

**DEVELOPMENT ASSESSMENT UNIT**  
**Minutes of the Development Assessment Unit**  
**Shire of Augusta Margaret River**  
**On 25 August 2020**

**ATTENDANCE**

Angela Satre, Lezia Sandon, Chris McAtee, Jason Heine

**PLANNING APPLICATIONS RECEIVED**

Date Rec'd	Assess No.	Address	Proposal	DA No.
20/08/2020	A6777	7981 (Lot 4) Caves Road, Forest Grove	Section 40	P220477
20/08/2020	A10822	18 (lot 55) Nebbiolo Place, Margaret River	Family Day Care	P220478
20/08/2020	A8761	15 (Lot 1) Friesian Street, Cowaramup	Storage	P220479
21/08/2020	A5368	659 (Lot 21) Boodjinup Road, Margaret River	Change of Use - Dwelling to Ancillary Dwelling	P220480
24/08/2020	A3820	15 (Lot 13) Timor Place, Margaret River	Dwelling Addition (Outbuilding)	P220482
25/08/2020	A3958	2 (Lot 609) Millar Way, Augusta	Storage and Industry Light	P220484

**BUILDING LICENCE APPLICATIONS RECEIVED**

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
20/08/2020	A6189	93 Holben Road, Cowaramup	Chalet	220362
20/08/2020	A3713	276 Lot 60 Railway Terrace, Margaret River	Single Dwelling and Ancillary Accommodation	220363
21/08/2020	A1521	67 Town View Terrace, Margaret River	Demolition - Single Dwelling	220364
21/08/2020	A12651	87 Lot 1002 West Road, Cowaramup	Single Dwelling, Ancillary Accommodation, Shed and Rainwater Tanks	220365
21/08/2020	A12374 A11238	Lot 401 Benbow Road, Karridale	Shed	220366
21/08/2020	A9830	12 Lot 490 Currawong Street, Cowaramup	Single Dwelling	220367
21/08/2020	A12529	11 Merrit Lane, Margaret River	Single Dwelling	220368
24/08/2020	A12396	23 Lot 232 Lumber Crescent, Karridale	Rainwater Tank	220369
24/08/2020	A3359	20 Lot 13 Loaring Place, Margaret River	Garage and Rainwater Tank	220370
24/08/2020	A10487	10 Lot 415 Tamarix Crescent, Margaret River	Single Dwelling	220371
25/08/2020	A12907	7 Lot 11 Bettong Road, Witchcliffe	Single Dwelling	220372
25/08/2020	A9492 A1148 A4065	1167 Lot 1 Jindong Treeton Road, Rosa Brook	Farm Shed	220373
26/08/2020	A2444	3 Dyson Road, Cowaramup	Shed	220375

**SUBDIVISIONS DETERMINED**

Nil

**LEVEL 1 APPLICATIONS determined under delegation**

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
08/06/2020	Devin Moltoni	805 (Lot 3) Redgate Road, Witchcliffe	Dwelling Addition - Ancillary Dwelling	Approved	P220296
13/08/2020	Lucy Gouws	22 (Lot 901) Baker Close, Augusta	Camping Ground - Amendment	Approved	P220459

**LEVEL 2 APPLICATIONS for determination**

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
05/5/2020	Lezia Sandon	4 (Lot 2) Wooredah Crescent, Prevelly	Singe Dwelling	Approved	P220241
24/07/2020	Angela Satre	15 (Lot 30) Le Souef Street Margaret River	Holiday House (Renewal)	Approved	P220418

**MANAGEMENT OF VEGETATION ON SHIRE RESERVES**

Nil

**LOCAL LAW PERMITS**

Nil

**OTHER APPLICATIONS determined under delegation**

Nil

**ELECTED MEMBERS ATTENTION**

Nil

**CLOSURE OF MEETING**



**DEVELOPMENT APPLICATION ASSESSMENT (DAU)**  
**Report to Manager Planning and Development Services**  
**Proposed Single Dwelling at 4 (Lot 2) Wooredah Crescent, Prevelly**

