

**DEVELOPMENT ASSESSMENT UNIT**  
**Minutes of the Development Assessment Unit**  
**Shire of Augusta Margaret River**  
**On 16 October 2018**

**ATTENDANCE**

Matt Cuthbert, Angela Satre, Jason Heine, Chris Wenman, Chris McAtee, Clare Hamilton

**PLANNING APPLICATIONS RECEIVED**

Date Rec'd	Assess No.	Address	Proposal	DA No.
08/10/2018	A8931	32 (Lot 187) Callistemon Drive, Margaret River	Home Occupation (Fitness)	P218620
08/10/2018	A5460	21(Lot 60) Freycinet Way, Gnarabup	Holiday House (Renewal)	P218621
09/10/2018	A8388	69 (Lot 51) Freshwater Drive, Burnside	Holiday House	P218622
10/10/2018	A2648	Site 40 Pinot Way - Eagle Bay- Lots 104 and 105 Bussell Highway, Margaret River	Park Home Park - Margaret River Lifestyle Village	P218623
10/10/2018	A2648	Site 1 Woma Lane - Unique one off-design - Lots 104 and 105 Bussell Highway, Margaret River	Park Home Park - Margaret River Lifestyle Village	P218624
10/10/2018	A7722	12 (Lot 94) Grunters Way, Gnarabup	Bed and Breakfast	P218625
11/10/2018	A12535	23 (Lot 48) Merrit Lane, Margaret River	Dwelling Additions (Retaining)	P218627
11/10/2018	A6990	192 (Lot 4) Rosa Brook Road, Margaret River	Dwelling Additions (Earth Bund)	P218628
12/10/2018	A10988	120 (Lot 502) Ashton Street, Margaret River	Dwelling Additions (Retaining Wall)	P218630
12/10/2018	A12560	14 (Lot 92) Nebbiolo Place, Margaret River	Dwelling Addition (Outbuilding)	P218631
12/10/2018	A3722	702 (Lot 3) Redgate Road, Redgate	Home Business (Experimental Learning Officer / Storage)	P218632

**BUILDING LICENCE APPLICATIONS RECEIVED**

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
08/10/2018	A933	Lot 56 Thelma Street, Augusta	Two storey dwelling	218426
08/10/2018	A6060	Lot 1016 Redgate Road, Witchcliffe	Storage Shed	218464
08/10/2018	A9714	Lot 332 Dryandra Drive, Margaret River	Patio	218465
08/10/2018	A4612	Lot 30 Mansfield Avenue, Margaret River	Living Area Extension	218466
09/10/2018	A7965	Lot 123 Lesueur Place, Gnarabup	Single Dwelling with attached Alfresco	218467
09/10/2018	A10000 A3666	Reserve 19887 Bussell Highway, Forest Grove	Occupancy Permit	218468
10/10/2018	A7231 A7013	Lot 27 Peake Street, Cowaramup	Carport	218469
10/10/2018	A2648	Lot 104 Pinot Way, Margaret River	Carport to existing park home	218470
11/10/2018	A9333	Lot 10 Hillview Road, Augusta	Single Dwelling with attached Garage	218472
11/10/2018	A4054	Lot 14 Salmon Place, Margaret River	Unauthorised Works - storage shed	218473
11/10/2018	A1764	Lot 100 Fearn Avenue, Margaret River	Commercial shops (4) and short stay accommodation (4)	218474
12/10/2018	A10587 A5130	Lot 100 Clews Road, Cowaramup	Telecommunications facility	218475
12/10/2018	A11340	R51096 Leeuwin Road, Augusta	Abalone processing facility, office, dive store, retail tenancies and restaurant	218478

**SUBDIVISIONS DETERMINED**

Date Rec'd	Officer	DA No.	Address	Description of Matter	Recommendation
29/08/2018	Lucy Gouws	P218536	345 (Lot 101) Wallis Road Witchcliffe	Subdivision	Conditionally Approve

