

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
12 October to 18 October 2023

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
12/10/2023	P223655	23 (Lot 13) Mansfield Avenue, Margaret River	Bed and Breakfast
12/10/2023	P223656	20 (Lot 59) Mansfield Avenue, Margaret River	Bed and Breakfast
16/10/2023	P223657	13 (Lot 22) Treeside Lane, Margaret River	Bed and Breakfast
16/10/2023	P223659	Unit 1/20 (Lot 3) Town View Terrace, Margaret River	Renewal of Holiday House
16/10/2023	P223661	Single Dwelling (Outbuilding and Ancillary Dwelling) 13 (Lot 25) Chardonnay Avenue, Margaret River	Single Dwelling (Outbuilding and Ancillary Dwelling)
17/10/2023	P223664	4 (Lot 55) Salkilld Place, Augusta	Dwelling Additions (Retaining and Fencing)
18/10/2023	P223666	42 (Lot 635) Truffle Circuit, Cowaramup	Single House
18/10/2023	P223667	5690 (Lot 58) Caves Road, Burnside A7634	Dwelling Additions (Outbuilding)
BUILDING			
12/10/2023	223509	15 (Lot 178) Nepean Street, Margaret River	Single Dwelling, Garage and Patio
13/10/2023	223510	9 (Lot 12) Saint Alouarn Place, Margaret River	Garage
13/10/2023	223511	Lot 413 Atkins Street, Margaret River	Single Dwelling, Garage and Patio
13/10/2023	223512	168A (Lot 1) Kevill Road East, Margaret River	Demolition of Existing Dwelling
16/10/2023	223513	Lot 232 Manear Road, Rosa Brook	Shed
16/10/2023	223514	59 (Lot 298) Clarke Road, Margaret River (Margaret River Montessori School)	Alterations and Additions - Covered Walkway Between Classrooms
16/10/2023	223515	115 (Lot 2793) Bridgelands Road, Rosa Glen	Above Ground Swimming Pool and Barrier Fence
16/10/2023	223516	Lot 1005 Hawkesford Place (Lot 89 Shiraz Lane), Margaret River Lifestyle Village	Single Dwelling, Carport and Patio
17/10/2023	223517	3 (Lot 608) Niblett Retreat, Margaret River	Retaining Wall
17/10/2023	223518	Lot 2763 Warner Glen Road, Forest Grove	Swimming Pool
17/10/2023	223519	477/527 (Lot 1606) Osmington Road, Bramley	Free Standing Patio
17/10/2023	223520	3 (Lot 88) Sylvaner Place, Margaret River	Carport
17/10/2023	223521	150 (Lot 102) Railway Terrace, Margaret River	Alterations and Additions - Bedroom and Laundry Extension
17/10/2023	223522	7 (Lot 422) Coral Vine Cross, Cowaramup	Shed
17/10/2023	223523	Unit 2/3 (Lot 1) Redgum Court, Margaret River	Alterations and Additions - Ensuite
18/10/2023	223524	20 (Lot 517) Goodwine Way, Cowaramup	Shed
18/10/2023	223525	24 (Lot 7) Memorial Drive, Cowaramup	Above Ground Swimming Pool and Barrier Fence
18/10/2023	223526	Lot 1005 Hawkesford Place (Lot 88 Shiraz Lane), Margaret River Lifestyle Village	Single Dwelling, Carport and Patio
Exploration Licenses for Comment			
Nil			

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				
09/06/2023	P223356	18 (Lot 563) Guernsey Gully, Margaret River	Holiday House (Large)	Approved
31/07/2023	P223471	19 (Lot 59) Freycinet Way Gnarabup	Holiday House Renewal	Approved
01/08/2023	P223474	841 (Lot 204) Burnside Road, Burnside	Holiday House (Large) Renewal	Approved

07/08/2023	P223498	161 (Lot 38) Terry Drive, Margaret River	Home Business	Approved
08/08/2023	P223500	35 (Lot 261) Culhane Road, Margaret River	Holiday House	Approved
25/08/2023	P223539	6 (Lot 7) Rangnow Place, Margaret River	Renewal of Holiday House (Large)	Approved
31/08/2023	P223548	23 (Lot 9) Wolghine Ave Witchcliffe	Home Business	Approved
SUBDIVISIONS				
30/08/2023	P223559	19 (Lot 29) and 21 (Lot 28) Zani Place, Margaret River	Subdivision	Supported subject to conditions
LOCAL LAW PERMITS				
Nil				

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
07/06/2023	P223341	171 (Lot 1543) Vansittant Road, Karridale	Events	Approve with conditions
05/07/2023	P223419	12 (Lot 17) Wooredah Crescent, Prevelly	Retrospective Dwelling Addition (Deck Additions)	Approve with conditions

DEVELOPMENT ASSESSMENT REPORTING PROCEDURE

Assessment of Development Applications (DAs)

For the purposes of this procedure there are three types of development applications:

Level 1

DA not advertised

Level 2

DA is advertised; and

- No submissions; or
- Submission received but meets one of the following:
 - Not related to the reason the DA was advertised.
 - The development is modified to comply or to remove the element of concern to the submitter.
 - Submission is either of support, conditional support or is 'indifferent'; or is from a non-affected person.

