

**DEVELOPMENT ASSESSMENT REPORT**  
**Shire of Augusta Margaret River**  
**11 January to 17 January 2024**

**APPLICATIONS RECEIVED**

Date Rec'd	Reference No.	Address	Proposal
<b>PLANNING</b>			
11/01/2024	P224021	17 (Lot 11) Wrigglesworth Drive, Cowaramup	Signage
11/01/2024	P224023	Witchcliffe Eco Village, Witchcliffe	Community Purpose (4 x Outbuildings)
12/01/2024	P224024	261A, 261B, SL1 (Lot 1 OF LOC 2954) Fifty One Road, Cowaramup	Office
12/01/2024	P224025	9 (Lot 10) Tulip Way, Margaret River	Single Dwelling
16/01/2024	P224035	15 (Lot 179) Marmaduke Point Road, Gnarabup	Holiday House Renewal (Large)
16/01/2024	P224038	40 (Lot 144) Tonkin Boulevard, Margaret River	Retaining and Fill Additions
16/01/2024	P224039	427 (Lot 3813) Forest Grove Road, Forest Grove	Holiday House Renewal
16/01/2024	P224040	24 (Reserve 23211) Waverley Road, Cowaramup	Cowaramup Farmers Markets
16/01/2024	P224041	6 (Lot 30) Treeside Lane, Margaret River	Grouped Dwellings (2 x Holiday Houses)
17/01/2024	P224043	19 (Lot 48) Hillier Drive, Margaret River	Home Business
<b>BUILDING</b>			
11/01/2024	224011	9 (Lot 181) Nepean Street, Margaret River	Single Dwelling, Garage and Patio
11/01/2024	224012	10 (Lot 70) McDowell Road, Witchcliffe	Shed
11/01/2024	224013	17 (Lot 339) McCormick Crescent, Margaret River	Shed
11/01/2024	224014	539 (Lot 4657) Bessell Road, Rosa Brook	Alterations and Additions to Existing Dwelling - Extension of Kitchen and Laundry
11/01/2024	224015	43 (Lot 14) Mardo Drive, Witchcliffe	Single Dwelling, Shed/Garage and Rainwater Tanks x2
12/01/2024	224016	462 (Lot 2278) Bramley River Road, Osmington	Single Dwelling
12/01/2024	224017	164 (Lot 2) Freshwater Drive, Burnside	Alterations and Additions to Existing Dwelling - Studio Addition and Patio
15/01/2024	224018	43 (Lot 152) Abelia Avenue, Margaret River	Single Dwelling and Garage
15/01/2024	224019	11 (Lot 23) Tallwood Loop, Witchcliffe	Detached Garage
16/01/2024	224020	16 (Lot 488) Currawong Street, Cowaramup	Patio
16/01/2024	224021	11 (Lot 56) Groupthree Drive, Kudardup	Single Dwelling, Verandah with Balcony, Shed and Rainwater Tank
16/01/2024	224022	22 (Lot 306) Whistler Drive, Karridale	Single Dwelling, Carport, Patio and Rainwater Tanks
17/01/2024	224023	50 (Lot 341) Firetail Rise, Karridale	Single Dwelling, Garage, Verandah and Rainwater Tank
17/01/2024	224024	67 (Lot 10) Waverley Road, Cowaramup	Single Dwelling
17/01/2024	224025	15 (Lot 38) McDowell Road, Witchcliffe	Rainwater Tank
<b>Exploration Licenses for Comment</b>			
Nil			

**APPLICATIONS DETERMINED UNDER DELEGATION**

Date Rec'd	Reference No.	Address	Proposal	Outcome
<b>PLANNING</b>				
04/10/2023	P223637	4 (Lot 6) Plumage Close, Margaret River	Development Outside of Building Envelope (Outbuilding) Water Tank	Approved
16/10/2023	P223659	Unit 1/20 (Lot 3) Town View Terrace, Margaret River	Holiday House Renewal	Approved
25/10/2023	P223702	2 (Lot 554) Riverslea Drive, Margaret River	Single House (Outbuilding Additions)	Approved
07/11/2023	P223736	12 (Lot 6) Stanes Street, Augusta	Holiday House Renewal	Approved
14/11/2023	P223754	29 (Lot 36) Jersey Street, Cowaramup	Retrospective Industry Light (Modular Home Construction) 29 (Lot 36) Jersey Street Cowaramup	Approved
17/11/2023	P223772	20 (Lot 118) Dalton Way, Molloy Island	Dwelling Additions (Outbuilding)	Approved
30/11/2023	P223816	Unit 2/35 (Lot 2) Stewart Street, Margaret River	Holiday House Renewal	Approved

