

SHIRE OF WEST ARTHUR



Ordinary Council Meeting 22 October 2019 Minutes

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ORDINARY COUNCIL MEETING MINUTES

Prior to the commencement of the meeting, newly elected councillors made their declaration of office as an elected member.

1. DECLARATION OF OPENING/ELECTION OF PRESIDENT AND DEPUTY PRESIDENT

Nicole Wasmann, Chief Executive Officer, declared the meeting open at 6.04 pm and invited nominations for the position of President. Cr Marie Lloyd nominated Cr Kevin King in writing. Cr Kevin King indicated his willingness to accept the nomination. There being no further nominations, Cr Kevin King was duly elected as Shire President for a two year term.

Cr Kevin King made his declaration of office as President and assumed the chair.

Cr Kevin King invited nominations for the position of Deputy President.

Nominations in writing were received for Cr Marie Lloyd and Cr Neil Morrell. The Chief Executive Officer undertook an election by secret ballot and declared Cr Neil Morrell elected. Cr Neil Morrell made his declaration of office as Deputy President.

Following the election of the President and Deputy Shire President, a minute silence was held for Mr WTJ (Tom) Abbott, who was a councillor from 1981 to 1997.

2. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

3. PUBLIC QUESTION TIME

Nil

4. RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

Cr K King	Shire President
Cr N Morrell	Deputy Shire President
Cr M Lloyd	
Cr J McFall	
Cr N Manuel	
Cr G Peirce	
Cr A Squires	
Nicole Wasmann	Chief Executive Officer
Nicki Morrell	Administration Officer

Apologies

Nil.

Leave of Absence

Nil.

5. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Ordinary Meeting of Council held 17 September 2019.

COUNCIL DECISION – ITEM 6.1

Moved: Cr Marie Lloyd

Seconded: Cr Julie McFall

The minutes of the Ordinary Meeting of the Shire of West Arthur held in the Council Chambers on 17 September 2019 be confirmed.

CARRIED 7/0

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

Nil.

8. REPORTS

Nil.

8.1 OFFICER REPORTS

Nil.

ITEM 8.1.1– FINANCIAL REPORT SEPTEMBER 2019

LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
FILE REFERENCE:	N/A
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	15 October 2019

SUMMARY:

Consideration of the financial reports for the period ending 30 September 2019.

BACKGROUND:

The financial reports for the periods ending 30 September 2019 are included as attachments.

COMMENT:

If you have any questions regarding details in the financial reports, please contact the office prior to Council meeting so that sufficient time is given to research the request. This will enable the information to be provided at the Council meeting.

CONSULTATION:

Not applicable.

STATUTORY ENVIRONMENT:

Section 34 (1) (a) of the Local Government (Financial Management) Regulations 1996 states that a Local Government is to prepare monthly statement of financial activity including annual budget estimates, monthly budget estimates, actual monthly expenditure, revenue and income, material variances between monthly budget and actual figures and net current assets on a monthly basis.

POLICY IMPLICATIONS:

Not applicable.

FINANCIAL IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

Not applicable.

VOTING REQUIREMENTS:

Simple majority

COUNCIL DECISION (OFFICER RECOMMENDATION) – ITEM 8.1.1

Moved: Cr Neil Manuel

Seconded: Cr Julie McFall

That the financial report for the period ending 30 September 2019 as presented be accepted.

CARRIED 7/0

ATTACHMENTS:

- Financial Reports – 30 September 2019

ITEM 8.1.2 – ACCOUNTS FOR PAYMENT

LOCATION/ADDRESS: N/A
NAME OF APPLICANT: N/A
FILE REFERENCE: N/A
DISCLOSURE OF INTEREST: N/A
DATE OF REPORT: 15 October 2019

SUMMARY:

Council to note payments of accounts as presented.

BACKGROUND:

The schedule of accounts is included as an attachment for Council information.

COMMENT:

If you have any questions regarding payments in the listing, please contact the office prior to the Council meeting.

CONSULTATION:

There has been no consultation.

STATUTORY ENVIRONMENT:

Section 12 of the Local Government (Financial Management) Regulations 1996 states that

- 12 (1) A list of creditors is to be compiled for each month showing –
- (a) The payee's name;
 - (b) The amount of the payment;
 - (c) Sufficient information to identify to transaction; and
 - (d) The date of the meeting of the council to which the list is to be resented.

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL IMPLICATIONS:

There are no financial implications.

STRATEGIC IMPLICATIONS:

No strategic implications.

