

DEVELOPMENT ASSESSMENT UNIT

Minutes of the Development Assessment Unit Shire of Augusta Margaret River On 15 November 2016

ATTENDANCE Lara Hoole, Matt Cuthbert, Jason Heine

CONFIRMATION OF MINUTES

PLANNING APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	DA No.
07/11/2016	A11757	2 (lot 111) Rosa Brook Road, Margaret River	Small Bar	P216619
09/11/2016	A9879	25 (Lot 381) Georgiana Cross, Cowaramup	Dwelling	P216622
09/11/2016	A3800	Site 30 / 1 (Lot 35) Blackwood Avenue, Augusta	Caravan Park (Ensuite Addition to Caravan)	P216623
10/11/2016	A9217	4 (Lot 53) Timber Court, Cowaramup	Survey Strata	P216625
11/11/2016	A2702	14 (Lot 30) Wise Road, Margaret River	Dwelling Additions	P216626
11/11/2016	A11899 A165	9906 (Lot 1467) Bussell Highway, Margaret River	Dwelling	P216627
11/11/2016	A3494	828 / 894 Calgardup Road, Forest Grove	Dwelling Additions	P216628

BUILDING LICENCE APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
11/11/2016	A12063	Lot 66 Coracina Avenue, Witchcliffe	Single Dwelling	216488
10/11/2016	A11981	15 (Lot 16) Offshore Crest, Margaret River	Shed	216486
09/11/2016	A12234	63 (Lot 4) Lantana Lane, Margaret River	Single Dwelling	216478
09/11/2016	A9422	6 (Lot 145) Mulberry Mews, Cowaramup	Carport	216485
08/11/2016	A11897 A2388	8522 (Lot 555) Bussell Highway, Cowaramup	Building Approval Certificate for Patio (Unapproved Works)	216440
08/11/2016	A12228	4 (Lot 54) Kookaburra Nook, Cowaramup	Single Dwelling, Garage, Pump Shed and Swimming Pool	216483
08/11/2016	A10014	Unit 7, 9 (Strata Lot 7 of Lot 2) Blackwood Avenue Augusta	Single Dwelling	216484
07/11/2016	A10162	3 (Lot 424) Coral Vine Cross, Cowaramup	Single Dwelling	216480
07/11/2016	A6594	400 (Lot 61) Roxburgh Road, Margaret River	Workshop and Storage	216481
07/11/2016	A3346	34 (Lot 3) Elva Street, Margaret River	Shed	216482

SUBDIVISIONS DETERMINED

Date Rec'd	Officer	DA No.	Address	Description of Matter	Recommendation

LEVEL 1 APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
29/02/2016	Johan Pienaar	14 (Strata Lot 17 of Lot 5) Willmott Avenue Margaret River	Chalet	Approve	P216118
18/07/2016	Angela Satre	7 (Lot 23) Knox Place Witchcliffe	Dwelling Additions (Outbuilding)	Approve	P216376
09/08/2016	Matt Slocomb	29 (Lot 103) Sanctuary Circle Cowaramup	Dwelling	Approve	P216416
28/09/2016	Lucy Gouws	72 (Lot 211) Wooditch Road Margaret River	Holiday House	Approve	P216523
07/10/2016	Angela Satre	241 (Lot 12) Glengarry Road Margaret River	Agriculture Extensive (Water Tank)	Approve	P216542
07/10/2016	Matt Slocomb	54 Wallcliffe Road Margaret River	Guesthouse (Sign)	Approve	P216545
11/10/2016	Matt Slocomb	10 (S/L 2 of Lot 27) Walkington Avenue Margaret River	Holiday House	Approve	P216549
13/10/2016	Lucy Gouws	3 (Lot 72) Timber Court Cowaramup	Dwelling Additions Outbuilding (Garage)	Approve	P216559
20/10/2016	Johan Pienaar	50 (Lot 3947) Latch Road Deepdene	Dwelling Additions (Ancillary Dwelling)	Approve	P216578
25/10/2016	Lucy	279 Hillview Road Augusta	Dwelling Additions	Approve	P216589

	Gouws		(Outbuilding)		
26/10/2016	Lara Hoole	27 (Lot 473) Chenin Street Cowaramup	Dwelling Additions	Cancelled	P216595

LEVEL 2 APPLICATIONS for determination under delegation

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
2/06/2016	LH	9 (Lot 303) Mitchell Drive, Prevelly	Surfboard Art Installation (Ancillary to Café/Restaurant)	Approve	P216300

LOCAL LAW PERMITS

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.

