Shire of Koorda

Drive in, stay awhile

AGENDA

Ordinary Council Meeting

To be held in Shire of Koorda Council Chambers
10 Haig Street, Koorda WA 6475
Wednesday 15 February 2023
Commencing 5.00pm

NOTICE OF MEETING

Dear Elected Members,

Notice is hereby given that the next Ordinary Meeting of Council of the Shire of Koorda will be held on Wednesday, 15 February 2023 in the Shire of Koorda Council Chambers, 10 Haig Street, Koorda.
The format of the day will be:

5.00pm	Council Meeting
Following conclusion of Council Meeting	Council Forum

Lana Foote
Acting Chief Executive Officer
10 February 2023

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Koorda for any act, omission or statement or intimation occurring during Council or Committee meetings.

The Shire of Koorda disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a license, and statement or intimation of approval made by a member or officer of the Shire of Koorda during the course of any meeting is not intended to be and is not to be taken as notice of approval from the Shire of Koorda.

The Shire of Koorda warns that anyone who has any application lodged with the Shire of Koorda 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 Koorda in respect of the application.

To be read aloud if any member of the public is present.

Signed

Darren Simmons
Chief Executive Officer

Table of Contents

1. Declaration of Opening 4
2. Record of Attendance, Apologies and Leave of Absence 4
3. Public Question Time 4
4. Disclosure of Interest 4
5. Applications for Leave of Absence 4
6. Petitions and Presentations 4
7. Confirmation of Minutes from Previous Meetings 5
7.1. Ordinary Council Meeting held on 15 December 2022 5
7.2. Special Council Meeting held on 19 December 2022 5
7.3 Electors Meeting Minutes for meeting held 8 February 2023 5
8. Minutes of Committee Meetings to be Received 5
8.1. WBN RRG Draft Meeting Minutes for meeting held 5 September 2022 5
8.2. Audit Committee Meeting Minutes for meeting held 19 December 2022 6
9. Recommendations from Committee Meetings for Council Consideration 6
10. Announcements by the President without Discussion 6
11. OFFICER'S REPORTS – CORPORATE & COMMUNITY 7
11.1. Monthly Financial Statements 7
11.2. Monthly Financial Statements 10
11.3. List of Accounts Paid 13
12. OFFICER'S REPORTS – GOVERNANCE & COMPLIANCE 15
12.1 Council Resolutions Status Report 15
12.2. Development Application – Internet communications facility on part Lot 101 on DP 301627 accessed off Newcarlbeon Road, Koorda 16
12.3. Development Application – Storage barn style shed with a caretaker's accommodation internally at 3 Allenby Street, Koorda 21
13. OFFICER'S REPORTS – WORKS & ASSETS 27
14. Urgent Business Approved by the Person Presiding or by Decision 27
15. Elected Members' Motions 27
16. Matters Behind Closed Doors 27
17. Closure 27

Shire of Koorda
Ordinary Council Meeting
5.00pm, Wednesday 15 February 2023

1. Declaration of Opening

The Presiding person welcomes those in attendance and declares the meeting open at X.XXpm.

2. Record of Attendance, Apologies and Leave of Absence

Councillors:

Cr JM Stratford	President
Cr GW Greaves	
Cr GL Boyne	
Cr NJ Chandler	

Staff:

Mr DJ Simmons	Chief Executive Officer
Miss L Foote	Deputy Chief Executive Officer

Members of the Public:

Apologies:

Cr BG Cooper	Deputy President
Cr LC Smith	

Visitors:

Approved Leave of Absence:

3. Public Question Time

4. Disclosure of Interest

5. Applications for Leave of Absence

6. Petitions and Presentations

7. Confirmation of Minutes from Previous Meetings

7.1. Ordinary Council Meeting held on 15 December 2022

Click here to view the previous minutes

Voting Requirements ☒Simple Majority ☐Absolute Majority

Officer Recommendation

That, in accordance with Sections 5.22(2) and 3.18 of the *Local Government Act 1995,* the Minutes of the Ordinary Council Meeting held 15 December 2022, as presented, be confirmed as a true and correct record of proceedings.

7.2. Special Council Meeting held on 19 December 2022

Click here to view the previous minutes

Voting Requirements ☒Simple Majority ☐Absolute Majority

Officer Recommendation

That, in accordance with Sections 5.22(2) and 3.18 of the *Local Government Act 1995,* the Minutes of the Ordinary Council Meeting held 19 December 2022, as presented, be confirmed as a true and correct record of proceedings.