VOTING REQUIREMENTS:

Simple majority

COUNCIL DECISION (OFFICER RECOMMENDATION) – ITEM 8.1.2

Moved: Cr Neil Morrell

Seconded: Cr Marie Lloyd

That in accordance with section 13 of the Financial Management Regulations of the Local Government Act 1995 and in accordance with delegation, payment of Municipal Fund vouchers 13092019.1 - 13092019.14, 25092019.1 - 25092019.14, 01102019.1 - 01102019.15, 14102019.1 - 14102019.17, Licensing, Salaries and Wages and EFT Transfers, Direct Debit totalling \$246,377.27 listed (attached) be noted as approved for payment.

CARRIED 7/0

ATTACHMENTS:

- Cheque Listing

ITEM 8.1.3 – COMMITTEE MEMBERS

LOCATION/ADDRESS: N/A
NAME OF APPLICANT: N/A
FILE REFERENCE: 2.1.1
DISCLOSURE OF INTEREST: N/A
DATE OF REPORT: 17 October 2019

SUMMARY:

Following local government elections, Council are to make appointments to Committees of Council, regional and local bodies.

BACKGROUND:

In accordance with the Local Government Act, tenure of committee membership expires on the day of the ordinary election.

Council also needs to appoint delegates to regional and local organisations.

CONSULTATION:

Community members were invited to nominate for the Swimming Pool Committee, Tidy Towns Committee and Arthur River Development Committee.

STATUTORY ENVIRONMENT:

Section 5.8 of the Local Government Act 1995 allows for local governments to establish committees. *“A local government may establish committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.”*

All committee members must be appointed by the Council. The term of appointment is usually until the next ordinary Election Day. Elections are held in October every two years (the next being in 2021).

It is a statutory requirement to have an Audit Committee.

POLICY IMPLICATIONS:

Not applicable

FINANCIAL IMPLICATIONS:

Councillors are entitled to claim travel and sitting fees for committee meetings and where they have been appointed to represent the local government at another meeting.

STRATEGIC IMPLICATIONS:

No strategic implications will occur by appointing committee members.

COMMENT:

Committees appointed under the Local Government Act previously include:

- Audit Committee – has been three members in the past. May be more than three. Hold two to four meetings per annum. Normally includes President.
- Executive Appraisal Committee - has been three members in the past. May be more than three. Normally two meetings per annum. Usually includes President and Deputy President.
- Arthur River Development Committee – community members and usually one elected member. Shire officers attend the meetings, so it is not essential to have a councillor. Normally two meetings per annum held in the morning. Nominations have been received from Frances O’Callaghan, Heather McDougall, Lisa Saunders, John Pascoe and Peter Manuel.
- Tidy Towns Committee - community members and usually one elected member. No requirement to appointment an elected member as Shire officers attend meetings, however a Shire councillor has always been a member in the past. Normally hold two to four meetings per annum. Community nominations have been received from Rebecca South, Kate Johnston, Janice King, and Kym Gibbs
- Swimming Pool Committee – Requirement of agreement with Education Department. School Principal, School Sports Coordinator, community representative, two members of the School Parents and Citizens Association, Pool Technical Officer, Shire Chief Executive Officer and one elected member. Normally only one meeting per annum. Heather Gibbs has nominated as the community representative.

- Westcare Committee – community members and CEO in accordance with MOU. No elected members are on this committee. Existing committee to be reappointed including Maureen South, Pam Wales, Chris Buller, Fran Dawson and the Chief Executive Officer.

Council to also consider appointing representative and proxy to the following non Shire committees or meetings:

- Shire of West Arthur Bush Fire Advisory Committee. Normally two evening meetings per annum .
- Local Emergency Management Committee – Shire President and one other councillor. Normally two to four meetings per annum.
- Zone of WALGA (two delegates and proxies). Normally four meetings per annum – full day. Information about the zones is available from this [link](#).
- 4WDL VROC. Currently six meetings per annum (may reduce). Meetings take 2/3 day. The 4WDL VROC is a voluntary regional organisation including the shires of Wagin, Williams, Woodanilling, West Arthur, Dumbleyung and Lake Grace. Meetings are rotated through the region.
- West Arthur CRC (could be the CEO if elected members not available as the CRC is currently a member of this Committee). Up to eight evening meetings per annum.
- West Arthur Cottage Homes (could be a Shire officer if elected members not available).
- Development Assessment Panel - consider planning applications that are not considered by Council <https://www.dph.wa.gov.au/projects-and-initiatives/planning-reform/faqs-initiative-c8-development-assessment-panels> for more information. Two councillors are appointed and two proxies are required. Term commences from 26 January 2020. Training is provided. West Arthur has not been involved in any application that has gone to DAP to date,
- Museum Reference Group (could be a Shire Officer if elected members not available)
- Chair of Lake Towerrinning Meetings one meeting every two years or as required.
- Sub Group of the Regional Road Group. Up to six day meetings per annum. This role is further explained at this [link](#).

