

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
6 April to 12 April 2023

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
06/04/2023	P223219	3 (Lot 160) Quinda Place, Margaret River	Retrospective Approval - Single Dwelling (side setback variation)
06/04/2023	P223221	Unit 2/10 (Strata Lot 2 of Lot 8) Town View Terrace, Margaret River	Holiday House (Renewal)
06/04/2023	P223223	Lot 223 Brumby Place, Margaret River	Single Dwelling (Outbuilding Setback Variation)
06/04/2023	P223224	18 (Lot 232) Merino Way, Margaret River	Holiday House (Large)
06/04/2023	P223225	1432 (Lot 103) Rosa Brook Road, Rosa Brook	Extension of Term to Planning Approval P220844
11/04/2023	P223227	13 (Lot 300) Logging Road, Karridale	Single Dwelling (Outbuilding and Setback Variation)
11/04/2023	P223228	10 (Lot 533) Muscat Close, Cowaramup	Single Dwelling (Outbuilding - Shed)
BUILDING			
06/04/2023	223164	189 (Lot 28) Exmoor Drive, Margaret River	Shed
06/04/2023	223165	312 (Lot 54) Kudardup Road, Kudardup	Single Dwelling, Verandah and Rainwater Tank
11/04/2023	223166	69 (Lot 132) Bussell Highway, Margaret River (R39081 Hairy Marron Cafe)	Sea Containers x 3 and Retaining Wall
11/04/2023	223167	312 (Lot 54) Kudardup Road, Kudardup	Shed
12/04/2023	223168	11 (Lot 211) Hermitage Drive, Margaret River	Carport
12/04/2023	223169	14 (Strata Lots 1-7) Fearn Ave, Margaret River	Bin Storage Area and Rendered Wall
12/04/2023	223170	19B (Lot 223) Brumby Place, Margaret River	Single Dwelling, Patio, Verandahs, Rainwater Tank and Limestone Walls
12/04/2023	223171	19B (Lot 223) Brumby Place, Margaret River	Shed and Carports
12/04/2023	223172	32 (Lot 630) Truffle Circuit, Cowaramup	Single Dwelling, Verandah and Retaining
12/04/2023	223173	Mitchell Drive Reserve Prevelly (Surfers Point)	Spa and Barrier Fence (Margaret River Pro)
Exploration Licenses for Comment			
Nil			

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				
19/01/2023	P223042	3 (Lot 365) Winton Street, Margaret River	Single Dwelling (Outbuilding) 3 (Lot 365) Winton Street, Margaret River	Approved
22/02/2023	P223112	12 (Lot 5) Percy Street, Gracetown	Holiday House (Large) Renewal 12 (Lot 5) Percy Street, Gracetown	Approved
23/02/2023	P223121	5839 (Lot 94) Caves Road, Burnside	Agriculture Intensive (Driveway) 5839 (Lot 94) Caves Road, Burnside	Approved
09/03/2023	P223150	Unit 7, 15 (Lot 7) Station Road, Margaret River	Holiday House Renewal Unit 7, 15 (Lot 7) Station Road, Margaret River	Approved
20/03/2023	P223170	76C (Lot 3) Albany Terrace, Augusta	Grouped Dwelling 76C (Lot 3) Albany Terrace, Augusta	Approved
22/03/2023	P223180	22 (Lot 346) Spinebill Ramble, Margaret River	Bed and Breakfast 22 (Lot 346) Spinebill Ramble, Margaret River	Approved
23/03/2023	P223186	39 (Lot 666) Ironbark Avenue, Margaret River	Bed and Breakfast 39 (Lot 666) Ironbark Avenue, Margaret River	Approved

30/03/2023	P223210	14-16 (Lot 596 & 597) Brindley Street, Augusta	Shed Extension	Approved
06/04/2023	P223225	1432 (Lot 103) Rosa Brook, Road Rosa Brook	Extension of Term to Planning Approval P220844	Approved
SUBDIVISIONS				
17/02/2023	P223109	19 (Lot 100) Ridgeview Close, Margaret River	Subdivision	Supported subject to conditions
LOCAL LAW PERMITS				

