

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
4 August to 10 August 2022

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
04/08/2022	P222515	3 (Lot 26) Stirling Street, Augusta	Holiday House Renewal
04/08/2022	P222516	3 (Lot 217) Turner Street Augusta	Single House (Dwelling)
04/08/2022	P222519	24 (Lot 4064) Hobson Road Osmington	Holiday House Renewal (increase in guest numbers)
05/08/2022	P222524	5 (Lot 85552) Trinder Drive Margaret River	Building Envelope Variation (Outbuilding)
05/08/2022	P222525	2 (Lot 29) Treeside Lane Margaret River	Holiday House
08/08/2022	P222526	401 (Lot 12) Twenty Four Road, Karridale	Agriculture Intensive (Farm Building)
09/08/2022	P222527	Unit 3/69 (Strata Lot 3 of Lot 34) Bussell Highway, Cowaramup	Alterations and Additions (Undercover Walk Way to Existing Shop)
09/08/2022	P222528	Lot 752 Tingle Avenue, Margaret River	JDAP Application - Community Purpose (Specialist Disability Accommodation)
09/08/2022	P222530	2 (Lot 111) Andrews Retreat, Margaret River	Local Development Plan
10/08/2022	P222532	29 Dawson Tce, Augusta	Single House (Dwelling)
10/08/2022	P222533	14 (Lot 238) Sawmill Loop, Witchcliffe	Single House (Outbuilding)
10/08/2022	P222534	27 (Lot 11) Stewart Street, Margaret River	Single Dwelling (Outbuilding)
10/08/2022	P222535	764 (Lot 1) Brockman Highway Karridale	Section 40 (Distillery)
10/08/2022	P222536	45 (Strata Lot 1 of Lot 15) Le Souef Street, Margaret River	Bed and Breakfast (Renewal)
10/08/2022	P222537	Lot 2770 Warner Glen Road, Forest Grove	Agriculture Intensive (Vineyard)
10/08/2022	P222538	41 (Lot 133) Grunters way, Gnarabup	Bed and Breakfast Renewal
BUILDING			
04/08/2022	222392	28 (Lot 14) Offshore Crest, Margaret River	Single Dwelling, Verandah, Patio and Garage
08/08/2022	222405	10568 (L2158) Bussell Hwy, Witchcliffe	Demolition of single storey dwelling and 2 concrete rainwater tanks
04/08/2022	222436	1 (Lot 21) Hearn Road, Osmington	Shed
04/08/2022	222438	101 (Lot 2) Palandri Road, Cowaramup	Carport
08/08/2022	222441	22 (Lot 23) Fearn Avenue, Margaret River	Unauthorised Works - Carport Enclosure
04/08/2022	222442	10 (Lot 112) Bird Wood Lane, Cowaramup	Swimming Pool
08/08/2022	222443	67B (Lot 89) Leeuwin Road, Augusta	Two Storey Dwelling, Deck, Garage and Patio
04/08/2022	222444	2210 (Lot 201) Jindong-Treeton Road, Rosa Brook	Swimming Pool, Barrier Fence and Retaining Wall Only
08/08/2022	222445	24 (Lot 21) Connelly Road, Margaret River	Shed
08/08/2022	222446	12 (Lot 23) Rendall Close, Margaret River	Shed, Verandah, Deck and Bathroom
08/08/2022	222447	65 (Lot 45) Brookside Boulevard, Cowaramup	Single Dwelling, Store, Garage and Patio
09/08/2022	222448	201 (Lot 3) Blackwood Avenue, Augusta	Alterations and Additions to Existing Two Storey Dwelling (Reroof, Carport, Patio, Balcony, Internal Remodel and Extension and Ground Floor Additions)
09/08/2022	222449	35 (Lot 440) Daisy Rise, Cowaramup	Single Dwelling, Garage and Patio
09/08/2022	222450	9565 (Lot 50) Caves Road, Hamelin Bay	Shed and Two Rainwater Tanks
10/08/2022	222452	42 (Lot 28) Sabina Drive Molloy, Island	Alterations and Additions - Verandah, Ensuite and Walk in Wardrobe Addition
10/08/2022	222453	10 (Lot 18) Stewart Smith Loop, Cowaramup	Single Dwelling, Garage and Patio
10/08/2022	222454	14 (Lot 20) Stewart Smith Loop, Cowaramup	Single Dwelling, Garage and Patio
Exploration Licenses for Comment			
Nil			

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				
27/04/2022	P222300	44A (Lot 209) Marmaduke Point, Gnarabup	Holiday House Renewal	Approved

06/05/2022	P222320	687 (Lot 722) Ellen Brook Road, Margaret River	Holiday House Renewal	Approved
20/05/2022	P222358	49 (Lot 213) McDermott Parade, Witchcliffe	Proposed Dwelling & Change of Use (Dwelling to Ancillary Dwelling)	Approved
24/05/2022	P222365	8 (Lot 105) Vita Court, Margaret River	Single Dwelling (Outbuilding Addition)	Approved
02/06/2022	P222382	48 (Lot 207) Marmaduke Point, Gnarabup	Holiday House Renewal	Approved
02/06/2022	P222383	4 (Lot 109) Papadakis Avenue, Prevelly	Holiday House Renewal	Approved
08/06/2022	P222394	13 (Lot 111) Langley Crescent, Gracetown	Holiday House Renewal	Approved
15/06/2022	P222409	18 (Lot 9) Formosa Street, Margaret River	Holiday House Renewal	Approved
17/06/2022	P222418	Unit 6/12 (Strata Lot 6 of Lot 9) Town View Terrace, Margaret River	Holiday House Renewal	Approved
05/07/2022	P222459	108 (Lot 1001) Redgate Road, Witchcliffe	Entry Statement Signage & Wall	Approved
06/07/2022	P222460	36 (Lot 45) Jersey Street, Cowaramup	Non-Conforming Use (Caretaker's Residence)	Approved
06/07/2022	P222464	43 (Lot 2661) Tonkin Boulevard, Margaret River	Bed and Breakfast Renewal	Approved
11/07/2022	P222470	4-6 (Lot 298) Clarke Road, Margaret River	Community Purpose (Walkway Addition)	Approved
SUBDIVISIONS				
Nil				
LOCAL LAW PERMITS				
Nil				

