

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
30 March to 5 April 2023

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
30/03/2023	P223210	14-16 (Lot 596 & 597) Brindley Street, Augusta	Shed Extension
30/03/2023	P223211	53 (Lot 722) Trinder Drive, Margaret River	Rural Produce Sales
30/03/2023	P223212	3 (Lot 559) Nuytsia Close, Margaret River	Single Dwelling (Variation to front setback for Outbuilding)
04/04/2023	P223213	6A (Lot 103) Brady Street, Augusta	Single Dwelling
04/04/2023	P223214	29 (Lot 28) Pierce Road, Margaret River	Single Dwelling
04/04/2023	P223215	Unit 4/90 (Strata Lot 4 of Lot 101) Cowaramup Bay Road, Cowaramup	Single Dwelling (Side setback variation)
04/04/2023	P223216	106 (Lot 63) Kevill Road East, Margaret River	Boundary Fence
05/04/2023	P223217	75 (Lot 24) Forrest Road, Margaret River	Home Business (Nail Salon)
05/04/2023	P223218	54 (Lot 4) Wallcliffe Rd, Margaret River	Guesthouse (Alterations and Additions)
BUILDING			
30/03/2023	223149	43 (Lot 902) Thomson Road, Bramley	Farm Shed
03/04/2023	223150	14 (Lot 301) Lemon Gum Retreat, Margaret River	Earthworks, Sand Pad and Associated Works
03/04/2023	223151	10 (Lot 120) Lesueur Place, Gnarabup	Shed
03/04/2023	223152	Lot 1005 Hawkesford Place, Margaret River Lifestyle Village	Retaining Walls (Stage 4b)
04/04/2023	223153	5624 (Lot 57) Caves Road, Burnside	Single Dwelling, Garage, Patios and Rainwater Tanks
04/04/2023	223154	41 (Lot 9) Saint Alouarn Place, Margaret River	Alterations and Additions to Existing Chalet - Two Storey Addition Verandah and Internal Works, Retaining Walls and New Chalet and Verandah
04/04/2023	223155	10 (Lot 252) Felling Road, Karridale	Single Dwelling, Patio, Pergola and Rainwater Tank
04/04/2023	223156	18 (Lot 1) Goodenia Street, Margaret River	Patio
05/04/2023	223157	R41545 Reserve Mitchell Drive Prevelly (Rifle Butts POS)	Gazebo
05/04/2023	223158	27-33 (Lot 295) Tunbridge Street, Margaret River (Federation Garden - Margaret River Library R41625)	Gazebo
05/04/2023	223159	18 (Lot 269) Coracina Avenue, Witchcliffe	Shed and Carport x2
05/04/2023	223160	4 (Lot 47) Coronation Street, Margaret River	Reroof of existing dwelling
05/04/2023	223161	11 (Lot 6) Tyrone Loop, Margaret River	Swimming Pool
05/04/2023	223162	49 (Lot 25) Culhane Road, Margaret River	Shed
05/04/2023	223163	Unit 3/69 (Lot 1) Bussell Highway, Cowaramup (Candy Cow)	Patio (Undercover Walkway)
Exploration Licenses for Comment			
Nil			

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				

21/09/2021	P221666	5103 (Lot 201, 202 & 203) Caves Road Cowaramup	Animal Husbandry (Rotational Outdoor Piggery)	Approved
02/02/2023	P223073	27-33 (Lot 295) Tunbridge Street, Margaret River	Community Purpose (Alterations - Installation of Wall and Sliding Door)	Approved
10/02/2023	P223093	7046 (Lot 417) Caves Road, Redgate	Dam Expansion	Approved
22/02/2023	P223117	11 (Lot 200) Magnolia Court, Cowaramup	Single Dwelling (Fence Addition)	Approved
03/03/2023	P223133	9834 (Lot 520) Bussell Hwy, Margaret River	Market Garden (Agriculture Intensive)	Approved
14/03/2023	P223156	119 (Lot 19) Rowe Road West, Witchcliffe	Development Outside of Building Envelope (Water Tank)	Approved

SUBDIVISIONS

Nil

LOCAL LAW PERMITS

28/03/2023	P223209	Portion of reserve 41545, Rivermouth Carpark, Rivermouth Road, Prevelly	Local Law Permit extension - Combi Coffee extend to 19 April	Approved
24/02/2023	P223131	Flinders Bay, Reserve 24653, Davies Road, Augusta	EOI Permit to Operate Mobile food Business - Little Hand Dumpling House	Approved

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
22/02/2023	P223114	19 (213) Villers Street, Cowaramup	Single Dwelling (Outbuilding)	Approved 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 Single Dwelling (Outbuilding)
19 (213) Villers Street, Cowaramup

Major (Level 3 – 1x objection)