**LEVEL 1 APPLICATIONS determined under delegation**

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
20/06/2018	Leigh Medlen	5 (Lot 660) Homestead Way, Margaret River	Dwelling Alterations and Carport Addition	Approve	P218364
17/07/2018	Leigh Medlen	8 (Lot 55) Lambertia Terrace, Margaret River	Retaining Ancillary to Dwelling	Approve	P218425

27/07/2018	Clare Hamilton	16 (Lot 97) Grunters Way, Gnarabup	Bed and Breakfast	Approve	P218453
08/08/2018	Lisa Bell	15 (Lot 332) Dibbler Street, Margaret River	Dwelling Additions (Patio - Retrospective)	Approve	P218475
15/08/2018	Leigh Medlen	31 (Lot 623) Halcyon Crescent, Margaret River	Bed & Breakfast	Approve	P218491
15/08/2018	Lucy Gouws	46 (Lot 27) Merchant Street, Margaret River	Bed and Breakfast	Approve	P218493
20/08/2018	Lisa Bell	6 (Lot 120) Loch Street, Augusta	Dwelling Additions (Shed & Carport)	Approve	P218504
29/08/2018	Lucy Gouws	345 (Lot 101) Wallis Road, Witchcliffe	Subdivision	Approve	P218536
14/09/2018	Lucy Gouws	Lot 194 Marmaduke Point Drive, Gnarabup	Land Clearing	Approve	P218579
15/10/2018	Angela Satre	Reserve 29668 (Lot 380) Hillview Road, Augusta	Community Purpose (RFDS Patient Transfer Station Building)	Approve	P218638

#### LEVEL 2 APPLICATIONS for determination

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
18/6/18	Angela Satre	95 (Lot 1934) Latch Road, Deepdene	Telecommunications Tower	Referred to Council for determination	P218358
27/07/18	Clare Hamilton	9 (Lot 19) Offshore Crest, Margaret River	Holiday House	Conditional Approval	P218454
02/05/2018	Lucy Gouws	69 (Lot 193) Marmaduke Point Drive, Gnarabup	Dwelling	Conditional Approval	P218299

#### LOCAL LAW PERMITS

Nil

#### OTHER APPLICATIONS determined under delegation

Nil

#### ELECTED MEMBERS ATTENTION

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
18/6/18	Angela Satre	95 (Lot 1934) Latch Road Deepdene	Telecommunications Tower	Referred to Council for determination	P218358

#### CLOSURE OF MEETING



**DEVELOPMENT APPLICATION ASSESSMENT (DAU)**  
**Report to Manager Planning and Development Services**  
**Proposed Holiday House at 9 (lot 19) Offshore Crest, Margaret River**

**P218454; PTY/11984**

**Major (Level 2)**

**REPORTING OFFICER** : Clare Hamilton  
**DISCLOSURE OF INTEREST** : Nil

General Information	
Lot Area	2,255m <sup>2</sup>
Zone	General Agriculture (Additional Use A52 - Rural Residential Cluster Lot R5)
Existing Development	<input checked="" type="checkbox"/> Single House <input type="checkbox"/> Grouped Dwelling
Nature of application	<input checked="" type="checkbox"/> New application <input type="checkbox"/> Renewal
Proposed use	To use the existing 2-bedroom dwelling as a Holiday House for up to 4 guests. A local management agent is proposed and the duration of approval being considered is one (1) year.  Note: This application is assessed and determined under Local Planning Policy 7 (LPP7) – Holiday Houses (in place prior to 13 September 2018).
Permissible Use Class	'A' – discretionary use
Advertising Required	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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	27/07/2018
Date of Report	8/10/2018





