

DEVELOPMENT ASSESSMENT UNIT
Minutes of the Development Assessment Unit
Shire of Augusta Margaret River
On 11 October 2016

ATTENDANCE

Johan Pienaar, Lara Hoole, Chris Wenman, Matt Cuthbert, Jason Heine, Matt Slocomb

CONFIRMATION OF MINUTES 4 October 2016

PLANNING APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	DA No.
03/10/2016	A10424	Strata Lot 2, Unit 1/ 7 Acacia Court, Cowaramup	Grouped Dwelling	P216535
04/10/2016	A3245	12 (lot 43) Coronation Street, Margaret River	Grouped Dwelling	P216536
04/10/2016	A8128	9 (lot 104) Bird Wood Lane, Cowaramup	Building Envelope Variation and Outbuilding (Shed)	P216537
05/10/2016	A10865	169 Holben Road, Cowaramup	Section 40	P216538
04/10/2016	A3879	Rotary Park	Amended permit to Salento Catering via expression of interest - expires 31 August 2017	P216539
06/10/2016	A5387	11 (Lot 110) Walter Place, Margaret River	Dwelling Addition	P216540
07/10/2016	A10519	241 (Lot 12) Glengarry Road, Margaret River	Water Tank - Agriculture Extensive	P216542
05/10/2016	A2677	62 (Lot 55) Town View Terrace, Margaret River	Amendment to JDAP approval P216235 for a Hotel	P216543
07/10/2016	A7482	85 (Lot 2) Bussell Hwy, Margaret River	Restaurant (Carpark Events)	P216544
07/10/2016	A931	54 Wallcliffe Road, Margaret River	Guesthouse (Sign)	P216545

BUILDING LICENCE APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
07/10/2016	A2633	5 (Lot 28) Osborne Street, Cowaramup	Shed	216432
06/10/2016	A2935	231 Mill Road, Witchcliffe	Dwelling Additions	216431
05/10/2016	A3172	86 (Lot 7) Sabina Drive, Molloy Island	Dwelling	216429
04/10/2016	A1635	5 (Lot 25) Stirling Street, Augusta	Carport	216426
04/10/2016	A8973	50 (Lot 244) Westringia Loop, Margaret River	Shed	216427
03/10/2016	A2623	13 (Lot 10) Waverley Road, Cowaramup	Single Dwelling and Carport	216413
03/10/2016	A10331	15 (Lot 114) Lloyd Loop, Margaret River	Patio	216415
03/10/2016	A9477	Unit 1, 12 (Lot 22) Brady Street, Augusta	Patio	216424
03/10/2016	A4752	Lot 1 Crozier Road, Rosa Brook	Telecommunications Pole and Equipment Cabin	216425

SUBDIVISIONS DETERMINED

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

LEVEL 1 APPLICATIONS for determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
05/05/2016	Matt Slocomb	232 (Lot 2275) Bramley River, Road Osmington	Caravan Park	Approved	P216249
23/06/2016	Lara Hoole	16 (Lot 8) Offshore Crest, Margaret River	Outbuildings (Shed & Water Tank) Ancillary to Dwelling (level 2)	Approved	P216337
18/07/2016	Angela Satre	17 (Lot 33) Tinglewood Court, Cowaramup	Dwelling & Ancillary Dwelling (level 2)	Approved	P216374
12/08/2016	Angela Satre	15A (Lot 54) Elva Street, Margaret River	Grouped Dwelling Additions (level 2)	Approved	P216428
13/06/2016	Lara Hoole	Unit 2 10403 (Strata Lot 2 of Lot 100) Bussell Highway, Witchcliffe	Shop 'Bakery' Additions (Cool Room)	Approved	P216316
21/07/2016	Lara Hoole	7 (Lot 21) Copse Way, Cowaramup	Dwelling Additions (Outbuilding)	Approved	P216380

