

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
23 to 29 September 2021

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
23/09/2021	P221673	5 (Lot 112) Yongar Place, Burnside	Holiday House (Renewal)
23/09/2021	P221674	7 (Lot 359) McCormick Crescent, Margaret River	Single Dwelling & Ancillary Dwelling
23/09/2021	P221675	39 (Lot 27) Widderson Place, Margaret River	Holiday House (Increase 4 to 6 guests)
23/09/2021	P221676	5839 (Lot 940) Caves Road, Margaret River	Farm Building (Awning Addition)
23/09/2021	P221677	87 (Lot 1) Bussell Highway, Margaret River	Change of Use to Medical Centre
23/09/2021	P221678	Unit 6 / 35 (Strata Lot 6 of Lot 15) Stewart Street, Margaret River	Single Dwelling
24/09/2021	P221679	3 (Lot 114) Galliers Street, Gracetown	Outbuilding (Shed)
24/09/2021	P221680	42 (Lot 9) Greenwood Avenue, Margaret River	Single Dwelling
24/09/2021	P221681	271 (Lot 111) Redgate Road, Witchcliffe	Single Dwelling & Two Chalets
28/09/2021	P221684	UNIT A 4 (Lot 118) Wise Road, Margaret River	Bed & Breakfast
28/09/2021	P221685	299 (Lot 418) Juniper Road, Cowaramup	Holiday House (Renewal)
28/09/2021	P221686	24 (Lot 119) Willmott Avenue, Margaret River	Holiday House (Renewal)
29/09/2021	P221687	29 (Lot 243) Merino Way, Margaret River	Holiday House (Renewal)
29/09/2021	P221688	13 (Lot 227) Lumber Crescent, Karridale	Building Envelope Variation and Retaining Wall
29/09/2021	P221690	10 (Lot 247) Owen Tucker Lane, Margaret River	Concrete Batching Plant (Additional Storage Silo)
29/09/2021	P221691	27-33 (Lot 295) Tunbridge Street, Margaret River	Repairs and Recladding of Outbuilding
29/09/2021	P221692	21 (Lot 60) Freycinet Way, Gnarabup	Holiday House (Renewal)
29/09/2021	P221696	Lot 9505 Bussell Highway and Lot 71 Mill Road, Witchcliffe	Subdivision
29/09/2021	P221697	Lot 1364 Caves Road, Karridale	Subdivision
BUILDING			
24/09/2021	221625	53 (Lot 92) Doyle Place, Margaret River	Two Storey Dwelling, Garage, Shed and Rainwater Tank
24/09/2021	221626	57 (Lot 2) Coppin Grove, Redgate	Alterations and Additions to Existing Dwelling- Two Storey Addition and Detached Garage
24/09/2021	221627	6 (Lot 68) Mc Dowell Road, Witchcliffe	Shed
24/09/2021	221628	Lot 4075 Mann Road, Nillup	Shed
24/09/2021	221629	Unit 1 4 (Lot 1) Brady Street, Augusta	Single Dwelling, Carport and Deck
24/09/2021	221630	870 (Lot 11) Bessell Road, Rosa Brook	Shed
24/09/2021	221631	13 (Lot 10) Rowe Road West, Witchcliffe	Relocatable Dwelling and Rainwater Tank
28/09/2021	221632	36 (Lot 271) Noreuil Circuit, Cowaramup	Shed
28/09/2021	221633	6 (Lot 440) Morelia Parade, Margaret River	Single Dwelling, Garage and Retaining Wall