**Major (Level 2)**  
**P220241; PTY/11039**

REPORTING OFFICER : Lezia Sandon  
 DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	1252m <sup>2</sup>
Zone	R15
Proposed Development	<p>The Shire has received an application for a two-storey dwelling. The proposal plans (v.1) included variations to the deemed to comply standards of the Residential Design Codes (R-Codes) for:</p> <ul style="list-style-type: none"> <li>• a boundary wall on the southern lot boundary and proposed retaining;</li> <li>• fill and retaining within 1m on the southern lot boundary above 0.5m; and</li> <li>• minor overlooking to the northern boundary.</li> </ul> <p>The applicant submitted modified plans (v.5) to address the concerns raised by the southern adjoining landowner.</p> <p>The modified plans have addressed all proposed variations to the R-codes including for overlooking to boundaries.</p> <p>The established dwelling is proposed to be demolished; this is not subject to the application.</p>
Permissible Use Class	'P' Permitted
Heritage/Aboriginal Sites	Nil
Encumbrance	Nil
Date Received	05/05/2020





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			
Nil			
Advertising/Agency Referrals			
Has the application been referred to adjoining landowners/agency?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> N/A
Has a submission been received by Council?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> N/A No. received: 1 concern
Details of Submission		Officer Comment	
<p><u>Amenity:</u> The development will impact the amenity of the locality and surrounding landowners; through the minimisation of the northern outlook, over shadowing and reduction to ambient light.</p> <p><u>Privacy:</u> There is no proposed audible screening and design will impact privacy.</p> <p><u>Retaining wall and site works:</u> The proposed retaining wall above 0.5m on the boundary is not supported; the addition of a standard boundary fence creates a crowding effect as the fence and retaining will exceed 2.1m.</p> <p><u>Parapet Wall:</u> The parapet increases building bulk and will remove the access around the dwelling in case of a fire.</p>		<p>The applicant has submitted modified plans which reduce the height of the proposal and remove the parapet wall and retaining on the impacted boundary, addressing the concerns.</p> <p>The proposed design (v.5) satisfies the deemed to comply provisions of the R-Codes including in relation to privacy, fencing and over shadowing.</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	6m	3.15m	Complies with averaging.
Sides Setback	South ground floor (4a) 1.5m	1.5m	Figure 4a :(11m (l) 4.2 (h)):1.5m

	South lower floor 2m	2.1m	28.8 (l) 4.2(h) :2m
	South first floor 1.9m	2.1m	14.5m(l) 6m(h):1.9m Southern Wall complies.
	North ground floor 1.5m (garage and terrace).	3.77m	12.7(l) 3.4 (h) Northern Wall complies.
<b>Rear Setback</b>	6m	19m	Complies
<b>Garage/Carport Setback</b>	4.5m	7.19m	Complies
<b>Driveway Width</b>	3-6m	6m	Existing crossover 6m at road frontage, 12m driveway annotated within lot boundary.  Condition required for crossover.
<b>Garage Width</b>	<50%	20%	Complies
<b>Open Space Requirement</b>	50%	70%	373m2 /1252m2= 29.75
<b>Upgrade Landscaping</b>	<input type="checkbox"/> Required <input checked="" type="checkbox"/> Not Required		
<b>Overlooking</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Overlooking has been addressed by the proposal for screening which meets deemed to comply standards under the Rcodes.		
<b>Street surveillance</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<b>Street Walls and Fences</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<b>Overshadowing</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No The proposed dwelling overshadows the southern adjoining property 9.3%, (max over shadowing allowed 25%); Complies.		
<b>Other Variations</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<b>Officer's Comments against performance criteria</b>	Amended plans submitted in response to the concerns raised, demonstrate privacy screening to address overlooking. The proposal meets deemed to comply provisions of the R-codes.		
<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	2.5 x 5.5m		<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply
<b>Building Height</b>			
Scheme / Policy Requirement	Wall - 7m		Roof - 8m
State the proposed building height	Wall – 7m		<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply
	Roof – 7.2m		
<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?	Reticulated water is available on site. The site requires onsite effluent disposal.		
i. Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land?	No additional clearing is proposed.		
ii. Has adequate provision been made for access for the development or facilities by disabled persons?	N/A		
iii. Is development likely to cause detriment to the existing and likely future amenity of the neighbourhood?	No.		
iv. Is the development likely to comply with AS3959 at the building permit stage?	The dwelling is required to be constructed to Bal 12.5.		
<b>Other Comments</b>			
Any further comments in relation to the application?			
<b>Officer Comment</b>	The applicant has addressed the concerns raised during the notification period by removing the parapet wall and retaining wall and setting the development from the boundary. The amended proposal meets the deemed to comply provision of the R-codes. Conditional approval is recommended.		