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
04/04/2022	P222244	4 (Lot 179) Bayview Drive, Gracetown	Office & Dwelling (Mixed Use (Offices x 6 and Upper Floor Apartment))	Approval subject to conditions
24/05/2022	P222368	33 (Lot 32) Riedle Drive Gnarabup	Single House	Approval 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 Development Services

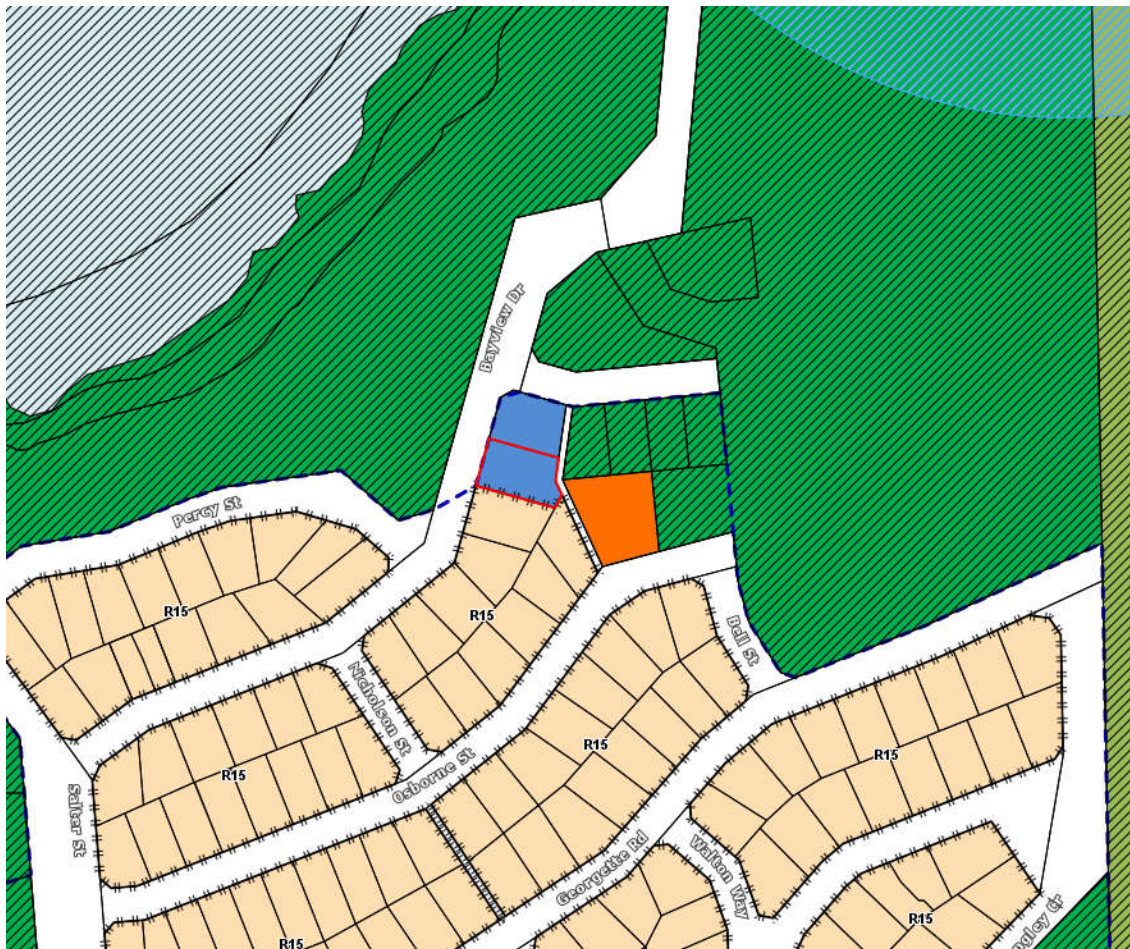
Proposed Mixed Use Development - Offices x 6 & Upper Floor Apartment at 4 Bayview Drive, Gracetown.

