

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
25 April to 1 May 2024

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
26/04/2024	P224304	173 (Lot 4570) Clayton Road, Treeton	Farm Building
30/04/2024	P224307	14 (Lot 7) Formosa Street, Margaret River	Holiday House
30/04/2024	P224308	Unit 8, 145 (Lot 5) Bussell Highway, Margaret River	Change of Use Café/Deli to Licenced Restaurant
30/04/2024	P224309	31 (Lot 471) Chenin Street, Cowaramup	Outbuilding (Garage)
30/04/2024	P224310	7 (Lot 411) Firetail Rise, Karridale	Building Envelope Variation (Water Tank)
01/05/2024	P224311	6 (Lot 578) Layman Place, Augusta	Cancellation of Holiday House
BUILDING			
01/05/2024	224244	23 (Lot 140) Abelia Avenue Margaret River	Dwelling
Exploration Licenses for Comment			
Nil			

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				
04/01/2024	P224006	106 (Lot 1) Darch Road, Margaret River	Winery & Ancillary Rural Industry (Distillery)	Approved
10/01/2024	P224019	22 (Lot 134) Tall Trees Court, Cowaramup	Single Dwelling (Retaining Wall)	Approved
30/01/2024	P224074	17 (Lot 877) Chamberlain Place, Augusta	Holiday House	Approved
13/02/2024	P224117	64 (Lot 50) Bussell Highway, Cowaramup	Extensions to Existing Commercial Premises	Approved
27/02/2024	P224154	27 (Lot 20) Isaacs Road, Margaret River	Holiday House (Renewal)	Approved
27/02/2024	P224155	97 (Lot 63) Treeton Road North, Cowaramup	Holiday House (Renewal)	Approved
28/02/2024	P224160	10 (Lot 12) Hideaway Entrance, Cowaramup	Outbuilding (Shed)	Approved
06/03/2024	P224172	13 (Lot 19) Hideaway Entrance, Cowaramup	Single House and Outbuilding (Shed)	Approved
11/03/2024	P224181	6 (Lot 328) Ibis Court, Karridale	Single Dwelling & Outbuilding	Approved
11/03/2024	P224182	22/5 (Lot 22) Station Road, Margaret River	Holiday House (Renewal)	Approved
11/03/2024	P224183	59 (Lot 56) Leeuwin Road, Augusta	Holiday House	Approved
13/03/2024	P224198	6 (Lot 28) McDermott Parade, Witchcliffe	Bed & Breakfast	Approved
18/03/2024	P224206	27-33 (Lot 295) Tunbridge Street, Margaret River	Alterations	Approved
20/03/2024	P224209	14 (Lot 16) Osnaburg Street, Augusta	Outbuilding (Shed)	Approved
22/03/2024	P224222	Lot 1003 Redgate Road, Witchcliffe	Amendment to Local Development Plan (The Leeuwin at Witchcliffe)	Approved
28/03/2024	P224231	407 (Lot 1740) Donaldson Road, Cowaramup	Dam (Retrospective)	Approved
18/04/2024	P224288	11 (Lot 14) Bussell Highway, Margaret River	Amendment to Planning Approval P224003	Approved
18/04/2024	P224291	17 (Lot 715) Burke Circle, Cowaramup	Swimming Pool	Approved
18/04/2024	P224292	12 (Lot 10) Plumage Close, Margaret River	Outbuilding (Water Tank)	Approved
SUBDIVISIONS				
02/03/2024	P224171	Lot 1 and Lot 2, 11 Irwin Street, Augusta	Subdivision (Amalgamation)	Supported
12/04/2024	P224283	21 (Lot 9000) Samworth Street, Margaret River	Subdivision	Supported with conditions

LOCAL LAW PERMITS				
18/04/2024	P224293	Gnarabup Oval, Reserve 46732, Wallcliffe Road, Gnarabup	Variation to Permit to conduct Pilates classes - Pilates in the wild	Approved
08/04/2024	P224259	Rivermouth Car park, Portion of Reserve 41545, Rivermouth Road, Prevelly	Local Law Permit to operate mobile food business - Hungry Brown Cow	Approved

