

# DEVELOPMENT ASSESSMENT UNIT

## Minutes of the Development Assessment Unit Shire of Augusta Margaret River On 1 March 2016

### ATTENDANCE

Chris Wenman, Lucy Gouws, Matt Cuthbert, Johan Pienaar, Jason Heine

### APOLOGIES - Nil

### CONFIRMATION OF MINUTES

Minutes of Meeting dated 23 February confirmed as correct.

### PLANNING APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	DA No.
22/02/2016	A9201	25 (Lot 37) Tinglewood Court, Cowaramup	Dwelling Additions (Carport)	P216100
22/02/2016	A5683	Unit 12, 14 (Strata Lot 12 of Lot 61) Willmott Avenue, Margaret River	Chalet	P216101
23/02/2016	A6594	400 (Lot 61) Roxburgh Road, Margaret River	Ancillary Accommodation	P216103
23/02/2016	A11850	8 (Lot 16) Hogan Place, Witchcliffe	Dwelling	P216104
22/02/2016	A3899	Gloucester Park Oval, 41 Wallcliffe Road, Margaret River	Public Event on Shire Property - Loritz Circus - 14 - 21 March 2016	P216105
24/02/2016	A11859	4 (Lot 25) Knox Place, Witchcliffe	Dwelling and Water Tank	P216106
24/02/2016	A663	48 (Lot 23 ) Elva Street, Margaret River	Subdivision	P216107
24/02/2016	A2114	97 (Lot 6) Bussell Highway, Margaret River	Restaurant Additions (Pergola)	P216108
23/02/2016	A3899	Gloucester Park and Rec Centre - 37-79 Wallcliffe Road, Margaret River	Public Event on Shire Property - Margaret River and Districts Agricultural Show 2016 – 14 &15 October 2016	P216109
24/02/2016	A1745	43 (Lot 902) Thomson Road, Bramley	Holiday House (Chalet)	P216110
25/02/2016	A11877	23 (Lot 991) Mitchell Drive, Prevelly	Ancillary Fast Food Outlet – Food Stall outside the existing shop	P216111
24/02/2016	A6787	40 Wallcliffe Road, Margaret River	Compliance – Use of short stay unit for Long Term accommodation.	P216112

### BUILDING LICENCE APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
22/02/2016	A9566	5 (Lot 326) Honeysuckle Glen, Cowaramup	Dwelling and Garage	216077
23/02/2016	A10240	Unit 20, 37 (Strata Lot 20 of Lot 533) Village Green, Margaret River	Townhouse	216078
23/02/2016	A3233	Lot 21 Station Road, Margaret River	Occupancy Permit	216079
23/02/2016	A3763	Lot 40 Merchant Street, Margaret River	Bedroom Renovation and Addition - Bathroom and Kitchenette	216080
23/02/2016	A10300	Lot 68 Holbrook Street, Margaret River	Single Dwelling	216081
24/02/2016	A4870	66 (Lot 36) Ironstone Place, Margaret River	Dwelling Alterations and Additions	216082
25/02/2016	A1289	34 (Lot 100) Clarke Road, Margaret River	Demolition	216083
26/02/2016	A7498	25 (Lot 88) Melaleuca Boulevard, Margaret River	Patio and Shed	216084
26/02/2016	A5722	59 (Lot 188) Marmaduke Point Drive, Gnarabup	Dwelling Additions and Swimming Pool	216086
26/02/2016	A12015	40 (Lot 32) Leschenaultia Avenue, Margaret River	Dwelling	216087

### SUBDIVISIONS DETERMINED

Date Rec'd	Officer	DA No.	Address	Description of Matter	Recommendation

### LEVEL 1 APPLICATIONS DETERMINED BY DIRECTOR

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
16/12/2015	Matt Slocomb	16 (Lot 32) Pierce Road, Margaret River	Holiday House (Large)	Approved	P215655
22/12/2015	Matt Slocomb	35 (Lot 29) Palmdale Avenue, Augusta	Dwelling Guest House and Ancillary Dwelling	Approved	P215665
18/01/2016	Lucy Gouws	13 (Lot 717) Burke Circle, Cowaramup	Dwelling Additions (Tennis Court)	Approved	P216038