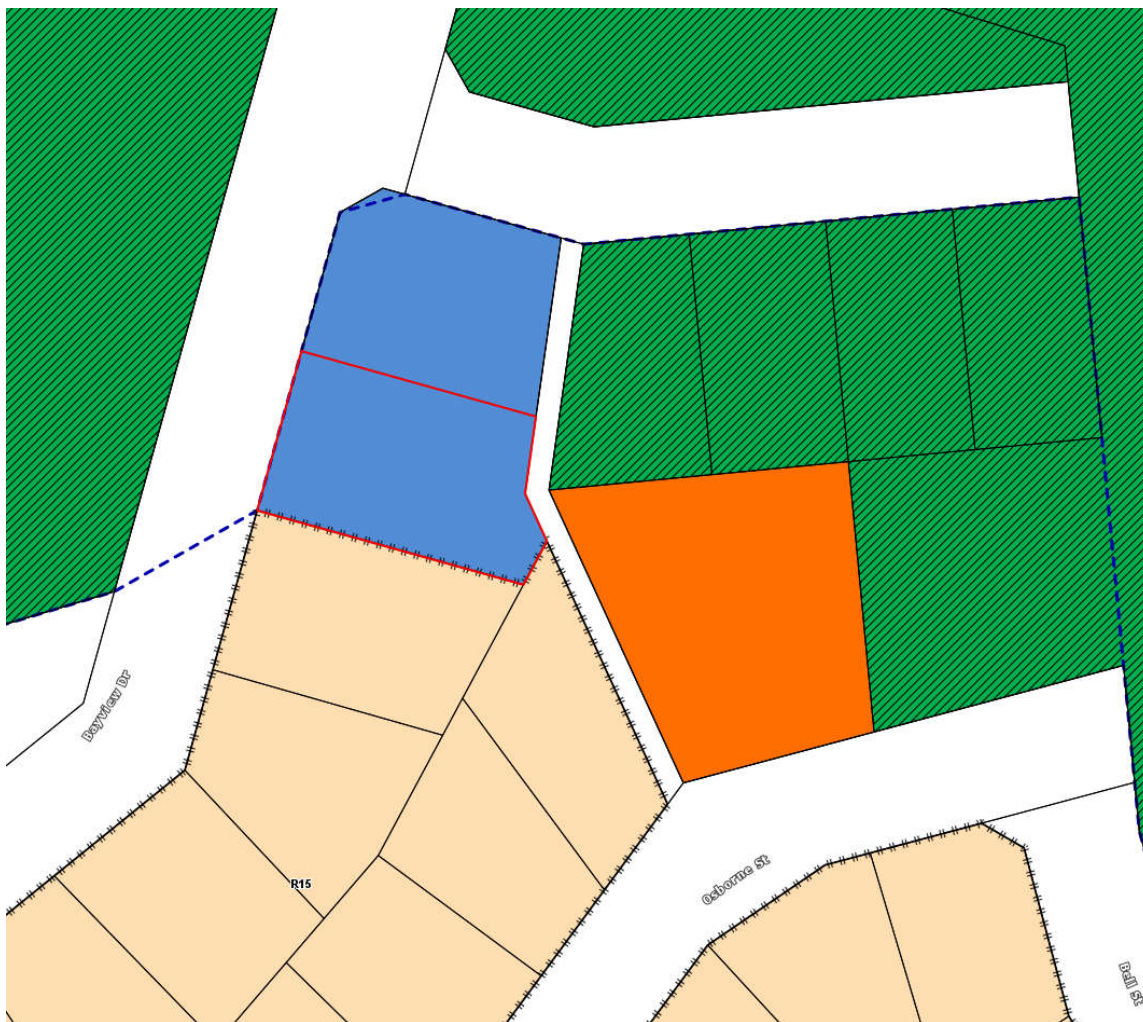
Level 3

P222244; PTY/2215

REPORTING OFFICER: Stephen Schreck
DISCLOSURE OF INTEREST: Nil.

General Information	
Lot Area	1315m ²
Zone	Village Centre
Proposed Development	<p>The proposal includes additions and alterations to an existing mixed use building on site. The additions will include a roof lantern, cantilevered living room and master bedroom on the northern and western elevations and the construction of six (6) ground floor office tenancies.</p> <p>The proposal includes minor variations to wall height, however is generally compliant with the maximum 8m roof height.</p> <p>The proposal is compliant with the number of car parking bays, provides an EV charging bay and bike racks. The proposal also includes increased landscaping and the redevelopment of a communal open space over the existing rainwater tank.</p>
Permissible Use Class	Office – ‘P’ Apartment – ‘D’
Heritage/Aboriginal Sites	N/A
Encumbrance	Easement – The easement is in relation to a previous agreement between the owners of the lot and the lot to the rear. Section 75 of the TLA – No effect on the application.
Date Received	4 April 2022





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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Planning History	
P154 – Restaurant/ Fast Food P936 – Liquor Licence P2260 – Holiday accommodation P26312 – Modifications to windows/ doors and entrance steps to Café P27030 – Section 40 P27369 – Retrospective Approval – Extension to Exhaust System	
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: 2
Details of Submission	Officer Comment
<p>The proposal looks sound, however I have concerns about the height limit with the raised roof lantern over the kitchen of the apartment. The concerns over the roof lantern are held around the loss of visual amenity. We currently have views over north point across the boat ramp and onto the beach. With the addition of the roof lantern these views will be lost.</p> <p>The Shire should obtain an opinion from a licenced surveyor as well as viewing the original survey done by the original owner. A previous owner undertook additions to the roof height and parapet wall without approval. The roof and parapet wall now has a retrospective approval.</p>	<p>The neighbour comments were sent to the applicant who has subsequently amended the plans to reduce the overall size of the roof lantern by greater than 50%. The proposed height still presents a wall height variation, however the roof structure of the lantern is compliant with the 8m maximum height limit of LPS1.</p> <p>The proposed roof lantern has been reduced in footprint and contains glass windows to the walls. The reduction in footprint attempts to reduce the visual impact and assist in protecting sightlines from the neighbouring property to the south.</p> <p>The provided survey plan was undertaken in 2007 which incorporates any changes in NGL and roof levels. The supplied survey plan is assumed as being correct and matches what visually appears on the property.</p>

