

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
16 June to 22 June 2022

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
17/06/2022	P222418	Unit 6/12 (Strata Lot 6 of Lot 9) Town View Terrace, Margaret River	Holiday House Renewal
17/06/2022	P222419	51A (Lot 71) Trinder Drive, Margaret River	Holiday House Renewal
20/06/2022	P222420	52 (Lot 1) Le Seouf Street, Margaret River	JDAP Application - Child Care Centre
21/06/2022	P222421	27 (Lot 24) Bussell Hwy, Margaret River	Cancellation of Planning Approval P220623 (Holiday House)
21/06/2022	P222422	Unit 21/20 (Lot 21) Riedle Drive, Gnarabup	Holiday House Renewal
21/06/2022	P222424	31 (Lot 69) Georgette Road, Gracetown	Holiday House Renewal
16/06/2022	P222425	1 (Lot 79) Redgum Court, Margaret River	Survey Strata Subdivision
BUILDING			
16/06/2022	222355	10 Mansfield Avenue, Margaret River	Swimming Pool
16/06/2022	222356	221 (Lot 4) Oldfield, Treeton	Shed
16/06/2022	222358	Unit 1/8 (Lot 2) Le Souef Street, Margaret River	Demolition - Dwelling and Store
17/06/2022	222359	4 (Lot 324) Blackwood Avenue, Augusta	Patio, Deck and Balustrade
17/06/2022	222360	20 (Lot 629) Elder Way, Margaret River	Shed
21/06/2022	222361	19 & 20 (Lot 70) Morris Road, Forest Grove	Alterations and additions - carport and garage extension
21/06/2022	222362	1 (Lot 54) Rivulet Drive, Cowaramup	Shed
21/06/2022	222363	17 (Lot 12) Wolghine Avenue, Witchcliffe	Single Dwelling, Carport with Store, Patio and Rainwater Tanks x 2
21/06/2022	222364	32 (Lot 2110) Potoroo Road, Cowaramup	Shed and Verandah
22/06/2022	222365	2062 (Lot 2919) Rosa Brook Road, Rosa Brook	Shed
EXPLORATION LICENCES FOR COMMENT			
Nil			

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				
22/03/2022	P222208	7 (Lot 27) Osborne Street, Gracetown	Holiday House Renewal	Approval
25/03/2022	P222219	18 (Lot 21) Bayview Drive, Gracetown	Holiday House (Large) Renewal	Approval
28/03/2022	P222231	4 (Lot 31) Dewar Road, Witchcliffe	Single House	Cancelled
31/03/2022	P222238	Holiday House Renewal 805 (Lot 3) Redgate Road, Witchcliffe	Holiday House Renewal	Approval
06/04/2022	P222258	Holiday House Renewal Unit 3 / 18 (Strata Lot 3 of Lot 38) Town View Terrace, Margaret River	Holiday House Renewal	Approval
13/04/2022	P222270	Single House (Creek Crossing & Cross Over Addition Outside Building Envelope) 13 (Lot 412) Dunnart Close, Margaret River	Single House (Creek Crossing & Cross Over Addition Outside Building Envelope)	Approval
13/04/2022	P222277	Dwelling (Outbuilding Addition) 17 (Lot 246) Felling Road, Karridale	Dwelling (Outbuilding Addition)	Approval
29/04/2022	P222311	Single Dwelling 5 (Lot 30) Nelligan Place, Cowaramup	Single Dwelling	Approval
10/05/2022	P222328	Single House (Outbuilding) 20 (Lot 162) Elder Way, Margaret River	Single House	Approval
18/05/2022	P222351	Holiday House (Large) Renewal 20 (Lot 328) Hardy Street, Augusta	Holiday House (Large) Renewal	Approval

