

DEVELOPMENT ASSESSMENT REPORT
Shire of Augusta Margaret River
24 November to 30 November 2022

APPLICATIONS RECEIVED

Date Rec'd	Reference No.	Address	Proposal
PLANNING			
24/11/2022	P222811	Lot 9505 Bussell Highway (Gilgie Drive), Witchcliffe	Vineyard Shed
24/11/2022	P222812	27-33 (Lot 295) Tunbridge Street, Margaret River	Community Purpose (Alterations - Replacement of 2x Ramps)
25/11/2022	P222813	Shop 133 / 96 (Lot 801) Bussell Highway, Margaret River	Change of Use from Shop/Office to Consulting Rooms
25/11/2022	P222815	48 (Lot 26) Karri Loop, Margaret River	Outbuilding and Ancillary Dwelling
25/11/2022	P222816	25 (Lot 123) The Boulevard, Margaret River	Home Business (Sauna)
28/11/2022	P222817	10A (Lot 2 of 41) Freycinet Way, Gnarabup	Change of Use (Dwelling to Aged or Dependent Persons Dwelling) and Works Additions/Alterations (Outbuilding and Lift)
28/11/2022	P222818	14 (Lot 301) Lemon Gum Retreat, Margaret River	Amendment to Planning Approval P222072 (Development outside of building envelope)
29/11/2022	P222821	12 (Lot 45) Karri Loop, Margaret River	Bed and Breakfast
30/11/2022	P222822	65 (Lot 53) Leeuwin Road, Augusta	Holiday House Renewal
30/11/2022	P222823	2 (Lot 4) Cygnet Crescent, Augusta	Holiday House
BUILDING			
24/11/2022	222622	1656 Jindong-Treeton Road, Rosa Brook	Unauthorised Works - Conversion of an existing shed into an ancillary dwelling and shed with lean too
25/11/2022	222623	5 Elizabeth Street, Margaret River	Two Storey Workshop Addition to Existing Shed
28/11/2022	222624	59 Clarke Road, Margaret River (Margaret River Montessori School)	Administration Building and Classroom
28/11/2022	222625	46 Grunters Way, Gnarabup	Enclosed Patio
28/11/2022	222626	46 Colyer Drive, Hamelin Bay	Carport
28/11/2022	222627	27-33 (Reserve 41625) Tunbridge Street, Margaret River	Restumping of Community Home Care Office
28/11/2022	222628	10 (Lot 322) Ironstone Place, Margaret River	Ancillary Dwelling
29/11/2022	222629	7 (Lot 137) Tattersall Street East, Augusta	Single Dwelling
29/11/2022	222630	30 (Lot 38) Tinglewood Court, Cowaramup	Swimming Pool
Exploration Licenses for Comment			
24/11/2022	I483915	Courtenay	Application for Exploration Licence 70/6333

APPLICATIONS DETERMINED UNDER DELEGATION

Date Rec'd	Reference No.	Address	Proposal	Outcome
PLANNING				
01/10/2021	P221717	Lot 104 Bessell Road, Rosa Brook	Proposed Dam & Intensive Agriculture (Organic Avocado Orchard)	Approved
10/08/2022	P222533	14 (Lot 238) Sawmill Loop, Karridale	Single House (Outbuilding)	Approved
28/09/2022	P222648	14 (Lot 255) Alferink Crescent, Margaret River	Dwelling Addition (Patio)	Approved
29/09/2022	P222654	70 (Lot 57) Tunbridge Street, Margaret River	Guest House (Renewal)	Approved
30/09/2022	P222658	Holiday House (Renewal) 18/20 (Strata Lot 18 of Lot 229) Riedle Drive Gnarabup	Holiday House (Renewal)	Approved
30/09/2022	P222659	Holiday House (Renewal) 53C (Lot 434) Ironstone Place Margaret River	Holiday House (Renewal)	Approved
03/10/2022	P222660	Holiday House (Renewal) 31 (Strata Lot 22 of Lot 320) Formosa Street Margaret River	Holiday House (Renewal)	Approved
11/10/2022	P222686	Holiday House Renewal Unit 20/20 (Lot 20) Riedle Drive Gnarabup	Holiday House Renewal	Approved

