

DEVELOPMENT ASSESSMENT UNIT
Minutes of the Development Assessment Unit
Shire of Augusta Margaret River
On 23 May 2017

ATTENDANCE

Lucy Gouws, Chris Wenman, Johan Pienaar, Kim Nolan

PLANNING APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	DA No.
16/05/2017	A40	18 (Lot 21) Bayview Terrace, Gracetown	Holiday House (Renewal)	P217303
16/05/2017	A12007	7 (Lot 18) Tipuana Terrace, Margaret River	Dwelling	P217304
16/05/2017	A12006	5 (Lot 17) Tipuana Terrace, Margaret River	Dwelling	P217305
17/05/2017	A500	11 (Lot 17) Carters Road, Margaret River	Amendment to Planning Approval P214510 for Tavern	P217306
17/05/2017	A11664	1 (Lot 101) Walkington Avenue, Margaret River	Grouped Dwelling x 2	P217307
18/05/2017	A3657	Roads and Road Reserves from Forest Ave to Willmott Ave and Reserves 27633, 18720, 18451, 41211, Margaret River	Public Event on Shire Property - Margaret River Primary School Fun Run - 9 September 2017	P217308
19/05/2017	A6976	13 (Lot 25) Connelly Road, Margaret River	Holiday House (Large)	P217310
19/05/2017	A8244	8 (Lot 132) Brookfield Avenue, Margaret River	Holiday House (Large)	P217311
18/05/2017	A3899	Margaret River Cultural Center and Shire Council Chambers 41 Wallcliffe Road, Margaret River	Permit to consume Alcohol on Shire Property - Readers and Writers Festival - 2 & 3 June 2017	P217312
19/05/2017	A2626	94 (Lot 184) Dalton Way, Molloy Island	Holiday House	P217313
19/05/2017	A5482	1432 (Lot103) Rosa Brook Road, Rosa Brook	Amendment to Planning Approval P215246 - Animal Husbandry	P217314
19/05/2017	A3562	Cape Mentelle Vineyard, 331 Wallcliffe Road, Margaret River	Public Event on Private Property - Bastille Day at Cape Mentelle - 14 July 2014	P217320

BUILDING LICENCE APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
19/05/2017	A1542	5926 Caves Road, Margaret River	Shed	217213
19/05/2017	A2641	23 (Lot 140) Langley Crescent Gracetown	Demolition of Dwelling	217214
18/05/2017	A4829	Lot 1631 Rocky Road Forest Grove	Winery Additions	217210
18/05/2017	A11661	Lot 101 Rickett Road Cowaramup	Shed	217211
18/05/2017	A12018	34 (Lot 35) Leschenaultia Ave, Margaret River	Single Dwelling	217215
17/05/2017	A11966	2 (Lot 1) Offshore Crescent Margaret River	Dwelling	217209
16/05/2017	A7295	241 (Lot 362) Illawarra Avenue, Margaret River	Shed	217028
16/05/2017	A12364 A6813	87-89 Blackwood Avenue, Augusta	Internal Fit Out - Pharmacy	217207
16/05/2017	A7295	241 (Lot 362) Illawarra Avenue, Margaret River	shed	217208
15/05/2017	A8981	37 (Lot 252) Callistemon Drive, Margaret River	Single Dwelling	217206

SUBDIVISIONS DETERMINED

Date Rec'd	Officer	DA No.	Address	Description of Matter	Recommendation
13/04/2017	Matt Cuthbert	P217257	6995 (Lot 3701) Caves Road Margaret River	Subdivision	Approve