Level 3

A submission in opposition is received from an 'affected' person or special interest group in relation to the reason the DA is advertised or the development application is recommended for refusal.

Note: This procedure applies to development applications only. It does not apply to structure plans, scheme amendments or other types of planning proposals.



DEVELOPMENT APPLICATION ASSESSMENT
Report to Manager Planning and Regulatory Services
Proposed Events - 171 (Lot 1543) Vansittart Road, Karridale

Level 3 – 1 objection

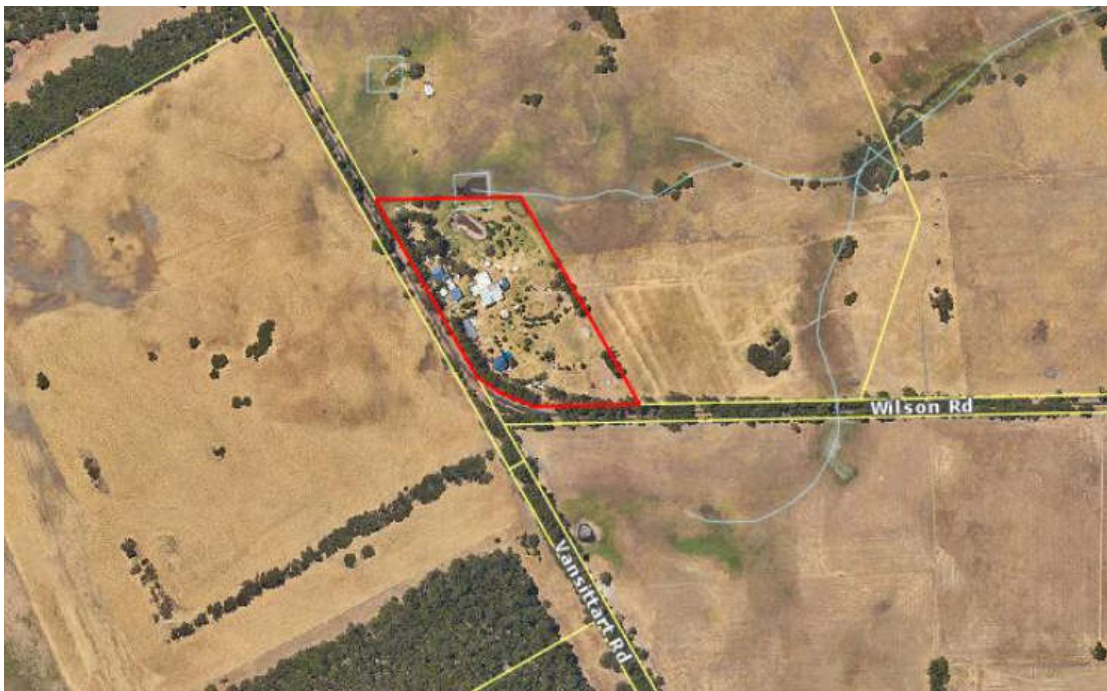
P223341;

PTY/2203

REPORTING OFFICER : Tessa Ashworth
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	Location 1543 – 4.1ha Lot 34 – 40.3036ha
Zone	Priority Agriculture
Proposed Development	<p>Planning approval is sought for the extension to the term of approval for the Karridale Circus Festival and training camp.</p> <p>Lot 171 contains the Circus site which includes camping area, performance tents, office, café, facilities, cinema and bar. This site will also hold the following events:</p> <ul style="list-style-type: none"> - Circus training camp for 250 people over 2 weeks in January. - Circus festival weekend over 3 days, 3000 people day use, 2000 people camping. <p>Adjoining Lot 34 Vansittart Road contains camping and parking area for the Circus Festival Weekend.</p> <p>In addition to the above, approval is sought for 6 events to accommodate up to 150 people throughout the year which is a new component of the proposal.</p> <p>Initially the application also proposed a 4000pax festival to be held in April, however, have taken this off the application as the event will not go ahead.</p>
Permissible Use Class	'A' Private Recreation / 'Events' use not listed
Heritage/Aboriginal Sites	None
Encumbrance	None
Date Received	07/06/2023





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 LPP9 – Events Assessment Policy	
Officer Comment	<p>The policy sets out provisions to ensure that events are properly managed to provide a safe environment for patrons whilst minimising impacts on adjoining properties and surrounding land.</p> <p>The policy details the range of Shire approvals/permits that may be required for an event. This report concerns the application for planning approval and is limited to considering the intended land uses. The Shire's Environmental Health unit undertakes a detailed assessment of the operational aspects of the event through a separate permit process.</p>
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>Circus festival approvals:</p> <p>2007 – 1 year approval</p> <p>2008 – 1 year approval</p> <p>2009 – 3 year approval</p> <p>2012 – 3 year approval</p> <p>2015 – 3 year approval</p> <p>2018 – 5 year approval (P218421)</p> <p>Approvals for additions at the site:</p> <p>2016 – Veranda addition to bar</p> <p>2019 – Bus station, rocket ship and entertainment space</p> <p>2019 – Office additions</p> <p>2019 – café and patio</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: 5
Details of Submission	Officer Comment
<p>Advertising was sent out to a total of 79 residents within a 2km radius of the site.</p> <p>3 x submissions of support Has been running with no issue, attend and enjoy the festival.</p> <p>1 x submission of indifference Concerns around proposed 4000person music festival cannot be contained on the site. Otherwise support circus festival</p>	<p>Noted</p> <ul style="list-style-type: none"> 4000person music festival no longer part of application.

