



MINUTES

**DEVELOPMENT APPROVALS
COMMITTEE MEETING**

10 NOVEMBER 2009

I certify that the minutes of the meeting of the Development Approvals Committee held 10 November 2009 Folios DAC1 to DAC22 including Attachments 1 to 3 were confirmed on 9 February 2010.

Presiding Member



MINUTES
DEVELOPMENT APPROVALS
COMMITTEE MEETING
10 NOVEMBER 2009

ATTENTION/DISCLAIMER

These minutes are subject to confirmation.

Before acting on any recommendation of the Committee a check must also be made in the Council minutes following the Committee meeting to ensure that Council did not make a decision at variance to the Committee Recommendation.

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The Shire of Mundaring warns that anyone who has any application lodged with the Shire of Mundaring must obtain and should only rely on WRITTEN CONFIRMATION of the outcome of the application and any conditions attaching to the decision made by the Shire of Mundaring in respect of the application.

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LEGEND

To assist the reader, the following explains the method of referencing used in this document:

Item	Example	Description
Page Numbers	DAC1 NOVEMBER 09 (DAC2, DAC3 etc)	Sequential page numbering of DAC Agenda or Minutes for November 2009
Item Numbers	8.1 (8.2, 8.3 etc)	Sequential numbering of reports under the heading "8.0 Reports of Officers and/or Committees"
Committee Recommendation Reference	DAC11.11.09	Committee Recommendation number 11 from DAC meeting November 2009
Committee Decision Reference	DDAC7.11.09	Committee Decision number 7 from DAC meeting November 2009

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**DEVELOPMENT APPROVALS COMMITTEE MEETING
COUNCIL CHAMBER**

1.0 OPENING PROCEDURES

To be read out aloud by the Presiding Person

Members of Council and members of the gallery are advised that this meeting will be audio-recorded.

The Presiding Person declared the meeting open at 6.34pm.

1.1 Announcement of Visitors

Nil

1.2 Record of Attendance/Apologies/Approved Leave of Absence

Councillors	<i>Cr J Johnson (Presiding Person)</i>	<i>Central Ward</i>
	<i>Cr E Wysocki</i>	<i>Central Ward</i>
	<i>Cr A Pilgrim</i>	<i>Central Ward</i>
	<i>Cr P Bertola</i>	<i>East Ward</i>
	<i>Cr J Daw</i>	<i>East Ward</i>
	<i>Cr S Fox</i>	<i>East Ward</i>
	<i>Cr C James</i>	<i>South Ward</i>
	<i>Cr D Jones</i>	<i>South Ward</i>
	<i>Cr P Clark</i>	<i>West Ward</i>
	<i>Cr T Cuccaro</i>	<i>West Ward</i>
	<i>Cr H Dullard (Shire President)</i>	<i>West Ward</i>
Staff	<i>Mr M Luzi</i>	<i>Executive Manager Statutory Services</i>
	<i>Mr A Dyson</i>	<i>Manager Health & Community Services</i>
	<i>Mr J Devereux</i>	<i>Manager Planning Services</i>
	<i>Mrs R Broz</i>	<i>Minute Secretary</i>
Apologies	<i>Cr E Marjanovic</i>	<i>South Ward</i>
	<i>Cr J Daw</i>	<i>East Ward</i>
	<i>Cr P Clark</i>	<i>West Ward</i>
Absent	<i>Nil</i>	
Leave of Absence	<i>Nil</i>	
Guests	<i>Nil</i>	
Members of the Public	<i>8</i>	
Members of the Press	<i>Nil</i>	

2.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil

2.1 Permission to Speak for Members of Public Present [Standing Orders clause 1.4.1 (6)]

COMMITTEE DECISION	<i>DDAC1.11.09</i>
<i>Moved by:</i> <i>Cr Dullard</i>	<i>Seconded by:</i> <i>Cr Bertola</i>

That, in accordance with clause 1.4.1 (6) of the Shire of Mundaring Standing Orders Local Law, members of the public in attendance be permitted to make comment in relation to a matter on the agenda of the meeting at the time the matter is discussed during the course of the meeting, where a member of the public has a demonstrated interest in a matter; and that such permission be subject to the ruling of the presiding person with regards to the duration of any comment, the number of speakers wishing to speak on a particular matter and the demonstrated interest.

CARRIED 9/0

3.0 RECOGNITION AND AWARDS

Nil

4.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5.0 PUBLIC QUESTION TIME (MINIMUM OF 15 MINUTES)

Procedures for asking and responding to questions are determined by the Presiding Member. Questions must relate to a function of the Committee. Questions must relate to a matter affecting the local government.