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				
05/11/2020	P220716	51 (Lot 7) Trinder Drive, Margaret River	Holiday House (Large)	Approved
12/01/2021	P221029	48 (Lot 1) Isaacs Road, Margaret River	Holiday House (Renewal)	Approved
09/03/2021	P221161	Reserve 43595 Adjacent to 22 (Lot 336) Flora Grove, Molloy Island	Jetty Addition	Approved
06/04/2021	P221235	60 (Lot 1) Bussell Highway, Cowaramup	Change of use from Service Station (Small Bar/Cafe)	Approved
14/06/2021	P221416	11 (Lot 79) Nixon Crescent, Margaret River	Bed & Breakfast	Approved
15/06/2021	P221417	6 (Lot 3) Formosa Street, Margaret River	Grouped Dwelling	Approved
22/06/2021	P221434	Unit 8 / 31 (Lot 2) Station Road, Margaret River	Warehouse/Storage	Approved
08/07/2021	P221477	5 (Lot 126) Lesueur Place, Gnarabup	Holiday House (Large Renewal & Increase in Guest Numbers)	Approved
10/08/2021	P221554	8 (Lot 604) Niblett Retreat, Margaret River	Dwelling (Vegetation Modified Outside Building Envelope)	Approved
16/08/2021	P221567	13 (Lot 25) Connelly Road, Margaret River	Holiday House (Renewal)	Approved
20/08/2021	P221582	3 (Lot 208) Flitch Road, Karridale	Dwelling Addition (Outbuilding)	Approved
24/08/2021	P221590	38 (Lot 433) Ashton Street, Margaret River	Dwelling (Vegetation Removal Outside Envelope)	Cancelled
01/09/2021	P221616	13 (Lot 412) Dunnart Close, Margaret River	Building Envelope Variation	Approved
SUBDIVISIONS				
23/08/2021	P221587	108 (Lot 3) Ashton Street, Margaret River	Subdivision	Support Subject to Conditions
LOCAL LAW PERMITS				
07/09/2021	P221632	Gloucester Park, 51 Wallcliffe Road, Margaret River	Local Law Permit - Margaret River BMX Club 2021-2022 season BMX track	Approved
14/09/2021	P221660	31 Wallcliffe Road, Margaret River	Local Law Permit Renewal - Margaret River Skate School - September to December 2021 Margaret River Skate Park	Approved

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
15/04/2021	P221279	18 (Lot 58) Elva Street, Margaret River	Dwelling Additions (Outbuilding, Retaining Wall & Boundary Fencing)	Conditional Approval

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 (DAU)
Report to Manager Planning and Development Services

Proposed Dwelling Additions (Outbuilding, Retaining Wall, Fill & Boundary Fencing)
18 (Lot 58) Elva Street Margaret River

(Level 3)

P221279, PTY/635

REPORTING OFFICER : LH
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	1092m ²
Zone	Residential (R20)
Proposed Development	<p>Proposed Outbuilding (Shed):</p> <ul style="list-style-type: none"> • 5m x 11m (66m²). • Wall height: 2.8m to 3.3m. • Ridge height 2.9m to 3.4m. • Finished in green colorbond to match existing fencing. <p>Proposed Retaining walls and Fill:</p> <ul style="list-style-type: none"> • Retaining walls and fill along the northern (side), western (rear) and southern (side) boundaries up to 1m high. <p>Proposed Boundary Fencing:</p> <ul style="list-style-type: none"> • Existing green & grey colorbond boundary fencing to be removed and re-erected along the northern (side) and western (rear) boundary up to 2.5m high. <p>Planning approval is sought for the following variations to the 'deemed to comply' standards of the Residential Design Codes (R-Codes) and Local Planning Policy 4 – Boundary Fencing (LPP4):</p> <ul style="list-style-type: none"> • Outbuilding setback 0.3m from the rear boundary, (a variation to the 1m minimum boundary setback standard of the R-Codes). • Retaining wall section 8.8m along the northern side boundary is 0.5m to 1m high from natural ground, (a variation to the 0.5m maximum height of retaining wall along a boundary standard of the R-Codes). • Retaining wall 1m high from natural ground level along western rear boundary, (a variation to the 0.5m maximum height of retaining wall along a boundary standard of the R-Codes). • Retaining wall section 2.8m along the southern side boundary is 0.5m to 1m high above natural ground level, (a variation to the 0.5m maximum height of a retaining wall along a boundary standard of the R-Codes). • Boundary fencing section 8.8m along the northern side boundary, 2.3m to 2.5m high from natural ground level, (variation to the 2.3m maximum height standard of LPP4). • Boundary fencing along the western rear boundary, 2.5m high above natural ground level (variation to the 2.3m maximum height standard of LPP4).
Permissible Use Class	'P' (permitted)
Heritage/Aboriginal Sites	Not listed.
Encumbrance	Nil.
Date Received	15/04/2021

Aerial extracts



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	<p>Local Planning Policy 1 – Outbuildings, Farm Buildings and Swimming Pools – revised May 2021 (LPP1)</p> <p>Local Planning Policy 4 – Boundary Fencing (LPP4)</p>
Site Pictures	



(Picture 1) The proposed retaining wall, fill, boundary fencing and shed will enhance privacy for the neighbouring properties to the west.



(Picture 2) Estimated overshadowing at noon on 21 June from existing boundary fence and the proposed shed.

Officer Comment

LPP1

Assessment against policy included in R-Codes assessment below.

