

15.1 APPLICATION FOR DEVELOPMENT APPROVAL – PROPOSED NEW INDUSTRIAL STORAGE SHED

File Code	ADM5074
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Disclosure of Interest	Nil
Attachments	1. Application for Planning Approval Form ⇨

SUMMARY

This report recommends that a development application submitted by Hal Walton Nominees Pty Ltd (Landowner) to construct a new 484m² steel framed and clad industrial shed on Lot 74 (No.5) Forrester Avenue, Carnamah for general storage purposes be approved subject to conditions.

BACKGROUND

The applicant is seeking Council's development approval to construct a new 484m² steel framed, Colorbond and zincalume clad industrial shed on Lot 74 (No.5) Forrester Avenue, Carnamah for general storage purposes.

It is understood the applicant is currently using an existing 1,044m² shed and attached lean-to structure on the land for the storage and maintenance of personal vehicles and old farm machinery (i.e. personal hobby purposes and not for any commercial or industrial-type activity) and that the proposed new shed will be used for the same purpose.

Lot 74 is located in the southern extremities of the Carnamah townsite in a designated light industrial area. The subject land comprises a total area of approximately 1.1 hectares, is gently sloping from north-east to south-west and has direct frontage and access to Forrester Avenue along its north-eastern boundary and Chapman Street along its north-western boundary, both of which are sealed and drained local roads under the care, control and management of the Shire.



Location & Lot Configuration Plan (Source: Landgate)

Council should note the land also has direct frontage to Midlands Road along its rear boundary to the south-west however direct access to this road is not currently provided and is generally not permitted due to it being a State Road (i.e. a controlled access highway) under the care, control and management of Main Roads WA.

Lot 89 has historically been developed and used for light industrial purposes (i.e. warehouse / storage) and contains an existing 1,044m² steel framed, Colorbond and zincalume clad shed and attached lean-to structure in its northern half as well as a large bird cage. It is understood from discussion with the applicant / landowner that the existing shed is used by himself on a weekly basis with up to three (3) light vehicle movements per day when in attendance and two (2) to (3) heavy vehicle movements per month to provide for the delivery of old farm machinery for storage and restoration purposes. The applicant / landowner has confirmed the proposed new shed will be used for the same purpose with no change to the type and number of vehicles expected to frequent the property on a regular basis.

Lot 74 has been extensively cleared as a result of its historical development and use for industrial purposes aside from a few trees that have been planted along the land's eastern, southern and western boundaries. Notwithstanding this fact, the southern portion of the land where the proposed new storage shed is proposed to be constructed has been designated by the Fire and Emergency Services Commissioner of WA as being bushfire prone. Having regard for the proposed use of the new shed, a bushfire attack level assessment is not required for the purposes of this assessment and a final decision by Council as it is unlikely to increase the current bushfire threat.

Council should also note the land is not subject to any inundation or flooding during winter months and has not been identified as a place of cultural heritage significance.

Immediately adjoining and nearby land uses include:

- Light industrial development immediately east and north with low density residential development (i.e. single houses) beyond;
- Extensive agriculture (i.e. broadacre cropping and grazing) immediately south; and
- Midlands Road immediately west with vacant, undeveloped light industrial land and an operational railway reserve beyond.

Full details of the proposal, including suitably scaled professionally drawn plans, are provided in Attachment 1.

COMMENT

Lot 74 is classified 'Light Industry' zone under the Shire of Carnamah Local Planning Scheme No.2 (LPS2).

Council's stated objectives for the development and use of any land classified 'Light Industry' zone are as follows:

- a) To provide for service industries and light industries that will not have a detrimental effect on nearby residential or other sensitive uses;
- b) To provide for a range of employment opportunities;
- c) To preclude the storage of bulky and unsightly goods where they may be in public view; and
- d) To ensure the appropriate use of setback areas and the provision of landscaping to the Council's satisfaction.

The existing and proposed development and use of Lot 74 for general storage purposes is most appropriately defined as a 'Warehouse/Storage'. Under the terms of LPS2 the development and use of any land classified 'Light Industry' zone for 'Warehouse/Storage' purposes is listed as being permitted (i.e. a 'P' use). Notwithstanding this fact, Council's development approval is still required as a first step however Council cannot lawfully refuse the application provided it complies with all relevant development standards and requirements of LPS2.

