

**DEVELOPMENT ASSESSMENT REPORT**  
**Shire of Augusta Margaret River**  
**7 October 2021 to 13 October 2021**

**APPLICATIONS RECEIVED**

<b>Date Rec'd</b>	<b>Reference No.</b>	<b>Address</b>	<b>Proposal</b>
<b>PLANNING</b>			
07/10/2021	P221741	40 (Lot 144) Tonkin Boulevard, Margaret River	Dwelling Front Primary in lieu of Secondary Boundary
07/10/2021	P221742	26 (Lot 300) Cusmano Retreat, Burnside	Single Dwelling, Outbuilding (Water Tank) and Retaining
07/10/2021	P221744	135C (Lot 2) Yates Road, Margaret River	Outbuilding (Shed)
07/10/2021	P221749	7 (Lot 136) Loch Street, Augusta	Holiday House (Renewal)
07/10/2021	P221750	17 (Lot 29) Duggan Drive, Cowaramup	Bed and Breakfast (Renewal)
08/10/2021	P221751	2/63 (Lot 217) Townview Terrace, Margaret River	Holiday House (Renewal)
08/10/2021	P221752	1 (Lot 203) Churchill Avenue, Margaret River	Alterations and Additions
11/10/2021	P221754	13 / 5962 (Lot 13) Caves Road, Margaret River	Building Envelope Variation
11/10/2021	P221756	10A (Lot 2) Freycinet Way, Gnarabup	Holiday House Renewal
12/10/2021	P221757	38 (Lot 153) Grunters Way, Gnarabup	Bed & Breakfast Renewal
13/10/2021	P221760	6 (Lot 24) Knox Place, Witchcliffe	Dwelling (Outbuilding Addition)
13/10/2021	P221761	432 (Lot 106) Bussell Highway, Margaret River	Temporary Development Agreement Renewal (Temporary Workers Accommodation)
13/10/2021	P221768	Lot 9001 Bussell Highway, Witchcliffe	Local Development Plan - Tourism Lots (Stage 3)
13/10/2021	P221769	Lot 9001 Bussell Highway, Witchcliffe	Local Development Plan - Groupie Lots (Stage 3)
13/10/2021	P221770	Lot 9001 Bussell Highway, Witchcliffe	Local Development Plan - Family Lots (Stage 3)
13/10/2021	P221771	Lot 9001 Bussell Highway, Witchcliffe	Local Development Plan - Cottage Lots (Stage 3)
<b>BUILDING</b>			
11/10/2021	221655	3 (Lot 87) Elizabeth Street, Margaret River	Detached Garage
11/10/2021	221656	5 (Lot 25) Stirling Street, Augusta	Demolition - Two Storey Dwelling and Shed
12/10/2021	221657	6 (Lot 451) Smokebush Court, Cowaramup	Single Dwelling, Garage and Alfresco
11/10/2021	221658	Unit 1 & Unit 4, 62 (Lot 9) Bussell Highway, Cowaramup	Unauthorised works - removal of an internal wall between unit 1 and 4
11/10/2021	221659	Unit 1 & Unit 4, 62 (Lot 9) Bussell Highway, Cowaramup	Alteration or Addition - Modifying Ventilation System
11/10/2021	221660	418 (Lot 1) Bessell Road, Rosa Glen	Pergola
12/10/2021	221661	18 (Lot 69) Birch Loop, Margaret River	Retaining Wall
11/10/2021	221662	20 (Lot 23) Shetland Place, Margaret River	Shed
11/10/2021	221663	23 (Lot 712) Burke Circle, Cowaramup	Dwelling addition - Shipping Container Home Business
12/10/2021	221664	6 (Lot 13) Deere Street, Augusta	Single Dwelling, Retaining Walls and Alfresco
12/10/2021	221666	27 (Lot 17) Mardo Drive, Witchcliffe	Single Dwelling, Carport, Shed and Alfresco

## APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
<b>PLANNING</b>				
23/06/2021	P221437	124 (Lot 3) Bussell Highway, Margaret River	Small Bar Additions	Approved
14/07/2021	P221485	46 (Lot 110) Woodland Drive, Burnside	Holiday House (Large)	Approved
20/07/2021	P221497	4 (Lot 525) Hillside Avenue, Margaret River	Dwelling Additions (Patio)	Approved
18/08/2021	P221574	48-52 (Lot 48) Town View Terrace, Margaret River	Night Market	Approved
14/09/2021	P221644	9819 (Lot 29) Caves Road, Deepdene	Dwelling (Outbuilding Addition)	Approved
14/09/2021	P221645	23 (Lot 13) Allnut Terrace, Augusta	Dwelling Addition (Outbuilding x2)	Approved
16/09/2021	P221649	Unit 10 / 9 (Lot 10) Blackwood, Avenue Augusta	Grouped Dwelling Additions (Outbuilding - Shed)	Approved
<b>SUBDIVISIONS</b>				
31/08/2021	P221624	20 (Lot 62) Le Souef Street, Margaret River	Survey Strata Subdivision	Supported Subject to Conditions
<b>LOCAL LAW PERMITS</b>				
Nil				

## LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
<b>PLANNING</b>				
09/08/2021	P221546	97 (Lot 113) Baudin Drive, Gnarabup	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**

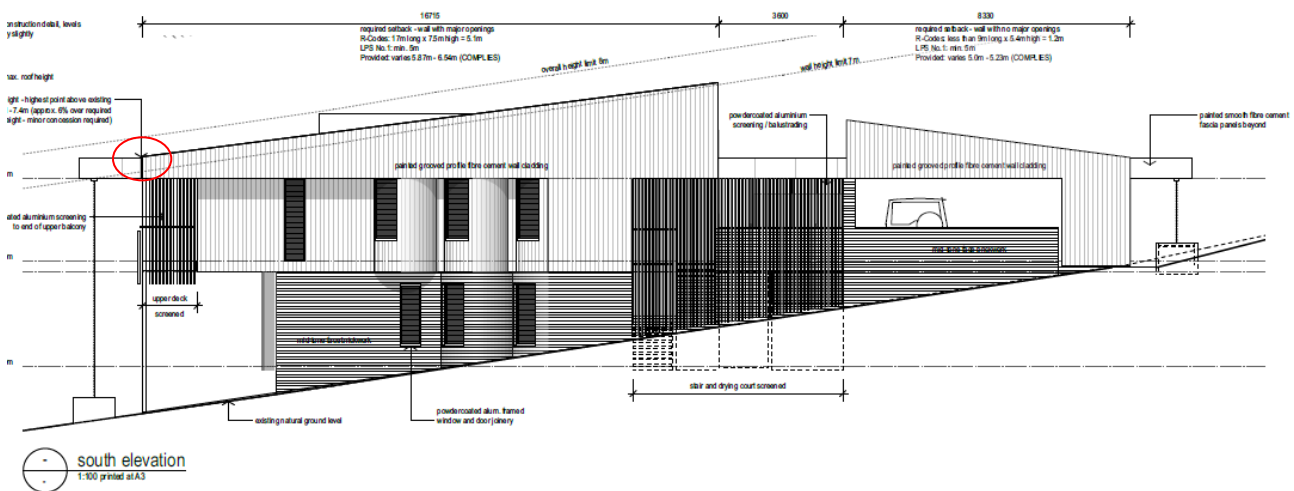
**Proposed Single Dwelling**  
**97 (Lot 113) Baudin Drive, Gnarabup**

**Level 3 – One objection received**

**P221546; PTY/7955**

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

General Information	
Lot Area	2083m <sup>2</sup>
Zone	Residential R5 Special Control Area 3
Proposed Development	The application is for a new Single Dwelling. The design is split level presenting as single storey development from the street. The lower level of the Dwelling is proposed on the site as the natural topography slopes down sharply by approximately 11m from the front (north) of the site to the rear (south). Included in the proposal is a double carport which is parallel to the street and a rainwater collection tank at the rear.  The application proposes the following variation to the Shire's Local Planning Scheme No. 1 (LPS1): <ul style="list-style-type: none"> <li>7.4 in-lieu of 7.0m wall height on the south elevation (refer to Figure 1 below)</li> </ul>
Permissible Use Class	Single Dwelling – "P"
Heritage/Aboriginal Sites	None identified.
Encumbrance	Nil.
Date Received	09/08/2021



**Figure 1: South Elevation – Point of Variation to Wall Height - Referenced in Red**





Policy Requirements	
Is the land or proposal referred to in any Council Policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Local Planning Policy 1 Outbuildings Farm Buildings & Swimming Pools (LPP1). Acceptable Development provision AD1.5 states that, for water tanks, the 5m side setback requirement does not apply where located wholly behind the rear elevation of the dwelling. In this case, the proposed water tank is located at the rear of the dwelling exempting the 5m side setback requirement.	
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 <input type="checkbox"/> Gnarabup Beach Structure Plan	
<b>Officer Comment</b>	The Gnarabup Beach Structure Plan does not have any provisions applicable to the proposed development.
Planning History	
Vacant Site.	
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: One (1) submission of objection.
Details of Submission	Officer Comment
<p>1. Object on the basis of it setting a precedent for our suburb and immediate area.</p> <p>2. Not clear on the plans sent what the height of the water tank on our boundary is. Can you please advise its height as this will be clearly visible from our home's entrance and we would be keen to address this now.</p>	<p>1. In response to the neighbour's comment about the wall height variation to the Dwelling, the applicant has advised:</p> <ul style="list-style-type: none"> <li>the requested height variation is very minor in magnitude (i.e. 6% variation).</li> <li>the requested variation is only necessary because of the existing relatively steep site topography. The owner's strong desire is to avoid extensive site works and position the entry level of the building all at one easily accessible single level (universal access).</li> <li>there will be no impact on access to daylight into major openings of habitable rooms on adjacent properties.</li> <li>the overall building height is well within the maximum height limit.</li> </ul> <p>The proposed wall height variation to the dwelling is discussed in detail further below.</p> <p>2. In response to the neighbour's comment in relation to the water tank, the applicant advises:</p> <ul style="list-style-type: none"> <li>the site plan shows the tank base positioned on a cut/fill (mostly cut) level of 39.5m. This results in the top of the water tank at only 1.2m above ground level on the upper side, and 2.43m above natural ground at lower side of site slope.</li> <li>boundary setbacks to the water tank are compliant with LPS1 requirements.</li> <li>the perimeter of the tank will be screened with vegetation to minimise any visual impact of the tank on adjoining properties.</li> </ul>

