

**DEVELOPMENT ASSESSMENT REPORT**  
**Shire of Augusta Margaret River**  
**6 July to 12 July 2023**

**APPLICATIONS RECEIVED**

| Date Rec'd                              | Reference No. | Address  | Proposal                                |
|---|---------------|--|---|
| <b>PLANNING</b>                         |               |  |   |
| 07/07/2023                              | P223425       | Unit 2/15 (Lot 2) Station Road, Margaret River | Holiday House                           |
| 07/07/2023                              | P223426       | 423 (Lot 2703) Sebbes Road, Forest Grove       | Survey Strata                           |
| 11/07/2023                              | P223427       | 21 (Lot 27) Le Souef Street Margret River      | Holiday House                           |
| 11/07/2023                              | P223428       | 453 (Lot 2280) Bramley River Road Osmington    | Holiday House Renewal                   |
| 12/07/2023                              | P223431       | Home Occupation                                | 23 (Lot 264) Noreuil Circuit, Cowaramup |
| <b>BUILDING</b>                         |               |  |   |
| 06/07/2023                              | 223340        | 55 (Lot 70) Mitchell Drive, Prevelly           | Swimming Pool and Barrier Fence         |
| 06/07/2023                              | 223341        | 30 (Lot 55) McDermott Parade, Witchcliffe      | Shed                                    |
| 10/07/2023                              | 223342        | 11067 (Lot 2) Bussell Highway, Forest Grove    | Demolition of 2 Dwellings and Sheds     |
| 10/07/2023                              | 223343        | 9 (Lot 241) Antina Avenue, Witchcliffe         | Rainwater Tank                          |
| 10/07/2023                              | 223344        | 8 (Lot 35) Rakali Road, Witchcliffe            | Rainwater Tank                          |
| <b>Exploration Licenses for Comment</b> |               |  |   |
| Nil                                     |               |  |   |

**APPLICATIONS DETERMINED UNDER DELEGATION**

| Date Rec'd               | Reference No. | Address   | Proposal  | Outcome  |
|--------------------------|---------------|---|---|----------|
| <b>PLANNING</b>          |               |   |   |          |
| 13/04/2023               | P223231       | 4 (Lot 24) Walkington Avenue, Margaret River            | Holiday House   | Approved |
| 20/04/2023               | P223243       | 28 / 14 (Strata Lot 28) Willmott Avenue, Margaret River | Chalet (Amendment to Planning Approval P210112)                       | Approved |
| 24/04/2023               | P223251       | 34 (Lot 2) Carnaby Crescent, Witchcliffe                | Single House, Ancillary Dwelling & Outbuildings                       | Approved |
| 27/04/2023               | P223257       | 137 (Lot 1028) Heron Drive, Margaret River              | Holiday House (Renewal)   | Approved |
| 03/05/2023               | P223274       | 23 (Lot 142) Grunters Way, Gnarabup                     | Holiday House (Large) Renewal   | Approved |
| 04/05/2023               | P223277       | 5 (Lot 101) Bluebell Place, Margaret River              | Bed and Breakfast   | Approved |
| 04/05/2023               | P223278       | 59 (Lot 822) Tingle Avenue, Margaret River              | Home Business (Nail and Makeup Salon)                                 | Approved |
| 31/05/2023               | P223330       | 9834 (Lot 520) Bussell Highway, Margaret River          | Swale (Amendment to Planning Approval P223133) and Outbuilding (Tank) | Approved |
| <b>SUBDIVISIONS</b>      |               |   |   |          |
| Nil                      |               |   |   |          |
| <b>LOCAL LAW PERMITS</b> |               |   |   |          |
| Nil                      |               |   |   |          |

**LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION**

| Date Rec'd      | Reference No. | Address                            | Proposal        | Recommendation           |
|-----------------|---------------|------------------------------------|-----------------|--------------------------|
| <b>PLANNING</b> |               |                                    |                 |                          |
| 30/05/2023      | P223328       | 3 (Lot 70) Oxley Place, Augusta    | Holiday House   | Approval with conditions |
| 26/04/2023      | P223253       | 16 (Lot 79) Holly Place, Cowaramup | Single Dwelling | Approval with 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 Holiday House**  
**3 (Lot 70) Oxley Place, Augusta**

