

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

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
03/11/2022	P222761	213 (Lot 74) Wilderness Road, Margaret River	Holiday House (Large)/Guest House Renewal
03/11/2022	P222763	8 (Lot 34) Bayview Drive, Gracetown	Holiday House Renewal
03/11/2022	P222764	23 (Lot 39) Jersey Street, Cowaramup	Warehouse
04/11/2022	P222766	271 (Lot 12) Yates Road, Margaret River	Holiday House Renewal
04/11/2022	P222767	28 (Lot 108) Matthews Road, Augusta	Building Envelope Variation
07/11/2022	P222768	Unit 5/12 (Strata Lot 5 of Lot 9) Town View Terrace, Margaret River	Holiday House
07/11/2022	P222769	8 (Lot 69) Casselton Grove, Margaret River	Holiday House Renewal
07/11/2022	P222773	450 (Lot 71) Kevill Road West, Margaret River	Home Business (Massage and Hyperbarics)
07/11/2022	P222776	14 (Strata Lots) Fearn Avenue, Margaret River	Commercial Retail Shops and Offices (Bin Storage Area)
09/11/2022	P222779	49 (Lot 104) Eldridge Avenue Witchcliffe	Ancillary Dwelling (Outbuilding and Water Tank)
09/11/2022	P222781	668 (Lot 70) Wurring Road, Cowaramup	Holiday House
09/11/2022	P222782	8 (Lot 4) Formosa Street, Margaret River	Holiday House Renewal
09/11/2022	P222784	104 and 105 (Lot 1005) Bussell Highway, Margaret River	Local Development Plan - Margaret River Lifestyle Village Stage 4
BUILDING			
04/11/2022	222589	32 (Lot 725) Burke Circle, Cowaramup	Swimming Pool
04/11/2022	222590	827 (Lot 206) Burnside Road, Burnside	Swimming Pool and Barrier Fence
07/11/2022	222591	59 (Lot 298) Clarke Road, Margaret River (Margaret River Montessori School)	School Classroom Building & Storage Mezzanine
07/11/2022	222592	16 (Lot 244) Antina Avenue, Witchcliffe	Single Dwelling, Patio, Carport and Rainwater Tank
07/11/2022	222593	2 (Lot 292) Jenkins Road, Cowaramup	Shed
08/11/2022	222594	3 (Lot 5) Wannang Lane, Witchcliffe	Single Dwelling, Rainwater Tank and Patio
08/11/2022	222595	33 (Lot 29) Tallwood Loop, Witchcliffe	Shed
09/11/2022	222596	14 (Lot 278) Dempster Drive, Witchcliffe	Single Dwelling, Patio, Shed and Rainwater Tank
09/11/2022	222597	42 (Lot 216) Bottlebrush Drive Margaret River	Patio
Exploration Licenses for Comment			
Nil			

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				
16/08/2022	P222549	44 (Lot 150) Waverley Road, Cowaramup	Single Dwelling (Outbuilding)	Approval
31/08/2022	P222576	Lot 100 Bussell Highway, Margaret River	Single House	Approval
08/09/2022	P222600	6 (Lot 254) Felling Road, Karridale	Dwelling and Outbuilding	Approval
16/09/2022	P222626	15 (Lot 99) Melaleuca Bvd, Margaret River	Single House (Outbuilding)	Approval
16/09/2022	P222627	14 (Lot 134) Walton Way, Gracetown	Outbuilding	Approval
27/09/2022	P222644	70 (Lot 110) Kilcarnup Road, Burnside	Holiday House Large (Renewal)	Approval
28/09/2022	P222650	21 (Lot 7) Ellis Street, Augusta	Single House (Outbuilding)	Approval
04/10/2022	P222665	18 (Lot 248) Felling Road, Karridale	Single Dwelling (Outbuilding)	Approval

06/10/2022	P222674	4 (Lot 29) Bovell Avenue, Margaret River	Ancillary Dwelling	Approval
SUBDIVISIONS				
Nil				
LOCAL LAW PERMITS				
Nil				

