

# DEVELOPMENT ASSESSMENT UNIT

## Minutes of the Development Assessment Unit Shire of Augusta Margaret River On 5 April 2016

### ATTENDANCE

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

### APOLOGIES

Nil

### CONFIRMATION OF MINUTES

Minutes of Meeting dated 22 March 2016 confirmed as correct.

### PLANNING APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	DA No.
29/03/2016	A4461	Reserve 29668 (Lot 315) Hillview Road, Augusta	Private Aircraft Hangar (Extension of Term of Planning Approval P213629)	P216180
29/03/2016	A4367	27-33 (Lot 295) Tunbridge Street, Margaret River	Signage	P216181
29/03/2016	A2598	Unit 1 - 9 (Lot 118) Papadakis Avenue, Prevelly	Holiday House	P216182
31/03/2016	A5140	172 & 182 (Lot 22) Stevens Road, Redgate	Section 40	P216183
29/03/2016	A1223	18 (Lot 40) Coronation Street Margaret River	Application to SAT to Review Development Conditions (P216027) and Subdivision Conditions (WAPC 152983)	P216184
01/04/2016	A7951	89 (Lot 109) Baudin Drive, Gnarabup	Bed and Breakfast/Guesthouse	P216185
01/04/2016	A1250	124 (Lot 3) Bussell Highway, Margaret River	Small Bar	P216186
01/04/2016	A5070	55 (Lot 105) Mansfield Avenue, Margaret River	Holiday House	P216188
01/04/2016	A11529	Unit 1 - 54 (Lot 18) Bussell Highway, Cowaramup	Veterinary Clinic	P216189
01/04/2016	A11793	51 (Lot 321) Kevill Road, Margaret River	Building Envelope Variation	P216190

### BUILDING LICENCE APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
01/04/2016	A9077	Lot 301 Davis Road, Witchcliffe	Water Tank	216152
01/04/2016	A10941	Lot 173 Rapids Landing Avenue, Margaret River	Dwelling	216153
31/03/2016	A10774	Lot 207 Villers Street, Cowaramup	Dwelling	216144
31/03/2016	A11535	11 (Lot 10) Bussell Highway, Augusta	Dwelling and Shed	216145
31/03/2016	A11846	3 (Lot 12) Hogan Place, Witchcliffe	Water Tanks	216146
31/03/2016	A11003	11 (Lot 75) Calabrese Close, Margaret River	Garage	216147
31/03/2016	A11955	2 (Lot 206) Flitch Road, Karridale	Dwelling	216148
31/03/2016	A3228	3 (Lot 75) Nixon Crescent, Margaret River	Balcony Extension	216151
30/03/2016	A11304	5962 (Lot 10 of Lot 410) Caves Road, Margaret River	Additions to Two Storey Dwelling	216142
30/03/2016	A11886	14 (Lot 225) Alferink Crescent, Margaret River	Dwelling	216143
29/03/2016	A5070	55 (Lot 105) Mansfield Avenue, Margaret River	Unauthorised Works - Patio and Boat Shed	216137
29/03/2016	A11840	10 (Lot 6) Dobbins Place, Witchcliffe	Dwelling	216138
29/03/2016	A11591	53b (Lot 433) Ironstone Place, Margaret River	Shed	216139
29/03/2016	A3936	140 (Lot 18) Freshwater Drive, Burnside	Dwelling Alterations and Additions	216141

### SUBDIVISIONS DETERMINED

Date Rec'd	Officer	DA No.	Address	Description of Matter	Recommendation
19/02/2016	Rachel Mofthah	P216095	Lot 319 Bussell Highway, Cowaramup	Subdivision	Supported subject to conditions
24/02/2016	Lara Hoole	P216107	48 (Lot 23 ) Elva Street, Margaret River	Subdivision	Supported subject to conditions
02/03/2016	Johan	P216127	115 (Lot 2810) Rowe Road,	Conservation	Supported subject

	Pienaar		Witchcliffe	Subdivision	to changes and recommended conditions
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### LEVEL 1 APPLICATIONS for Determination by Director