<p>1 x submission of objection</p> <ul style="list-style-type: none"> • Events with large crowds should be located in areas with sufficient infrastructure and resources to ensure safety. • Should be located away from high bushfire risk areas and be compatible with businesses and land use zoning. • Landform in Karridale has little buffering of noise and site has little vegetation buffering to disperse noise. • Site cannot allow for quick evacuation of 4000 attendees. • Have dealt with negative impacts of other events in the vicinity. • Approval will create precedent for other unapproved events to operate in the surrounding area. 	<ul style="list-style-type: none"> • The location on Vansittart Rd allows the event to run with minimal impact on the surrounding community being away from built up areas. Sufficient infrastructure exists at the property with the event successfully run with approval for 16 years. • Applicant has submitted a Bushfire Management Plan (BMP) and Bushfire Emergency Evacuation Plan (BEEP) to mitigate bushfire risk which complies with the relevant policy framework. • The closest dwelling is 800m from the site. The Shires Environmental Health and Events staff have monitored previous events which have run without issues in term of noise. This is reflected in the absence of complaints on file for the duration of the event. • 4000 person festival no longer part of application. • The circus festival is a long running event and located on an irregularly sized lot relative to the surrounding area, it is considered that these unique circumstances which do not create a precedent for other events in the rural area.
<p>Agency Comments</p>	<p>Officer Comment</p>
<p>DFES</p> <ul style="list-style-type: none"> • Although caravans and tents are not constructed to any standard and may be considered expendable by operators and within the context of Element 5 of v1.4 Guidelines, the provision of an Asset Protection Zone around caravan and camp sites to achieve BAL-29 or lower would provide greater separation between potential ignition sources and vegetation and afford some protection in the event of an approaching bushfire. In addition, visitors may not view their assets as expendable and are likely to endeavour to save them during evacuation. • Evidence to support exclusion of Plot 4. That proposed management measures can be achieved on the neighbouring lot, in perpetuity and enforceable. • A5.7 – structure need to meet BAL-29 but camping areas can be considered a tolerable loss. DFES advocates for greater hazard separation. • Internal access Rd should meet requirements of A5.8.1b including passing bays and turn around areas • Sufficient water is to be provided for fire fighting purposes, calculated according to AS2419.1:2021 as 144,000L • Consideration should be given to reviewing the BEEP 	<p>The guidelines allow for tents and similar structures not categorised as buildings to be considered tolerable loss in the event of a bushfire and located in areas above BAL-29, which is the case for a small portion of the proposed sites.</p> <p>All permanent structures meet BAL-29 as per the guidelines.</p> <p>Lot 34 is under the control of the proponent. BMP covers management of Plot 4, recommending the entire site be managed to the standards of an APZ, with grass maintained under 10cm in height.</p> <p>As above, all permanent structures meet BAL-29.</p> <p>Guidelines require that internal access roads longer than 70m meet certain requirements: 4m road width with an extra 2m width for passing bays located at 200m intervals, and turn around areas that can cater for fire appliances. The BMP has been updated to address this and shows <u>all</u> internal access roads are 6m wide, meeting the above requirement, and the loop layout provides for turn around as per the guidelines.</p> <p>150,000L tank available for fire fighting purposes. Appropriate camlock to be installed as condition of approval.</p> <p>BEEP has been updated in response to emergency services comments.</p>
<p>Internal Department Comments</p>	<p>Officer Comments</p>
<p>Emergency Services</p> <p>Element 5.7 – siting and design 5.7b – cannot consider camp sites as tolerable loss on behalf of temporary residents</p> <p>Need to justify exclusion or plot 4, cannot rely on Shire's firebreak notice. Management plan for maintenance of vegetation on neighbouring lot required.</p> <p>Element 5.8.1 – vehicle access</p>	<p>See above comments regarding the requirements of the guidelines for camp sites being considered as a tolerable loss.</p> <p>Neighbouring lot is recommended to be managed through the BMP, with implementation required via a conditions of planning approval.</p>

