8.1.4 PROPOSED OVERSIZE OUTBUILDING – LOT 709 (NO.18) RIFLE NORTH STREET, WAGIN

PROPONENT:	Briana Mason
	Gavin Townsend
OWNER:	Above
LOCATION/ADDRESS:	18 Rifle North Street, Wagin
AUTHOR OF REPORT:	Planning Assistant
SENIOR OFFICER:	Executive Manager Development &
	Regulatory Services
PREVIOUS REPORT(S):	Nil
DISCLOSURE OF INTEREST:	Nil
FILE REFERENCE:	A670
STRATEGIC DOCUMENT REFERENCE:	Nil
ATTACHMENTS:	1 Planning Application
	2 Schedule of submissions

OFFICER RECOMMENDATION

That the development application submitted by Briana Mason to construct an oversized outbuilding on Lot 709 (No.18) Rifle North Street, Wagin, be APPROVED subject to compliance with the following conditions and advice notes:

Conditions

- 1. The proposed development shall be undertaken in accordance with the information and plans submitted in support of the application subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by Council.
- 2. Any additional development which is not in accordance with the application the subject of this approval or any condition of approval will require the further approval of Council.
- 3. The outbuilding is for domestic purposes only and shall not be used for commercial, industrial or habitation purposes.
- 4. All drainage run-off associated with the development shall be contained on site or connected to the Shire's storm water drainage system to the satisfaction of the Chief Executive Officer
- 5. The property shall be maintained in a neat and tidy condition at all times to the satisfaction of the Chief executive Officer.
- 6. On the completion of the outbuilding, the existing driveway to the south is to be relocated to the middle of the property.

7. The proposed development shall be substantially completed within a period of two (2) years from the date of this approval. If the proposed development is not substantially completed within this period this approval shall lapse and be of no further effect. Where an approval has so lapsed, the proposed development shall not be carried out without the further approval of Council having first being sought and obtained.

Advice Notes

- 1. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and landowner and not the Shire to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the local government's attention.
- 2. This is a development approval of the Shire of Wagin under its Local Planning Scheme No.2. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant and landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
- 3. In accordance with the Building Act 2011 and Building Regulations 2012, a Building Permit Application must be submitted to and approved by the local government's Building Surveyor prior to the commencement of development, including any proposed earthworks.
- 4. The noise generated by any activities on-site including machinery motors or vehicles shall not exceed the levels as set out under the Environmental (Noise) Regulations 1997.
- 5. No construction works shall commence on the land prior to 7am without the local government's written approval. No construction works are permitted to be undertaken on Sundays or Public Holidays.
- 6. The applicants/landowners are reminded of their obligation to ensure compliance with the requirements of the Shire of Wagin Annual Fire Management Notice to help guard against any future potential bushfire risk.
- 7. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the Planning and Development Act 2005 and the Shire of Wagin Local Planning Scheme No.2 and may result in legal action being initiated by the local government.

8. If the applicants/landowners are aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be submitted to the State Administrative Tribunal within 28 days of the local government's determination.

BRIEF SUMMARY

Council's consideration is requested in regard to an application for an oversized outbuilding for domestic workshop and storage to be located at Lot 701 (No.19) Rifle North Street, Wagin. The proposal has exceeded the maximum allowable floor area and height as per the Shire Policy HBP.16 – Development of Outbuildings in the Townsite of Wagin and Council is requested to consider the proposed variation.

A full copy of the development application received, including supporting plans is provided in Attachment 1

BACKGROUND/COMMENT

The site comprises a single residential dwelling, a small outbuilding shed, and an existing round yard. The property is predominantly clear of vegetation, with only small remnants present. An aerial image of the site is shown below (Source: *PlanWA*.)



Adjacent properties, particularly those towards the south side (Hunt Street), consist of smaller lots averaging around 1000 square meters. Conversely, at the rear boundary of the property, towards Nenke Street maintain larger lot sizes, averaging approximately 16,000 square meters. Lot 709 – (no. 18) Rifle North Street stands as one of the larger lots in the area, zoned R17.5. It shares the same zoning designation with adjacent lots, both to the side and rear. The properties opposite the front boundary towards Rifle North Street are zoned as rural and consist of farming land, with a dwelling.

The proposed outbuilding is intended for personal storage and workshop purposes. The lot, zoned as Residential (R17.5), spans an extensive 18,227 square meters, with the current land use being a single residential dwelling. The proposed outbuilding details include an estimated cost of \$20,000, a ridge height of 4.7 meters, a mezzanine ridge height of 5.95 meters, and a total floor area of 520.33 square meters.

It is also noted that the proposal included a sea container attached to the proposed outbuilding. The sea container is approximately 12m x 2.35m and is proposed to be used for the secure storage for the applicants tool and equipment for personal use. As the proposed sea container is locate from any street view and attached to the proposed outbuilding, it is considered that this would not impact the visual amenity of the area.

