

DEVELOPMENT ASSESSMENT UNIT

Minutes of the Development Assessment Unit Shire of Augusta Margaret River On 6 September 2016

ATTENDANCE

Johan Pienaar, Matt Slocomb, Lara Hoole, Kim Nolan, Chris Wenman, Jason Heine

CONFIRMATION OF MINUTES

Minutes of meeting dated 30 August 2016 confirmed.

PLANNING APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	DA No.
29/08/2016	A3906	49 (Lot 66) Town View Terrace, Margaret River	Change of Use (Private Recreation)	P216456
29/08/2016	A3654	100 (Lot 8) Bussell Highway, Margaret River	Additions and Alterations to Commercial Premises	P216458
29/08/2016	A5991	8 (Lot 516) Hurford Place, Augusta	Partial Change of Use (Bed and Breakfast)	P216459
30/08/2016	A9234	7 (Lot 70) Timber Court, Cowaramup	Dwelling	P216460
30/08/2016	A1601	90 (Lot 6) Bussell Highway, Cowaramup	Commercial Development (3 Units)	P216461
30/08/2016	A10780	19 (Lot 213) Villers Street, Cowaramup	Dwelling Additions (Patio)	P216462
30/08/2016	A8915	127 (Lot 10) Hillview Road, Augusta	Dwelling Additions (Patio and Shed)	P216463
30/08/2016	A8188	19 (Lot 241) Illawarra Avenue, Margaret River	Dwelling Additions (Outbuilding)	P216465
01/09/2016	A4367	27-33 (Lot 295/41625) Tunbridge Street, Margaret River	Child Care Premises (Shade Structure over Play Area)	P216467
01/09/2016	A8066	6036 (Lot 5021) Caves Road, Margaret River	Chalets x 6	P216468

BUILDING LICENCE APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
02/09/2016	A11644 A1762	2210 (Lot 201) Jindong-Treeton Road, Rosa Brook	Water Tank	216379
01/09/2016	A5212	Lot 115 Tunbridge Street, Margaret River	Occupancy Permit	216378
30/08/2016	A7581	895 (Lot 2232) Treeton Road, Cowaramup	New Dwelling	216374
30/08/2016	A11539	57 (Lot 311) Kevill Road East, Margaret River	Dwelling Additions	216375
30/08/2016	A182	38 (Lot 69) Bovell Avenue, Margaret River	Ancillary Dwelling	216376
29/08/2016	A6163	2 (Lot 134) Beech Drive, Margaret River	Balcony	216373

SUBDIVISIONS DETERMINED

Date Rec'd	Officer	DA No.	Address	Description of Matter	Recommendation
28/07/2016	Johan Pienaar	P216392	Lot 403 Caves Road, Margaret River	Subdivision	Conditional Support
28/07/2016	Matt Cuthbert	P216393	Lot 13 Ashton Street, Margaret River	Subdivision	Conditional Support
29/07/2016	Matt Cuthbert	P216397	12 (Lot 43) Coronation Street, Margaret River	Subdivision	Not supported
19/08/2016	Lucy Gouws	P216442	182 (Lot 9) Railway Terrace, Margaret River	Survey Strata	Conditional Support
19/08/2016	Angela Satre	P216443	21 (Lot 3) Darch Road, Margaret River	Subdivision	Conditional Support

LEVEL 1 APPLICATIONS for determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
01/06/2016	Lara Hoole	34 (Strata Lot 3 & Strata Lot 10 of Lot 283) Fearn Avenue Margaret River	Change in Use (Office to Shop (Beauty Therapy))	Cancelled – Planning approval not required as the change in use is parking neutral	P216298

29/07/2016	Matt Slocomb	3 (Lot 312) Noreuil Circuit Cowaramup	Dwelling and Ancillary Dwelling	Approved	P216399
25/08/2016	Lucy Gouws	28 (Lot 64) Mann Street Margaret River	Dwelling Additions (Outbuilding)	Approved	P216451

LEVEL 2 APPLICATIONS for determination under delegation

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
31/05/2016	LH	3 (Lot 75) Nixon Crescent, Margaret River	Holiday House	Approve	P216296
1/04/2016	MS	124 (Lot 3) Bussell Highway, Margaret River	Small Bar	Application referred to Council for consideration and decision	P216186
7/07/16	AS	13 (Lot 24) Copse Way, Cowaramup	Outbuilding	Approve	P216359

LOCAL LAW PERMITS

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
26/06/2016	Ian McLeod	Reserve 18451 - September 2016 to September 2017	Awarded permit by expression of interest to Spice Odyssey - Rotary Park carpark	Approved	P216478

OTHER APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
11/08/2016	Brad Roberts	Reuther Park, Reserve 40407 Wallcliffe Road, Margaret River	Public Event on Shire Property - VW Car Club WA Show and Shine - 30 October 2016	Approved	P216423

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.

