

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
2 November to 8 November 2023

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
02/11/2023	P223725	322 (Lot 2) Rocky Road, Forrest Grove	Caravan Park (3x bays)
03/11/2023	P223730	14 (Lot 2) Higgins Street, Margaret River	Holiday House
03/11/2023	P223731	6 (Lot 20) Sequoia Court, Margaret River	Holiday House Renewal
03/11/2023	P223732	48 (Lot 207) Marmaduke Point Drive, Gnarabup	Single House (Ancillary Dwelling and Outbuilding)
03/11/2023	P223733	48 (Lot 623) Surf Break Drive, Cowaramup	Dwelling and Outbuilding
03/11/2023	P223734	19 (Lot 13) Tassell Road, Cowaramup	Section 40
06/11/2023	P223735	453 (Lot 2280) Bramley River Road, Osmington	Dam (Soak)
07/11/2023	P223736	12 (Lot 6) Stanes Street, Augusta	Holiday House Renewal
07/11/2023	P223737	30 (Lot 1) Elva Street, Margaret River	30 (Lot 1) Elva Street, Margaret River
07/11/2023	P223738	115 (Lot 109) Ashton Street, Margaret River	Bed and Breakfast
07/11/2023	P223739	9 (Lot 181) Nepean Street, Margaret River	Single Dwelling
07/11/2023	P223740	61 (Lot 230) McDermott Parade, Witchcliffe	Single House and Outbuilding
08/11/2023	P223742	14 (Lot 534) Hibbertia Terrace, Margaret River	Home Business (Nail Salon)
08/11/2023	P223743	107 (Lot 102) Bussell Hwy, Margaret River	Mixed Use - Shop & 2 x Serviced Apartments
08/11/2023	P223744	Unit 1/3 (Lot 1) Marmaduke Point Drive, Gnarabup	Retrospective - Alterations and Additions to Single House (Front Fence)
08/11/2023	P223745	34 (Lot 8) Georgette Way, Prevelly	Bed and Breakfast
BUILDING			
02/11/2023	223549	561 (Lot 11) Osmington Road, Bramley	Freestanding Patio and Deck Structure x2
02/11/2023	223550	561 (Lot 11) Osmington Road, Bramley	Unauthorised Work - Enclosure of Verandah
03/11/2023	223551	14 (Lot 78) Calabrese Close, Margaret River	Shed
03/11/2023	223552	21 (Lot 480) Tonkin Blvd, Margaret River	Patio
03/11/2023	223553	9 (Lot 396) Pimelia Drive, Margaret River	Patio x 2
03/11/2023	223554	52 (Lot 41) Humble Way, Margaret River	Patio
03/11/2023	223555	Lot 407 Maclaren Crescent, Margaret River	Single Dwelling, Garage and Patio
06/11/2023	223556	Unit 3/90 Bussell Hwy, Cowaramup	Alterations and Additions to Existing Building - Internal Fitout
06/11/2023	223557	57 (Lot 18) Karrack Cres, Witchcliffe	Single Dwelling, Carport, Patio and Rainwater Tanks
06/11/2023	223558	17 (Lot 609) Truffle Circuit, Cowaramup	Single Dwelling, Garage, Patio and Verandah
06/11/2023	223559	22 (Lot 113) Woodland Drive, Burnside	Shed
07/11/2023	223560	14 (Lot 134) Walton Way, Gracetown	Shed
07/11/2023	223561	276 (Lot 2) Holben Road, Cowaramup	Farm Shed
07/11/2023	223562	20-24 Hillview Road (Reserve 27718 Lot 3001), Augusta	Storage Shed (Augusta Lions Club)
07/11/2023	223563	17 (Lot 69) Concerto Drive, Cowaramup	Shed and Carport
07/11/2023	223564	211 (Lot 9007) Darch Road, Margaret River	Retaining Walls for Subdivision
Exploration Licenses for Comment			
Nil			

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				
12/07/2023	P223431	22 (Lot 264) Noreuil Circuit Cowaramup	Home Occupation (Fish Processing)	Approved
24/07/2023	P223454	55 (Lot 401) Harrington Road, Margaret River	Change of Use (Single Dwelling to Ancillary Dwelling)	Approved
02/08/2023	P223478	39 (Lot 134) Grunters Way, Gnarabup	Single Dwelling	Approved
29/08/2023	P223543	22 (Lot 614) Truffle Circuit Cowaramup	Single Dwelling	Approved
31/08/2023	P223551	32A (Lot 1) Elva St Margaret River	Holiday House	Approved
05/09/2023	P223556	10 (Lot 402) Clydesdale Place, Margaret River	Holiday House Renewal	Approved
06/09/2023	P223564	29 (Lot 28) Pierce Road Margaret River	Single Dwelling Additions (Home Office)	Approved
08/09/2023	P223567	Unit 2 / 14 (Lot 2) Albany Terrace Augusta	Single Dwelling (Outbuilding - Garage)	Approved
SUBDIVISIONS				
Nil				
LOCAL LAW PERMITS				
10/10/2023	P223679	Gnarabup beach, portion of Reserve 41545	Local Law Permit extension - Swimming Women	Approved