	The proposed parapet height is not being altered and the proposed roof will be rationalised to be a consistent height, aligned to the existing roof height.
<p>Concerns are raised in relation to the proposed development regarding the planned water storage capacity.</p> <p>A caveat currently allows the owner of the proposed development to draw water for a bore located on a neighbouring lot. At the time the caveat was established, there was only a restaurant on the subject site.</p> <p>The caveat is no longer considered fit for purpose for the following reasons:</p> <ol style="list-style-type: none"> 1. The caveat was drawn up to supply water to a restaurant. Since the caveat was drawn up an apartment has been built over the restaurant and a second three bedroom dwelling built at the rear of the lot. 2. The bore water is no longer potable due to the presence of Ecoli (water has been tested). 3. Over the years, the water table has dropped and the bore cannot supply sufficient water to both properties during the summer months. <p>The architect of the proposal has advised that a sufficient rainwater tank has been included in the proposal so as not to require any water from the bore.</p> <p>In summary, concerns are with the amount of water storage to be provided:</p> <ol style="list-style-type: none"> 1. For the proposed office tenancies and two dwellings. 2. For any possible future rezoning from commercial to residential. 	<p>The proposal includes two rainwater tanks, one existing and one new subsurface tank. The rainwater supply will be sufficient for the proposed development.</p> <p>The Shire is not party to the caveat and any administration/ changes to the caveat are required to be negotiated between the caveat parties (owners of both properties).</p> <p>It is understood that the application is intended to be self-sufficient through the implementation of the proposed rainwater storage.</p>
Internal Department Comments	Officer Comment
<p>Infrastructure:</p> <p>The DA proposes landscaping within the Shire's road reserve. This is supported subject to a detailed design being submitted to Asset Services for review and acceptance.</p> <p>The footpath fronting the development will require upgrading to a 2.5m concrete path built to the Shire's standards and specifications, the associate works in the road reserve will require a development bond.</p>	Recommended conditions of approval will be added to encompass the requirement for landscaping approval and the development bond.
<p>Environmental Health:</p> <p>4 February 2022: Email received from Leeuwin Hydraulics Design with a wastewater design proposal.</p> <p>23 February 2022: Email stating compliance with the Water Unit at WA Department of Health stating that the proposed wastewater volume, irrigation and leach drains are adequate.</p> <p>The proposed volume of wastewater is greater than 540L/day and it's not servicing a single dwelling. As a result the application is to be submitted to the Shire first, with a local government report written and forwarded with the application to WA Department of Health for further assessment and their approval.</p> <p>The site plan below shows the ATU treatment system with trafficable tanks and covers under the eastern most car bay, and the leach drains to the west of the car bays.</p> <p>It also shows an in-ground rainwater tank and a new additional tank provided under the entrance court paving.</p> <p>The proposed onsite wastewater treatment and disposal system design is satisfactory.</p>	Noted.

Waste Services: There doesn't appear to be any mention of waste receptacle storage areas, or any details surrounding waste generation. Ideally the proponents should prepare a brief waste management plan identifying expected waste generation, the storage requirements for waste bins and ways to service the bins.		The waste receptacles are proposed to be housed in the bin store to the rear of the property. No conditions of approval were recommended. The applicant will be notified that they should investigate ways to reduce waste.	
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 – Grouped Dwelling			
Are R Codes applicable?		<input checked="" type="checkbox"/> Yes R60	<input type="checkbox"/> No
Design Element	Policy / R Codes	Provided	Officer comment
Front Setback	2m	39m	Complies.
Sides Setback	No major opening – 1m Major opening – 1.5m Lot boundary walls.	Nil. 5.6m boundary wall.	Variation.
Rear Setback	As above.	Nil. 5.6m Boundary wall	Variation.
Outdoor Living Area	16m ²	16.7m ²	Complies.
Upgrade Landscaping	<input type="checkbox"/> Required	<input checked="" type="checkbox"/> Not Required	
Overlooking	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Street surveillance	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Street Walls and Fences	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Overshadowing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Other Variations	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Officer's Comments against design principles	Boundary Walls: The current grouped dwelling to the rear of the site is not proposed to be altered as part of this development application. The dwelling was constructed with 5.6m high boundary walls to a portion of the southern boundary and the rear boundary. The rear boundary wall adjoins a R.O.W and provides a setback to the existing development to the rear. The southern boundary wall abuts an existing boundary wall of similar height of the southern neighbours dwelling. Both the boundary walls are existing and do not cause any greater visual amenity impact on the eastern or southern neighbouring property.		
R Codes - Apartment			
Are R Codes applicable?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Development Standards (Schedule 9)			
Are the development Standards applicable?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Officer Comment	50% Open Space: The proposed development maintains 52% open space and is compliant with the requirements of LPS1. 0.5 Plot Ratio: The overall site proposes a plot ratio of 0.48, meeting the requirement of LPS1.		
Local Planning Scheme No. 1			

Officer Comment	<p>Clause 4.25 - Village Centre</p> <p>Development within the Village Centre is to reflect the particular unique character, streetscape and sense of place of each Village Centre Zone.</p> <p>No specific strategic document or plan exists for the Gracetown Village Centre zone, particularly given there are only two properties with a Village Centre zoning. The two lots are characterised by original existing buildings (1980's construction) and do not present any specific architectural style. To the south of the subject site there are residential properties consisting of various styles and built form.</p> <p>The subject site is altering the existing building and providing a contemporary façade. The overall building envelope is not being significantly altered and the character of the current building will be maintained, albeit modernised.</p> <p>Overall there is no consistency in built form within Gracetown and the proposed development provides a positive impact on the streetscape and the Gracetown Village Centre.</p>
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Car Parking		
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LPS1 / R Codes Requirement	Car Bays Required - <9>	Car Bays Proposed - <11>
Dimensions	2.5m x 5.5m	<input checked="" 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 - 1	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply

Officer Comment	<p>Car Parking Assessment:</p> <p>Office – 136.4m² @ 1 bay per 25m² = 5.4 bays Grouped Dwelling – 2 bays Apartment – 1.25 bays Total – 8.65 bays (rounded up to 9 bays)</p> <p>A total of 11 bays, including an ACROD bay are provided on site, meeting the required number of bays under the R-Codes and LPS1.</p> <p>The proposed car parking on site is compliant with the required number under both the R-Codes Volume 1, R-Codes Volume 2 and Schedule 8 of the Shire's Local Planning Scheme.</p> <p>The car parking bays are to be covered by a cantilevered roof structure and will incorporate vegetation screening from the northern neighbour. Car parking will also be partially screened by an existing tree on the street boundary.</p> <p>The development is also proposing an EV charging port and bike parking racks to encourage alternative transport modes and sustainable transport.</p>
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Building Height		
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Scheme / Policy Requirement	Wall - 7m	Roof - 8m
State the proposed building height	Wall - 8m	<input type="checkbox"/> Complies <input checked="" type="checkbox"/> Doesn't Comply
	Roof - 8m	