23/05/2022	P222360	Development Outside of Building Envelope (Outbuilding) 24 (Lot 21) Connelly Road, Margaret River	Development Outside of Building Envelope (Outbuilding)	Approval
10/06/2022	P222400	Tavern (Marque Addition) 114 (Lot 502) Bussell Highway, Margaret River	Tavern (Marque Addition)	Approval
05/05/2022	P222318	Reserve 41545 - Rivermouth Carpark	Local Law Permit - Margaret River Surfing Academy - Permit Transfer and Permit extension to 30 November 2022	Approval
SUBDIVISIONS				
03/05/2022	P222327	330/366 (Lot 9001) Kudardup Road, Kudardup	Subdivision	Supported subject to conditions
22/04/2022	P222292	2097 (Lot 4223) Rosa Brook Road, Rosa Brook	Subdivision	Supported subject to conditions
LOCAL LAW PERMITS				
Nil				

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
14/04/2022	P222279	33 (Lot 336) Horseford Road, Margaret River	Single House (Outbuilding)	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 Development Services

Proposed Single House (Outbuilding)
33 (Lot 336) Horseford Road Margaret River

Level 3 (objections received)

P222279; PTY/4821

REPORTING OFFICER : **Sophie Moscardini**
DISCLOSURE OF INTEREST : **Nil.**

General Information	
Lot Area	4046m ²
Zone	Priority Agriculture
Proposed Development	Development approval is sought for an outbuilding on the subject site, as follows: <ul style="list-style-type: none">- 15m x 8m (120sqm), 4.49m ridge height.- The outbuilding will be used for storage of items ancillary to the residential use of the site.- 1 x 37,574L Rainwater tank to collect shed runoff.- One peppermint tree and one deciduous plum tree will be removed as a result of the proposed development. No remnant vegetation will be impacted. Planning approval is required as the proposal seeks a variation to the Shires <i>Local Planning Scheme No. 1</i> setback requirements.
Permissible Use Class	'P'
Heritage/Aboriginal Sites	No Aboriginal Heritage sites identified.
Encumbrance	Nil.
Date Received	14/04/2022





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 – Outbuildings, Farm Buildings and Swimming Pools.	
Officer Comment	<p>LPP1 sets out the following standards for outbuildings within the Priority Agriculture Zone.</p> <ul style="list-style-type: none"> - A total area that is no greater than 150sqm on any one site excluding water tank(s). - Outbuildings ancillary to the use of the land. - Swimming pools and outbuildings located behind the front of the dwelling. <p>The proposal is compliant with the acceptable development standards applicable to the Priority Agriculture Zone. The setback standards of the Priority Agriculture zone are discussed later in the report.</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	
P24266 – Additions (approved 3 July 2004).	
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: 2
Details of Submission	Officer Comment
<u>Objection</u> <ul style="list-style-type: none"> - We have agreed to a 4m setback of the outbuilding. - The owner has agreed to plant appropriate plants on this boundary side of the workshop wall to minimise visual impact. 	<p>The applicant has agreed to a 4m setback from the north boundary and the site plan was modified accordingly.</p> <p>The applicant has also agreed to planting within the setback area, a landscaping plan condition is included as a condition on any approval.</p>
<u>Objection</u> <ul style="list-style-type: none"> - The proposed ridge height amendment of 4.9m in lieu of 4.5m would mean we have increased visibility of the building from our special-rural property. - Similarly, the proposed setback of 3m rather than 20m is unacceptable in this area. Not only would this increase the visibility of the proposed workshop but also the proximity of activity and noise from the building. Whilst this is not acceptable be would compromise on a 15m setback. 	<p>The application was advertised acknowledging the setback requirements of the Priority Agriculture Zone (20m setback from the rear boundary), however in context the site is only 4000m² and is smaller than the surrounding Rural Residential zoned lots. The Priority Agriculture zoning does not reflect the size and use of the land which is akin to Rural Residential. The justification for the setback variations in this case are therefore considered reasonable given the size of the lot. It is also considered unrealistic for the proposal to meet the setbacks sought by the submitter and also to be located behind the dwelling as the dwelling is setback 9.5m from the rear boundary.</p>