Assessment and Compliance:

An assessment has been conducted in accordance with the Shire of Wagin Local Planning Scheme No.2 (LPS2), the Residential Design Codes, and the Shire of Wagin's Outbuilding Policy HBP 16. The review of these requirements has found non-compliance with the R-code provisions. Upon assessment against the Shire of Wagin Planning Scheme No. 2 and the State Planning Policy 7.3 Residential Design Codes 2021, specific deviations from the regulations were identified. The proposed outbuilding exceeds the maximum allowable floor area and ridge height outlined in the Shire Policy HBP.16 – Development of Outbuildings in the Townsite of Wagin.

Residential Design Codes Provisions Review: 5.4.3 Outbuildings

Upon review against the deemed-to-comply provisions outlined in the R-code Clause 5.4.3 Outbuildings deemed-to-Comply, the following findings have been made:

Design Principles (P3): The development commendably adheres to the fundamental design principle, ensuring that outbuildings do not compromise the streetscape's aesthetic appeal or the visual harmony of neighbouring properties. This aspect aligns with the overarching objective of preserving the overall visual amenity within the residential context.

Deemed-to-Comply (C3): In terms of deemed-to-comply requirements, the evaluation reveals the following observations: Assessed against the provision- C3: Pertaining to outbuildings associated with a dwelling site, reviewed as Large outbuilding. The development is appropriately categorised as a large outbuilding, as

its floor area exceeds the threshold specified for small outbuildings. With a floor area measuring 520.33m² including the mezzanine floor ((82.91m²) against a lot area of 18,227m², the development surpasses the permissible limit for small outbuildings. However, despite its classification as a large outbuilding, certain discrepancies have been noted:

The wall height surpasses the maximum allowable limit of 2.4m, with the highest mezzanine ridge height recorded at 5950 mm and the highest mezzanine eaves height at 5250 mm, thus exceeding the specified the deemed to comply provisions of the Residential Design Codes—. Additionally, the ridge height exceeds the prescribed maximum of 4.2m, further deviating from the stipulated guidelines.

The request by the applicant to have the proposed height and size of the outbuilding exceeding the maximum allowable under the residential Codes and the Policy on Outbuilding is required for the storage of larger vehicles such as a horse float and camper trailer and other personal vehicles.

Situated approximately 45 meters from the southern boundary and away from the main residential development to the south of the site, the proposed outbuilding also lies north of the existing residential building. Consequently, it would not adversely impact neighbouring residential properties to the south in terms of overlooking and overshadowing.

To the east and north of the subject property, the residential lots are very large lots ranging well above 1 hectare (10,000m²). It is also noted that these larger residential properties have large outbuildings similar to the proposal.

Based on the location, significant setback from the property boundaries and the very large size property, it is considered that the proposal would not significantly impact the surrounding Residential properties to the south.

Given the above assessment, it is recommended that the Council support the variation on the height and the total floor area.

Setback Compliance: The proposed setbacks for the development align with the requirements. The proposed front setback, which is 67 meters, meets and exceeds the minimum front setback requirement for Residential Zone R17.5, which is 6 meters.

Review against the Outbuilding Policy - Maximum Outbuilding Size & Height: The floor area and height of the shed exceed the stipulated maximums for lots over 2,000m² in the Residential Zone: 150m² for floor area, 4 meters for wall height, and 5.5 meters for ridge height.

As the proposed outbuilding is located approximately 45m away from the neighbouring residential buildings to the south and located to the side of the existing residential dwelling on the site, the wall and ridge height variation would not greatly impact the existing residential buildings to the south of the subject property.

Submissions

During the submissions period through the written notifications to adjoining properties, the following issues were raised:

Increased Traffic and Noise Level

There were concerns about the amount of traffic using the existing driveway to the south of the property, leading to a rise in noise levels. The applicant responded by explaining that the traffic primarily consists of family members visiting regularly. However, due to the proximity of the driveway to adjoining residential developments, the noise level could still be noticeable to neighbouring properties.

The applicant has stated that he intends to relocate the existing driveway to the middle of the property on the completion of the shed, which would significantly reduce the noise and traffic impact to adjoining properties

Concern with an enterprise or Business being operated from the property.

There were concerns regarding the possibility of an enterprise or business being operated from the property. The applicant clarified that while they possess residual plant and equipment from a previous business (including a small agitator truck, skid steer, and small excavator), these are intended for personal use in building the shed and undertaking landscaping and ground work on the property. The applicant gave assurance that no commercial business activities are planned on the property.

As a condition of approval, it is recommended that the shed is to be used for storage and domestic purposes and not to be used for commercial or habitation purposes.

CONSULTATION/COMMUNICATION

As a result of the non-compliance and variation in height and size, the adjoining landowners were notified to provide comments on the proposal.

Letters were dispatched on the 12th of February 2024, accompanied by the submitted plans. A 14-day period was provided for comments, and the consultation period concluded on the 26th of February 2024.