Officer Comment	<p>The proposed development is utilising the existing building envelope, with the addition of a cantilevered living room (to the western frontage), cantilevered master suite/ balcony (to the northern frontage) and a roof lantern above the proposed kitchen. The site slopes from the southern boundary to the northern boundary resulting in a sloping natural ground level. The existing parapet wall on the southern boundary is compliant with the 7m wall and 8m roof height.</p> <p>Cantilever Extensions:</p> <p>The proposed cantilevered master suite and living room are not proposing an additional wall or roof height than the existing building and only increase the total floor area. The cantilevered master bedroom proposes a maximum wall and roof height of 8.05m from NGL, at the north-western corner. The cantilevered living room proposes a maximum wall and roof height of 8m, at the north-western corner.</p> <p>The cantilevered sections are also being extended into the western (front) and the northern (side) boundaries of the lot. The master suite cantilevered extension faces north and is setback 9.6m from the neighbouring boundary. In addition, the neighbouring northern site sits considerably lower than the subject site and as such any potential visual impact is reduced. The proposed living room cantilevered section extends to the west of the site (street boundary) and is also on the north western corner of the development. The proposed location of the living room will not impact on the northern neighbour and reduces any potential impact on the southern neighbour by increasing the setback from the southern boundary. From the neighbouring southern property the cantilevered sections will not result in an additional building bulk in terms of height. View lines will remain the same as the existing building from the balcony and upper floor outdoor living area of the southern neighbour. It is also considered that the increase in floor area will not result in a negative visual impact from the neighbouring southern property due to the natural slope of the land.</p>
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	<p>Roof Lantern: The roof lantern above the kitchen within the apartment proposes a maximum height roof height of 7.8m and a maximum wall height of 7.7m. The proposed roof lantern proposes a variation of 0.7m to the prescribed maximum wall height in LPS1, the roof height is compliant with the maximum 8m. The roof lantern has been conservatively calculated as an extension of the internal wall and therefore required to meet the 7m maximum wall height limit. The walls of the roof lantern are however glass to enable light permeation, with only small structural aluminium frames. The glass construction will result in a reduction in potential building bulk and allow for view lines to the coast to be maintained. In addition, the applicant has amended the overall footprint of the roof lantern to reduce by over 50% in size, which was in response to neighbour concerns. The overall structure has been kept lightweight in materials and overall bulk to reduce the impact on the neighbouring property.</p> <p>Clause 5.13.1.12 of the Shire's LPS1 allow the height limits specified to be varied by not more than 20%, where certain criteria are met. Clause 5.13.2 allows for height variations to be considered where the local government is satisfied that the proposed building will be in harmony with the general character of buildings in the locality and will not adversely affect the beauty, character, quality of environment or the area generally. The proposed development is maintaining the existing roof height, with the addition of a roof lantern over the top of the kitchen. The proposed height variation is in response to the slope of the site and maintaining a consistent ceiling height within the existing roof line and the proposed additions. Despite a height variation the majority of the proposed height occurs on the northern side of the property which is setback from the boundary over 9m.</p> <p>The proposed height variation is not considered to have a major visual amenity impact and has been designed sensitively to reduce impacts where possible. The proposed height variation is supported and is capable of approval.</p>
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. A new below ground water tank is to be installed
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 has been retained while new vegetation in communal areas has been included.
iii. Has adequate provision been made for access for the development or facilities by disabled persons?	Yes.
iv. Is development likely to cause detriment to the existing and likely future amenity of the neighbourhood?	No. The proposed development builds on the existing building on site and will significantly increase the aesthetic values from the streetscape. The impact on the neighbours will be mitigated and minimised where possible.
v. Is the development likely to comply with AS3959 at the building permit stage?	Yes.
Other Comments	
Any further comments in relation to the application?	
Officer Comment	<p>The proposed development is building upon the existing footprint, with some additions to the north and western sides. The development is well setback from the northern boundary and allows building separation, northern access and cross ventilation. The development utilises the existing southern boundary parapet wall and rationalises the roof form currently on site.</p> <p>Overall the proposed development will provide a considerable improvement on the streetscape and benefit the Gracetown 'Village Centre' with a new and improved mixed use development.</p> <p>The proposal seeks a building height variation, however efforts have been made by the applicant to minimise the impacts on the southern neighbour. The proposed height variation is justifiable and considered minor in nature.</p> <p>The proposed development is considered appropriate for the locality, with appropriate built form and streetscape appeal. The proposed development is recommended for approval.</p>