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
30/08/2023	P223545	11 (Lot 568) Tea Tree Link, Margaret River	Single Dwelling	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 Regulatory Services

Proposed Single Dwelling
11 (Lot 568) Tea Tree Link, Margaret River

Major (Level 2 – 1x objection received)

P223545; PTY/8308

REPORTING OFFICER : Harriet Park
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	979m ²
Zone	Residential, R12.5
Proposed Development	<p>Planning approval is sought for a single dwelling upon a vacant residential corner lot. Due to the slope of the lot the dwelling design proposes the following variations to the Residential Design Codes (R-Codes):</p> <ul style="list-style-type: none"> • Variation to Part 5.1.3 Lot Boundary Setback The dwelling proposes a rear boundary (North) setback of 4.97, in lieu of 6m. • Variation to Part 5.3.5 Vehicular Access The vehicle cross over is located on the primary street, Tea Tree Link (which is on same side as the front entrance). • Variation to Part 5.3.7 Site Works The retaining wall within the street set back is a maximum of 1.5m high from Natural Ground Level (NGL) in lieu of 0.5m. <p>One objection was received during the neighbour advertising period. The property is connected to reticulated water and sewer.</p>
Permissible Use Class	P – Permitted (Single House)
Heritage/Aboriginal Sites	None identified
Encumbrance	Easement – 2.547m wide Sewerage Easement through Water Corporation located along the northern boundary.
Date Received	30/08/2023



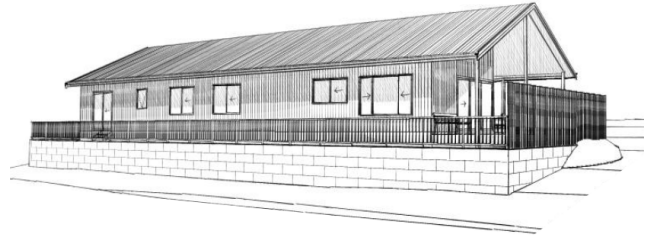
Location Map



Subject Property Map

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	
Officer Comment	<p><i>East Margaret River Structure Plan</i> endorsed 13 December 2013. -Does not provide any requirements applicable to this lot.</p> <p><i>Outline Development Plan for Sussex Locations 2141, 2142, Lots 81 & 1002 Willmott Avenue and Forrest Road, Margaret River</i> endorsed 11 December 2001 -Identifies the R-Code for the lot – R12.5</p>
Planning History	
Nil	
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: 1x neighbour objection received.
Details of Submission	Officer Comment
<p><u>1x Private Submission received – Objection</u> The following concerns were raised:</p> <ul style="list-style-type: none"> • Objection to the rear (northern) lot boundary setback of 4.86m in lieu of 6m. • The location of the outdoor living area is close to bedrooms of the neighbouring dwelling. • Concerns regarding noise impacts on neighbours from the outdoor living area as noise easily travels through the valley. • Submitter recommends a solid wall on the Northern elevation to mitigate noise. 	<p>The applicant was provided with an opportunity to respond to the issues raised.</p> <p><u>Applicant's Response:</u> The encroachment to the rear setback is only a small corner of the outdoor area. The 6m setback line is illustrated on the site plan which clearly shows the minor variation. The northern most point of the Terrace is purely to provide shade to the Terrace and Dining area. The main body of that area to be used for outdoor living is beyond the 6m rear setback line. Removing the roof over the terrace that protrudes into the 6m rear setback would reduce the energy efficiency of the Living areas and make no change to the proximity of the outdoor living space to the boundary. In response to this submission the applicant has increased the rear Northern setback from 4.86m to 4.97m from the rear property boundary.</p> <p><u>Officers comment</u> Effort has been made by the applicant to increase the rear lot setback in response to the submission received, however it still poses small a variation.</p>

It is noted that proposed outdoor entertaining area setback 4.97m from the northern lot boundary is located closest to the objectors carport and bathroom of their main dwelling, and not the bedrooms as referred to in their submission. The site plan includes a 1.6m high privacy screen (fence) to satisfy any overlooking concerns from the outdoor entertaining area. Installing a solid wall as recommended by the submitter would block northern light entering the northern elevation of the dwelling and outdoor entertaining area. An assessment of the rear lot boundary setback variation against the design principles of the R-Codes is discussed below.



