

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
21 October 2021 to 27 October 2021

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
21/10/2021	P221782	Unit 25 / 20 (Strata Lot 25) Riedle Drive, Gnarabup	Holiday House
21/10/2021	P221783	62 (Lot 1) Orchid Ramble, Margaret River	Chalet (Tourism Mixed Use)
21/10/2021	P221785	870 (Lot 11) Bessell Road, Rosa Brook	Farm Building
21/10/2021	P221786	22 (Lot 16) Kilcarnup Road, Burnside	Holiday House (Large)
21/10/2021	P221787	65 (Lot 53) Leeuwin Road, Augusta	Holiday House
21/10/2021	P221788	25 (Lot 263) Culhane Drive, Margaret River	Dwelling (Water Tank partially outside building Envelope)
25/10/2021	P221790	53 (Lot 722) Trinder Drive, Margaret River	Winery
21/10/2021	P221791	1085 & 1665 (Lot 2899) Bessell Road, Rosa Brook	Subdivision
25/10/2021	P221792	41 (Lot 133) Grunters Way, Gnarabup	Alterations & Additions
26/10/2021	P221797	Unit 2 / 31 (Lot 2) York Street, Augusta	Carport Addition
26/10/2021	P221799	40 / 20 (Strata Lot 40 of 229) Riedle Drive, Gnarabup	Holiday House Unit
26/10/2021	P221800	22 (Lot 8) Eldridge Avenue, Witchcliffe	Carport Addition
26/10/2021	P221801	80 (Lot 12) Coppin Grove, Redgate	Holiday House (Renewal)
27/10/2021	P221802	15 (Lot 10) Brookside Boulevard, Cowaramup	Dwelling
25/10/2021	P221803	72 (Strata Lots 1, 2, 3, 4, 5 of Lot 1) Town View Terrace, Margaret River	Amalgamation
BUILDING			
22/10/2021	221683	Lot 500 (RES48838) Miamup Road, Cowaramup	Gazebo
22/10/2021	221684	4 (Lot 21) Meleri Close, Margaret River	Unauthorised Works - 3 x Lean To, Bathroom, Patio and Pergola
22/10/2021	221685	7 (Lot 221) Honeytree Grove, Cowaramup	Alterations and Additions- Shed and Carport Extension
22/10/2021	221686	Unit B / 12 (Lot 370) Wattle Place, Margaret River	Patio
22/10/2021	221687	47 (Lot 212) Mc Dermott Parade, Witchcliffe	Shed
22/10/2021	221688	11 (Lot 37) Mc Dowell Road, Witchcliffe	Shed
22/10/2021	221689	11 (Lot 29) Eldridge Avenue, Witchcliffe	Rainwater Tank
25/10/2021	221690	225 (Lot 901) Osmington Road, Bramley	Alterations Additions to Existing Structure - Roof Repair
26/10/2021	221691	10437 Bussell Hwy, Witchcliffe CP - Kulbardi Way, Yornitj Grove, Wolghine Avenue, Mardo Drive and Karrak Crescent	7 x Shed and Rainwater Tanks
26/10/2021	221692	30-32 (2324) Station Road, Margaret River	Occupancy Permit - Retail Showrooms
27/10/2021	221693	23 (Lot 1) Cowaramup Bay Road, Cowaramup	Shed
27/10/2021	221695	3 (Lot 208) Flitch Road, Karridale	Earthworks
27/10/2021	221697	3 (Lot 208) Flitch Road, Karridale	Shed
27/10/2021	221698	341 (R19531) Boodjidup Road, Margaret River	Alterations/Additions to Existing Shop
27/10/2021	221699	9 (Lot 22) Tallwood Loop, Witchcliffe	Rainwater Tank

27/10/2021	221700	8 (Lot 327) Lovejoy Road, Cowaramup	Verandah
27/10/2021	221701	8 (Lot 327) Lovejoy Road, Cowaramup	Occupancy Permit Change of Use - Shed to shop

