

DEVELOPMENT ASSESSMENT UNIT
Minutes of the Development Assessment Unit
Shire of Augusta Margaret River
On 29 January 2019

ATTENDANCE

Lucy Gouws, Jason Heine, Chris McAtee, Angela Satre

PLANNING APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	DA No.
21/01/2019	A10651	251 (Lot 215) Horseford Road, Burnside	Dwelling Additions (Outbuilding)	P219047
21/01/2019	A9871	30 (Lot 373) Georgiana Cross, Cowaramup	Dwelling	P219048
21/01/2019	A11020	Surfers Point, Reserve 41545 Surfers Point Road, Prevelly	Surfing Event on Shire Reserve - WA Junior Surf Titles Round 1 - 9 & 10 March 2019	P219049
21/01/2019	A4451	Gracetown Main Beach, Reserve 27618, Bayview Drive Gracetown	Public Event on Shire Reserve - Gracetown Bay Swim - 20 April 2019	P219050
22/01/2019	A11277	77 (Lot 1013) Heron Drive, Margaret River	Holiday House (Renewal)	P219051
22/01/2019	A12127	21 (Lot 27) Formosa Street, Margaret River	Grouped Dwelling	P219052
22/01/2019	A1815	93 (Lot 102) Blackwood Avenue, Augusta	Change of Use over Portion of Site (Cafe)	P219053
23/01/2019	A4965	80 (Lot 66) Webster Road, Cowaramup	Dwelling	P219054
24/01/2019	A1189	9 (Lot 96) Barrett Street, Margaret River	Home Occupation – Art Classes	P219056

BUILDING LICENCE APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
21/01/2019	A10744	28 Lot 138 Tonkin Boulevard, Margaret River	Single Dwelling	219035
21/01/2019	A4525	Reserve 39081 69 Lot 132 Bussell Highway, Margaret River	Display Laundry	219037
21/01/2019	A12757	Lot 208 Burnside Road, Margaret River	Single Dwelling	219038
21/01/2019	A3562	331 Lot 2 Wallcliffe Road, Margaret River	Occupancy Permit	219039
21/01/2019		12251 Lot 52 Bussell Highway, Karridale	Shed	219040
21/01/2019		111 Lot 500 Bussell Highway, Margaret River	Awnings	219041
23/01/2019	A4965	80 Lot 66 Webster Road, Cowaramup	Unauthorised Works Conversion of shed to dwelling	219042
23/01/2019	A1558	8 Lot 104 McLeod Place, Margaret River	Additions to Existing Dwelling	219043
23/01/2019	A2454	21 Lot 25 Wise Road, Margaret River	Shed	219044
23/01/2019	A9206	22 Lot 42 Tinglewood Court, Cowaramup	Single Dwelling	219045
21/01/2019	A2238	6 Lot 385 Peppermint Drive, Augusta	Additions to Existing Dwelling	219046
24/01/2019	A12273	21 Lot 43 Cidergum Loop, Margaret River	Single Dwelling	219047
24/01/2019	A12730	9 Lot 362 Winton Street, Margaret River	Single Dwelling	219048
25/01/2019	A9733	91 Lot 381 Brookfield Avenue, Margaret River	Single Dwelling	219049
25/01/2019	A3977	194 Lot 5 Chapman Road, Karridale	Ancillary Dwelling	219050

SUBDIVISIONS DETERMINED

Nil

LEVEL 1 APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
07/11/2018	Lucy Gouws	176 (Lot 102) Osmington Road, Bramley	Dam and Clearing Vegetation	Approved	P218707
15/11/2018	Lisa Bell	14 (Lot 114) Yongar Place, Burnside	Building Envelope Variation & Outbuilding	Approved	P218735

04/12/2018	Lucy Gouws	30 (Lot 107) Blackwood Avenue, Augusta	Bed and Breakfast (Renewal)	Approved	P218771
04/01/2019	Leigh Medlen	Lots 104 and 105 Bussell Highway, Margaret River	Park Home - Margaret River Lifestyle Village - Site 55 Hawkesford Place - Contos	Approved	P219002

LEVEL 2 APPLICATIONS for determination

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
23/10/2018	Lucy Gouws	11 (Lot 200) Barrett Street, Margaret River	Dwelling Addition / Ancillary Dwelling	Conditional Approval	P218670

LOCAL LAW PERMITS

Nil

OTHER APPLICATIONS determined under delegation

Nil

COMPLIANCE

Nil

ELECTED MEMBERS ATTENTION

Nil

CLOSURE OF MEETING



DEVELOPMENT APPLICATION ASSESSMENT (DAU)
Report to Manager Planning and Development Services
Proposed Ancillary Dwelling at 11 (Lot 200) Barrett Street, Margaret River

Major (Level 2)