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 (Tea Tree Link)	7.5m however can be averaged to 3.75m	3.8m with averaging applied	Complies
Secondary Street Setback (Riverslea Drive)	2m	6.8m	Complies
Side Setback (West)	As per Tables 2a and 2b	2.8m	Complies
Rear Setback (North)	6m	4.97m	Variation
Carport Setback	3.75m	>3.75m	Complies
Driveway Width	Maximum 6m	4.5m	Complies
Garage Width	<60% street frontage	<60% street frontage	Complies
Outdoor Living Area	-m ²	-m ²	N/A
Open Space Requirement	55%	>55%	Complies
Upgrade Landscaping	<input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required Condition of DA to be applied.		
Overlooking	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 1.6m high fence (Privacy Screen) shown on site plan to be installed on top of northern retaining wall which will satisfy overlooking requirements from the northern alfresco area - complies with Part 5.4.1 of the R-Codes.		
Street surveillance	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Street Walls and Fences	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Balustrading to be installed on top of retaining wall within primary and secondary street setback areas, shown on site plan and to be installed as per the NCC.		
Overshadowing	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Site Works 5.3.7	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No The retaining wall within the street set back is a maximum of 1.5m high from Natural Ground Level (NGL) in lieu of 0.5m – Variation .		
Vehicular Access 5.3.5	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No C5.1 - The vehicle cross over is located on the primary street, Tea Tree Link (which is on same side as the front entrance), in lieu of the secondary street - Variation . C5.3 - Driveway is more than 6m from truncation - complies		
Officer's Comments against performance criteria	<ul style="list-style-type: none"> Variation to Part 5.1.3 Lot Boundary Setback The dwelling proposes a rear boundary (North) setback of 4.97, in lieu of 6m. <p>A corner of the alfresco protrudes into the rear lot boundary setback by 1.03m. The alfresco is an open structure as opposed to a solid wall and is not considered of a bulk or scale to significantly impact the adjoining property. The alfresco is orientated</p>		

to the north of the lot and will provide solar access to the outdoor entertaining area and the living rooms of the dwelling.

The alfresco is located adjacent to vegetation and the neighbour's carport on the adjoining property. The separation distance between proposed alfresco and the nearest neighbouring dwelling is 9.97m (4.97m rear lot setback and 5m neighbouring setback). This is the distance to the adjoining lot owner's carport which is not considered a habitable room and therefore, will not result in overlooking or a loss of privacy for the adjoining dwelling. A 1.6m high fence (privacy screen) is shown on site plan to be installed on top of northern retaining wall which will satisfy overlooking concerns from the northern alfresco area - complies with *Part 5.4.1 Visual Privacy* of the R-Codes.

The portion of the alfresco protruding 1.03m into the rear lot boundary setback is seen to be a minor variation and for the abovementioned reasons can be supported.

- **Variation to Part 5.3.5 Vehicular Access**

The vehicle cross over is located on the primary street, Tea Tree Link (which is on same side as the front entrance), in lieu of the secondary street.

The vehicle cross over is located on the primary street which is also on the same side as the front door/entrance. The R-Codes states that the vehicular access should be located on the secondary street or opposite street to the front door of the dwelling for a corner lot.

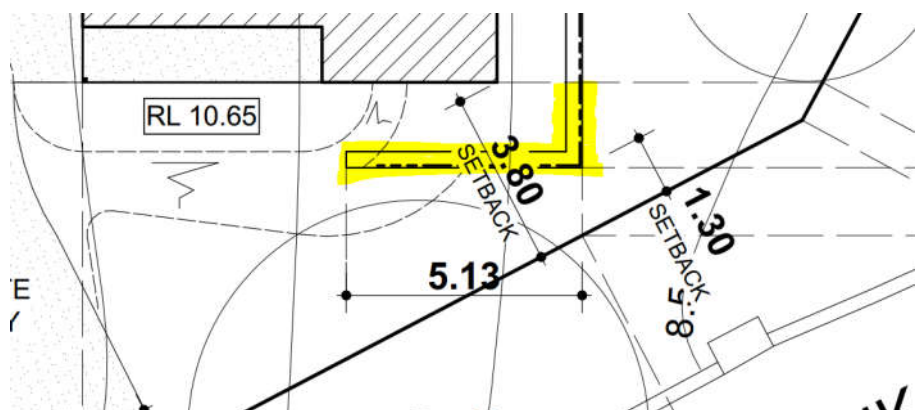
Although the front door and vehicle access is located off Tea Tree Link the dwelling displays major openings from habitable rooms along the secondary street which provides passive surveillance to Riverslea Drive. The proposed vehicle cross over is compliant with the other relevant deemed to comply provisions of Part 5.3.5 C5.2 and C5.3 of the R-Codes ensuring the design provides a safe vehicle access point for pedestrians and other vehicles.