17/02/2016	Matt Slocomb	249 (Lot 2836) Rosa Glen Road, Rosa Glen	Dwelling	Approved	P216088
18/02/2016	Angela Satre	4 (Lot 1) Trinder Drive, Margaret River	Dwelling and Ancillary Accommodation	Approved	P216094
22/02/2016	Lucy Gouws	25 (Lot 37) Tinglewood Court, Cowaramup	Dwelling Additions (Carport)	Approved	P216100

#### LEVEL 2 APPLICATIONS FOR DETERMINATION BY DPDS

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
31/08/2015	Lucy Gouws	Lot 540 Riverslea Drive, Margaret River	Request for retrospective approval for an Outbuilding (Garage)	Approve	P215402
14/01/2016	Lucy Gouws	Lot 28 Baudin Drive, Gnarabup	Side boundary retaining wall and request for retrospective approval for fill.	Discussion - further info required	P216002

#### LOCAL LAW PERMITS

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.

#### OTHER APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
25/09/2015	Brad Roberts	439/441 Hadley Road, Forest Grove	Public Event on Private Property - "Day in the Dust" - 6 March 2016	Approved	P215454
02/12/2015	Anne Marie Laddie	Augusta Centennial Hall, Allnutt Terrace and Foreshore Reserve Albany Terrace, Augusta	Public Event on Shire Reserve - Augusta River Festival - 5 & 6 March 2016	Approved	P215619
06/01/2016	Chris McAtee	Howard Park Wines, 137 Fifty One Road, Cowaramup	Public Event on Private Property - Tropfest - 5 & 6 March 2016	Approved	P216014

#### COMPLIANCE

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.

#### ELECTED MEMBERS ATTENTION

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
31/08/2015	Lucy Gouws	Lot 540 Riverslea Drive, Margaret River	Request for retrospective approval for an Outbuilding (Garage and Store)	Approved	P215402

#### CLOSURE OF MEETING



**DEVELOPMENT APPLICATION ASSESSMENT (DAU)**  
**Report to Manager Planning Services**  
**Proposed Outbuilding (Garage) Ancillary to Single Dwelling at 26 (Lot 540) Riverslea Drive, Margaret River**

Major (Level 2)

P215402; PTY/8285

REPORTING OFFICER : Lucy Gouws  
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	2092m <sup>2</sup>
Zone	Residential R5
Proposed Development	<p>Retrospective planning approval is sought for an outbuilding (garage) and an attached workshops storage area. The application was submitted following a compliance matter that was raised with the Shire (see below for details).</p> <p>The development comprises of an outbuilding with a floor area of 42.25m<sup>2</sup>, wall height of 4m and ridge height of 6m. The workshop / storage comprises of a 15.6m<sup>2</sup> addition in the form of a lean-to to the garage.</p> <p>The outbuilding presents the following variations:</p> <ul style="list-style-type: none"><li>- The workshop component is located 700mm from the rear boundary of the site, a variation to the 1.1m setback under the R/Codes, and</li><li>- The workshop is located 2.4m from the side boundary, a variation to the 5m side setback guidelines under LPS1.</li></ul>
Permissible Use Class	Outbuilding ancillary to an existing dwelling 'P'
Heritage/Aboriginal Sites	Nil
Encumbrance	Nil
Date Received	31/08/2015