OTHER APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.

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





**07DEVELOPMENT APPLICATION ASSESSMENT (DAU)
Report to Manager Planning Services**

Request for Retrospective Approval for a Surfboard Art Installation (Ancillary to Café/Restaurant) - 9 (Lot 303) Mitchell Drive, Prevelly

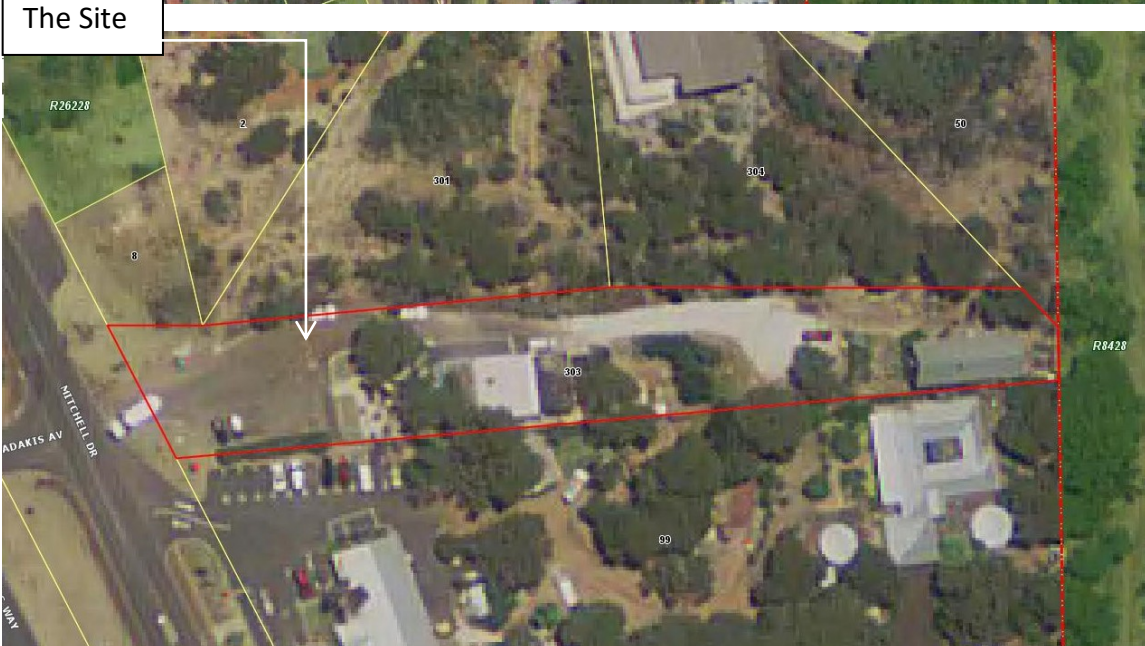
Major (Level 2)

P216300; PTY/2407

REPORTING OFFICER : LH
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	2595sqm
Zone	Special Use (SU2)
Proposed Development	Retrospective planning approval is sought for a surfboard art installation, which was erected along a 40m section of the northern side boundary. The surfboards are attached to a wooden post and rail fence. The majority of the boards are short boards ie: 6 foot and below. The maximum height of any one board is 2m. The art installation displays past and present boards donated by the local community that can no longer be used to surf. The development was created around the newly reopened Café (The Sea Garden Café) as a meeting point for the local community and in particular surfers for the region.
Permissible Use Class	The approved Café/Licensed Restaurant is a 'P' (permitted) use. The Art Installation is ancillary to the approved uses.
Heritage/Aboriginal Sites	Not listed.
Encumbrance	N/A
Date Received	2/06/2016

