

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
13 July to 19 July 2023

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
13/07/2023	P223432	4 (Lot 2) Wooredah Crescent, Prevelly	Bed & Breakfast
13/07/2023	P223433	5 (Lot 3) Mopoke Place, Margaret River	Holiday House (Large)
13/07/2023	P223438	38 (Lot 38) Carnaby Crescent, Witchcliffe	Single House and Ancillary
14/07/2023	P223439	74 (Lot 106) Woodland Drive, Burnside	Shed, Garage and Water Tank
14/07/2023	P223441	3 (Lot 5) Old Ellenbrook Road, Gracetown	Addition to Managers Residence
14/07/2023	P223442	48 (Lot 892) Wilderness Road, Margaret River	Holiday House
17/07/2023	P223444	Lot 9000 Bussell Highway, Margaret River	Site Works
BUILDING			
13/07/2023	223345	432 (Lot 103) Wallcliffe Road, Margaret River	Alterations and Additions to Existing Dwelling
13/07/2023	223346	17 (Lot 22) Lomandra Way, Witchcliffe	Single Dwelling, Garage and Patio
13/07/2023	223347	1 (Lot 35) Blackwood Avenue, Augusta (Turner Caravan Park)	Retaining Wall
14/07/2023	223348	4 (Lot 107) Vita Court, Margaret River	Swimming Pool and Barrier Fence
14/07/2023	223349	4 (Lot 107) Vita Court, Margaret River	Retaining Wall
14/07/2023	223350	21 (14) Mardo Drive, Witchcliffe	Two Storey Dwelling, Patio, Rainwater Tanks and Shed
14/07/2023	223351	47 (Lot 11) Mulal Avenue, Witchcliffe	Single Dwelling, Carport, Pergola and Rainwater Tank
14/07/2023	223352	8 (Lot 222) Marmaduke Point Drive, Gnarabup	Shed
14/07/2023	223353	Unit 4/131 (Lot 23) Bussell Highway Margaret River	Occupancy Permit - Existing Shop Fitout within Commercial Building (Nail and Beauty Salon)
14/07/2023	223354	Lot 4 Osmington Road, Bramley	Patio
14/07/2023	223355	30 (Lot 22) Karrack Crescent Witchcliffe	Single Dwelling, Patio, Carport with Store and Rainwater Tank
17/07/2023	223356	14 (Lot 45) Lake View Crescent, Prevelly	Unauthorised Works - Undercroft Enclosure/Conversion into Studio, Store Rooms, Bathroom and Balcony with Deck
17/07/2023	223357	42 (Lot 28) Sabina Drive Molloy, Island	Rainwater Tank
17/07/2023	223358	5 (Lot 20) Tallwood Loop, Witchcliffe	Shed
18/07/2023	223359	403 (Lot 2222) Carburnup Road South, Treeton	Shed
19/07/2023	223360	Unit 3/152 (Lot 32) Bussell Highway, Margaret River	Internal Fit out of Existing Building - to provide restaurant, toilet facilities, kitchen including wine cellar and coolroom
19/07/2023	223361	10 (Lot 12) Gnuraren Grove, Witchcliffe	Single Dwelling, Patio, Verandah and Rainwater Tanks
19/07/2023	223362	73 (Lot 8) Karrack Crescent, Witchcliffe	Single Dwelling, Carport, Verandah, Water Tanks
Exploration Licenses for Comment			
Nil			

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				
01/09/2022	P222589	Lot 11 Rosa Brook Road, Rosa Brook	Single Dwelling	Approved
24/01/2023	P223053	27 (Lot 37) Jersey Street, Cowaramup	Change of Use to Winery	Approved
11/05/2023	P223296	46 (Lot 25) Isaacs Road, Margaret River	Holiday House (Large) Renewal	Approved

02/06/2023	P223338	18 (Lot 1045) Heron Drive, Margaret River	Holiday House	Approved
08/06/2023	P223344	17 (Lot 40) Ewing Street, Augusta	Outbuilding (Shed)	Approved
12/06/2023	P223360	20 (Lot 115) Settlers Retreat, Margaret River	Bed & Breakfast (Renewal)	Approved
15/06/2023	P223370	13 (Lot 400) Pimelia Drive, Margaret River	Bed & Breakfast (Renewal)	Approved
SUBDIVISIONS				
01/05/2023	P223284	101 & 102 (Lot 70) Drummond Road, Forest Grove	Subdivision	Not supported
LOCAL LAW PERMITS				
Nil				