Note: This is not a verbatim record of questions asked and answers given. It is a summary only.

Nil

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

COMMITTEE DECISION		DDAC2.11.09	
<i>Moved by:</i>	<i>Cr Pilgrim</i>	<i>Seconded by:</i>	<i>Cr Dullard</i>

That the minutes of the meeting of the Development Approvals Committee held 8 September 2009 be confirmed.

CARRIED 9/0

7.0 PRESENTATIONS

Nil

8.0 DISCLOSURE OF INTERESTS

8.1 Disclosure of Financial Interest and Proximity Interests

Members must disclose the nature of their interest in matters to be discussed at the meeting. (Sections 5.60B and 5.65 of the Local Government Act 1995).

Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Sections 5.70 and 5.71 of the Local Government Act 1995).

Nil

8.2 Disclosure of Interest Affecting Impartiality

Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee has given or will give advice. (Shire of Mundaring Code of Conduct, Local Government (Admin) Reg. 34C).

Nil

9.0 REPORTS OF OFFICERS AND/OR COMMITTEES

9.1 No. 7 Wilna Place, Helena Valley – Proposed Ancillary Accommodation with Reduced Setback to Watercourse

Date of Report	9 October 2009
Location / Address	See ATTACHMENT 1
Landowner	Leslie & Lynette Hayward
Applicant	Cavalier WA
Zoning	TPS 3 – Residential 'R5' MRS – Urban
Area	2185 sq. metres
Use Class	'AA' – Ancillary Accommodation
Ward	South
Author	Briony Moran, Planning Officer
Senior Officer	Mark Luzi Director, Statutory Services
Disclosure of Any Interest	Nil

SUMMARY:

An application has been received seeking approval for ancillary accommodation on the subject property.

The proposed ancillary accommodation complies with the Residential Design Codes and the Shire of Mundaring Ancillary Accommodation Policy. However there is a watercourse near the front boundary of the property and the setback from the watercourse does not comply with the Shire of Mundaring Watercourse Protection Policy.

Lot size and existing development constrains the placement of the ancillary accommodation. This report recommends that approval be granted with conditions.

BACKGROUND

It is intended that the ancillary accommodation will provide safe accommodation for an elderly family member.

STATUTORY / LEGAL IMPLICATIONS:

- Shire of Mundaring Town Planning Scheme No.3 (the Scheme)
- Shire of Mundaring Ancillary Accommodation Policy
- Shire of Mundaring Watercourse Protection Policy

Item 9.1 cont'd 2

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

It is possible that should the application be refused by Council the applicant will request a review through the State Administrative Tribunal against this decision. Costs would then be incurred through this process.

STRATEGIC IMPLICATIONS:

Nil

SUSTAINABILITY IMPLICATIONS:

Use of a transportable building allows the building to be relocated and reused in the future.

Replacement of the existing septic system with a new ATU system, with an irrigation area further from the watercourse, would protect the water quality of the watercourse.

CONSULTATION:

In accordance with Clause 6.6 of the Scheme, proposals listed as an 'AA' use within Table 1 are advertised for 21 days for public comment prior to determination. No objections were received.

COMMENT:

- | | | |
|----------------|--------------------------|---|
| Infrastructure | <input type="checkbox"/> | Require information on stabilisation of embankment to ensure no encroachment into road reserve. |
| Health | <input type="checkbox"/> | Installation of an ATU servicing the whole development would be most appropriate given predominant soil types and proximity to creek. |
| Building | <input type="checkbox"/> | Building licence required. |
| Environmental | <input type="checkbox"/> | Does not meet 20 metre setback from creekline (not a defined watercourse on Shire mapping system). |
| | <input type="checkbox"/> | No vegetation to be removed. Revegetation of creek/drainage area required as part of a landscape plan. |
| | <input type="checkbox"/> | Septic/leach drain to be as far away from creek as possible. |

Item 9.1 cont'd 3

PLANNING COMMENT

The proposed ancillary accommodation is a transportable building with a floor area of 47.5 square metres, a wall height of 2.4 metres and a ridge height of 3 metres. It would have a zincalume roof (consistent with existing house) with green cladding and grey gutters and trim. The Ancillary Accommodation Policy states "transportable buildings would be encouraged as they can be easily removed from the land once the use is no longer required".

