

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
30 November to 6 December 2023

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
30/11/2023	P223814	53 (Lot 722) Trinder Drive, Margaret River	Section 40
30/11/2023	P223816	Unit 2, 35 (Lot 2) Stewart Street, Margaret River	Holiday House Renewal
30/11/2023	P223819	9 (Lot 396) Pimelia Drive, Margaret River	Single House (Patio)
01/12/2023	P223822	Lot 1003 Redgate Road, Witchcliffe	Local Development Plan (The Leeuwin at Witchcliffe)
01/12/2023	P223823	104 (Lot 36) Ashton Street, Margaret River	Single House and Outbuilding
04/12/2023	P223824	24 (Lot 136) Tonkin Boulevard, Margaret River	Bed and Breakfast
04/12/2023	P223826	Unit B, 10 (Lot 1) Freycinet Way, Gnarabup	Dwelling Additions
04/12/2023	P223827	Lot 2770 Warner Glen Road, Warner Glen	Dam
05/12/2023	P223828	427 (Lot 12) Brockman Road, Cowaramup	Amendment to P220192 (Home Occupation)
05/12/2023	P223829	6 (Lot 3) Loriini Lane, Cowaramup	Holiday House
05/12/2023	P223830	341 (Lot 3135) Boodjidup Road, Margaret River	Eagles Heritage - Covered Viewing Areas
05/12/2023	P223831	Lot 401 Benbow Road, Karridale	Outbuilding
06/12/2023	P223832	Lot 30 Peake Street, Cowaramup	Chalets and Caretakers Dwelling
06/12/2023	P223834	1 (Lot 601) Truffle Circuit, Cowaramup	Single House
06/12/2023	P223835	1 (Lot 1) Chuditch Place, Gnarabup	Outbuilding Additions
BUILDING			
30/11/2023	223628	345 (Lot 5) Arthur Road, Rosa Brook	Farm Shed and Lean too
30/11/2023	223629	25 (Lot 325) Ibis Court, Karridale	Single Dwelling, Verandah, Patio, Retaining Wall, Shed/Workshop, Rainwater Tank, Shed with Verandah
30/11/2023	223630	143 (Lot 14) Green Hill Road, Augusta	Rainwater Tank
01/12/2023	223631	Unit 133, 96 (Lot 33) Bussell Highway, Margaret River	Occupancy Permit for BLD223310
01/12/2023	223632	164 (Lot 2) Freshwater Drive, Burnside	Rainwater Tank
01/12/2023	223633	43 (Lot 13) Karrack Crescent, Witchcliffe	Single Dwelling, Carport, Patio and Rainwater Tank
01/12/2023	223634	8 (Lot 15) Mayflower Place, East Augusta	Alterations and Additions to Existing Dwelling and Patio
04/12/2023	223635	8 (Lot 253) Felling Road, Karridale	Rainwater Tank
04/12/2023	223636	41 (Lot 198) McDermott Parade, Witchcliffe	Above Ground Swimming Pool/Spa and Safety Barrier
04/12/2023	223637	11 (Lot 6) Tyrone Loop, Margaret River	Swimming Pool Barrier Fence
04/12/2023	223638	7 (Lot 29) Nelligan Place, Cowaramup	Single Dwelling
05/12/2023	223639	11 (Lot 301) Logging Road, Karridale	Single Dwelling, Carport, Patio, Verandah and Rainwater Tank
05/12/2023	223640	Unit 6A (Lot 103) Brady Street, Augusta	Three Storey Dwelling, Lift Shaft, Balcony, Retaining Walls and Garage
05/12/2023	223641	Lot 398 Maclaren Crescent, Margaret River	Grouped Dwelling, Patios and Garages
05/12/2023	223642	2 (Lot 600) Niblett Retreat, Margaret River	Above Ground Swimming Pool and Barrier Fence
Exploration Licenses for Comment			
Nil			

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				
27/10/2022	P222728	805 (Lot 102) Osmington Road, Osmington	Agriculture Intensive (Garlic production, Retrospective Vineyard, New Farm Building & Retrospective Farm Building)	Approved