7.3 Electors Meeting Minutes for meeting held 8 February 2023

Click here to view

Voting Requirements ☒Simple Majority ☐Absolute Majority

Officer Recommendation

That, in accordance with Sections 5.22(2) and 3.18 of the *Local Government Act 1995,* Council receives the Minutes of the Electors Meeting held 8 February 2023, as presented, be confirmed as a true and correct record of proceedings.

8. Minutes of Committee Meetings to be Received

8.1. WBN RRG Draft Meeting Minutes for meeting held 5 September 2022

Click here to view

Voting Requirements ☒Simple Majority ☐Absolute Majority

Officer Recommendation

That, in accordance with Sections 5.22(2) and 3.18 of the *Local Government Act 1995,* Council receives the Draft Minutes of the WBN RRG Meeting held 5 September 2022, as tabled.

8.2. Audit Committee Meeting Minutes for meeting held 19 December 2022

Click here to view

Voting Requirements ☒Simple Majority ☐Absolute Majority

Officer Recommendation

That, in accordance with Sections 5.22(2) and 3.18 of the *Local Government Act 1995,* Council receives the Minutes of the Audit Committee Meeting held 19 December 2022, as tabled.

9. Recommendations from Committee Meetings for Council Consideration

10. Announcements by the President without Discussion

CEO decisions made under delegated authority since last Ordinary Meeting of Council

Applicant	Date received / Details of application	Address	Estimated project cost / Shire planning fee	Decision / Date

11. OFFICER'S REPORTS – CORPORATE & COMMUNITY

11.1. Monthly Financial Statements

Corporate and Community	
Date	23 January 2023
Location	Not Applicable
Responsible Officer	Lana Foote, Deputy Chief Executive Officer
Author	As above
Legislation	*Local Government Act 1995; Local Government (Financial Management) Regulations 1996*
Disclosure of Interest	Nil
Purpose of Report	☐Executive Decision ☒Legislative Requirement ☐Information
Attachments	December 2022 Financial Activity Statement

Background:
This item presents the Statement of Financial Activity to Council for the period ending 31 December 2022.

Section 6.4 of the *Local Government Act 1995* requires a local government to prepare financial reports.

Regulations 34 and 35 of the *Local Government (Financial Management) Regulations 1996* set out the form and content of the financial reports, which have been prepared and presented to Council.

Comment:
In order to fulfil statutory reporting requirements and provide Council with a synopsis of the Shire of Koorda's overall financial performance on a year-to-date basis, the following financial information is included in the Attachment.

Statements of Financial Activity – Statutory Reports by Nature or Type
The Statement of Financial Activity provide details of the Shire's operating revenues and expenditures on a year-to-date basis. The reports further include details of non-cash adjustments and capital revenues and expenditures, to identify the Shire's net current position.

Note 1 – Statement of Financial Activity
Notes supporting the Statement of Financial Activity by Program and by Nature and Type.

Note 2 – Cash and Financial Assets
This note provides Council with the details of the actual amounts in the Shire's bank accounts and/or investment accounts as at the reporting date.

Note 3 – Receivables
This note provides Council with both Rates Receivables and General Receivables outstanding as at the reporting date. This report has been expanded to further break down the detail of General Receivables.

Note 4 – Other Current Assets
This note provides details of other current assets that the Shire may hold.

Note 5 – Payables
This note provides details of Shire payables unpaid as at the reporting date. This Note is new to the financial statements.

Note 6 – Disposal of Assets
This note gives details of the capital asset disposals during the year.

Note 7 – Capital Acquisitions
This note details the capital expenditure program for the year.

Note 8 – Reserve Accounts
This note provides summary details of transfers to and from reserve funds, and associated interest earnings on reserve funds, on a year-to-date basis.

Note 9 – Other Current Liabilities
This note outlines any provisions the Shire has on hand relative to other current liabilities.

Note 10– Operating Grants and Contributions Received
This note provides information on operating grants received.

Note 11 – Non-Operating Grants and Contributions
This note provides information on non-operating grants received.

Note 12 – Explanation of Material Variances
Council adopted (in conjunction with the Annual Budget) a material reporting variance threshold of 10% and $10,000. This note explains the reasons for any material variances identified in the Statements of Financial Activity at the end of the reporting period.

Consultation:
Darren Simmons, Chief Executive Officer.

Statutory Implications:
Council is required to adopt monthly statements of financial activity to comply with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*.

Policy Implications:
Finances have been managed in accordance with the Shire of Koorda policies.

Strategic Implications:
Shire of Koorda Integrated Strategic Plan 2022
4.1.1 – Ensure the use of resources is effective, efficient and reported regularly.