OFFICER RECOMMENDATION

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 proposed 6 x office tenancies and upper floor apartment at 4 Bayview Drive, Gracetown 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 – P12 received by the Shire on 20 July 2022.
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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 building shall not exceed 8.05 metres in height from natural ground level in accordance with the provisions of Local Planning Scheme No.1.
4. 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.
5. A minimum 120,000 litre rain water tank or alternative potable water supply shall be supplied for domestic use. Water tanks shall be installed prior to the occupation of the dwelling and thereafter maintained.
6. Prior to lodging of a building permit application a Landscape Plan shall be prepared to the satisfaction of the Shire by a suitably qualified and/or experienced landscape consultant. The Landscape Plan shall be drawn to scale and show the following:
 - a) The location, name and mature heights of existing and proposed trees and shrubs and ground covers on both the subject site and the adjoining street verge(s);
 - b) Any lawns and paved areas to be established;
 - c) Any natural landscaped areas to be retained; and
 - d) Those areas that are to be reticulated or irrigated are demonstrated to be designed using water sensitive principles.
7. Prior to lodging a building permit application, a detailed Stormwater Management Engineering Plan shall be prepared to the satisfaction of the Shire and submitted to the Shire showing drainage details, storage capacity, lid levels, drainage pipe inverts, sump connections details, slow release, offsite infrastructure connection details. The Shire's written acceptance of the Stormwater Management Plan must be provided with the building permit application (refer to advice note 'c').
8. Prior to practical completion of the development, stormwater management systems on the subject site shall be constructed in accordance with the accepted Stormwater Management Engineering Plan referred to in abovementioned condition and shall thereafter be maintained.
9. Prior to lodging a building permit application, a detailed Vehicle Parking Construction Engineering Plan shall be prepared in accordance with the Australian Standard AS 2890 to the satisfaction of the Shire and submitted to the Shire showing construction details including pavement levels, thickness, cross fall, lighting proposal and drainage disposal method. The Shire's written acceptance of the Vehicle Parking Engineering Plan(s) must be provided with the building permit application (refer to advice note 'c').
10. Prior to occupation of the development, vehicle parking areas shall be designed, sealed, lit, drained and thereafter maintained in accordance with accepted Vehicle Parking Construction Plan(s), the Australian Standard AS 2890 and the Shire's Standards and Specifications.
11. Prior to lodging a building permit, a detailed Pedestrian Path Construction Plan for the construction of a footpath within the Shires Road Reserve fronting the development shall be prepared in accordance with the Shire's Standards and Specifications. The Shire's written acceptance of the Pedestrian Path Construction Plan must be submitted at the time of lodging a building permit (refer to advice note 'd').
12. Prior to occupation, the pedestrian path system shall be constructed at the full cost of the proponent and in accordance with the accepted Pedestrian Path Construction Plan.
13. Prior to occupation of the development, crossovers shall be designed, constructed, sealed, and drained in accordance with the Shire's standards and specifications.
14. ACROD bay and statutory signs shall be located convenient to the building entrance and shall be designed in accordance with AS2890.6 Parking Facilities Part 6: Off street Parking for People with Disabilities to the satisfaction of Local Government.
15. Prior to lodging a building permit application, the proponent shall pay a \$8,000.00 development bond to the satisfaction of Local Government.
16. Any external fan, air conditioner or similar equipment shall be installed and located so that there is no loss of amenity to the locality by appearance, noise, emissions or otherwise, to the satisfaction of the Shire.
17. Noise emissions (sound levels) shall comply with the *Environmental Protection (Noise) Regulations 1997*.
18. Noise emissions resulting from the development or use of the land shall not exceed the assigned levels in the *Environmental Protection (Noise) Regulations 1997*, and shall not unreasonably interfere with the health, welfare and amenity of an occupier of another premises.
19. An apparatus for the onsite treatment and disposal of wastewater shall be installed in accordance with the *Health (Treatment of Sewage and Disposal of Effluent & Liquid Waste) Regulations 1974* and to the satisfaction of the Local Government/Department of Health prior to occupation of the building.
20. The installed wastewater disposal system shall be inspected by the Shire, and a Permit to Use Apparatus issued to the owner prior to occupation of the building.
21. A building shall not be located over an apparatus for the treatment or disposal of sewerage. Leach drains shall not be located within 1.8 metres from the foundations of any building or boundary. Septic tanks shall not be located within 1.2 metres of the foundations of any building or the boundary.
22. All onsite effluent treatment and disposal apparatus shall be decommissioned in accordance with *Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974*.
23. Rubbish enclosure areas adequate to service the development are to be constructed and provided in accordance with the *Shire of Augusta Margaret River Health Local Laws 1999* prior to the occupation or use of the development to the satisfaction of the Local Government.
24. The development is to provide a potable water source in accordance with *The Australian Drinking Water Guidelines*

25. Rainwater storage tank(s) should be sealed to prevent the ingress of dust and to prevent mosquito breeding. A first flush diverter should be installed in line to enable flushing of dust and other sources of contamination deposited on roof catchment and in drainage lines, to minimise contaminants entering water storage tank.
26. Prior to issue of a building permit for the development, the proponent shall make a contribution toward public art in accordance with the Shire's *Governance and Business Excellence Policy 5.8 – Public Art Policy* to the satisfaction of the Shire.

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.
- b) Works in a road reserve, including any pruning or clearing of vegetation, are prohibited without first obtaining written approval of the Shire. The proponent will be required to submit and implement a Traffic Management Plan for all works in a road reserve. The TMP is required to be prepared by a licenced Traffic Manager in accordance with MRWA Traffic Management Code of Practice and Australian Standards AS1742.3-2002 for any works on or within the road reserve (including road).
- c) Engineering plans are required to be developed and designed by a suitably qualified engineer and submitted to the Shire's Asset Services department **prior to lodging a building permit application**. (Asset Services PH 9780 5274) The plans shall include a feature survey of the Shires road reserve as part of the submission.
- d) Pedestrian paths shall remain continuous at vehicle crossovers and shall be reinforced with mesh. The existing path along the frontage of the development shall be upgraded to a 2.5 metre concrete shared path designed and constructed in accordance with the Shires Standards and Specifications.
- e) At all times, all stormwater and drainage run-off from the development shall be detained within the lot boundaries and where available disposed offsite by an approved connection to the Shire's drainage system At all times stormwater shall be managed to predevelopment flow regimes.