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
25/05/2023	P223315	22 (Lot 10) Hermitage Drive, Margaret River	Retrospective Ancillary Dwelling (conversion of existing garage)	Approve subject to conditions
10/11/2022	P222788	7 (Lot 14) Sequoia Court, Margaret River	Building Envelope Variation (Outbuilding)	Approve 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 Retrospective Ancillary Dwelling (conversion of existing garage)
22 (Lot 10) Hermitage Drive, Margaret River

Level 3

P223315; PTY/6116

REPORTING OFFICER : Don Bothwell
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	2117m ²
Zone	Residential R5
Proposed Development	<p>The proposal involves the retrospective approval of a conversion of an existing outbuilding (garage) to an Ancillary Dwelling:</p> <ul style="list-style-type: none">• 2m setback (existing) in-lieu of 6m from the Ancillary Dwelling to the rear (west) boundary.• 2m privacy setback from the window to the Kitchen of the Ancillary Dwelling to the rear (west) boundary. <p>The proposed retrospective Ancillary Dwelling has an associated and carport, shed as well as an upper floor mezzanine/storage space. The application is being presented to DAR due to the submissions received in the advertising period.</p>
Permissible Use Class	Ancillary Dwelling – ‘P’
Heritage/Aboriginal Sites	None identified
Encumbrance	Nil
Date Received	25/05/2023



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
Planning History	
<ul style="list-style-type: none"> • P21242 – Patio Alterations – Approved July 2001 • P98307 – New Residence and Separate Garage – Approved September 1998 	
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: Two (2) submissions of objection
Details of Submission	Officer Comment
<u>Submission 1</u> <ol style="list-style-type: none"> The location of the proposed dwelling is on the south side of the property and immediately adjacent to our principal outdoor living area. The 2m setback puts the door of the dwelling literally within touching distance and direct view of not only my kids playground but into our main living area. My kids bedrooms are on the NE side of our house and they have been woken by noise previously. Used for accommodation as short-term holiday rental, it creates a steady stream of tenants, resulting in a complete loss of privacy for our family. The structure is currently being used for this purpose with tenants occupying the 'garage' continuously. We have had disagreements about 'guests' parking on our verge and blocking access to my NE driveway for work during the build. We ask you to reject the proposal and ensure that the structure is no longer used for profit in a way that disrespects the rules, and in a manner it was neither designed nor approved to be used. 	<p>Noted. The door in question is a door to a shed/storage area which is adjoining but separate to the entry door to the Ancillary Dwelling. The entry to the ancillary dwelling faces north with no adverse impact on the adjoining landowners.</p> <p>Noted. Although not granted planning approval, the Ancillary Dwelling exists and has done so for 4 years for use by the owners parents when visiting from overseas. It is expected that there would be some degree of noise associated with the use of the building but within the limitations of the noise regulations. The setback to the south is consistent with the 5m side setback requirement.</p> <p>Noted. The use of Ancillary Dwellings (Granny Flats) for 'Short Stay Accommodation' is prohibited under Clause AD1 of Local Planning Policy 7 – <i>Short Stay Accommodation</i>. Going forward, if the application is approved, a condition will be applied restricting the use of short stay accommodation.</p> <p>Noted. The Ancillary Dwelling sought for retrospective approval has a dedicated carport and the subject property has a large driveway with ample car parking spaces available.</p> <p>Noted. The application has been assessed on its merits and it is considered that the proposed Ancillary Dwelling satisfies the relevant design principles of the R-Codes as outlined below.</p>
<ol style="list-style-type: none"> When we commenced building our home in 2020, we were very surprised to see people living in the shed. The dwelling is elevated with commanding views over our entire northern yard, and parts of our main bedroom deck area and alfresco deck (despite our attempts to block their view by installing a water tank). When we commenced building our home in 2020, we were very surprised to see people living in the shed. The dwelling is elevated with commanding views over our entire northern yard, and parts of our main bedroom deck area and alfresco deck (despite our attempts to block their view by installing a water tank). On several occasions inhabitants have stood outside on the artificially raise area between the western side of the dwelling and the shared 	<p>Noted. There is an existing window (major opening) to the kitchen of the proposed Ancillary Dwelling which is within the 6m cone of vision set out in the R-Codes. The owner has agreed for this window to be screened in accordance with the R-Codes to make the window compliant with the visual privacy provisions s and to ameliorate any overlooking into the rear (western) property. A condition has been included in the to this effect.</p> <p>See response to point 1 above.</p> <p>Noted. See response to Point 1 above.</p> <p>Noted. See response to Point 1 above. It is understood that part of the concern is that the ancillary has been used for</p>