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
13/10/2022	P222700	33 (Lot 32) Riedle Drive, Gnarabup	Amendment to Planning Approval P222368 (Single House)	Approve subject to conditions
08/09/2022	P222603	6A (Lot 103) Brady Street Augusta	Dwelling (Retaining)	Approve subject to conditions
01/09/2022	P222581	841 (Lot 204) Burnside Road, Burnside	Holiday House Large (Renewal)	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 Amendment to Planning Approval P222368 (Single House additions)
33 (Lot 32) Riedle Drive Gnarabup

Level 3

P222700; PTY/5411

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

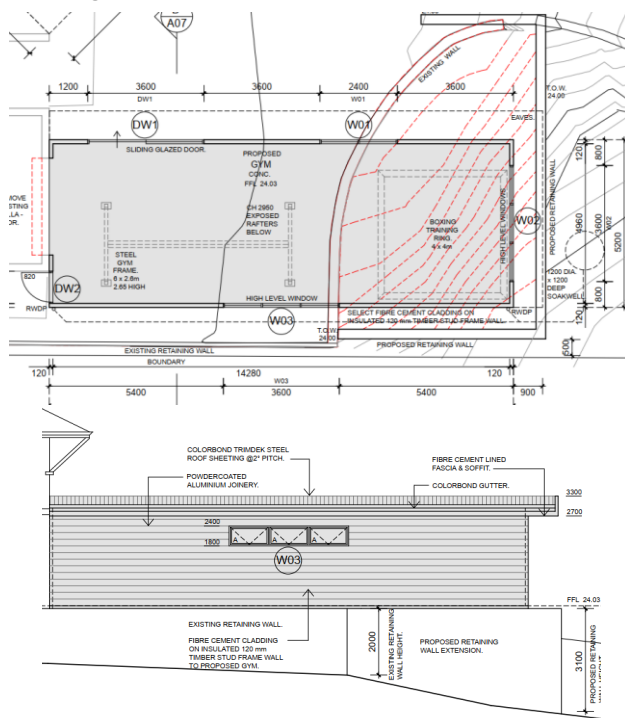
General Information	
Lot Area	1183m ²
Zone	Residential (R10)
Proposed Development	<p>Development approval is sought for extensions to an existing dwelling including the following:</p> <ul style="list-style-type: none"> • Carport and identified boat parking area. • Private gym (88.9m²) on associated subfloor structure. • New roof over existing balcony. <p>The proposed development is to provide storage for the owner's vehicles and a gym for the family's personal use only.</p> <p>Development approval was originally granted for the proposed development but included an extension to an existing retaining wall adjacent to the western boundary. Discussions with the applicant relating to the ongoing objections to that design by the neighboring property owner have led to this amendment which removes the retaining wall, with the gym now proposed on a subfloor structure. The proposal also involves an extension to the gym by 1m toward the centre of the site. The setbacks to the western adjoining property and street are consistent with the previous approval.</p> <p>Development approval is required as the proposal is located within the Gnarabup Special Control Area (SCA 3) and seeks a variation to the Residential Design Codes setback requirements to the western boundary.</p>
Permissible Use Class	'P' Single Dwelling additions.
Heritage/Aboriginal Sites	Not an Aboriginal Heritage Site.
Encumbrance	Nil.
Date Received	13/10/2022