11/10/2022	P222688	Holiday House (Renewal) Unit 28/20 (Strata Lot 28 of Lot 229) Riedle Drive Gnarabup	Holiday House (Renewal)	Approved
12/10/2022	P222693	16 (Lot 3) St Alouarn Place, Margaret River	Holiday House Large (Renewal)	Approved
20/10/2022	P222712	7 (Lot 81) Georgette Road, Gracetown	Holiday House	Approved
21/10/2022	P222716	Unit 40/20 (Lot 40) Riedle Drive, Gnarabup	Holiday House Renewal	Approved
04/11/2022	P222767	28 (Lot 108) Matthews Road, Augusta	Building Envelope Variation	Approved
15/11/2022	P222795	6B (Lot 641) Elva Street, Margaret River	Bed and Breakfast	Approved
15/11/2022	P222796	24 (Lot 432) Daisy Rise, Cowaramup	Section 40 (Wholesale Liquor Sales)	Approved
SUBDIVISIONS				
Nil				
LOCAL LAW PERMITS				
21/10/2022	P222771	Rivermouth - Reserve 41545	EOI Submission: Commercial Activities on Shire managed Coastal and River Foreshore Reserves (Outdoor Discoveries)	Approved
27/10/2022	P222778	Gnarabup Beach	EOI Submission: Commercial Activities on Shire managed Coastal and River Foreshore Reserves (Stand Up surfing)	Approved

LEVEL 3 PLANNING APPLICATIONS FOR DETERMINATION

Date Rec'd	Reference No.	Address	Proposal	Recommendation
PLANNING				
11/10/2022	P222689	6 (Lot 37) Rosella Court, Margaret River	Ancillary Dwelling	Approved subject to condition
08/09/2022	P222604	7 (Lot 146) Mooring Court, Molloy Island	Dwelling (Outbuilding and 2 x Water Tanks)	Approved subject to condition

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.



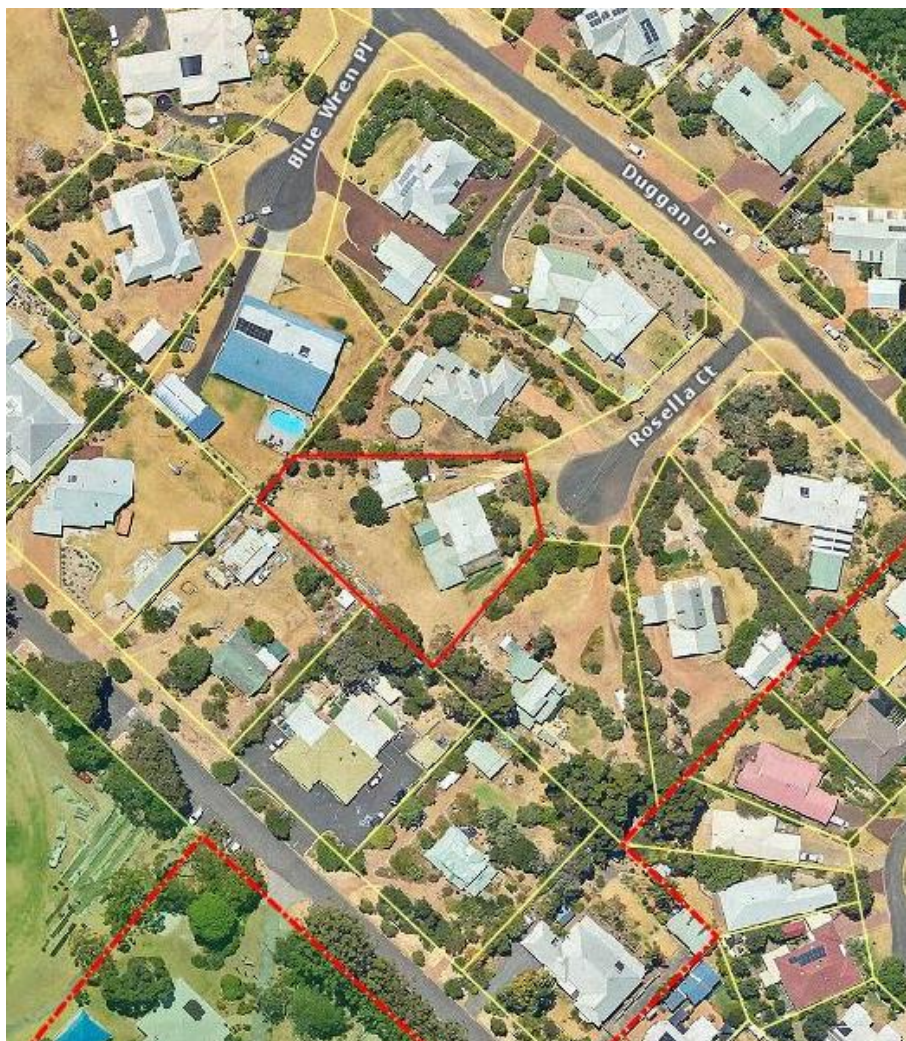
DEVELOPMENT APPLICATION ASSESSMENT
Report to Manager Planning and Development Services
Proposed Ancillary Dwelling - 6 (Lot 37) Rosella Court Margaret River