CLOSURE OF MEETING





**DEVELOPMENT APPLICATION ASSESSMENT (DAU)
Report to Manager Planning and Development Services**

Proposed Holiday House : 3 (Lot 75) Nixon Crescent Margaret River

Major (Level 2)

P216296; PTY/3228

REPORTING OFFICER : LH
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	801sqm
Zone	Residential (R15)
Existing Development	<input checked="" type="checkbox"/> Single House <input type="checkbox"/> Grouped Dwelling
Nature of application	<input checked="" type="checkbox"/> New application <input type="checkbox"/> Renewal
Proposed use	Proposed Holiday House to accommodate a maximum of six (6) guests.
Permissible Use Class	'A' – discretionary use
Advertising Required	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Reason not exempted from planning approval?	Discretionary uses are not permitted unless the Shire exercises its discretion by granting development approval.
Heritage/Aboriginal Sites	N/A
Encumbrance	N/A
Date Received	31/05/2016
Date of Report	29/08/2016

Location Map



The



Planning History

P216282 – Compliance Illegal Use of Dwelling as Short Stay was registered on 23/05/2016. Application for Holiday House use was lodged (the subject of this assessment). Matter concluded 31/05/2016.

Building licences for a dwelling, balcony extension and swimming pool were

	issued in 1987, 1988 and 2016 respectively.	
Is the application same as previous?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
Has the application been advertised to adjoining landowners?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Have there been any objections?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Have there been any substantial changes to the LPS1 or Policy?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
Comments Received		
Nature of Submission	Comments Received	Officer Comment
Private Submission <u>Objection</u>	<ul style="list-style-type: none"> Holiday House use has not ceased. How can Holiday House be operating without Shire Approval? The 'Margaret River Holiday House Policy Map' does not include the entire property to be within the 300m town catchment area. This is a family orientated, friendly, quiet neighbourhood in which many have resided for over 16years. No consideration for their neighbours, especially the existing Bed & Breakfast (Barrett Street) and Studio Apartment (Elva Street) as the owner lives in Perth. Holiday House (Large) is required to be on a lot over 1,000sqm if zoned residential or opposite an area of natural beauty? Main concerns are noise impacts. How can the restriction of no amplified music between 10pm and 10am be policed? Is it written in big bold letters on their website? Guests would not pay attention to this. A Holiday House in Barrett Street no longer in operation due to ongoing noise complaints is an example that guests do not care about noise policies. During winter the noise will not be as impacting, due to guests tending to stay indoors due to inclement weather, but in summer it will be different. Direct overlooking from upper and lower decks directly surrounding backyards and residential dwellings. The Planning Policy requires a sealed crossover onto a sealed road, of which the crossover is not sealed. The property cannot house 4 cars. The guests for the last 8 to 10 weeks tend to park on the lawn area, which has not been marked as a car bay on the plans. The character and amenity of the surrounding area is not suitable for a holiday house and will not co-exist in a built up quiet residential zone. 	<p>The landowner was contacted and advised that Holiday House use requires planning approval. An application seeking approval was subsequently lodged (the subject of this assessment). The applicant/landowner has been working with the Shire during the application process to address issues raised during the submission period and providing information to comply with the Shires requirements under the Holiday House policy.</p> <p>The site is identified as being predominantly located within the 300m Town Catchment area and can therefore be considered under the provision of the Shire's Holiday House Policy.</p> <p>The applicant has provided a comprehensive list of terms and conditions of stay that the guest must adhere to, including (but not limited to) the following:</p> <ul style="list-style-type: none"> Parties are not permitted; Noise restrictions between 10pm to 10am; The use of the site must not conflict with the residential amenity and must comply with all the other requirements; Guests not to exceed the maximum no. of six; Offensive noise is prohibited and may result in termination of stay, eviction and loss of bond; Pets are not permitted; Guests are to park in accordance with new parking plan. <p>In complying with the Health Regulations in regards to space and ventilation the maximum number of guests is reduced from eight to six. This will further assist in reducing negative impacts.</p> <p>The applicant has visited surrounding landowners and provided a card with contact details and encouraged neighbours to call the manager or herself if issues arise with guests. A condition of holiday house approval is that a sign is posted at the front of the site in clear view with 24/7 manager and landowners contact details.</p> <p>Privacy screening along a section of the western fence has been provided and privacy screening on the upper floor of the western elevation will also be provided. For majority of the back yard screening is provided by well-established trees, plants and shrubs.</p> <p>A sealed crossover is provided in the Acceptable development section of the policy but alternatively may not have to be provided if the access is provided in a way which does not disrupt the quiet enjoyment of surrounding properties. The use is considered low key, similarly to that of a single dwelling and a sealed crossover is therefore not required.</p> <p>If approved an initial approval for Holiday Houses is for 12months. A new application and approval is required to be lodged prior to the expiry of the 12month approval, at which time the surrounding landowners will be provided with an opportunity to comment on the operation of the Holiday House use in accordance with</p>