<p>A5.8.1c - Information required to be signposted extends to more than directional information as put forward in BMP</p> <p>Element 5.9 -water</p> <ul style="list-style-type: none"> Require 80mm female camlock Considering the scope and size of application and number of potential visitors, recommend 50,000 litre tank be provided. 10,000 litres not considered sufficient for fire fighting purposes. <p>BEEP</p> <p>A number of suggested updates to improve the BEEP. Further update requested to provide guidance on timeframes/triggers required to evacuate the site safely.</p>	<p>BEEP to be signposted throughout the site. Exit signs installed along internal roads.</p> <p>Will require 80mm camlock as condition of approval. Size of accessible water tank is 150,000L.</p> <p>BEEP has been updated according to recommendations. Final update regarding evacuation timeframes addressed via a condition.</p>
<p>Environmental Health/Events</p> <ul style="list-style-type: none"> Increase in camping numbers from last year from 1200 to 2000 people. Capacity of camping area to be reviewed through event permit application. Previous maximum capacity is 2500, has increased to 3000. Will need to address traffic management through event permit. Amount of supply of potable water will need to be checked. Departmental conditions provided. 	<p>Will be addressed through event permit application.</p> <p>Department conditions applied.</p>
<p>Assessment of Application</p>	
<p>Is the land referred in the Heritage Inventory?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>Are there any Contributions applicable?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>Are there any compliance issues in relation to existing development?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>R Codes</p>	
<p>Are R Codes applicable?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>Development Standards (Schedule 9)</p>	
<p>Are the development Standards applicable?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>Car Parking</p>	
<p>LPS1 / R Codes Requirement</p>	<p>Car Bays Required - 750 Car Bays Proposed - 800</p>
<p>Dimensions</p>	<p>2.5m x 5.5m <input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply</p>
<p>Officer Comment</p>	<p>Schedule 8 – Public Events 1 space per 4 persons the building is designed to accommodate.</p> <p>Calculated for maximum amount of 3000persons.</p>
<p>Building Height</p>	
<p>Scheme / Policy Requirement</p>	<p>Wall - 7m Roof - 8m</p>
<p>Officer Comment</p>	<p>No permanent structures proposed. The circus tents will exceed the height standards, but are temporary and will be removed after the event.</p>
<p>Clause 67</p>	
<p>In the opinion of the officer, would approval of the planning consent be appropriate under Clause 67 of the Deemed Provisions of the Scheme?</p>	
<p>Officer Comment</p>	<p>State Planning Policy 3.7 – Planning in Bushfire Prone Areas SPP3.7 states that vulnerable land uses (including tourism use) are to be accompanied by a Bushfire management Plan (BMP) and an emergency evacuation plan (BEEP). These are assessed against the Guidelines for Planning in Bushfire Prone Areas ('the guidelines') to check compliance.</p> <p><u>Assessment against the Guidelines for Planning in Bushfire prone Areas - Element 5</u> Element 5 of the guidelines includes multiple types of tourism land uses with separate requirements to account for the different challenges that each tourism use presents. The Site, being both a day-use event site and a camping ground, is assessed against "Other short-term accommodation" (includes camping grounds) section of Element 5 of the Guidelines. A detailed assessment against the relevant criteria is provided below.</p> <p><i>A5.7a For a caravan park, the provision of an APZ to achieve BAL-29 (29kW/m2) around the campground facilities, which may include the office, manager's residence, camper's kitchen, and shower/laundry.</i> Complies - the facilities are the permanent structures achieve a BAL-29.</p> <p><i>A5.7b Where the BMP identifies accommodation structures, including, but not limited to, caravan and camping sites, eco tents and cabins, as a tolerable loss in the event of a bushfire, these accommodation structures can be sited in areas above BAL-29 (29kW/m2)</i></p>

Complies – Entire campground to be managed to APZ of under BAL-29. A small amount of the camping areas located adjacent to the road reserve achieve a BAL-40 or BAL-FZ. These areas contain temporary structures only and are considered a tolerable loss under the guidelines.

A5.7c For all other short-term accommodation, an APZ to be provided in accordance with Element 2: Siting and Design of Development A2.1 Asset Protection Zone
Not applicable, no other short-term accommodation provided within the site.

A5.7d A landscape management plan is to be prepared to identify on-going onsite vegetation management (where appropriate).

Complies – BMP shows landscape management plan through specifying APZ management. Entire campsite is to be managed APZ and achieves below a BAL-29. Management of neighbouring lot is included in the BMP. Certification that recommendations of BMP are implemented is required as condition prior to start of circus festival.

A5.8.1a Internal vehicular access/private driveway is to provide emergency egress/access for all patrons and staff, in the event of a bushfire. Where possible, this is to include the provision of at least two internal access/egress points to the public road network.

Complies – Internal access road provided through site with two access/egress points available from the Site onto Vansittart Road. An Emergency Access Way is also provided to the south onto Wilson Road.

A5.8.1b Internal vehicular access/private driveways longer than 70 metres are to meet all the following requirements:

- *Requirements in Table 6 Column 4 (Figure 9);*

Complies – Table 6 specifies minimal trafficable surface of 4m with 6m horizontal clearance. Proposal has 6m trafficable internal roads.

- *Passing bays every 200 metres with a minimum length of 20 metres and a minimum additional trafficable width of two metres (that is a combined trafficable width of the passing bay and constructed private driveway to be a minimum six metres); and*

Complies – 6m trafficable internal road that will allow for vehicle passing.

- *Turn around areas as shown on Figure 28.*

Complies – meets requirements of Table 6 (Column 4) with 6m wide trafficable internal access road. Turn around areas provided via network loop road. Internal emergency services feedback have noted compliance with this standard.

A5.8.1c Signage to be provided within the site, advising of where each access route travels to and the distance and general information signs on what to do in the event of a bushfire

Complies – BEEP to be displayed clearly throughout the Site. Signage along internal access road provided to direct guests to exit points.

A5.8.2a Public Road access is to be provided in two different directions to at least two different suitable destinations.

Complies – Vansittart Road can be taken to the north-west to access the Margaret River township via Twenty Four Road and Bussell Highway. Alternatively, Vansittart Road can be taken south-east to access the Augusta township via Wilson Road, Glenarty Road, Kudardup Road, and Bussell Highway.