<p><b>Planning History</b></p>	<p>Subdivision (P210236) approved by WAPC on 24 August 2001 and Modification to approved Structure Plan Lot 504 Caves Road Margaret River (P211402) approved on 9 January 2012. The Structure Plan identifies Lot 19 as one of 21 'Rural Residential Cluster Lots'. The provisions set out that residential development shall be assessed/developed in accordance with the Residential Design Codes at R5 density.</p> <p>The site is developed with a single dwelling approximately 70m<sup>2</sup> in area. Should a Building Permit be submitted for a more substantial dwelling on the site, the subject dwelling would be classified as an Ancillary Dwelling. Any Holiday House use would not be permitted in an Ancillary Dwelling and this approval would lapse. Accordingly, a condition is recommended to any approval reflecting this limitation.</p>
<p><b>Has the application been advertised to adjoining landowners?</b></p>	<p><input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No</p>
<p><b>Have there been any objections?</b></p>	<p><input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No</p> <p>Four submissions received – 2 in support received (from same property) and 2 objections (from same property).</p>
<p><b>Comments Received</b></p>	
<p><b>Comments Received</b></p>	<p><b>Officer Comment</b></p>
<p>Believe the Lot is zoned Rural Residential under Local Planning Scheme No.1 and that the proposal is better suited to the Tourism Zone. Concern over precedent if proposal approved.</p>	<p>The Lot is zoned General Agriculture under Local Planning Scheme No.1 (LPS1) with additional use right A52 as set out in LPS1 Schedule 2.</p> <p>A Holiday House in the General Agriculture zone is an 'A' land use under LPS1. This means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice to adjoining landowners. This process had been undertaken.</p> <p>An 'Additional Use' is a use that is permitted on a specific portion of land in addition to the uses already permissible in that zone under the Zone Table in LPS1. In relation to the subject site, the purpose of additional use right A52 is to provide for the multiple 'Rural Residential Cluster Lots (1-21)' within the General Agriculture zone and for residential development to be assessed/developed in accordance with the R5 density code.</p> <p>The proposed Holiday House is therefore assessed on the basis of the agriculture zoning and within the R5 residential coding set by the Structure Plan.</p> <p>The Holiday House will not adversely impact the ongoing objectives of the surrounding agriculture zone.</p> <p>The proposed Holiday House is compliant with the acceptable development standards of Local Planning Policy 7 – Holiday Houses with regards its location on a low density residential lot as per</p>

	Acceptable Development AD1.2. The use can therefore be considered in this location.	
2xSupport	No additional comments included. Noted.	
Policy Requirements		
Policy Element	Provision	Comment
Location	Coastal settlement; or	<input type="checkbox"/>
	Adjoins fronts or is within an area of "significant tourist attraction", or	<input type="checkbox"/>
	Does not adjoins, fronts or is within an area of "significant tourist attraction but exceeds 1000m <sup>2</sup> in area.	<input type="checkbox"/>
	R2.5 and R5 coded lots not sharing boundaries with more than 3 lots.	<input checked="" type="checkbox"/> The Lot shares boundaries with only 2 adjacent lots.
	Does the proposed <u>Holiday House (Large)</u> in an urban area meet the zoning and or location requirements under AD1.4 of the policy?	<input type="checkbox"/>
	R30 density code or lower for Holiday Houses within grouped dwellings.	<input type="checkbox"/>
	<b>None of the Above</b>	<input type="checkbox"/>
Occupancy	Does the proposed number of guests (4) comply with the acceptable development criteria?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Amenity	Have there been any complaints since previous approval?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
	Complies with the objectives and provisions of the zone, other provisions of the Scheme and other relevant Shire policy including Residential Design Codes)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Design	Is the dwelling <u>of sufficient size</u> to cater for intended number of guests?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 2 bedrooms - 2 guests per bedroom
	Is the dwelling <u>sufficiently serviced</u> to cater for intended number of guests?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No As confirmed by Environmental Health
	Sufficient potable water supply?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Reticulated water provided
	Sealed Crossover	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	One parking bay per bedroom is provided for a Holiday House?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Decks & balconies are located away from the bedrooms of neighbouring dwellings and, if located close to living and dining areas of neighbouring dwellings, suitable screening is provided?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No A roofed deck is located on the north elevation of the dwelling facing the street. Vegetation screening is provided to a height of 2.4m along the front (northern) boundary. Similar screening is provided on part of the rear (southern) boundary. It is considered unlikely the proposal will generate adverse impacts to the amenity of neighbouring dwellings, which are located approximately 40m across the street.
Management	Emergency Evacuation Plan and Fire Management Plan submitted?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No See comments below with regard Bushfire Management and Evacuation
	Management Plan submitted?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No The holiday house will be managed by a local agent. House Rules are also provided.
	No amplified music between 10pm & 10am	Require as a condition
	Display the manager's 24hr contact details	Require as a condition
Period of Approval	<input checked="" type="checkbox"/> 12 months <input type="checkbox"/> 3 years	
Conclusion	<u>Bushfire Management &amp; Evacuation</u> A holiday house is classified as a vulnerable land use under State Planning Policy (SPP) 3.7. A Bushfire Attack Level (BAL) assessment report was required to be submitted to the Shire for the site. The report identified the site with a fire risk rating of BAL-12.5 rating.  Clause 6.6.1 of SPP 3.7 requires a Bushfire Management Plan (BMP) and Bushfire Emergency Evacuation Plan (BEEP) to be submitted with the application.	