02/08/2016	Matt Slocomb	34 (Lot 19) Hermitage Drive, Margaret River	Dwelling Additions (Bed and Breakfast)	Approved	P216404
08/08/2016	Matt Slocomb	7 (Lot 521) Wilkes Road, Margaret River	Bed & Breakfast	Approved	P216413
09/08/2016	Lara Hoole	5 (Lot 6) Brookside Boulevard, Cowaramup	Display Home	Approved	P216418
15/08/2016	Lara Hoole	Unit 1, 41 (Strata Lot 1 of Lot 58) Town View Terrace, Margaret River	Holiday House (Renewal)	Approved	P216429
16/08/2016	Lucy Gouws	35 (Lot 99) Bussell Highway, Margaret River	Amend the operating hours approved under planning consent P212179	Approved	P216433
16/09/2016	Lucy Gouws	10390 (Lot 28) Bussell Highway, Witchcliffe	Dwelling Additions (Temporary Sea container - Outbuilding)	Approved	P216498

LEVEL 2 APPLICATIONS for determination under delegation

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
09/08/2016	Matt Slocomb	29(Lot 103) Sanctuary Circle, Cowaramup	Dwelling	Referred to Council	P216416
07/06/2016	Lara Hoole	18(Lot 9) East Willmott Avenue, Margaret River	Outbuilding (Shed)	Approve	P216306
5/07/2016	Lara Hoole	86 (Lot 7) Sabina Drive, Molloy Island	Dwelling & Water Tank	Approve	P216356

LOCAL LAW PERMITS

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
29/07/2016	Nick Logan	Surfers Point	Permit awarded by expression of interest to The Acai Corner (expire 31 August 2017)	Approve	P216508
21/09/2016	Nick Logan	Gloucester Park, adjacent to Apex Park	Permit to conduct fitness classes	Approve	P216541

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





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

Proposed Outbuilding (Shed): 18 (Lot 9) East Willmott Avenue, Margaret River

Major (Level 2)

P216306: PTY/6344

REPORTING OFFICER: LH
DISCLOSURE OF INTEREST : Applicant is married to Annie Riordan (Director of Corporate and Community Services) who is employed at the Shire Margaret River Administration Offices.

General Information	
Lot Area	1016sqm
Zone	Residential (R10)
Proposed Development	Planning approval is sought for a 9m x 9m (81sqm) Outbuilding (shed) with a 3.4m wall height and a 4.193m ridge height. The outbuilding is proposed to be finished in colorbond 'Deep Ocean' to match the roof of the existing dwelling.
Permissible Use Class	Ancillary to a Dwelling which is a 'P' (permitted) use.
Heritage/Aboriginal Sites	Not listed.
Encumbrance	N/A
Date Received	7/06/2016

Location plan



Policy Requirements	
Is the land or proposal referred to in any Council Policy?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, state the Policy/Policies	Local Planning Policy 1 – Outbuildings and Farm Buildings