#### OFFICER RECOMMENDATION

That the Statutory Planning Coordinator GRANTS Planning Consent under Delegated Authority Instrument No. 16 pursuant to Clause 68(2) of the Deemed Provisions of Local Planning Scheme No. 1 for Single Dwelling at 4 (Lot 2) Wooredah Crescent Prevelly 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 P6 received by the Shire on the 27 August 2020
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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. Prior to occupation of the development, the vehicle crossovers shall be designed and constructed in accordance with the Shire's crossover standards and specifications.
4. 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.
5. The building wall height shall not exceed seven (7) metres and the building ridge height shall not exceed eight (8) metres in height from natural ground level in accordance with the provisions of Local Planning Scheme No.1. Details shall be submitted with the building permit.
6. A licenced surveyors report shall be submitted to the Shire within 30 days of completion of the building to confirm compliance with the maximum height limits.
7. Works are prohibited within the road reserve including any pruning or clearing of vegetation without prior written approval 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.



**DEVELOPMENT APPLICATION ASSESSMENT (DAU)**  
**Report to Manager Planning and Development Services**

**Proposed Holiday House Renewal at 15 (Lot 30) Le Souef Street, Margaret River**

**Major (Level 2)**  
**P220418; PTY/8059**

**REPORTING OFFICER** : Lucy Gouws  
**DISCLOSURE OF INTEREST** : Nil

General Information	
<b>Lot Area</b>	1012m <sup>2</sup>
<b>Zone</b>	<b>Residential, R30/40</b>
<b>Existing Development</b>	<input checked="" type="checkbox"/> Single House <input type="checkbox"/> Grouped Dwelling
<b>Nature of application</b>	Holiday House (Renewal)
<b>Proposed use</b>	A planning application has been received for the renewal of the Holiday House. As previously approved, the existing dwelling is to be used to accommodate up to six (6) short stay guests at any one time. The existing management arrangements are to continue.  The application is presented to DAU given 1 letter of objection was received.
<b>Permissible Use Class</b>	'A' – discretionary use
<b>Advertising Required</b>	Yes - completed
<b>Reason not exempted from planning approval?</b>	Discretionary use requires approval.
<b>Heritage/Aboriginal Sites</b>	N/A
<b>Encumbrance</b>	N/A
<b>Date Received</b>	24/07/2020
<b>Date of Report</b>	3/08/2020



<b>Planning History</b>	A 12 month approval (P217719) was issued on 23 May 2018 for a holiday house for 6 guests.  An objection was raised during the assessment, and it was agreed to issue only a further 12 month approval (P219216) on 3 July 2019 for 6 guests.
<b>Is the application same as previous?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Have there been any objections?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Have there been any complaints over the recent period of approval?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Have there been any substantial changes to the LPS1 or Policy?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Comments Received</b>	

Nature of Submission	Officer Comments
A letter of objection was received that raised concerns with holiday house uses in general. The letter did not raise any specific issues or concerns with this particular holiday house, the management or how it has been operated.	No specific areas of concerns have been raised in relation to the holiday house. There are no records of any complaints over the past 12 months.
Recommended period of approval	<input type="checkbox"/> 12 months <input checked="" type="checkbox"/> 3 years <input type="checkbox"/> 5 years

#### OFFICER RECOMMENDATION

That the Statutory Planning Coordinator GRANTS Planning Consent under Delegated Authority Instrument No. 16 pursuant to clause 68 (2) of the Deemed Provisions of Local Planning Scheme No. 1 for a Holiday House Renewal at 15 (Lot 30) Le Souef Street, Margaret River subject to compliance with the following conditions:

#### CONDITIONS

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

Plans and Specifications	P1 received at the Shire on 17 November 2017 and P2 received at the Shire on 23 May 2018.
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- The Holiday House use is permitted for a period of **three (3) years** from **<end of previous period of approval>** to **<end of period of approval>**. (Refer to advice note 'a')
- 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 to advice note 'b').
- 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 ground level. The sign shall be erected within the property frontage and must be visible from the street front. (Refer to advice note 'c')
- All vehicles & boats connected with the premises shall be parked within the boundaries of the property.
- The short stay use of the dwelling shall not be occupied by more than **six (6) people** at any one time.
- Amplified music shall not be played outside of the Holiday House between the hours of 10pm and 10am.
- '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')
- 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 new planning application seeking approval should be submitted 90 days before the expiry of this approval, along with the appropriate planning fee.
- 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.
- 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.
- This approval does not affect the entitlement to use the dwelling for permanent residential purposes.
- You are advised of the need to comply with the requirements of the following other legislation:
  - Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises.
  - 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.
- 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 owner's responsibility to monitor and ensure that the planning approval remains valid while the use is being undertaken.