	<ul style="list-style-type: none"> <li>in the absence of boundary fencing, positioning the tank in the southwest corner of lot 113 is intended to provide a physical barrier or buffer zone to adjoining sites.</li> </ul> <p>The applicant's response is noted. The location of the tank complies with setback standards under the Residential Design Codes and LPS1 for this site. Further the bulk and scale impacts of the proposed tank are considered acceptable noting its maximum height of 2.43m above ground level. The proposed water tank is considered acceptable and recommended to be conditionally supported.</p>
<b>Assessment of Application</b>	
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
<b>R Codes</b>	
Are R Codes applicable?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Design Element</b>	<b>Policy / R Codes</b> <b>Provided</b> <b>Officer comment</b>
<b>Front Setback</b>	12m      12m average achieved      Complies
<b>Driveway Width</b>	6m max for single crossover      3.5m      Complies
<b>Overlooking</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No All windows and balconies satisfy the deemed-to-comply provisions relating to privacy setbacks.
<b>Street surveillance</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Street Walls and Fences</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Development Standards (Schedule 9)</b>	
Are the development Standards applicable?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Car Parking</b>	
LPS1 / R Codes Requirement	Car Bays Required – 2 car bays      Car Bays Proposed – 2 car bays
<b>Building Height</b>	
Scheme / Policy Requirement	Wall – 7m      Roof - 8m Does not comply (Wall Height)
State the proposed building height	Wall – Maximum of 7.4m in the south-west corner of the dwelling from natural ground level where the land slopes down Roof – 7.4m
<b>Officer Comment</b>	<p><b>Local Planning Scheme No. 1 Clause 5.13.2</b> The proposed 400mm wall height variation is assessed against the provisions of Clause 5.13.2 of LPS1 which provides for variations to the building height where site constraints prevent construction without exceeding the height limit, the nature of the building to be functional must be built to a higher level, or other extraordinary circumstances exist.</p> <p>In this case the site has a steep slope downwards from the front lot boundary (east) to the rear lot boundary (west). The building exceeds the 7m wall height guideline only where the slope of the site is greatest corresponding the south-western corner of the dwelling. The proposed dwelling design has a concealed roof and therefore the wall height corresponds to the roof height. The roof is a skillion design and responds to the slope of the land with the height variation corresponding to the lowest ground level for the dwelling site. In this regard the building design responds to the site constraints.</p> <p>The design also provides for a single storey development fronting Baudin Drive reducing perceived building bulk impacts to the street. The design of the dwelling avoids unnecessary extensive fill and responds to the natural levels of the site. The variation is considered reasonable in order to respond to the sites natural topography with the design ameliorating any impact of building bulk on surrounding properties. The wall height variation will not have any impact on the streetscape or amenity of the surrounding area. Furthermore, there will be no adverse impact in relation to access to sunlight to adjoining properties, major openings of habitable rooms, or active habitable spaces of neighbouring properties.</p>
<b>Clause 67</b>	
In the opinion of the officer, would approval of the planning consent be appropriate under Clause 67 of the Deemed Provisions of the Scheme?	
<b>Officer Comment</b>	Yes.
<b>In the opinion of the officer</b>	
i. Are utility services available and adequate for the development?	Yes.
ii. Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land?	Yes – existing vegetation on site is proposed to remain as determined by BAL assessment.
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?	The single dwelling will be constructed to the AS3959 standard for BAL-29.
<b>Other Comments</b>	
Any further comments in relation to the application?	
<b>Officer Comment</b>	Recommended to be supported with conditions.

#### OFFICER RECOMMENDATION

That the Manager 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 Single Dwelling at 97 (Lot 113) Baudin 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 – P6 received by the Shire on 12 October 2021
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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 walls and roof of the structures on site shall be clad in a non-reflective material and painted in a colour of natural or earth toning consistent with the existing landscape and existing development. To this end, reflective materials or reflective colours as cladding/external (including but not limited to) 'silver' sheeting painting white, cream, off white or pale grey are prohibited. Details to be submitted with the building permit.
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 Shire's drainage system in accordance with the Shire of Augusta Margaret River's Standards & Specifications.
5. The building wall height shall not exceed 7.4 metres from natural ground level in accordance with the provisions of Local Planning Scheme No.1.
6. A licenced surveyors report shall be submitted to the Shire within 30 days of completion of the building to confirm compliance with the maximum height limit.

#### ADVICE NOTE

- 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.