Council may wish to consider portfolios i.e. plant or sporting facilities.

VOTING REQUIREMENTS:

Absolute majority

OFFICER RECOMMENDATION – ITEM 8.1.3

1. That Council appoints
 - a) Three elected members to the audit committee.
 - b) Three elected members to the Executive Appraisal Committee.
 - c) Frances O’Callaghan, Heather McDougall, Lisa Saunders, John Pascoe and Peter Manuel to the Arthur River Development Group and considers the appointment of an elected member.
 - d) Kate Johnston, Kym Gibbs, Rebecca South, and Janice King to the Tidy Towns Committee and considers the appointment of an elected member.
 - e) The School Principal, School Sports Coordinator, Heather Gibbs (community representative), two members of the School Parents and Citizens Association, Pool Technical Officer, and Shire Chief Executive Officer to the Pool Committee.
 - f) Maureen South, Pam Wales, Chris Buller, Fran Dawson and the Chief Executive Officer, to the Westcare Committee.
2. That council considers the appointment of elected members to the following:
 - a) Bush Fire Advisory Committee
 - b) Development Assessment Panel
 - c) Central Country Zone of WALGA
 - d) 4WDL VROC
 - e) West Arthur Community Resource Centre Committee
 - f) West Arthur Cottage Homes Committee
 - g) Sub Group of the Regional Road Group
 - h) Chair of the Lake Towerrinning Strategic Plan Reference meetings
 - i) Local Emergency Management Committee
 - j) Museum Reference Group

COUNCIL DECISION – ITEM 8.1.3

Moved: Cr Neil Manuel

Seconded: Cr Marie Lloyd

1. That Council appoints
 - a) Cr Graeme Peirce, Cr Adam Squires, Cr Julie McFall and Cr Kevin King to the Audit Committee.
 - b) Cr Kevin King, Cr Neil Manuel and Cr Marie Lloyd to the Executive Appraisal Committee.
 - c) Frances O'Callaghan, Heather McDougall, Lisa Saunders, John Pascoe, Peter Manuel and Cr Neil Manuel to the Arthur River Development Committee.
 - d) Kate Johnston, Kym Gibbs, Rebecca South, Janice King and Cr Kevin King to the Tidy Towns Committee.
 - e) The School Principal, School Sports Coordinator, Heather Gibbs (community representative), two members of the School Parents and Citizens Association, Pool Technical Officer, Shire Chief Executive Officer and Cr Adam Squires to the Pool Committee.
 - f) Maureen South, Pam Wales, Chris Buller, Fran Dawson and the Chief Executive Officer, to the Westcare Committee.
2. That council considers the appointment of elected members to the following:
 - a) Cr Neil Morrell to the West Arthur Bush Fire Advisory Committee.
 - b) Cr Marie Lloyd, Cr Neil Morrell, Cr Julie McFall (Proxy) and Cr Graeme Peirce (Proxy) to the Development Assessment Panel.
 - c) Cr Kevin King and Cr Julie McFall to the Central Country Zone of WALGA.
 - d) Cr Graeme Peirce to the 4WDL VROC with Cr Neil Morrell as proxy.
 - e) Cr Marie Lloyd to the West Arthur Community Resource Centre Committee.
 - f) Cr Adam Squires to the West Arthur Cottage Homes Committee.
 - g) Cr Kevin King to the Sub Group of the Regional Road Group with Cr Neil Manuel as proxy.
 - h) Cr Neil Morrell to the Chair of the Lake Towerrinning Strategic Plan Reference meetings.
 - i) Cr Neil Morrell to the Local Emergency Management Committee.
 - j) Cr Julie McFall to the Museum Reference Group.

CARRIED BY ABSOLUTE MAJORITY 7/0

ATTACHMENT

Nil

ITEM 8.1.4 - RURAL SHEDS

LOCATION/ADDRESS:	Whole of Municipality
NAME OF APPLICANT:	Council
FILE REFERENCE:	
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	14 October 2019

SUMMARY:

To consider adoption of Local Planning Policy No 2 to clarify the need for development approval under Local Planning Scheme No 2.

BACKGROUND:

A background discussion was distributed to Councillors last month and is summarised in this report.

