

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
14 September to 20 September 2023

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
14/09/2023	P223582	Lot 661 Tanah Marah Road, Bramley	Intensive Agriculture (Vineyard)
14/09/2023	P223583	8087 (Lot 323) Bussell Highway, Cowaramup	Holiday House (Large)
14/09/2023	P223584	5 (Lot 20) Tallwood Loop, Witchcliffe	Outbuilding - Shed
15/09/2023	P223585	10 (Lot 840) Lorikeet Lane, Margaret, River	Single Dwelling
15/09/2023	P223586	14 (Lot 301) Lemon Gum Retreat, Margaret River	Amendment to Planning Approval P222818
15/09/2023	P223594	89 (Lot 47) Treeton Road, Cowaramup	Scheme Amendment No. 81 to Local Planning Scheme No. 1
18/09/2023	P223595	70 (Lot 18) Ashton Street, Margaret River	Cancellation of Holiday House
18/09/2023	P223596	49 (Lot 26) Mentelle Road, Burnside	Holiday House Renewal
19/09/2023	P223601	8 (Lot 272) Antina Ave, Witchcliffe	Outbuilding (Shed)
BUILDING			
19/09/2023	223449	7 (Lot 14) Sequoia Court, Margaret River	Shed
19/09/2023	223450	8 (Lot 253) Felling Road Karridale	Single Dwelling
19/09/2023	223451	48 (Lot 623) Surf break Drive, Cowaramup	Single Dwelling, Carport, Shed
20/09/2023	223452	41 (Lot 665) Ironbark Avenue Margaret River	Outbuilding (Replacement of Flat Patio)
20/09/2023	223453	Unit A, 168 (Lot 1) Kevill Road East Margaret River	Single Dwelling
Exploration Licenses for Comment			
Nil			

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				
19/08/2021	P221683	Lot 9000 Bussell Highway, Margaret River	Scheme Amendment No. 74 to Local Planning Scheme No. 1	Approved
04/07/2023	P223416	90 (Lot 6) Bussell Highway, Cowaramup	Built Stata	Approved
14/07/2023	P223439	74 (Lot 106) Woodland Drive, Burnside	2x Outbuildings and Development Outside of Building Envelope (Water Tank)	Approved
20/07/2023	P223448	Unit B/76 (Lot 2) Albany Terrace, Augusta	Group Dwelling	Approved
07/08/2023	P223496	33 (Lot 262) Culhane Road, Margaret River	Holiday House	Approved
08/08/2023	P223501	12 (Lot 93) Nebbiolo Place, Margaret River	Single Dwelling	Approved
SUBDIVISIONS				
Nil				
LOCAL LAW PERMITS				
Nil				

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
15/06/2023	P223368	14 (Lot 57) Sheridan Road, Margaret River	Development outside of Building Envelope (Ancillary Dwelling)	Approval subject to 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.



