zone</p> <ul style="list-style-type: none"> The proposal is consistent with the provisions within Clause 4.22, including no clearing outside of the proposed building envelope being proposed, and the building envelope would not exceed 2000m². <p>Clause 5.10 Building Envelopes</p> <ul style="list-style-type: none"> The proposal is not considered to compromise the objectives of the Rural Residential zone or the visual amenity and rural character of the area. The building envelope would be within the permitted setbacks, and additional landscaping will be installed along the eastern boundary to address the concerns raised during the advertising period and provide greater privacy. The proposed building envelope would be further from the area of denser vegetation to the north-east of the site. The BAL Report demonstrates the proposed building envelope would not result in an increased bushfire threat. The building envelope would move development further away from the existing dam, reducing potential impacts on the dam, ground water and potential geotechnical issues that arise from building in this area.
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>Yes. The proposal is consistent with the purpose and objectives of the Rural Residential zone. The proponent has provided an acceptable response to the concerns raised during the advertising period.</p>
In the opinion of the officer	
i. Are utility services available and adequate for the development?	N/A
ii. Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land?	<p>Yes. The proposed building envelope would include one large Redgum which is currently just outside of the existing building envelope. The applicant advises if the building envelope was not changed, the Redgum would need to be removed as it is a safety hazard leaning toward the existing building envelope with dead limbs overhanging. The new envelope would provide an opportunity to retain the tree as it would lean away from the location of development. The applicant hopes to retain the tree but advises if it becomes an unacceptable safety hazard it will be removed. A condition has been imposed to require the retention of this tree.</p> <p>The applicant also advises they intend to provide additional landscaping along all property boundaries. The landscaping along the eastern boundary in particular is recommended as a condition of approval in light of the objection received.</p>
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. Proposed building envelope does not exceed BAL-29
Other Comments	
Any further comments in relation to the application?	
Officer Comment	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 Building Envelope Variation at 59 (Lot 103) Diana Road, 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 received at the Shire on 2 November 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. The revised building envelope hereby approved, wholly replaces that previously applicable to the site.
4. The tree located within the amended building envelope hereby approved shall be retained unless it is determined to be dead or dangerous by a suitably qualified arboriculturist.
5. Clearing of vegetation is prohibited outside the building envelope, unless in accordance with the Bush Fires Act 1954 or required for the purpose of constructing an approved driveway, installing essential services, or removing dead or dangerous trees as verified by a suitably qualified arboriculturist.
6. Prior to lodging of a building permit application a Landscape Plan shall be prepared to the satisfaction of the Shire. The Landscape Plan shall be drawn to scale and show the location, name and mature heights of existing and proposed trees and shrubs along the eastern side boundary.
7. 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.

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.