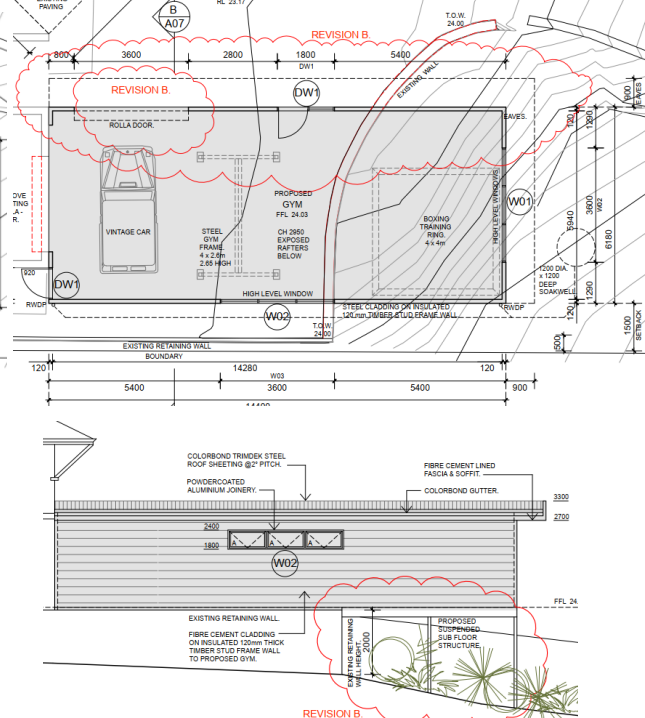
Figure 1 – Location Plan.



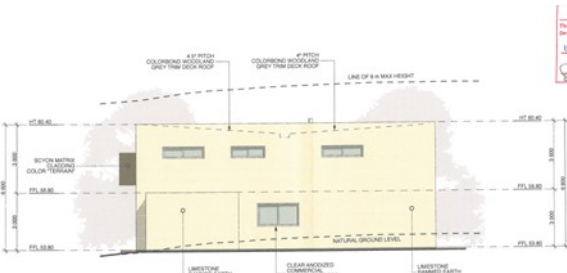
Existing Approval



Current Proposal



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		
Gnarabup Beach Structure Plan.		
Officer Comment		
The applicable structure plan identifies the subject site as Residential (R10) no further development controls are applicable to the subject site.		
Planning History		
P222368 – Single House additions (approved August 2022)		
<ul style="list-style-type: none"> This approval will no longer be valid should this application be approved. 		
P99431 – Single House (Approved September 1999)		
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 checked="" type="checkbox"/> No <input type="checkbox"/> N/A	
Details of Submission		Officer Comment	
Objection. <ul style="list-style-type: none"> The proposed development is erroneous in not addressing the bulk and scale considerations of the R-Codes and of clause 67(2)(m)(ii) of the Deemed Provisions. A separate but related issue was also raised by the neighbouring property in relation to the structural integrity of the existing retaining wall along the western boundary and its ability to support further development. 		<p>The concerns of the neighbour are noted.</p> <p>Bulk and scale</p> <p>The bulk and scale is reduced with the proposed development now on a sub-floor structure in lieu of the previously proposed retaining extension. The side façade of the neighbouring dwelling is pictured below. There are no major openings from the neighbouring dwelling facing the proposed development. The pictured ground floor window is from a bathroom/laundry. The first-floor windows are from a pantry, kitchen/dining room and bedroom, however due to the height of the windows (have a sill height above 1.6m above floor level) these are not considered major openings.</p> <p>The major openings of the neighbouring dwelling face primarily north.</p>  <p>Existing retaining</p> <p>The current proposal no longer incorporates alterations to the existing retaining wall on site.</p> <p>Following the previous approval, the neighbour provided a report from GHD which raised questions regarding the structural integrity of the existing retaining wall. The report concluded that:</p> <ol style="list-style-type: none"> The wall is unlikely to comply with the Australian Standards for strength and stability; The addition of a single storey building will add additional lateral load to the wall. <p>In response, the Shire requested that the applicant provide confirmation from a suitably qualified engineer to confirm the existing wall is suitable for and capable of supporting the future development. The applicants engineer, Margaret River Structural Engineering confirmed that the wall was showing no signs of distress and that revised design would enhance the performance and safety of that part of the wall.</p> <p>The design of the proposal incorporates piling which transfers the building loads to the soil and therefore does not place any additional load onto the existing retaining wall.</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	7.5m	13.2m	Complies.
Sides Setback	2.1m (gym)	1.5m (gym)	Variation sought to all side setbacks.
	1.6m (carport)	700mm (carport)	
Rear Setback	6m	>6m	Complies.
Garage/Carport Setback	7.5m	>7.5m	Complies.
Garage Width	<10.9m	7.5m	Complies.
Open Space Requirement	60%	>60%	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 type="checkbox"/> Yes	<input checked="" 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	<p>A variation is sought to the side boundary setbacks. The following design principles are applicable for the variation to side setbacks:</p> <p>Buildings are setback from the lot boundaries or adjacent buildings on the same lot as to:</p> <ul style="list-style-type: none"> • <i>Reduce impacts of building bulk on adjoining properties;</i> • <i>Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</i> • <i>Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</i> <p>The proposal is considered to meet the applicable design principles for the following reasons:</p> <ul style="list-style-type: none"> • The proposed addition is setback from the lot boundary to provide adequate ventilation and sun to the site and adjoining property. • The side of the adjacent dwelling has no major openings facing onto the proposed development, with the properties main living areas facing north-west. • There are no overlooking impacts as a result of the proposed development. 	
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 - 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	
Disabled Bays	Disabled Bays – N/A	<input type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply
Officer Comment	The proposal results in the removal of the existing garage, however parking is proposed via the carport which provides up to 2 bays. There is also additional parking on the existing driveway.	
Building Height		
Scheme / Policy Requirement	Wall - 7m	Roof - 8m
State the proposed building height	Roof – 6.3m	<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?	Some vegetation will be required to be removed for the footings of the proposed development.	
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?	The proposed development is an extension of the existing development at the existing FFL. The development is proposed on a sub-floor structure to avoid further retaining. The neighbouring property to the west of the site is orientated toward the northwest and therefore away from the proposed extension. The amenity impacts of the proposal are minimal.	
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 applicant has revised the proposal to Conditional approval recommended.	

