

**DEVELOPMENT ASSESSMENT UNIT**  
**Minutes of the Development Assessment Unit**  
**Shire of Augusta Margaret River**  
**On 16 April 2019**

**ATTENDANCE**

Lucy Gouws, Chris Wenman, Brad Roberts and Hilary Metcalfe

**PLANNING APPLICATIONS RECEIVED**

Date Rec'd	Assess No.	Address	Proposal	DA No.
08/04/2019	A10259	119-121 (Lot 4) Bussell Highway, Margaret River	Sign (Window Sign & Wall Sign) & Alterations to Facade	P219219
08/04/2019	A855	20 (Lot 328) Hardy Street, Augusta	Holiday House Renewal (Large)	P219220
08/04/2019	A2419	32 (Lot 26) & 16 (Lot 16) Illawarra Avenue and 13 (Lot 20) Merino Way, Margaret River	Scheme Amendment No 60 to Local Planning Scheme No 1 and Associated Structure Plan	P219221
08/04/2019	A1281	159 (Lot 81) Wilderness Road, Margaret River	Holiday House (Renewal)	P219222
08/04/2019	A5866	Unit 8, 16 (Lot 8) Town View Terrace, Margaret River	Holiday House Renewal	P219223
08/04/2019	A2462	35 (Lot 1) Turner Street, Augusta	Holiday House Renewal	P219224
08/04/2019	A12759	Lot 210 Burnside Road, Burnside	Dwelling Addition	P219225
09/04/2019	A2608	27 (Lot 20) Isaacs Road, Margaret River	Holiday House Renewal	P219227
09/04/2019	A12773 A12362 A5956	38 (Lot 106) Barrett Road, Rosa Brook	Farm Building Ancillary to Agriculture Extensive	P219228
09/04/2019	A5446	53 (Lot 23) Baudin Drive, Gnarabup	Holiday House	P219229
11/04/2019	A10126	Unit 1, 40 (Strata Lot 1 of Lot 154) Grunters Way, Gnarabup	Dwelling	P219231
12/04/2019	A11519	19 (Lot 1) Lovejoy Road, Cowaramup	Dwelling Additions (Bund)	P219240
12/04/2019	A2256	Unit 2, 9 (Strata Lot 2 of Lot 118) Papadakis Avenue, Prevelly	Holiday House	P219242
12/04/2019	A7095 A1488	Unit 4, 24 (Strata Lot 4 of Lot 35) Town View Terrace, Margaret River	Holiday House (Renewal)	P219243

**BUILDING LICENCE APPLICATIONS RECEIVED**

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
08/04/2019	A8231	19 Callistemon Drive, Margaret River	Patio	219156
09/04/2019	A12584	Unit 3 35 Stewart Street, Margaret River	Deck extension	219157
11/04/2019	A12759	801 Lot 210 Burnside Road, Margaret River	Single Dwelling and Rainwater Tank	219158
11/04/2019	A7331	Lot 78 Colyer Drive, Hamelin Bay	Shed and Rainwater Tank	219159
12/04/2019	A7331	Lot 78 Colyer Drive, Hamelin Bay	Single Dwelling	219160

**SUBDIVISIONS DETERMINED**

Nil

**LEVEL 1 APPLICATIONS determined under delegation**

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
29/11/2018	Jared Drummond	Lots 4592 and 1965 Bussell Highway Karridale Lots 1966 and 4056 McLeod Creek Road, Kudardup	Plantation	Approved	P218761
08/01/2019	Clare Hamilton	9 (Lot 37) Lambertia Terrace, Margaret River	Single Dwelling	Approved	P219012
30/01/2019	Clare Hamilton	71 (Lot 50) Bussell Highway, Margaret River	Additions to Existing Manager's Residence	Approved	P219061
04/02/2019	Clare Hamilton	12 (Lot 33) Station Road, Margaret River	Holiday Houses (Units 1, 2 and 4)	Approved	P219070
15/02/2019	Lisa Bell	30 (Lot 3841) Kearney Road, Treeton	Animal Husbandry (Poultry for Egg Production)	Approved	P219102
05/03/2019	Robyn Fergusson	10 (Lot 129) Tammar Place, Margaret River	Holiday House (Renewal)	Approved	P219126
22/03/2019	Lucy Gouws	254 (Lot 22) Wright Road, Nillup	Home Business (Meat Processing and Packaging and Produce Delivery)	Approved	P219174
01/04/2019	Leigh Medlen	49 (Lot 66) Town View Terrace, Margaret River	Shop Additions (Solar Panels)	Approved	P219203

04/04/2019	Lucy Gouws	744 (Lot 111) Cowaramup Bay Road, Gracetown	Caravan Park Addition (Water Tank)	Approved	P219211
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**LEVEL 2 APPLICATIONS for determination**

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
1/2/19	LB/AS	90 (Lot 5) Sabina Drive, Molloy Island	Dwelling Addition (Outbuilding)	Conditional Approval	P219066