	<ul style="list-style-type: none"> • Outbuildings consistent with the deemed to comply requirements of the RCodes with the exception of wall height. • Outbuildings that do not exceed a wall height of 3.1m. • Outbuildings located behind the front of the existing dwelling. 	
Officer Comment	<p>The shed has a wall height ranging from 3.2m to 3.55m (above natural ground level), (a variation to the 3.1m maximum wall height standard of the policy).</p> <p>Variations can be approved if the development meets the Performance Criteria of the Policy.</p> <p>The site slopes from the rear south-eastern corner of the site to the front northern corner of the site, with a fall of 1.3metres. The outbuilding is proposed to be located behind the dwelling at the rear of the lot. The outbuilding will not be visible from the street. The roof of the proposed outbuilding is to be finished in a non-reflective colorbond 'Deep Ocean' to match the roof of the existing dwelling. The proposed outbuilding has a finished floor level 0.005m higher than the dwelling, and a maximum ridge height of 4.243m and will not exceed the 6.25m ridge height of the dwelling.</p> <p>There is established vegetation within adjoining lots to the east and to the west. It is considered that the proposed outbuilding will not cause any visual impacts to these lots. A 9m long wall length is considered an acceptable length for an outbuilding in the residential area. The adjoining property to the rear is filled and retained 800mm higher than natural ground level with a 1.8m high fence on top. Landscaping is proposed along the rear boundary to screen the part of the shed that will protrude above the fence line to address potential adverse visual impacts on the adjoining property and meeting the performance criteria of the policy.</p>	
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 Policy/Policies	'Outline Development Plan for Sussex Locations 2141, 2142, Lots 81 & 1002 Willmott Avenue and Forrest Road, Margaret River' endorsed 2001.	
Officer Comment	The site is identified for residential development to a RCode of R10, which is consistent with the current zoning of the site.	
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	
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 (Objection)	<ul style="list-style-type: none"> • Numerous issues with the proposal and would appreciate someone coming to look at the issues with us. • The placement and size of the proposed shed it will directly affect the aesthetics of our back yard and our living space, let alone devaluing the price of our house. • It will affect the whole length of one side of the house with all our windows running down that fence line will be impacted as the 9metre span will cover ¾'s of the length of our patio. The height being 3.2metrer with a pitch of 4.195metres will also be taller than the common fence, blocking all natural light that comes in. • This will cause our open patio area to become dark, damp and cold and the heat that comes into the house in the morning will also be effected. • The garden beds along the common fence will be in constant shade. • The only outlook seen when you will look out the kitchen, lounge room and dining room windows will be a shed instead of the sky. This will mean having lights on inside and in winter the dining room will be dark cold and dark instead of light and sunny. • Not opposed to a shed being put on the property, but opposed to the location and size of the shed. 	<p>The applicant has advised that the shed will be the only storage available on the property. The shed is to store a boat and caravan plus storage for household items.</p> <p>The applicant intends to plant trees along the back fence, to block out the appearance of the shed to the neighbours.</p> <p>The property was purchased mainly due to easy side access to the rear of the property and plenty of room for a shed with ample storage.</p> <p>The applicant advised that if the floor area of the shed was reduced, the shed will still require 9m length along the back fence to store the landowner's vehicles.</p> <p>A wall length of 9m is not considered oversized for residential area and a 1metre rear setback is consistent with the minimum setback requirements under the RCodes. Notwithstanding, the proponent has agreed to increase the rear setback to 2m to address the concerns raised by the neighbour.</p> <p>Due to the raised finished floor level of the adjoining lot to the rear, the height of the retaining wall and dividing fence, 600mm of the shed wall will be visible above the dividing fence from the adjoining property. This is considered minor and typical development as viewed in residential areas.</p>