04/12/2023	P223824	24 (Lot 136) Tonkin Boulevard, Margaret River	Bed and Breakfast	Approved
15/12/2023	P223859	112 (Lot 521) Victoria Parade, Augusta	Holiday House	Approved
22/12/2023	P223890	184 (Lot 932) Juniper Road, Gracetown	Extension of Term to P219341	Approved
22/12/2023	P223891	561 (Lot 11) Osmington Road, Bramley	Additions to Rural Industry - Decks	Approved
09/01/2024	P224015	796 (Lot 3095) Rosa Glen Road, Rosa Glen	Farm Shed	Approved
11/01/2024	P224023	Witchcliffe Eco Village Witchcliffe	Community Purpose (4 x outbuildings) Witchcliffe Eco Village Witchcliffe	Approved
12/01/2024	P224024	261A, 261B, SL1 (Lot 1 OF LOC 2954) Fifty One Road, Cowaramup	Office	Approved
<b>SUBDIVISIONS</b>				
Nil				
<b>LOCAL LAW PERMITS</b>				
09/11/2023	P223777	Gnarabup Oval, Reserve 46732, Wallcliffe Road, Gnarabup	Permit to operate dog training classes - APEX Canines	Approved
11/12/2023	P223855	Ellis Street Jetty, Portion of Reserve 41047, Ellis Street, Augusta	Local Law Permit to operate junior fishing workshop - 17 January 2024	Approved
20/12/2023	P223880	Margaret River Skate School Margaret River Skate Park, 35 Wallcliffe Road, Margaret River	Local Law License to operate skate coaching	Approved
<b>FOR COUNCIL ATTENTION</b>				
21/07/2023	P223450	687 (Lot 722) Ellen Brook Road, Cowaramup	Licensed Restaurant	Approved

### LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
<b>PLANNING</b>				
24/10/2023	P223692	13575 (Lot 3) Bussell Hwy, Augusta	Single House (Outbuilding)	Approval 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**

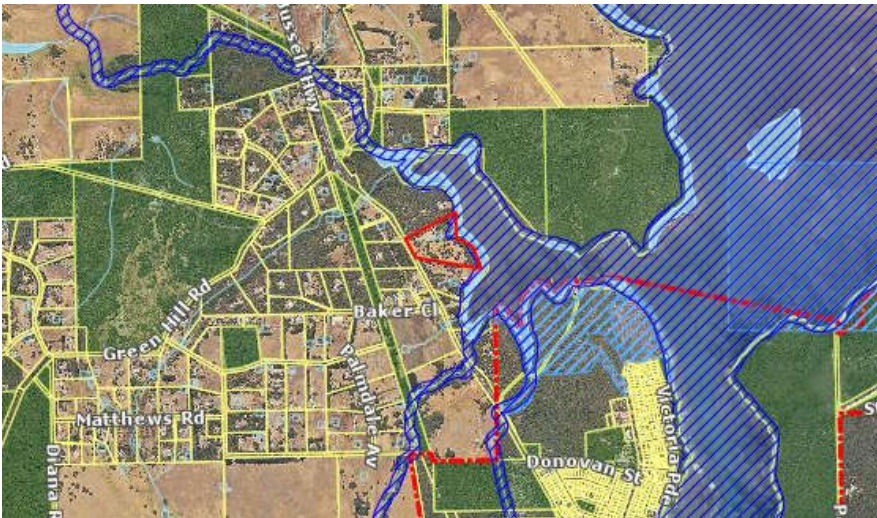
**Proposed Single House (Outbuilding)**  
**13575 (Lot 3) Bussell Hwy, Augusta**

**Level 3 – 1 x objection**

**P223692; PTY/3551**

**REPORTING OFFICER** : Tessa Ashworth  
**DISCLOSURE OF INTEREST** : Nil

General Information	
Lot Area	7.7ha
Zone	<b>Chalet and Camping</b>
Proposed Development	Proposed 240m <sup>2</sup> outbuilding with 60m <sup>2</sup> lean to. Shed purchased second hand and exists disassembled at the site.
Permissible Use Class	'D' Single dwelling; 'A' Agriculture extensive
Heritage/Aboriginal Sites	Yes - Blackwood River – development outside heritage area
Encumbrance	None
Date Received	24/10/2023



