

**DEVELOPMENT ASSESSMENT UNIT**  
**Minutes of the Development Assessment Unit**  
**Shire of Augusta Margaret River**  
**On 27 April 2021**

**ATTENDANCE**

Jacinta Hall, Jason Heine, Angela Satre, Don Bothwell

**PLANNING APPLICATIONS RECEIVED**

Date Rec'd	Assess No.	Address	Proposal	DA No.
22/04/2021	A12064	4 (Lot 67) McDowell Road, Witchcliffe	Dwelling (Shed)	P221295
22/04/2021	A1828	6 (Lot 105) Vattos Way, Prevelly	Holiday House (Renewal)	P221296
22/04/2021	A8922	Unit 2 / 18 (Strata Lot 2) Town View Terrace, Margaret River	Holiday House (Renewal)	P221297
22/04/2021	A9484	Unit 1 / 30 (Strata Lot 1) Town View Terrace, Margaret River	Holiday House (Renewal)	P221298
22/04/2021	A5432	19 (Lot 37) Riedle Drive, Gnarabup	Holiday House (Large) & Ancillary Accommodation	P221299
22/04/2021	A8256	21 (Lot 149) Bottlebrush Drive, Margaret River	Ancillary Accommodation	P221300
23/04/2021	A9912	22 / 5 (Lot 100) Station Road, Margaret River	Holiday House (Renewal)	P221301
23/04/2021	A1220	1688 (Lot 11) Rosa Brook Road, Rosa Brook	Bed & Breakfast	P221302
23/04/2021	A11841	8 (Lot 7) Dobbins Place, Witchcliffe	Cancellation of Approval (Bed & Breakfast)	P221303
23/04/2021	A12866	35 (Lot 33) Brookside Boulevard, Cowaramup	Shed Addition	P221304
23/04/2021	A10177	88 & 110 (Lot 291) Watervale Road, Rosa Brook	Shed/Farm Building	P221305
27/04/2021	A5499	39 (Lot 10) Saint Alouarn Place, Margaret River	Holiday House (Renewal)	P221306
27/04/2021	A2858	11 (Lot 57) Narda Avenue, Prevelly	Holiday House (Renewal)	P221307
27/04/2021	A12116	32 (Lot 16) Formosa Street, Margaret River	Holiday House	P221308
27/04/2021	A12748	53 (Lot 393) Pimelia Drive, Margaret River	Shed Addition & Retaining	P221310
28/04/2021	A10351	35 (Lot 440) Daisy Rise, Cowaramup	Dwelling	P221311
28/04/2021	A5413	2 (Lot 38) Freycinet Way, Gnarabup	Dwelling (Addition)	P221312

**BUILDING LICENCE APPLICATIONS RECEIVED**

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
22/04/2021	A13167	26 (S/L 19) Yornitj Grove, Witchcliffe	Single Dwelling and Rainwater Tank	221298
22/04/2021	A12754	833 (Lot 205) Burnside Road, Burnside	Single Dwelling, Retaining and Rainwater Tank	221299
22/04/2021	A12992	16 (Lot 26) Treeside Lane, Margaret River	Single Dwelling	221300
23/04/2021	A3425 A7423 A3425	5320 (Lot 4) Caves Road, Gracetown	Farm Shed	221301
22/04/2021	A12142	33 (Lot 262) Culhane Road, Margaret River	Single Dwelling and Shed	221302
23/04/2021	A13149	78 (S/L 1) Kulbardi Way, Witchcliffe	Single Dwelling and Rain Water Tank	221303
23/04/2021	A10519	241 (Lot 12) Glengary Road, Margaret River	Unauthorised works - Ancillary Dwelling	221304
23/04/2021	A5173	12 and 48 (Lot 3) Stevens Road, Margaret River	Storage Shed	221305
23/04/2021	A13106	11 (S/L 6) Yornitj Grove, Witchcliffe	Single Dwelling and Rainwater Tank	221306
28/04/2021	A12822	5 (Lot 207) Walilya Way, Witchcliffe	Single Dwelling	221307

**SUBDIVISIONS DETERMINED**

Date Rec'd	Assess No.	DA No.	Address	Description of Matter	Recommendation
16/02/2021	A700	P221131	96 & 108 (Lot 1001) Redgate Road, Witchcliffe	Subdivision	Support, subject to conditions