		The longest shadow cast at midday on 21 st June (the shortest day) of the year would only just overlap the dividing fence at the rear due to the adjoining property at the rear being located on the west side of the subject site. It is considered that loss of sunlight and light will be minimal. The applicant has increased the rear setback from 1m to 2m to allow landscaping buffer and deleting any overshadowing at midday 21 June. Some minor landscaping will provide screening and allow filtered sunlight through to the adjoining landowners property.		
Has the application been referred to internal departments?		<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A
Assessment of Application				
Development History		A building permit for a dwelling was issued in 2006.		
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 Req	Provided	Officer comment	
Outbuilding (Shed)	Not attached to the dwelling.	Not attached.	Complies	
Use	Non-habitable	Provided.	Complies	
Maximum floor area	60sqm	81sqm	Variation	
Maximum ridge height	4.2m	3.993m to 4.293m	Variation	
Front Setback				
Sides Setback	1m	North: 10m South: 1m	Complies Complies	
Rear Setback	1m	1m	Complies	
Driveway Width	3m to 6m	3.5m Existing	Complies	
Driveway minimum setback to side boundary	0.5m	0.5m	Complies	
Outdoor Living Area	N/A			
Open Space Requirement	60%	67.5%	Complies	
Upgrade Landscaping	<input checked="" type="checkbox"/> Required	<input type="checkbox"/> Not Required		
Overlooking	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		
Street surveillance	No impact to street surveillance from the existing dwelling.			
Street Walls and Fences	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		
Overshadowing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		
Energy efficiency/solar access	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No		
Other Variations	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
Officer's Comments against performance criteria	<p>The outbuilding proposes the following variations to the 'deemed to comply' standards of the RCodes:</p> <ul style="list-style-type: none"> • 81sqm floor area, (a variation to the 60sqm maximum floor area standard); and • 4.293m ridge height, (a variation to the 4.2m maximum ridge height standard). <p>Variations may be permitted if the development meets the design principles of the RCodes.</p> <p>As already discussed the applicant has advised that if the size of the shed was to be reduced the length of the outbuilding will remain at 9m to accommodate their vehicles. Reducing the floor area of the outbuilding will not reduce visual impacts on the adjoining landowner to the rear.</p> <p>The proposed outbuilding has a ridge height of 4.293m a minor variation to the 4.2m maximum ridge height 'deemed to comply' standards of the RCodes. The outbuilding is proposed to be finished in non-reflective colour/material to match the roof the existing dwelling.</p> <p>The adjoining lot to the rear is raised 800mm above natural ground level, with a 1.8m colorbond fence on top reducing potential building bulk impacts.</p>			

	Additional landscaping at the rear of the lot will assist in softening built form. The outbuilding will not detract from the streetscape or the visual amenity or residents or neighbouring properties. The proposed development meets the 'design elements' of the RCodes and is recommended for approval subject to the submission and implementation of a landscaping plan to the satisfaction of the Shire.	
Development Standards (Schedule 13)		
Are the development Standards applicable?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Building Height		
Scheme / Policy Requirement	Wall - 7m	Roof - 8m
State the proposed building height	Wall – 3.55m Roof – 4.293m	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply
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.	
i. Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land?	Yes.	
ii. Has adequate provision been made for access for the development or facilities by disabled persons?	N/A	
iii. Is development likely to cause detriment to the existing and likely future amenity of the neighbourhood?	Non-reflective materials and landscaping will address visual impacts of the proposed outbuilding on the amenity of the neighbourhood.	
iv. 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	It is a condition of approval that the development be finished in non-reflective materials to match the roof of the existing dwelling and that a landscaping plan be submitted and implemented to the satisfaction of the Shire to ameliorate any adverse impacts on the adjoining lot to the rear.	

OFFICER RECOMMENDATION

That the Statutory Planning Coordinator GRANTS Planning Consent under Delegated Authority Instrument No. 15 pursuant to Clause 68(2) of the Deemed Provisions of Local Planning Scheme No. 1 for an Outbuilding (Shed) at 18 (Lot 9) East Willmott Avenue, Margaret River subject to compliance with the following conditions:

CONDITIONS

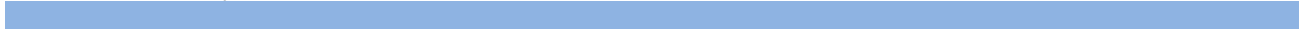
- The development is to be carried out in compliance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent.

Plans and Specifications	P1 received by the Shire on 1 July 2016. P2 & P3 received by the Shire on 7 June 2016.
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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. (P)
- The walls and roof of the building shall be clad in a non-reflective material and painted in a colour of natural or earth toning consistent with the existing landscape and the roof of the existing dwelling. To this end, reflective materials (including but not limited to 'silver' sheeting) or reflective colours as cladding/external painting (including but not limited to white, cream, off white or pale grey) are prohibited. (P)
- All stormwater and drainage run-off from the development shall be contained within the lot boundaries or disposed offsite by an approved connection to the Shire's drainage system. (I)
- The approved outbuilding (shed) shall be used solely for purposes incidental and ancillary to the authorised use of the land. (P)
- The approved outbuilding (shed) shall not be used for human habitation. (P)