Three submissions were received regarding the proposed oversized outbuilding expressing concerns over various issues. The applicant was provided with these concerns and requested to address how they would be resolved.

Details of these submissions are included in Attachment 2 – Schedule of Submissions.

STATUTORY/LEGAL IMPLICATIONS

- Planning and Development Act 2005 (as amended)
- Planning and Development (Local Planning Schemes) Regulations 2015
- Shire of Wagin Local Planning Scheme No.2

POLICY IMPLICATIONS

- State Planning Policy 7.3 Residential Design Codes 2021 Volume 1
- Shire Of Wagin Policy Manual Health, Building & Planning Outbuilding Policy HBP16 Development Of Outbuildings In The Townsite Of Wagin

FINANCIAL IMPLICATIONS

The Application for Planning Consent fee of \$147 has at the date of writing the report, not been paid.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

SHIRE OF WAGIN LOCAL PLANNING SCHEME NO.2



FORM 1 - APPLICATION FOR DEVELOPMENT APPROVAL

Owner Details	
Name/s:	
BRIANA MASON	
ABN (if applicable):	
Postal Address:	, , , , , , , ,
18 RIFLE ST WAGIN	Postcode: 6315
Work Phone: Fax:	E-mail:
Home Phone:	
Mobile Phone: $\alpha_i \mathcal{O}^0 2 \mathcal{I} \mathcal{B} \mathcal{O} 3$	GANTONNSEND @ OUTLOOK. COM. A
Contact Person for Correspondence:	
Signature:	Date: 28/11/23
Signature:	Date:
 NOTES: i) Use and attach a separate copy of this page where there at ii) The signature/s of all registered owner(s) as listed on application cannot proceed without the required signature/s owner includes the persons referred to in the Planning Regulations 2015 Schedule 2 clause 62(2). Land owned by signed by: 1 director of the company, accompanied by the company 2 directors of the company; or 1 director and 1 secretary of the company; or 1 director if a sole proprietorship company. Print the full names and positions of company signatories utili) A copy of the Certificate of Title for all land the subject of purchased through Landgate directly if required. iv) Development Applications relating to Unallocated Crown I management order to the Shire of Wagin where the depurpose, or is used for commercial purposes, or land who Administration Act 1997 need to be referred to the Lands Definition and signing. Applicant Details (if different from owner)	the land's Certificate of Title is required. This is. For the purposes of signing this application and and Development (Local Planning Schemes) of an incorporated body (i.e. a company) must be seal; or inderneath the signatures. If this application must be provided and can be and, Unmanaged Crown Reserves, land under velopment is not consistent with the reserve's lich is subject to a lease issued under the Land
Name/s:	
Address:	
	Postcode:

Page 1

Work Phone:	Fax:	E-mail:			
Home Phone:					
Mobile Phone:					
Contact Person for Correspondence	ce:				
Signature:		Date:			
NOTES:					
Title, sufficient plans and other su application being returned or place	pporting information and don hold.	eation form, a copy of the relevant Certificate/s of d/or the correct application fee may result in the			
ii) The application fee payable will be Processing of the application will no	ii) The application fee payable will be confirmed by the local government following receipt of the application. Processing of the application will not commence until the fee is paid in full.				
2015 the information and plans	iii) As per Schedule 2 clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015 the information and plans provided with this application may be made available by the local government for public viewing in connection with the application.				
with the local government's adopte	ed schedule of fees and c	cal government an additional fee in accordance charges will be payable by the applicant. Further c advertising will not proceed until the additional			
v) The original of this application a government for its records and will	and supporting informate not be returned to the app	tion and plans will be retained by the local oplicant/landowner following final determination.			
Property Details					
NOTE: The details provided must mate	ch those shown on the rel	levant Certificate/s of Title.			
Lot No: 709	House/Street No: / '	8 Location No:			
	e of Title Volume No:	Certificate of Title Folio No:			
Plan No: 23185	085	412			
Title encumbrances (e.g. easementhe relevant Certificate/s of Title):	its, restrictive covenant	nts etc. as listed on the Second Schedule of .			
Street name:	Suburb:				
RIFLE NORTH STREET	WAGIN				
Nearest street intersection:					
Proposed Development:					
Nature of development: Works	s (New construction wo	orks with no change of land use)			
 ☐ Use (Change of use of land with no construction works) ☐ Works and Use 					
NOTE: If the proposal involves advert Advertisements form (i.e. a Form 2) mu		ional Information for Development Approval for mitted with this application.			
ls an exemption from development	claimed for part of the	development? Yes \(\subseteq No \(\subseteq \)			
If yes, is the exemption for: Wo	rks				

Description of proposed works and/or land use:	
BULLD MACHINERY/WORKSHOP	
Description of exemption claimed (if relevant):	
Nature of any existing buildings and/or land use:	
	Andrew School and
Approximate cost of proposed development (excluding GST):	
. []	
1\$20,000	
OFFICE USE ONLY	
Date application received:	
Received by:	in Aure of Children Street
Application reference number:	
Application fee payable: \$	
Date of receipt of application fee from applicant:	
Receipt number for application fee:	