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		LPP1 - Outbuildings		
<b>Officer Comment</b>	Zoning 'chalet and camping' has no specific requirements in LPP1. Based on the lot size and use is most comparable to a 'rural residential' zoned lot. Therefore, as a suitable point of reference, the assessment has been done against the rural residential provisions of LPP1.			
	<b>Provisions</b>	<b>Required</b>	<b>Proposed</b>	<b>Comment</b>
	Floor area	150m <sup>2</sup> (support up to 180m <sup>2</sup> )	Proposed shed = 240m <sup>2</sup>  Existing - 90m <sup>2</sup> outbuilding adjacent to house for residential use.  App. 50m <sup>2</sup> sheds demolished to be replaced.	Variation
	Roof ridge	4.5m	5.8m	Variation
	Front setback	100m from Caves Rd	214m	Complies
	Side setback (southern)	20m	66m	Complies
	Rear setback	20m	80m	Complies
	Location	Behind the front of an existing dwelling	In front of an existing dwelling	Variation
	<p>The applicant has based their application on the standards for a 'farm building' to support small scale agriculture on the lot. This has a maximum floor area of 450m<sup>2</sup>, height of 11m and has to be related to agricultural use on the lot.</p> <p>The applicant has provided justification for the agricultural use, with the cleared area being maintained over their 30-year ownership through the light grazing of cattle or sheep. The proposed shed is to house farm machinery, other farm equipment, animal feed, workshop, as well as fire equipment to help manage fire risk on theirs and surrounding properties.</p> <p>While this can be taken into consideration, as the lot is not zoned for agricultural use, it cannot be assessed purely against the provisions for a farm shed. A farm building requires that the size of the building is necessitated by the rural practices on the lot, and that the use is ancillary to a legally existing rural use. There isn't recent approval for an agricultural land use on site, and the size of the lot would constrain the extent of agricultural use. The farm building requirements apply to agricultural lots that are up to 40ha, compared to 7.7ha size of the subject site, therefore it is not considered reasonable for the proposal to be assessed as a 'farm building'.</p> <p>Therefore, justification for the above variations for provisions of LPP1 are required.</p> <p>The original proposal was for a 300m<sup>2</sup> shed; however, this was seen as excessive for the size of the lot and through discussions with the applicant has been reduced to 240m<sup>2</sup> with a lean to. As 180m<sup>2</sup> is supportable for residential use on a rural residential lot (normally at 3ha), it is considered that 240m<sup>2</sup> is reasonable based on the size of the lot and because of the historic use of land for grazing.</p> <p>The applicant has also agreed to reorientate the shed east west, so the shorter elevation is facing Bussell Hwy and will have less visual impact. Shed is to be light green in colour and as it is second hand, is matt in texture. The height of the shed has been reduced from 6m to 5.8m, however, given that it is second hand, would require significant structural change to reduce further. The proposal includes a row of peppermint trees to be planted on the west side of the shed to further screen the development from highway.</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				
None				
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</b>		
Details of Submission		Officer Comment		