The proposed ancillary accommodation is not considered to have a significant impact upon the amenity of the locality. It is located 15 metres from the street frontage. A bullnosed verandah matching the verandah on the existing dwelling will be added to the transportable structure to enhance its appearance. The lot is located at the end of a cul-de-sac adjacent to a well-vegetated reserve.

The distance between the watercourse and the verandah of the proposed ancillary accommodation is 14 metres. However the watercourse is piped most of the length of this property before passing into an open drain on the verge in front of neighbouring properties.

The existing septic systems are just over 30 metres from the watercourse however the existing leach drains are 26 metres from the watercourse. It is envisaged that a new effluent disposal system would be located at the rear of the property.

The proposal complies with the relevant Scheme and Policy provisions with the exception of those listed below:

<u>Town Planning Scheme No. 3</u>	
Scheme Requirement/Clause	Assessment/Comment
1. Clause 4.17 (11)(d) - no buildings or earthworks shall be permitted within 100 metres from the bank of any river, creek or watercourse and no landfill shall be undertaken within such area or its associated flood plain area.	The lot is only 65 metres long, therefore it is not possible to locate development 100 metres from the bank of the watercourse.
<u>Shire of Mundaring Watercourse Protection Policy</u>	
Scheme Requirement/Clause	Assessment/Comment
2. It is Council's policy that: A minimum of 20 metres of land either side of a watercourse be reserved and/or managed for conservation purposes.	The size of the lot and constraints of existing development limit options to locate the proposed ancillary accommodation further from the watercourse. The proposed design and location is considered appropriate for this residential lot,

Item 9.1 cont'd 4

Shire of Mundaring Watercourse Protection Policy	
Scheme Requirement/Clause	Assessment/Comment
	and the development would result in an upgraded effluent disposal system with a disposal area at the rear of the property.

CONCLUSION

The proposed ancillary accommodation complies with the Shire's Ancillary Accommodation Policy. The proposed location is considered acceptable given the constraints of existing development on the lot, and the piped watercourse across most of the lot. Conditions requiring revegetation of a portion of the creek line and a new effluent disposal system set further back will improve the health of the watercourse.

VOTING REQUIREMENT:

Simple Majority

<i>COMMITTEE AND OFFICER RECOMMENDATION</i>	<i>DAC1.11.09</i>
<i>Moved by: Cr James</i>	<i>Seconded by: Cr Jones</i>

That Council grants approval for the proposed ancillary accommodation at 7 (Lot 283) Wilna Place, Helena Valley, subject to the following conditions:

PREREQUISITES FOR ACCEPTANCE OF BUILDING LICENCE APPLICATION

Although Planning approval has been granted for this development, it is subject to conditions. Some of these conditions (as listed below) may require documentation to be submitted at the time an application is made for a building licence. A building licence cannot be issued until this documentation has been approved so it is essential to include it with the building licence application.

1. Ancillary Accommodation

The applicant shall arrange a notification under Section 70A of the Transfer of Land Act 1893 to be placed on the Certificate of Title of the subject lot, advising owners and subsequent owners of land of restrictions that apply to ancillary accommodation. That restriction being that the occupants of the ancillary accommodation shall be members of the family of the occupier of the main dwelling on the property.

Item 9.1 cont'd 5

All costs associated with the lodgement of the Notification and vetting by the Shire Solicitor shall be borne by the applicant. (P)

2. Application for replacement effluent disposal system, to service both the existing dwelling and ancillary accommodation, is to be submitted with the Building Licence Application. The Alternative Treatment Unit is to comply with Health (Treatment of Sewage) Regulations and the Code of Practice for Grey Water Reuse and shall be approved by the Shire's Health Service prior to the issuing of a building licence. (H)
3. Details of proposed stabilisation of embankment to be provided to the satisfaction of the Manager Infrastructure Service. (I)
4. A landscaping plan shall be submitted for approval by the Director Statutory Services which shows by a numerical code the botanical names, quantity and ultimate size of all plant types to be planted. Such planting shall incorporate the use of local native species only, to achieve nutrient interception (including drainage swales), creek line buffers and habitat restoration. (E)

PREREQUISITES TO BE SATISFIED PRIOR TO COMMENCEMENT OF USE OR OCCUPANCY OF BUILDING

An Officer of the Statutory Services Group shall be requested by the developer to check that the following requirements have been met prior to the use commencing or the building being occupied.