<p>fence overlooking use viewing our private activities.</p> <p>4. There are two windows on the dwellings western side, which have full view of our yard and home. These windows often shine light into our property at night, impacting our amenity.</p> <p>5. The area between the dwelling and the fence line is becoming a repository for left over building materials and other debris – impacting our visual amenity.</p> <p>6. On at least one occasion last year, significant water runoff from the southern side of the buildings roof adversely impacting our property. We had to install a mini rock swale to mitigate the impact on the foundations of a nearby water tank.</p> <p>7. Different people inhabiting the dwelling at different times. While we think that the owners parents have been regular inhabitants until now, there have been occasions when other people have stayed there – most likely on a short term basis.</p> <p>8. Building setbacks exist for a reason – to ensure the privy and amenity of landowners and their families. As a garage only, privacy concerns were limited. Its illegal use as a habitable dwelling means this is no longer the case. Our privacy and amenity concerns should not be compromised because a landowner wants to profit from an Ancillary dwelling which does not have the necessary approvals.</p>	<p>short term accommodation, which is discussed further below.</p> <p>As above, one of these windows is associated with a kitchen which is required to be screened. The second is associated with a bathroom, meaning it is classified as a minor opening to which visual privacy controls do not apply.</p> <p>Noted. A site visit has revealed that there are a few pieces of tin and some shade panels stored behind the shed adjoining the Ancillary Dwelling. Although not considered to cause an adverse amenity impact to the neighbour, the landowner of the subject property has advised that these will be removed.</p> <p>Noted. It is a normal requirement for stormwater generated from development to be contained on site. A condition to this effect has been included on the approval.</p> <p>Noted. The use of Ancillary Dwellings (Granny Flats) for 'Short Stay Accommodation' is prohibited under Clause AD1 of Local Planning Policy 7 – <i>Short Stay Accommodation</i>. A condition will be applied restricting the use to long term accommodation only. Should the ancillary dwelling be used for commercial short stay purposes then compliance action will be undertaken.</p> <p>Noted. This is discussed further below.</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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
The proposed dwelling is being sold and it has become apparent that the existing Ancillary Dwelling does not have planning consent, which is the subject of this report.		

R Codes

Are R Codes applicable?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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Design Element	Policy / R Codes	Provided	Officer comment
Rear Setback	6m for the Ancillary Dwelling	2m (existing)	See design principle assessment below.

Overlooking	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
	Window to Kitchen of the Ancillary Dwelling on the west elevation within the 6m cone-of-vision.	





The owner has agreed for this subject window to be screened to accordance with the R-Codes. A condition requiring this subject window to be screened in accordance with the R-Codes has been included in the recommendation.

Officer's Comments against Design Principles

The variation to the deemed-to-comply provisions of 2m (existing) setback of the Ancillary Dwelling to the rear (west) boundary is considered to satisfy the relevant design principles of the R-Codes. The performance criteria is provided below with the assessment following:

Buildings set back from lot boundaries or adjacent buildings on the same lot so as to:

- reduce impacts of building bulk on adjoining properties;
- provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and
- minimise the extent of overlooking and resultant loss of privacy on adjoining properties

The above is addressed as follows:

- The existing Ancillary Dwelling satisfies the relevant size and height requirements and is not considered to have an undue impact in terms of building bulk on adjoining properties. The structure is existing and has been in place for a considerable time accordingly the use of the space will not affect this.
- The existing Ancillary Dwelling provides adequate direct northern sunlight and ventilation to the building and open spaces on the site as well as the adjoining properties.
- The proposed Ancillary Dwelling minimises the extent of overlooking and resultant loss of privacy on adjoining properties. A condition has been applied for the existing window to the Kitchen to be screened in accordance with the R-Codes visual privacy requirements. The remaining opening is to a bathroom to which visual privacy requirements don't apply. Despite this, the location rainwater tank installed on the adjoining property which restrict views between this space and the neighbouring dwelling.