P218670; PTY/1151

REPORTING OFFICER : Lucy Gouws
 DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	1106m ²
Zone	R15
Proposed Development	The proposal is for a one bedroom Ancillary Dwelling (49.14m ²) located on top of an existing garage at the rear of the site (refer to Figure 1). The proposal involves a variation to the 6m rear setback guideline under the <i>Residential Design Codes</i> (R/Codes). A setback of 110mm to 1metre is proposed to the rear boundary. All other aspects of the development meet the deemed to comply standards of the R/Codes.
Permissible Use Class	Ancillary Dwelling - 'P' permitted with approval
Heritage/Aboriginal Sites	Nil
Encumbrance	Nil
Date Received	23/10/2018



Figure 1: Locality Plan



Figure 2: Site Plan

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 (DAP)	
Is the land in any Structure Plan Area or subject to a DAP?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Prior Approvals	A Building Permit was issued for the existing garage (87768) in 1987.
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
The original proposal, that was referred to neighbours for comments, involved setback variations to both the eastern side boundary and the southern rear boundary. At the close of the referral period, two submissions were received from two affected land owners. In response to the concerns raised, the proposal was amended to bring the eastern side elevation into compliance with the deemed to comply standards of the R/Codes and the wall height of the development was reduced. The rear setback variation remains as part of the proposal.	No. received: 2
Have agency or authority comments been received?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
Nature of Submission	Officer Comment
Objection Proposed addition is intrusive, close to boundaries and unsightly. Bulky and unsightly on my boundary.	The proposal was amended in response to concerns raised during the referral period. Notwithstanding, the amended proposal involves a setback variation to the rear boundary. The proposal would result in a wall up to 5.5m high setback between 110mm and 1 metre to the boundary. While concerns have been raised about the impact arising from this variation, the following is noted: <ul style="list-style-type: none"> - the site for the proposal abuts a shed and a stand of mature vegetation on the rear neighbouring lots (refer to Figure 1); - the proposal would occupy a minor portion (up to 3.8m long portion) of the common rear boundary for each corresponding rear lot noting the boundary of each rear lot is approximately 23m in length (refer to Figure 3);

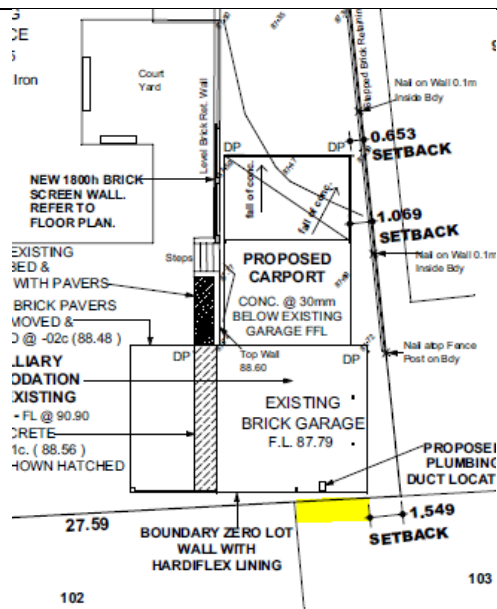


Figure 3: Site Plan Extract

- neighbouring dwellings to the rear are located over 15 metres from the common boundary; and
- the development site is located at lower ground level to properties at the rear lessening the perceived visual impact of the addition.

It is also noted that when assessed against the design principles of the R/Codes, the proposal is considered acceptable with regard to provision of adequate sunlight and ventilation to open spaces on neighbouring sites and minimising overlooking and addressing potential loss of privacy. The R/Codes also provides for buildings to be built up to boundaries where this makes more effective use of space for enhanced privacy for the occupants or outdoor living areas, which is the case with the proposal. The proposal meets the design principles such that it is not considered to have an *'adverse impact on the amenity of the adjoining properties'* in spite of the rear setback variation.

- Violation of residential design codes which will create over shadowing of neighbouring backyards, vegetable gardens and fruits trees. Neighbours have spent considerable money to renovate their backyard, which will be overshadowed by this development.

- Concerns with loss of amenity and privacy.

- Design is larger than needs to be, no consideration to setbacks, overshadowing, visual impacts to neighbouring properties. The ancillary dwelling is only 800mm from eastern boundary and 200mm from rear

- The proposal meets the deemed to comply standards of the R/Codes in relation to overshadowing at clause 5.4.2. Notwithstanding, the design principles of the R/Codes at clause 5.4.2 specifies that the assessment of a variation to this standard should ensure that main outdoor living areas and north facing major openings to habitable rooms are not impacted. This has been met in the proposal.

- The location of windows and visual privacy are assessed under clause 5.4.1 of the R/Codes. The R/Codes provides specific setbacks from boundaries for windows serving a first floor development. The design of the proposal complies with the required setbacks. The rear elevation does not contain windows or openings. Windows proposed on the eastern elevation are 'minor' openings and are either obscure or high level. Notwithstanding, in response to the concern it is recommended that a condition of approval is applied to ensure that windows facing neighbouring lots are fixed and not able to be opened.