**Level 3 - Objections**

**P223328; PTY/8374**

**REPORTING OFFICER : Suzi Magnall**  
**DISCLOSURE OF INTEREST : Nil**

| General Information                         |   |
|---|---|
| Lot Area                                    | 645m <sup>2</sup>   |
| Zone  | R17.5   |
| Existing Development                        | <input checked="" type="checkbox"/> Single House<br><input type="checkbox"/> Grouped Dwelling   |
| Proposed use                                | A planning application has been received for a Holiday House use. The existing dwelling is to be used to accommodate up to six (6) short stay guests at any one time. The management arrangements are to be Maxine Petty, Experience Augusta. |
| 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                               | 30/05/2023  |
| Date of Report                              | 11/07/2023  |





| Have there been any objections?  |  |
|--|--|
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  |  |
| Nature of Submissions  | Officer comments   |
| <p><b>4 x objections</b></p> <p><b>Summary of issues raised</b></p> <ul style="list-style-type: none"> <li>The Holiday House is not appropriate for this location, being a quiet, safe cul-de-sac with families and children resident.</li> <li>No control over who will be staying in the property. There will be tourists and strangers visiting the street. Safety and privacy are the biggest concerns for permanent residents with children.</li> <li>Noise from music, partying, boat motors flushing and general coming and going will be disruptive. 'House Rules' will not sufficiently prevent disturbances to neighbours.</li> <li>No boundary fences on the western and northern boundaries of the property which could result in guests trespassing.</li> <li>Privacy and overlooking concerns for neighbouring properties due to lack of screening.</li> </ul> | <ul style="list-style-type: none"> <li>Objection is noted. The location of the proposed Holiday House is within the permissible area under the Shire's Local Planning Policy No.7. As such, the locality is considered acceptable.</li> <li>The proposed Holiday House is to be managed by a local property manager who is required to be available to attend to concerns/ complaints of the surrounding landowners. Bookings are to be controlled by the booking service or property manager and will be managed in this way.</li> <li>Holiday House to be professionally managed by 'Experience Augusta' with the manager living in close proximity. Landowners surrounding the Holiday House will be able to contact the property manager to report any issues with the property. Furthermore, following the initial 12 month approval the property owner will be required to submit for a renewal, at which point the Shire will consider any complaints or issues with the operation of the Holiday House.</li> <li>The Applicant has submitted photos and further details of proposed boundary treatments at the site. There is an existing fence to the south, and a new fence has recently been erected along the west and northern boundaries. This is sufficient to enclose the property.</li> <li>Visual privacy was assessed at the time of the original application for a single house on the lot and further consideration is not part of a Holiday House proposal. Regardless, along with the existing fencing, the Applicant proposes fast-growing 2-3m native shrubs and 1-2m hedging along the north, west and southern boundaries to alleviate any</li> </ul> |

|  |  |
|--|--|
| <ul style="list-style-type: none"> <li>• There is currently a mix of permanent residents and absentee home owners on Oxley Place. When all properties are occupied, there is an overflow of cars / boats / trailers on the street.</li> <li>• The holiday house will result in an increase in traffic on the street.</li> <li>• Objection made so concerns are on record for the future. If application is approved, wish to be notified about any future renewals.</li> </ul> | <p>privacy and overlooking concerns for neighbouring residents.</p> <ul style="list-style-type: none"> <li>• The Holiday House is restricted to six (6) people at any one time. The three designated car parking bays plus overflow bay within the site are considered sufficient to meet the needs of the guests and reduce the need for street parking. The use of the other properties on Oxley Place is not a material concern for this application.</li> <li>• The Holiday House is unlikely to generate additional traffic over and above that of a residential dwelling.</li> <li>• Noted. Landowners are notified of a renewal as part of the processing of that application.</li> </ul> |
|--|--|

**Officer Comments:**

The proposed Holiday House is located in a coastal area where the use is permissible under *Local Planning Policy 7 – Short Stay Accommodation (LPP7)*. Concerns regarding the impact of a holiday home in a quieter residential area are noted, however the application satisfies the policy requirements of LPP7 and it is considered any potential for disturbance can be adequately controlled by the 'House Rules' and effective property management. Approval for an initial 12-month period is recommended. At the conclusion of the 12-month period, a holiday house renewal application would be required to continue the use. At this point, surrounding neighbours would have the opportunity to comment on the specific management of the holiday house and if it is determined that the use is causing undue impact, the continuation of the holiday house may be amended or not approved.