5. The development shall be in complete accordance with the approved plans (including any amendments marked in red) prepared by the applicant and endorsed by the Director Statutory Services, unless prior approval is sought from that Officer for any variation made necessary by detailed design. (B)
6. Installation of effluent disposal system to the satisfaction of the Manager Health Service. (H)
7. One additional parking space is to be provided for use by the occupant of the ancillary accommodations. (P)

ON-GOING CONDITIONS

The following conditions are not required to be checked for compliance prior to commencement of use or occupancy of the building(s) but still apply to the development.

8. The use of the ancillary accommodation shall be restricted to members of the family of the occupier of the main dwelling on the property. (P)

Item 9.1 cont'd 6

9. All landscaped areas to be established and maintained to a high horticultural standard, in accordance with the approved Landscaping Plan, to the satisfaction of the Director Statutory Services. (E)
10. Stormwater run-off from the development shall be managed in accordance with Council's Town Planning Scheme Policy (Code) relating to Stormwater Management. A copy of this policy is attached. (I)

NOTES

- Note 1. If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
- Note 2. Where an approval has so lapsed, no development shall be carried out without the further approval of the Shire having first been sought and obtained.
- Note 3. If an applicant is aggrieved by this determination there is a right to make an application to the State Administrative Tribunal for a review of the decision under Part 14 of the *Planning and Development Act 2005*. An application for review must be lodged within 28 days of the date of this letter and a copy of the application must be served on the Shire.

ADVICE NOTES

Please note the following information:

1. This approval is a Planning Approval of the Shire of Mundaring under its Town Planning Scheme No 3 and is not a building licence or an approval to commence or carry out development under any other law. It is the proponent's responsibility to obtain all necessary approvals, consents and licences required under any other law.
2. If you require any further information regarding any particular condition, please contact an Officer from the Service nominated at the end of the condition as set out below:

"P"	-	Planning
"H"	-	Environmental Health
"I"	-	Infrastructure
"B"	-	Building
"E"	-	Environment

CARRIED 9/0

9.2 No. 195 Eagle Street, Mundaring – Proposed Outbuilding (Transportable Structure)

Date of Report	8 October 2009
Location / Address	See ATTACHMENT 2
Landowner	John & Angela Wilmot
Applicant	Angela Wilmot
Zoning	TPS 3 – Rural Landscape Living 1 MRS – Rural
Area	8088 sq.metres
Use Class	Single dwelling 'P'
Ward	Central
Author	Briony Moran, Planning Officer
Senior Officer	Mark Luzi Director, Statutory Services
Disclosure of Any Interest	Nil

SUMMARY:

The applicant seeks planning approval for a proposed outbuilding (sea container) on the subject lot. As the proposed transportable structure would be on the property for longer than six months Council approval is required.

This report recommends approval for a period of five years, as the structure would be well screened by existing native vegetation and not considered to have a detrimental impact on adjoining landowners or the amenity of the area.

BACKGROUND:

Nil

STATUTORY / LEGAL IMPLICATIONS:

- Shire of Mundaring Town Planning Scheme No.3

POLICY IMPLICATIONS:

- Shire of Mundaring Outbuilding's Policy
- Shire of Mundaring Transportable Structure Policy
- Shire of Mundaring Building Envelopes Policy

FINANCIAL IMPLICATIONS:

Nil

Item 9.2 cont'd 2

STRATEGIC IMPLICATIONS:

Nil

SUSTAINABILITY IMPLICATIONS:

The social, economic and environmental considerations of this proposal are considered minor.

CONSULTATION:

The proposal was advertised to three adjoining landowners by the applicant. There were no objections.

COMMENT:

As the proposal relates to planning matters only, comments from other services were not sought.

Description of the Proposal:

The purpose of the proposed outbuilding is long term secure storage of the landowners' personal and household items while the house is tenanted.

The existing outbuilding on the property has an area of 20 sq.metres and the proposed sea container has an area of 29.4 sq.metres. The proposed total outbuilding area on the site is 49.4 sq.metres. The container will have a height of 2.59 metres and it will be located 10 metres from the side lot boundary and 45 metres from the street frontage.

The proposal complies with all of the relevant scheme and policy objectives with the exception of those listed below.

<u>Shire of Mundaring Transportable Structures Policy</u>	
Scheme Requirement/Clause	Assessment/Comment
1. Clause 2 - Transportable Structures that exceed any one or more of the criteria corresponding to the relevant zone in Table 1 of this Policy, or the relevant general criteria below, will generally not be recommended for approval unless in Council's opinion the size, appearance and location and particulars of the subject site will not have a detrimental impact on landscape and amenity of the area...	The proposal complies with Table 1 except that the time is not limited to less than six months. Approval for a period of five years is recommended as the proposed transportable structure is located within existing screening vegetation, and the appearance is considered not to be detrimental to the amenity of the locality.