A5.8.2b All public roads to be through roads

Complies – As per above A5.8.2a.

A5.8.2c Where it is demonstrated that A5.8.2a and A5.8.2b cannot be achieved, an emergency access way can be considered as an acceptable solution.

Complies – A5.8.2a & b can be achieved. However, an emergency access way is provided onto Wilson Road, in addition to the two internal vehicle access points onto Vansittart Road. The Emergency Access Way is approximately 45m in length, and will comply with the standards of the Guidelines, including a 6m trafficable surface, 6m horizontal clearance and 4.5m vertical clearance.

The proponent has demonstrated compliance with SPP3.7 and the associated guidelines. While the number of people camping on the property presents evacuation challenges, the proponent has updated the BEEP in response to requests by our internal emergency services and has mitigated the risk to a reasonable level. While concerns have been raised about the event running in peak fire season, the proponent has indicated that the success of the festival is based on its timing. The festival is hosts a number of interstate and international performers due to its timing alongside the Perth Fringe Festival, which is the only opportunity for a number of performers to attend.

Recommendations of the BMP are to be fulfilled as condition of approval as well as the implementation of the BEEP. Certification is to be provided prior to event that management measures have been implemented by a certified bushfire precautioner. A further risk management plan is to be submitted with the event application.

Local Planning Scheme No.1

<p>The event is considered as a 'use not listed' under LPS1. The use is required to be assessed under the objectives of the zone to determine if the use is permitted.</p> <p>Lot 1543 Vansittart Road, Karridale (the Site) has an area of 4 hectares. While agriculture is the dominant land use on surrounding properties, the small size of the subject Site renders it unviable for large scale agricultural purposes. The Site was previously used for a tourist related development (i.e. Museum/Miniature Railway) and it appears that this operated in a continuous fashion without complaint. For the following reasons it is considered that the Proposal, including the 6 x 150person events per year are consistent with the above objectives:</p> <ul style="list-style-type: none"> • the event has been operating successfully for 16 years without issue; • it is not considered that the Proposal will interfere with nearby agricultural activities; nor will it adversely affect the amenity of the surrounding rural area (the nearest residence is located approximately 800m away); • it is anticipated that the event will contribute to the economic, social and cultural life of the community, particularly that of people in the southern portion of the Shire; and • operational matters, such as traffic management, health and amenity matters are managed through an event permit process. <p>The proposal is considered to be consistent with the requirements of the Scheme.</p> <p>The temporary use of adjoining Lot 34 for camping and car parking during the three (3) day festival is also considered to be consistent as these activities are considered to be ancillary to the main festival.</p>	
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?	N/A – no clearing proposed
iii. Has adequate provision been made for access for the development or facilities by disabled persons?	Yes
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	None

OFFICER RECOMMENDATION

That the Coordinator Planning Services Grant Planning Consent under Delegated Authority Instrument No. 34 pursuant to Clause 68(2) of the Deemed Provisions of Local Planning Scheme No. 1 for the proposed Events 171 (Lot 1543) Vansittart Road, Karridale 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	Plans 1 – 6 received by the Shire 25 May 2023
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2. Approval is granted to conduct a Public Event up to 3000 people, during January of each year, comprising a summer school, training, circus festival and ancillary camping.
3. Approval is hereby granted to conduct 6 x events of up to 150 people each year.
4. The maximum number of persons permitted to attend the event shall be limited to the maximum numbers specified on a Certificate of Approval issued by the Shire under the *Health (Public Buildings) Regulations 1992*.
5. Prior to commencement the Bushfire Emergency Evacuation Plan shall be updated to provide guidance on timeframes/triggers required to evacuate the site safely, to the specification and satisfaction of the Shire.
6. The Bushfire Management Plan (BMP) dated the 27 September 2023 and Bushfire Emergency Evacuation Plan dated the 27 September 2023 as amended by condition 6 (BEEP) shall be implemented on site prior to commencement of the Public Event (Circus Festival) each year.

7. Certification is to be provided to the Shire by an accredited Bushfire Planning Practitioner confirming that all bushfire management actions detailed in the approved BMP and BEEP (27 September 2023) have been implemented on Site prior to commencement of the Public Event.
8. The Bushfire Emergency Evacuation Plan shall be displayed in conspicuous locations at the Public Event at all times.
9. A minimum 50,000 litre water supply for firefighting purposes shall be provided in a separate tank on the subject site. To enable standardisation of fire brigade access, the water tank shall be fitted with a single 80mm female camlock fitting, maintained in a correct operating condition and adequately sign posted at all times.
10. The Organiser shall each year submit an application to conduct an event to the Shire's Environmental Health Unit and comply with all terms and conditions of the subsequent event approval.
11. At least 90 days prior to the commencement of the Event each year, the following Management Plans shall be prepared to the satisfaction of the Shire:
 - a. risk;
 - b. emergency and evacuation;
 - c. traffic;
 - d. waste;
 - e. security and fencing;
 - f. event operation;
 - g. marketing and advertising; and
 - h. any other Management Plan the Shire prescribes the Applicant by written notice.
12. The Event shall at all times be conducted in accordance with the approved Management Plans.
13. Prior to the commencement of the use each year structural engineering certification for temporary public building and structures shall be submitted to the Shire.
14. The marque tents shall be dismantled and removed from the Site at the end of the event each year.
15. This development approval allows for the use of the "Reg Bolton Bar" as a liquor licenced venue on a temporary basis (January of each year) and is only as an ancillary use to the Circus Festival Event (refer to advice note d).
16. The Event shall not interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, dust, wastewater, waste products, oil or otherwise.