The crossover is taken from the less trafficable road (Tea Tree Link) as opposed to Riverslea Drive which has significantly more traffic and access points. The cross over located on Tea Tree Link does not intercept a pedestrian foot path unlike Riverslea Drive. The design of the dwelling responds to the natural contours of the site. It would be costly to implement the vehicle access via Riverslea Drive where the slope of the lot is more significant than the chosen location, it would intercept a pedestrian foot path and be unsafe entering and existing the site when the driveway is on a significant slope.

The proposed vehicular access to the site is seen to be the most suitable location for the cross over due to the slope of the site and meets the design principles of Part 5.3.5.

- **Variation to Part 5.3.7 Site Works**

The proposal includes a retaining wall and fill within the street set back with a maximum height of 1.5m high from Natural Ground Level (NGL) in lieu of 0.5m (see highlighted section below).



Due to the sloping nature of the site retaining is required to respond to the contours of the lot. However only the portion of retaining is located between the street boundary and street setback and considered a variation.

Any retaining and/or fill within the street setback over 0.5m from NGL requires development approval and assessment against the relevant deemed to comply standards of the R-Codes. The variation involves retaining extending 5.17m along the primary street elevation (Tea Tree Link) proposing a maximum height of 1.5m from NGL which gradually decreases in height and disappears into the proposed batter.

	<p>The retaining is necessary to allow the proposed single dwelling to remain on one level. The proponent has formed up the slab edge of the dwelling to minimise the required retaining as much as possible to reduce the bulk and scale of the retaining and impact on the street. Cutting in could affect the existing drainage of neighbouring lots upslope to the west and north of the site and may create subsoil water issues in the future. All finished levels respect the natural ground level at the lot boundaries and the street.</p> <p>The proposed variations were advertised to three surrounding land owners (two adjoining neighbours to the north at 12 and 14 Highland View, and one across the road at 38 Riverslea Drive). One submission was received during the advertising period, however the contents of the submission did not mention the retaining variation.</p> <p>Given that the 5.13m wall is takes up a relatively minor portion of the street frontage and does not extend all the way to the boundary, the impression of the natural topography is able to be maintained as viewed form the street.</p> <p>The proposed site works meets the design principles of Part 5.3.7 of the R-codes.</p>	
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 - 2
Dimensions	2.5m x 5.5m	<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 – 4.5m Roof – 6.43m	<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, reticulated water and sewer is available to the lot.	
ii. Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land?	Majority of the site is already cleared in the location of the proposed dwelling. It appears two small trees are required to be removed to facilitate the development. One at the south western corner of the lot to allow vehicle access to the site and one to the north eastern corner of the site. The property is under 2000m2 therefore land clearing provisions of LPS1 do not apply. Remaining trees are shown on the site plan and are to be retained.	
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. One objection was received by an adjoining land owner during the advertising period. The proposal has been assessed against the design principles of the R-Codes and demonstrates compliance. A condition of development approval added to ensure privacy screening is installed to the outdoor entertaining area (northern elevation) to address overlooking to the adjoining northern property.	
v. Is the development likely to comply with AS3959 at the building permit stage?	Yes. BAL-29 has been achieved for the dwelling.	
Other Comments		
Any further comments in relation to the application?		
Officer Comment	Conditional Approval is recommended.	

OFFICER RECOMMENDATION

That the Coordinator Planning Services Grants 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 Single Dwelling at 11 (Lot 568) Tea Tree Link, 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 received by the Shire on the 2 November 2023 and P2 to P4 received by the Shire on 30 August 2023.
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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. 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.
4. A privacy screen shall be applied as per **approved plan P1** to the outdoor entertaining area (northern elevation) to address overlooking to the adjoining northern property. Screening shall meet the acceptable development standards of the Residential Design Codes clause 5.4.1 part C1.2. Screening shall then be installed prior to occupation of the dwelling and maintained thereafter.
5. Prior to issuing of the building permit, a Landscape Plan shall be submitted to the satisfaction of the Shire demonstrating the following in accordance with the Residential Design Codes deemed to comply standards at clause 5.3.2:
 - a) a minimum of one tree within a tree planting area of at least 2m x 2m to be provided on the site; and
 - b) landscaping within the street setback area with no more than 50% of this area consisting of impervious surfaces.

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.