	<p>A BMP (December 2014) for the locality has been prepared and adopted through the subdivision of the site satisfying the requirements of SPP3.7 in this regard. A BEEP has been completed by the proponent addressing evacuation requirements. The requirements of SPP3.7 have been addressed in this application.</p> <p><u>Conclusion</u></p> <p>Following assessment against LPP7 it is considered that the intensity of the proposed use is no greater than the usual residential use of the property and the above items can be managed through application of appropriate conditions. The application is recommended for conditional approval for 12 months.</p>
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**OFFICER RECOMMENDATION**

**That the Acting 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 at 9 (Lot 19) Offshore Crest, Margaret River 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 received at the Shire on 27 July 2018 and P2 received at the Shire on 14 October 2018
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2. The Holiday House use is limited to a period of **twelve (12) months** from the date of this approval. (Refer to advice note a).
3. A Holiday House shall not be conducted in an Ancillary Dwelling. In the event a Building Permit or development approval is granted for a Single Dwelling on the site and the subject dwelling is classified as an Ancillary Dwelling, this development approval shall lapse and be of no further effect. Where an approval has lapsed, development is prohibited without further approval being obtained. (Refer to advice note b)
4. A Manager or a contactable employee of the Manager that permanently resides no greater than a 1-hour drive from the site shall be nominated for the Holiday House and this person shall attend to any callout within 1 hour 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 c)
5. The 24-hour contact details of the **Manager and Owner** of the Holiday House shall be visible on the property from the nearest street frontage and maintained to the satisfaction of the Shire.
6. All vehicles & boats connected with the premises shall be parked within the boundaries of the property.
7. The short stay use of the dwelling shall not be occupied by more than **four (4) people** at any one time.
8. The Bushfire Emergency Evacuation Plan shall be displayed in a conspicuous location within the development at all times.
9. Amplified music shall not be played outside of the Holiday House between the hours of 10pm and 10am.
10. 'House Rules' shall be developed 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 advice note g)

**ADVICE NOTES**

- a) A new planning application seeking approval should be submitted 90 days before the expiry of this approval, along with the appropriate planning fee.
- b) Should a Building Permit be submitted for a Single Dwelling on the site, the subject dwelling, in which the Holiday House is proposed would at that time be classified as an 'Ancillary Dwelling'. A Holiday House in an Ancillary Dwelling is not a permitted land use. Accordingly, development consent will lapse at this time.
- c) 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.
- d) A sign limited to a maximum of 0.2 square metres and not exceeding 1.5 metres in height from ground level may be erected at the property frontage and within the property.
- e) This approval does not affect the entitlement to use the dwelling for permanent residential purposes.
- f) 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.