<p>1 x objection</p> <ul style="list-style-type: none"> <li>the farm building proposed is of a size and scale far exceeding and inconsistent with the size and both intended and current uses of the lot: the land is not suited to intensive and extensive farming nor is it utilised in such manner currently or in the past; the purpose of owning and using the property has always and continue to be for holiday leisure and pleasure, not commercial or farming.</li> <li>the proposed outbuilding clearly exceeds the maximum floor areas and medium heights permitted by the current local planning policy in the shire.</li> <li>the outbuilding will impact on visual aesthetics and streetscape of neighbouring properties. The location of the proposed building is not appropriate nor it is consistent with visual management guidelines, especially given its close proximity to the existing shared boundary fencing which undergone major clearing of vegetation for repairs and replacement of new fencing about just over 12 months ago</li> <li>the size of the proposed building is to heighten the risks of the already strained bushfire management in the surrounding areas. The amount of floor and space available added to store and host extra goods and machineries, increased traffic and movements of equipment and personnel are highly likely in the incidents of a bushfire event such as the one in summer of 2018 where both driveways of the subject property and mine were under great deal of stress given their close proximity to each other and their entry/ exit points to Bussell Highway.</li> <li>the building proposed is not proportionally scaled relative to the existing dwelling on site.</li> </ul>	<p>This comment is acknowledged and the applicant agreed to modify the design to address these concerns. The applicant has justified the historically ongoing agricultural use at the site and a site visit showed indication of light grazing, with the landowner informing that 7-8 cattle had been previously held that year on the lot. The lot has maintained consistent level of cleared land since first aerial photos from 2004 and the owner has confirmed the use of the land for grazing since they owned the property 30 years ago.</p> <p>There is no provision in LPP1 that relate directly to outbuildings in chalet and camping zoning. However, as discussed above, the modified proposal is considered to be reasonable based on the lot size and use of the property.</p> <p>A site visit shows that the outbuilding is screened from view from the neighbouring lot to the north by dense vegetation. The outbuilding is to be located 66m from the boundary, well outside 20m side setback. The location is in a visual management area of a traffic corridor. This requires non-reflective colours are used. The outbuilding will be partially seen from Bussell Hwy and is 200m away from the road. It is to be constructed from non-reflective green Colourbond and will be landscaped, complying with the visual management requirements. Use of a lean to for part of the structure is also anticipated to reduce impacts in terms of building bulk when compared to solid walls.</p> <p>Clearing for new fencing was part of repairs from recent 2018 bushfire.</p> <p>The shed is to store fire equipment. This is to help mitigate fire risk and there will be no increased traffic as a result of the storage.</p> <p>Noted, the modifications to the proposal are considered to avoid visual impacts whilst allowing for a scale of outbuilding cognisant of the lot size and use.</p>
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<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 type="checkbox"/> Yes	<input checked="" type="checkbox"/> No												
<b>Development Standards (Schedule 9)</b>														
Are the development Standards applicable?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No												
<b>Officer Comment</b>	<table border="1"> <thead> <tr> <th>Setback</th> <th>required</th> <th>Proposed</th> </tr> </thead> <tbody> <tr> <td>Front</td> <td>60m from Bussell</td> <td>204m</td> </tr> <tr> <td>Rear</td> <td>10m</td> <td>80m</td> </tr> <tr> <td>Side</td> <td>* standard set by LG</td> <td>66m</td> </tr> </tbody> </table>		Setback	required	Proposed	Front	60m from Bussell	204m	Rear	10m	80m	Side	* standard set by LG	66m
	Setback	required	Proposed											
	Front	60m from Bussell	204m											
	Rear	10m	80m											
	Side	* standard set by LG	66m											
Complies with Development Standards.														
<b>Building Height</b>														
Scheme / Policy Requirement	Wall - 7m	Roof - 8m												
State the proposed building height	Wall – 4.8m	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply												
	Roof – 5.8m													

<b>Officer Comment</b>	See assessment against LPP1 above.
<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>	<p><b>4.20 Development in Chalet and Camping Zone</b></p> <p><i>(a) not adversely impact the environment or landscape qualities of the locality</i></p> <p>The distance from Bussell Hwy is 214m and would be partially screened with the existing vegetation on the lot. No vegetation is to be removed to build the proposed shed. Measures have been made to protect landscape qualities as laid out below. The shed will not be visible from the dwellings of neighbouring properties.</p> <p>While the lot is zoned chalet and camping, it has historically included an approximate 4ha cleared area that has been used for light agriculture over the last 30 or so years. Given its proximity to West Bay, intensive agriculture would not be suitable without good environmental controls, however the landowner has the right to maintain his historic use of the property for extensive agriculture.</p> <p><b>Visual management</b></p> <p>The outbuilding is to be located within a traffic route corridor and landscape protection visual management area.</p> <p>As also addressed in assessment of LPP1 above, the proposal has minimised visual impact with the following;</p> <ul style="list-style-type: none"> <li>- Setback sufficiently from Bussell Highway</li> <li>- Materiality - outbuilding is light green colourbond and second hand so has a matt finish.</li> <li>- orientated so the short side is facing Bussell Hwy</li> <li>- Peppermint trees to be planted for screening.</li> </ul> <p>Proposal complies with visual management controls.</p>
<b>In the opinion of the officer</b>	
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?	Yes – no clearing required. Landscape screening proposed.
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?	Yes
<b>Other Comments</b>	
Any further comments in relation to the application?	
<b>Officer Comment</b>	No.

#### 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 Single House (Outbuilding) 13575 (Lot 3) Bussell Hwy, 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	Plans 1 and 2 received by the Shire 11 January 2024
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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.

3. The outbuilding shall be used solely for purposes incidental and ancillary to the authorised use of the land.
4. The outbuilding shall not be used for human habitation.
5. Landscaping shall be implemented, in accordance with the approved Plan 1, prior to the use of the development and shall be maintained at all times.

**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.