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
19/12/2023	P223863	29 (Lot 20) Mulal Avenue, Witchcliffe	Single House and Ancillary 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 Assessment P223863



General Details

Reporting Officer	Grace Graham
Disclosure of Interest	Nil.
Assessment Level	Major Level 3

Application Details

Address	29 Mulal Avenue, Witchcliffe			
Proposed Development	Single House and Ancillary Dwelling			
Zoning	Residential R20			
Use Class and Permissibility	P – “Permitted”			
Site Size / Legal Area	951sqm			
Heritage/Aboriginal Sites	no			
Other Considerations	Visual Management Area	<input type="checkbox"/>	Sewerage Sensitive Area	<input type="checkbox"/>
	Special Control Area	<input type="checkbox"/>	Watercourses/Rivers	<input type="checkbox"/>
	Bushfire Prone Area	<input checked="" type="checkbox"/>	Environmentally Sensitive Areas	<input type="checkbox"/>
Structure Plans/LDP’s	Local Development Plan - EcoVillage Family Lots, Stage 4 (February 2022)			
Easements/Encumbrances	<ol style="list-style-type: none"> Interests notified on the survey-strata plan and any amendments to lots or common property notified thereon by virtue of the provisions of the strata titles act of 1985 as amended. *p332705 notification section 165 planning & development act 2005 lodged 21/12/2022. *p332706 notification contains factors affecting the within land. Lodged 21/12/2022 *p332707 notification contains factors affecting the within land. Lodged 21/12/2022 			
Why is Development Approval Required?	Variations to LDP			

Site Image



Assessment

Referrals	Yes	No
Adjoining Neighbours/Property Owners – 2 submissions	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Government Agencies	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Internal Shire Departments - Infrastructure	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Where any issues raised through the referrals process?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Policy Framework	Yes	No
Does the proposal involve variations to the Residential Design Codes?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Does the proposal involve any variations to Scheme Requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the proposal involve any variations to Policy Requirements?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other matters that require discretion (Vegetation Removal)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Policy Requirements

Local Development Plan – WEV-LDP-410		
Standard	Required	Provided
Setback (Primary Street)	6m (no setback averaging)	Complies
Setback (Secondary Street)	1.5m	Complies
Setback (Side - North)	4m	Complies
Setback (Side Ground - South)	1.5m	Complies
Setback (Side Upper – South)	5m (Upper level setback applies to any south-facing wall with plate height above 4m)	Variation
Setback (Side – Ground Community Garden)	2m	NA
Setback (Rear)	2m	Complies – building setback complies – patio 1m encroachment on rear setback to community garden
Eave	0.5m	Complies
Carport (Primary Street)	1.5m	Complies
Carport (Side)	Nil/1.0m	Complies
Verandas, Balconies	2m max (Encroachment into street setbacks, north setbacks or side / rear boundary setbacks abutting the community garden)	Variation - South East corner of ancillary dwelling veranda is setback 2.8m in lieu of 4m
Outbuilding	1m	NA
Rainwater Tank	0.5m	Complies – located under house
Open space	50%	Complies
Main Outdoor Living	30sqm	Complies
Ancillary Dwelling	70sqm	Complies – 68.9sqm measured not including external walls (hempcrete) variation to plot ratio area rule of measurement as per R-Codes
Minimum required finished floor level to achieve 300mm clearance to 1:100 YR flood levels	74.10m	74.10 – Complies
Passive Surveillance	South, East & West	Complies
Building Height		
Standard	Required	Provided
Wall plate height	6.5m (measured at the downslope wall for a dwelling with a skillion roof)	Complies
Parapet wall height	7.5m	Complies
Roof Ridge Height	9.5m	Complies
Car Parking		
Standard	Required	Provided
Residential Design Codes	3 Bays (2 bays main dwelling + 1 bay ancillary)	Complies
Design as per LDP	Crossovers to be constructed in the locations shown on the LDP	Variation Location shown on LDP accommodates ancillary dwelling. A secondary crossover was requested during the application to allow central access to the lot.

