

# DEVELOPMENT ASSESSMENT UNIT

Minutes of the Development Assessment Unit  
Shire of Augusta-Margaret River  
On 26 May 2015

**ATTENDANCE:** Kim Nolan, Chris Wenman, Johan Pienaar

**APOLOGIES:** Peter Walker

## CONFIRMATION OF MINUTES

Minutes of meeting dated 19 May 2015 confirmed as correct.

## PLANNING APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	DA No.
18/05/2015	A7866	Lot 23 Mulgara Grove, Burnside	Building Envelope Variation	P215217
19/05/2015	A545	10 (Lot 155) Clements Crescent, Molloy Island	Holiday House (Large)	P215218
19/05/2015	A11849	10 (Lot 15) Hogan Place, Witchcliffe	Dwelling Water Tanks and ATU outside Building Envelope	P215219
20/05/2015	A11751	27A (Lot 97) Georgette Way, Prevelly	Grouped Dwelling	P215220
20/05/2015	A5941	1555 Forest Grove Road, Forest Grove	Caretakers Accommodation & Recreation Private	P215221
21/05/2015	A11031 A4069	Lot 101 West Road, Cowaramup	Ancillary Dwelling	P215222
21/05/2015	A9236	3 (Lot 72) Timber Court, Cowaramup	Dwelling	P215223
21/05/2015	A10959	RES/50008 (Lot 5452) Nozzle Road, Bramley	Operation of a Charter Service	P215224
21/05/2015	A2654	17 (Lot 165) Clements Crescent, Molloy Island	Holiday House	P215225

## BUILDING LICENCE APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
18/05/2015	A5473	13 Baudin Drive, Gnarabup	Shed	215236
19/05/2015	A7140	11 Hunt Ct, Margaret River	Shed	215237
19/05/2015	A9100	25 Friesian St, Cowaramup	Occupancy Permit for Storage Units	215238
20/05/2015	A10530	39 Burke Circle, Cowaramup	Residential Single Storey Dwelling, Carport and Shed	215240
20/05/2015	A11686	39 Tonkin Bvd, Margaret River	Retaining Wall	215241
20/05/2015	A10948	27 Tonkin Bvd, Margaret River	Retaining Wall	215242
20/05/2015	A10435	3 Tyrone Loop, Margaret River	Single Dwelling	215243
21/05/2015	A4915	396 Redgate Rd, Witchcliffe	Addition / alterations - replacement of existing bathroom	215244
21/05/2015	A11841	8 Dobbins Place, Witchcliffe	Single Dwelling, Shed and Water tank	215245
21/05/2015	A11733	21 Tamarix Cres, Margaret River	Dwelling	215246
21/05/2015	A10889	13 Bretonneux Turn, Cowaramup	Dwelling	215247
21/05/2015	A10136	12 Coral Vine Crss, Cowaramup	Dwelling	215248
21/05/2015	A10163	1 Coral Vine Crss, Cowaramup	Dwelling	215249
22/05/2015	A10834	6 Calabrese Cl, Margaret River	Deck and Pergola	215250
22/05/2015	A5327	233 Rowe Rd, Witchcliffe	Swimming Pool	215251

## 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	Determination	DA No.

## LEVEL 2 APPLICATIONS FOR DETERMINATION BY DPDS

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
07/04/2015	JT	Lot 433 Ironstone Place, Margaret River	Proposed Outbuilding (Shed)	Approve	P215159

**LOCAL LAW PERMITS**

Date Rec'd	Officer	Address	Proposal	Determination	DA No.

**OTHER APPLICATIONS determined under delegation**

Date Rec'd	Officer	Address	Proposal	Determination	DA No.

**COMPLIANCE**

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.

**ELECTED MEMBERS ATTENTION**

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
07/04/2015	JT	Lot 433 Ironstone Place, Margaret River	Proposed Outbuilding (Shed)	Approve. The application is highlighted as an objector requested that the objection/application be tabled at a Council meeting.	P215159

**CLOSURE OF MEETING: 10.30am**



**DEVELOPMENT APPLICATION ASSESSMENT (DAU)**  
**Report to Manager Planning Services**  
**Proposed Outbuilding (Shed) - 53B (Lot 433) Ironstone Place, Margaret River**

Major (Level 2)

P215159; PTY/11591

REPORTING OFFICER : Jenny Tattam  
 DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	11429m <sup>2</sup>
Zone	Rural Residential
Proposed Development	Planning approval is sought for an outbuilding that has an area of 126m <sup>2</sup> and height of 3.49m (skillion roof design). It will be constructed in Colorbond (Woodland Grey) and is within the designated building envelope.
Permissible Use Class	Dwelling – Permitted
Heritage/Aboriginal Sites	Nothing listed.
Encumbrance	N/A
Date Received	07/04/2015