Local Planning Policy No 1 provides exemptions for the need to obtain development approval for a range of uses. This currently only relates to outbuildings which are ancillary to dwellings.

It has become apparent that larger rural outbuildings are being required for farms for both the storage of hay and machinery. These may exceed 500sqm in size and when located the minimum setback distance of 20m from a front boundary they may be visually intrusive. This is especially relevant on the two highways and other main district roads.

The primary objective of the Rural zone is to ensure the continuation of broad-hectare agriculture as the principal land use in the district, encouraging where appropriate the retention and expansion of agricultural activities. In accordance with that objective, Council considers it appropriate to reduce the need for development approvals for farm sheds where possible.

COMMENT:

Large buildings in the rural landscape have the potential to be visually intrusive. They are also typically constructed of zincalume and can in some instances reflect sunlight glare over long distances. Both of these can be very difficult to assess and even more difficult to remedy once the building is constructed.

Where proposals are exempt from requiring a development approval, it must be accepted that there is greater potential for the development to have greater visual impacts. Any exemption should include greater setbacks from front boundaries especially on the major rural roads.

Defining where a development application is not required does not become a formal regulation. The landowner/applicant always has the choice of locating a proposal that varies from any policy by making an application to Council. Any application must be considered on its merits and the provisions in any Policy are not a mandatory consideration.

The potential options available to Council to manage this issue are outlined below.

a) Require a development application

This is retaining the status quo and each application would be considered on its merits. Should the current situation be retained then it would be prudent for Council to advertise this so as to inform landowners.

b) Fully exclude irrespective of size

The opposite of (a) above is to deregulate the planning controls so that no development application is required for Rural Outbuildings. This is not considered suitable especially if there are no other applicable provisions such as increased boundary setbacks.

c) Subject to an arbitrary size limit

A number of Council Local Planning Policies for outbuildings reference a threshold size or wall height based upon either the zone or lot size. These can apply to a single outbuilding or to the aggregate of the existing outbuildings. The aggregate approach is most often applied in the Residential zone.

Where an arbitrary size threshold is imposed ie 500sqm; it has little relevance if Council then routinely approves buildings with a greater size. Conversely it allows for the proposal to be reviewed to assess if there is likely to be any perceived issue. Where there is no obvious issue these could be approved under delegation.

d) Subject to an arbitrary boundary setback

The application of increased boundary setbacks can be done either separately or in conjunction with other measures such as a size limit. The basis of this is that any visual intrusion on these roads is reduced because of the setback distance especially when compared to the minimum 20m setback provision in the Scheme.

e) Screening

The need for a development application can also be based upon whether the building is visible from the road irrespective of the setback distance. This requirement is used by Councils with important tourist routes when considering any development application irrespective of how far away the development site might be.

f) Exclusions

Any proposed Policy should document what exclusions apply and these can include such matters such as:

- Use of second hand building material;
- Relocated buildings; or
- Sea containers and dongas etc.

It is also necessary to modify Local Planning Policy No 1 Permitted Development to reference the new Policy.

DELEGATION

The current delegation to the CEO relates to permitted (P) uses. The use of a farm shed/outbuilding will be for agriculture which is already a P use in the Scheme. It is the physical development of the farm shed/outbuilding that is being approved.

The CEO's delegation should potentially be altered to allow the approval of farm shed/outbuildings where they still need approval under the draft Policy.

CONSULTATION:

None

STATUTORY ENVIRONMENT:

The relevant statutory provisions relating to Local Planning Policies are now contained in Schedule 2 Division 2 of the Planning and Development (Local Planning Scheme) Regulations 2015. The draft Policy is required to be advertised for public comment for 21 days.

Following the advertising of the draft Policy Council is required to:

- (a) review the proposed policy in the light of any submissions made; and
- (b) resolve to -
 - (i) proceed with the policy without modification; or
 - (ii) proceed with the policy with modification; or
 - (iii) not to proceed with the policy.

If the Council resolves to proceed with the policy, it must publish notice of the policy in a newspaper circulating in the Scheme area. The policy then has effect from the date of publication of the notice.

The local government may make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment.

POLICY IMPLICATIONS:

The development of Local Planning Policies is a recognised planning tool to assist in the administration of the Town Planning Scheme.