Discussion

Planning Approval is sought for a Single House and Ancillary Dwelling on a corner lot facing South East in the Witchcliffe Eco Village. The lot is a Family Lot under the Local Development Plan for Stage 4 of the EcoVillage.

The application is requesting the following variations to the Local Development Plan:

1. Variation to southern upper floor setback of 1.5m in lieu of 5m. A larger setback (5m) is required when plate height is above 4m on southern boundary. Top plate height on southern boundary is 6.5m
2. Encroachment into primary street setback, South East corner of ancillary dwelling verandah is setback 2.8m in lieu of 4m
3. Secondary Crossover from secondary street

Advertising to Surrounding Properties

Advertising was completed during the assessment with letters outlining proposed variations to the LDP sent to five (5) neighbours surrounding the property. Two (2) submissions were received, one (1) in support from Sustainable Settlements Pty Ltd and one (1) objecting.

A submission in support of the proposal was provided from the Ecovillage. The applicants consulted with the Ecovillage prior to submitting the application. The submission outlines that *"The design of the lot has gone through a number of iterations to achieve the current outcome and we provided concept approval to the owner in November 2023. The design has adequately dealt with what is a challenging lot to design in terms of slope. It has been designed to avoid excessive retaining on the boundary and integrate the best design for vehicular access to the site. The design also adequately addresses the streetscapes and the stringent design guidelines in place at the ecovillage."* As mentioned in their submission they *"do not consider either of the setback variations to have an adverse impact on adjoining property, in terms of privacy, bulk or solar gain; nor does the design detract from the character of the Ecovillage streetscapes."*

A submission of objection was received by a neighbour to the west of the lot, located uphill from the site. The submitter does not object to the primary street verandah setback but objects to the variation to the southern upper setback. They mention that the variation will have a significant impact on the outlook from their lot. See below item 1 responding to the variation in question.

Responses to Proposed Variations

Southern Setback to Upper Floor:

The Stage 4 Family Lots LDP relates to larger lots sized between 902sqm and 1,028sqm with a density of R20 and located on the eastern and western sides of each cluster. The setback requirement relating to the southern upper level is to provide separation, allowing northern sunlight to dwellings to the south and avoiding overshadowing.

As this property is located on a corner and does not share a southern boundary with another residential lot, there would be no adverse impacts in this regard.

The objection to the variation is based on reducing the submitter's aspect to the east (towards the dam). Their property is a Cottage Lot and has a water tank exclusion zone in the northern portion to ensure the dwelling would have passive surveillance to the community gardens (Refer to Figure 2). Dwelling plans have not yet been submitted for the neighbouring site, but it is unlikely that the variation to the upper-level setback will restrict views from the living spaces of the site based on the LDP requirements.

When assessing the application under Clause 67 of the Deemed Provisions, impacts on views are not a matter of consideration in determining development applications.