OFFICER RECOMMENDATION

That 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 P222368 (Single House additions) at 33 (Lot 32) Riedle Drive Gnarabup 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 – P7 – Received at the Shire on 13 th of October 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 proposed gym is not permitted to be used for commercial gain and is only to be used in a manner ancillary to the use of the Single House.
4. 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 Shires drainage system in accordance with the Shire of Augusta Margaret River's Standards and Specifications.
5. Information is to be provided together with an application for building permit to confirm that the design of the footings for the gym are of a pile design and do not place any load on the adjacent retaining wall.

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.



DEVELOPMENT APPLICATION ASSESSMENT
Report to Manager Planning and Development Services
Proposed Dwelling (Retaining) - 6A (Lot 103) Brady Street Augusta

Level 3

P222603; PTY/10645

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

General Information	
Lot Area	1203m ²
Zone	Residential (R15)
Proposed Development	<p>Development approval is sought for a dwelling and associated siteworks.</p> <ul style="list-style-type: none"> The proposal initially incorporated an outbuilding and further associated siteworks, but was removed following advertising. This will form part of a future application with the main dwelling. The current dwelling has been designed to change to an ancillary dwelling in the future. <p>The proposal seeks a variation to the passive surveillance and rear setback requirements of the R-Codes.</p>
Permissible Use Class	'P' – Single Dwelling
Heritage/Aboriginal Sites	Not an Aboriginal Heritage Site.
Encumbrance	Easement Burden for Sewerage Purposes to Water Corporation (identified on site plan)
Date Received	08/09/2022



Figure 1 – Location Plan.



Figure 2 – 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

Figure 3 - Location of objectors.