**LEVEL 1 APPLICATIONS determined under delegation**

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
17/12/2020	Lucy Gouws	687 (Lot 722) Ellen Brook Road, Margaret River	Holiday House	Approved	P220822
07/01/2021	Lina O'Halloran	161 (Lot 87) Ashton Street, Margaret River	Single Dwelling	Approved	P221013
12/02/2021	Don Bothwell	8 (Lot 167) Earl Place, Gracetown	Single Dwelling	Approved	P221118
12/02/2021	Lucy Gouws	13 (Lot 15) Dempster Drive, Witchcliffe	Home Business (Dog Grooming)	Approved	P221120
05/03/2021	Sophie Moscardini	20 (Lot 15) Riedle Drive, Gnarabup	Grouped Dwelling Additions	Approved	P221158
22/03/2021	Lara Hoole	16 (Lot 49) Island Drive, Augusta	Dwelling, Retaining/Fill & Boundary Fencing	Approved	P221204
31/03/2021	Sophie Moscardini	1 (Lot 54) Rivulet Place, Cowaramup	Dwelling	Approved	P221223
12/04/2021	Lucy Gouws	57 (Lot 2) Coppin Grove, Redgate	Dwelling Addition & Associated Clearing Outside the Building Envelope	Approved	P221254
13/04/2021	Angela Satre	4 (Lot 83) Georgette Way, Prevelly	Bed & Breakfast (Renewal)	Approved	P221260
15/04/2021	Lina O'Halloran	936 (Lot 12) Bessell Road, Rosa Brook	Ancillary Dwelling	Approved	P221272

**LEVEL 2 APPLICATIONS for determination**

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
27/01/2021	Don Bothwell	174 (Lot 52) Railway Terrace, Margaret River	Single Dwelling	Conditional approval	P221067

**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**  
**174 (Lot 52) Railway Terrace, Margaret River**

**Major (Level 2) P221067; PTY/12413**

**REPORTING OFFICER : Don Bothwell**  
**DISCLOSURE OF INTEREST : Nil**

<b>General Information</b>	
<b>Lot Area</b>	789m <sup>2</sup>
<b>Zone</b>	<b>Residential R15</b>
<b>Proposed Development</b>	<p>The Shire has received an application for a single dwelling. The proposal includes the following variation to the deemed-to-comply provisions of the Residential Design Codes (R-Codes):</p> <ul style="list-style-type: none"><li>The proposed double garage associated with the single dwelling proposes a nil setback to the left (south) side boundary in-lieu of 1m. The proposed boundary wall would be 8.5m long and 3.4m high.</li></ul>
<b>Permissible Use Class</b>	'P' Permitted
<b>Heritage/Aboriginal Sites</b>	Nil
<b>Encumbrance</b>	Nil
<b>Date Received</b>	27/01/2021





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	
<p>On 9 March 2015, the Western Australian Planning Commission (WAPC) recommended conditional subdivision approval (WAPC Ref: 151117; LG Ref: P214682) creating two new lots over the parent lot including a rear battleaxe lot of 798m<sup>2</sup> (subject property). The existing single dwelling has been retained on the front lot (172 (lot 51) Railway Terrace, Margaret River.</p> <p>When the subject application was originally submitted, there was a bed and breakfast component sought for approval along with the new Single Dwelling. The landowner/applicant has subsequently withdrawn the bed and breakfast component of their application. The amended plans received by the Shire on 15 April 2021 for a new Single Dwelling only are the subject of this application.</p>	
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: <b>1 objection</b>	
Details of Submission	Officer Comment
<ul style="list-style-type: none"> <li>Proposed setback of nil creates building bulk on boundary, blocks suns and ventilation, and causes noise and loss of privacy.</li> <li>Parking as drawn requires vehicles to reverse along 40m driveway adjacent to bedrooms, causing excess noise. No parking for trailers or boats. Parking not available on street or verge. No room to manoeuvre in parking area as shown.</li> </ul>	<ul style="list-style-type: none"> <li>The concerns are noted, however, the proposed nil setback in-lieu of the required 1.0m is considered to satisfy the relevant design principles. Please refer to Officer's assessment against the design principles below.</li> <li>Noted. The original proposal referred to neighbours included a bed and breakfast with one car bay located in the vehicle turning area. The plans have subsequently been amended with the bed and breakfast and associated car parking for the guests removed from the application. The amended</li> </ul>