FINANCIAL IMPLICATIONS:

None

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple

OFFICER RECOMMENDATION – (ITEM 8.1.4)

- A. That pursuant to Schedule 2 Clause 4 of the Planning and Development (Local Planning Scheme) Regulations 2015 Council modify Local Planning Policy No 1 Permitted Development by inserting:
5) The development of a farm shed/outbuilding in accordance with Local Planning Policy No 2.
- B. That pursuant to Clause 5(2) the modified LPP No 1 not be advertised as the amendment to the policy is a minor amendment.
- C. That pursuant to Schedule 2 Clause 4(1)(a) of the Planning and Development (Local Planning Scheme) Regulations 2015 Council advertise draft Local Planning Policy No 2 (as contained in Attachment 1) for 21 days.
- D. That following advertising Council consider any submissions and determined whether to adopt the Policy.

COUNCIL DECISION – ITEM 8.1.4

Moved: Cr Julie McFall

Seconded: Cr Neil Morrell

- A. That pursuant to Schedule 2 Clause 4 of the Planning and Development (Local Planning Scheme) Regulations 2015 Council modify Local Planning Policy No 1 Permitted Development by inserting:
5) The development of a farm shed/outbuilding in accordance with Local Planning Policy No 2.
- B. That pursuant to Clause 5(2) the modified LPP No 1 not be advertised as the amendment to the policy is a minor amendment.
- C. That pursuant to Schedule 2 Clause 4(1)(a) of the Planning and Development (Local Planning Scheme) Regulations 2015 Council advertise draft Local Planning Policy No 2 (as contained in Attachment 1, subject to an amendment to point 5 to reference fire mitigation) for 21 days.
- D. That following advertising Council consider any submissions and determined whether to adopt the Policy.

CARRIED 7/0

Council amended the officer's recommendation due to concerns with hazards from potential fires should they be close to roads.

ATTACHMENTS:

- Local Planning Policy No 2 – Rural Sheds

LOCAL PLANNING POLICY NO 2 – RURAL SHEDS

Policy Area

This Policy applies to land within the Rural zone in Local Planning Scheme No 2; except for that land within the Wellington Reservoir Catchment Special Control Area.

Background

Local Planning Policy No 1 provides exemptions for the need to obtain development approval for a range of uses. This currently only relates to outbuildings which are ancillary to dwellings.

It has become apparent that larger rural outbuildings are being required for farms for both the storage of hay and machinery. The primary objective of the Rural zone is to ensure the continuation of broad-hectare agriculture as the principal land use in the district, encouraging where appropriate the retention and expansion of agricultural activities. In accordance with that objective, Council considers it appropriate to reduce the need for development approvals for farm sheds where possible.

Objective

- ❖ To clarify the need for a development application; and
- ❖ To ensure that there is no adverse impact on the rural character of the area.

Definition

A farm shed/outbuilding means a building used in conjunction with local farming operations but it does not include a building or use which is defined separately within the planning scheme.

Policy Statement

- 1) There is no maximum size limit (floor area or height).
- 2) The development of a farm shed/outbuilding does not require a planning approval provided that:
 - a) It is located on land within the Rural zone; but it is not within the Wellington Reservoir Catchment Special Control Area.
 - b) It is setback from the front boundary a minimum distance of:
 - 500m from Albany or Coalfields Highway;
 - 300m from the Williams Road, Bowelling - Duranillin Road, Boyup Brook - Arthur Road and Darkan - Kojonup Road (which has several local names).
 - 20m from other roads.
 - c) The development complies with the deemed-to-comply requirements of the R-Codes where applicable in that zone.
- 3) A farm shed/outbuilding will be exempt from Clause 5.7 of the Scheme relating to requiring a development application for a lot abutting an unconstructed road or a lot which does not have frontage to a constructed road.
- 4) Clause 2 does not apply when second material is used, relocated buildings including dongas and sea containers.
- 5) Where a farm shed/outbuilding is to be located less than the distances prescribed in 2(a) and (b) above Council will consider the potential impact of hazards from fires, the development on the landscape character, and views from the roadside. This can be reduced by locating the building behind trees, or where the topography blocks any view.
- 6) Where a farm shed/outbuilding is not being used intensively by multiple persons, Council will exempt it from requiring a "planning" BAL Assessment.

COUNCIL DECISION – MEETING ADJOURNMENT

Moved: Cr Julie McFall

Seconded: Cr Neil Morrell

That the meeting be adjourned for the evening meal from 7.39pm.

CARRIED 7/0

8:03pm – The meeting reconvened with all those being present before the adjournment returning to the meeting.

ITEM 8.1.5 – RESIDENTIAL RELOCATED OUTBUILDINGS

LOCATION/ADDRESS: Lot 239 (No 21) Arthur Street Darkan
NAME OF APPLICANT: C & K Mills
FILE REFERENCE:
DISCLOSURE OF INTEREST: N/A
DATE OF REPORT: 17 October 2019

SUMMARY:

To consider an application for a shed and the use of a donga and a sea container as sheds on a residential property.