18/09/2023	P223596	49 (Lot 26) Mentelle Road, Burnside	Holiday House Renewal	Approved
10/10/2023	P223642	22 (Lot 24) Treeside Lane, Margaret River	Holiday House	Approved
08/11/2023	P223742	14 (Lot 534) Hibbertia Terrace, Margaret River	Home Occupation (Nail Salon)	Approved
14/11/2023	P223753	9 (Lot 292) Mann Street, Margaret River	Holiday House Cancellation	Approved
17/11/2023	P223773	3 (Lot 47) Chaudiere Place, Augusta	Holiday House Cancellation	Approved
22/11/2023	P223781	5 (Lot 94) Humble Way, Margaret River	Bed and Breakfast Cancellation	Approved
SUBDIVISIONS				
18/10/2023	P223707	25 (Lot 81) Turner Street, Augusta	Survey Strata	Supported with conditions
18/10/2023	P223741	125 (Lot 1) Bussell Highway, Margaret River & 129 (Lot 22) Bussell Highway, Margaret River	Amalgamation	Supported with conditions
LOCAL LAW PERMITS				
06/11/2023	P223765	2 (Lot 24) O'Brien Street, Cowaramup	Local Law Permit - Alfresco dining adjacent to Temper Temper café	Approved
15/11/2023	P223785	Portion of Higgins Street Road Reserve, adjacent to 73 (Lot 5) Bussell Highway, Margaret River	Permit to operate alfresco dining, adjacent to La Scarepetta Trattoria	Approved
17/11/2023	P223786	Fearn Avenue Precinct, Bussell Highway, Margaret River	Permit to operate weekly busking sessions in Fearn Avenue Precinct - Radio Margaret River	Cancelled
21/11/2023	P223787	Adjacent to Pearl's Bar, Portion of Bussell Highway Road Reserve	Permit to operate alfresco area adjacent to Pearl's Bar	Approved
23/11/2023	P223796	Adjacent to Settlers Tavern, Bussell Highway Road Reserve, adjacent to 114 Bussell Highway, Margaret River	Permit to operate alfresco area adjacent to Settlers Tavern	Approved
27/11/2023	P223821	Adjacent to Margaret River Tuckshop 147 Bussell Highway, Margaret River	Permit to operate Alfresco dining area adjacent to Margaret River Tuckshop	Approved

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
14/09/2023	P223584	5 (Lot 20) Tallwood Loop, Witchcliffe	Outbuilding - Shed	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 Outbuilding - Shed
5 (Lot 20) Tallwood Loop Witchcliffe

Level 3

P223584; PTY/13028

REPORTING OFFICER : **Suzi Magnall**
DISCLOSURE OF INTEREST : **Nil**

General Information	
Lot Area	2000m ²
Zone	Residential 'R5'
Proposed Development	<p>Planning approval is sought for a proposed shed adjacent to the existing dwelling at the rear of the site.</p> <p>The proposal presents a variation to LPS1 4.21.2 (d) with a side setback of 1.2m proposed in lieu of the required 5m. The proposed shed is sited adjacent to the existing dwelling which presents a variation to LPP1 AD1.4 for outbuildings to be located behind the dwelling.</p>
Permissible Use Class	'P' Permitted Use
Heritage/Aboriginal Sites	None Identified
Encumbrance	1x Restrictive Covenant 2x Notifications
Date Received	14/09/2023





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) Outbuildings, Farm Buildings and Swimming Pools	
Officer Comment	<p>The proposed outbuilding is to be positioned to the east of the existing ancillary dwelling, resulting in a variation to LPP1 AD1.4 which requires outbuildings to be located behind the front of the existing dwelling.</p> <p>It is noted that when the main dwelling is built in the future, the proposed location would comply with this clause of the policy. Until such a time occurs, the shed being adjacent to the existing building creates a linear appearance, is compatible with other development in the surrounding area and will have least impact on the streetscape.</p> <p>The proposed outbuilding complies with the specific Performance Criteria of LPP1 as follows:</p> <ul style="list-style-type: none"> - PC1.1 – It is modest in size and an appropriate form and scale, in an appropriate location consistent with the visual management guidelines of the Local Planning Strategy; - PC1.2 – It is constructed of colours and materials that complement the landscape and existing dwelling; - PC1.3 – Will not have an impact or detract from the streetscape or amenity of neighbouring properties; and - PC1.4 – Is grouped with the residence to limit potential adverse impact and proportionally scaled relative to the dwelling on site.
Structure Plans and Local Development Plans (LDP's)	
Is the land in any Structure Plan Area or subject to a LDP? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, state the Policy/Policies Leeuwin Parklands Estate, Witchcliffe Local Development Plan Approved 8 July 2019	