		the conditions of planning approval.
Private Submission Objection	<ul style="list-style-type: none"> Proposed Holiday House has already been in use. Bottles have been thrown into my backyard and thrown at my dog, who barked when party people got out of control. No privacy as the balcony overlooks my backyard. 	<p>Applicant has advised that there were issues with long term tenants who resided previously at 3 Nixon Crescent and have since vacated.</p> <p>Some privacy screening is being provided in addition to existing well established vegetation along the boundaries on the backyard that will provide screening.</p>
Private Submission Objection	<ul style="list-style-type: none"> Our property is next door to a property that has approval for Holiday House let. There has been several years of noisy parties. We recently objected to, together with most of the surrounding residents, to that application, which was nevertheless granted. Elva and Nixon Crescent are quiet residential streets and it is not the right location for holiday homes. Holiday Homes attract large groups of people, who have no respect for the surrounding neighbours, often partying until late into the night. Additional vehicles with little respect for parking safely. Policies and rules that aim to limit noise are often disregarded so it is up to the neighbours to lodge complaints and keep records of such behaviour. I am disappointed that the Shire approves these type of applications with little regard to the location and the neighbours' concerns. The property is currently listed and operating with Leeuwin Holiday Rentals. The fact that they are already renting the property without Shires approval means that their application is automatically refused. 	<p>There are two approved Bed & Breakfasts and two Holiday Houses approved within 100metres of the proposed Holiday House (the subject of this assessment). A Holiday House in Barrett Street was refused in 2011. It is noted that the Holiday House (Large) was in operation for ten years prior with no planning approval and appears that it was not managed very well. An application with reduced numbers of guests from 10 to 8 and comprehensive management plan was submitted for reconsideration and was approved for initial 12months trial period. The use did not commence and a new application for a Holiday House in 2016 was submitted and an approval for a trial period of 12months was issued.</p> <p>The Shire has been advised that a private rental in the area that the tenants used the premises for their band to rehearse often late into the night with additional guests causing noise impacts in the area. There has also been another long term rental in the area that caused a nuisance with a couple constantly arguing.</p> <p>It would appear that history of the amenity of the area has not been a peaceful residential area and that a Holiday House (Large) and long term rentals have not been managed well, causing distress to local residents. Planning approvals are granted subject to applicants meeting the conditions of approvals, which aim to minimise negative impacts. The inclusion of a Holiday House use into Local Planning Scheme No. 1 and Local Planning Policy have been introduced with the intent to provide management tools and controls to minimise impacts on surrounding landowners.</p> <p>Surrounding landowners are encouraged to contact 24/7 manager or landowners early if there are noise issues and report specific incidences to the Police or the Shire.</p> <p>The Local Planning Scheme No. 1 enables approvals of retrospective use and development.</p> <p>The Applicant has been working with the Shire's Planning Services to comply with the planning framework and if managed in accordance with the proposed management plan, impacts will be minimized.</p>
Private Submission Objection	<ul style="list-style-type: none"> The main objection is to noise. A quiet residential block nestled in against the forest, with family homes. Late arrivals and main aim of booking is to get together parties. Pets if they are brought alone and then left all day. In town full of accommodation venues is it necessary to develop one in such an obviously quiet residential block? 	<p>Terms and Conditions of stay, management plan and house rules are provided to mitigate impacts.</p> <p>The location is identified in the Policy as being within an appropriate location for Holiday House use close to the main street restaurants, shops, cafes, entertainment facilities, visitor centre, walk trails and the Margaret River.</p>
Private Submission Objection	<ul style="list-style-type: none"> I purchased this property because it is in a peaceful residential area and with expectation that it will remain an area for long term residents only. Local Planning Scheme No. 1 Clause 5.26.4 which states: Holiday houses are generally 	<p>There has been a Bed & Breakfast approved and operating in the area since 1997. Living in close proximity to a town centre as a town grows in population there is an expectation that over time town centre, mixed uses, and residential uses will expand and increase in density as population increases.</p> <p>The property is identified as within 300m of the Town</p>