**Policy Requirements**

| Policy Element                        | Provision   | Comment   |
|---------------------------------------|---|---|
| <b>Location</b>                       | Coastal settlement  | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No   |
|                                       | Urban area located within Policy Plan 1?  | <input type="checkbox"/> Yes <input type="checkbox"/> No  |
|                                       | Within 50m of Village Centre zone?  | <input type="checkbox"/> Yes <input type="checkbox"/> No  |
|                                       | Located outside of Policy Plan 1 but comprise of an area not less than 1ha?   | <input type="checkbox"/> Yes <input type="checkbox"/> No  |
| <b>Design / Layout</b>                | 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   |
|                                       | Existing or proposed one site effluent disposal system sized accordingly to number of guests?                                 | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No   |
|                                       | Decks and balconies located away from the bedrooms of neighbouring dwellings?   | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No   |
|                                       | 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   |
|                                       | Each bedroom accommodates a maximum of two persons?   | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No   |
| <b>Fire</b>                           | If within bushfire prone area a BAL provided?   | <input checked="" type="checkbox"/> Yes <input 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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br><b>In residential built out area</b> |
|                                       | BAL rating at BAL-40 or FZ?   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No   |
| <b>Management</b>                     | 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   | Require as a condition  |
|                                       | Display the manager's 24hr contact details  | Require as a condition  |
| <b>Recommended period of approval</b> | <input checked="" type="checkbox"/> 12 months <input type="checkbox"/> 3 years  |   |

**OFFICER RECOMMENDATION**

That the Acting 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 a Holiday House at 3 (Lot 7) Oxley Place, Augusta 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 to P4 received by the Shire on 29/05/2023 |
|--------------------------|--|

1. The Holiday House use permitted for a period of **twelve (12) months** from **<date of this approval>** to **<end of date of approval>**. (Refer to advice note 'a')
2. The approved Bushfire Emergency Evacuation Plan and Bushfire Management Plan shall be displayed in a conspicuous location within the dwelling at all times.
3. 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')
4. 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')
5. All vehicles & boats connected with the premises shall be parked within the boundaries of the property.
6. The short stay use of the dwelling shall not be occupied by more than **six (6) people** at any one time.
7. Amplified music shall not be played outside of the holiday house between the hours of 10pm and 10am.
8. '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')
9. 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) 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) The 'House Rules' document shall be consistent with key elements of the NSW Code for Holiday Houses (please refer to the attached document).
- g) 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.
- h) Please note that the Shire does not notify landowners in writing of the expiry of a Holiday House planning approval. It is the owners responsibility to monitor and ensure that the planning approval remains valid while the use is being undertaken.
- i) Please note that approval as short stay accommodation will change the rating category applied to the property to Tourism and may lead to an increase in rates levied for the site. For further information on these changes contact the Shires Revenue team on 9780 5234 or by email at [revenue@amrshire.wa.gov.au](mailto:revenue@amrshire.wa.gov.au).