BACKGROUND:

The subject land is Lot 239 DP210290 Arthur Street Darkan. It has an area of 1,012sqm with a frontage of 20m. It adjoins Reserve 19034 on its eastern boundary which the applicant uses for access to the rear of the property.

The application is for the construction and installation of:

- A 98sqm (14 x 7m) shed at the rear of the property (height 3.6m to the ridge);
- A second hand donga (12 X 2.8m) with a front setback of 12m and side setback of 1m to R19034. It will be located adjacent to the existing dwelling; and
- A sea container (2.4 X 6m)

These will have a combined total area of 148sqm. Photographs of the donga and sea container are contained in Attachment 3. It is also proposed to install a K Rail (Midalia Steel product) fence on the property's eastern boundary, similar to the front of the property.

The location of the buildings is shown in Attachment 1 and they are intended to be used for the storage of general household material as outlined in the applicant's letter contained in Attachment 2. At the time of preparing the agenda item, the shed is not identified in the drawing in Attachment 1. This will be included and circulated prior to the Council meeting. The purpose of the buildings is for storage as they have moved from a farm and the existing dwelling is only two bedrooms. They are proposing to purchase land out of town in the future and then move the donga.

The application indicates that in the future it is also proposed to apply for a 72sqm carport to be located at the front of the property with a setback of 2.5m.

COMMENT:

The primary issue with the application is the potential impact on the amenity of the area in terms of visual appearance. This relates to the proposed donga which will be located at the front of the property. One objective of the Scheme is to provide a high standard of residential development.

Clause 5.10 of the Scheme relates to "Transported Buildings" however, the actual provisions then refer to the buildings use as a dwelling. The R Codes define an outbuilding as an enclosed non-habitable structure that is detached from any dwelling.

It is common for Council's to have Local Planning Policies to address the use of sea containers, dongas, second hand building materials etc. Council has not prepared any Local Planning Policies which are relevant to the application.

It is possible for a new shed to be built on the site with exactly the same dimensions as the proposed donga including having a flat roof. The potential impact of the donga can be reduced by painting and/or landscaping especially at the front of the property.

The additional development of the carport would need a separate development application. The location of the carport in front of the donga would assist in reducing its visibility.

While the application refers to the possible relocation of the donga in the future this may be difficult once fences and the future carport are established.

The options available to Council are to:

- a) Approve the application with no specific conditions;
- b) Approve the application requiring painting and landscaping;
- c) Approve the application for a limited time period;
- d) Defer the application and request specific commitments regarding improvements to the donga; or
- e) Refuse the application.

CONSULTATION:

The application was advertised to the surrounding land owners and one submission has been received. This has no issue with the proposed sea container at the rear of the property. The concern is with the donga being at the front of the property and hence visible from the street.

The person making the submission also requested that a time period be stipulated for the removal of the donga to another site as indicated in the application.

STATUTORY ENVIRONMENT:

Local Planning Scheme

The subject land is zoned Residential R12.5 under Local Planning Scheme No 2. The objectives for the Residential zone are:

- to provide for the predominant form of residential development to be single houses.
- to provide for diversity of lifestyle choice with a range of dwelling types.
- to achieve a high standard of residential development.
- to allow for the establishment of non-residential uses which are compatible with the predominant residential use and which will not adversely affect local amenities.

The development setbacks for buildings are as follows:

- Primary street 7.5m;
- Secondary street 2.0m; and
- Rear 6.0m.

Outbuildings are not listed in the Zoning Table as a separate land use and are subject to the provisions of the Residential Design Codes as outlined in the next section.

Clause 5.10 of the Scheme deals with transported buildings. Clause 5.10.1 states that:

- A person is not to transport a building and place it on land in a gazetted townsite in the Scheme Area and use it as a dwelling unless planning approval has been granted by the local government. The local government is not to grant planning approval if the land is within a Heritage Area designated in accordance with clause 7.2.

Clause 5.10.2 requires that Council shall only approve a transported building where it is in the opinion of the local government, in a satisfactory condition and will not detrimentally affect the amenity of the locality.

Residential Design Codes (R Codes)

The R Codes include provisions for outbuildings and have Deemed to Comply requirements where no development application is required. These are where the outbuilding:

- i. is not attached to a dwelling;
- ii. is non-habitable;
- iii. collectively do not exceed 60m² in area or 10 per cent in aggregate of the site area, whichever is the lesser;
- iv. does not exceed a wall height of 2.4m;
- v. does not exceed ridge height of 4.2m;
- vi. is not within the primary or secondary street setback area;
- vii. does not reduce the amount of open space required in Table 1; and
- viii. is set back in accordance with Tables 2a and 2b.