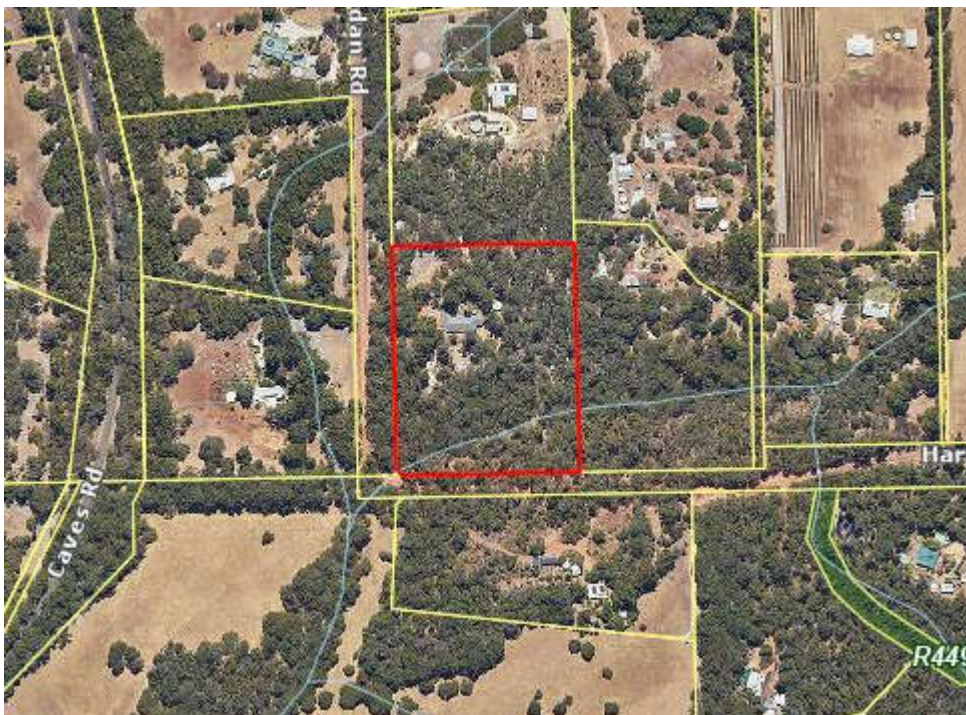
DEVELOPMENT APPLICATION ASSESSMENT
Report to Manager Planning and Regulatory Services
Proposed Development outside of Building Envelope (Ancillary Dwelling)
14 (Lot 57) Sheridan Road, Margaret River

Level 3

P223368; PTY/7003

REPORTING OFFICER : Don Bothwell
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	34782m ²
Zone	Rural residential
Proposed Development	<p>Planning approval is sought for an Ancillary Dwelling, Home Business (Psychology Services), Carport and Outbuilding (Rainwater Tank). The application proposes the following variations:</p> <ul style="list-style-type: none"> • 21m in-lieu of 30m from the Ancillary Dwelling to the front lot boundary (Schedule 9 of LPS1); • 16m in-lieu of 30m from the Rainwater Tank to the front lot boundary (Schedule 9 of LPS1); and • Outbuilding (Rainwater Tank) not located behind the front of the dwelling and not within the prescribed building envelope (Clause AD1.10 of LPP1). <p>A 'Home Business' building and integrated carport is also proposed. One of the landowners is proposing to run a clinical psychology practice and has advised that they are seeking a place to work that is calm, quiet, and discrete. It was further advised that they have not found any suitable locations to rent in town and there house is not set up for home office, as such, they are proposing the annexe. The majority of the practice is proposed to be on-line via telehealth with appointments by booking only with a maximum of 2 clients attending the site per day and a maximum of 4 clients per week on weekdays between 9am and 3pm.</p> <p>Note: The application has been amended from a 'building envelope variation' to 'development outside the building envelope' specifically minimise the impact on large Marri trees within the existing building envelope. The proposal has been intentionally located in an area on the property where there is the least amount of existing vegetation.</p>
Permissible Use Class	Ancillary Dwelling – 'P', Single Dwelling – 'P', Home Business – 'D'
Heritage/Aboriginal Sites	None identified.
Encumbrance	Nil
Date Received	15/06/2023