Item 9.2 cont'd 3

Shire of Mundaring Transportable Structures Policy	
Scheme Requirement/Clause	Assessment/Comment
Under Table 1, a transportable structure proposed on a Rural Landscape Living lot for more than 6 months requires Council approval.	

The proposal complies with the Shire of Mundaring Outbuilding Policy and Building Envelopes Policy. Due to the size, location and design of the transportable structure, Shire staff consider the proposed outbuilding will not detrimentally impact on the amenity of the area and recommend approval. However the approval should be limited to five years as the Transportable Structures Policy does not support permanent placement of sea containers on Rural Landscape Living zoned land.

VOTING REQUIREMENT:

Simple Majority

<i>COMMITTEE AND OFFICER RECOMMENDATION</i>	<i>DAC2.11.09</i>
<i>Moved by: Cr Pilgrim</i>	<i>Seconded by: Cr Wysocki</i>

That Council grants planning approval for a period of five years for the proposed sea container at 195 (Lot 128) Eagle Street, Mundaring subject to the conditions below.

CONDITIONS

PREREQUISITES TO BE SATISFIED PRIOR TO COMMENCEMENT OF USE OF BUILDING

An Officer of the Statutory Services Group shall be requested by the developer to check that the following requirements have been met prior to the use commencing or the building(s) being occupied.

1. The development shall be in complete accordance with the approved plans (including any amendments marked in red) and endorsed by the Director Statutory Services, unless prior approval is sought from that Officer for any variation made necessary by detailed design. (B)
2. The container shall be painted a grey/green colour to blend into the surrounding bush. (P)

Item 9.2 cont'd 4

ON-GOING CONDITIONS

The following conditions are not required to be checked for compliance prior to commencement of use or occupancy of the building(s) but still apply to the development.

3. The existing screening native vegetation shall be maintained in good condition, or re-established if necessary, to the satisfaction of the Director Statutory Service. (E)
4. Stormwater run-off from the development shall be managed in accordance with Shire's Town Planning Scheme Policy (Code) relating to Stormwater Management. A copy of this policy is attached. (I)
5. This approval is valid for 5 years only. The sea container shall be removed after 5 years from the date of approval, unless an extension is granted by Council. (P)

NOTES

- Note 1. If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
- Note 2. Where an approval has so lapsed, no development shall be carried out without the further approval of the Shire having first been sought and obtained.
- Note 3. If an applicant is aggrieved by this determination there is a right to make an application to the State Administrative Tribunal for a review of the decision under Part 14 of the Planning and Development Act 2005. An application for review must be lodged within 28 days of the date of this letter and a copy of the application must be served on the Shire.

ADVICE NOTES

Please note the following information:

1. This approval is a Planning Approval of the Shire of Mundaring under its Town Planning Scheme No 3 and is not a building licence or an approval to commence or carry out development under any other law. It is the proponent's responsibility to obtain all necessary approvals, consents and licences required under any other law.

Item 9.2 cont'd 5

2. If you require any further information regarding any particular condition, please contact an Officer from the Service nominated at the end of the condition as set out below:

"P"	-	Planning
"H"	-	Environmental Health
"I"	-	Infrastructure
"B"	-	Building
"E"	-	Environment

CARRIED 9/0

9.3 No. 13 Darlington Road, Darlington – Removal of a Sea Container

Date of Report	20 October 2009
Location / Address	See ATTACHMENT 3
Landowner	J & D Vogels
Applicant	J & D Vogels
Zoning	TPS 3 – Residential R5 MRS – Urban
Area	2001m ²
Use Class	Warehouse "X"
Ward	South
Author	Geoffrey Wyber, Planning Officer
Senior Officer	Mark Luzi, Director Statutory Services
Disclosure of Any Interest	Nil

SUMMARY:

This report recommends that Council issues a direction to the owners of the abovementioned property for the permanent removal of a sea container and material stored within. The subject lot is vacant with no current building licence for a residential dwelling. A sea container being used for storage of building materials on a vacant residential lot only fits the definition of a 'warehouse', which is an "X" use in Table 1 of the Shire's Town Planning Scheme No. 3 and therefore cannot be considered for approval.

BACKGROUND:

The Shire received a complaint regarding the storage of a sea container on the property. A visit to the site conducted by Shire staff on the 8 September 2009 confirmed that a sea container was on site.