	<p>The development site is bordered by vegetation on the lot boundaries and by vegetation on neighbouring sites. The site for the shed is well setback from neighbouring dwellings and the street mitigating streetscape impacts. The applicant has also proposed planting of vegetation within the proposed setback areas to reduce any potential visual impact.</p> <p>Given the size of the lot and lack of building envelope for the site the proposed setback is considered appropriate.</p> <p>The height of the outbuilding has been reduced to meet the 4.5m ridge height requirement of the Rural Residential zone. Although this height standard is not applicable this height limit is considered to be consistent with the character for the locality.</p> <p>Regarding concerns about noise and proximity impacts, the shed would be setback 40m and 80m from the two closest neighbouring dwellings. The noise impacts are considered to be no greater than expected from the usual residential land use in the area.</p>
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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
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Development Standards (Schedule 9)

Are the development Standards applicable?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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Officer Comment	<p>Local Planning Scheme No. 1 (LPS1) Schedule 9 sets out setback requirements within the Priority Agriculture Zone which are:</p> <table border="1" style="width: 100%;"> <thead> <tr> <th>Required setbacks</th> <th>Provided setbacks</th> <th>Compliance</th> </tr> </thead> <tbody> <tr> <td>Front setback – 30m</td> <td>Front setback – 60m</td> <td>Compliant.</td> </tr> <tr> <td>Side setback – 20m</td> <td>Side setback – 4m</td> <td>Variation.</td> </tr> <tr> <td>Rear setback – 20m</td> <td>Rear setback – 4m</td> <td>Variation.</td> </tr> </tbody> </table> <p>The proposal presents a variation to the side and rear setback requirements of LPS1. The required setbacks are significant given the size of the lot which is 4000sqm, whereby the land size is not and is simply a result of subdivision that has occurred, the land is also identified to be rezoned to Rural Residential as part of the scheme review process.</p> <p>The size of the lot however is on average less than half the size of the rural residential lots in the locality. Assessment against the required setbacks of the Rural Residential zone still presents a variation to both the side and rear setback.</p> <p>The proposed variation with vegetation planting between the proposed outbuilding and the lot boundary is considered acceptable. The outbuilding is away from all surrounding residences and there is existing mature vegetation that will limit any amenity impacts.</p>	Required setbacks	Provided setbacks	Compliance	Front setback – 30m	Front setback – 60m	Compliant.	Side setback – 20m	Side setback – 4m	Variation.	Rear setback – 20m	Rear setback – 4m	Variation.
Required setbacks	Provided setbacks	Compliance											
Front setback – 30m	Front setback – 60m	Compliant.											
Side setback – 20m	Side setback – 4m	Variation.											
Rear setback – 20m	Rear setback – 4m	Variation.											

Building Height

Scheme / Policy Requirement	Roof – 4.5m	
State the proposed building height	Roof – 4.49m	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply

Officer Comment	<p>There is no height standard for outbuildings within the Priority and General Agriculture Zones. However, given the size of the lot and the surrounding Rural Residential Zone the proposal has been assessed against the 4.5m ridge height requirement of LPP1 for the Rural Residential Zone.</p> <p>The applicant has revised the plans to meet the 4.5m ridge height requirement of the Rural Residential Zone.</p>
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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.
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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?	One peppermint tree and one deciduous plum tree will be removed in order to facilitate the development. The proposal however will include landscaping between the development and lot boundary which is included as a condition of approval.

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?	Yes.
Other Comments	
Any further comments in relation to the application?	
Officer Comment	The proposed application has been modified in relation to the submitters comments and is recommended for approval with conditions.

OFFICER RECOMMENDATION

That the Manager Planning and Development 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 Single House (Outbuilding) at 33 (Lot 336) Horseford 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 – P2 received at the Shire on 10 June 2022.
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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.
- 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.
- Prior to submission of a building permit for the development, a Landscape Plan shall be prepared to the satisfaction of the Shire demonstrating the name and location of proposed trees and shrubs within the northern and eastern setback areas abutting the Outbuilding to visually screen the development.
- Landscaping shall be implemented, in accordance with the approved Landscape Plan, prior to the 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.