- (ii) 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.
- g) The 'House Rules' document shall be consistent with key elements of the NSW Code for Holiday Houses (please refer to the attached document).



**DEVELOPMENT APPLICATION ASSESSMENT (DAU)**  
**Report to Manager Planning and Development Services**  
**Proposed Dwelling at 69 (Lot 193) Marmaduke Point Drive, Margaret River**

**Major (Level 2)**

**P218299; PTY/5727**

REPORTING OFFICER : Lucy Gouws  
 DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	1311.97m <sup>2</sup>
Zone	Residential R10 Special Control Area 3 - Gnarabup
Proposed Development	A planning application has been submitted for a two storey dwelling.
Permissible Use Class	Planning approval is required as the proposal is located within Gnarabup Special Control Area and variations are sought to the Residential Design Codes.
Heritage/Aboriginal Sites	Nil
Encumbrance	Interests notified on the titles subject of crown grant and notifications – not impacted by this application.
Date Received	22/05/2018



**Policy Requirements**

Is the land or proposal referred to in any Council Policy?     Yes     No



**Local Planning Policy 4 – Boundary Fencing (LPP4)**

The proposal involves fencing up to 2.5m high (including retaining) over two portions of wall. The variation occurs over portions of wall, more than 500mm high and up to 2m long, on both the northern and southern boundaries of the site. With the addition of fencing atop the boundary retaining walls, the fencing would be up to 2.5m in height which is a variation to the 2.3m side boundary fence height guideline under LPP4. The development responds to the natural slope of the site and the variation would occur over a minor portion of each boundary. The fence would provide adequate privacy for the residents of all affected lots, would not be out of character with the amenity of the area and would not be adverse to vehicle sight lines or safety. The variation is considered acceptable when assessed against the relevant performance criteria under LPP4.

**Structure Plans and Local Development Plans (DAP)**

Is the land in any Structure Plan Area or subject to a DAP?  Yes  No

If yes, state the Policy/Policies | Gnarabup Beach Structure Plan

**Officer Comment** | The plan sets the respective density coding for the area but does not have specific application at the development stage.

**Advertising/Agency Referrals**

Has the application been referred to adjoining landowners/agency?  Yes  No  N/A

Has a submission been received by Council?  Yes  No  N/A  
No. received: 1

Have agency or authority comments been received?  Yes  No  N/A

Name	Nature of Submission	Officer Comment
Submission 1	<p>Concern in regards to not being able to view the plans.</p> <p>Concerns raised with the potential for a high wall on the boundary.</p>	<p>Detailed explanation of the proposal, specific to the variations was provided by email. The plans were made available to view in the Shire offices.</p> <p>The retaining wall proposed on the northern boundary of the subject site would, at its highest point, be 950mm high for a length of 2.5 metres. With the proposed 1.6m high boundary fence atop, the total maximum height of the retaining wall and fence would be 2.5 metres. The variation occurs over a small section of the 64m long boundary. The extent of the retaining is not considered to have an adverse impact to the amenity of the neighbouring property, which is currently undeveloped. In spite of the concern raised the variation is considered to be minor and is considered acceptable.</p>

Has the application been referred to internal departments?  Yes  No  N/A

**Assessment of Application**

Is the land referred in the Heritage Inventory?  Yes  No

Are there any Contributions applicable?  Yes  No

Are there any compliance issues in relation to existing development?  Yes  No

**R Codes**

Are R Codes applicable?  Yes  No

Design Element	Policy / R Codes Req	Provided	Officer comment
Front Setback	7.5m	15.7m	Complies
Sides Setback			
Ground floor North	1.5m	1.9m	Complies
Upper floor North	1.8m	1.9m	Complies
Side Setback			
Ground Floor South	1.5m	1.5m	Complies
Upper Floor South	1.5m	2m	Complies
Garage	1.5m	1.5m	Complies
Rear Setback	6m	22m	Complies
Garage/Carport Setback	N/A		
Driveway Width	6m limit	4m	Complies
Open Space Requirement	60%	>60%	Complies
Overshadowing	25%	<25%	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 type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Overshadowing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Energy efficiency/solar access	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Other Variations	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