Aerial extracts



The Site

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 (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 Plan. Subdivision Plan for Lot 1 Mitchell Drive, Prevelly Park dated Nov 1990.		
Officer Comment Adjoining properties to the north (Lot 2 and Lot 301 Chapel Place) are subject to building envelopes and a 10metre landscape buffer that runs along the adjoining boundary of Lot 301 and Lot 303 (the subject of this assessment). The existing vegetation on Lots 2 and Lot 301 screens the surfboard fence from the dwellings located on residential lots on Chapel Place.		
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 The proposed development was advertised to surrounding landowners and a sign was posted onsite.
Has a submission been received by Council?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A No. received: 3
Have agency or authority comments been received?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Name	Nature of Submission	Officer Comment
Private Submission (Support)	<ul style="list-style-type: none"> Proposed development is in harmony with the image of surfing, a key objective of AMR Council and related bodies. Utilising old surfboards (recycling reinforces Council's objectives) in a creative and cost effective, sending a positive message. AMR has many unique features, including surfing. The development promotes this image to visitors. The surfboards have history, formerly owned by champion surfers. Preserving and displaying the board as creative bright fence is historically valuable and creates a sense of pride in our surfers' achievements on the world stage. Creative art may inspire other businesses. The development forms a creative and bright separation from the northern adjoining property, (which is in an overgrown state). Giving life to the Café and encouraging visitor to sit and enjoy the view from this locale. 	<p>Prevelly beaches are recognised for consistent surf and is highlighted and promoted through world class surfing events. The surf is a significant attraction to both locals and tourists.</p> <p>Many businesses within the Shire adopt surfing icons/logos/advertisements, seeking to appeal to the community's strong connection and identity with surfing.</p> <p>The development is more appropriately classified as an art installation, which does not fall within the scope of the Shire's Local Planning Policy no. 4 – Boundary Fencing, nor does it fall under the dividing fences act.</p> <p>The adjoining lot to the north has a landscape buffer and the lot is also densely vegetated. A small portion of the surfboard art installation (2-3metres) can be scene travelling down Mitchell Drive, assisting in promotion and identification of the Sea Garden Café.</p>
Private Submission (Support)	<ul style="list-style-type: none"> The development forms a creative separation form the adjoining properties and gives life to the café. Many of the surfboard have a history & provide an interesting historical aspect to the Shires surfing history. Its good to see the boards get recycled in such a creative way – otherwise it would be the tip. 	Noted.
Private Submission (Objection)	<ul style="list-style-type: none"> The fence doesn't comply with the standard fencing materials. The surfboards used will turn dark yellow/brown within a short period of time as the resin is affected by the sun rendering the fence even uglier than it is already; Whilst it is a bit quirky, by allowing one fence to be made of surfboards this would only encourage other property owners to do similar style fences. 	<p>As previously mentioned the surfboard art installation is more appropriately classified as an art installation, which does not fall within the scope of the Shire's Local Planning Policy no. 4 – Boundary Fencing, nor does it fall under the dividing fences act. The development is for the decoration and promotion of Sea Gardens Café and therefore any maintenance of the art installation shall be the sole responsibility of the landowners of Lot 303 Mitchell Drive, Prevelly.</p> <p>The applicant has advised that modern surfboards are covered in multiple layers of fiberglass and epoxy resin (also known as hardeners) which have advanced temperature and element resistance. The</p>