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	<p>LPP1 – Outbuildings Policy</p> <p>Within the Rural Residential zone outbuildings are permitted as follows:</p> <ul style="list-style-type: none"> <li>• maximum area of 80m<sup>2</sup>;</li> <li>• maximum wall height of 3.5m;</li> <li>• maximum roof ridge height of 4.5m; and</li> <li>• shall be ancillary to the residential use of the land.</li> </ul> <p>The proposed shed has an area of 126m<sup>2</sup>, a wall height of 3.49m and a ridge height of 3.49m. Accordingly the application proposes a variation to the permitted area only.</p> <p>The shed will be constructed in colorbond (Woodland Grey – dark grey/green colour) and screened on the northern elevation by a rammed earth wall.</p> <p>The applicant has advised that the landowner is retired and owns wood working machinery and equipment. The shed sits immediately behind the carport to allow the owner to be able to drive into the shed (through the carport) with a trailer and unload. The applicant has confirmed the shed is for hobby purposes only.</p>

		<p>The proposed variation needs to be considered against the performance criteria of LPP1 which states:</p> <ul style="list-style-type: none"> <li>• Outbuildings that are/can be adequately screened from view, or are otherwise an appropriate form and scale, and in an appropriate location, consistent with the visual management guidelines of the Local Planning Strategy.</li> <li>• Outbuildings constructed of colours and materials that complement the landscape and/or the amenity of the surrounding area.</li> <li>• Outbuildings that will not have an adverse impact to or detract from the streetscape or amenity of neighbouring properties.</li> <li>• Outbuildings that, where practical, are grouped with the residence to limit potential adverse visual impacts.</li> </ul> <p>Local Planning Strategy – Visual Management</p> <p>The site is within Visual Management Zone 'B' which requires that developments may be visually apparent but should nevertheless be subordinate to established landscape patterns.</p> <p>The use of Woodland Grey and the proposed rammed earth wall along the northern side of the shed is consistent with these requirements.</p>
<b>Officer Comment</b>	<p>Neighbours to the east (2 submissions) and to the north (1 submission) have objected. Another neighbour to the north supports the application.</p> <p>The shed is disguised from the northern viewpoint through construction of a rammed earth wall between the carport and the shed. Effectively the view from the north will be the carport and earthen wall. The shed sits behind the wall and will hardly be visible, if at all. The applicant advised that this design was used to envelope the shed into the overall design as much as possible and to screen the shed from the north.</p> <p>The other concern raised was the view from the east. It is not considered that the shed will adversely impact neighbour amenity to the east as:</p> <ul style="list-style-type: none"> <li>• the subject property is lower than the lot to the east and the shed will also be slightly cut into the landscape (so lower again).</li> <li>• the overall height of the shed is 1m lower than that permitted by the policy;</li> <li>• the colour (dark grey/green) is non-reflective and consistent with surrounding landscape elements;</li> <li>• there is a significant stand of bushy vegetation along the western boundary of the adjoining lot which will provide a reasonable screen for development on the subject site; and</li> <li>• to provide further screening a condition of approval shall require some landscaping between the shed and the eastern boundary.</li> </ul> <p>It is considered the proposed shed meets the Performance Criteria of the Outbuildings Policy.</p>	
<b>Structure Plans and Local Development Plans (DAP)</b>		
Is the land in any Structure Plan Area or subject to a DAP?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, state the Policy/Policies		Kevill Road DAP
Officer Comment	Nothing relevant. The building envelope is consistent with the building envelope plan approved at subdivision stage.	
<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
<b>Name</b>	<b>Nature of Submission</b>	<b>Officer Comment</b>
Objection (Neighbour to	<ul style="list-style-type: none"> <li>• The main reason for my objection is the large size of the shed. The proposed shed is large and has a floor area of 126m<sup>2</sup> which is more than 50% bigger than the permitted</li> </ul>	<ul style="list-style-type: none"> <li>• Floor areas greater than 80m<sup>2</sup> may be approved if they meet the relevant policy performance criteria (refer to assessment against the Outbuildings policy above).</li> </ul>