- The proposal was amended as an outcome of the referral period. The eastern side setback was increased from 900mm to 1.5 – 2.2 metres and the wall height was reduced by 300mm. The amended proposal meets the deemed to comply standards of the R/Codes in relation to the eastern side boundary setback. The proposed variation to the rear setback has been discussed earlier in this report.

<p>boundary, both a breach to design codes.</p> <ul style="list-style-type: none"> - The existing garage is incorrectly placed in relation to the property boundaries. To build on top of the garage would compound an already existing breach of the design codes. - Neighbours ground level is 1.2 metres below ground level of proposal. The structure will be approximately 8.3 metres above neighbours ground level. We consider any two (2) storey development to be inappropriate. - Concerns with location of proposed carport only 653mm from boundary, concerns with drainage from concert slab. - Concerns with noise given close proximity and additional vehicle movement. 	<ul style="list-style-type: none"> - Shire records show that the garage was approved in its current location. - The amended proposal involved a reduction in height on the eastern elevation from 5.8 to 5.5 metres. Land in the area slopes from east to west. From site inspections, it is estimated that the eastern neighbouring site is approximately 900mm lower than the development site. The development site abuts existing mature vegetation on the eastern lot which will substantially screen the proposal. Vegetation on adjoining sites is recommended, as a condition of any approval, to be retained and not impacted by construction and excavation phases of the development. - The carport is proposed to be setback 0.653m from the eastern side boundary. The location of the carport meets the deemed to comply standards of the R/Codes. - Concerns about noise given the proximity of the driveway and lack of a boundary fence along the eastern boundary are noted. The R/Codes requires that driveways are located no closer than 0.5 metre from lot boundaries. The side setback of the existing driveway is required to be increased in order to achieve this setback distance. This is recommended to be addressed as a condition of any approval granted. Notwithstanding, the proposal does not show any changes to the existing driveway than the current situation. The driveway would be used to service the additional parking space required for the Ancillary Dwelling however there is no impediment to the location of the current driveway subject to compliance with the 500mm setback.
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Has the application been referred to internal departments?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A
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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 Req	Provided	Officer comment
Front Setback	6m	24m	Complies
Sides Setback – East	Wall length 6.8m, no major openings, 5.5m high = 1.2m	1.5	Complies
Rear Setback	6m	110mm - 1m	Variation – See officer comments below.
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 All windows are considered minor openings.		
Street surveillance	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No From the existing dwelling		
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
Officer's comments against design principles	<p><u>Clause 5.1.3 Lot Boundary Setbacks</u> The proposed development presents a variation to the rear 6-metre setback guideline. The variation complies with the design principles of the R/Codes. The proposal would not have an adverse impact to light, ventilation or overlooking of neighbouring properties including outdoor living areas and habitable spaces. In its proposed location the development would be screened by existing structures or mature vegetation on neighbouring lots and would not have adverse perceived impacts arising from building bulk. The proposal would make more effective use of space for enhanced privacy of the occupants and outdoor living areas on the subject site and neighbouring sites. For these reasons the proposed rear setback variation is acceptable when assessed against the design principles under clause 5.1.3.</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 - 3	Car Bays Proposed -3
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	
Building Height		
Scheme / Policy Requirement	Wall – 7m	Roof - 8m
State the proposed building height	Wall – 5.5m Roof - 7m	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply
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?	The site is connected to both town water and wastewater disposal.	
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?	Please see officer's comments earlier in the report.	
v. Is the development likely to comply with AS3959 at the building permit stage?	Assessed with the building permit.	
Other Comments		
Any further comments in relation to the application?		
Officer Comment	The proposal raised objections during the referral period. In response to the concerns raised, the application was amended to reduce the overall height of the development and to bring the proposal into compliance with the deemed to comply standards of the R/Codes with the exception of the proposed rear setback variation. While the rear setback variation is reasonably significant, it is not considered to have an adverse impact to the amenity of neighbouring properties in its proposed location and as such is recommended to be supported subject to conditions.	

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 Dwelling Addition / Ancillary Dwelling at 11 (Lot 200) Barrett 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 – P3 received at the Shire on the 22 January 2019
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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. Prior to occupation of the development the subject of this consent, the driveway on the subject site shall be setback a minimum of 500mm from the eastern boundary.
5. Prior to occupation of the Ancillary Dwelling, the upper floor windows on the eastern elevation shall be fitted with obscured glazing and shall be fixed and not openable. Details shall be provided with the building permit.
6. Any trees on adjoining properties shall not be impacted by the excavation or construction phases of the development.

ADVICE NOTE

- 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.