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				
28/07/2021	P221523	2 (Lot 111) Andrews Way, Margaret River	Markets	Approved
09/08/2021	P221546	97 (Lot 113) Baudin Drive, Gnarabup	Dwelling	Approved
24/08/2021	P221595	7 (Lot 606) Niblett Retreat, Margaret River	Dwelling, Ancillary Dwelling & Outbuilding	Approved
09/09/2021	P221634	802 (Lot 52) Manear Road, Rosa Glen	Dwelling	Approved
15/09/2021	P221647	47 (Lot 50) Terry Drive, Prevelly	Holiday House (Renewal)	Approved
22/09/2021	P221667	50 (Lot 232) Elva Street, Margaret River	Holiday House (Renewal)	Approved
29/09/2021	P221688	13 (Lot 227) Lumber Crescent, Karridale	Building Envelope Variation (Development Outside of Building Envelope)	Approved
30/09/2021	P221701	38 (Lot 106) Barrett Road, Rosa Brook	Dwelling (Outbuilding Addition)	Approved
11/10/2021	P221755	98 (Lot 1) Tom Cullity Drive, Cowaramup	Section 40	Cancelled
12/10/2021	P221757	38 (Lot 153) Grunters Way, Gnarabup	Bed & Breakfast (Renewal)	Approved
SUBDIVISIONS				
Nil				
LOCAL LAW PERMITS				
Nil				

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
14/09/2021	P221642	70 (Lot 110) Kilcarnup Road, Burnside	Holiday House (Large)	Conditional approval
02/09/2021	P221622	87 (Lot 108) Baudin Drive, Gnarabup	Dwelling and Ancillary Dwelling	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
Report to Manager Planning and Development Services

Proposed Holiday House (Large)
70 (Lot 110) Kilcarnup Road Burnside

Level 3

P221642; PTY/12324

REPORTING OFFICER : **Don Bothwell**
DISCLOSURE OF INTEREST : **Nil**

General Information	
Lot Area	10367m ²
Zone	Rural Residential
Proposed Development	<p>A planning application has been received for a Holiday House. The existing four bedroom single storey Dwelling is proposed to be used to accommodate up to eight (8) short stay guests at any one time.</p> <p>The landowner's mother lives in the Ancillary Dwelling on site of a permanent basis. The application proposes for the occupier of the Ancillary Dwelling to undertake the role of on-site manager of the proposed Holiday House.</p>
Permissible Use Class	'A' – discretionary use
Advertising Required	Yes – completed
Heritage/Aboriginal Sites	N/A
Encumbrance	N/A
Date Received	14/09/2021
Date of Report	7/10/2021



