

**DEVELOPMENT ASSESSMENT REPORT**  
**Shire of Augusta Margaret River**  
**16 May to 22 May 2024**

**APPLICATIONS RECEIVED**

Date Rec'd	Reference No.	Address	Proposal
<b>PLANNING</b>			
16/05/2024	P224342	5 (Lot 370) Storm Bay Road, Augusta	Holiday House Renewal
17/05/2024	P224343	33 (Lot 1003) Wallcliffe Road, Margaret River	Events (Night Market)
17/05/2024	P224344	50 (Lot 232) Elva Street, Margaret River	Sea Container
17/05/2024	P224346	5 (Lot 402) Cockatoo Place, Karridale	Development outside building envelope (water tank) & Bed and Breakfast
20/05/2024	P224347	Unit E, 12 (Lot 1) Station Road, Margaret River	Holiday House
20/05/2024	P224349	197 (Lot 19) Blackwood Avenue, Augusta	Alterations and addition to single house (Garage) and Outbuilding
21/05/2024	P224351	5839 (Lot 940) Caves Road, Margaret River	Outbuilding (Shed) extension
21/05/2024	P224352	59 (Lot 188) Marmaduke Point Drive, Gnarabup	Holiday House
<b>BUILDING</b>			
16/05/2024	224291	12 (Lot 367) Rosewood Ramble, Margaret River	Swimming Pool
16/05/2024	224292	12 (Lot 367) Rosewood Ramble, Margaret River	Swimming Pool Barrier Fence
16/05/2024	224293	22 (Lot 24) Kulbardi Way, Witchcliffe	Single Dwelling, Carport, Store, Pergola, Patio and Rainwater Tanks
16/05/2024	224294	5 (Lot 2) Mansfield Avenue, Margaret River	Shed
16/05/2024	224295	11292 (Lot 15) Bussell Highway, Forest Grove	Farm Building (Shed/Horse Shelter)
16/05/2024	224296	12 (Lot 142) Mulberry Mews Cowaramup	Shed
22/05/2024	224297	132 (Lot 654) Bussell Highway, Margaret River	Canopy to existing Coles Supermarket
22/05/2024	224298	310 (Lot 1002) Rowe Road, Witchcliffe	Occupancy Permit
22/05/2024	224299	5 (Lot 30) Secluded View, Cowaramup	Ancillary Dwelling
22/05/2024	224300	7 (Lot 214) Waler Place, Margaret River	Single Dwelling
22/05/2024	224301	17 (Lot 382) Jacaranda Crescent, Margaret River	Patio
22/05/2024	224302	34 (Lot 345) Firetail Rise, Karridale	Single Dwelling & Water Tank
22/05/2024	224303	43 (Lot 258) McManus Circuit, Witchcliffe	Single Dwelling
22/05/2024	224304	4 (Lot 55) Merchant Street, Margaret River	Double Carport
22/05/2024	224305	17 (Lot 2) Wurriji Place, Witchcliffe	3 x Sheds & 2 Water Tanks
22/05/2024	224306	3 (Lot 222) Lumber Crescent, Karridale	Shed
<b>Exploration Licenses for Comment</b>			
Nil			

**APPLICATIONS DETERMINED UNDER DELEGATION**

Date Rec'd	Reference No.	Address	Proposal	Outcome
<b>PLANNING</b>				
18/10/2023	P223667	5690 (Lot 58) Caves Road, Burnside	Single House and Outbuilding	Approved
28/03/2024	P224232	54 (Lot 1040) Heron Drive, Margaret River	Development outside of the Building Envelope - Outbuilding (Shed)	Approved
26/04/2024	P224304	173 (Lot 4570) Clayton Road, Treeton	Farm Building	Approved

SUBDIVISIONS				
Nil				
LOCAL LAW PERMITS				
06/05/2024	P224335	Gracetown Swimmers Beach, Bayview Drive Gracetown	Authorisation to film on Shire Reserve - University assignment (Music Video) - 24/25 May 2024	Approved
13/05/2024	P224341	Rosa Brook Oval, Reserve 19566, Rosa Brook Road, Rosa Brook	Renewal Local Law permit to operate dog agility classes	Approved

### LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
28/02/2024	P224159	15 (Lot 8) Tyrone Loop, Margaret River	Outbuilding (Shed)	Refusal

### 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.



## General Details

<b>Reporting Officer</b>	Grace Graham
<b>Disclosure of Interest</b>	Nil
<b>Assessment Level</b>	Major Level 3

## Application Details

<b>Address</b>	15 Tryone Loop, Margaret River			
<b>Proposed Development</b>	Outbuilding (Shed)			
<b>Zoning</b>	<b>R15 Residential</b>			
<b>Lot Area</b>	<b>948sqm</b>			
<b>Use Class and Permissibility</b>	'P' Permitted			
<b>Heritage/Aboriginal Sites</b>	none			
<b>Other Considerations</b>	Visual Management Area	<input type="checkbox"/>	Sewerage Sensitive Area	<input type="checkbox"/>
	Special Control Area	<input type="checkbox"/>	Watercourses/Rivers	<input type="checkbox"/>
	Bushfire Prone Area	<input checked="" type="checkbox"/>	Environmentally Sensitive Areas	<input type="checkbox"/>
<b>Structure Plans/LDP's</b>	SPA 17 - Outline Development Plan Area No.8 Provisions Lot 51 Wise Road and Lot 52 Wallcliffe Road			
<b>Easements/Encumbrances</b>	Stormwater easement on front of lot – does not affect this proposal			
<b>Why is Development Approval</b>	Within 10m rear setback landscape buffer – as per SPA 17			

## Site Image



## Assessment

Referrals	Yes	No
Adjoining Neighbours/Property Owners	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Government Agencies	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Internal Shire Departments	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Where any objections received? – <b>2 Objections</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Where any issues raised through the referrals process?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Community Engagement		
Submitter	Submitter Comments	Officer Comments
Private Submitter 1	Outbuilding (Shed) is within 10m rear vegetation protection and landscape buffer – Privacy on boundary to neighbouring properties.	Noted – this objection is reflective of the Outline Development Plan Area No.8 Provisions Lot 51 Wise Road and Lot 52 Wallcliffe Road item 5.
Private Submitter 2	Management of stormwater/runoff from the roof area of the shed. Potential issues with pooling to rear of block with current roof design.	Noted – this would be resolved via design of roof and standard stormwater condition.