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 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.
 - (iv) *Health Act 1911* and Department requirements in respect to the development and use of the premises. A building or place or part of a building or place where persons may assemble is a Public Building and is required to comply with the *Health Act 1911*; the *Health (Public Building) Regulations 1992* and the Building Code of Australia. A separate licence will be required under the *Health (Public Building) Regulations* for the use of a Public Building. A Form 2 Application is available from the Shire and must be submitted for assessment.
- b. The use of the development, building or place or part of a building or place for the assembly of persons at a temporary event is a public building and shall comply with relevant provision under the *Health Act 1911*; *Health (Public Building) Regulations 1992* and *Building Code of Australia 2004*.
- c. Noise emissions resulting from the event shall not exceed the assigned levels in the *Environmental Protection (Noise) Regulations 1997*, and shall not unreasonably interfere with the health, welfare, convenience, comfort or amenity of an occupier of any other premises.
- d. The Applicant/Organiser shall obtain an appropriate license for the supply and consumption of alcohol from the Department of Racing, Gaming and Liquor in accordance with the *Liquor Licensing Act 1988*.
- e. The Applicant/Organiser shall ensure the proposed activity complies with the *Food Act 2008* and the Australia New Zealand Food Standards Code.
- f. The Applicant/Organiser shall ensure the development provides a potable water source in accordance with the *Australian Drinking Water Guidelines*. Any untreated water supply that is available to the public shall be provided with signage stating that water is not treated.
- g. Temporary camping permit is required to be issued for camping grounds onsite in accordance with the Caravan Park and Camp Grounds Regulations.

- h. Clearing or pruning of vegetation is prohibited within the road reserve without the prior written approval of the Shire. Works are prohibited within the road reserve without prior written approval of the Shire.
- i. The Developer shall not alter the development or undertake to erect any building or structure temporary or otherwise without the prior approval of the Shire.



DEVELOPMENT APPLICATION ASSESSMENT
Report to Manager Planning and Regulatory Services

Proposed Retrospective Dwelling Addition (Deck Additions)
12 (Lot 17) Wooredah Crescent, Prevelly

Major (Level 2 – 2x objections received)

P223419; PTY/1956

REPORTING OFFICER : Harriet Park
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	1,196m ²
Zone	Residential R15
Proposed Development	<p>Retrospective planning approval is sought for an extension to the existing rear deck of the dwelling.</p> <p>The existing deck 16.2m long x 1.7m-2.2m wide, and retrospective approval is sought by 1.5m wide to form a total of deck area of 16.2m long x 3.2m wide.</p> <p>Total addition to existing deck is 24.3m² and includes an additional retrospective stair case to allow access from natural ground to the deck on the northern west end.</p> <p>Planning variations:</p> <ul style="list-style-type: none"> • Maximum height of deck 1.82m from NGL on the northern elevation. Which triggers 5.4.1 Visual Privacy setbacks of the R-Codes. • North west lot boundary setback 2.1m (excluding stairs and landing), in lieu of 7.5m. <p>The applicant is willing to install screening along the north western corner of the deck and landscaping to minimise visual privacy concerns.</p> <p>2x submissions of objection were received from the same neighbouring property address during the advertising period.</p>
Permissible Use Class	P – Permitted (addition to Single House)
Heritage/Aboriginal Sites	None identified
Encumbrance	None
Date Received	05/07/2023

Location Map



Subject Property Map



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	
Nil	
<u>Building Licenses</u> BLD75029 – New Asbestos Dwelling – approved 14/4/1975 BLD210160 – Shed – approved 15/4/2010 (not constructed)	
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: 2x submissions of objection were received from the same neighbouring property address.
Details of Submission	Officer Comment
<p>Private Submission Number 1- objection Issues raised:</p> <ul style="list-style-type: none"> The deck is too big, too high and too close to the northern property boundary. The northern edge of the deck is 30-50cm away from the northern property boundary. Even with a 2.3m high fence there is a clear view from the deck into three of the surrounding neighbour's properties. Deck areas should be restricted to the southern end of the dwelling. <p>Photographs of the deck additions were included with the submission.</p> <p>Private Submission Number 2 – objection Issues raised:</p> <ul style="list-style-type: none"> Any new deck should be built within the requirements of the present building regulations. The deck is too close to the northern neighbour's property boundary. The deck is too big. 	<p>The applicant was provided with an opportunity to respond to the issues raised during the neighbour advertising period.</p> <p><u>Applicant's responses below:</u> Issue: The deck is too big.</p> <p>Response: The deck originally ran the entire length of the west side of the house to take in the ocean views. I extended the deck out to 3.3m in width to follow the existing deck which runs for the full length of the west side of the house.</p> <p>Issue: The deck is too high.</p> <p>Response: The house has been built on a slope to the west, therefore with the extension of the deck the height from ground level has increased from 1.5m to 1.9m.</p> <p>Issue: The deck is too close to the northern boundary.</p> <p>Response: With the extension of the deck, the distance from the northwest corner is 800mm to the boundary of the neighbouring vacant block.</p> <p>Issue: Overlooking.</p>