Assessment of the application in the context of the specific standards and requirements of LPS2 and the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* has confirmed it is generally compliant or capable of compliance with the following requirements:

- Land capability and suitability;
- Minimum required buffer separation distance to sensitive land uses;
- Lot boundary setbacks;
- Amenity of the locality including potential environmental, visual and social impacts;
- On-site vehicle access and parking;
- Landscaping; and
- Stormwater drainage and bushfire risk management.

When considering and finally determining the application Council should consider the following key points:

1. On-Site Parking

LPS2 does not prescribe any minimum standards for on-site parking associated with the development of any land classified 'Light Industrial' zone. As such, all car parking requirements are at the discretion of Council having regard for the circumstances of each application received.

In this case no additional on-site parking is proposed to be provided beyond the two (2) car parking bays already provided underneath the lean-to structure on the eastern side of the existing storage shed. Having regard for the limited intensity of usage of the land by the applicant / landowner and the fact there are large open areas available on the land to accommodate any additional parking demand that may arise on a temporary, infrequent basis, the provision of additional on-site parking bays is considered unnecessary.

2. Landscaping

Clause 4.8.2 of LPS2 expressly states the first five (5) metres of the front setback on any lot classified 'Light Industrial' zone shall be landscaped to the satisfaction of the local government. It was noted during assessment of the application that no landscaping has been provided along the land's frontage to Forrester Avenue. Despite this fact, it is noted approximately 291m² of landscaping has already been provided along the land's side and rear boundaries which makes a positive contribution to the visual amenity of the site, particularly on the approach to the Carnamah townsite along Midlands Road which is a designated tourist route.

Whilst there is a case for the provision of additional landscaping to satisfy the specific requirements of LPS2, it is acknowledged the site is in a designated bushfire prone area where the potential risk needs to be considered. The provision of additional landscaping is also expensive, time consuming and difficult given the prevailing weather conditions and extended periods of drought. It is for these reasons it is recommended Council exercise its discretion and approve the application without a condition requiring the planting of

additional landscaping pursuant to the requirements of clause 4.8.2 of LPS2.

3. Stormwater Drainage

The applicant / landowner has advised of his intention to direct all stormwater drainage from the new shed to the land's Midlands Road frontage. This arrangement is considered unacceptable due to the lack of any specific details from the applicant / landowner as part of the application received, the fact the Midlands Road reserve is controlled by Main Roads WA and the potential safety risk to road users in the event of a major storm event.

It is therefore recommended that Council impose a suitable condition on any approval issued requiring the applicant / landowner to liaise with the Shire regarding the most suitable arrangements for the management and disposal of stormwater from the new shed and to implement any approved measures prior to occupation and use of the shed for the intended purpose. Consultation with and approval by Main Roads WA may be required and will be undertaken by the Shire if any stormwater is proposed to be directed and discharged to the land's Midlands Road frontage.

4. Internal Fencing

The site development plan submitted in support of the application shows a proposed new internal fence between the new shed and the land's Midlands Road frontage. It is significant to note no details regarding the precise location, height, construction materials and visual permeability of this new fence as well as any proposed vehicle/pedestrian access arrangements through it have been provided.

Given the potential visual impacts of the new fence and the fact its current alignment on the land is questionable given the location of the new shed and the proposed gravel batters around its edges, it is recommended a suitable condition be imposed on any approval issued requiring the applicant / landowner to prepare and submit further information to the Shire's Chief Executive Officer for consideration and determination prior to the fence being erected.

In light of the above findings and conclusions, it is recommended Council exercise its discretion and approve the application subject to a range of conditions to ensure the development proceeds in a proper and orderly manner.

CONSULTATION

Public advertising of the application was not required or deemed necessary.

The application was not referred to Main Roads WA for comment as no direct access is proposed to the land's Midlands Road frontage.

The application was however the subject of ongoing discussions with the applicant and his draftsperson, the Shire's Deputy Chief Executive Officer and the Shire's contract building surveyor at the City of Greater Geraldton to address and clarify a number of queries.