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 Local Planning Policy 1 (LPP1)	
Officer Comment	<p>The following variation is proposed to LPP1:</p> <ul style="list-style-type: none"> (Rainwater Tank) not located behind the front of the dwelling and not within the prescribed building envelope (Clause AD1.10 of LPP1). <p>An assessment of the variation under the acceptable standards is as follows:</p> <ul style="list-style-type: none"> The location of the rainwater tank has been chosen to utilise degraded areas of the site, minimising disturbance to vegetation and to avoid the mature Marri trees located within the building envelope. The site contains dense native vegetation surrounding the building envelope, screening the site from views from the road.
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	
<ul style="list-style-type: none"> P28322 – Bed and Breakfast – Approved 9 Sep 2008 P99325 – Dwelling and relocation of Building Envelope – Approved 4 Sep 1999 	
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: One (1) submission
Details of Submission	Officer Comment
<ul style="list-style-type: none"> This little patch of bushland is used by both red-tailed and white-tailed cockatoos that feed in the canopies. There has been unauthorised clearing of native vegetation by others on this property. 	<ul style="list-style-type: none"> The landowners have given an undertaking that they would install three (3) cockatoo nest boxes on the property, purchasing these from the Black Cockatoo Project at a cost of \$500 each plus installation. This would allow the owners to join the statewide cockatoo monitoring program to monitor their use. The current landowners have advised that they did remove some trees to help manage safety and fire risk. They advised that during winter last year, two Jarrah trees in the raised sandy area at the top of the lot were partially uprooted by high winds. They were removed due to safety concerns as they were not stable, and it was immanent that they would fall. Whilst removing the two (2) Jarrah's, they also conducted some mosaic fuel reduction around them. The owners have stated that this was a relatively small area which consisted of small trees, dead trees and shrubs. The landowners have also noted that there eight (8) acre property is heavily treed and are aware if the significance of the variety of the Marri, Jarrah and Wandoo trees on their lot providing habitat to a range of wildlife. It was further advised by the

<ul style="list-style-type: none"> We wouldn't object to the proposed building placed in the building envelope, which seems to have space. We object to the proposed development which has a large footprint adding a new building envelope requiring removal of old trees. We believe the building envelopes for protection of native vegetation should be maintained. 	<p>landowners that they take great care to manage the fire risk by maintaining the lot well, including conservative mosaic fuel reduction and firebreak notice.</p> <ul style="list-style-type: none"> Based on advice from the Shire, to reduce the impact on significant vegetation the landowners have purposely proposed development outside the building envelope to specifically minimise the impact on large Marri trees within the existing building envelope. The proposal has been intentionally located in an area on the property where there is the least amount of existing vegetation. Please see response above. Noted. The landowners have indicated that the proposed Ancillary Dwelling is needed to provide accommodation for elderly relatives and office space. The proposal is considered to achieve the best outcome in relation to minimise the loss of vegetation and the natural values of the property.
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Internal Department Comments	Officer Comments
<p><u>Sustainability Services</u></p> <ul style="list-style-type: none"> Clearing appears to have been undertaken without prior approval, and within side/front boundary setbacks. Area m² of existing BE to be provided. Discuss what to do about clearing outside of BE for future development. Either refuse development, or request rehabilitation plan (either for the area which has been cleared or for other degraded areas across the site). 	<ul style="list-style-type: none"> The applicant has submitted the following rehabilitation plan for the site: <div data-bbox="877 963 1476 1411" data-label="Image"> </div> <ul style="list-style-type: none"> Control and removal of Arum Lily and Sydney Golden Wattle on 14 Sheridan Road. Existing Building Envelope – 2,332.81m². No change. to reduce the impact on significant vegetation the landowners have purposely proposed development outside the building envelope to specifically minimise the impact on large Marri trees within our existing building envelope. The proposal has been intentionally located in an area on the property where there is the least amount of existing vegetation. <p>The issue with extending the building envelope to accommodate these new structures is that vegetation between the main dwelling and ancillary would be included in the updated envelope. Vegetation within a building envelope does not require planning approval for removal, therefore this could inadvertently lead to more trees being removed in the future. These exemptions do not apply to trees located outside the building envelope.</p>