Figure 1 – Location Plan



Have there been any objections?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Two (2) submissions of objection were received from individual landowners of the same property.
Have there been any substantial changes to the LPS1 or Policy?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
Comments Received	
Nature of Submission	Officer Comments
<p>Issues raised in the submissions are as follows:</p> <ul style="list-style-type: none"> • I have concerns and strongly object to the proposed 8 guest holiday accommodation. "...I do not want a bunch of noisy strangers ruining what little piece and quiet we have left in this area..." • I have concerns of 8 guests parties, noise, traffic, rubbish, potential Covid outbreaks and potential sexual offenders to my children. • We have built our family home and are raising our two children on our property. • We are in a rural area not zoned tourism, keep the accommodation for the Margaret River township area. • Increased traffic, increased fire risk, increased noise, increased waste, long term rental shortage. • There are way too many here, keep it in town! 	<p>In response to the issues raised, the applicant has advised:</p> <ul style="list-style-type: none"> • We have an onsite manager, who can make sure everything is in check. • We have noise restrictions in place in our house rules. Our house rules state that guests cannot have any loud music outside or after 9:30pm. • Our block is 2.5 acres and is ample space for guests to park their cars, this shouldn't affect traffic at all. Any increased traffic would be unnoticeable, as there would be about 2 extra cars on the road. • Our onsite manager is responsible for taking the bins to the curb side every week. • We will take advice and prompts from the WA Department of Health in regard to covid. • There is no increased risk to child sex offenders, with the Australian Institute of Criminology reporting that 88.9% of child sex abuse is committed towards victims by perpetrators that they know. • We have also built our family home here and would love to be able to stay long-term, unfortunately our circumstances have changed, and this is a temporary solution while we work through our current circumstances. We are not in a position to rent out our home long-term. This is still our family home that we will return to as much as possible. We are also not sure on timelines at the moment. Both of these factors, along with needing to pay a mortgage and rent is our main reason for our short-term stay submission. • We adhere to all of the fire regulations. We have said strictly no fires on the property, even in the off season. <p>The concerns raised in the submissions and the applicant's response are noted. The concern regarding the shortage of long-term rental product within the Shire is acknowledged, however, landowners in areas such as this have the right to apply for short stay accommodation in accordance with the Local Planning Scheme No. 1 and <i>Local Planning Policy 7 – Short Term Accommodation</i> (LPP7).</p> <p>It is considered that given the Ancillary Dwelling on site is proposed to be occupied by the manager of the Holiday House, this would significantly mitigate potential undue impacts by providing immediate oversight of the short stay operation. The property is also more than one hectare in size and the dwelling on site is well setback (more than 50m) from neighbouring</p>

	dwellings. As demonstrated below, the proposal satisfies the relevant provisions of the Shire's LPP7. Further, any approval is recommended to be granted for an initial 12 month timeframe after which an application must be submitted to renew the land use. This timeframe provides the opportunity for the successful management of the operation to be monitored and assessed at the time the application to renew the land use is received.	
Policy Requirements - Local Planning Policy 7 – Short Term Accommodation		
Policy Element	Provision	Comment
Location	Located outside of Policy Plan 1 but comprise of an area not less than 1ha?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No The proposed Holiday House is located outside of Policy Plan 1 but is located on a lot over 1ha in size as such meeting the location element of the policy.
Design/ Layout	One parking bay per bedroom, Or two bays for grouped dwellings	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Reticulated water supply, or minimum 120,000 (plus firefighting provision) rainwater tank?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No The subject property has a 165,000L water tank. In addition, there is a dedicated 50, 000L firefighting tank in the locality and installed at the time of subdivision.
	Existing or proposed on-site effluent disposal system sized accordingly to number of guests?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No In 2019, the septic system was upgraded. The Shire's Environmental Health Services have confirmed that there is no upgrade required to accommodate the 8 guests and 1 resident on-site.
	Decks and balconies located away from the bedrooms of neighbouring dwellings?	<input type="checkbox"/> Yes <input type="checkbox"/> No N/A
	Decks and balconies located close to the living and dining areas of neighbouring dwellings, provided with suitable screening?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No N/A
Fire	If within bushfire prone area a BAL provided?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	For sites with a BAL above Low, a BMP prepared by accredited consultant and where required referred to DFES for comments?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No BMP exists for the subdivisional area.
	BAL rating at BAL-40 or FZ?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Management	Management Plan submitted?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	BEEP provided	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Manager, or employee permanently resides 35m drive from Site?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	House Rules?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Amplified music may not be played outside between the hours of 10pm to 10am	Required as a standard condition if land use is granted approval.
	Display the manager's 24hr contact details.	Required as a standard condition if land use is granted approval.
	Recommended period of approval	<input checked="" type="checkbox"/> 12 months <input type="checkbox"/> 3 years

OFFICER RECOMMENDATION

That the Statutory Planning Coordinator **GRANTS** Planning Consent under Delegated Authority Instrument No. 16 pursuant to Clause 68(2) of the Deemed Provisions of Local Planning Scheme No. 1 for the proposed Holiday House (Large) at 70 (Lot 110) Kilcarnup 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 – P3 received by the Shire on the on 26 October 2021
--------------------------	---

- The Holiday House use permitted for a period of **12 months** from <date of this approval> to <end of date of approval>. (Refer to advice note 'a')
- The approved Bushfire Emergency Evacuation Plan shall be displayed in a conspicuous location within the dwelling at all times.