Policy Framework	Yes	No
Does the proposal involve variations to the Residential Design Codes?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Does the proposal involve any variations to Scheme Requirements?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Does the proposal involve any variations to Policy Requirements?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other matters that require discretion (Vegetation Removal)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Policy Requirements

Outbuildings		
Standard	Required	Provided
Outbuilding Area	60sqm	9 x 4.5m = 40.5sqm – Complies
Height	3.6 Median skillion	2.85m - Complies
Setback (Side)	1m	1m – Complies
Setback (Rear)	10m Landscape Buffer	0.5m – <b>Variation</b>
Location	Behind rear elevation of Dwelling	Complies

## Discussion

Planning approval is sought for an outbuilding (shed) that is within the 10m rear boundary vegetation protection and landscape buffer setback, as per the Outline Development Plan SPA 17.

### Planning Background

The subject lot was created via subdivision Town Planning Scheme No.17 Amendment No. 21 approved in 2006. As per LPS1 SPA 17 “*Subdivision and/or development shall be generally in accordance with the adopted Structure Plan (Outline Development Plan 03249P-10 dated 25 21/7/2006 specifically relating to landscaping and landscape buffers, or a subsequent Structure Plan and/or Local Development Plan approved in accordance with the Deemed Provisions*”.

The objective of the subdivision as per item 3 is “*Lot 51 Wise Rd and Lot 52 Wallcliffe Road shall be developed into a high standard clustered freehold residential subdivision that compliments surrounding land uses and natural landscape character.*”





Figure 1 2004 aerial image prior to subdivision approval.

Figure 1 above shows the site prior to subdivision approval and demonstrates the amount of vegetation on the block at the time of subdivision approval. It also shows the differences in the zoning between the higher density R15 residential lots and lower density R5 lots to the South & West. Protecting and maintaining vegetation on the site throughout was a key condition of the subdivision, demonstrated by the incorporation of item 5 in the outline development plan.

#### Landscape Buffer

The proposed outbuilding is located within the 10m rear landscape buffer. The existing dwelling has been positioned with its rear elevation running along the full length of the 10m landscape buffer, leaving no remaining developable area without impacting on the landscape buffer.

Although there is no vegetation proposed to be removed onsite to build the outbuilding, allowing development within the landscape buffer would be inconsistent with the intent of screening development to the R5 lots to the rear.

The landscape buffer is used to minimise any adverse impacts of intensified residential development on surrounding neighbouring properties. It is evident through objections received that there is a community expectation that development be screened in this area, which reflects the character of development on the R5 lots.

While the ODP includes a 10m landscape buffer setback, the proposed outbuilding was also considered in the context of the standard R-Codes setback provisions of Table 2a. The proposed outbuilding would be required to be setback 1m from the rear boundary if the Table 2a were to apply. The proposed outbuilding is setback 500mm from the rear boundary presenting a variation to the standard outbuilding setback requirements of the R-codes. Furthermore, a wall less than 600mm from a boundary is considered as a boundary wall by the R-codes. The proposed outbuilding setback is closer to the rear boundary than would be expected in a standard residential setting, let alone where a specific setback control has been applied to transition between density codings.

The proposed 500mm setback and location of the outbuilding within the landscape buffer area is considered in appropriate in this context and is not supported. The proposal will introduce development into an area not intended for development, with little to no way of mitigating its impact.

#### **Determination**

**That the Acting Manager of Planning and Regulatory Services Refuse to 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 Outbuilding (Shed) at 15 (Lot 8) Tyrone Loop, Margaret River subject to compliance with the following for the following reasons:**

1. The proposal is inconsistent with the objective of the Residential zone, under clause 4.2.4.1 of LPS1, as it does not conserve and enhance the established amenity of the area.
2. The proposal is inconsistent with SPA 17 the Outline Development Plan Area No. 8 Provisions Lot 51 Wise Road and Lot 52 Wallcliffe Road item 5, as it is located within the 10m rear boundary setback vegetation protection & landscape buffer.

3. The proposal is inconsistent with the Deemed Provisions 67 specifically subclauses:
- (h) given the development is inconsistent with SPA 17 Outline Development Plan Area No. 8 Provisions Lot 51 Wise Road and Lot 52 Wallcliffe Road items 3 & 5
  - (n) (ii) given the adverse impact the building would have to the distinct amenity/character of the area with wide setbacks to accommodate vegetation protection and landscape buffers;
  - (y) given submissions of objection received from affected neighbouring landowners; and
  - (zb) given insufficient justification has been provided for the proposed setback variation sought.

**ADVICE NOTES**

- a) Within 90 days from the date of this refusal the outbuilding shall be completely removed from the site to the satisfaction of the Shire. Failure to remove the outbuilding within this time will result in enforcement action, which may include prosecution.