LEVEL 1 APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
30/08/2016	Angela Satre	19 (Lot 241) Illawarra Avenue, Margaret River	Dwelling Additions (Outbuilding)	Approve	P216465
03/03/2017	Lara Hoole	6 (Lot 200) Frohawk Loop, Margaret River	Bed & Breakfast	Approve	P217153
24/03/2017	Lucy Gouws	8 (Lot 498) Goodwine Way, Cowaramup	Dwelling and Ancillary Dwelling	Approve	P217202
07/04/2017	Jared Drummond	37 (Lot 168) Marmaduke Point, Drive Margaret River	Dwelling Additions (Garage)	Approve	P217242
01/05/2017	Lucy Gouws	71 (Lot 26) Forrest Road, Margaret River	Dwelling Additions (Carport)	Approve	P217274
10/05/2017	Lucy Gouws	513 (Lot 64) Treeton Road, North Treeton	Farm Building	Approve	P217295
10/05/2017	Lucy Gouws	29 (Lot 279) Ironbark Avenue, Margaret River	Dwelling Additions (Outbuilding for parking of vehicles)	Approve	P217296

LEVEL 2 APPLICATIONS for determination under delegation

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
07/03/2017	LG	11 (Lot 15) Goodenia Street, Margaret River	Dwelling with associated retaining walls, fill and fencing	Approve	P217164

LOCAL LAW PERMITS

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
18/05/2017	Catherine Gardiner	Margaret River Cultural Center and Shire Council Chambers 41 Wallcliffe Road, Margaret River	Permit to consume Alcohol on Shire Property - Readers and Writers Festival - 2 & 3 June 2017	Approve	P217312
19/05/2017	Ian McLeod	Margaret River Skate Park. Permit expires 30 June 2017	Extension of permit to operate mobile food business	Approve	P217322

OTHER APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.

COMPLIANCE

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.

ELECTED MEMBERS ATTENTION

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.

CLOSURE OF MEETING



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

Proposed Dwelling with Associated Retaining Walls, Fill & Fencing at 11 (Lot 15) Goodenia Street Margaret River

Major (Level 2)

P217164; PTY/12004

REPORTING OFFICER : Lucy Gouws
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	450m ²
Zone	Future Development – Approved Structure Plan identifies the land for residential R20 density.
Proposed Development	<p>This application is for the following retaining wall:</p> <ul style="list-style-type: none"> - Side (eastern) boundary – between 560mm - 860mm for a length of 14 metres, and - Rear (southern) boundary - to a height of 600m built under the natural ground level (NGL). <p>The retaining is to allow fill up to the boundary at the same level of the FGL of the sand pad for the future dwelling.</p> <p>Given the height of the retaining wall the fencing is proposed which will act as additional screening to the freestanding that is proposed. Fencing is proposed on the side (eastern) boundary to a height of 2.4m (combined retaining and fence height) elevation.</p>
Permissible Use Class	<p>Dwelling is a “P” permitted use.</p> <p>Planning approval is required as the application requires assessment against the performance criteria under the provisions of the R-Codes as well as the Shire’s fencing policy.</p>
Heritage/Aboriginal Sites	Nil
Encumbrance	Nil
Date Received	07/03/2017





Policy Requirements		
Is the land or proposal referred to in any Council Policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, state the Policy/Policies	LPP4 – Fencing Policy Residential Area – <ul style="list-style-type: none"> - Acceptable materials such as modular metal panels, timber etc - Side and rear boundary fences having a minimum height of 1600mm, and a maximum height of 2300mm. - Front fences to a maximum height of 1.8m designed to the R-Code standards. 	
Officer Comment	The proposed side boundary fence (eastern boundary) is considered to meet the relevant performance criteria under LPP4 for the following reasons: <ul style="list-style-type: none"> - The proposed fence will provide privacy to the adjoining lower lying properties. - The proposal will not adversely impact access to light to the adjoining property. - The fence will not result in an adverse impact on the character of the location. Development on sloping lots are characterised by retaining walls and fences on top of the retaining walls. The proposed retaining and fencing is similar to approved development on adjoining lots to the west. 	
Structure Plans and Local Development Plans (DAP)		
Is the land in any Structure Plan Area or subject to a DAP? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, state the Policy/Policies ODP – Brookfield 2006		
<i>Officer Comment</i>	The proposal is in accordance with the ODP.	
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
Have agency or authority comments been received?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
Name	Nature of Submission	Officer Comment
Neighbour Lot 16	- Object to 750mm retaining wall.	- Noted.