7. A Landscape Plan shall be prepared to the satisfaction of the Shire by a suitably qualified and/or experienced landscape consultant and be submitted to the Shire prior to the commencement of development. The Landscape Plan shall be drawn to scale and show the following:
- a) The location, name and mature heights of existing and proposed trees and shrubs and ground covers as recommended in the Cape to Cape Landcare Companion;
 - b) Any landscaped areas to be retained; and
 - c) Those areas that are to be reticulated or irrigated are demonstrated to be designed using water sensitive principles (refer to advice note 'b').
8. Landscaping shall be implemented prior to use of the development and shall be maintained at all times.

ADVICE NOTES

- a) 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 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.
- b) Condition 7 is for the purpose of providing landscaping to screen the Outbuilding (Shed) along the south-western rear boundary.
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**DEVELOPMENT APPLICATION ASSESSMENT (DAU)
Report to Manager Planning Services**

Proposed Dwelling & Water Tank: 86 (Lot 7) Sabina Drive, Molloy Island

Major (Level 2)

P216356: PTY/3172

REPORTING OFFICER : LH
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	1715.712m
Zone	Residential (R10/15) (Special Control Area 2 – Molloy Island)
Proposed Development	<p>Planning approval is sought for a single storey, 2 bedroom, 1 bathroom, 2 water closet dwelling. The water tank is proposed to have a capacity of 90,500 litres. The roof of the dwelling and the walls and roof of the water tank are proposed to be finished in Colorbond 'Mangrove'. The walls of the dwelling are proposed to be finished in Colorbond 'Jasper' to blend in with the wood and trees.</p> <p>A BAL assessment is included in the application documentation. A BAL FZ is recommended for the site, due to vegetation located behind the site on the reserve, the BAL rating cannot be reduced, which will be discussed in more detail later in this report.</p>
Permissible Use Class	'P' (permitted).
Heritage/Aboriginal Sites	Not listed.
Encumbrance	<ul style="list-style-type: none"> Restrictive covenant burden (Molloy Island Home Owners Association).
Date Received	5/07/2016.

Aerial extracts



Policy Requirements	
Is the land or proposal referred to in any Council Policy?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, state the	Local Planning Policy 1 – Outbuildings, Farm Buildings and Swimming Pools (LPP1)