4. 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 advice note 'b')
5. 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 the ground level. The sign shall be erected within the property frontage and must be visible from the front street. (Refer to advice note 'c')
6. All vehicles & boats connected with the premises shall be parked within the boundaries of the property.
7. The short stay use of the dwelling shall not be occupied by more than **eight (8) people** at any one time.
8. Amplified music shall not be played outside of the holiday house between the hours of 10pm and 10am.
9. 'House Rules' shall be developed to the satisfaction of the Shire prior to the commencement of use. Thereafter the 'House Rules' shall be provided to all guests and shall be displayed within a prominent position within the Holiday House. (Refer to advice note 'f')
10. Any marketing material for this Holiday House shall include display of the planning approval reference number for this approval. (Refer to advice note 'g')

ADVICE NOTES

- a) Following satisfactory performance of the approved use, and in the absence of any substantiated complaints over the twelve (12) month approval period, the Shire may grant further planning approval for the continuation of the use for a further three (3) years. A new planning application seeking such 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) This approval does not affect the entitlement to use the dwelling for permanent residential purposes.
- d) 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.
- e) The 'House Rules' document shall be consistent with key elements of the NSW Code for Holiday Houses (please refer to the attached document).
- f) Evidence of the installation of the sign and 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 undertake



DEVELOPMENT APPLICATION ASSESSMENT
Report to Manager Planning and Development Services

Proposed Dwelling and Ancillary Dwelling
87 (Lot 108) Baudin Drive Gnarabup

Level 3

P221622; PTY/7950

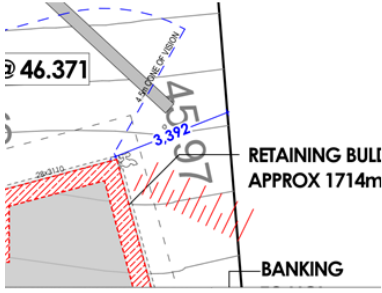
REPORTING OFFICER : Lucy Gouws
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	2037sqm
Zone	R5 within SCA3 for Gnarabup
Proposed Development	<p>Planning approval is sought for a Dwelling and Ancillary Dwelling. The proposal involves the following variations to the 5m side boundary setback standard under the <i>Local Planning Scheme No. 1</i> (LPS1):</p> <p>Dwelling</p> <ul style="list-style-type: none"> - Setback 2.4m – 3.2m on the side (north western) boundary - Setback 3.7m on the side (south eastern) boundary <p>Retaining associated with the Dwelling</p> <ul style="list-style-type: none"> - Retaining setback 4m from side (south eastern) boundary - Retaining setback 1.3m from side (north western) boundary <p>Ancillary Dwelling</p> <ul style="list-style-type: none"> - Retaining setback 2.9m from side (south eastern) boundary
Permissible Use Class	Dwelling 'P' and Ancillary Dwelling 'P'
Heritage/Aboriginal Sites	Nil
Encumbrance	Easement and covenant on the title, not impacted by this application.
Date Received	02/09/2021



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	Guides zoning of the land.
Planning History	
<p>A development application in 2016 was approved by Council at the meeting of 22 August 2018. The application was for a Dwelling and Ancillary Dwelling in a similar design to the subject application. The application presented side setback variations to both the southern and northern elevations. The variations included retaining at nil setback to the south boundary and a setback variation on the north western boundary (for a length of wall up to 10m long) setback as close as 2.2m. The development was never commenced, and the approval granted has since expired.</p>	