	<ul style="list-style-type: none"> - The neighbouring dwelling is built at the NGL, with a fence already in place. - A 750mm wall will impact the neighbours privacy. - A 500mm height is appropriate for circumstances like these, I think 250mm cut to bring it to 500mm is not too much to ask. - If the blocks weren't so small, and my house wasn't 1.2m off the boundary I wouldn't object, but I have to deal with the realities that exist. 	<ul style="list-style-type: none"> - The site has slope diagonally through the middle. The proposal presents a balance between the amount of cut and fill to respect the NGL of the site and develop a level that is in keeping with the average NGL. The extent of retaining and fill is considered to meet the 'design principles' of the R-Codes. - The proposal includes cut to 600mm in the south western corner of the Site in order to reduce the height of any fill. This is a reasonable approach and is supported. - The area to be retained is adjacent to the neighbours (Lot 16) side (eastern) boundary. The neighbours outside living area is on the opposite side and will not be affected. 	
Has the application been referred to internal departments?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A
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 Req	Provided	Officer comment
Front Setback	6m	4.7m – 6m	Complies with the averaging
Sides Setback	West Wall length 22.8m, with MJO, wall height at 2.4 – 3m = 1.5m	2.8m	Complies
	East Wall length 22.8m, with MJO, wall height 2.4m – 3m = 1.5m	1.25m – 2.7m	Complies
	South Wall length 9.3m, with MJO, wall height 3m = 1.5m	2.3m	Complies
Rear Setback	N/A		
Secondary Street Setback	N/A		
Garage/Carport Setback	4.5m	>4.5m	Complies
Driveway Width	6m	5m	Complies
Garage Width	50%	<50%	Complies
Outdoor Living Area	30m ²	>30m ²	Complies
Open Space Requirement	50%	>50%	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 To be assessed at the BL stage
Other Variations	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Officer's Comments against performance criteria	<p>Lot Boundary Setbacks</p> <p>The applicant has proposed retaining along the side (eastern) boundary which exceeds the 500mm "deemed to comply" standard. The retaining is to be located adjacent to the lot boundary in lieu of 1m required in accordance with table 1 of the Residential Design Codes.</p> <p>The proposed retaining wall on the side (eastern) boundary varies in height between 560mm up to approximately 860mm. An existing retaining wall exists on the side (eastern) boundary that the applicant has advised is to be utilised in the earth works. An additional retaining wall is proposed on the rear (southern) boundary up to 600mm which is built under the NGL.</p> <p>The location of the retaining wall adjacent to the boundary with the associated fencing is not considered to present any impacts to the neighbour in regards to restriction to light and ventilation. The neighbours own main outside living area is on the opposite boundary to that of the proposed retaining wall. The development includes both fill and cut to achieve the FFL proposed. There is not considered to be reasonable justification to require additional cut, given there are no impacts to the neighbour presented by the proposal.</p>
Development Standards (Schedule 9)	
Are the development Standards applicable?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Car Parking	
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
Disabled Bays	Disabled Bays – N/A
Building Height	
Scheme / Policy Requirement	Wall - 7m Roof - 8m
State the proposed building height	Wall – 3.7m <input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply Roof - 6m
Clause 67	
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?	
Officer Comment	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?	None impacted.
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?	N/A
Other Comments	
Any further comments in relation to the application?	
Officer Comment	The proposed development is recommended for conditional approval.

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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 Proposed Dwelling with Associated Retaining Walls, Fill & Fencing at 11 (Lot 15) Goodenia Street 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 – P4 received at the Shire on the 7 March 2017
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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. (P)
3. The height of the fence / privacy screens for the side (eastern) boundary is to be no higher than 1.6m above the finished floor level of the dwelling. The screens shall comply with the 'deemed to comply' requirements for a screening device under the Residential Design Codes. Visual privacy screen shall be maintained to the satisfaction of the Shire and shall be erected prior to the occupation of the dwelling.
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 in accordance with the Shire of Augusta-Margaret River Standards & Specifications. (I)

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.