Policy/Policies	<p>Acceptable Development</p> <ul style="list-style-type: none"> • Outbuildings located behind the front of an existing dwelling. <p><u>State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7)</u> The policy came into effect on the 8th of December 2015 and is intended to implement effective risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.</p> <p>The policy applies to the 4 tiers of the planning process i.e. higher order strategic planning documents, strategic planning proposals, subdivision proposals and development applications.</p> <p>Policy measure 6.7 is applicable to the subject site considering the BAL FZ rating of the site. The development is defined as ‘minor development’ in that the proposal is for a single house on an existing lot 1100m² or greater. The application accompanied a BAL assessment, which included fuel reduction measures, within the boundaries of the site, to ensure the BAL FZ standard remain appropriate. In addition, a statement was submitted in support for the minor development against the provisions of section 6.7.1 of the policy. In assessing the application against the provisions of policy measure 6.7.1 a) to d) it is concluded that the proposed development is acceptable for the following reasons:</p> <ol style="list-style-type: none"> a) Full compliance cannot be achieved. An APZ that meets all specified requirements cannot be established; <ul style="list-style-type: none"> – The extent of the fuel load able to be managed on the lot is limited to maintaining firebreaks and fuel loads as per the local governments annual fire break notice issued under s33 of the <i>Bushfires Act. 1954</i>. – An HSZ that meet all specified requirements cannot be established and the BAL exceed BAL-29. – Sabina Drive does not provide access and egress to two different destinations. It is a sealed public road and is available at all times and under all weather conditions. However, Molloy Island has only one access route off the island via a barge over the Blackwood River. – A reticulated water supply is not currently available at the site. – The lot site is required to have a minimum of 10,000litres of stored water available fitted with standard coupling for firefighting purposes. The tank will be readily accessible with a hardstand and turn around area suitable for a 3.4 fire appliance at the tank. b) The construction of a new dwelling on this lot will require the removal of existing vegetation and result in an area of managed gardens surrounding the dwelling. This will reduce the bushfire hazard to other properties in the immediate area. The ability to manage bushfire hazards on adjoining land would not be adversely affected. c) The proposed building works is a new building and therefore the options for positioning are limited but have been considered. d) The small scale of the proposed building works in an area that has significant established residential dwellings means that it is unlikely that this proposed development by itself will adversely affect bushfire risk management in the area.
Officer Comment	<p><u>LPP1</u> The water tank is proposed to be located in front of the dwelling, (a variation to the acceptable development standards of the policy. The water tank is proposed to be located in front of the dwelling for ease of access for fire purposes and filling the tank. The proposed water tank complies with the 15metre minimum front setback and 5metre minimum side boundary setback standards under the Local Planning Scheme No. 1. The water tank is proposed to be finished in non-reflective dark grey/green that will blend in with the natural surrounding environment. The tank has a height of 2.13m, is to be clustered with the dwelling and will not be higher than the dwelling to limit potential adverse visual impacts. Several trees and grass trees are to be retained in 15metres in front of the water tank within the property, as well as the vegetation within the road reserve, which will soften the impacts of built form. There are no boundary fences on Molloy Island. Various sheds, detached carports and water tanks on Molloy Island are visible from the street. The water tank is an appropriate colour, form and scale for the development meeting the performance criteria of the policy.</p> <p><u>SPP 3.7</u> The BAL assessor has confirmed that the BAL rating will remain at FZ irrespective of where the dwelling is sited on the site. The Building has been sited to ensure any fuel reduction requirements are contained within the boundaries of the site. The Molly Island has dedicated firefighting equipment and a volunteer bushfire brigade.</p> <p>It is recommended as a condition of approval that the development be constructed to a BAL FZ rating.</p>
Structure Plans and Local Development Plans (DAP)	
Is the land in any Structure Plan Area or subject to a DAP?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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
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 (Objection)	<ul style="list-style-type: none"> • Objection. • There are many regulations in place on the Island to have a water tank or the front of the property would be an eyesore; • This would set the start for anything goes; • Leach drains right on the edge of the Wet Lands? 	Variations to the general development standards under Local Planning Scheme No. 1, Outbuildings Policy and the Residential Design Codes may be approved if considered to meet performance criteria and not cause detrimental impact on the streetscape and amenity of surrounding landowners.	
Molloy Island Home Owners Association	<ul style="list-style-type: none"> • Design, siting and external appearance of the building are compatible with the established pattern of development on the island. • The siting of a large water tank in front of the house is not uncommon on the island. • However, given the size and location of the tank and the amount of clearing required for this development, the colour 'Paperbark' will not blend in with the setting and recommended that the colour be amended to 'Mangrove' which will still match the house colour, but blend in with the surroundings. • The leach drains are located at the rear of the dwelling and only 10-15metres from the wet area bordering the public open space along the river. Have pollutants leaching into the river, especially in the event of a 100year flood, has been considered? • The plans do not include 'existing vegetation, proposed landscaping areas and proposed clearing, as set out in Shire's Planning Consent Checklist. Molloy Island is a Special Control Area and the objective is 'to protect the existing natural qualities and amenity' and as such this information should be included in the development application. 	<p>The landowner has changed the color of the water tank from 'Paperbark' to 'Mangrove' to blend in with the natural surrounding environment.</p> <p>Noted.</p> <p>The proposed tanks and leach drains are not located within the 100year floor event area depicted on Water Corporation flood maps. The Shires Health Services have issued an onsite waste disposal apparatus approval.</p> <p>Initial plans submitted to the Shire identified proposed trees to be cleared. The plans had some minor revisions. This would not alter the vegetation identified for clearing. The initial plan was forwarded to the MIHOA. A bush fire attack level assessment and document in support of minor development from a fire assessor consultant has been submitted in support of the proposal. The site is located in an extreme bushfire hazard risk zone. The proposed dwelling is modest in size 246sqm (includes dwelling, verandahs, carport and water tank) and as such area required to be cleared is approximately 37% of the site.</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			
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 Proposed Dwelling & Water Tank	Policy / R Codes Req	Provided	Officer comment
Front Setback	LPS1: 15m	15m	Complies
Dwelling Sides Setback	LPS1: 5m	West: 7.5m East: 7.5m	Complies Complies
Water Tank Side Setback	LPS1: 5m	West: 6.5m East: 16m	Complies Complies