Level 3

P222689; PTY/4710

REPORTING OFFICER : **Sophie Moscardini**
DISCLOSURE OF INTEREST : **Nil.**

General Information	
Lot Area	2279m ²
Zone	Residential (R5)
Proposed Development	Development approval is sought for an Ancillary Dwelling at the subject site. The ancillary dwelling proposed is 12.5m x 3.6m (45sqm) with a maximum height of 3.6m. Development approval is required as the proposal seeks a variation to the Shire's Local Planning Scheme No. 1 side setback requirement for R5 coded properties (5m side setback) and rear setback requirement of the Residential Design Codes WA.
Permissible Use Class	'P' – Ancillary Dwelling
Heritage/Aboriginal Sites	Not an Aboriginal Heritage Site.
Encumbrance	Nil.
Date Received	11/10/2022





Policy Requirements			
Is the land or proposal referred to in any Council Policy?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Structure Plans and Local Development Plans (LDP's)			
Is the land in any Structure Plan Area or subject to a LDP?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Planning History			
P1287 – Dwelling (Approved February 1992) P1407 – Shed (Approved May 1992) P20054 – Pergola and Bedroom additions (Approved February 2000) P23329 – Additions to Dwelling (Approved July 2003) P221960 – Dwelling Additions (Outbuilding) (Approved January 2022)			
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: 1	
Details of Submission		Officer Comment	
Objection for the following reasons: <ul style="list-style-type: none"> Visual impact on the amenity of outdoor living areas. Overlooking onto backyard. The longest side of the ancillary is seeking a variation to the side boundary, and this therefore will have a larger impact on our visual amenity. Occupancy of ancillary dwellings has changed, and they are now used for long term use which means another permanent residence on the adjoining lot. The closer the setback, the increase in visual and aural disturbance of a long-term everyday capacity rather than what may have been on a short-term basis. 		<ul style="list-style-type: none"> The comments of the neighbouring dwelling are noted. The main outdoor living area for the neighbouring property appears to be on the eastern side of the dwelling, separated from the area subject of the proposal. The variation to the visual privacy requirements is not supported, and a condition is included to address this. The scale of the building is not considered to be unreasonable and is consistent sizes allowable for an outbuilding at a similar setback form the boundary The despite seeking a variation to the side setback requirement of LPS1 is compliant with the setback standards of the R-Codes. An ancillary dwelling is capable of approval at the subject site and the use of the ancillary for 	

- We would accept the variations should the Shire consider a rezoning of the locality to R15.

permanent accommodation is in line with the R-Codes and helps address a current shortage of smaller long-term rentals in the Shire.

- A rezoning of the subject site is not a consideration of this application.



Figure 3 – view to neighbouring property from existing open space, including the location where the ancillary dwelling is proposed.

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?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Design Element	Policy / R Codes	Provided	Officer comment
Front Setback	12m	>12m	Complies.
Sides Setback	5m (LPS1)	2m	Variation sought.
Rear Setback	6m	2m	Variation sought.
Garage/Carport Setback	12m	>12m	Complies.
Driveway Width	Existing driveway.		
Open Space Requirement	70%	>70%	Complies.
Upgrade Landscaping	<input type="checkbox"/> Required	<input type="checkbox"/> Not Required	
Overlooking	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Street surveillance	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No achieved through the main dwelling.	
Street Walls and Fences	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Overshadowing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Other Variations	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	

Officer's Comments against performance criteria

A variation to the LPS1 side setback and rear setback of the R-Codes is sought with 2m proposed from both boundaries in lieu of 5m side setback and 6m rear setback.