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
14/03/2016	Lara Hoole	4 (Lot 25) Knox Place, Witchcliffe	Amendment to Planning Approval P216106	Approved	P216148
25/01/2016	Lara Hoole	20 (Lot 221) Cuihane Road, Margaret River	Holiday House and Fence around Building Envelope	Approved	P216052
04/02/2016	Lucy Gouws	213 (Lot 17) Manear Road, Rosa Brook	Additions to Existing Dwelling	Approved	P216066
09/02/2016	Lucy Gouws	281 (Lot 3) Fifty One Road, Cowaramup	Farm Building Addition (Lean-To)	Approved	P216070
11/02/2016	Rachel Moflah	153 (83) Ashton Street, Margaret River	Outbuilding	Approved	P216077
12/02/2016	Johan Pienaar	30 (Lot 435) Daisy Rise, Cowaramup	Dwelling including ancillary retaining wall and boundary fence	Approved	P216080
16/02/2016	Matt Slocomb	24 (Lot 5) Brockman Road, Cowaramup	Dwelling and Outbuilding	Approved	P216083
16/02/2016	Johan Pienaar	4 (Lot 74) Dalton Way, Molloy Island	Outbuilding (Shed) and Water Tank	Approved	P216084
29/02/2016	Lucy Gouws	9 (Lot 27) Horseford Road, Burnside	Holiday House	Approved	P216115
29/02/2016	Matt Slocomb	3 (Lot 338 ) Dryandra Drive, Margaret River	Dwelling Additions (Carport)	Cancelled	P216116
22/03/2016	Rachel Moflah	611 (Lot 6) Wallcliffe Road, Wilderness	Dwelling Additions	Approved	P216171

### LEVEL 2 APPLICATIONS for Determination by Director

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
16/10/2015	Lucy Gouws	Lot 275 Larch Loop, Margaret River	Request for retrospective approval for an Outbuilding (Shed)	Refuse	P215502

### LOCAL LAW PERMITS determined

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
25/02/2016	Nick Logan	Operating at Rotary Park	Mother's day flower stall on 7 and 8 May 2016	Approved	P216155
06/04/2016	Nick Logan	Operate at Margaret River and Augusta streets, Flinders Bay foreshore, Flinders Bay and Turners Bay Caravan Park	Renewal of permit for Mr Wicked's Ice-cream - expires 31 August 2016	Approved	P216196
31/03/2016	Nick Logan	Operating at Rotary Park	Renewal of Local Law Permit - Spice Odyssey - expires 31 August 2016	Approved	P216197
31/03/2016	Nick Logan	Operating at Surfers Point	Renewal of Margaret River Burger Bar Local Law Permit - expires 31 August 2016	Approved	P216199

### OTHER APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.

### COMPLIANCE

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
10/08/2015	Moshe Phillips	26 (Lot 540) Riverslea Drive, Margaret River	Garage and Studio - Non Compliance with Planning Approval P210244	Matter Concluded	P215367
15/12/2015	Matt Slocomb	47 (Lot 28) Sheridan Road, Margaret River	Complaint about property becoming a Camping Ground	Matter Concluded	P215650
01/03/2016	Angela Satre	9 (Lot 458) Smokebush Court, Cowaramup	Unapproved Parking of Buses	Matter Concluded	P216125

**ELECTED MEMBERS ATTENTION**

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
16/10/2015	Lucy Gouws	Lot 275 Larch Loop, Margaret River	Request for retrospective approval for an Outbuilding (Shed)	Refuse	P215502

**CLOSURE OF MEETING**  




**DEVELOPMENT APPLICATION ASSESSMENT (DAU)**  
**Report to Manager Planning Services**  
**Request for Retrospective Planning Approval for an Outbuilding (Shed) at 23 (Lot 275)**  
**Larch Loop, Margaret River**

Major (Level 1)

P215502; PTY/5882

REPORTING OFFICER : Lucy Gouws  
 DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	452m <sup>2</sup>
Zone	Residential R20
Proposed Development	<p>Planning approval is sought for an outbuilding (shed) that has been built without planning approval. The current owners bought the property and were not aware that the outbuilding was built without either planning approval or a building license.</p> <p>The outbuilding has a floor area of 28.4m<sup>2</sup> and is of skillion roof design with a maximum wall height of 2.7m. The outbuilding is located within the 6m primary street setback area and 1m from the street truncation boundary.</p> <p>Existing vegetation along the street truncation partially screens the outbuilding; however the building remains is prominent within both the primary and secondary streetscapes.</p> <p>The outbuilding is constructed in a dark green Colorbond colour to match the dwelling.</p>
Permissible Use Class	Outbuilding – Ancillary to an existing dwelling 'P'
Heritage/Aboriginal Sites	Nil
Encumbrance	None shown.
Date Received	16/10/2015