Rear Setback	6m	16m	Complies
Driveway Width	3m to 6m	7.5m	Variation
Outdoor Living Area	N/A	N/A	N/A
Open Space Requirement	60%	91%	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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Street Walls and Fences	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Overshadowing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Energy efficiency/solar access	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Other Variations	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Officer's Comments against performance criteria	The proposed development generally consistent with the 'deemed to comply' standards of the RCodes except for the width of the driveway. No justification for the width of the driveway was provided. It is recommended as a condition of approval that the driveway be reduced to 6metres where the front of the boundary meets the street.		
Local Planning Scheme No. 1 (LPS1)			
Are the Development Standards applicable?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Special Control Area 3 – Molloy Island (SPA 3)		Objective is to protect the existing natural qualities and amenity of Molloy Island. Applications are required to be referred to MIHOA. The local government is to have due regard to, but not be bound by, any recommendations of the MIHOA.	
Officer Comment	Application has been referred and comments addressed as mentioned previously. The development is to be clustered in the middle of the lot. The development is to be finished in colour/materials to match the approved development and to blend with the natural surroundings as well as complying with the large front and side boundary setbacks. The development is considered to meet the objectives of the SPA 3.		
Car Parking			
LPS1 / R Codes Requirement	Car Bays Required - 2	Car Bays Proposed -2	
Dimensions	2.5 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 type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply	
Building Height			
Scheme / Policy Requirement	Wall - 7m	Roof - 8m	
State the proposed building height	Wall – 3.75m	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply	
	Roof – 4.2m		
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?	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?	N/A		
Officer Comment	Conditional approval is recommended.		

OFFICER RECOMMENDATION

That the Statutory Planning Coordinator **GRANTS** Planning Consent under Delegated Authority Instrument No. 15 pursuant to Clause 68(2) of the Deemed Provisions of Local Planning Scheme No. 1 for Dwelling and Water Tank at 86 (Lot 7) Sabina Drive, Molloy Island subject to compliance with the following conditions:

CONDITIONS

1. 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 by the Shire on 9 August 2016. P3 received by the Shire on 5 July 2016.
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2. 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. (P)
3. All stormwater and drainage run-off from the development shall be contained within the lot boundaries or disposed offsite by an approved connection to the Shire's drainage system. (I)
4. The walls and roof of the dwelling and water tank shall be clad in a non-reflective material and painted in a colour of natural or earth toning consistent with the existing landscape and existing development. To this end, reflective materials (including but not limited to 'silver' sheeting) or reflective colours as cladding/external painting (including but not limited to white, cream, off white or pale grey) are prohibited. (P)
5. The Dwelling shall be constructed in accordance with the BAL FZ rating under *Australian Standard 3959 - Construction of Buildings in Bushfire Prone Areas*.
6. A minimum 90,000 litre rain water tank or alternative potable water supply for domestic use, shall be provided prior to occupation of the dwelling and thereafter maintained to the satisfaction of the Shire.

ADVICE NOTES

- a) 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 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.