	<p>considered appropriate within coastal communities of the local government area or within close proximity to major tourist attractions but are not considered to be appropriate within the residential districts of inland settlements. Nixon Crescent does not fall into any of these areas.</p> <ul style="list-style-type: none"> • Council should abide by its own planning scheme and refuse this application to safeguard the residential amenity expected by those affected by the above application. • Concerns of increase in noise from holiday makers plus the privacy of my backyard is further compromised because of extensions. 	<p>Centre Catchment Area and is considered appropriate location in the Local Planning Policy. Some screening is proposed, in addition with existing vegetation that provides screening.</p>
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Policy Requirements

Policy Element	Provision	Comment
1. Location	Coastal settlement; or	N/A
	Adjoins fronts or is within an area of "significant tourist attraction"; or	√ Within 300m Town Catchment Area.
	Does not adjoins, fronts or is within an area of "significant tourist attraction but exceeds 1000m ² in area.	N/A
	R2.5 and R5 coded lots not sharing boundaries with more than 3 lots.	N/A
	Does the proposed <u>Holiday House (Large)</u> in an urban area meet the zoning and or location requirements under AD1.4 of the policy?	N/A – the guest numbers are reduced to 6
	R30 density code or lower for Holiday Houses within grouped dwellings.	N/A
	None of the Above	<input type="checkbox"/>
2. Occupancy	Does the proposed number of guests six (6) comply with the acceptable development criteria?	√ Yes <input type="checkbox"/> No
3. Amenity	Have there been any complaints since previous approval?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
	Complies with the objectives and provisions of the zone?	√ Yes <input type="checkbox"/> No
	For <u>Holiday House (Large)</u> , is sufficient information provided to assess potential impacts on local amenity.	<input type="checkbox"/> Yes <input type="checkbox"/> No √ N/A
4. Design	Is the dwelling <u>of sufficient size</u> to cater for intended number of guests?	√ Yes For six guests. <input type="checkbox"/> No
	Is the dwelling <u>sufficiently serviced</u> to cater for intended number of guests?	√ Yes <input type="checkbox"/> No
	Sufficient potable water supply?	√ Yes <input type="checkbox"/> No Connected to reticulated water..
	Sealed Crossover	<input type="checkbox"/> Yes √ No
5. Management	Emergency Response Plan and Fire Management Plan submitted?	√ Yes <input type="checkbox"/> No
	Management Plan submitted?	√ Yes <input type="checkbox"/> No
	No amplified music between 10pm & 10am	Require as a condition
	Display the manager's 24hr contact details	Require as a condition
6. Period of approval	√ 12 months <input type="checkbox"/> 3 years	

Any discretionary considerations under LPP7's performance criteria.

The proponent has demonstrated that the proposed use, if managed in accordance with the conditions of approval, is unlikely to result in adverse impacts on the amenity of neighbouring properties. The crossover is not sealed. Holiday House use to accommodate 6 guests is a low key use similar to that of a residential dwelling. The driveway is less than 10metres long and will be accessed at low speed. It is considered that vehicles entering and

	<p>existing will not cause impacts to surrounding landowners meeting the performance criteria of the Holiday House policy.</p> <p>The proposal also complies with the provisions of LPS1 including the objectives of the zone.</p> <p>The concerns raised during the notification period have been addressed such that there is not considered to be an unacceptable risk of impacts to the amenity & character of the area. The proposed Holiday House use is recommended for twelve (12) months. A new application and approval is required to be lodged prior to the expiry of the 12month approval, at which time the surrounding landowners will be provided with an opportunity to comment on the operation of the Holiday House use.</p>
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OFFICER RECOMMENDATION

That the Statutory Planning Coordinator 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 a Holiday House use of Existing Dwelling at 3 (Lot 75) Nixon Crescent, Margaret River subject to compliance with the following conditions:

CONDITIONS

1. 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 received at the Shire on 26 August 2016. P2 & P3 received at the Shire on 31 May 2016.
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2. The Holiday House use is limited to a period of twelve (12) months from the date of this approval. (P) (Refer to advice note 'a')
3. The existing driveway on the site shall be upgraded to the satisfaction of the local government to ensure suitable access to the identified car parking bays.
4. An Emergency Response Plan (i.e. fire escape route maps and other details as required) and Fire Management Plan shall be prepared and submitted to the Shire prior to commencement of the use. The Emergency Response Plan and Fire Management Plan shall be displayed in a conspicuous location within the dwelling at all times. (P)
5. A Manager or a contactable employee of the manager that permanently resides no greater than a 1 hour drive from the site shall be nominated for the Holiday House and this person shall attend to any callout within 1 hour of a reported incident. The manager or contactable employee is to be retained at all times during the use of the site as a Holiday House. (Refer advice note 'b') (P).
6. The 24 hour contact details of the manager and owner of the Holiday House shall be visible on the property from the nearest street frontage and maintained to the satisfaction of the Shire. (Refer advice note 'c') (P)
7. All vehicles & boats connected with the premises shall be parked within the boundaries of the property. (P)
8. The short stay use of the grouped dwelling shall not be occupied by more than **six (6)** people at any one time. (P)
9. Amplified music shall not be played outside of the Holiday House between the hours of 10pm and 10am.
10. 'House Rules' shall be developed prior to the commencement of use. Thereafter the 'House Rules' shall be provided to all guests and shall be displayed within a prominent position within the Holiday House. (Refer advice note 'f') (P)
11. Privacy screening and landscaping shall be maintained to a height 1.6m above finished floor level for the ground floor western elevation and upper floor western elevation 'as marked in red' on the approved plans in accordance with the Residential Design Codes.

ADVICE NOTES

- a) Following satisfactory performance of the approved use, and in the absence of any substantiated complaints over the twelve (12) month approval period, the Shire may grant further planning approval for the continuation of the use for a further three (3) years. A new planning application seeking such approval should be submitted 90 days before the expiry of this approval, along with the appropriate planning fee. (P)
- b) In relation to condition 5, if at any time there is not an appointed manager or a contactable employee of the manager for the site, the use must cease until such time as a manager is appointed. (P)
- c) A sign limited to a maximum of 0.2 square metres and not exceeding 1.5 metres in height from ground level may be erected at the property frontage and within the property. (P)
- d) This approval does not affect the entitlement to use the dwelling for permanent residential purposes. (P)

- e) You are advised of the need to comply with the requirements of the following other legislation:
 - (i) *Health Act 1911* and Department requirements in respect to the development and use of the premises;
 - (ii) The *WA Building Regulations 2012* (r.59) requires that the owner of a dwelling (as defined in the Building Code of Australia) must not make the dwelling available for hire unless hard wired, battery backup smoke alarms are installed, complying with the Building Code of Australia and AS3786.
- f) The 'House Rules' document shall be consistent with key elements of the NSW Code for Holiday Houses (please refer to the attached document). (P)



**DEVELOPMENT APPLICATION ASSESSMENT (DAU)
Report to Manager Planning Services**

Proposed Dwelling Additions (Outbuilding) at 13 (Lot 24) Copse Way Cowaramup

Major (Level 2)

P216359; PTY/12199

REPORTING OFFICER : **Angela Satre**
DISCLOSURE OF INTEREST : **Nil**

General Information	
Lot Area	1400m2
Zone	Future Development (R10)
Proposed Development	Outbuilding ancillary to (future) dwelling as follows: <ul style="list-style-type: none">• 96m2 floor area;• 3.1m wall height; and• 3.6m ridge height. The proposal involves a variation to the Rcodes deemed to comply standards at clause 5.4.3 in relation to the floor area of the outbuilding exceeding the 60m2 guideline.
Permissible Use Class	'P' permitted subject to approval
Heritage/Aboriginal Sites	No
Encumbrance	Notification – Noise & proximity to LIA, FMP & rainwater tank strategy. Covenant – No vehicle access to / from Treeton Road. Encumbrances to this title do not have implications to this application.
Date Received	07/07/2016