**DEVELOPMENT APPLICATION ASSESSMENT**  
**Report to Manager Planning and Regulatory Services**

**Proposed Single Dwelling**  
**16 (Lot 79) Holly Place, Cowaramup**

**Level 3 (2x neighbour submissions received)**

**P223253; PTY/9243**

**REPORTING OFFICER : Harriet Park**  
**DISCLOSURE OF INTEREST : Nil**

| General Information       |   |
|---------------------------|---|
| Lot Area                  | 963m2   |
| Zone                      | <b>Residential R12.5</b>  |
| Proposed Development      | <p>Planning approval is sought for a single dwelling.</p> <p>The natural slope of the site is from the highest point at the primary street (western boundary) to the lowest point at the rear of the property (eastern boundary). In order to accommodate the natural slope of the lot the dwelling is proposed to be set down and retained 0.5m within the front setback to allow a portion of the dwelling to be constructed on a floor slab, and the remainder of the dwelling to be constructed on a suspended floor on poles with a raised deck (balcony).</p> <p>The proposed dwelling presents a variation to Clause 5.4.1 of the R-Codes:</p> <ul style="list-style-type: none"> <li>Overlooking cone of vision from the balcony and master bedroom window protrudes into the neighbouring residential lot to the south.</li> </ul> |
| Permissible Use Class     | 'P' – Permitted (Single House)  |
| Heritage/Aboriginal Sites | None identified   |
| Encumbrance               | <ul style="list-style-type: none"> <li>3m wide drainage and sewer easement along the rear of the lot.</li> <li>Restrictive Covenant – Outlines various building guidelines that apply to the lot.</li> <li>Notification – “Owners of lots described herein are reminded of their ongoing obligations with respect to fire prevention and management as specified in the approved fire management plan for the subdivision”.</li> <li>Notification – “This lot is located within a rural area where rural pursuits and activities on adjacent land may impact periodically upon the residential amenity of the property”.</li> <li>Caveat by the National Trust of Australia</li> </ul> <p>Listed easements unaffected by this application.</p>  |
| Date Received             | 26/04/2023  |

Location Map



Subject Property Map



|   |  |
|---|--|
| <b>Policy Requirements</b>  |  |
| Is the land or proposal referred to in any Council Policy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  |  |
| <b>Structure Plans and Local Development Plans (LDP's)</b>  |  |
| 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<br>Structure Plan – <i>Cowaramup Village Development Concept Plan Lot 21 Brockman Road, Cowaramup</i> endorsed 22 July 2002.  |  |
| <b>Officer Comment</b>  | The structure plan outlines the R-Code 12.5 for the property.  |
| <b>Planning History</b>   |  |
| N/A   |  |
| <b>Advertising/Agency Referrals</b>   |  |
| 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<br>No. received: <b>2</b>   |
| <b>Details of Submission</b>  | <b>Officer Comment</b>   |
| <p><b><u>Neighbour Submission 1 (North of subject property):</u></b><br/> <b>-Rear Setback</b><br/>         Concerns regarding minimal rear setback is inconsistent with the rest of the street. Rear setback should be greater in order to enable each residence to maximise views over the Reserve to the east. Request to check rear setback against BAL report separation distance.</p> <p><b>-Roof Height</b><br/>         Concerns regarding the 8.17m roof height from NGL of rear balcony. The height can be reduced by shifting the dwelling a minimal distance to the front of the property.</p> <p><b><u>Neighbour Submission 2 (South of subject property):</u></b><br/> <b>-Roof Height</b><br/>         No concerns.</p> <p><b>-Roof Material</b><br/>         Concerns regarding choice of future roof material being reflective and creating sun glare affecting neighbouring properties.</p> <p><b>-Visual Privacy</b><br/>         Requested less south-facing windows, or angled screens on the windows to direct the cone of vision towards the rear of their property to minimise overlooking. The submitter's main concern is overlooking from the dining room window and master bedroom.</p> | <p>Noted. The proposed rear setback is compliant with the R-Codes. Views are not considered within the planning requirements and are unable to be applied to a development application. BAL-29 achieved for the dwelling with the proposed 6.3m rear setback.</p> <p>Addressed by the applicant. Updated plans were received on 10 July 2023 with NGL taken at more regular spot levels across the property showing a re-calculated 8m maximum roof height from NGL. The proposal is compliant with Local Planning Scheme No. 1.</p> <p>The proposal is not within an identified Visual Management Area under the Shire's local planning framework. As such, roof colour and materials are not required to be non-reflective and such a requirement is unable to be enforced.</p> <p>Visual privacy concerns in regards to the dining room window have been addressed by the applicant. Updated plans were received on the 10 July 2023 with the following amendments:</p> |