There are also general provisions relating to streetscape.

Bushfire Prone Land

The subject land is not designated as being bushfire prone.

POLICY IMPLICATIONS:

Any precedent would not affect a future Local Planning Policy.

FINANCIAL IMPLICATIONS:

None

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple majority

OFFICER RECOMMENDATION – (ITEM 8.1.5)

- A That Council approve the use and development of Lot 239 DP210290 Arthur Street Darkan for a shed, donga and sea container, with combined total area of 148sqm, subject to the following conditions:
- 1) The exterior of the proposed donga shall be painted and the area between it and the front boundary shall be landscaped to the requirements and satisfaction of Council.
 - 2) The development hereby approved shall occur generally in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of the Council.
 - 3) Any use, additions to and further intensification of any part of the building or land (not the subject of this consent) shall be subject to a further development application and consent for that use.
 - 4) The buildings hereby permitted shall only be used for purposes incidental to the residential use of the property and shall not be used for any commercial or industrial purpose.
 - 5) The site shall be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance.
 - 6) This approval shall expire if the development hereby permitted is not completed within two years of the date hereof, or within any extension of that time which, upon written application (made before or within 21 days after the expiry of the approval) to the Council, is granted by it in writing.
- B That the person who lodged the submission be advised of the above.
- C That the applicant be advised that the proposed additional carport will require a separate development application.

COUNCIL DECISION– ITEM 8.1.5

Moved: Cr Julie McFall

Seconded: Cr Neil Morrell

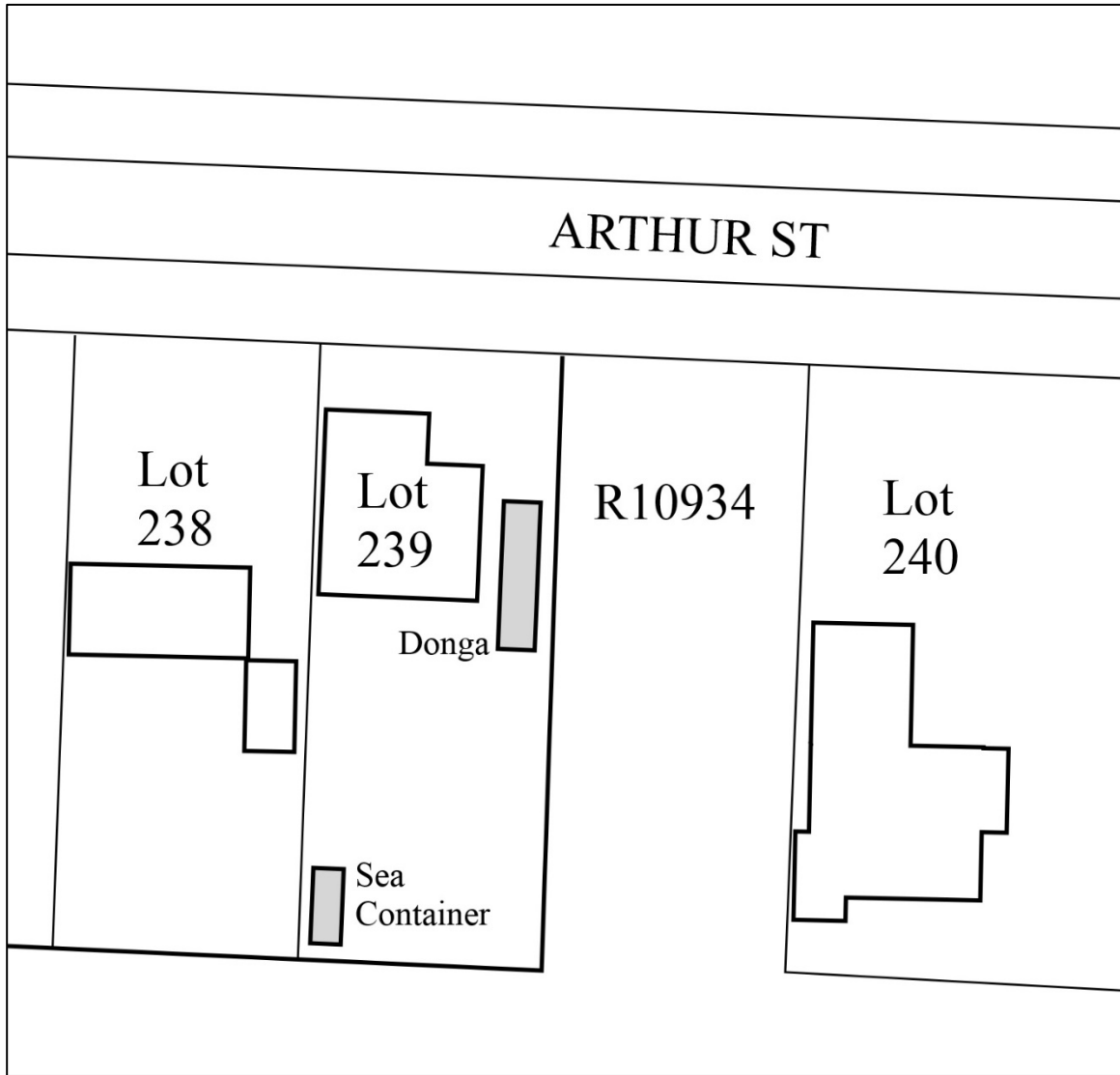
- A That Council approve the use and development of Lot 239 DP210290 Arthur Street Darkan for a shed, donga and sea container, with combined total area of 148sqm, subject to the following conditions:
- 1) The exterior of the proposed donga shall be painted and the area between it and the front boundary shall be landscaped to the requirements and satisfaction of Council.
 - 2) The development hereby approved shall occur generally in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of the Council.
 - 3) Any use, additions to and further intensification of any part of the building or land (not the subject of this consent) shall be subject to a further development application and consent for that use.
 - 4) The buildings hereby permitted shall only be used for purposes incidental to the residential use of the property and shall not be used for any commercial or industrial purpose.
 - 5) The site shall be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance.
 - 6) This approval shall expire if the development hereby permitted is not completed within two years of the date hereof, or within any extension of that time which, upon written application (made before or within 21 days after the expiry of the approval) to the Council, is granted by it in writing.
 - 7) That the Donga be removed within two years of placement.
- B That the person who lodged the submission be advised of the above.
- C That the applicant be advised that the proposed additional carport will require a separate development application.