<b>Planning History</b>		
<ul style="list-style-type: none"> <li>- In 2010, planning approval (P210244) was granted for additions to the dwelling and a detached garage with a studio above.</li> <li>- In August 2015 the Shire was made aware that development on the site was not in accordance with the planning approval, and that works had been undertaken after the planning and building approvals have expired. The development on site was found to be inconsistent with the approved plans, and a lean-to had been added on to the southern elevation of the detached garage that did not form part of the planning approval.</li> <li>- In August 2015 a planning application for retrospective approval was submitted.</li> </ul>		
<b>Policy Requirements</b>		
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	<u>Local Planning Policy 1 – Outbuildings and Farm Buildings</u> All Outbuildings and Farm Buildings that meet the Acceptable Development Criteria are exempt from requiring planning approval: <ul style="list-style-type: none"> <li>• Outbuildings consistent with the deemed to comply requirements under clauses 5.4.3 and 6.4.4 of the R Codes, with the exception of wall height;</li> <li>• Maximum wall height 3.1m; and</li> <li>• Located behind the front of the existing dwelling.</li> </ul>	
<b>Officer Comment</b>	<ul style="list-style-type: none"> <li>• The building (garage with lean-to workshop / storage area) falls within the definition of an outbuilding under the R-Codes.</li> <li>• The outbuilding presents a variation to the wall height, to allow a wall height of 4m for the garage.</li> <li>• The planning approval that was issued in 2010 was for an outbuilding and a first floor studio above. The former approval allowed for a two storey building with a wall height of 5.2m and ridge height of 6.2m.</li> <li>• The applicant has built, instead of a two storey building, a single storey outbuilding, with a wall height of 4m, which although presents a variation to the 3.1m wall height standard of LPP1 is 1.2m lower than what was previously approved.</li> </ul>	
<b>Structure Plans and Local Development Plans (DAP)</b>		
Is the land in any Structure Plan Area or subject to a DAP? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<b>Advertising/Agency Referrals</b>		
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>1</b>	
Have agency or authority comments been received?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
<b>Name</b>	<b>Nature of Submission</b>	<b>Officer Comment</b>
Neighbour – Objection	<ul style="list-style-type: none"> <li>- Second hand materials have been used in the roof, covenants do not allow this.</li> <li>- Roof material stated on the plans is not being used.</li> </ul>	<ul style="list-style-type: none"> <li>- The Shire is not party to covenants. These covenants are between the developer and land owner. These covenants were subject to a sunset clause and have since expired.</li> <li>- The roof is metal and it is the applicant's intension to paint the roof Woodland Grey to match the dwelling.</li> </ul>

	<ul style="list-style-type: none"> <li>- No retaining wall on the south side which has now undermined onto my property.</li> <li>- South wall is not rendered or painted its exposed rough brick work.</li> <li>- Plan says 700mm setback which is unacceptable, but the eaves overhang is 350mm from the fence.</li> <li>- Extremely poor workmanship used in the roof construction.</li> <li>- We were one of the first to move to this area for the trees, large blocks and strict building covenants. We put a lot of time and design into a building of high quality and a valuable asset.</li> </ul>	<ul style="list-style-type: none"> <li>- The rear wall of the outbuilding is a cavity filled wall to act as a retaining wall. The applicant will be required to backfill this area to ensure no further undermining of the neighbours property occurs.</li> <li>- It is recommended to apply a condition that will require the applicant to finish the building within a set timeframe as determined by the Shire. The applicant has agreed to this in writing.</li> <li>- The previous approval for the outbuilding (garage) and accommodation above permitted allowed a rear setback variation from 6m to 1.9m. The variation under consideration is not as significant a variation as previously approved. A lesser setback standard applies to the rear boundary for outbuildings. The variation is 400mm (from 1.1m to 700mm) and relates to a small portion of the corner of the outbuilding. The majority of the building complies with the setback standard under the R-Codes. There is still considered to be adequate space between the outbuilding and the boundary to accommodate landscaping for screening.</li> <li>- A certified building permit is required to be submitted to the Shire. This will ensure compliance with the Building Code of Australia (BCA).</li> <li>- Noted.</li> </ul>	
- Has the application been referred to internal departments?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	
<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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Design Element</b>	<b>Policy / R Codes Req</b>	<b>Provided</b>	<b>Officer comment</b>
<b>Front Setback</b>	12m	>12m	Complies
<b>Sides Setback</b>	LPS1 requires 5m	2.4m	Variation to LPS1 standard.
<b>Rear Setback</b>	1.1m	700mm wall 350mm eaves	Variation to R/Codes.
<b>Other Variations</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<b>Development Standards (Schedule 13)</b>			
Are the development Standards applicable?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Building Height</b>			
Scheme / Policy Requirement	Wall - 7m	Roof - 8m	
State the proposed building height	Wall - 4m	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply	
	Roof - 6.4m		
<b>Clause 67</b>			
A. 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>	The location of the outbuilding presents a variation to the 1.1m rear boundary setback		