STATUTORY ENVIRONMENT

- Planning and Development Act 2005 (as amended)
- Planning and Development (Local Planning Schemes) Regulations 2015
- Shire of Carnamah Local Planning Scheme No.2

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil immediate financial implications for the Shire aside from the administrative costs associated with processing the application which are provided for in Council's annual budget.

All costs associated with the proposed development will be met by the applicant / landowner.

It is significant to note that should the applicant/landowner be aggrieved by Council's final decision in this matter, they have the right seek a formal review of that decision by the State Administrative Tribunal. Should this occur for whatever reason the Shire would need to respond, the cost of which cannot be determined at this preliminary stage but could be expected, based on the recent experience of other local government authorities in Western Australia, to range anywhere from \$5,000 to \$60,000 excluding GST depending upon how far the matter proceeds through the review process.

VOTING REQUIREMENT

Simple majority required.

RECOMMENDATION

That the application for development approval submitted by Hal Walton Nominees Pty Ltd (Landowner) to construct a new 484m² steel framed and clad industrial shed on Lot 74 (No.5) Forrester Avenue, Carnamah for general storage purposes be **APPROVED** subject to the following conditions and advice notes:

Conditions

1. The proposed development shall be undertaken strictly in accordance with the information and plans submitted in support of the application subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by Council.
2. Any additional development which is not in accordance with the application the subject of this approval or any condition of approval will require the further approval of Council.
3. The proposed development shall be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period this approval shall lapse and be of no further effect. Where an approval has so lapsed, the proposed development shall not be carried out without the further approval of Council having first being sought and obtained.
4. All external surfaces of the new shed shall be clad with new materials only.
5. All stormwater drainage from the new shed shall be managed and disposed of to the specifications and satisfaction of the Shire's Chief Executive Officer in consultation with the Shire's Manager of Works and Services and Main Roads WA. The new shed shall not be occupied and used for the intended purpose until all required stormwater drainage management measures have been implemented and approved by the Shire's Chief Executive Officer and Main Roads WA if required.
6. The proposed gravel batters around the edges of the new shed shall be suitably graded and stabilised to the specifications and satisfaction of the Shire's Chief Executive Officer in consultation with the Shire's Manager of Works and Services to minimise the risk of erosion.
7. Details regarding the precise location, height, construction materials and visual permeability of the proposed new internal fence immediately south-west of the new shed as well as any proposed vehicle/pedestrian access arrangements shall be submitted to the Shire's Chief Executive Officer for consideration and determination prior to erection of the new fence.
8. The new shed shall only be used for the storage and non-commercial repair of vehicles and farm machinery unless otherwise approved by Council.
9. The open portions of the land shall be ordered and maintained in a neat and tidy condition at all times. The open storage of dismantled vehicles, machinery, spare parts, tyres and any other materials, including waste, is not permitted unless it is screened from public view to the specifications and satisfaction of the Shire's Chief Executive Officer.
10. Any proposed advertising signage shall be in accordance with the specific requirements of Schedule 5 of the Shire of Carnamah Local Planning Scheme No.2 unless otherwise approved by Council.

Advice Notes

1. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and landowner and not the Shire to investigate any such

constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Shire's attention.

2. This is a development approval of the Shire of Carnamah under its Local Planning Scheme No.2. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant and landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
3. In accordance with the Building Act 2011 and Building Regulations 2012, a suitable building permit application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any demolition, construction or earthworks on the land.
4. The proposed new shed is required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements are required to be submitted with the building permit application.
5. No construction works shall commence on the land prior to 7am without the Shire's written approval. No construction works are permitted on Sundays or Public Holidays.
6. The applicant/landowner is hereby advised that the southern portion of the land has been designated by the Fire and Emergency Services Commissioner of WA as being bushfire prone and is reminded of their obligation to ensure compliance with the Shire of Carnamah's Annual Firebreak Notice as it applies specifically to all land in the Carnamah townsite to help guard against the potential bushfire risk. A copy of the Shire's Annual Firebreak Notice is available at <http://www.carnamah.wa.gov.au/services/bush-fire-control>.
7. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Carnamah Local Planning Scheme No.2 and may result in legal action being initiated by the local government.
8. If the applicant or landowner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be submitted within 28 days of the determination.