|  |  |
|--|--|
|  | <ul style="list-style-type: none"> <li>Dining room window on the southern elevation changed from a major opening to a minor opening by amending the sill height to 1.628m which is now compliant with Part 5.4.1 - Visual Privacy of the R-Codes.</li> </ul> <p>following the amendment to the dining room window, there are no directly south facing windows that present a variation to the visual privacy requirements. Furthermore, the balcony includes screening to the southern elevation.</p> <p>The remaining visual privacy variations come from a small section of the east facing master bedroom window and east facing end of the balcony. A full assessment of the visual privacy setbacks and variations can be seen in the officer R-Codes assessment below.</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                                 | 4.204m to dwelling | Primary setback reduced with an equal amount of compensating open space area behind primary street setback (Figure 2a of R-Codes). – complies. |
| Side setback (north)     | Varies according to Tables 2a and 2b | Minimum 1.2m       | complies   |
| Side setback (south)     | Varies according to Tables 2a and 2b | Minimum 1.51m      | complies   |
| Rear Setback             | 6m                                   | 6.3m               | complies   |
| Secondary Street Setback | N/A                                  | -                  | N/A  |
| Garage/Carport Setback   | 3m parallel to street with openings  | 4.204m             | Complies.  |
| Driveway Width           | 3m                                   | 4m                 | Complies   |
| Garage Width             | <50% of street frontage              | 30%                | Complies.  |
| Open Space Requirement   | Minimum 55%                          | 59.4%              | complies   |

|                     |                                   |  |
|---------------------|-----------------------------------|--|
| Upgrade Landscaping | <input type="checkbox"/> Required | <input checked="" type="checkbox"/> Not Required |
|---------------------|-----------------------------------|--|

**Overlooking**

Yes  No

Variation to 5.4.1 Visual Privacy  
Overlooking cone of vision from the balcony, master bedroom window protrudes into the neighbouring residential lot to the south.

| Window         | Elevation | Required cone of vision setback | Distance cone of vision protrudes into southern neighbours' property |
|----------------|-----------|---------------------------------|--|
| Master Bedroom | East      | 4.5m                            | 1.36m - <b>Variation</b>   |
| Balcony        | East      | 7.5m                            | 1.98m - <b>Variation</b>   |

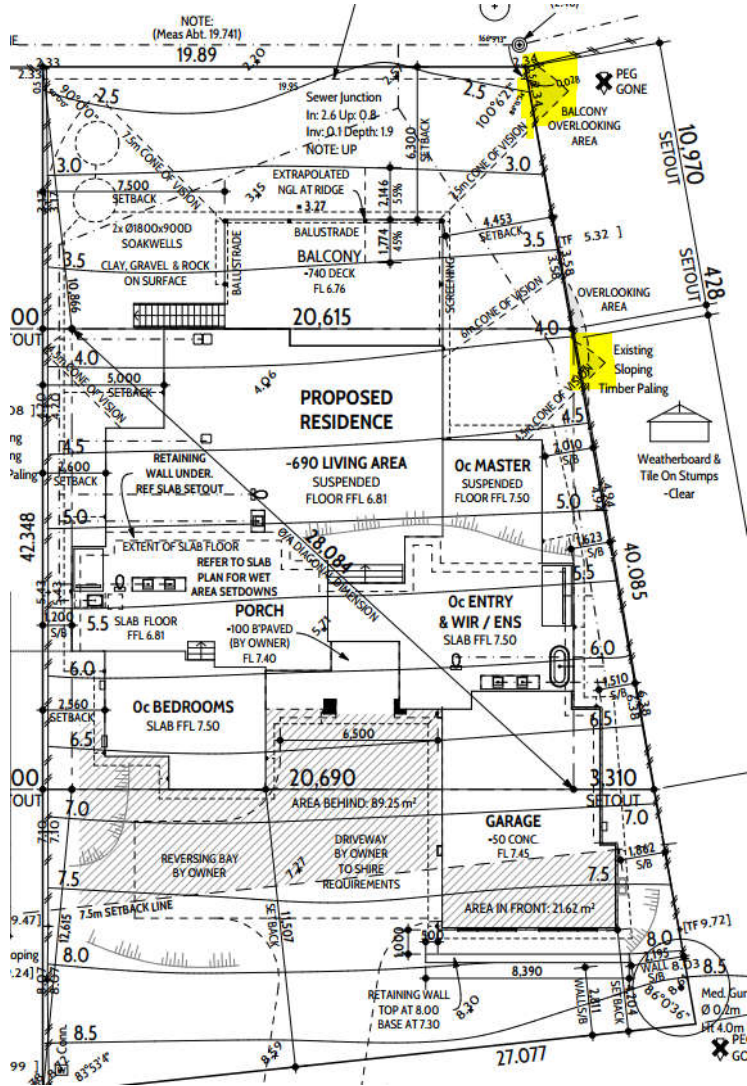
As the application proposes variations to Part 5.4.1 - Visual Privacy of the R-Codes the application requires an assessment against the design principles below:

The unenclosed outdoor active habitable space (balcony) requires a 7.5m setback from boundaries. The design proposes a 6.3m setback from the rear boundary and a 5.6m setback from the southern boundary (neighbouring property). Overlooking from the balcony is mainly limited to the National Trust reserve however part of the 45 degree cone of vision protrudes into the north west corner of the backyard of the neighbouring lot to the south. The proposed overlooking variation is considered minor with only an area of 2.35m<sup>2</sup> impacted.

The master bedroom window proposes a variation to the required 4.5m setback, with a setback of 3.14m from the neighbouring property boundary. This window is east facing and the cone of vision area protruding into the southern neighbour's property consists of 1.88m<sup>2</sup>.

The proposed variations overlook small portions of the neighbouring property, including a mature tree at the north west corner of the lot and is unlikely to affect the neighbouring residents use of the backyard. The proposed variation does not

overlook active habitable spaces or outdoor living areas of the neighbouring property. Furthermore, the variations do not directly face the neighbouring property and views would be oblique.



The proposed variations are considered minor and will not result in an adverse impact on the residents of the neighbouring property. The proposed variations are acceptable under the Design Principles of the R-Codes and are recommended to be supported.

|  |  |   |
|--|--|---|
| <b>Street surveillance</b>   | <input checked="" type="checkbox"/> Yes  | <input type="checkbox"/> No   |
| <b>Site Works (Retaining wall within the front setback)</b>  | <input checked="" type="checkbox"/> Yes  | <input type="checkbox"/> No<br>Required: not more than 0.5m, Proposed 0.5m. – complies.                           |
| <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 Proposed - 2   |
| Dimensions   | 2.5m x 5.5m  | <input 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 <input checked="" type="checkbox"/> N/A |
| <b>Building Height</b>   |  |   |
| Scheme / Policy Requirement  | Wall - 7m  | Roof - 8m   |
| State the proposed building height   | Wall – 5.7m  | Roof – 8m<br><input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply                 |
| <b>Officer Comment</b>   | Condition of development approval to be applied to ensure dwelling does not exceed 8m. |   |
| <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? | The site is already cleared. No impact to existing vegetation.  |
| 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. See officer assessment and response to submissions received.  |
| v. Is the development likely to comply with AS3959 at the building permit stage?                                       | Yes. The proposal included a BAL report designating BAL 29. The dwelling will be required to be constructed to BAL 29 standards following an application for a Building Permit. |
| <b>Other Comments</b>  |   |
| Any further comments in relation to the application?   |   |
| <b>Officer Comment</b>   | Conditional Approval is recommended.  |

### OFFICER RECOMMENDATION

**That the Acting 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 16 (Lot 79) Holly Place, Cowaramup 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 P4 received by the Shire on 10 July 2023. |
|--------------------------|---|

- 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 which is to be installed prior to occupation in accordance with the Shire of Augusta Margaret River Standards & Specifications.
- The building shall not exceed eight (8) metres in height from natural ground level in accordance with the provisions of *Local Planning Scheme No. 1*.
- Visual privacy screening to be installed in accordance with P3, P4 and clause 5.4.1 of the *Residential Design Codes*.
- 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 minimum of one tree within a tree planting area of at least 2m x 2m to be provided on the site; and
  - landscaping within the street setback area with no more than 50% of this area consisting of impervious surfaces.

### 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.