LPP4

Colorbond fence 2.5m height above natural ground level along the western rear boundary - a variation to the 2.3m maximum height standard of the LPP4.

	<p>Colourbond fence 2.3m to 2.5m above natural ground level for a length of 9m along the northern side boundary - a variation to the 2.3m maximum height standard of the LPP4.</p> <p>The proposal is assessed against the Performance Criteria of the policy.</p> <p><i>PC2.1 Fencing which provides adequate privacy for residents.</i></p> <p>The property is developed with a dwelling at the back of the property setback 8m from the rear boundary. The finished floor level of the dwelling is approximately 1m higher than the natural ground level at the rear boundary. The proposed retaining wall, fill, boundary fence and shed will enhance privacy, prevent overlooking from the dwelling to neighbouring properties to the west.</p> <p><i>PC 2.2 Fencing which does not have an adverse effect on the character of the area.</i></p> <p>The proposed green Colorbond fencing on top of limestone retaining wall will be similar to that of the height of the neighbouring property to the south that has also been retained, filled and fenced with same materials. Colorbond in greens/grey coloured fencing is utilised throughout the area.</p> <p><i>PC 2.3 Fencing which provide adequate sight line between the road and vehicle access points.</i></p> <p>No impacts. The proposed boundary fencing height variation meets the performance criteria of the policy.</p>
--	--

Structure Plans and Local Development Plans (LDP's)

Is the land in any Structure Plan Area or subject to a LDP? ☐ Yes ☒ No

Development History

Planning Approvals

Nil.

Building Licences

BLD/881378 New Hardiplank Dwelling issued 24/10/1988.

BLD/890038 New Dwelling issued 28/02/1989.

Advertising/Agency Referrals

Has the application been referred to adjoining landowners/agency? ☒ Yes ☐ No ☐ N/A

Has a submission been received by Council? ☒ Yes ☐ No ☐ N/A
No. received: **2**

Details of Submission

Officer Comment

Private Submission

- Concerns that the shed will block the sun coming into my bedroom window as this could cause damp in this room.
- The shed could be built at the other end of the property as there is no windows on the neighbouring property that will be affected.

The finished floor level of the shed is proposed to match that of the neighbour's property to the south. The shed is proposed to be setback 1m from the southern side boundary and will have a modest height even after 1m of retaining and fill. The height of the shed will still be under the Outbuildings Policy and R-Codes 4.2m maximum height requirement.

The estimated overshadowing of the proposed shed is at noon on 21 June when the sun is at its lowest all year will be minimal, only just above the estimated shadow of the existing side boundary fencing. The additional shadow from the proposed shed is estimated to contribute to less than 1% of overshadowing on the site, well under the 25%

	maximum overshadowing permitted in R20 coded lot (refer to Picture 2).
<p>Private Submission</p> <ul style="list-style-type: none"> Concerns of shed setback 0.3m from the rear boundary, rather than the standard setback of 1.5m from the R-Codes. Having the shed constructed on the rear boundary will cause issues with water run off and overflow to our property, especially during major storms. The roof area of the shed is 55m². Any failure of gutter or storm water soaks and pits will adversely overflow into our property causing major surface water issues. If the roof was designed to fall the opposite direction, that is towards the existing residence, there would be no issues. If the shed was setback 1.5m from the boundary there would be no issues. No concerns regarding the floor area, retaining wall and boundary fence. 	<p>The site does not have access to Shire's drainage system.</p> <p>Changes to the R-Codes (2/07/2021) occurred after the proposal was advertised to surrounding landowners for comment. The revised 'deemed to comply' standard setback was reduced from 1.5m to 1m.</p> <p>The landowner has advised that the development is to include an engineered drainage plan – including capture of rainfall – guttering, downpipes on the shed that will be connected to soak wells or rainwater tanks.</p> <p>The proposed setback is considered acceptable, subject to concerns of storm water management being addressed.</p> <p>Development is required to provide stormwater management design, but it is not required to manage pre-development flow.</p> <p>The following standard planning condition included in the recommendation addresses the concerns raised in the submission:</p> <p style="text-align: center;"><i>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.</i></p> <p>The applicant has advised that a stormwater management is proposed for the site. Included in the recommendation is a condition of approval that prior to lodging a building permit, a storm water management plan is submitted and approved to the satisfaction of the Shire.</p> <p>It is considered that the concerns raised in the submissions have been addressed.</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 type="checkbox"/> Yes	<input type="checkbox"/> No
Design Element	Policy / R Codes	Provided	Officer comment
Outbuilding Use	Non-habitable – not attached to dwelling.	Shed	Complies
Maximum floor area	60m ²	11m x 5m (55m ²)	Complies
Maximum wall height	LPP1: 3.6 median for skillion	3.15m median height	Complies
Maximum ridge height	4.2m	3.4m	Complies
Front Setback	6m	49.5m	Complies
LPP1: Behind the front of the dwelling	33m	Yes.	Complies
Sides Setback	1m	North: 7m South: 1m	Complies