3 -- 1

WESTERN



AUSTRALIA

REGISTER NUMBER
709/DP223185
LICATE DATE DUPLICATE ISSUED

DUPLICATE EDITION 1

18/4/2008

VOLUME 1085 FOLIO **412**

RECORD OF CERTIFICATE OF TITLE

UNDER THE TRANSFER OF LAND ACT 1893

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

Boroberts REGISTRAR OF TITLES

LAND DESCRIPTION:

LOT 709 ON DEPOSITED PLAN 223185

REGISTERED PROPRIETOR:

(FIRST SCHEDULE)

BRIANA JOY MASON OF 18 RIFLE NORTH STREET WAGIN WA 6315

(T P584809) REGISTERED 13/6/2023

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS: (SECOND SCHEDULE)

1. *P584810 MORTGAGE TO SECURE FUNDING PTY LTD REGISTERED 13/6/2023.

Warning:

A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.

* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.

Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND:

1085-412 (709/DP223185)

PREVIOUS TITLE:

684-184

PROPERTY STREET ADDRESS:

18 RIFLE NORTH ST, WAGIN.

LOCAL GOVERNMENT AUTHORITY:

SHIRE OF WAGIN

NOTE 1:

DUPLICATE CERTIFICATE OF TITLE NOT ISSUED AS REQUESTED BY DEALING

L454202

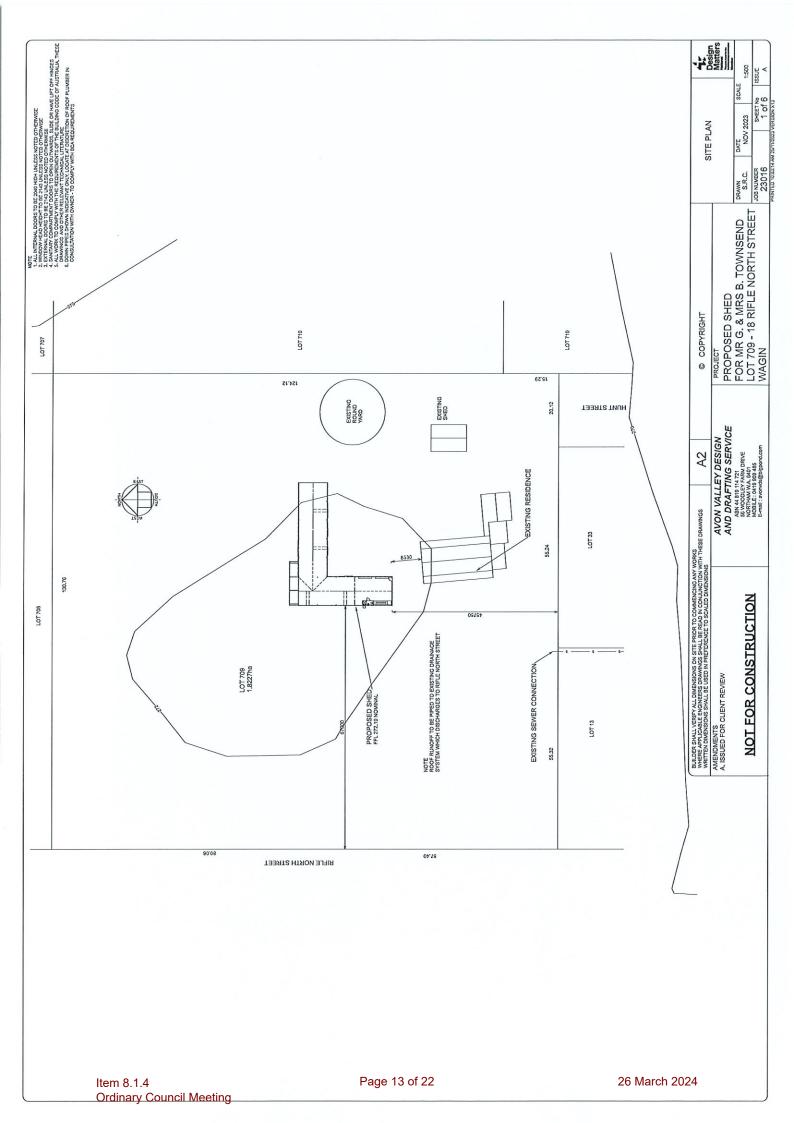
Landgate

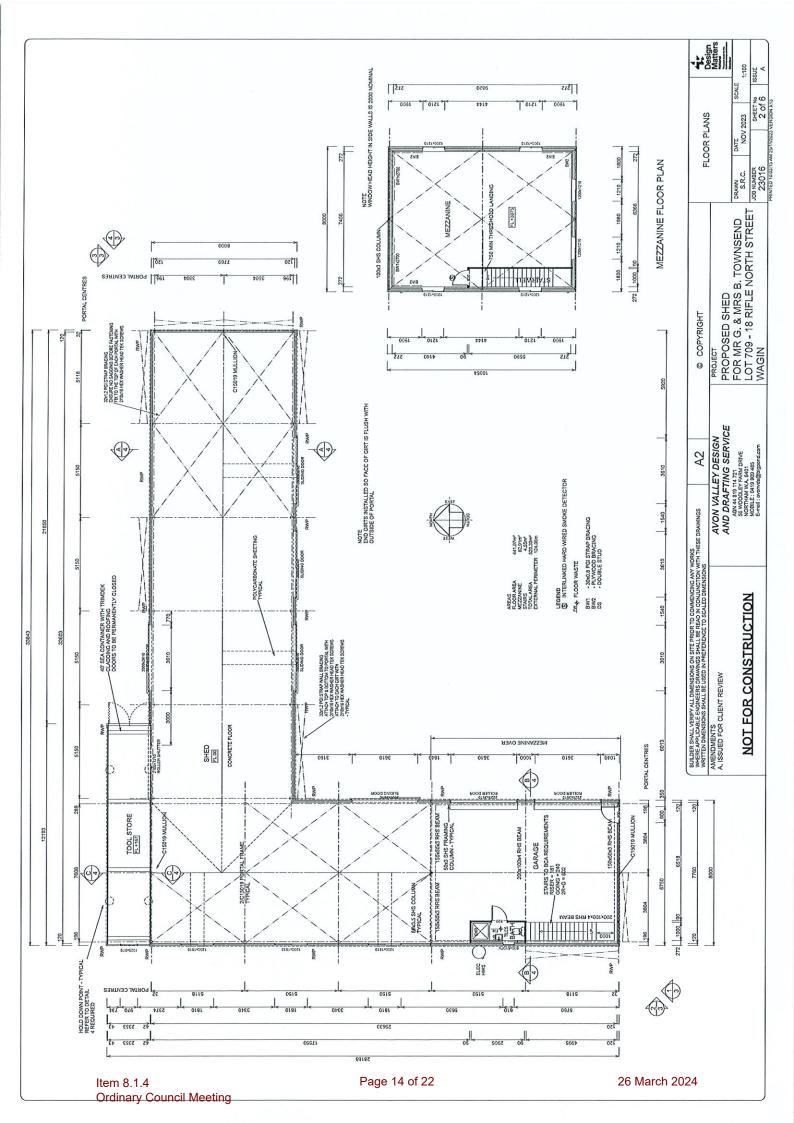
26 Mariah 2024. wa.gov.au

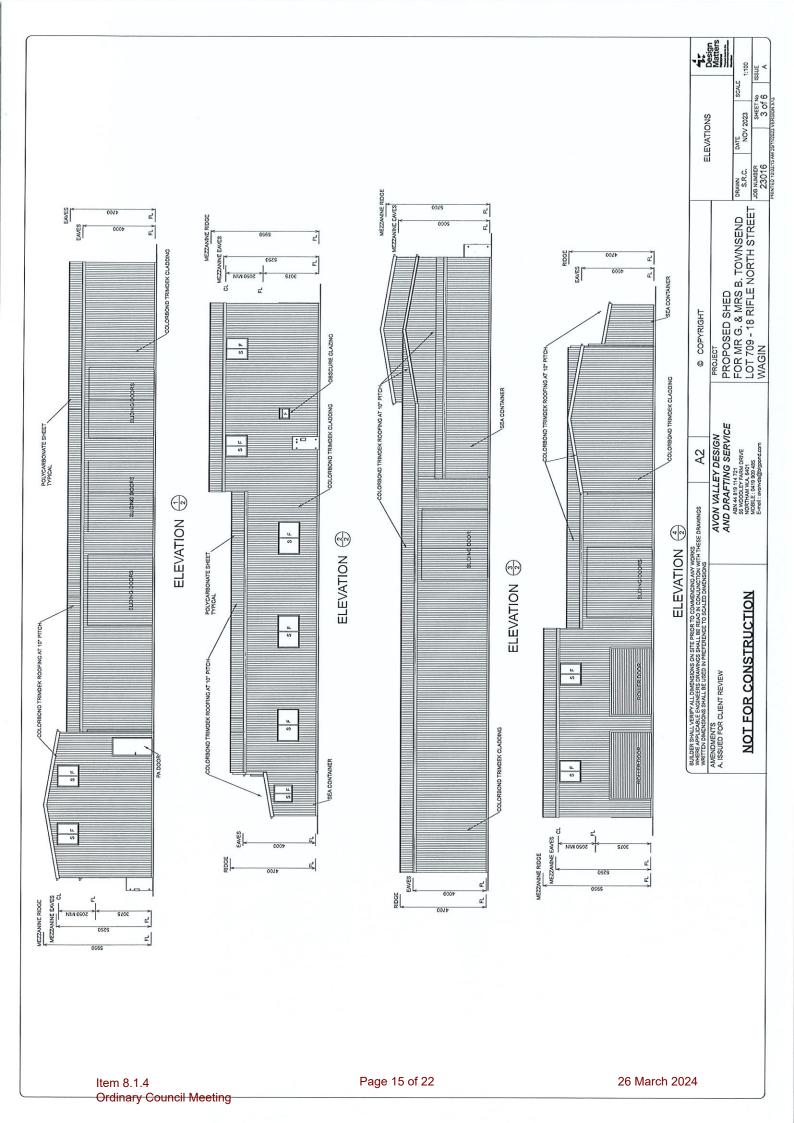
FOR MR G. & MRS B. TOWNSEND LOT 709 - 18 RIFLE NORTH STREET WAGIN

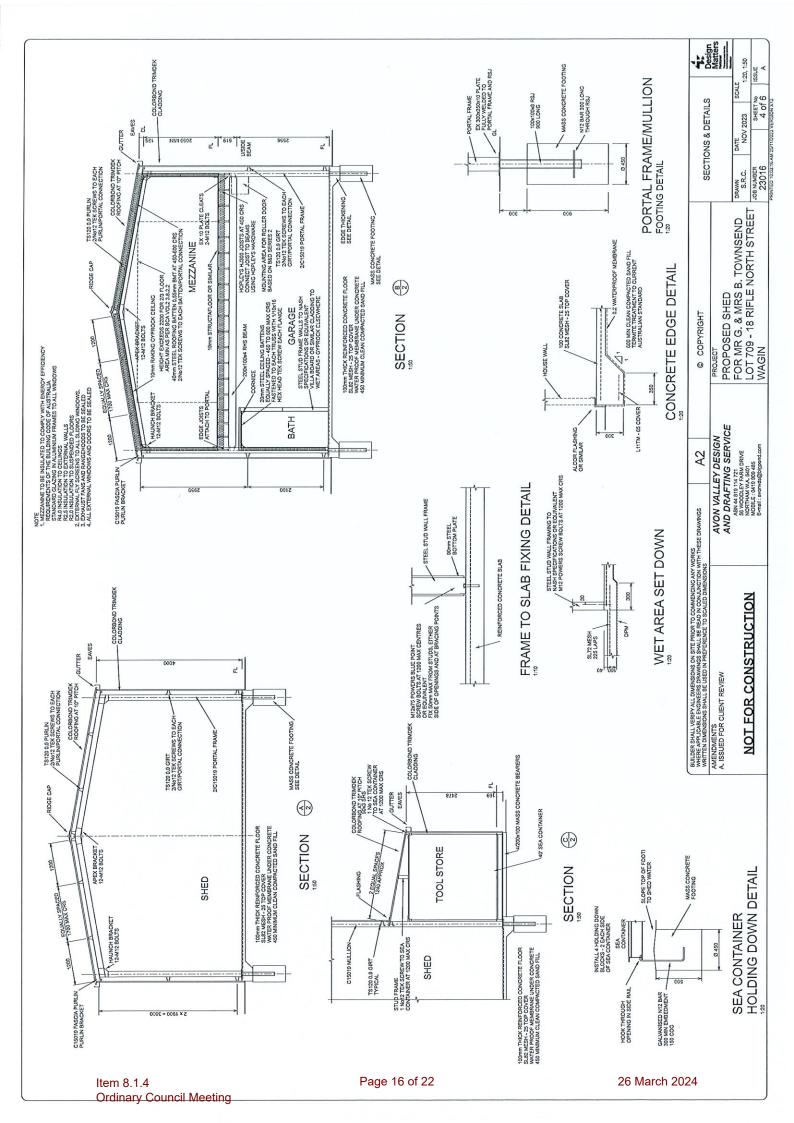


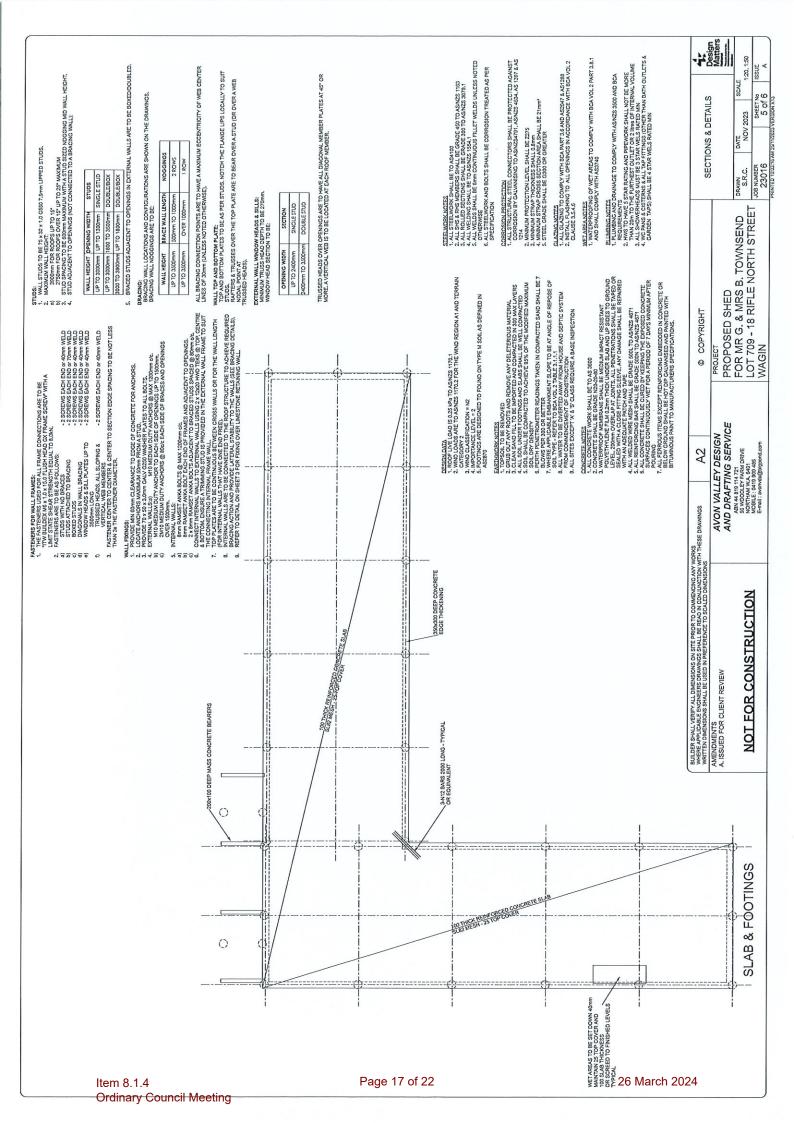
AVON VALLEY DESIGN & DRAFTING SERVICE © 56 WOODLEY FARM DRIVE NORTHAM W.A. 6401
Mobile 0419 909 485