Assessment of Application		
Is the land referred in the Heritage Inventory?	<input type="checkbox"/> Yes	√ No
Are there any Contributions applicable?	<input type="checkbox"/> Yes	√ 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 type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Development Standards (Schedule 9)			
Are the development Standards applicable?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Officer Comment	<p>The following variations are proposed to Schedule 9:</p> <ul style="list-style-type: none"> • 21m in-lieu of 30m from the Ancillary Dwelling to the front lot boundary (Schedule 9 of LPS1). • 16m in-lieu of 30m from the Rainwater Tank to the front lot boundary (Schedule 9 of LPS1). <p>The variations to the front setback to Sheridan Road are supported for the following reasons:</p> <ul style="list-style-type: none"> • The site contains dense vegetation surrounding the proposed development area screening the site from views from the Sheridan Road and the adjoining and surrounding properties. • The location of the proposed development has been chosen by the landowners to utilise degraded areas of the site, minimising disturbance to vegetation and to avoid mature native trees which exist within the existing building envelope. • The proposed ancillary dwelling, carport, home office and water tank are reasonably grouped together with the existing main dwelling. • The site has a large proportion of vegetation remaining on the balance of the site when compared to other lots in the immediate locality. 		
Car Parking			
LPS1 / R Codes Requirement	Car Bays Required – 2 additional car bays required for Ancillary Dwelling and Home Business	Car Bays Proposed – Provision of 2 additional car bays proposed in the carport integrated between the Ancillary Dwelling and the office.	
<p><u>Home Business</u></p> <p>The proposed use of a Home Business is not mentioned in Schedule 8 of LPS1. Clause 5.8 is considered in this instance in applying discretion. The following criteria is contained within Clause 5.8:</p> <p>a) The nature of the proposal a) The number of employees or others likely to be employed or engaged in the use of the land b) Anticipated demand for visitor parking c) Orderly, proper and sustainable planning of the area</p> <p><u>Parking</u></p> <ul style="list-style-type: none"> • Only 1 customer is expected at the home business at any one time. • Only a maximum of 2 customers per day is proposed. • There are no employees at the business who do not reside at the dwelling. • Given these considerations the provision of parking bays on-site is considered satisfactory. <p><u>Amenity</u></p> <ul style="list-style-type: none"> • The days of operation are Monday to Friday. This is satisfactory as not to impact on the amenity of surrounding residents. • The hours of operation on the above days are proposed to be from 9am-3pm. This is satisfactory not to impact on the amenity of surrounding residents. 			
Building Height			
Scheme / Policy Requirement	Wall – 6.0m	Roof – 9.0m	
State the proposed building height	Wall – 3.0m	<input checked="" type="checkbox"/> Complies	<input type="checkbox"/> Doesn't Comply
	Roof – 5.510m		
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. The application has been amended from a 'building envelope variation' to 'development outside the building envelope' specifically minimise the impact on large Marri trees within the existing building envelope. The proposal has been intentionally located in an area on the property where there is the least amount of existing vegetation.		
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?	Yes.		
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. The proposal achieves a BAL-29 rating with no further vegetation modification.
Other Comments	
Any further comments in relation to the application?	
Officer Comment	Conditional approval recommended.

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 Development outside of Building Envelope (Ancillary Dwelling) at 14 (Lot 57) Sheridan Road, Margaret River 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 – P15 received by the Shire on 12 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.
- During construction, areas of native vegetation must not be damaged by any works including the placement of fill, rubble, rubbish or any other material, nor is any removal, clearing or damage to occur to any vegetation.
- When undertaking any clearing, revegetation and rehabilitation, the Proponent shall take the following steps to minimise the risk of introduction and spread of dieback/weeds:
 - clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
 - avoid the movement of soil in wet conditions;
 - ensure that no dieback-affected materials are brought into an area that is not affected by dieback; and
 - restrict the movement of machines and other vehicles to the limits of the areas to be cleared.
- This approval does not permit short stay use of the Ancillary Dwelling at any time. Pursuant to the Shire's *Local Planning Policy 7 – Short Stay Accommodation*, the Ancillary Dwelling shall only be used for permanent accommodation.
- 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.
- The Home Business is permitted to operate Monday to Friday from 9:00am until 4:00pm.
- The Home Business shall not involve the retail sale, hire or display of goods.
- All vehicles connected with the Home Business shall be parked within the boundaries of the property.
- Prior to lodging of a building permit application a rehabilitation plan shall be prepared and submitted to the Shire by a suitably qualified and/or experienced consultant for approval.
- Rehabilitation shall be implemented, in accordance with the approved rehabilitation plan, prior to occupation/use of the development and shall be maintained at all times.

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.