Officer Comment	<p>The Local Development Plan (LDP) for this subdivision allows for a reduced side setback of 2m for non-habitable structures located behind the dwelling, which is greater than the development standards in LPP1. However, as the main dwelling has not yet been constructed, the proposed outbuilding is located to the side of the existing (ancillary) dwelling on site, so the LDP reduction cannot be applied and the 5m side setback specified in LPS1 is relevant here.</p> <p>Due to limited space adjacent to the existing ancillary, the outbuilding only achieves a side setback of 1.2m from the east boundary, which fails to satisfy the requirements of LPS1 or the LDP. However, the side location in line with the ancillary dwelling is preferable to the shed being located forwards of this building line at this stage. The linear development along the rear boundary is characteristic of the area and when the main dwelling is constructed in the future, the 1.2m setback will be a marginal variation to the LDP standards.</p> <p>The shed is modest in size with a floor area of 24.6m², a wall height of 2.7m and gable height of 3.2m. The adjacent property has a water tank in the south western corner adjacent to the shared boundary, so there is no perceived impact for neighbours.</p> <p>It is considered the proposal is in-keeping with the general intent of the LDP and will not detract from the streetscape or amenity of neighbours.</p>		
Planning History			
N/A			
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: 1		
Summary of Objection: Neighbouring resident - I built within the required restrictions to the detriment of my property value. Others should be held to the same restrictions.	Officer Comment: The Development Application process allows the Planning Department to assess development proposals that seek to vary the deemed-to-comply requirements of the RCodes and local planning policies to achieve a better outcome tailored to their site, and this option is available to everyone. In this instance, the proponent has constructed their ancillary dwelling prior to the main dwelling which has in turn, determined the most suitable location for the outbuilding. The proposal has been assessed for its impact on the amenity of the streetscape and neighbouring properties both at this time and when future development is completed. The proposal satisfies the performance criteria of the relevant LPP and LDP as detailed above.		
Assessment of Application			
Is the land referred in the Heritage Inventory?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Are there any Contributions applicable?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Are there any compliance issues in relation to existing development?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
R Codes			
Are R Codes applicable?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Development Standards (Schedule 9)			
Are the development Standards applicable?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Building Height			
Scheme / Policy Requirement	Wall – 3.1m	Roof – 4.2m	
State the proposed building height	Wall – 2.7m	<input checked="" type="checkbox"/> Complies	<input type="checkbox"/> Doesn't Comply
	Roof – 3.2m		
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			
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?	The development site is cleared land.		
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
Other Comments	
Any further comments in relation to the application?	
Officer Comment	Approve Subject to Conditions

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 Outbuilding – Shed at 5 (Lot 20) Tallwood Loop Witchcliffe subject to compliance with the following conditions:

CONDITIONS

- The development is to be carried out in compliance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent.

Plans and Specifications	P1 – P3 received by the Shire on 14 th September 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.
- The outbuilding(s) shall be used solely for purposes incidental and ancillary to the authorised use of the land.
- The outbuilding shall not be used for human habitation.
- The walls and roof of the building shall be clad in a non-reflective material and painted in a colour of natural or earth toning consistent with the existing landscape and existing development. To this end, reflective materials or reflective colours as cladding/external (including but not limited to) 'silver' sheeting painting white, cream, off white or pale grey are prohibited.
- 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.

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.
- In relation to condition 5, colourbond colours which have a solar absorbance of less than 0.4 are 'Dover White', 'Surfmist', 'Classic Cream', 'Whitehaven', 'Cosmic' and 'Southerly'. Use of these colours does not meet condition 5.