CARRIED 7/0

Council amended the officer's recommendation due to concerns the donga may become a permanent fixture.

ATTACHMENTS:

- 1 – Site Plan, 2 – Application Letter and 3 – Photographs



ATTACHMENT 2

To West Arthur Town Planner,

The Donga and Sea Container will NOT be used for habitation, industrial or commercial purposes. Both will only be used for storage of excess household furniture as in cupboards, couches, desks, office furniture, stored clothes, stored kitchen items, camping stuff like tents & swags, work shop materials and tools because we moved off of a farm and have always had sheds for storage.

The current condition of Donga and Sea Container is excellent as per photos already sent. Both water tight and lockable. We intend to carry on the current fencing that will run along side the Donga.

Our future plans are to purchase land out of town and to move the Donga when the time comes.

The house we moved into is only a 2 bedroom and we have moved out of 2 houses and have no place to store anything.

We also can confirm that the future carport and shed that are on the development plans will total in 218 sqm. Carport is 8m x 9m roof only structure. No concrete floor and no walls.

The rear shed is a 7m x 14m structure. The concrete pad on the plans is a 10m x 14m pad.

KIND REGARDS.

CLAYTON & KATHERINE MILLS.

ATTACHMENT 3



8.2 COMMITTEE REPORTS

Nil.

8.3 REPORTS OF ELECTED MEMBERS

Cr K King

- 8 October 2019 - 4WDL VROC
- 3 October 2019 - Regional Road Group

Cr N Manuel

- Nil

Cr M Lloyd

- 16 October 2019 - CRC Meeting

Cr J McFall

- Nil

Cr A Squires

- Nil

Cr Neil Morrell

- Nil

Cr Graeme Peirce

- Nil

9. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

10. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

Nil.

11. CONFIDENTIAL ITEMS

Nil.

12. CLOSURE OF MEETING

Cr King declared the meeting closed at 8.56 pm.

DISCLAIMER

The purpose of this council meeting is to discuss and, where possible, make resolutions about items appearing on the agenda.

Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on basis of such decision or on any advice or information provided by a member or officer, or on the content of any discussion occurring, during the course of the meeting.

Persons should be aware that the provisions of the Local Government Act 1995 (section 5.25 (e)) establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person.

The Shire of West Arthur expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the Council meeting.

These Minutes were confirmed at the ordinary council meeting on: 19 November 2019

Signed: _____
Presiding Member at the meeting at which the Minutes were confirmed