Development Standards (Schedule 9)

Are the development Standards applicable? Yes No

Car Parking

LPS1 / R Codes Requirement	Car Bays Required – 1 additional car bay required for the Ancillary Dwelling to the 2 required for the Single Dwelling	Car Bays Proposed – Additional car bay provided in the carport adjoining the Ancillary Dwelling. The provision for a number of car bays are provided within the large driveway on the site,
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Building Height

Scheme / Policy Requirement	Wall - 7m	Roof - 8m
State the proposed building height	Wall - <7m	Roof - <8m
		<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply

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
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	Conditional approval recommended.

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 Ancillary Dwelling (conversion of existing garage) at 22 (Lot 10) Hermitage Drive, 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 by the Shire on 14 July 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 existing window to the Kitchen of the Ancillary Dwelling the subject of this retrospective approval, shall be screened in accordance with the Visual Privacy requirements of the Residential Design Codes within 60 days from the date of this planning consent.
- 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.
- This approval does not permit short stay use of the Ancillary Dwelling at any time. Pursuant to the Shire's *Local Planning Policy 7 – Short Stay Accommodation*, when the primary dwelling is in use as a Holiday House, the Ancillary Dwelling shall only be used for permanent accommodation by the owner of the site.

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.



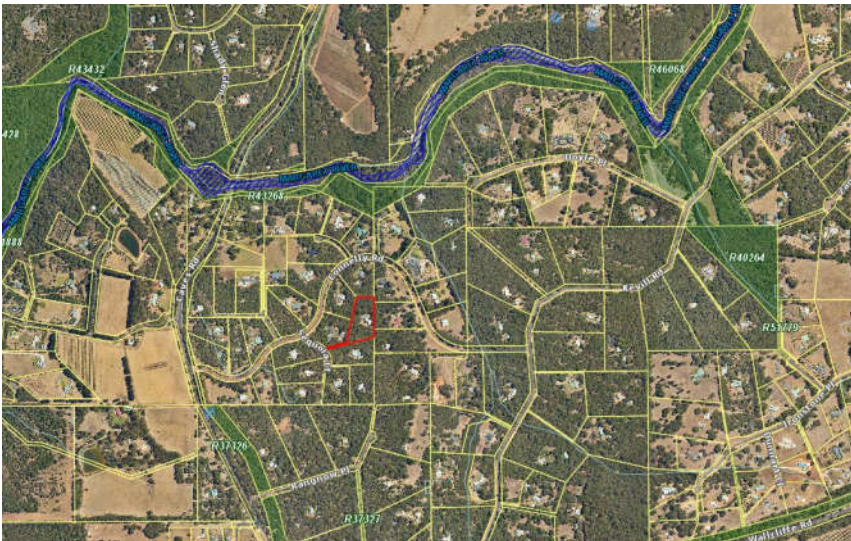
DEVELOPMENT APPLICATION ASSESSMENT
Report to Manager Planning and Regulatory Services
Proposed Building Envelope Variation (Outbuilding)
7 (Lot 14) Sequoia Court, Margaret River

Level 3 - 1 objection

P222788; PTY/7030

REPORTING OFFICER : Tessa Ashworth
 DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	1ha
Zone	Rural Res
Proposed Development	Proposed extension of the building envelope to the south of the dwelling to allow for development of an outbuilding. The following summary is provided: <ul style="list-style-type: none"> Proposed building envelope extends into remnant vegetation; Clearing of native vegetation required to facilitate development; Outbuilding floor area proposed at 126m² (in lieu of 120m²); Outbuilding ridge height proposed at 4.68m (in lieu of 4.5m).
Permissible Use Class	'P'
Heritage/Aboriginal Sites	None
Encumbrance	None relevant
Date Received	10/11/2022



