

**DEVELOPMENT ASSESSMENT REPORT**  
**Shire of Augusta Margaret River**  
**21 March to 27 March 2024**

**APPLICATIONS RECEIVED**

Date Rec'd	Reference No.	Address	Proposal
<b>PLANNING</b>			
21/03/2024	P224213	4 (Lot 179) Bayview Drive, Gracetown	Amendment to P222244
21/03/2024	P224214	81 (Lot 32) Turner Street, Augusta	Holiday House
21/03/2024	P224215	546 (Lot 101) Bramley River Road, Osmington	Holiday House (Large)
21/03/2024	P224216	28 (Lot 5) Georgette Way, Prevelly	Dwelling Additions (Retrospective)
21/03/2024	P224217	79 (Lot 21) Turner Street, Augusta	Single Dwelling and Ancillary Dwelling
22/03/2024	P224218	22 (Lot 369) Georgiana Cross, Cowaramup	Dwelling Addition (Swimming Pool)
22/03/2024	P224220	38 (Lot 102) Moodjar Court, Karridale	Local Development Plan
22/03/2024	P224221	6 (Lot 7) Plumage Close, Margaret River	Outbuilding (Shed)
22/03/2024	P224222	Lot 1003 Redgate Road, Witchcliffe	Amendment to Local Development Plan (The Leeuwin at Witchcliffe)
22/03/2024	P224223	108 (Lot 1555) Forest Grove Road, Forest Grove	Farm Shed
22/03/2024	P224224	114 (Lot 502) Bussell Highway, Margaret River	Extension of Term to P223261
26/03/2024	P224225	Lot 9004 Moondyne Ridge, Kudardup	Amendment to Local Development Plan
26/03/2024	P224226	15 (Lot 25) Copse Way, Margaret River	Outbuilding (Shed) and Outside Toilet
27/03/2024	P224228	Lot 1510 Salmon Place, Margaret River	Development outside of the Building Envelope - Outbuilding (Water Tanks x2)
27/03/2024	P224229	Lot 752 Tingle Avenue, Margaret River	Amendment to P222528
<b>BUILDING</b>			
21/03/2024	224178	14 (Lot 170) Coldstream Grove, Margaret River	Single Dwelling, Garage and Patio
21/03/2024	224179	11 (Lot 180) Nepean Street, Margaret River	Single Dwelling, Garage and Patio
21/03/2024	224180	17 (Lot 715) Burke Circle, Cowaramup	Swimming Pool and Barrier Fence
21/03/2024	224181	29 (Lot 28) Pierce Road, Margaret River	Alterations and Additions to Existing Dwelling - 2nd Storey Addition
22/03/2024	224182	6 (Lot 31) Lomandra Way, Witchcliffe	Single Dwelling, Garage, Patio and Ancillary Dwelling
22/03/2024	224183	Lot 53 Mc Donald Road, Karridale	Farm Shed
25/03/2024	224184	10568 (Lot 2185) Bussell Highway, Witchcliffe	Rural Workers Accommodation (Dwelling, Garage and Patio)
25/03/2024	224185	7 (Lot 214) Waler Place, Margaret River	Rainwater Tank
25/03/2024	224186	436 (Lot 11) Rosa Glen Road, Rosa Glen	Extension to Existing Shed
26/03/2024	224187	1 (Lot 319) Ibis Court, Karridale	Single Dwelling, Patio and Rainwater Tank
26/03/2024	224188	11 (Lot 110) Waler Place, Margaret River	Ancillary Dwelling and Deck
26/03/2024	224189	Unit 3/90 (Lot 1) Bussell Highway, Cowaramup	Occupancy Permit for BLD223556
26/03/2024	224190	77 (Lot 25) Sheridan Road, Margaret River	Shed
26/03/2024	224191	10568 (Lot 2185) Bussell Highway, Witchcliffe	Rainwater Tanks x2
27/03/2024	224192	3 (Lot 15) Mystic Way, Cowaramup	Single Dwelling, Garage, Masonry Wall, Patio, Ancillary Dwelling
27/03/2024	224193	4 (Lot 67) Casuarina Court, Margaret River	Shed with Mezzanine and Double Carport
27/03/2024	224194	14 (Lot 57) Sheridan Road, Margaret River	Ancillary Dwelling, Patio, Carport and Home Office
<b>Exploration Licenses for Comment</b>			
Nil			

## APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
<b>PLANNING</b>				
14/11/2023	P223759	2 (Lot 540) Sparrow Road, Burnside	Retrospective Dwelling Additions (Shed and 3x Water Tanks) Outside the Building Envelope	Approved
05/12/2023	P223828	427 (Lot 12) Brockman Road, Cowaramup	Amendment to Planning Approval P220192 (Home Occupation - Massage and Yoga)	Cancelled
23/01/2024	P224063	Unit 5, 3 (Lot 5) Higgins Street, Margaret River	Holiday House	Approved
21/02/2024	P224145	12 (Lot 162) Illawarra Avenue, Margaret River	Fill Batter outside the Building Envelope	Approved
08/03/2024	P224175	122 (Lot 2) Bussell Highway, Margaret River	Section 40	Approved
08/03/2024	P224176	78 (Lot 425) Leschenaultia Avenue, Margaret River	Single Dwelling	Approved
20/03/2024	P224211	790-804 (Lot 13) Wurring Road, Cowaramup	Section 40 - Wholesale Liquor Licence	Approved
<b>LOCAL LAW PERMITS</b>				
Nil				

## LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
<b>PLANNING</b>				
25/10/2023	P223700	9331 (Lot 5) Caves Road, Karridale	Rural Industry (Woodworking)	Refusal

## 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 Rural Industry (Woodworking) -**  
**9331 (Lot 5) Caves Road Karridale**

Level 3

P223700; PTY/5770

REPORTING OFFICER : Tessa Ashworth  
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	9423m <sup>2</sup>
Zone	Priority Agriculture
Proposed Development	Extension to term for previous 12-month approval of woodworking business.
Permissible Use Class	'D' Industry - Service
Heritage/Aboriginal Sites	None
Encumbrance	None
Date Received	25/10/2023



Policy Requirements	
Is the land or proposal referred to in any Council Policy?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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
Background	
<p>The Shire first received a complaint regarding noise on the 29 November 2021. Following investigation, it was concluded that the owner was operating a woodworking business at the site which required prior approval of the Shire and was required to submit a retrospective planning application and did so in February 2022.</p> <p>The applicant was granted a twelve-month approval for the woodworking business in November 2022 (P222182). Usually granted in perpetuity, the restricted 12-month planning approval was granted with the intent of the applicant being given the opportunity to demonstrate compliance with the conditions of approval over this period. Below are a number of conditions of approval applied to the previous approval.</p> <p>Condition 4</p> <p><i>Use of a chainsaw mill on the site is not permitted as part of the operation of the proposed Industry – Service (Woodworking) use.</i></p> <p>Condition 10</p> <p><i>Prior to commencement of the use, all materials within the Shire Reserve (R47049) are to be removed and fencing (post and wire style) is to be constructed along the rear boundary between 9331 (lot 5) caves Road, Karridale and the Shire's Reserve (R47049).</i></p> <p>Condition 6</p> <p><i>Prior to the commencement of the use, a Noise Management Plan is to be prepared in accordance with the recommendations of the Environmental Noise Assessment dated 29 August 2022 and to the satisfaction of the Shire of Augusta Margaret River.</i></p> <p>The subject application is for the renewal of the previous approval, and provides the Shire an opportunity to evaluate the effectiveness of the management measures put forward when approval was granted.</p>	
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: <b>4</b>
Details of Submission	Officer Comment
<p><b>1 x indifferent</b></p> <p><b>3 x objections</b></p> <p>Summary of issues raised:</p> <ul style="list-style-type: none"> <li>• Milling on site associated with the woodworking business causing noise impacts.</li> <li>• Heavy vehicles moving timber associated with the business causing noise impact.</li> <li>• No efforts have been made to mitigate noise including lining shed or planting trees on the boundary.</li> <li>• Proposal is in direct conflict with neighbouring short stay accommodation business which is based on nature and relaxation.</li> </ul>	<p>In response to the objections received, the applicant has provided the following comments:</p> <p><b>Applicant response:</b></p> <ul style="list-style-type: none"> <li>• The mill has not been in operation for several months and no further milling is to take place.</li> <li>• Only heavy vehicle on the site is their tractor that is mostly for personal use and rarely used for the business.</li> <li>• Dirt berms have been established to increase privacy and for noise mitigation along the boundary as well as planting trees.</li> <li>• Do not intent to expand any further than the small workshop space that has been applied for.</li> </ul>