Has a submission been received by Council?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A No. received: 4	
Details of Submission		Officer Comment	
1. Objection <ul style="list-style-type: none"> Limited information provided about the future development on the site. The FFL of the proposal will be effectively at fence top level which we see as unreasonable and an impact on the visual privacy provisions as outlined in the R-Codes. 		<p>The comments of the neighbours are noted.</p> <p>Following consultation, the applicant revised the plans based on the neighbour's comments, removing the outbuilding from the proposal, and retaining to the western side of the site. With the modifications made the proposal is now largely compliant with the Residential Design Codes despite the passive surveillance requirement and rear setback requirements. Therefore, most of the reasons for objection have been addressed.</p> <p><u>Dwelling</u></p> <p>Despite the raised FFL and concerns from neighbouring properties, the proposal is consistent with the side and front setback and visual privacy requirements of the R-Codes. The FFL has been raised in order to create a level area for development across the site. The site slopes approximately 5m from the east to the west, with vehicular access from a private driveway located in the centre of the site.</p> <p>The site works and retaining comply with the table 4 of the R-Codes. In order for the proposal to comply with the vehicular access requirements of the R-Codes as well as managing stormwater on site some retaining is necessary. Despite the rear setback variation, the proposal meets the visual privacy requirements of the R-Codes and is adjacent to the rear of neighbouring properties containing outbuildings and areas that are substantially vegetated, therefore having a reduced impact.</p> <p>Retaining has been setback from the boundaries to reduce building bulk impacts on the adjoining properties, and the overall scale of development. The overall development is well within the building height limits of the scheme.</p> <p><u>Staged development</u></p> <p>The applicant has advised that the overall future development of the site will be proposed at a later stage. Whereby the proposed dwelling will become the future ancillary dwelling. The main dwelling will be located on the western side of the site and will provide passive surveillance to the internal driveway.</p>	
2. Objection <ul style="list-style-type: none"> The proposed development is far to close to our property boundary and is excessive in area and height in regard to the Shires Local Planning Policy 1 and the R-codes. LPP1 3.3 (a) and (b) only permit an outbuilding when a dwelling exists on site, there is no description of the future dwelling and no guarantee there will be one. Excess floor area of outbuilding. Concerns with the height of the retaining proposed in close proximity to our southern boundary. 			
3. Objection <ul style="list-style-type: none"> Excessive breaches and potential future distortion of the intent of the R-Codes. The proposed variations are made without adequate explanation of the reason for requested variations. The excavations and fill are extreme. The total floor area of the Outbuilding/garage and third garage of the granny flat, suggest that the second phase of development could take a multitude of directions which could have further impacts on neighbours. There is clearly unwanted potential for future, contentious and extreme diversion from the Policy and Codes if this proposal is approved. The complete and final design needs to be made available with this application. A double standard could emerge if the final result of this build is in stark contrast to other recent nearby builds that have diligently complied with the R-Codes. It is not clear that the maximum building height will not be breached by subsequent building. Privacy implications for current and future neighbours are not accounted for. 			
4. Objection <ul style="list-style-type: none"> Concerns regarding the FFL of the dwelling being at the height of the dividing fence. Construction of the granny flat at a level closer to natural ground level would not impose greatly on our property but given the much higher FFL the building will have a significant impact on the amenity of the property. 			
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 (street setback not applicable)	1.1m	2.7m	Complies.
Sides Setback	1.2m (garage & alfresco) 2.3m (dwelling)	1.985m (garage & alfresco) 3.185m (dwelling)	Complies.
Rear Setback	6m	1.5m	Variation.
Garage/Carport Setback	1.1m	2.7m	Complies.
Driveway Width	Existing		