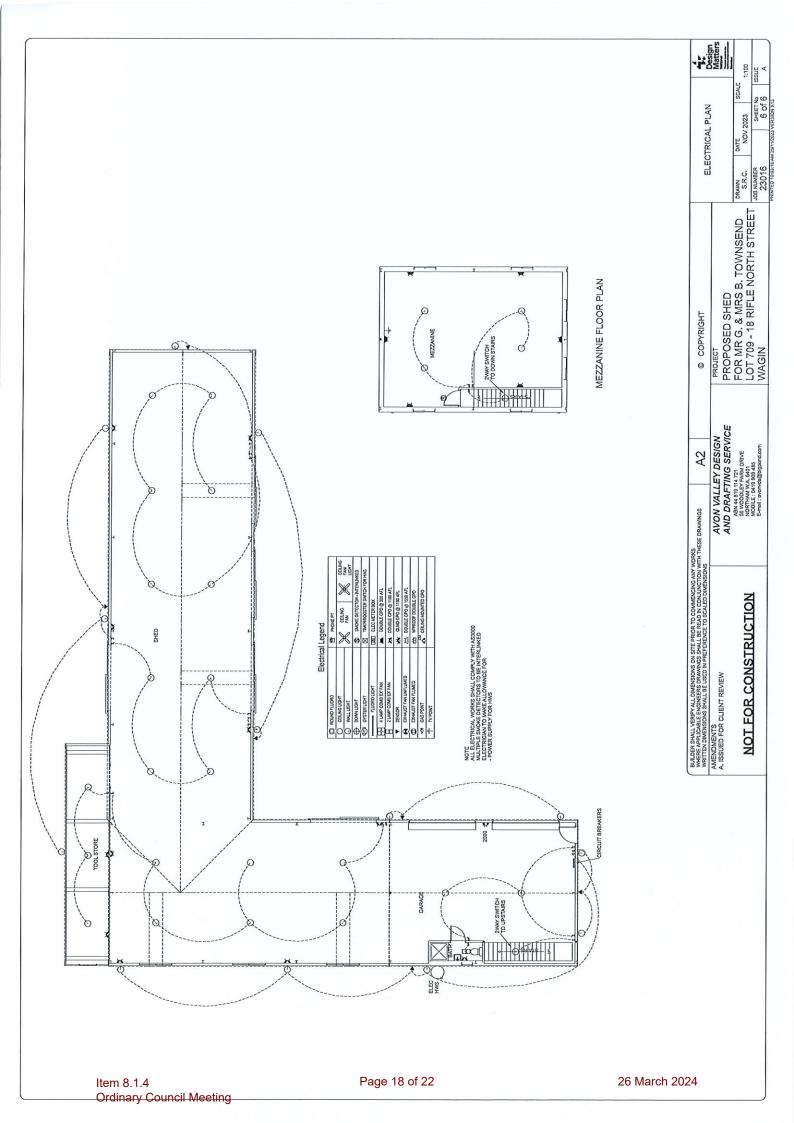












SUBMISSIONS	COMMENTS	OFFICER COMMENT	RECOMMENDATION
Public 1	I am writing to address concerns re: the development of oversized outbuilding at 18 Rifle St nth, Wagin. As you can see from the attached picture 18 Rifle St Nth has a driveway directly along my north-facing fence line. My lounge, dining room and rear bedroom are 3.4 metres from the fence line adjoining their driveway. I already have issues with the amount of traffic using this driveway and the noise that is produced all day and night. Vehicles are cars, utes, light rigid trucks including a rigid truck and dog trailer (Ampol fuel tanker). I have not approached our neighbour at this point, but this development proposal raises concerns for both myself and my wife.	We have been advised by the applicant that the Ampol fuel tanker was a once of job that they need to complete and we have been assured that this will not be repeated. The applicant has also advised that they have some residual plant and equipment (small agitator truck, skid steer, small excavator etc.) left from their previous company which they have retained for the purpose of building the shed and doing some landscaping and groundworks to the property. After which time it is their intention to house it in the shed until	Incorporate the following advice note. The noise generated by any activities on-site including machinery motors or vehicles shall not exceed the levels as set out under the Environmental (Noise) Regulations 1997.

SUBMISSIONS	COMMENTS	OFFICER COMMENT	RECOMMENDATION
		they are able to liquidate it. The applicant also have personal vehicles consisting of an SUV and two 4WD utilities (all modern late models) as well as a ski boat, a collection of cars, a horse float, camper, caravan and sports bikes that need to be garaged. The applicant has also advised that once the outbuilding is completed the applicant will be relocating the existing driveway to the middle of the property, which will resolved the issues of traffic movement and noise to the neighbouring properties to the south.	Include a condition stipulating that: The outbuilding is for domestic purposes only and shall not be used for commercial, industrial or habitation purposes.
	Our concerns are that a development of this size indicates several possibilities: • An increase of people coming in and out of this property • Some form of enterprise or business being run from the property • Increased activity and noise in a supposedly quiet residential area	The applicant has families living with them and visiting them on regular basis and would have more than the average traffic movement. The applicant has advised that there is no business to be set up on the property. Any noise level should be within the prescribed hours as per the Noise Regulations. With the relocation of the existing driveway to the middle of the property	Include an Advice Note: No construction works shall commence on the land prior to 7am without the local government's written approval. No construction works are permitted to be undertaken on Sundays or Public Holidays.