		<p>materials are appropriate for hard conditions that surfboards can be exposed to in their lifetime. The appearance of the boards is important to the applicant as it is a representation of their business. The applicant has also advised that they have set aside a multitude of spare boards which are readily available to replace any of the current boards should there be any damage detected.</p> <p>It is recommended to apply a condition that will require the art installation to be maintained to a high standard during.</p> <p>The art installation is appropriate in the context of this location. Any development of this nature on other sites will require planning approval and will be assessed based on its merits.</p>
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		
Development History	<p>9 (Lot 303) Mitchell Drive, Prevelly P25315 Section 40 Liquor Licence issued 27/07/2005. P210037 Patio and Shade approved 06/04/2010. P212493 Temporary Public Art approved 21/02/2013.</p> <p>BLD/2530 No. 86548 Dwelling & Shop issued 18/06/1986. BLD/191 Pylon & Sandwich Board Signs issued 30/11/1987. BLD/7485 No. 980384 New Dwelling issued 19/10/1998. BLD/210032 Verandah Additions to Restaurant issued 13/04/2010.</p>	
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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Compliance matters.	<p>The matters have been dealt with or are the subject of this assessment.</p> <p>P28174 Unauthorised Clearing of Vegetation matter concluded 16/03/2009. P216254 Unapproved Boundary Fence/Public Art lodged 06/05/2016 (the subject of this assessment).</p>	
R Codes		
Are R Codes applicable?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Local Planning Scheme No. 1 (LPS1)		
Are the development Standards applicable?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Special Use (S2) 'P' uses <ul style="list-style-type: none"> • Shop • Single Dwelling • Restaurant • Tourist accommodation. 	Conditions <ol style="list-style-type: none"> 1. The development being designed to harmonise with the nearby Greek Orthodox Church and the landscape of Prevelly Park generally, to LG satisfaction. 2. In considering applications for development the local government shall also have regard to the matters set out in clause 10.2 (now clause 67 of the deemed provisions of the Scheme) with particular regard to the following: <ul style="list-style-type: none"> • Prevelly/Gnarabup Landscape; • Aesthetics • Visual Impact • Effluent Disposal; • Drainage; • Landscaping; • Servicing; • Parking; • Retention of Existing Vegetation; • Soil and Landform Protection. 	
Officer Comment	<p>The surfboard art installation is located along 28% of the northern side boundary that borders a sealed carpark of the Café/Restaurant. It appears no vegetation has been removed during development. The height of the art installation is 2metres.</p> <p>Existing native vegetation on the adjoining land to the north is higher and screens the fence from the dwelling of the adjoining property. The property is vegetated except for the building envelope where the dwelling is located. The surfboard art installation is considered not to impact the amenity of the surrounding landowners to the north. All lots are required to adhere to an endorsed fire management plan and/or the Shires Annual Firebreak & Fuel Hazard Reduction Notice.</p>	

	<p>The small business area within Prevelly with 'Special Use' zoning is similar to that of 'Village Centre' zone that is applied to small commercial centres such as Cowaramup, Witchcliffe and Karridale. The purpose of these areas are to provide for the expansion and consolidation of accessible, small-scale community and retail focal points which serve the immediate needs of a local population catchment in a manner that will preserve the individual character and ambience of each settlement.</p> <p>Prevelly is a small residential node, where many surfers and beach enthusiasts visit and reside. The proposed surfboard fence provides a vibrant addition to the existing small commercial area and enhances the sense of identity consistent with the established character of Prevelly.</p>
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.
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?	N/A
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
Officer Comment	The proposed surfboard art installation is generally consistent with the purposes and objectives of the Special Use site and is considered to be in keeping with the amenity of the area. Approval is recommended.

OFFICER RECOMMENDATION

That the Statutory Planning Coordinator GRANTS Planning Consent under Delegated Authority Instrument No. 16 pursuant to Clause 68(2) of the Deemed Provisions of Local Planning Scheme No. 1 for a Surfboard Art Installation ancillary to the existing Café/Restaurant at 9 (Lot 303) Mitchell Drive, Prevelly 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 – P2 received at the Shire on 2 June 2016; and P3 received at the Shire on 18 July 2016.
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- The Surfboard Art Installation shall be setback from the front boundary in accordance with the approved plan to provide adequate vehicle site lines.
- The Surfboard Art Installation shall be situated within the boundaries of Lot 303.
- The Surfboard Art Installation shall be maintained to a safe and high standard to the satisfaction of the local government. Maintenance of the Art Installation is the sole responsibility of the landowners of Lot 303. If the Art Installation falls into disrepair it shall be removed to the satisfaction of the local government.