

DEVELOPMENT ASSESSMENT UNIT
Minutes of the Development Assessment Unit
Shire of Augusta Margaret River
On 30 April 2019

ATTENDANCE Lucy Gouws, Angela Satre, Chris Wenman, Leigh Medlen, Chris McAtee

PLANNING APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	DA No.
23/04/2019	A2017	24 (Lot 11) Station Road, Margaret River	Additions to Existing Hardware Shop	P219268
23/04/2019	A5805	207 (Lot 135) Blackwood Avenue, Augusta	Dwelling	P219269
24/04/2019	A12383	10 (Lot 217) Sawmill Loop, Karridale	Dwelling Addition (Outbuilding)	P219270
24/04/2019	A11568	21 (Lot) 13 Dempster Drive, Witchcliffe	Ancillary Dwelling	P219271
26/04/2019	A11681	14 (Lot 240) Stoneman Street, Margaret River	Family Day Care	P219273
26/04/2019	A3763	41 (Lot 40) Merchant Street, Margaret River	Bed and Breakfast (Renewal)	P219274
26/04/2019	A5490	4 (Lot 1) Saint Alouarn Place, Margaret River	Guesthouse (Renewal)	P219275
26/04/2019	A12430	131 (Lot 21) Rowe Road West, Witchcliffe	Building Envelope Variation	P219276

BUILDING LICENCE APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
23/04/2019	A645	173/175 Redgate Road, Witchcliffe	Telecommunications Tower	219172
23/04/2019	A10651	251 Lot 215 Horseford Road, Burnside	2 x Sheds and 1 x Rainwater Tank	219174
23/04/2019	A12620	46 Lot 276 Noreuil Circuit, Cowaramup	Amendment to BLD219136 Single Dwelling	219175
24/04/2019	A12666	Lot 241 Gnarawary Road, Witchcliffe	Farm Shed	219176
26/04/2019	A12524	9 Lot 37 Lambertia Terrace, Margaret River	Dwelling and Retaining	219177
26/04/2019	A7400	4 Lot 115 Orchid Ramble, Margaret River	Single Dwelling	219178
26/04/2019	A12188	14 Lot 13 Copse Way, Cowaramup	Garage and Ancillary Accommodation	219179
26/04/2019	A12721	12 Lot 353 Duncan Street, Margaret River	Single Dwelling	219180

SUBDIVISIONS DETERMINED

Nil

LEVEL 1 APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
30/01/2019	Clare Hamilton	64 (Lot 61) West Bay Creek Road, Augusta	Chalet Addition (Outbuilding / Laundry)	Approved	P219060
19/02/2019	Clare Hamilton	60 (Lot 1) Bussell Highway, Cowaramup	Alterations & Additions to Existing Service Station	Approved	P219108
05/03/2019	Angela Satre	384 (Lots 251 and 1689) Miamup Road, Cowaramup	Extractive Industry	Cancelled	P219127
19/03/2019	Leigh Medlen	50 (Lot 6) Greenwood Avenue, Margaret River	Home Business (Counselling and Hypnotherapy)	Approved	P219162
20/03/2019	Angela Satre	410 (Lot 104) Bussell Highway, Margaret River	Amendment to approval (P216517) for a change of use from existing Park Home Park and Development of Relevant Infrastructure to Grouped Dwellings and Development of Relevant Infrastructure (sites 1, 2, 7, 27, 28, 29, 38, 40, 42, 44, 45, 50 and 55)	Approved	P219168

			and three proposed Grouped Dwellings (sites 30, 35, and 36)		
04/04/2019	Devin Moltoni	271 (Lot 112) Redgate Road, Witchcliffe	Farm Building Addition to Agriculture Extensive	Approved	P219213
16/04/2019	Devin Moltoni	39 (Lot 20) Mansfield Avenue, Margaret River	Dwelling Addition (Outbuilding)	Approved	P219255
17/04/2019	Robyn Fergusson	2 (Lot 69) Calabrese Close, Margaret River	Bed and Breakfast	Approved	P219257
23/04/2019	Devin Moltoni	24 (Lot 11) Station Road, Margaret River	Additions to Existing Hardware Shop	Approved	P219268

LEVEL 2 APPLICATIONS for determination

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
03/12/2018	LG	100A (Strata Lot 2 of Lot 9) Turner Street, Augusta	Grouped Dwelling & Outbuilding	Conditional Approval	P218767

MANAGEMENT OF VEGETATION ON SHIRE RESERVES

Nil

LOCAL LAW PERMITS

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
17/04/2019	Emma Rogers	31-79 (Lot 1001) Wallcliffe Road, Margaret River	Local Law Permit - Margaret River Skate School	Approve	P219261

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 Grouped Dwelling (overheight wall) and Outbuilding at 100A
 (Strata Lot 2 of Lot 9) Turner Street, Augusta**