Despite the reduced setbacks, the development is consistent with the setbacks of Table's 2a and 2b of the R-Codes. The setback variations are considered acceptable against the relevant design principles of the R-Codes for the following reasons:

- The ancillary dwelling faces out onto the private open space of the subject site, with major openings facing away from the neighbouring property. One major opening faces the side boundary, and this will be fixed with screening to avoid any privacy impacts.
- The development is low-scale and given the proposed height and existing fence there will be no privacy or overlooking impacts to the neighbouring property.
- The proposed location will allow for effective use of the existing private open space whilst providing sun and ventilation to the dwelling.

Development Standards (Schedule 9)

Are the development Standards applicable?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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Car Parking

LPS1 / R Codes Requirement	Car Bays Required - <1>	Car Bays Proposed - <1>
Dimensions	2.5m 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.	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply
Building Height		
Scheme / Policy Requirement	Wall - 7m	Roof - 8m
State the proposed building height	Wall – 3.04m	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply
	Roof – 3.62m	
Clause 67		
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.	
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?	Yes. BAL – Low has been determined for the proposed developed.	
Other Comments		
Any further comments in relation to the application?		
Officer Comment	Conditional approval recommended.	

OFFICER RECOMMENDATION

That the Coordinator Planning Services 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 proposed Ancillary Dwelling 6 (Lot 37) Rosella Court Margaret River subject to compliance with the following conditions:

CONDITIONS

- 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 – P6 Received at the Shire on 11 th of October 2022.
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- 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.
- Prior to occupation, the living room window(s) on the south eastern elevation shall be fixed obscured or translucent glass to a height of 1.6 metres above the upper floor level or alternatively a minimum sill height of 1.6 metres as determined from the internal floor level.
- At all times, all stormwater and drainage run-off from the development shall be detained within the lot boundaries and managed to predevelopment flow regimes and/or disposed offsite by an approved connection to the Shire's drainage system in accordance with the Shire of Augusta Margaret River's Standards & Specifications.

ADVICE NOTES

- You are advised of the need to comply with the requirements of the following other legislation:
 - 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*;
 - Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises; and
 - The *Bush Fires Act 1954* as amended, Section 33(3), Annual Bush Fires Notice applies to this property.



DEVELOPMENT APPLICATION ASSESSMENT
Report to Manager Planning and Development Services

Proposed Dwelling Addition (Outbuilding and 2 x Water Tanks) at 7 (Lot 146) Mooring Court, Molloy Island

(Level 3) Objections Received

P222604; PTY/2735

REPORTING OFFICER : Lina O'Halloran
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	2069m ²
Zone	Residential R10/15 Special Control Area 2
Proposed Development	<p>Planning approval is sought for a proposed outbuilding and 2 x water tanks toward the front of the site. The site is currently developed with an existing dwelling, two small water tanks and a garden shed.</p> <p>Due to concerns raised during the advertising period, the proposal has been modified as follows:</p> <ul style="list-style-type: none"> Increased front setback from 1.5m to 5m; Increased northern side setback from 2.5m to 3.2m; <p>The proposed outbuilding and tanks present the following variations:</p> <ul style="list-style-type: none"> Front setback of 5m in lieu of 7.5m; Located in front of the dwelling in lieu of behind the dwelling; and Northern side setback of 3.2m in lieu of a minimum 3.5m.
Permissible Use Class	'P' Permitted use
Heritage/Aboriginal Sites	<p>Registered site</p> <p>The site is located on Molloy Island which is surrounded by the Blackwood River (a mythological heritage site). The proposed additions are at the front of the site and will not impact the Blackwood River.</p>
Encumbrance	Restrictive Covenant
Date Received	08/09/2022