		plans which are the subject of this assessment contain only the two car bays required for the single dwelling located within the double garage and not within the vehicle turning area as previously proposed. The concern of the neighbour in this regard has been met.	
<b>Assessment of Application</b>			
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
<b>R Codes</b>			
Are R Codes applicable?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Design Element</b>	<b>Policy / R Codes</b>	<b>Provided</b>	<b>Officer comment</b>
<b>Front Setback</b>			N/A
<b>Lot Boundary Setback</b>	1.0m setback (boundary walls not permitted by right as is the case for Residential R20 and above)	Boundary wall with a nil setback proposed to the left (south) side boundary	See design principles assessment below.
<b>Rear Setback</b>	6m	2.2 – 15.1m	The setback of the single dwelling to the rear (west) boundary contains staggered setbacks ranging from 2.2m through to a maximum rear setback of 15.1m. The reduced rear setback for a portion of the dwelling is not considered to have an adverse impact on the adjoining properties in terms of building bulk, overshadowing, lack of ventilation or privacy. Accordingly, the relevant design principles are satisfied.
<b>Garage/Carport Setback</b>	4.5m	21.6m	Complies
<b>Driveway Width</b>	9m aggregate width	3m (existing)	Complies
<b>Open Space Requirement</b>	50%	>50%	
<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		
<b>Street surveillance</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No The deemed-to-comply provisions of Clause 5.2.3 (C3.3) – Street surveillance of the R-Codes requires that for battleaxe lots, at least one major opening from a habitable room of the dwelling faces the approach to the dwelling. A major opening is proposed from the living area on the south elevation. This opening faces the approach to the dwelling and in this regard meets the deemed to comply standards of the R-Codes at clause 5.2.3 C3.3.		
<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 3.24% of the adjoining property to the south is overshadowed at midday, 21 June well under the allowable 25% of the site area.		
<b>Other Variations</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

<b>Officer's Comments against design principles.</b>	<b>Clause 5.1.3 Lot Boundary Setback</b> The garage proposes a nil setback to the left (south) side boundary in-lieu of 1.0m. The reduced setback is considered to satisfy the relevant design principles for the following reasons: <ul style="list-style-type: none"> <li>• The proposed garage is single storey, is under 9 metres in length and contains a flat roof eliminating any undue impact of building bulk as viewed from the adjoining property to the south;</li> <li>• The proposed location of the boundary wall up to the southern boundary will not adversely impact sun and ventilation to the building and open spaces on the adjoining site. The proposed boundary wall satisfies the deemed-to-comply provisions of the R-Codes relating to solar access with less than 25% (3.24%) of adjoining property cast in shadow on the winter solstice. Moreover, there will be no overlooking of active habitable spaces or major openings to habitable rooms of the adjoining property to the south;</li> <li>• The proposed reduced setback to the southern boundary does not result in the loss of privacy to the adjoining property; and</li> <li>• The proposed location of the double garage on the site up to the southern boundary is considered to make effective use of space aligning with, what Shire records show to be, a shed on the southern adjoining property.</li> </ul> The proposed setback variation meets the relevant design principles of the R-Codes.	
<b>Development Standards (Schedule 9)</b>		
Are the development Standards applicable?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Officer Comment</b>	Yes.	
<b>Car Parking</b>		
LPS1 / R Codes Requirement	Car Bays Required – 2 car bays	Car Bays Proposed – 2 car bays
<b>Building Height</b>		
Scheme / Policy Requirement	Wall - 7m	Roof - 8m
State the proposed building height	Wall – 5.0m Roof – 6.3m	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply
<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?	Yes. The subject lot was required to be connected to sewer at the subdivision stage.	
i. Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land?	Yes. The proposal includes significant areas within the site for tree and garden bed planting which is considered to be a good outcome in terms of the provision of green/soft landscaping within the subject lot.	
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?	Yes. A BAL report will be required to be submitted with the Building Permit for the dwelling.	
<b>Other Comments</b>		
Any further comments in relation to the application?		
<b>Officer Comment</b>	Conditional approval 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 a Single Dwelling at 174 (Lot 52) Railway Terrace, 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 by the Shire on 15 April 2021 P5 received by the Shire on 30 March 2021
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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. Walls on the boundary shall be finished to the satisfaction of the adjoining landowner, or in the case of a dispute to the satisfaction 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.