P223114; PTY/10780

REPORTING OFFICER : **Harriet Park**
DISCLOSURE OF INTEREST : **Nil**

General Information	
Lot Area	630m2
Zone	Residential R15
Proposed Development	<p>Planning approval is sought for a proposed outbuilding as follows:</p> <ul style="list-style-type: none"> • 8m x 3m = 24m2 • Southern (rear) setback: 0.4m • Eastern (side) setback: 0.5m • Clad in Colorbond Woodland Grey • Outbuilding to replace existing garden sheds at the south eastern corner of the property. • Cumulative outbuilding total on the site = 50.35m2 <p>Outbuilding proposes southern and eastern lot boundary setback variations.</p>
Permissible Use Class	'P' Permitted - ancillary to residential use
Heritage/Aboriginal Sites	None identified
Encumbrance	N/A
Date Received	22/02/2023

Location Map



Policy Requirements				
Is the land or proposal referred to in any Council Policy?		√ Yes □ No		
If yes, state the Policy/Policies		Local Planning Policy 1 – <i>Outbuildings, Farm Buildings and Swimming Pools</i> (LPP1)		
Officer Comment	The proposal is assessed against the Acceptable Development criteria of LPP1 as follows:			
	Provisions	Required	Proposed	Comment
	Floor area	60m2	24m2	complies

			(total 50.35m2 cumulative outbuilding area for the site)	
	Wall height	3.1m	2.7m + 0.1m pad = 2.8m	complies
	Roof ridge	4.2m	2.965 + 0.1m pad = 3.065m	complies
	Side setback	1m	0.5m (eastern)	Variation
	Rear setback	1m	0.4m (southern)	Variation
	Location	Behind the front of an existing dwelling	South eastern corner of property	complies
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				
Is the land in any Structure Plan Area or subject to a DAP? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
Is the land in any Structure Plan Area or subject to a Structure Plan? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
If yes, state the Policy/Policies		SPA 9 - Cowaramup Country Structure Plan – Lots 101 & 102 Bussell Highway – endorsed 28 May 2008 Detailed Area Plan Lots 200-245 Stage 1 Lot 101 Bussell Highway Cowaramup adopted by the Shire on 25/6/2009.		
Officer Comment	The site is identified for Residential R15 development. No other relevant provisions.			
Planning History				
<u>Building Approvals</u> BLD216445 - Patio & Shed - Approved on 19/10/2016. Shed area = 26.35m2 (6.88m x 3.83m) BLD210022 – Dwelling – Approved 3/2/2010.				
<u>Planning Approvals</u> P216462 - Dwelling Additions (Outbuilding (Detached Garage) & Patio) – Approved on 5/10/2016				
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 neighbouring dwellings were provided the opportunity to comment on the proposed variations to the proposal.		
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		
Submission 1 - Objection Raised concerns regarding the size and use of the shed. The neighbour has concerns regarding the construction material of the shed (colorbond) and wishes for the shed walls within the 1m side and rear setback to be constructed from fire retardant materials.		The comments of the neighbour are noted. However, the submitter raises concerns with aspects of this proposal which are compliant through the planning framework. Submitter does not address the proposed setback variations. There is no requirement for sheds to be constructed from fire retardant materials, therefore, this matter is not required to be addressed. The applicant has been notified of the concerns raised by the neighbour and has confirmed that the shed use is for storage only and poses little or no threat of fire. The site address is not in a bushfire prone area. It should be noted that the shed is proposed to be setback a similar distance to the existing shed being replaced as part of this application. Noted.		
Submission 2 – 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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
R Codes				
Are R Codes applicable?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Design Element	Policy / R Codes	Provided	Officer comment	
Front Setback			Not required for this development	
Sides Setback			Not required for this development	
Rear Setback			Not required for this development	
Secondary Street Setback			Not required for this development	
Garage/Carport Setback			Not required for this development	
Driveway Width			Not required for this development	
Garage Width			Not required for this development	

Outdoor Living Area	- m ²	m ²	Not Required
Open Space Requirement	50%	>50%	complies
Upgrade Landscaping	<input type="checkbox"/> Required	<input checked="" type="checkbox"/> Not Required	
Overlooking	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Street surveillance	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Street Walls and Fences	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Overshadowing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Other Variations	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Officer's Comments against performance criteria	Compliant		
Development Standards (Schedule 9)			
Are the development Standards applicable?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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?	N/A – no remnant vegetation on the site		
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?	N/A		
Other Comments			
Any further comments in relation to the application?			
Officer Comment	Conditional approval recommended		

OFFICER RECOMMENDATION

That the Coordinator Planning 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 Dwelling (Outbuilding) at 19 (213) Villers Street, Cowaramup 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 to P2 received by the Shire on 22 February 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 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'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.