Major (Level 2)

P218767; PTY/11636

REPORTING OFFICER : Lucy Gouws
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	628m ²
Zone	Residential R15
Proposed Development	Planning approval is sought for a grouped dwelling and outbuilding (shed). The grouped dwelling is two (2) storey, consisting of three (3) bedrooms, a garage and outbuilding (31.5m ²).
Permissible Use Class	'D' Discretionary approval required.
Heritage/Aboriginal Sites	Nil
Encumbrance	Notifications in relation to survey strata plan – not impacted
Date Received	03/12/2018 (The application has been delayed as the proponent has subsequently revised the proposal. The height of the dwelling has been reduced to comply with the 8m height limit by revising the pitch of the roof. The revised plans were received on the 16/04/2019).



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 <i>LPP1 - Outbuildings, Farm Buildings and Swimming Pools (LPP1)</i>	
Officer Comment	The proposed outbuilding complies with the acceptable development standards under LPP1.
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
Advertising/Agency Referrals			
Has the application been referred to adjoining landowners/agency? The original development application was advertised to surrounding land owners for: <ul style="list-style-type: none"> • variations to the visual setback on the western side boundary for which the proponent sought to address by installation of vegetation screening to restrict overlooking into neighbouring sites; and • the maximum proposed building height of 8.5m and proposed wall height variation. 		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> N/A
Has a submission been received by Council? Submissions were received from landowners of three properties in the area.		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> N/A No. received: 3
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	