SUBMISSIONS	COMMENTS	OFFICER COMMENT	RECOMMENDATION
	Either of these items suggests an increase of vehicle traffic and activities which will only amplify the current noise and will be a disturbance and cause of stress to our daily life.	upon the completion of the proposed outbuilding will reduce the noise issue impacting the neighbouring properties to the south.	
		Refer to above comments.	
	We personally have no objection to them building as this is their property and they can do what they want with it, but definitely have concerns to a possible increase in the vehicle noise pollution we may have to endure. I was previously living in Perth and escaped the city life for a quiet regional life but we are worried that we may have to put up with an increase to an already existing noise issue from our neighbour on this impending matter.		
	I appreciate the information you have sent and I am hoping for my queries to be addressed soon. Thank you! Kind Regards		

SUBMISSIONS	COMMENTS	OFFICER COMMENT	RECOMMENDATION
Public 2	Dear Kiralee We received your letter regarding the oversized shed proposal on Rifle Street. We are concerned as to the proposed use of this very large shed in a residential location. Our concerns are noise and vehicle movements and the prospect that a business may be conducted out of these premises. Can you please provide more information regarding this. We'd also be interested when this proposal will be presented to Shire. Your prompt response would be appreciated as we have only just received your correspondence in the post and closure is 26 February 2024. Also, can all future correspondence be addressed to both John and myself as joint owners of 11 Nenke St	The applicant has stated that they have some residual plant and equipment, including a small agitator truck, skid steer, and small excavator, leftover from their previous company. These items are retained for the purpose of constructing the shed and performing landscaping and groundworks on the property. Once this work is completed, they intend to house the equipment in the shed until it is liquidated. Additionally, they own several personal vehicles, including an SUV and two 4WD utilities, along with a ski boat, collection of cars, a horse float, a camper, a caravan, and a couple of sports bikes that require garage space.	Include a condition stipulating stating that any use or modifications to the proposal and plans requires further approval.
Public 3	Re the notification received from Wagin Shire to neighbours close to 18 Rifle North Street Wagin for comment we wish to advise we have not received this letter as away on holiday. We were informed by a neighbour that an oversized shed application has been put forward and would like to be advised on its intended use. Is it for a commercial/business enterprise and its position on property?	: Please refer to the previous comments above.	