<b>Officer's Comments against performance criteria</b>		<b>Fill and Retaining</b>	
		<p>The proposal involves fill and retaining located along a portion of the southern and northern boundaries exceeding 0.5m in height. Retaining up to 1.0m on the southern boundary and up to 950mm on the northern boundary is proposed.</p> <p>The subject site experiences a fall of approximately 4m from the eastern side to the western side of the site. In this regard, site works are reasonable considering the topography.</p> <p>The proposed retaining above 0.5m relates to small areas located on the north and southern boundary towards the middle of the site. Alteration forward of the dwelling/towards the street is not proposed, accordingly streetscape impacts will be negligible. The works balanced by the elevated construction of the dwelling, which has meant less site works are proposed than may have otherwise been required.</p> <p>The variation was advertised to the adjoining owners and one submission of concern was received. The concerns raised are in association with not being able to see the plans and concerns with the impact of the retaining wall. For the reasons outlined above the proposal is considered to meet the relevant Design Principles of the R-Codes.</p>	
<b>Development Standards (Schedule 9)</b>			
Are the development Standards applicable?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Officer Comment</b>	<b>Special Control Area 3 Provisions</b>		
	The proposal is to be clad in colorbond steel basalt matt (dark grey), timber cladding, limestone walls and cladding painted in monument (black). Accordingly a condition has been enclosed requiring that material are consistent with clause 6.4.3.2.1(d) of LPS1.		
<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	
Turning Bay/Circles and vehicle manoeuvring	<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 – 6.9m	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply	
	Roof – 6.9m		
<b>Clause 67</b>			
A. 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:			
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?	Vegetation removal is required to enable development at a BAL-29.		
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.		
v. Is the development likely to comply with AS3959 at the building permit stage?	A BAL assessment provided with the application dated 17 May 2018 has indicated that an indicative BAL 29 can be achieved for the Site once the vegetation on the neighbouring Site (Lot 194) has been modified. Given a planning application has been submitted for the affected neighbouring site (ref P218579) for the clearing of vegetation that reflects the BAL assessment report provided can be achieved. Appropriate conditions will be imposed to ensure that the clearing is undertaken and that a new BAL rating is provided prior to the construction of the dwelling.		
<b>Other Comments</b>			
Any further comments in relation to the application?			
<b>Officer Comment</b>	The proposal is consistent with the relevant performance criteria of the R-Codes and is recommended for conditional approval.		

#### OFFICER RECOMMENDATION

That the Acting 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

**Dwelling at 69 (Lot 193) Marmaduke Point Drive, Margaret River 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 – P6 received at the Shire on the 22 May 2018
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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. All stormwater and drainage run-off from the development shall be detained within the lot boundaries, managed to pre-development 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 Standards & Specifications.
4. The walls and roof of the building shall be clad in a non-reflective material and painted in a colour of natural or earth toning consistent with the existing landscape and existing development. To this end, reflective materials (including but not limited to 'silver' sheeting) or reflective colours as cladding/external painting (including but not limited to white, cream, off white or pale grey) are prohibited.
5. Clearing or pruning of roadside vegetation is not permitted by this approval.
6. The visual privacy screen as shown on approved plans 'P5' and 'P6' shall be provided to a minimum height of 1.6metres, measured from the finished ground level, to address overlooking to adjoining sites in accordance with the 'deemed to comply' requirements for the *Residential Design Codes* (clause 5.4.1). Visual privacy screen shall be installed prior to occupation of the development and shall be maintained at all times thereafter. Details to be provided with the building permit.
7. The Dwelling shall be constructed, and the site maintained, in accordance with the Bushfire Attack Level Assessment report, dated 17 May 2017, to achieve a BAL-29 rating under the *Building Code of Australia*. Details shall be providing with the building permit.

**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.