The landowner was subsequently contacted in writing by the Shire advising that a search of Shire records indicated that approval had not been sought nor granted for the storage of a sea container. The letter of correspondence also required that the landowners were to either lodge an application seeking retrospective planning approval or to remove the sea container and materials stored within.

An application for retrospective planning approval was received however a sea container used for the storage of building materials on a vacant residential property prior to residential dwelling is defined as a 'warehouse', a use that is not permitted and cannot be considered for approval on a residential zoned property.

Item 9.3 cont'd 2

STATUTORY / LEGAL IMPLICATIONS:

- Planning and Development Act 2005
- Shire of Mundaring's Town Planning Scheme No. 3

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

Nil

SUSTAINABILITY IMPLICATIONS:

Nil

CONSULTATION:

The matter was not required to be advertised to surrounding landowners or Ward Councillors.

COMMENT:

As the proposal only relates to Planning matters, comments from other Services were not sought.

The storage of a sea container is usually defined as an 'outbuilding' under the Scheme. However, outbuildings must be appurtenant to a residential dwelling therefore as the subject lot is vacant and no current building licence exists for a residential dwelling, the sea container cannot be defined as an 'outbuilding'.

The use of a sea container for storage on a vacant residential lot fits the Scheme's definition of a 'warehouse';

“any building or enclosed land or part of a building or enclosed land used for the storage of goods with or without the carrying out of commercial transactions involving the sale of such goods by wholesale”

A 'warehouse' is an "X" use in the Residential zone and is therefore not permitted, nor can it be considered for approval.

Item 9.3 cont'd 3

VOTING REQUIREMENT:

Simple majority

MOTION			
<i>Moved by:</i>	<i>Cr James</i>	<i>Seconded by:</i>	<i>Cr P Bertola</i>

That the matter lie on the table until the 8 December Council meeting.

LOST 4/5

For	Against
<i>Cr Bertola</i>	<i>Cr Dullard</i>
<i>Cr Cuccaro</i>	<i>Cr Johnson</i>
<i>Cr Fox</i>	<i>Cr Jones</i>
<i>Cr James</i>	<i>Cr Pilgrim</i>
	<i>Cr Wysocki</i>

COMMITTEE AND OFFICER RECOMMENDATION		DAC3.11.09	
<i>Moved by:</i>	<i>Cr Dullard</i>	<i>Seconded by:</i>	<i>Cr Pilgrim</i>

That -

1. Council pursuant to Section 214(3) of the Planning and Development Act 2005 issues a direction to the landowner of 13 (Lot 13) Darlington Road, Darlington to permanently remove the sea container and stored material from the subject property to the satisfaction of the Chief Executive Officer within 60 days of the date of that direction.
2. Subject to non-compliance with the direction referred to in A. above, Council, through the Chief Executive Officer, seeks legal representation to initiate prosecution proceedings against the landowner for breach of the Shire of Mundaring Town Planning Scheme No. 3 and failure to comply with the aforementioned direction pursuant to Section 214 (3) of the Planning and Development Act 2005.

CARRIED 5/4

For	Against
<i>Cr Dullard</i>	<i>Cr Cuccaro</i>
<i>Cr Johnson</i>	<i>Cr Bertola</i>
<i>Cr Jones</i>	<i>Cr Fox</i>
<i>Cr Pilgrim</i>	<i>Cr James</i>
<i>Cr Wysocki</i>	

10.0 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

11.0 NEW BUSINESS OF AN URGENT NATURE APPROVED BY PRESIDING PERSON OR BY DECISION OF MEETING

11.1 Elected Members

Nil

11.2 Officers

Nil

12.0 MATTERS BEHIND CLOSED DOORS

13.0 CLOSING PROCEDURES

13.1 Date, Time and Place of the Next Meeting

The next meeting of the Development Approvals Committee will be on Tuesday 9 February 2010 at 6.30pm in the Council Chamber.

13.2 Closure of the Meeting

The Presiding Person declared the meeting closed at 7.08pm.

14.0 ATTACHMENTS

Attachment No.	Item No.	Subject
1	9.1	No. 7 Wilna Place, Helena Valley – Proposed Ancillary Accommodation with Reduced Setback to Watercourse
2	9.2	No. 195 Eagle Street, Mundaring – Proposed Outbuilding (Transportable Structure)
3	9.3	No. 13 Darlington Road, Darlington – Removal of a Sea Container