DEVELOPMENT APPLICATION ASSESSMENT
Report to Manager Planning and Development Services

Proposed Single House (Carport and Gym)
33 (Lot 32) Riedle Drive Gnarabup

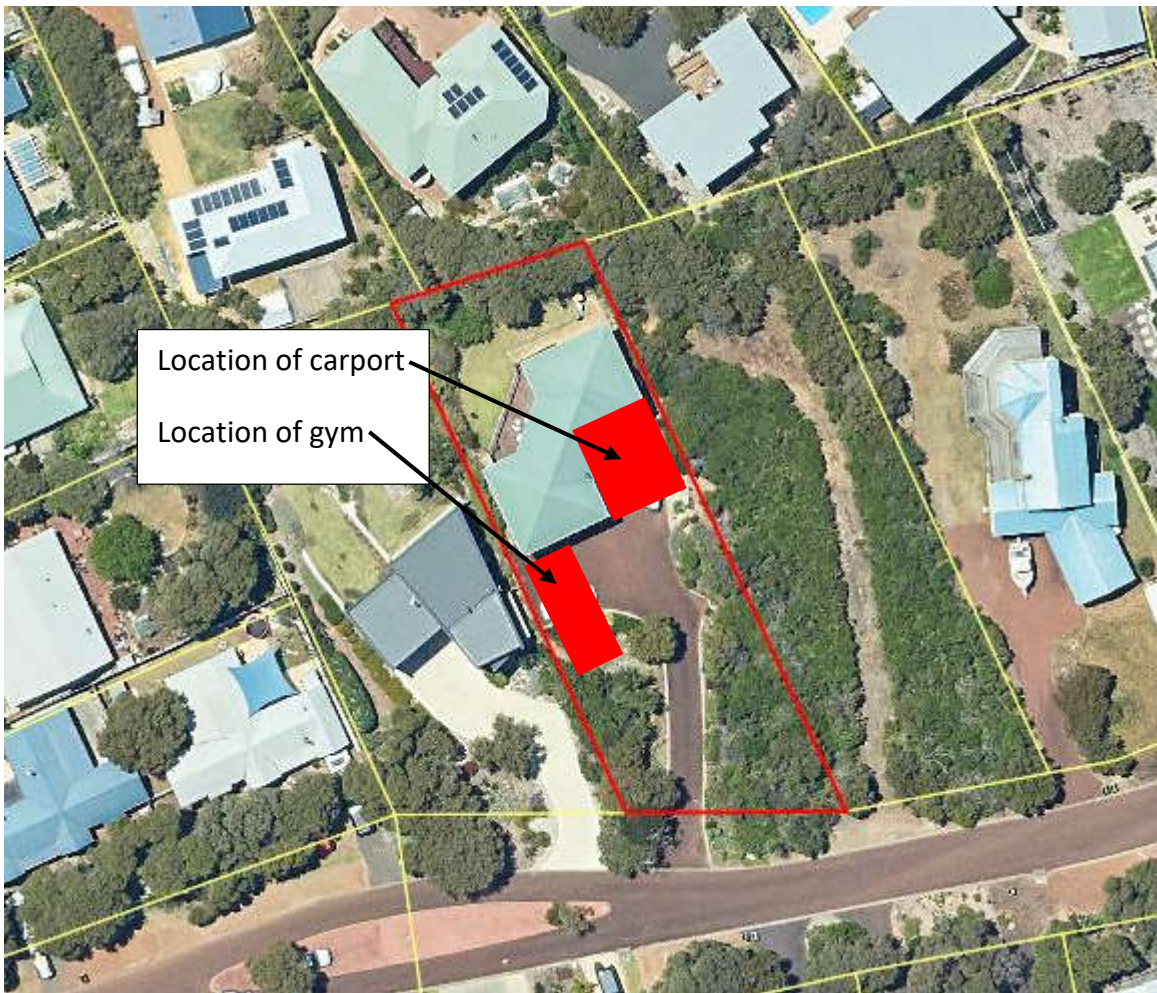
Level 3- objection received

P222368; PTY/5411

REPORTING OFFICER : Sophie Moscardini
DISCLOSURE OF INTEREST : Nil.

General Information	
Lot Area	1183m ²
Zone	Residential (R10)
Proposed Development	Development approval is sought for extensions to an existing dwelling including the following: <ul style="list-style-type: none">• Carport and identified boat parking area.• Gym (75m²) and associated retaining up to 3m.• The proposed development is to provide storage for the owner's vehicles and a gym for the family's personal use.• New roof over existing balcony. Development approval is required as the proposal is located within SCA 2 and seeks a variation to the Residential Design Codes setback and retaining requirements.
Permissible Use Class	'P' Single Dwelling
Heritage/Aboriginal Sites	No Aboriginal Heritage Site identified.
Encumbrance	Nil.
Date Received	24/05/2022





Policy Requirements	
Is the land or proposal referred to in any Council Policy?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Structure Plans and Local Development Plans (LDP's)	
Is the land in any Structure Plan Area or subject to a LDP?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, state the Policy/Policies	Gnarabup Beach Structure Plan
Officer Comment	The applicable structure plan identifies the subject site as Residential (R10) no further development controls are applicable to the subject site.
Planning History	
P99431 – Two Storey, Double Garage (Approved September 1999).	
Advertising/Agency Referrals	
Has the application been referred to adjoining landowners/agency?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Has a submission been received by Council?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A No. received: 1
Details of Submission	Officer Comment
<p>Objection –</p> <p>Setback – the reduced setback will have an overbearing, crowding effect and significantly impact our sense of space. The development already has a significant retaining wall along the boundary and the impact of this being increased has an imposition to our property.</p> <p>There is no legitimate requirement for a domestic gym space of this size to be all on one level.</p> <p>Noise impact – The noise impact from the gym being so close to our property is a concern and possibly requires sound proofing or some sort of buffer zone. Lastly there needs to be assurance that the commercial business will not be carried on at the gym.</p>	<p>The comments of the neighbour are noted.</p> <p>The reduced setback of the retaining for the proposed gym has been addressed by the applicant as follows:</p> <p><i>The impact on the neighbouring dwelling is minimal given the existing walls on this elevation of their house are primarily blank with most views and living spaces focused on views and light to the north west as is appropriate for any dwelling on this site. This particular area of the site appears to service access to the house primarily, rather than living space.</i></p> <p><i>To keep the proposed gym at the same floor level as the existing residence ground floor level will provide greater amenity for the site, rather than stepping the structure down the block. This also means there will be less clearing of extant vegetation, as the existing retaining wall, and vehicular hardstand area can be utilised for the gym space.</i></p>

