

SHIRE OF GOOMALLING
 AGENDA FOR ORDINARY MEETING OF COUNCIL
 WEDNESDAY, 21 FEBRUARY 2024



11.1 DEVELOPMENT APPLICATION – G & S WULF LOT 202 GRANGE STREET

File Reference:	
Disclosure of Interest:	Nil
Applicant:	Guy & Sandy WULFF, Lot 202 Grange Street
Previous Item Numbers:	
Date:	19 February 2024
Author:	Peter Bentley – Chief Executive Officer
Authorising Officer:	Peter Bentley – Chief Executive Officer
Attachments	1.

In Summary

To consider an application from Guy and Sandy Wulff to undertake the development for the construction of a residential house and shed/carport at Lot 202 Grange Street Goomalling with modified setbacks.

Background

The proponents are seeking Council approval to construct a Passive Solar design dwelling and shed complex at Lot 202 Grange Street with modified boundary setbacks given that the lot, with its current alignment and size would make it almost impossible to comply with the setback requirements and maintain the solar passive design.

The Shire of Goomalling Town Planning Scheme No 3 provides for the following setbacks:

Rural 1, Rural 2, Rural 3 Rural Residential	From Road Frontage - 50 Front from Other Boundaries - 20
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The development provides for the correct frontage setback, however, because of the orientation of the buildings and the width of the block, the side setbacks will be 14 metres on the northern boundary and 10 metres on the southern boundary.

The adjoining landholders are the Shire of Goomalling and Chris Pavy. The Shire has no problem with the setback on southern boundary, and has written to Chris Pavy, who has registered no issue with the shorter setback on the other side of the development.

Consultation

Nil other

Policy

Council has no particular policy outside of the Town Planning Scheme.

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Statutory Environment

- Local Government Act (1995)
- Shire of Goomalling Town Planning Scheme No 3

The Scheme provides that the Council can, following consultation with affected landholders, approve reduced setbacks.

Financial Implications

Nil known

Strategic Implications

Shire of Goomalling Community Strategic Plan 2019-2028	
1.1.1	This matter is not dealt with in the Shire of Goomalling Community Strategic Plan.

Comment/Conclusion

Generally, the development is in accordance with the scheme except for the side setbacks and would have been approved under delegation by the CEO had the setbacks been standard. Given that there is no objection from either of the affected landholders it is recommended that the Council approve the development with the modified setbacks.

Voting Requirements

Simple Majority



OFFICERS' RECOMMENDATION

That the Council:

APPROVE the application for development for the construction of a residential house and shed/carport at Lot 202 Grange Street Goomalling with modified side setbacks of 14 metres to the north and 10 metres to the south with the following conditions:

1. The development hereby approved must be carried out in accordance with the plans submitted with the application, addressing all conditions, or otherwise amended by the local government and shown on the approved plan and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.
2. An Asset Protection Zone is permanently maintained around the dwelling in accordance with the BAL assessment lodged with the Development Application.
3. A water tank with a minimum capacity of 92,000 litres, which is to be connected to the roof catchment, is provided prior to occupation to the satisfaction of the local government if not connected to scheme.
4. The dwelling is connected to an approved on-site wastewater treatment system, prior to occupation, to the satisfaction of the local government.

Advice

- A) This is not a Building Permit. A Building Permit must be obtained before any building works commence.
- B) If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.

If the applicant is 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 made within 28 days of the determination.