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		LPP1	
Officer Comment	Does not meet acceptable development for AD1.10 due to: Outbuilding 126m ² Split skillion design 3.1m - 4.68 roof height		
	<p><i>AD1.6 On lots less than 1ha outbuildings no greater than 120m²</i> <i>AD1.8 Outbuildings that do not exceed a ridge height of 4.5m</i></p> <p>Assessment against performance criteria PC1.1 – <i>outbuildings that are screened from view and appropriate form, scale and location</i></p> <ul style="list-style-type: none"> Outbuilding will be mainly screened from view by vegetation on entry to the property. Applicant plans to retain trees in front of shed. The proposed shed is to be dark in colour to blend into the natural environment. <p>PC1.2 – <i>outbuilding constructed to complement landscape</i></p> <ul style="list-style-type: none"> Monument in colour which complements the dark cladding of the house and the existing vegetation. The proposed outbuilding is to be set within the landscape, including being cut 500mm into the natural ground level reducing the overall impact on the neighbouring properties. <p>PC1.3 – <i>outbuilding that will not detract from streetscape or amenity to neighbours</i></p> <ul style="list-style-type: none"> The proposal is located at the end of a battle axe driveway with vegetation located between the outbuilding and street frontage. There will be no impact on the streetscape. Retention of vegetation where possible will minimise impacts on visual amenity to neighbour. This is to be controlled by vegetation management plan to be submitted. <p>PC1.4 – <i>outbuilding grouped with the main residence and proportionally scaled</i></p> <ul style="list-style-type: none"> The proposed outbuilding is located within close proximity to the existing dwelling. The proposed location and development style of the outbuilding will reduce the building bulk and be in keeping with the existing dwelling and surrounding area. <p>The proposed outbuilding meets the Performance Criteria set out in LPP1 and is capable of approval.</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			
3/11/2005 dwelling approved 13/10/2009 building envelope variation approved (small variation to accommodate design of dwelling)			
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:	
Details of Submission		Officer Comment	
<p>1 x indifferent submission</p> <ul style="list-style-type: none"> The structure not to be reflective Not to be used for commercial use or business <p>1 x objection</p> <ul style="list-style-type: none"> Effect on the environment and biodiversity through loss of remnant vegetation and habitat for endangered fauna. Rural character and visual amenity impacted by clearing of vegetation that would be permitted within the BE as well as impact of oversize shed. BE excessive in size for the context of the site (being heavily vegetated). Water tanks will also need to be included to prevent run off. 		<p>The proposed shed is Monument in colour which is non-reflective. A condition of development approval limits the use of the outbuilding to be ancillary to the dwelling.</p> <p>Proponent has amended building envelope to reduce the potential impact on remnant vegetation. The revised building envelope now encompasses a more degraded section of vegetation, ultimately limiting the impact on the native remnant vegetation on the property. The majority of the block will be maintained with significant remnant vegetation providing habitat for fauna.</p> <p>The proposed building envelope is compliant with the setback requirements under the Shire's Local Planning Scheme No.1. Given that the setbacks are compliant, the proposal will be in keeping with the intended character of the area. Vegetation clearing is to be kept to a minimum and will be selective through the implementation of a Vegetation Management Plan (VMP).</p> <p>The proposed building envelope is smaller than the 2000m² permitted by the Shire's Local Planning Scheme and has been selected to minimise the impact on native vegetation.</p> <p>Stormwater is required to be managed on site to pre-development flows. It is the owners responsibility to ensure</p>	