Open Space Requirement	50%	>50%	Complies.
Fill and Retaining	Compliant as per Table 4 of the R-Codes.		
Upgrade Landscaping	<input type="checkbox"/> Required <input checked="" type="checkbox"/> Not Required		
Overlooking	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No The proposal is compliant with the visual privacy provisions of the R-Codes.		
Street surveillance	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Variation.		
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 performance criteria	<p><u>Street surveillance.</u></p> <p>The proposal seeks a variation to the deemed to comply requirements of Clause 5.2.3 with no major opening from a habitable room of the proposed dwelling facing onto the street/private driveway. The following design principles is therefore applicable to the proposal:</p> <p><i>Buildings designed to provide for surveillance (actual or perceived) between individual dwellings and the street and between common areas and the street, which minimise opportunities for concealment or entrapment.</i></p> <p>The proposal is considered to be consistent with the applicable performance criteria as the overall development on site will be staged. The applicant has confirmed that stage 2 which will include the main dwelling will incorporate major openings from habitable rooms which will overlook the driveway, providing surveillance for pedestrian and vehicular approach to the property.</p> <p><u>Lot boundary setback</u></p> <p>The proposal seeks a variation to the deemed to comply requirements of Clause 5.1.3 with a rear lot boundary setback of 1.5m proposed in lieu of the 6m requirement. The following design principles are therefore applicable to the proposal:</p> <p><i>P3.1 Buildings setback from lot boundaries or adjacent buildings on the same lot so as to:</i></p> <ul style="list-style-type: none"> • Reduce impacts of building bulk on adjoining properties; • Provide adequate direct sun 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. <p>The proposal is considered to be consistent with the applicable design guidelines for the following reasons.</p> <ul style="list-style-type: none"> • The reduced rear setback shares a rear boundary with the neighbour to the north, the neighbour has an existing outbuilding in the southwest corner of their lot and vegetation along the rest of their boundary. As a result, there will be minimal impact to the private open space of the neighbour as this is largely an unused space. • The setback variation is only minor as it is only over a small portion of the overall site. • The setback variation will not impact sun and ventilation to the proposed dwelling or the surrounding neighbours. • The proposal is compliant with the visual privacy provisions of the R-Codes. 		
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 - <1>	Car Bays Proposed - <1>	
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	
Building Height			
Scheme / Policy Requirement	Wall - 7m	Roof - 8m	
State the proposed building height	Wall – 4.45m	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply	
	Roof – 5.18m		
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	
vi. Are utility services available and adequate for the development?	Yes.
vii. Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land?	Vegetation on site will be required to be removed, however this is exempt under the scheme.
viii. Has adequate provision been made for access for the development or facilities by disabled persons?	N/A.
ix. Is development likely to cause detriment to the existing and likely future amenity of the neighbourhood?	No.
x. 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	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 Dwelling (Retaining) 6A (Lot 103) Brady 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 – P8 Received at the Shire on 9 th of November 2022.
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- 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 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.
- Prior to occupation, the window(s) on the northern and eastern elevations shall be fixed obscured or translucent glass to a height of 1.6 metres.

ADVICE NOTES

- You are advised of the need to comply with the requirements of the following other legislation:
 - 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*;
 - Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises; and
 - The *Bush Fires Act 1954* as amended, Section 33(3), Annual Bush Fires Notice applies to this property.



DEVELOPMENT APPLICATION ASSESSMENT Report to Manager Planning and Development Services

Proposed Holiday House Large (Renewal)
841 (Lot 204) Burnside Road Burnside

Level 3 - 2 objections

P222581; PTY/12753

REPORTING OFFICER : Tessa Ashworth
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	27782m ²
Zone	Rural Residential
Existing Development	<input checked="" type="checkbox"/> Single House <input type="checkbox"/> Grouped Dwelling
Nature of application	Holiday House (renewal)
Proposed use	A planning application has been received for the renewal of the Holiday House. As previously approved, the existing dwelling is to be used to accommodate up to (eight) 8 short stay guests at any one time. The existing management arrangements are to be retained and the duration of the approval sought in this case is three (3) years.
Permissible Use Class	'A' – discretionary use
Advertising Required	Yes - completed
Reason not exempted from planning approval?	Discretionary uses are not permitted unless the Shire exercises its discretion by granting development approval.
Heritage/Aboriginal Sites	N/A
Encumbrance	N/A
Date Received	01/09/2022
Date of Report	08/11/2022

Location Map



Planning History	A twelve (12) month approval (P221646) was issued on 2 November 2021 for a holiday house for eight (8) guests.
Is the application same as previous?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Have there been any objections?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Have there been any complaints over the recent period of approval?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Have there been any substantial changes to the LPS1 or Policy?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Officer comments:	Nil
Comments Received	
Nature of Submission	Officer Comments
2 Objections: <ul style="list-style-type: none"> Guests having late night parties. Guests trespassing onto neighbouring property, resulting in privacy and security concerns. 	- Manager and owner were unaware of any issues until these were raised through the consultation process.