Rear Setback	1.5m	0.3m	Variation
Secondary Street Setback	N/A	N/A	N/A
Retaining wall and fill	0.5m max. height from natural ground level within less than 1m of a boundary	North: 0.5m to 1m high retaining wall for a length of 9m along side boundary. West: 1m high retaining wall, 20.4m along rear boundary. South: 0.5m to 1m high retaining wall for length of 2.8m along side boundary.	Variation Variation Variation
Outdoor Living Area	N/A	N/A	N/A
Open Space Requirement	50%	79%	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 (Not impacted) <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 design principles	<p>Planning approval is sought for the following variations to the 'Deemed to Comply' standards of the R-Codes and LPP4:</p> <ul style="list-style-type: none"> • Outbuilding setback 0.3m from the rear boundary, (a variation to the 1m minimum boundary setback standard of the R-Codes); and • Retaining wall section 8.8m along the northern side boundary is 0.5m to 1m high from natural ground, (a variation to the 0.5m maximum height of retaining wall along a boundary standard of the R-Codes). • Retaining wall 1m high from natural ground level along western rear boundary, (a variation to the 0.5m maximum height of retaining wall along a boundary standard of the R-Codes). • Retaining wall section 2.8m along the southern side boundary is 0.5m to 1m high above natural ground level, (a variation to the 0.5m maximum height of a retaining wall along a boundary standard of the R-Codes). <p>The shed is proposed to be located at the rear of the property behind the existing dwelling. The outbuilding is modest in height and floor area considering the size of the lot. R20 R-Code permits sections of dwelling along boundary. The proposed outbuilding is consistent with the residential character of the area and will not cause detrimental impacts to streetscape or neighbouring properties.</p> <p>The property slopes from the east (front) to the rear (west). The dwelling is located at the back of the property. The natural ground level drops a metre within 2 metres of the rear boundary. The proposed retaining wall and fill will build the finished floor level to match the neighbouring property to the south.</p> <p>The proposed retaining wall and fill respects the natural ground level as viewed from the street.</p> <p>The proposed development at the rear of the property will not require any clearing and two large native trees at the front of the property are proposed to be retained.</p> <p>The proposed retaining wall and fill will result in land which can be effectively used for the benefit of the residents and will not cause detrimental impact to neighbouring properties.</p> <p>The proposed development meets the relevant 'Design Principles' of the R-Codes.</p>		
Development Standards (Schedule 9)			
Are the development Standards applicable?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Building Height		
Scheme / Policy Requirement	Wall - 7m	Roof - 8m
State the proposed building height	Wall – 3.3m Roof – 3.4m	<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?	N/A	
Officer Comment	Conditional approval recommended.	

OFFICER RECOMMENDATION

That the Acting Statutory Planning Coordinator GRANT Planning Consent under Delegated Authority Instrument No. 16 pursuant to Clause 68(2) of the Deemed Provisions of Local Planning Scheme No. 1 for Dwelling Additions (Outbuilding, Retaining Wall, Fill and Boundary Fencing) at 18 (Lot 58) Elva Street, 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 1 October 2021. P2 received at the Shire on 31 May 2021. P3, P4 & P6 received at the Shire on 15 April 2021.
--------------------------	---

- 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.
- 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.
- Prior to lodging a building permit application, a detailed Stormwater Management Plan shall be prepared to the satisfaction of the Shire and submitted to the Shire showing drainage details, storage capacity, lid levels, drainage pipe inverts, sump connections details, and slow release details. Evidence of the Shire's written acceptance of the Stormwater Management Plan must be submitted at the time of lodging a building permit.
- The outbuilding shall not be used for human habitation.
- The construction of the outbuilding is only permitted when a dwelling exists, or when an approved dwelling is under construction, on the same lot. A building permit for the outbuilding must be issued with, or after, a building permit has been issued for a dwelling on the site.
- The outbuilding and proposed fencing shall be in the same materials, colour and design to match the existing building.

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.