Advertising/Agency Referrals			
Has the application been referred to adjoining landowners/agency?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> N/A
Has a submission been received by Council?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> N/A
		No. received: 1 Objection	
Details of Submission		Officer Comment	
<p>Objection to the following:</p> <ul style="list-style-type: none"> - 11m section of the house on the north west (NW) side that is 2.4m – 3m is substantially less than the 5m side setback. - It will be visually intrusive and hard to screen given the LPS1 fencing and rules for bushfire prevention. - None of our house is within the 5m setbacks. 		<p>The applicant has provided the following response to the concerns raised:</p> <ul style="list-style-type: none"> - The proposed variation to the required lot boundary setback from the north-western side meets the 'deemed to comply' requirements of Element 5.1.3 of the R-Codes. The length of wall in the setback area is 11 metres long, along the 65.47metre long boundary. As such, the overall extent of the variation is considered to be minor in context over the length of the entire property. The majority of the new dwelling comprises a greater than the minimum required setback prescribed within the LPS1. The wall, the subject of the variation to the north west, is well setback from the street and the new dwelling comprises a floor level well below the road pavement level. Therefore, the proposed setback variation will not impact the public realm. - The proposed new dwelling will not have an adverse impact on the existing dwelling on the adjoining north-western property. - The Shire has granted similar and/or greater setback variations in the past along Baudin Drive. This includes a setback variation granted for the previous design layout of the dwelling on the land from the north-western side boundary. - The comment is unsubstantiated. If the setback were to be increased, it will not resolve any issues associated with screening. <p>The issue regarding bushfire matters will be adequately addressed by the applicant through a BAL report.</p> <p>The Shire previously granted development approval for a lesser setback from the north-western side boundary for an alternative dwelling layout to that proposed. Given this, the current design layout would be an improvement.</p> <ul style="list-style-type: none"> - As previously outlined within this report, the Shire has granted approval for a number of existing developments along Baudin Drive with a setback less than 5 metres. In addition, the Shire granted a previously approval for a dwelling on the subject land with a setback of 2.245 metres. <p>Officer's comments on variations: The proposed variations are considered minor, as discussed below, and are not considered to present an adverse impact to the amenity of adjoining properties.</p> <p>It is noted that there is an existing pattern of approved development in the area with portions of residential development within the 5m side setback including on lots in the immediate locality to the subject site.</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	R Codes	Provided	Officer comment

Front Setback	12m	12m	Complies
Sides Setback – North west	LPS1 5m	Setback varies, see summary above.	Variation
Sides Setback – South east	LPS1 5m		Variation
Rear Setback	6m	8.5m	Complies
Garage	4.5m	12m	Complies
Driveway Width	6m	4m	Complies
Garage Width	50%	<50%	Complies
Open Space Requirement	70%	>70%	Complies
Upgrade Landscaping	<input type="checkbox"/> Required <input checked="" type="checkbox"/> Not Required		
Overlooking	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Bed 2 complies with visual privacy and achieves 4.5m cone of vision 		
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		
Ancillary Dwelling	Policy / R Codes	Provided	Officer comment
	No less than 450m ²	Site area 2037sqm	Complies
	Maximum plot ratio 70m ²	70m ²	Complies
	Behind street setback	Behind dwelling	Complies
	Complies with all other requirements		Complies
	Side Setback Variations to LPS1 The proposed variations (shown in Figure 1 below) are considered to be minor in nature and occupy a minor portion of the property boundaries. The portions of the dwelling wall that present variations do not contain major openings. The variations are not considered to present an impact to the adjoining properties through overlooking or visual privacy concerns. The Dwelling is single storey and will not adversely impact ventilation or access to sunlight enjoyed on adjoining properties. For these reasons the variations are recommended to be supported pursuant to LPS1 clause 5.3 discretion to modify.		