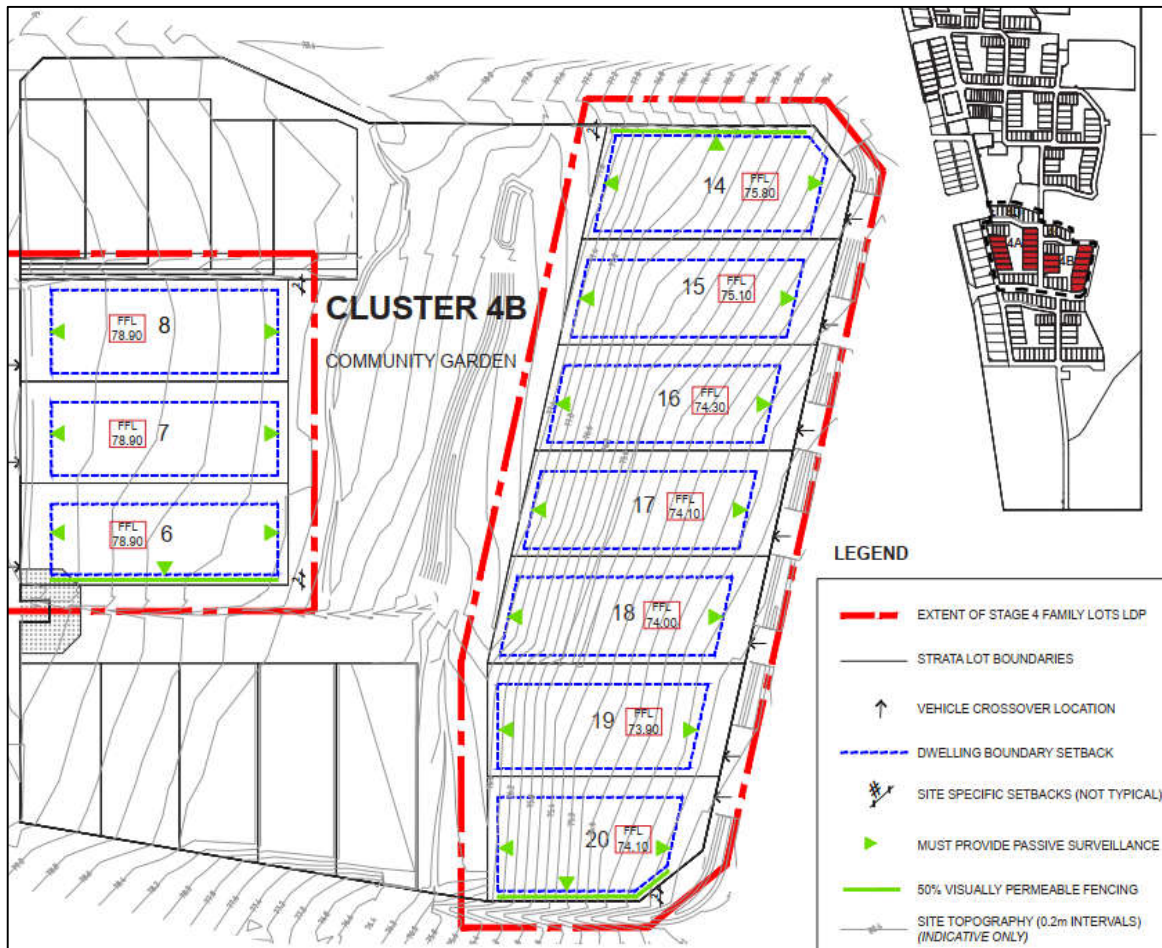


Figure 1 LDP Family Lots – Cluster 4B

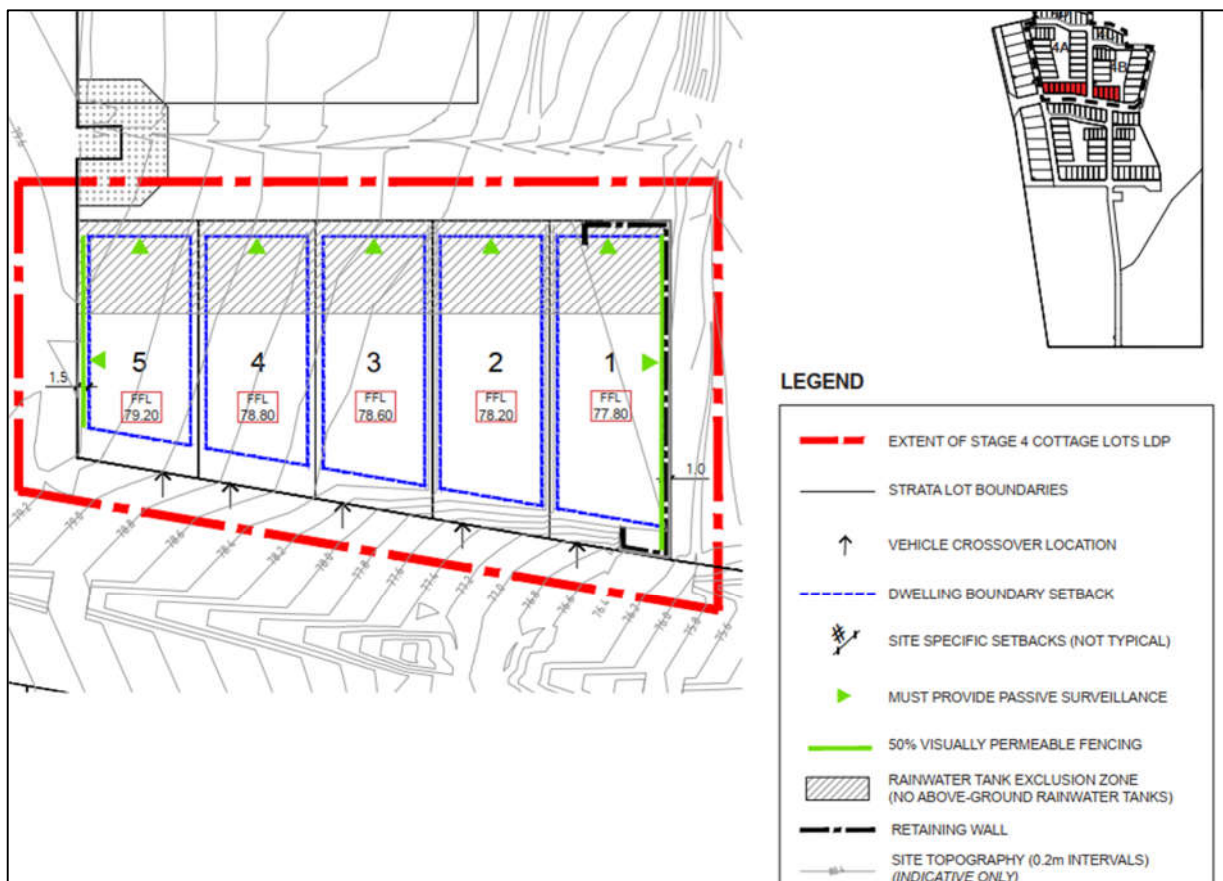


Figure 2 LDP Cottage Lots – Cluster 4B

Front Setback to Verandah:

Justification has been given by the applicant for the proposed encroachment of the verandah into the primary street setback area. *“Justification: allows for adequate turning circle in parking area between primary dwelling and ancillary dwelling. North side of verandah within primary setback, the angle of the east side lot toward the corner truncation causes the Southern corner of the verandah to encroach into the setback, having the verandah at the same angle of the lot creates an unusual shaped and hard to use space”.*

The variation to the setback is not considered to impact the amenity of neighbouring landowners or the streetscape.

Secondary Crossover from Secondary Street:

A secondary crossover was requested as part of the application to allow central access to the lot. The following justification was given by the applicant upon lodgement. *“Being a very steep lot, we had a lot of trouble designing access to the main dwelling and the ancillary dwelling without having a large retaining wall along the Northern lot boundary. The WEV design team recommended a cross over in the proposed location (see Site Plan – A02) to reduce the total amount of retaining and to negate the need for a large retaining wall on the boundary. The proposed cross over construction will match the existing cross overs, with concrete culverts and drains.”*

The Shire’s Internal Infrastructure team reviewed the proposal and raised no issues with the additional crossover.

Determination

That the Manager of Planning and Regulatory 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 Single House & Ancillary Dwelling at 29 Mulal Ave, Witchcliffe subject to compliance with the following 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	Plan P1 -P11 received by the Shire on the 23 April 2024
--------------------------	---

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. This approval does not permit short stay use of the Ancillary Dwelling at any time. Pursuant to the Shire’s Local Planning Policy 7 – Short Stay Accommodation, when the primary dwelling is in use as a Holiday House, the Ancillary Dwelling shall only be used for permanent accommodation by the owner of the site.

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.