Policy Requirements				
Is the land or proposal referred to in any Council Policy?		√ Yes <input type="checkbox"/> No		
If yes, state the Policy/Policies		Local Planning Policy 1 – Outbuildings, Farm Buildings & Swimming Pools (LPP1)		
Officer Comment	The proposed outbuilding is assessed against the Acceptable Development provisions of LPP1 as follows:			
	Provisions	Required	Proposed	Comment
	Floor area	75m ² (R10)	62m ² + 8m ² lean-to	Complies
	Wall height	3.1m	2.9m	Complies
	Roof ridge	4.2m	Shed: 4m Tanks: 2.6m	Complies
	Location	Behind the front of an existing dwelling	In front of the existing dwelling	Variation
	Northern Side setback	3.5m (5m required by LPS1 may be reduced by 30%)	3.2m	Variation
	Due to the proposed variations, the following comments are made in assessment of the proposal against the Performance Criteria of LPP1:			
	<ul style="list-style-type: none">The existing dwelling does not have any openings on the north east elevation, meaning the location of the outbuilding will have a limited impact on the relationship between the dwelling and the street;There are some similar examples in the vicinity of outbuildings being located forward of the dwelling, so the proposal will not set a precedent.The floor area and height of the shed are compliant which would minimise potential impacts from building bulk when viewed from the Mooring Court cul-de-sac.The applicant has provided the following justification for the proposed location of the shed and water tanks:<ul style="list-style-type: none">The location is within a largely cleared area and would minimise the amount of clearing required as much as possible;The location would also not require any clearing to establish vehicle access to the shed from an existing sand track in the Mooring Court road reserve;Relocation of the water tanks behind the shed to reduce the extent of development visible from the street was considered, however would require removal of a large tree. The applicant also wishes to install a roller door at the rear of the shed which would become redundant if the water tanks were relocated behind the shed.There is existing vegetation in the 20m wide verge at the front of the property which will go some way to screening the development from the street. Additional landscaping is proposed along the front of the site to provide further screening, and this is recommended as a condition of approval.The shed and tanks would be clad in Colorbond ‘Woodland Grey’ metal sheeting to blend in with the surrounding vegetation and match the existing garden shed.Local Planning Scheme No.1 Clause 6.4.2.5 (b) sets the 5m side setback for development on Molloy Island. This may be reduced by up to 30%, resulting in a minimum side setback of 3.5m. The proposed 3.2m northern side boundary setback to one of the tanks would be a minor variation to this requirement, which is not expected to cause a significant visual impact. The northern side of the property abuts a pedestrian footpath reserve, which provides a buffer to the northern residential lot.			

		<ul style="list-style-type: none"> It is noted the proposal has been modified in response to concerns raised during the advertising period. <p>Based on the above, the proposal is considered to sufficiently respond to the Performance Criteria of LPP1.</p>	
Structure Plans and Local Development Plans (LDP's)			
Is the land in any Structure Plan Area or subject to a LDP?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Planning History			
N/A Building Permit BLD/80027 issued for the existing dwelling in 1980			
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 x objections
Details of Submission		Officer Comment	
<p>Molloy Island Homeowner's Association Objection:</p> <ul style="list-style-type: none"> Proposed location is well outside the allowable setbacks from the front boundary. There is not enough vegetation in the front verge to screen the development. Negative visual impact on the cul-de-sac and environmental and landscape qualities of the island. <p>1 x Private Objection:</p> <ul style="list-style-type: none"> Concern the development would not have adequate vehicle access and would result in car parking on the verge, potentially obstructing access to other lots at the end of the cul-de-sac. No apparent circumstantial or practical reason for the significant variations. Practical alternatives are available within the compliant planning provisions for the site. Construction of a building so close to the verge may impact vegetation within the reserve, and potentially crossovers and driveways to other properties at the end of the cul-de-sac. We agree with the MIHOA submission regarding negative visual streetscape impacts. It would set an extremely problematic precedent. 		<p>In response to the concerns, the proposal has been revised as follows:</p> <ul style="list-style-type: none"> Increased front setback from 1.5m to 5m. This would be a much smaller incursion into the 7.5m front setback area and would ensure the amount of clearing required remains minimal. Landscaping has been proposed along the front boundary to screen the development and reduce the visual impact on the cul-de-sac. A Landscaping Plan is recommended as a condition of approval to ensure sufficient landscape screening is installed. A revised site plan has been submitted which clarifies the vehicle access to the lot. A second crossover is proposed to provide access to the shed, which has been supported by Infrastructure Services. The second crossover would not require any vegetation modification within the verge and a condition of planning approval is recommended to prohibit clearing or pruning of vegetation in the Mooring Court road reserve. The plan demonstrates there is sufficient space for all vehicles associated with the dwelling to be parked within the boundaries of the lot. The size of the proposed water tanks has been reduced from 38,000L to 25,000L to minimise the development footprint as much as possible, whilst also satisfying the minimum potable water tank requirements for Molloy Island. <p>It is noted the proposed outbuilding does not exceed the maximum height or floor area provisions of LPP1, which would ensure streetscape impacts from building bulk and scale would not be excessive. Additional landscaping and the benefit of reduced vegetation impacts is considered a suitable compromise for the development to protrude into the front setback area.</p>	
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?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Design Element	Policy / R Codes	Provided	Officer comment
Front Setback	7.5m	5m	Variation
Public right-of-way Setback	15m	>15m to edge of Mooring Court	Complies
Open Space Requirement	60%	>60%	Complies
Upgrade Landscaping	<input type="checkbox"/> Required <input checked="" type="checkbox"/> Not Required		
Overlooking	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Street surveillance	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No The location of the proposed outbuildings is to the northern side of the site and would not obstruct all views from the dwelling to the street.		
Street Walls and Fences	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Overshadowing	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