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><b>Local Planning Policy 1 – Outbuildings and Farm Buildings (LPP1)</b>            All Outbuildings and Farm Buildings that meet the Acceptable Development Criteria are exempt from requiring planning approval:</p> <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 the existing dwelling.</li> </ul>	
<b>Officer Comment</b>	<p>Clause 6.4.4 of the R-Codes does not apply in this instance.</p> <p>The outbuilding complies with the building height and floor area “deemed to comply” requirements under clause 5.4.3 of the R-Codes. The outbuilding is however <u>not compliant</u> with the siting requirements of clause 5.4.3 of the R-Codes which are “...<i>not within the primary or secondary street setback areas.</i>” The outbuilding is also not compliant with acceptable development standard AD1.4 of LPP1, which requires the outbuilding to be located behind the front of the existing dwelling.</p> <p>Due to the non-compliance with the acceptable design standards, assessment is required under the performance criteria of LPP1. The performance criteria comprise:</p> <ul style="list-style-type: none"> <li>- PC1.1 - 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>- PC1.2 Outbuildings constructed of colours and materials that complement the landscape and/or the amenity of the surrounding area.</li> <li>- PC1.3 Outbuildings that will not have an adverse impact to or detract from the streetscape or amenity of neighbouring properties.</li> <li>- PC1.4 Outbuildings that, where practical, are grouped with the residence to limit potential adverse visual impacts.</li> </ul> <p>It is considered that outbuilding does meet the performance criteria for the following reasons:</p> <ul style="list-style-type: none"> <li>- The outbuilding is not adequately screened from view to mitigate adverse street scape impacts.</li> <li>- The outbuilding is the dominant in its location and detracts from the established street scape in this location.</li> </ul>		
Structure Plans and Local Development Plans (DAP)			
Is the land in any Structure Plan Area or subject to a DAP? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
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 type="checkbox"/> Yes	<input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
Have agency or authority comments been received?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
Has the application been referred to internal departments?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
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
<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>	6m	1m	Variation
<b>Secondary Street Setback</b>	1.5m	1m	Variation
<b>Other Variations</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<b>Officer's Comments against performance criteria</b>	<p>The location of the outbuilding presents a substantial variation to the street setback standard. Approximately 80% of the outbuilding is within the 6m primary street setback area.</p> <p>The design principles in relation to street setback are to ensure that proposed buildings are appropriately setback from the street boundary to ensure they:</p> <ul style="list-style-type: none"> <li>• Contribute to, and consistent with an established streetscape;</li> <li>• Provide adequate privacy and open space,</li> <li>• Allow for the accommodation of parking, landscaping and utilities, and</li> <li>• Allow safe clearances for easements etc.</li> </ul> <p>The outbuilding, in its current location, is the dominant feature on the lot and detracts from the established streetscape of this specific location.</p>		
<b>Development Standards (Schedule 13)</b>			
Are the development Standards applicable?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<b>Car Parking</b>			
LPS1 / R-Codes Requirement	Car Bays Required - 2	Car Bays Proposed - 2	
Dimensions	2.5 x 5.5m	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply	
Turning Bay/Circles and vehicle manoeuvring	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply		
Disabled Bays	Disabled Bays – N/A		
<b>Building Height</b>			
Scheme / Policy Requirement	Wall - 7m	Roof - 8m	
State the proposed building height	Wall – 2.7m Roof – 2.7m	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply	
<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 is considered to detract from the established street scape and is therefore considered to be not consistent with the applicable design principles of the R-Codes or the performance criteria of LPP1.		
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?	No existing vegetation is required to be removed for the proposal.		
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?	It was concluded earlier in the report that the building has an adverse impact on the street scape of the locality.		
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>	<p>The location of the outbuilding is considered to detract from the established street scape and is therefore considered to be not consistent with the applicable design principles of the R-Codes or the performance criteria of LPP1.</p> <p>The request for retrospective planning approval is recommended for refusal.</p>		

#### **OFFICER RECOMMENDATION**

**That the Statutory Planning Coordinator REFUSE TO GRANT Planning Consent under Delegated Authority Instrument No. 15 pursuant to Clause 68(2) of the Deemed Provisions of Local Planning Scheme No. 1 for an Existing Outbuilding (Shed) at 23 (Lot 275) Larch Loop, Margaret River for the following reasons:**

1. The development is inconsistent with the objective of the Residential zone, as set out in clause 4.2.4.1 of LPS1, as it does not conserve and enhance the established amenity of the area.
2. The development does not meet “deemed to comply” requirement 5.4.3 C3 vi of the R-Codes, which requires outbuildings to be located behind the primary and secondary street setback areas.
3. The development does not meet Design Principle 5.4.3 P3 of the R-Codes, as it has an adverse impact on the streetscape.
4. The development does not meet acceptable development standard AD1.4 of LPP1, which requires the outbuilding to be located behind the front of the existing dwelling.
5. The proposal does not meet performance criteria PC1.3 of LPP1, which requires outbuildings not to have an adverse impact on or detract from the streetscape or amenity of neighbouring properties.

#### **ADVICE NOTES**

- a) The Shire expects the outbuilding to be removed from the land, to the satisfaction of the Shire, within 90 days from the date of this refusal. Failure to remove the outbuilding within this timeframe will result in enforcement action, which may lead to a prosecution.