<ul style="list-style-type: none"> <li>Concerned that the applicant will not comply with conditions of approval.</li> <li>Is more akin to a light industry and has limited expansion potential in this location.</li> <li>Impacts on the ambient peace and enjoyment of the area.</li> </ul>	<p>Despite the above, there have been a number of complaints received over the compliance period, some of which have been validated through inspection by compliance staff - as summarised below.</p>												
<b>Internal Department Comments</b>	<b>Officer Comments</b>												
<b>Environmental Health</b> <ul style="list-style-type: none"> <li>House between workshop and neighbours provides good noise attenuation.</li> <li>There should be operational conditions (hours of operation) placed on approval.</li> <li>Departmental conditions provided.</li> </ul>	Noted.												
<b>Assessment of Application</b>													
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												
<b>R Codes</b>													
Are R Codes applicable?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No												
<b>Development Standards (Schedule 9)</b>													
Are the development Standards applicable?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No												
<b>Clause 67</b>													
In the opinion of the officer, would approval of the planning consent be appropriate under Clause 67 of the Deemed Provisions of the Scheme?													
<b>Officer Comment</b>	<p><b>Previous approval term</b></p> <p>The applicant has applied to continue the woodworking use at the site.</p> <p>In looking at the compliance issues that have been raised over the past year, it is apparent that the extension of term raises considerable concern as to the ability for the applicant to operate in accordance with conditions of approval, and the continual impact this non-compliance is having on the amenity of neighbouring residents.</p> <p>A summary of compliance action needed over the previous year of approval (Nov 2022-Nov 2023) relative to the proposal is as follows:</p> <table border="1" data-bbox="443 1706 1461 2154"> <thead> <tr> <th data-bbox="443 1706 683 1765">Date</th> <th data-bbox="683 1706 1461 1765">Reason for compliance action</th> </tr> </thead> <tbody> <tr> <td data-bbox="443 1765 683 1854">18 January 2023</td> <td data-bbox="683 1765 1461 1854">Site visit by officers. Noise management and waste management plan not submitted. The applicant was advised to submit this documentation.</td> </tr> <tr> <td data-bbox="443 1854 683 1910">June 2023</td> <td data-bbox="683 1854 1461 1910">Complaint from Neighbour, working after hours and excessive noise.</td> </tr> <tr> <td data-bbox="443 1910 683 2040">June 2023</td> <td data-bbox="683 1910 1461 2040">Site Visit. Compliance Officer observed Ben in the process of milling wood onsite. Advised it was for personal use and asked compliance officer to leave.</td> </tr> <tr> <td data-bbox="443 2040 683 2096">July 2023</td> <td data-bbox="683 2040 1461 2096">Warning issued for milling on site.</td> </tr> <tr> <td data-bbox="443 2096 683 2154">4 Sept 2023</td> <td data-bbox="683 2096 1461 2154">Compliant from neighbour regarding noise.</td> </tr> </tbody> </table>	Date	Reason for compliance action	18 January 2023	Site visit by officers. Noise management and waste management plan not submitted. The applicant was advised to submit this documentation.	June 2023	Complaint from Neighbour, working after hours and excessive noise.	June 2023	Site Visit. Compliance Officer observed Ben in the process of milling wood onsite. Advised it was for personal use and asked compliance officer to leave.	July 2023	Warning issued for milling on site.	4 Sept 2023	Compliant from neighbour regarding noise.
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	23 Nov 2023	Complaint from neighbour stating that milling was occurring onsite.
	27 Nov 2023	<p>Infringement issued, breach of planning approval:</p> <p>Condition 4 – Use of chainsaw mill</p> <p>Condition 10 – Remove materials from reserve and erect post and wire fence prior to commencement.</p> <p>Fine Paid in full.</p>
	<p>In addition to the above, it has come to the attention of the Shire that Jarrah Slabs have been offered for sale from the property, and the milling of timber on the site was promoted through Margaret River Open Studios advertising. Milling of timber was prohibited by condition 4 of the approval and the applicant has not complied with this condition.</p> <p>Importantly, a noise management plan was not submitted prior to the commencement of use as required by condition 6. This was submitted as part of the renewal application, but the failure to prepare and implement this requirement over the approval term has led to sustained impacts on adjoining properties.</p> <p>The proposal is inconsistent with Clause 67 of the Deemed Provisions of <i>Local Planning Scheme No. 1</i>, with specific regard to subclauses (m) and (n) in that the noise from the proposal is incompatible with its setting and to the amenity of the locality.</p> <p><b>LPS 1</b></p> <p>While there are no specific provisions for industrial uses in the Agricultural zones, the purpose and objectives of the zone provide some guidance. In particular, clause 4.2.2.1 (iv), <i>to manage land use changes so that the rural productivity and the rural character and amenity of land within the zone is preserved</i>, and</p> <p>Submissions by nearby residents, in addition to the compliance matters raised above, have indicated an unacceptable impact on amenity from noise associated with the woodworking business. While it is zoned priority agriculture, the lots in this area comprise of a cluster of small lots ranging from 2000m<sup>2</sup> – 3.5ha, with the subject lot a little under 1ha, thereby increasing the likelihood of noise impact on adjoining residents.</p> <p>Reasons for refusal are outlined in the officer recommendation below.</p>	
<b>In the opinion of the officer</b>		
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	
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?	Yes	
v. Is the development likely to comply with AS3959 at the building permit stage?	n/a	
<b>Other Comments</b>		
Any further comments in relation to the application?		
<b>Officer Comment</b>	None.	

**OFFICER RECOMMENDATION**

**That the Coordinator Planning Services Refuse to 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 Rural Industry (Woodworking) 9331 (Lot 5) Caves Road Karridale for the following reasons:**

1. The proposal is inconsistent with Clause 67 of the Deemed Provisions of *Local Planning Scheme No. 1*, with specific regard to subclauses (m) and (n) in that the noise from the proposal is incompatible with its setting and to the amenity of the locality.
2. The proposal is inconsistent with the objectives of the Priority Agriculture zone as stated in Clause 4.2.2.1 of *Local Planning Scheme No.1*, with specific regard to (iii) which requires the local government to consider the management of land use changes so that the rural productivity and the rural character and amenity of the land within the zone is preserved.