	that run off does not exceed the amount pre-development, with appropriate methods.	
Internal Department Comments	Officer Comments	
Environment <ul style="list-style-type: none"> Amended plan required to limit clearing to the degraded area of vegetation. Vegetation management plan required 	<p>A site visit was carried out by planning officer and environmental staff. Other parts of the property were considered for suitability for alternative location of the shed however were also covered with high quality vegetation.</p> <p>The location of the shed is in an area of slightly more degraded vegetation. There are trees on the edge of the building area that are of significant environmental value and are to be retained.</p> <p>A vegetation modification plan submitted by the proponent prior to lodging a building permit will ensure the retention of the identified vegetation.</p> <p>A condition of development approval will be added for clearing to only be undertaken in accordance with the approved Vegetation Management Plan.</p>	
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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Officer Comment	<p>Front 30, Rear 30, Side 10</p> <p>Due to battle axe lot, northern rear boundary has 30m setback, other boundaries at 10m side setback - Complies</p>	
Building Height		
Scheme / Policy Requirement	Wall - m	Roof – 4.5m
State the proposed building height	Roof – 4.68m	<input type="checkbox"/> Complies <input checked="" type="checkbox"/> Doesn't Comply
Officer Comment	Assessed against LPP1 above.	
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	<p>Clearing on lots in the rural res zone is to be limited to clearing required to facilitate the development and associated infrastructure (Clause 4.22.2). Condition to be applied for VMP to ensure it is minimised.</p> <p>Clause 5.10.2 a) <i>The objectives of the zone are not compromised.</i></p> <p>Objectives of the zone are to provide opportunities for a range of ancillary pursuits while recognising the significant landscape and environmental values and facilitating the conservation of native vegetation.</p> <p>The VMP will help minimise the environmental impact while allowing the opportunity for development ancillary to the residential use of the site.</p> <p>b) <i>Visual amenity and rural character of the locality will not be affected to a greater degree within the proposed new building envelope to that which might have occurred in the original building envelope</i></p> <p>The existing building envelope is approximately 1000m². The proposed variation is to extend it to the south with a total area of 1600m². It will extend into remnant vegetation and while it includes a section of fairly degraded vegetation, the VMP will help ensure the visual amenity for the neighbouring properties is maintained.</p> <p>c) <i>Proposal will not render protection of the property from bushfire any more difficult to achieve.</i></p> <p>Shed is not a habitable building and as such the bushfire planning requirements do not apply.</p>	

	<p>d) <i>The proposed size and location of the envelope can accommodate future development and not have detrimental impact on environment.</i></p> <p>There is no existing shed on the lot and the further development can be considered where appropriate on the site. The extension of the building envelope has been carefully considered, with the applicant agreeing to locate the building envelope within an area of degraded vegetation. A VMP will be required to ensure that trees of significance within the building envelope are not impacted through the siting of the Outbuilding.</p>
In the opinion of the officer	
vi. Are utility services available and adequate for the development?	Yes
vii. Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land?	<p>The impact on remnant vegetation has been considered and the location of the building envelope has been negotiated with the landowner. The most desirable location on the subject site has been identified and will have the least amount of impact on vegetation.</p> <p>A VMP will limit the vegetation removal for the siting of the Outbuilding.</p>
viii. Has adequate provision been made for access for the development or facilities by disabled persons?	n/a
ix. Is development likely to cause detriment to the existing and likely future amenity of the neighbourhood?	No. A VMP is required to be submitted with vegetation retention to be identified to minimise any impact on the neighbouring properties.
x. 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	No.

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 Building Envelope Variation (Outbuilding) 7 (Lot 14) Sequoia Court, 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	<p>Plan 1 received by the Shire 30 March 2023</p> <p>Plan 2 received by the Shire 16 December 2022</p>
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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 revised building envelope hereby approved, wholly replaces that previously applicable to the site.
- Prior to submitting a building permit, a Vegetation Modification Plan shall be prepared and submitted, to the satisfaction of the Shire, indicating the location and species name of:
 - vegetation to be removed;
 - vegetation to be modified; and
 - vegetation to be retained.
- Clearing of native vegetation is only permitted in accordance with an approved vegetation modification plan.
- During construction, areas of native vegetation must not be damaged by any works including the placement of fill, rubble, rubbish or any other material, nor is any removal, clearing or damage to occur to any vegetation.
- When undertaking any clearing, revegetation and rehabilitation, the Proponent shall take the following steps to minimise the risk of introduction and spread of dieback/weeds:
 - clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
 - avoid the movement of soil in wet conditions;
 - ensure that no dieback-affected materials are brought into an area that is not affected by dieback; and
 - restrict the movement of machines and other vehicles to the limits of the areas to be cleared.
- The outbuilding shall be used solely for purposes incidental and ancillary to the authorised use of the land.

9. The outbuilding shall not be used for human habitation.

ADVICE NOTES

b) You are advised of the need to comply with the requirements of the following other legislation:

- (i) 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*;
- (ii) *Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises; and
- (iii) The *Bush Fires Act 1954* as amended, Section 33(3), Annual Bush Fires Notice applies to this property.