<ul style="list-style-type: none"> Rubbish bins left out for several days resulting in litter. 	<ul style="list-style-type: none"> Manager has since spoken to neighbours and introduced herself. Has provided contact details if there any issues, her details are also on sign at entrance to property. Neighbours have been informed to contact manger if any noise issues arise. Neighbour has no fences which may explain this. Owner has indicated in any case this is not acceptable and has advised the neighbour to contact manager immediately if guests trespass on property again. Responsibility of the property manger to ensure bins are put in and out at appropriate times. Owner has informed manager of this issue which is one of their deliverables. Owner uses property and expects to move permanently to property in future and hopes to build a good relationship with neighbours. They plan to introduce themselves to neighbours on their next visit, acknowledging that this was a shortcoming by them. <p>Owner has responded to issues raised thoroughly and showed genuine concern of any impact on neighbours. The use of the property regularly by the owner and family as well as intention to move permanently in future provides some an incentive for him to promptly address any future issues that may arise.</p> <p>Recommend a reduced approval period of 12 months to allow an opportunity to address issues raised during consultation. After which time the effectiveness so these measures can be reviewed.</p>
Recommended period of approval	<input checked="" type="checkbox"/> 12 months <input type="checkbox"/> 3 years <input type="checkbox"/> 5 years

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 a Holiday House at 841 (Lot 204) Burnside Road, Burnside 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 to P2 received by the Shire on 14 September 2021
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- The Holiday House use is permitted for a period of 12 months from **<start of period of approval>** to **<end of period of approval>**. (Refer to advice note 'a')
- The approved Bushfire Emergency Evacuation Plan and Bushfire Management Plan shall be displayed in a conspicuous location within the dwelling at all times.
- A Manager or a contactable employee of the Manager that permanently resides no greater than a 35 minute drive from the site shall be nominated for the Holiday House and this person shall attend to any callout within 35 minutes of a reported incident. The Manager or contactable employee is to be retained at all times during the use of the site as a Holiday House. (Refer to advice note 'b').
- At all times the Holiday House use is in operation, the 24-hour contact details of the **Manager** of the Holiday House shall be displayed on a sign that is clearly visible from the nearest street frontage. The sign is limited to a maximum size of 0.2 metres square and not exceeding 1.5 metres in height from ground level. The sign shall be erected within the property frontage and must be visible from the street front. (Refer to advice note 'c')
- All vehicles & boats connected with the premises shall be parked within the boundaries of the property.
- The short stay use of the dwelling shall not be occupied by more than **eight (8) people** at any one time.
- Amplified music shall not be played outside of the Holiday House between the hours of 10pm and 10am.

8. Any marketing material for this Holiday House shall include display of the planning approval reference number for this approval. (Refer to advice note 'f')

ADVICE NOTES

- a) A new planning application seeking approval should be submitted 90 days before the expiry of this approval, along with the appropriate planning fee.
- b) If at any time there is not an appointed manager or a contactable employee of the manager for the site, the use must cease until such time as a manager is appointed.
- c) Evidence of installation of the sign will be required to be provided, to the satisfaction of the Shire, at the time an application to renew the Holiday House use is lodged.
- d) This approval does not affect the entitlement to use the dwelling for permanent residential purposes.
- e) You are advised of the need to comply with the requirements of the following other legislation:
 - (i) *Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises.
 - (i) The *WA Building Regulations 2012* (r.59) requires that the owner of a dwelling (as defined in the Building Code of Australia) must not make the dwelling available for hire unless hard wired, battery backup smoke alarms are installed, complying with the Building Code of Australia and AS3786.
- f) Evidence of the display of the planning approval reference number within the marketing of the Holiday House is required to be provided, to the satisfaction of the Shire, at the time an application to renew the Holiday House use is lodged. Applicants are advised to include a screenshot of the website to show that the planning approval reference number is being displayed.
- g) Please note that the Shire does not notify landowners in writing of the expiry of a Holiday House planning approval. It is the owner's responsibility to monitor and ensure that the planning approval remains valid while the use is being undertaken.