	<p><u>Operation of the gym:</u></p> <p>The proposal does not involve a home business component and therefore will not be permitted to be used for public use. This will be conditioned as part of the approval in order to enforce non-compliance should commercial use occur in the future without approval.</p> <p><u>Noise:</u></p> <p>Noise is subject to separate legislation (Noise Regulations) that the proposal is required to comply with. This will be included as an advice note on the proposal. Any future noise complaints will be dealt with by Environmental Health, should these arise as a result of the development.</p> <p>Despite the neighbour's objection to the proposal the impact of the proposed gym on the neighbouring site is minimal as addressed by the applicant. Conditions on approval will address the use of the proposed gym.</p>
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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
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Design Element	Policy / R Codes	Provided	Officer comment
Front Setback	7.5m	13.46m	Complies.
Sides Setback	4.1m (gym) 1.6m (carport) 3m (retaining)	1.5m (gym) 700mm (carport) 500mm (retaining)	Variation sought to all side setbacks
Rear Setback	6m	>6m	Complies.
Garage/Carport Setback	7.5m	>7.5m	Complies.
Garage Width	<10.9m	7.5m	Complies.
Outdoor Living Area	m ²	m ²	
Open Space Requirement	%	%	
Upgrade Landscaping	<input type="checkbox"/> Required	<input checked="" type="checkbox"/> Not Required	
Overlooking	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Street surveillance	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Street Walls and Fences	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Overshadowing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Other Variations	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

Officer's Comments against design principles	<p>The proposal seeks a variation to Clause 5.3.7 of the R-Codes which addresses Site works associated with a development.</p> <p>The following design principles are applicable to the proposed variation:</p> <ul style="list-style-type: none"> • <i>Development that considers and responds to the natural features of the site and requires minimal excavation/fill.</i> • <i>Where excavation/fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street.</i> • <i>Retaining walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are designed, engineered and landscaped having due regard to clauses 5.3.7 and 5.4.1.</i> <p>The proposal is considered to meet the applicable design principles for the following reasons:</p> <ul style="list-style-type: none"> • The site slopes dramatically from the east to west of the site and as a result the proposed gym sits up to 3m above natural ground level in order to be on the existing FFL of the existing development. • The intention is to keep the new structure closely grouped with the existing building and utilise existing retained land to reduce the extent of fill required. • The proposed retaining walls will create level ground that will increase greater amenity for the lot by providing additional useable floor space at the same level as the existing residence.
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- The retaining wall will have a limited impact on the neighbouring property which faces away from the proposed development. The side of the dwelling which faces onto the site has no major openings.

A variation is also sought to the proposed development setbacks. The following design principles are applicable for the variation to setbacks:

Buildings are setback from the lot boundaries or adjacent buildings on the same lot so as to:

- *Reduce impacts of building bulk on adjoining properties;*
- *Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and*
- *Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.*

The proposal is considered to meet the applicable design principles for the following reasons:

- The proposed addition is setback from the lot boundary to provide adequate ventilation and sun to the site and adjoining property.
- The side of the adjacent dwelling has no major openings facing onto the proposed development, with the main living areas facing north-west.
- There is no overlooking impact as a result of the proposed development.

The following picture depicts the orientation of the objecting dwelling, which is away from the proposed development area.



Development Standards (Schedule 9)

Are the development Standards applicable? Yes No

Car Parking

LPS1 / R Codes Requirement Car Bays Required – 2 Car Bays Proposed - 2

Dimensions 2.5m x 5.5m Complies Doesn't Comply

Turning Bay/Circles and vehicle manoeuvring Complies Doesn't Comply

Disabled Bays Disabled Bays – N/A Complies Doesn't Comply

Officer Comment The proposal results in the removal of the existing garage, however parking is proposed via the carport which provides up to 2 bays. There is also additional parking on the existing driveway.

Building Height

Scheme / Policy Requirement Wall - 7m Roof - 8m

State the proposed building height Roof -6.3 m Complies 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	
vi. Are utility services available and adequate for the development?	Yes.
vii. Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land?	A small portion of vegetation will be required to be removed for the proposed gym.
viii. Has adequate provision been made for access for the development or facilities by disabled persons?	N/A
ix. Is development likely to cause detriment to the existing and likely future amenity of the neighbourhood?	The proposed development is an extension of the existing development at the existing FFL. Retaining along the western side of the site is extended only slightly to what is already existing onsite. The neighbouring property to the west of the site is orientated toward the north west and therefore away from the proposed extension. The amenity impacts of the proposal are minimal.
x. Is the development likely to comply with AS3959 at the building permit stage?	Yes.
Other Comments	
Any further comments in relation to the application?	
Officer Comment	Conditional approval recommended.

OFFICER RECOMMENDATION

That the Acting Statutory Planning Coordinator 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 proposed Single House (Carport and Gym) at 33 (Lot 32) Riedle Drive Gnarabup subject to compliance with the following conditions:

CONDITIONS

- The development is to be carried out in compliance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent.

Plans and Specifications	P1 – P7 Received at the Shire on 14 th of June 2022.
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- 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.
- The proposed gym is permitted to be ancillary to the use of the Single House.
- 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.

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.