Variation to LPS1 retaining wall 2.9m from side boundary

Variation to LPS1 7.3m long wall setback 3.78m from side boundary

Variation to LPS1 11m long wall setback 2.4 – 3.2m from side boundary & 1.3m setback to retaining wall

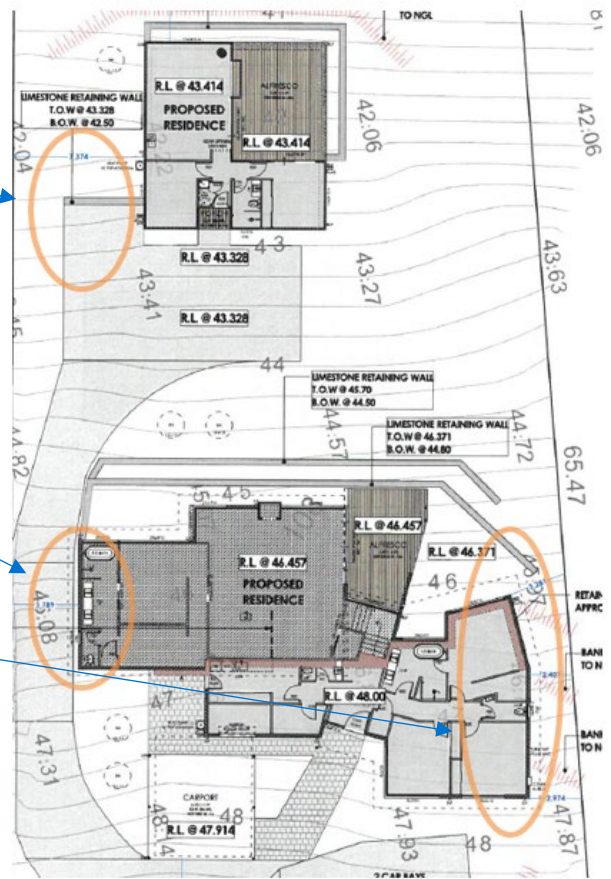


Figure 1: Extract from Site plan showing setback variations

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 – 3 2 – Dwelling 1 – Ancillary Dwelling	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 maneuvering	<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	Dwelling Wall – 5.8m Roof – 6m Ancillary Dwelling Wall – 5.2m Roof – 6m	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply
Officer Comment	Height calculations have included the fill and retaining that is required given the slope of the natural ground level from north to south east of the site.	
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?	None	
v. Is the development likely to comply with AS3959 at the building permit stage?	A BAL 12.5 can be achieved for both the Dwelling and Ancillary Dwelling as demonstrated in the BAL report submitted with the application.	
Other Comments		
Any further comments in relation to the application?		

Officer Comment	The proposal involves variations to the 5m setback standard under LPS1 for land with a density code of R5. The application was referred to neighbours and one objection was received. While the concerns are noted, the assessment of the proposal demonstrates that the proposed variations would not have an unreasonable adverse impact to neighbouring properties and are consistent with the nature and pattern of development in the area. Conditional approval to the application is recommended.
------------------------	--

OFFICER RECOMMENDATION

That the Manager of Planning and Development Services GRANTS Planning Consent under Delegated Authority Instrument No. 16 pursuant to Clause 68(2) of the Deemed Provisions of Local Planning Scheme No. 1 for the proposed Dwelling and Ancillary Dwelling at 87 (Lot 108) Baudin Drive, Gnarabup 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 the 2 September 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.
- All stormwater and drainage run-off from the development shall be contained within the lot boundaries or disposed offsite by an approved connection to the Shire's drainage system in accordance with the Shire of Augusta Margaret River Standards & Specifications.
- The walls and roof of the Dwelling and Ancillary Dwelling shall be clad in a non-reflective material and/or painted in a colour of natural or earth toning consistent with the existing landscape and existing development. To this end, reflective materials (including but not limited to 'silver' sheeting) or reflective colours as cladding/external painting (including but not limited to white, cream, off white or pale grey) are prohibited. Details to be submitted with a building permit.

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.