	<p>Response: We are more than willing to screen the north western end of the deck to appease the owner of the neighbouring vacant block.</p> <p>Issue: Deck areas should be restricted to the southern end of the dwelling.</p> <p>Response: This point doesn't make sense, but how it stands is we have not made any changes to the access to the deck via the living area on the northern end of the house. Currently there is no access from the southern end of the deck as it's the bedrooms.</p> <p>Issue: Building to present building regulations. Response: When building this deck I had advice to the timber sizes required via the Masters Builders engineering specifications as to size, height, length of timbers. I am absolutely on board with what has to be done to rectify my mistake of not getting a permit for this extension.</p> <p><u>Officer's Comments:</u> After a discussion with the applicant regarding the issues raised during the advertising period the applicant has advised they are willing to screen the northern elevation of the stairs and return the screening around to the western elevation of the deck for a distance of 2.7m. Screening is to be installed as per Part 5.4.1 C1.2 of the Residential Design Codes.</p> <p>Condition of development approval to be added to ensure a privacy screening is applied. This will restrict the view from the deck into the neighbouring vacant lot.</p> <p>In addition to the above, the applicant is willing to install landscaping along a portion of the northern lot boundary in attempt to mitigate any privacy issues and overlooking into the northern neighbour's property. Condition of development approval to be applied.</p> <p>A solid timber lap boundary fence and various Peppermint Trees exist on the neighbouring vacant lot to the north close to the subject property boundary which will provide native vegetation screening in addition to the proposed landscaping that the applicant is willing to install inside of their northern lot boundary.</p> <p>The structural integrity of the deck additions will be assessed against the National Construction Code for Australia through a certified building application submitted to the Shire which will follow the development approval. There are no maximum deck area restrictions outlined in the R-codes. The only applicable restriction is the maximum percentage of site coverage requirements for R15 properties which this proposal is compliant with.</p>
<p>Internal Department Comments</p>	<p>Officer Comment</p>
<p><u>Building Department Comments:</u> The dwelling was constructed prior to the requirement to comply with AS3959. The deck will be exempt from having to comply with AS3959 in accordance with the Building Regulations if the value of the extension to the deck is <\$20000.</p> <p>Boundary fire separation complies with the NCC Vol 2.</p> <p><u>Recommended Advice Note:</u> The proponent will need to engage the services of a building surveyor contractor to assist with the certificates required to accompany an application for Building Approval Certificate. A list of the contractors can be found via the following link: https://www.commerce.wa.gov.au/building-and-energy/find-registered-building-surveyor</p>	<p>Advice note applied to DA.</p>
<p>Assessment of Application</p>	
<p>Is the land referred in the Heritage Inventory?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>Are there any Contributions applicable?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>

Are there any compliance issues in relation to existing development?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	A complaint was received by the Shire in regard to the unauthorised deck addition. The Shire's compliance officer has been in contact with the land owner seeking lodgement of a Retrospective planning and building approval for the unauthorised works.
R Codes			
Are R Codes applicable?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Design Element	Policy / R Codes	Provided	Officer comment
Front Setback	6m	6m	Complies
Side Setback to deck (North)	7.5m Visual privacy setbacks apply	2.1m to the edge of the deck (does not include external stair case or landing which is setback 1.1m from northern boundary)	Variation
Side Setback to deck (South)	7.5m Visual privacy setbacks apply	9m	Complies
Rear Setback (West)	6m	26m	Complies
Open Space Requirement	50%	>50%	Complies
Upgrade Landscaping	<input type="checkbox"/> Required	<input checked="" type="checkbox"/> Not Required	
Overlooking	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Maximum height of deck 1.82m from NGL on the northern elevation. Which triggers 5.4.1 Visual Privacy setbacks of the R-Codes. Northern lot boundary setback 2.1m, in lieu of 7.5m (does not include external stair case or landing setback 1.1m) – Variation Cone of vision screening required 6m along the western elevation. Proposed 2.7m of screening along the western elevation – Variation		
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	
Officer's Comments against performance criteria	5.4.1 Visual Privacy As the retrospective deck is situated above 0.5m form Natural Ground Level (NGL), it proposes a variation to 5.4.1 Visual Privacy setback for unenclosed outdoor active habitable spaces outlined in the R-codes. As the proposal does not meet the deemed to comply provisions outlined in the R-Codes, the proposal is then assessed against the design principles below: The development responds to the natural slope of the site. The highest point is located at the road (Wooredah Cres) and the lowest point is at the rear of the property. The deck is located at the rear of the dwelling where the slope is most prominent and situated on poles to ensure the Finished Floor Level (FFL) matches that of the existing dwelling. The maximum height of the deck FFL above NGL is 1.82m. The stairs are located at the northern end of the deck subject of the variation. Stairs are not classified as part of unenclosed active habitable space, therefore the visual privacy setback measurement is taken from the northern boundary to the start of the deck, which is 2.1m, in lieu of 7.5m. The dwelling was constructed in 1975 and was built close to and orientated at an angle to the northern lot boundary. The deck location reflects approved plans from a building license issued in 1975 for the dwelling (BLD75029). The living rooms are situated to the north west of the dwelling providing access to the deck through glass French doors. It is noted that there is a legacy issue with this existing structure, likely being of variation of the visual privacy requirements. The applicant is willing to screen the northern elevation of the stairs and return the screening around to the western elevation of the deck for a distance of 2.7m. Screening is to be installed as per Part 5.4.1 C1.2 of the Residential Design Codes. Although this does not make the retrospective development compliant with the Visual Privacy deemed to comply provisions of the R-Codes, screening implemented to the north western corner of the deck attempts to mitigate any privacy issues and overlooking into the northern neighbour's property. The applicant has advised that they are unable to make the screening compliant with the cone of vision requirements of the R-Codes as they are restricted by the location		