**MANAGEMENT OF VEGETATION ON SHIRE RESERVES**

Nil

**LOCAL LAW PERMITS**

Nil

**OTHER APPLICATIONS determined under delegation**

Nil

**ELECTED MEMBERS ATTENTION**

Nil

**CLOSURE OF MEETING**



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

**Proposed Dwelling Addition (outbuilding and water tanks x 2) at 90 (Lot 5) Sabina Drive Molloy Island**

**Major (Level 1)**

**P219066; PTY/723**

REPORTING OFFICER : Lisa Bell  
DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	1986m <sup>2</sup>
Zone	Residential R10/15 SCA 2
Proposed Development	<p>Planning approval is sought for the following outbuildings:</p> <ul style="list-style-type: none"> <li>- shed (56m<sup>2</sup>) located 2.29 metres from the western side boundary and 16 metres from the front (south – western) boundary.</li> <li>- water tanks: <ul style="list-style-type: none"> <li>o relocation of existing water tank 0.5m north, to allow for outbuilding</li> <li>o installation of new water tank (2.8m diameter) 1.8m from property boundary for fire-fighting purposes.</li> </ul> </li> </ul> <p>The proposed location of outbuildings has been selected in order to avoid clearing of remnant vegetation, whilst maintaining front setbacks and solar access to the living room windows on the western side of the dwelling.</p>
Permissible Use Class	'P' (Permitted)
Heritage/Aboriginal Sites	The site is located on Molloy Island of which is surrounded by the Blackwood River (a mythological heritage site). The proposed additions are located approximately 140m from the edge of the River and 50m from flood line area. The development will not impact the Blackwood River.
Encumbrance	Restrictive Covenant Burden (Molloy Island Home Owners Associations development guidelines, restrictions)
Date Received	1/2/2019





Policy Requirements			
Is the land or proposal referred to in any Council Policy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
LPP 1 - Outbuildings, Farm Buildings and Swimming Pools	<p>The proposal complies with relevant acceptable development criteria for dwellings that do not have an attached garage.</p> <p>Conditions will be applied to ensure that the outbuilding is clad in colours and that do not detract from amenity of surrounding area, which will ensure consistency with performance criteria 1.2 and 1.3.</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: <u>3</u>	
Have agency or authority comments been received?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
Name	Nature of Submission	Officer Comment	
Tania van der Stap (neighbour – Lot 4)	Support	Noted	
Greg Croker (neighbour – Lot 4)	Support. Please ensure all trees planted on the boundary of the two properties are not affected by constructions	Noted. Application states that no trees or vegetation will be removed if the outbuilding is permitted in proposed location.	
Molloy Island Home Owners Association	<p>Objection to proposed cream colour of shed as is a large outbuilding and will have a negative impact on landscape quality. Will also object to tank if cream coloured.</p> <p>No objection to reduction of side setbacks for shed and tank as there is a logical reason for it.</p> <p>Support maintenance of the 15 metre front setback and preservation of native vegetation and trees.</p>	<p>Uphold. Standard condition restricting light/reflective colours to be applied.</p> <p>Noted</p> <p>Noted</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	Policy / R Codes Req	Provided	Officer comment
Front Setback	LPS1 (SCA 2 – Molloy Island Area): 15m	16m	Complies

<b>Sides Setback</b>	LPS1 (SCA 2 – Molloy Island Area): 5m, though Shire may approve 3.5m setback	2.29m (shed) 1.8m (tank)	<i>Does not comply</i> <i>Does not comply</i>
<b>Rear Setback</b>	6m	26m	Complies
<b>Open Space Requirement</b>	60%	89%	Complies
<b>Upgrade Landscaping</b>	<input type="checkbox"/> Required	<input checked="" type="checkbox"/> Not Required	
<b>Overlooking</b>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
<b>Street surveillance</b>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
<b>Street Walls and Fences</b>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
<b>Overshadowing</b>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
<b>Energy efficiency/solar access</b>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
<b>Other Variations</b>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
<b>Officer's Comments against performance criteria</b>	Variation to side setback considered acceptable in accordance with Clause 67 of Deemed Provisions.		
<b>Development Standards (Schedule 9)</b>			
Are the development Standards applicable?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<b>Building Height</b>			
Scheme / Policy Requirement		Wall – 3.1m (LPP 1)	Roof - 8m
State the proposed building height		Wall – 2.9m Roof – 3.5m	<input checked="" type="checkbox"/> Complies <input type="checkbox"/> Doesn't Comply
<b>Clause 67</b>			
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? Yes			
<b>Officer Comment</b>	<p>The proposed location of the outbuildings represent significant variation to the 3.5m setback prescribed for SCA 2 - Molloy Island Area. This variation is consistent with the relevant sections of clause 67 for the following reasons:</p> <ul style="list-style-type: none"> <li>(a) It is consistent with the objective of SCA 2, which is to protect the existing natural qualities and amenity of Molloy Island by strict control of development. The proposed outbuildings have been located to avoid vegetation clearing and to maintain front setbacks and solar access to existing dwelling.</li> <li>(m) Development is compatible with its setting. Approval (P218798) has recently been granted for a carport 3.5m across the boundary from the proposal. Furthermore, the height, bulk, scale orientation and appearance is consistent with existing development.</li> <li>(n) Amenity of the locality will not be affected. The outbuildings will be largely screened from the street by existing vegetation and from the adjoining property by the approved carport.</li> <li>(p) Existing trees will be preserved</li> <li>(y) All submissions (from MIHOA and adjoining land owners) support the variation.</li> </ul>		
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. Variation to setbacks is sought in order to develop in existing cleared area.		
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		
<b>Other Comments</b>			
Any further comments in relation to the application?			
<b>Officer Comment</b>	The proposed development is generally consistent with Local Planning Scheme No. 1 and the Residential Design Codes.		

#### OFFICER RECOMMENDATION

That the Acting Manager of Planning and Development Services 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 Dwelling Additions (Outbuilding and Water Tanks x 2) at 90 (Lot 5) 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' received at the Shire on 18 February 2019 and 'P2' received at the Shire of Augusta Margaret River offices on 2 February 2019.
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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.
3. All stormwater and drainage run-off from the development shall be detained within the lot boundaries, managed to pre-development 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 Standards & Specifications.
4. The Dwelling Additions the subject of this consent, 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 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. Details shall be submitted with the building permit.
5. The outbuilding shall be used solely for purposes incidental and ancillary to the authorised use of the land.
6. The outbuilding shall not be used for human habitation.

## ADVICE NOTE

- 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 (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.