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	<i>Local Planning Policy 1 – Outbuildings (LPP1)</i>
Officer Comment	The proposal complies with the 3.1m wall height guideline under LPP1.
Structure Plans and Local Development Plans (DAP)	
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	<i>Lot 9501 Bussell Highway & Lot 9500 Waverley Road Structure Plan (the Structure Plan), October 2014</i>
Officer Comment	Relevant to the lot in question, the Structure Plan includes a revegetation buffer strip along the northern boundary of the site to a width of 5m. The buffer is in place. The proposal was amended by the applicant to show a 5m setback from the rear of the site which accommodates the existing buffer. It is noted that the buffer will screen the proposed shed to the north.
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: 2
Submission	Comment
Two submissions were received; one of support from an adjoining affected neighbour and one objecting to the proposal with the following comments received: <ul style="list-style-type: none"> At the time the Estate was established, the developer's sought to apply a restrictive covenant that specified that lots not exceeding 2700m² should have a maximum shed area of 70m² with a maximum 3.5m height. The proposal is a significant size for a 'residential environment', will occupy a substantial portion of the rear yard, is largely 	It is noted that the shed would be approximately 50% greater than the 60m ² area guideline under the Rcodes. Although sheds larger than the 96m ² sought, would potentially raise concerns and be out of character with the locality, the proposal is considered acceptable in spite of this variation and for the following reasons: <ul style="list-style-type: none"> The shed is at the rear of the

<p>industrial in appearance and easily visible from adjoining lots and nearby streets. The restrictive covenant also requires outbuildings to be constructed of materials consistent with the material used in the dwelling. The proposed size of the shed is 'more than a 50% increase over the size permitted under the R Codes' and is more suited to significantly larger lots.</p>		<p>site and would be screened to the north by an existing landscaped buffer therefore mitigating potential adverse streetscape impact.</p> <ul style="list-style-type: none"> The wall & ridge heights are consistent with the guidelines. The proposed development on site more than complies with the open space requirements under the Rcodes. <p>In support of the proposal the proponent advises that the shed is needed to store a boat and camper trailer (requiring two roller doors) - & for general storage.</p> <p>The concerns of the submitter are considered to have been adequately addressed in the application & conditional approval is recommended.</p>		
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	
R Codes				
Are R Codes applicable? R10		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Design Element	Policy / R Codes Req	Provided	Officer comment	
Sides Setback	1.0m	1.0m	Complies	
Rear Setback	5.0m (as per Structure Plan)	5.0m	Complies	
Overlooking	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Complies	
Open space	60%	73%	Complies	
Clause 5.4.3 Outbuildings	Clause 5.4.3 Outbuildings - The proposed shed would be at the rear of the dwelling and screened from the adjoining road and in this regard meets the relevant design principles under the Rcodes. Although larger than the 60m2 guideline, the size of the shed is not inconsistent with the size of the lot in question which is reasonably large at 1400m2. The proposal meets the relevant design principles under the Rcodes clause 5.4.3.			
Development Standards (Schedule 13)				
Are the development Standards applicable?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Building Height				
LPP1 - Policy Requirement	Wall – 3.1 m	Roof – 4.5m		
State the proposed building height	Wall -3.1m Roof – 3.6m	<input checked="" type="checkbox"/> Complies	<input type="checkbox"/> Doesn't Comply	
Clause 67				
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?				
Officer Comment	Yes – additionally colours of the shed are recommended to be required to be nonreflective.			
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		
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?	n/a		
Other Comments				
Any further comments in relation to the application?				
Officer Comment	The proposal generates a requirement for planning approval for the proposed variation to the floor area guideline. The concerns raised in the objection received are considered to have been met in the proposal which meets the design principles under			

the Rcodes. Conditional approval is recommended.

OFFICER RECOMMENDATION

That the Acting Manager Planning 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 Dwelling Additions (Outbuilding) at 13 (Lot 24) Copse Way Cowaramup subject to compliance with the following conditions:

CONDITIONS

1. 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 – P4 received at the Shire offices on 7 July 2016.
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2. 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)
3. The outbuilding(s) shall be used solely for purposes incidental and ancillary to the authorised use of the land. (P)
4. The outbuilding shall not be used for human habitation. (P)
5. 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 issued with, or after, a building permit has been issued for a dwelling on the site. (P)
6. The walls and roof of the building shall be clad in a non-reflective material and painted in a colour of natural or earth toning consistent with the existing landscape and existing development. To this end, reflective materials (including but not limited to 'silver' sheeting) or reflective colours as cladding/external painting (including but not limited to white, cream, off white or pale grey) are prohibited. (P)
7. The outbuilding, the subject of this development approval, shall be setback a minimum of five (5) metres from the Treeton Road boundary to mitigate impacts to the landscape buffer that exists within this rear five metre setback area.

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.