of the glass door which provides access from the living rooms of the dwelling to the deck. Therefore, they are proposing to compromise by screening 2.7m of the western elevation of the deck, in lieu of 6m which is required to make the cone of vision complaint. The screening will be required as a condition of development approval.

The applicant is also willing to install landscaping along a portion of the northern lot boundary in attempt to mitigate any privacy issues and overlooking into the northern neighbour's property. Condition of development approval to be applied. The landscaping will be applied as a condition of development approval.

In addition to the above, there are established Peppermint Trees exist on the neighbouring vacant lot to the north of the subject property. They protrude over the fence line as shown in figure 1 below, providing provide some additional screening to alleviate any privacy concerns from the neighbouring land owner. It is unlikely these Peppermint Trees close to the adjoining boundary will be removed when the vacant lot is developed as they are close to the boundary and endemic to the surrounding area.

As the neighbouring lot is undeveloped, it is difficult to comprehensively assess impacts on future major opening and outdoor living areas which are afforded greater protection through the R-Codes, however these are likely to be to the other side of the dwelling for northern access and orientation towards the ocean. It is considered that this, combined with partial screening on the deck and landscaping that the development can demonstrate compliance with the design principles for Part 5.4.1 Visual Privacy of the R-Codes.



Figure 1: Photograph taken on the 10 October 2023 from the verge of the subject property showing the retrospective stair case in relation to the northern lot boundary.

Development Standards (Schedule 9)	
Are the development Standards applicable?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Building Height	
Scheme / Policy Requirement	Wall - 7m Roof - 8m
State the proposed building height	Wall – 6.3m Roof – 7.1m
	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply
Clause 67	
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.
In the opinion of the officer	

vi. Are utility services available and adequate for the development?	N/A for retrospective deck extension
vii. Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land?	N/A – No vegetation affected by retrospective deck addition.
viii. Has adequate provision been made for access for the development or facilities by disabled persons?	N/A
ix. Is development likely to cause detriment to the existing and likely future amenity of the neighbourhood?	No. The applicant has agreed to apply screening to the northern elevation of the stairs and a portion of the western elevation of the deck. This will restrict the view from the deck into the neighbouring vacant lot. Condition of development approval applied.
x. Is the development likely to comply with AS3959 at the building permit stage?	N/A - The dwelling was constructed prior to the requirement to comply with AS3959.
Other Comments	
Any further comments in relation to the application?	
Officer Comment	Conditional Approval is Recommended

OFFICER RECOMMENDATION

That the Coordinator Planning Services Grants Planning Consent under Delegated Authority Instrument No. 34 pursuant to Clause 68(2) of the Deemed Provisions of Local Planning Scheme No. 1 for the proposed Retrospective Dwelling Addition (Deck Additions) at 12 (Lot 17) Wooredah Crescent, Prevelly 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 to P3 received by the Shire on 5 July 2023.
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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.
- At all times, all stormwater and drainage run-off from the development shall be detained within the lot boundaries and managed to predevelopment 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's Standards & Specifications.
- Prior to lodging of a building permit application details shall be submitted for a privacy screen to be applied to the northern elevation of the deck and return around to the western elevation of the deck for a distance of 2.7m in the location notated on approved plan P2 and P3 to address overlooking to the adjoining northern property. Screening shall meet the acceptable development standards of the Residential Design Codes clause 5.4.1. Screening shall then be installed prior to occupation of the dwelling and maintained thereafter.
- Landscaping along a portion of the northern boundary of the property, as shown on approved plan 'P1', shall be implemented as visual privacy screening to the unenclosed outdoor active habitable space (deck) in accordance with clause 5.4.1 of the Residential Design Codes. The landscaping must not be impacted by construction works and shall at all times be maintained and replanted as required and to the satisfaction of the Shire. Details of the landscaping shall be provided on the building permit plans.

ADVICE NOTES

- You are advised of the need to comply with the requirements of the following other legislation:
 - 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*;
 - Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises; and
 - The *Bush Fires Act 1954* as amended, Section 33(3), Annual Bush Fires Notice applies to this property.
- The proponent will need to engage the services of a building surveyor contractor to assist with the certificates required to accompany an application for Building Approval Certificate. A list of the contractors can be found via the following link:

<https://www.commerce.wa.gov.au/building-and-energy/find-registered-building-surveyor>