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
27/03/2023	P223197	827 (Lot 206) Burnside Road Burnside	Retrospective Application - Single Dwelling (Outbuildings - Gazebo, Wood Shed and Pump Shed)	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 Retrospective Application - Single Dwelling (Free Standing Cabana and Outbuildings - Wood Shed and Bore Pump Cover)
827 (Lot 206) Burnside Road Burnside

Level 3 (Original application refused)

P223197; PTY/12755

REPORTING OFFICER : Don Bothwell
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	1ha
Zone	Rural Residential RR11
Proposed Development	<p>The proposal is for the retrospective approval for the following structures outside of the existing building envelope:</p> <ul style="list-style-type: none"> Free Standing Cabana (3.6m x 3.6m x 3.0m high); Outbuilding - Bore Pump Cover (2.4m x 2.4m x 2m high); and Outbuilding - Wood Shed (4.0m x 2.5m x 2.4m high). <p>Additionally, a Transportable Sauna previously located outside of the existing building envelope has been relocated into the building envelope and a free-standing carport is proposed to be removed from the property within a 6 month timeframe.</p> <p>The above was discussed with the applicant, landowner and Shire staff at a meeting on 28 February 2023, following refusal of the application issued by the Shire on 9 February 2023.</p>
Permissible Use Class	Single House – 'P'
Heritage/Aboriginal Sites	None identified
Encumbrance	2 x Notifications
Date Received	27/03/2023





Policy Requirements	
Is the land or proposal referred to in any Council Policy? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, state the Policy/Policies <i>Local Planning Policy 1 – Outbuildings, Farm Buildings & Swimming Pools (LPP1)</i>	
Officer Comment	<p>Clause AD1.6 of LPP1 – On Rural Residential lots equal to or less than 2ha in area, outbuildings that collectively are no greater than 120m² in size on any one site excluding water tank(s).</p> <p>An assessment of the existing sheds (outbuildings) on-site has been undertaken and are listed below:</p> <ul style="list-style-type: none"> • Main Shed – 83.754m² • Garden Shed – 5.76m² • Storage Shed 1 – 6m² • Storage Shed 2 -12m² • Wood Shed (the subject of this retrospective application) – 6.5m² • Bore Pump Cover (the subject of this retrospective application) – 5.76m² <p>Based on the above, the total aggregate area of outbuildings (excluding rainwater tanks) totals 119.774m² which is under the allowable combined outbuilding area of 120m² as set out in LPP1.</p>
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 <i>Revised Subdivision Guide Plan – Lot 482 Burnside Road & Caves Road, Margaret River, 2003</i>	
Officer Comment	The Subdivision Guide Plan prescribed building envelopes for the site and surrounding lots. As the building envelope for the site has since been amended by way of a building envelope variation approval, the Subdivision Guide Plan is not relevant to the subject application.
Planning History	
<ul style="list-style-type: none"> • P219107: Building Envelope Variation, approved April 2019 - Approval was granted to relocate the building envelope as prescribed by the Subdivision Guide Plan further south on the site. • P222364: Holiday House & subsequent renewal, most recently approved July 2022. • P222833: Retrospective Development outside of building envelope, refused under delegated authority from Council on 9 February 2023. 	
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 The landowner has obtained signed letters of consent from the three (3) adjoining landowners in relation to the matter.
Has a submission been received by Council?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A No. received: 3 letters of support.
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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No

The application has evolved from a compliance matter and is being resolved by this application.