the west)	<p>floor area for sheds in the Rural Residential zone (80m<sup>2</sup>).</p> <ul style="list-style-type: none"> <li>I am very concerned about the proposed purpose of such a large shed? I note it is labelled 'workshop' on the plans.</li> <li>Also our land subdivision is currently being processed and the location of the proposed outbuilding is close to our proposed most western located lot.</li> <li>The shed will have a significant negative impact on our amenity.</li> <li>I request that this objection is tabled at a Shire Council meeting, as well as being presented subsequently to the Western Australian Planning Commission (WAPC).</li> </ul>	<p>While it is agreed that the area is almost 50% greater than 80m<sup>2</sup>, it is noted that the area of the shed only makes up 1.2% of the lot area – so in relation to the size of the land it is not significant in size.</p> <ul style="list-style-type: none"> <li>The applicant has confirmed the shed will be used for hobby woodworking purposes and not for a commercial operation. Residents are allowed to make some noise during the day but only in compliance with the <i>Noise Regulations</i> which will be an advice note on the approval.</li> <li>It is not considered that the shed is close to the newly created lot on the submitter's land. The shed is inside the designated building envelope and setback 39m from the eastern boundary. In addition there is a significant stand of bushy vegetation along the western boundary of the submitter's lot which is reflected on the subdivision guide plan and therefore required to stay. This vegetation will provide a reasonable level of screening. In addition the proposed shed is downslope from the submitter's property and the shed will be slightly cut-in to the landscape. The height of the shed is relatively modest at 3.49m (the Outbuildings policy permits shed roof heights to 4.5m). The</li> <li>The submitter was advised that the process for dealing with these applications is to present them to DAU and Councillors can call in the application if required.</li> </ul>
Objection (Neighbour to the west)	<ul style="list-style-type: none"> <li>I am object to the proposed workshop size. It is more than 50% bigger than the permissible area allowed.</li> <li>Given this size, there could be any number of activities undertaken therein that may have a negative impact on the adjoining landowner's amenity. This objection is to protect this amenity as there will be homes built near the adjacent boundaries in the near future as subdivision is being processed at the moment.</li> </ul>	<ul style="list-style-type: none"> <li>Noted – please refer to comments above.</li> </ul>
Objection (Neighbour to the north – northeast side)	<ul style="list-style-type: none"> <li>De-value our property</li> <li>Ugly</li> <li>Massive</li> <li>What is it getting used for?</li> <li>Worried about noise as a result of what they are using it for. We are home all day and do not want loud workshop noises. There is a reason we chose to live outside of town and not in the industrial area.</li> </ul>	<ul style="list-style-type: none"> <li>Amenity is a planning issue, not property value. Accordingly this application is assessed on amenity grounds.</li> <li>The submitter is to the north of the subject site and it is unlikely they will be able to see the shed as it will be sitting behind a rammed earth wall. The proposed shed is similar in design and will be constructed of colorbond sheets which are consistent with the majority of sheds in the Shire. An appropriate colour scheme is proposed.</li> <li>The landowner is retired and the shed is for hobby purposes.</li> </ul>
Support (Neighbour to the north – northwest side)	<ul style="list-style-type: none"> <li>No comments.</li> </ul>	Noted.
Has the application been referred to internal departments?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" 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		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

development?		
<b>R Codes</b>		
Are R Codes applicable?		<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
Officer Comment	The site has a designated building envelope and all proposed development is within the confines of the envelope	
<b>Clause 10.2</b>		
A. In the opinion of the officer, would approval of the planning consent be appropriate under Clause 10.2 of the Scheme?		
Officer Comment	Yes	
B. 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 – the applicant has, based on the submission received, agreed to plant additional landscaping to screen the shed from the eastern neighbours.	
iii. Has adequate provision been made for access for the development or facilities by disabled persons?	N	
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	
<b>RECOMMENDATION</b>		
While the proposed shed is significant in area, the size of lot is large and it is considered that the applicant has done a good job in enveloping the structure as much as possible within the overall plan of development for the lot. The proposed shed will not be dominant in its setting. To the north the shed is screened by a rammed earth wall, to the east it is set lower in the landscape and will be screened by existing vegetation, to the south it is partly screened by the proposed water tank and to the west it is sitting behind the proposed dwelling. To provide more additional screening for the neighbours to the east a condition of approval will require landscaping between the shed and the eastern boundary. Also recommended is a condition that construction of the outbuilding is not commenced until such time that a building permit for a dwelling has been issued and substantially commenced. Support is recommended.		

#### OFFICER RECOMMENDATION

**That the Statutory Planning Coordinator GRANTS Planning Consent under Delegated Authority Instrument No. 20 pursuant to Clause 10.3 of Local Planning Scheme No. 1 for an Outbuilding (Shed) at 53B (Lot 433) Ironstone Place, 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	Plans entitled P1 to P3 received by the Shire on 7 April 2015. (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. (P)
- The construction of the outbuilding is only permitted when a dwelling exists, or when an approved dwelling is under construction, on the same lot. A building permit for the outbuilding must be submitted with, or after, a building permit has been issued for a dwelling on the site. (P)
- Landscaping to soften the view of the Outbuilding shall be installed between the Outbuilding and the eastern boundary of the site prior to occupation of the development and be maintained at all times to the satisfaction of the Shire. The landscaping shall be a combination of low to medium height plantings to reduce the visual impact of the Outbuilding. (P)
- The outbuilding(s) shall be used solely for purposes incidental and ancillary to the authorised use of the land. (P)

6. The outbuilding shall not be used for human habitation. (P)

**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 Building Permit must be issued by the relevant Permit Authority before any work commences on site as per the *Building Act 2011*;
  - (ii) *Health 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.