	<p>standard as required under the R/Codes. The reduced setback is for a small portion of the one corner of the outbuilding. The rest of the outbuilding is setback over 1.1m from the rear boundary. The variation will still allow for the applicant to landscape and to fill the excavation at the rear of the outbuilding to return this part of the site to its original state.</p> <p>Under clause 5.1.3 of the R/Codes, lot boundary setbacks are required to reduce the <i>impact of building bulk on adjoining landowners</i>. In this situation, the nearest neighbouring dwelling, which is to the south, is located over 10m from the boundary. The outbuilding is on the side aspect of the neighbours dwelling. It is not considered that the incursion of a small area of the building into the rear setback area will adversely impact the neighbour's amenity. It is noted that there are two outbuildings on nearby properties, which appear to be located closer than 1m to boundaries.</p> <p>The variation to the 5m side setback provision under LPS1 is to allow the workshop to be located 2.4m from the side boundary. The reduced setback is considered to be acceptable and of sufficient distance to allow for landscaping between the building and the boundary. The reduced setback is not evident from the street, given the location of the garage in the rear of the site.</p> <p>The neighbour's main concerns are with the appearance of the outbuilding, given it is in an un-finished state. The applicant was requested to stop works until a planning application was assessed. The applicant has agreed to do the following works to ensure a build of an acceptable standard:</p> <ul style="list-style-type: none"> <li>- Painting of the roof to Woodland Grey,</li> <li>- Rendering, cladding of the garage walls,</li> <li>- Painting of the walls,</li> <li>- Landscape and fill at the rear of the outbuilding / workshop.</li> </ul> <p>All the above will be required to completed within a set time frame.</p>
<b>B. In the opinion of the officer:</b>	
i. Are utility services available and adequate for the development?	N/A
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?	The applicant has agreed to finish the building to an acceptable standard within a set timeframe. This is considered to adequately address the neighbours' concerns relating to amenity impacts.
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>	Planning approval is recommended.

#### OFFICER RECOMMENDATION

**That Acting Manager Planning and Development Services GRANTS Planning Consent under Delegated Authority Instrument No. 15 pursuant to Clause 68(2) of the Deemed Provisions of Local Planning Scheme No. 1 for Outbuilding (Garage) and Workshop Ancillary to Single Dwelling at 26 (Lot 540) Riverslea 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 22 December 2015 and P3 – P4 received on 31 August 2015
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- The outbuilding shall be used solely for purposes incidental and ancillary to the authorised use of the land.(P)
- The outbuilding shall not be used for human habitation. (P)
- All stormwater and drainage run-off from the development shall be contained within the lot boundaries or disposed offsite by an approved connection to the Shire's drainage system. (I)

5. Within 4 months from the date of this approval the outbuilding and workshop shall be complete to a standard considered satisfactory by the Shire. (See advice note b).

**ADVICE NOTES**

- a) You are advised of the need to comply with the requirements of the following other legislation:
- (i) This is not a Building Permit. A Certified Building Permit is required as per the *Building Act 2011*; &
  - (ii) The *Bush Fires Act 1954* as amended, Section 33(3), Annual Bush Fires Notice applies to this property.
- b) The following works must be undertaken and completed to address the requirements under condition 5:
- Painting of the roof to Woodland Grey;
  - Rendering or cladding of the garage and workshop walls;
  - Painting of walls; and
  - Landscape and fill at the rear of the outbuilding / workshop.