<ul style="list-style-type: none"> - Object to the building exceeding the Shire Local Planning Scheme height limit. The height limit has been implemented for a purpose, not to be exceeded. - Concerns with overlooking and the impact to the neighbour's privacy. - The proposed trees would need to be planted before the dwelling is occupied, and have sufficient foliage to overcome the neighbour's concerns of overlooking. - Size and positioning of the house is imposing on all surrounding neighbours. - Concerns with the combined excessive height and proximity to neighbours would create an unnecessary and unwelcome obstruction to neighbours own views and block natural light. 	<ul style="list-style-type: none"> - Following the advertising period for the application, amended plans were lodged that result in the overall height of the dwelling being reduced from 8.5m to comply with the 8m height limit. The revised design still presents a variation to the 7m wall height to allow for a maximum wall height of 7.39m. The wall height variation applies to the rear north western corner of the dwelling, where the ground level of the Site is at its lowest and the finished floor level (FFL) is at its highest. The natural ground level has a spot height at 5.90 and the FFL is 7.6, this results in a FFL of 1.77m above the natural ground level. As a result this section of the dwelling presents a wall height variation. - The neighbour's concerns in relation to overlooking have been assessed. The northern elevation of the dwelling, the subject of the concern, has been designed to meet the deemed-to-comply standards of the <i>Residential Design Codes</i> (R-Codes). As required by the R-Codes the dwelling is setback 7.5m from the affected boundary. Given the dwelling meets the deemed to comply standards in relation to overlooking, it is not possible to request further changes. - Concerns with the planting of trees to provide screening are acknowledged. The proposal has since been revised by the proposed installation of a permanent screen wall to the affected façade of the dwelling. The wall will prevent overlooking of neighbouring sites such that the 'cone of vision' only slightly extends into the rear corner of the neighbouring garden where a water tank is located. The extent of the overlooking of 1.6m is minimal and does not affect the views or occupiers enjoyment of the neighbouring affected site. - The siting of the dwelling complies with the R-Codes in regards to the setbacks from boundaries. - The overall height of the dwelling has been reduced to comply with the 8m height limit. The setback from the common boundary complies with the R-Codes. The proposed dwelling is located behind the building line of neighbouring dwellings. Neighbours views will not be compromise from the proposal. Overshadowing arising from the proposal meets the deemed to comply standards under the R-Codes.
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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
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	N/A		Battleaxe Lot
Sides Setback - North	7.39m high wall, major openings, 18.7m long = 5.5m	7.5m	Complies
Sides Setback – West Wall assessed under figure 4b series 4	Store 7m high, 4m long, no major openings = 1.2m	1.2m	Complies
	Enclosed Deck 7.39m high, 6m long, no major openings = 1.3m	2m	Complies
Sides Setback – East	7.1m high, 7.3m long, major openings = 3.3m	3.75m	Complies
Rear Setback	6m	Dwelling – 6.5m Shed – 1m	Complies Complies
Driveway Width	Not changed		
Garage Width	N/A		
4m2 Store	4m2	+4m2	Complies
Open Space Requirement	50%	>50%	Complies
Upgrade Landscaping	<input type="checkbox"/> Required		<input checked="" type="checkbox"/> Not Required
Visual Privacy	<p>Alfresco – Ground floor finished floor (FFL) height of 1.5m and first floor FFL of 4.5m</p> <p>The raised FFL height of both the ground and first floor alfresco areas are required to be setback of 7.5m from the boundary. The original proposal submitted to the Shire included the planting of vegetation within the corner (north west) of the Site to address the overlooking. The vegetation was intended to act as screening to prevent overlooking of the rear (north- eastern) corner of the neighbouring Site, where a rain water tank is located. During the consultation period for the application, neighbours raised concerns with the use of vegetation as screening, and felt this would be inadequate and would impact the views. To address these concerns, a revised proposal has been provided that includes permanent screening that is fixed to the rear (northern) elevation that projects from the rear of the dwelling by 1m. The screening results in reducing the overlooking of the neighbours rear corner of their Site from 3.7m to 1.6m. The permanent screening is considered an acceptable solution, and will be required to be provided for both the ground floor and first floor alfresco areas. The area of overlooking by 1.6m is considered to be minimal, and encroaches an area of the neighbouring site where a water tank is located. This is not an area that relates to the neighbouring outside living area, and will allow the neighbour to maintain views over this section of the two Sites.</p> <p>Habitable Rooms – Ground floor and First Floor Require setback of 6m a setback of 7.5m achieved – Complies.</p>		
Street surveillance	N/A		
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 type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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	<input type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply
Building Height		
Scheme / Policy Requirement	Wall - 7m	Roof - 8m
State the proposed building height	Wall – 7.6m Roof – 8.51m	<input type="checkbox"/> Complies <input checked="" type="checkbox"/> Doesn't Comply
Officer Comment	<p>Wall Height Variation</p> <p>The proposal involves variations to the 7.0m wall height guideline, specified at clause 5.13 of LPS1 to allow the dwelling to be built up to a wall plate height up to 7.39m in the north western portion of the dwelling. All other walls of the dwelling comply with the 7m wall height.</p> <p>The site falls over 2 metres from the south-eastern corner to the north-western corner over a distance of approximately 22m. The survey that has been submitted with the application indicates that there are areas of exposed granite through the middle of the Site. The Site conditions have driven the design of the dwelling which has resulted in the garage being built at the height of the natural ground level, and the rest of the Site being filled and partially stumped with no cut to overcome the Site constraints. Nevertheless, a variation is proposed to the height of a wall within the north western corner of the dwelling.</p> <p>The building bulk on the north western corner is mitigated by a break in the wall and an increased set back from the side boundary. The building bulk has been mitigated by the choice of a variable materials (glazing, horizontal screening & variable wall cladding) and by the variability in the walls, stepping away from the boundaries. The amenity of residential properties that surround the Site are not considered to be impacted by the wall height variation which is only found with the one rear corner of the building.</p> <p>The impact of building bulk is greatest on the side (western) elevation, where the proposed wall height variation is presented. The variation is assessed against LPS1 clause 5.13.3 and it is argued that the proposal is a skillion design which in order to be functional relies on a higher wall height specifically with regard to the following:</p> <ul style="list-style-type: none"> • The development otherwise complies with the R-Codes in relation to boundary setback requirements. • The development complies with the overall 8.0m roof height standard. • Compliance with the 7m wall height standard will not result in an overall reduction in the bulk of the proposal with an amended roof design that maximised the 8m height limit. • The extent of the variation is minor and will not result in adverse impacts to the amenity or ocean views of neighbouring properties. <p>In spite of the wall height variation, the proposal is not considered to cause unreasonable adverse impact to the amenity of neighbouring properties. The proposed wall height variation is considered acceptable and is supported under the provisions of clause 5.13.3 of the Scheme.</p>	
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?	To be provided.
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?	BAL 12.5
Other Comments	
Any further comments in relation to the application?	
Officer Comment	Conditional planning approval is recommended.

OFFICER RECOMMENDATION

That the Manager of Planning and Development Services 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 Grouped Dwelling (over height wall) and Outbuilding at 100A (Strata Lot 2 of Lot 9) Turner Street, Augusta 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 – P3 received at the Shire on the 16 April 2018 and P4 & P5 received on the 3 December 2018.
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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.
- A licenced surveyor's certificate shall be submitted to the Shire on completion of the development confirming compliance with the wall and roof heights as shown on the approved plans.
- A visual privacy screen shall be provided to the northern elevation, to both the ground floor and first floor alfresco to a height of at least 1.6metres measured from the finished ground level as show on plan P2. The screening is to restrict overlooking onto any adjoining property within the cone of vision. The screen shall comply with the 'deemed to comply' requirements for a screening device under the Residential Design Codes. The visual privacy screen shall be installed prior to occupation of the dwelling and maintained thereafter to the satisfaction of the Shire. Details are to be submitted with the building permit.
- The outbuilding shall be used solely for purposes incidental and ancillary to the authorised use of the land.
- The outbuilding shall not be used for human habitation.
- 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.

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.