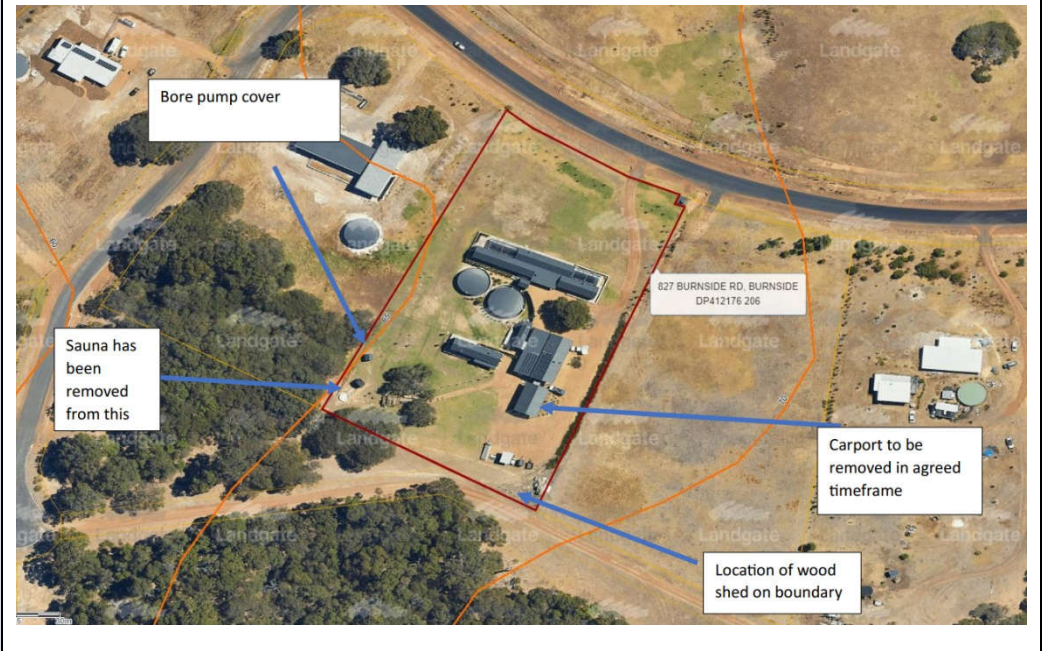
Development Standards (Schedule 9)

Are the development Standards applicable? Yes No

Officer Comment

Schedule 9 setbacks

- Front setback: 30m required - >30m – complies.
- Western side setback: 10m required:
 - 3m setback to west boundary proposed for Bore pump cover – variation. A waterproof covering for the purpose of protecting this pump/equipment from the weather. The location of the subject bore was designated the most suitable location on the property based on the underground water source and as such cannot be relocated within the building envelope. The variation is not considered to have an adverse impact on the visual amenity or rural character of the locality. The adjoining landowner(s) to the west have signed a letter of consent in relation to the retrospective proposal.
- Eastern side setback: 10m required:
 - 15m setback to carport (to be removed within 6 months) – complies.
 - 4.3m setback to east boundary for wood shed – variation. The wood shed sought for retrospective approval is a small structure of a minimal height of 2.4m is not considered to detract from the rural-residential character of the area and not to have any visual impact on the immediate locality. The landowner(s) of the adjoining properties to the east and south have signed letters of consent in relation to the retrospective proposal.
- Rear (south) setback: 30m required:
 - 4m setback to the rear (south) boundary for wood shed – variation (see officer comments above).
 - 12.3m setback to the rear (south) boundary for free standing cabana – variation. The free standing cabana sought for retrospective approval is a relatively low structure in terms of overall height to the top of the pitched roof (3.0m). The locality of the existing cabana is nestled in among existing trees in the south-western corner of the property and is not considered to have any undue impact on visual amenity or the rural character of the area. The adjoining landowner(s) have signed a letter of consent in relation to the retrospective proposal.



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? Yes. No removal of vegetation was undertaken for the existing structures.

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	<p><u>LPS1</u></p> <p>Clause 4.22.2 (a) (i) of LPS1 requires that all development on any lot created pursuant to that plan shall be confined within the limits of the building envelope unless otherwise approved by the local government. The pump cover, wood shed and cabana are considered to be minor structures and are not considered to have an adverse impact the visual amenity and rural character of the area.</p> <p>The landowners of the subject property have agreed in a meeting with the Shire to remove the free standing car port structure within a timeframe of 6 months. This carport will be relocated to the owner's son's lot in the locality of Witchcliffe. A condition reinforcing this has been included in the officer recommendation. The transportable Sauna has been relocated to within the building envelope.</p> <p>On balance, the minor structures outside of the existing building envelope are supported and are not considered to have an undue impact on the amenity or character of the area. Conditional approval is recommended.</p>

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 Retrospective Application - Single Dwelling (Free Standing Cabana and Outbuildings - Wood Shed and Bore Pump Cover) at 827 (Lot 206) Burnside Road Burnside 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 27 March 2023
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- Within six (6) months from the date of this planning consent, the free standing carport is to be removed from its existing location at 827 (Lot 206) Burnside Road, Burnside, to the satisfaction of the Shire.
- 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.