Other Variations	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Officer's Comments against performance criteria	<u>Front setback variation:</u> The proposed front setback variation is assessed under the LPP1 assessment above.
Development Standards (Schedule 9)	
Are the development Standards applicable?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Officer Comment	<u>Clause 6.4.2 Molloy Island Area – (SCA2):</u> The proposal satisfies the development provisions applicable to residential lots on Molloy Island. The existing water tanks have a capacity of 40,000L. The two proposed tanks would provide an additional 50,000L, achieving the minimum 90,000L requirement.
Clause 67	
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	The proposal is consistent with the purpose and objectives of the Residential zone, the relevant Molloy Island Special Control Area provisions, and the Performance Criteria of LPP1. The revised design satisfactorily responds to the concerns raised. The additional native landscape screening along the front of the property, as volunteered by the applicant and also enforced as a condition of planning approval, plus the reduced vegetation impacts of having the shed within the proposed location as opposed to behind the dwelling, is considered sufficient justification for the proposed front and side setback variation.
In the opinion of the officer	
vi. Are utility services available and adequate for the development?	Yes
vii. Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land?	Yes
viii. Has adequate provision been made for access for the development or facilities by disabled persons?	N/A
ix. Is development likely to cause detriment to the existing and likely future amenity of the neighbourhood?	No
x. 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	Conditional approval recommended

OFFICER RECOMMENDATION

That the Statutory Planning Coordinator 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 proposed Dwelling Addition (Outbuilding and 2x Water Tanks) at 7 (Lot 146) Mooring Court, Molloy Island subject to compliance with the following conditions:

CONDITIONS

- 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 – P3 received at the Shire on 22 November 2022 P4 received at the Shire on 24 November 2022
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- 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.
- The outbuilding shall be used solely for purposes incidental and ancillary to the authorised use of the land.
- The outbuilding shall not be used for human habitation.
- At all times, all stormwater and drainage run-off from the development shall be detained within the lot boundaries and managed to predevelopment flow regimes and/or disposed offsite by an approved connection to the Shire's drainage system in accordance with the Shire of Augusta Margaret River's Standards & Specifications.
- Prior to lodging of a building permit application a Landscape Plan shall be prepared to the satisfaction of the Shire. The Landscape Plan shall be drawn to scale and show the location, name and mature heights of existing and proposed trees and shrubs within the front setback and the adjoining street verge.
- Landscaping shall be implemented, in accordance with the approved Landscape Plan, prior to occupation of the development and shall be maintained at all times.

8. The existing trees are to be retained upon the lot and any trees on adjoining properties shall not be impacted by the excavation or construction phases of the development.
9. Clearing or pruning of roadside vegetation is not permitted by this approval.
10. The walls and roof of the buildings shall be clad in a non-reflective material and painted in a colour of natural or earth toning consistent with the existing outbuilding on the site. To this end, reflective materials or reflective colours as cladding/external (including but not limited to) 'silver' sheeting painting white, cream, off white or pale grey are prohibited.

ADVICE NOTES

- b) 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 (Miscellaneous Provisions) 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.
- c) The proposed second crossover is supported by the Shire's Infrastructure Services subject to the following requirements:
 - i. No vegetation is to be removed from the Shire verge and road reserve, unless written permission has been obtained from the Shire.
 - ii. Any rock or spoil that is excavated during the works is to be removed and disposed of at a suitable waste disposal facility.
 - iii. All traffic management will be undertaken in accordance with the requirements of AS 1742.3 and the MRWA Traffic Management for Works on Roads Code of Practice.
 - iv. The road reserve will be left even and free from ruts and undulations.
 - v. Due to services being located in the Shire reserve dial before you dig is essential before any works proceed.