Financial Implications:
Nil

Voting Requirements: ☒Simple Majority ☐Absolute Majority

Officer Recommendation

That Council, by Simple Majority, pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, receives the statutory Financial Activity Statement report for the period ending 31 December 2022, as presented.

11.2. Monthly Financial Statements

Corporate and Community	
Date	6 February 2023
Location	Not Applicable
Responsible Officer	Lana Foote, Deputy Chief Executive Officer
Author	As above
Legislation	*Local Government Act 1995; Local Government (Financial Management) Regulations 1996*
Disclosure of Interest	Nil
Purpose of Report	☐Executive Decision ☒Legislative Requirement ☐Information
Attachments	January 2023 Financial Activity Statement

Background:

This item presents the Statement of Financial Activity to Council for the period ending 31 January 2023.

Section 6.4 of the *Local Government Act 1995* requires a local government to prepare financial reports.

Regulations 34 and 35 of the *Local Government (Financial Management) Regulations 1996* set out the form and content of the financial reports, which have been prepared and presented to Council.

Comment:

In order to fulfil statutory reporting requirements and provide Council with a synopsis of the Shire of Koorda's overall financial performance on a year-to-date basis, the following financial information is included in the Attachment.

Statements of Financial Activity – Statutory Reports by Nature or Type

The Statement of Financial Activity provide details of the Shire's operating revenues and expenditures on a year-to-date basis. The reports further include details of non-cash adjustments and capital revenues and expenditures, to identify the Shire's net current position.

Note 1 – Statement of Financial Activity

Notes supporting the Statement of Financial Activity by Program and by Nature and Type.

Note 2 – Cash and Financial Assets

This note provides Council with the details of the actual amounts in the Shire's bank accounts and/or investment accounts as at the reporting date.

Note 3 – Receivables

This note provides Council with both Rates Receivables and General Receivables outstanding as at the reporting date. This report has been expanded to further break down the detail of General Receivables.

Note 4 – Other Current Assets

This note provides details of other current assets that the Shire may hold.

Note 5 – Payables
This note provides details of Shire payables unpaid as at the reporting date. This Note is new to the financial statements.

Note 6 – Disposal of Assets
This note gives details of the capital asset disposals during the year.

Note 7 – Capital Acquisitions
This note details the capital expenditure program for the year.

Note 8 – Reserve Accounts
This note provides summary details of transfers to and from reserve funds, and associated interest earnings on reserve funds, on a year-to-date basis.

Note 9 – Other Current Liabilities
This note outlines any provisions the Shire has on hand relative to other current liabilities.

Note 10– Operating Grants and Contributions Received
This note provides information on operating grants received.

Note 11 – Non-Operating Grants and Contributions
This note provides information on non-operating grants received.

Note 12 – Explanation of Material Variances
Council adopted (in conjunction with the Annual Budget) a material reporting variance threshold of 10% and $10,000. This note explains the reasons for any material variances identified in the Statements of Financial Activity at the end of the reporting period.

Consultation:
Darren Simmons, Chief Executive Officer.

Statutory Implications:
Council is required to adopt monthly statements of financial activity to comply with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*.

Policy Implications:
Finances have been managed in accordance with the Shire of Koorda policies.

Strategic Implications:
Shire of Koorda Integrated Strategic Plan 2022
4.1.1 – Ensure the use of resources is effective, efficient and reported regularly.

Financial Implications:
Nil

Voting Requirements: ☒Simple Majority ☐Absolute Majority

Officer Recommendation

That Council, by Simple Majority, pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, receives the statutory Financial Activity Statement report for the period ending 31 January 2023, as presented.

11.3. List of Accounts Paid

Corporate and Community	
Date	9 February 2023
Location	Not Applicable
Responsible Officer	Lana Foote, Deputy Chief Executive Officer
Author	As above
Legislation	*Local Government Act 1995; Local Government (Financial Management) Regulations 1996*
Disclosure of Interest	Nil
Purpose of Report	☐Executive Decision ☒Legislative Requirement ☐Information
Attachments	11.3a List of Accounts Paid 11.3b List of Accounts Paid

Background:
This item presents the List of Accounts Paid, paid under delegated authority, for the period 7 December 2022 to 9 February 2023.

Comment:
The List of Accounts Paid as presented has been reviewed by the Chief Executive Officer.

Consultation:
Darren Simmons, Chief Executive Officer
Finance Team

Statutory Implications:
Regulation 12 and 13 of the *Local Government (Financial Management) Regulations 1996* requires that a separate list be prepared each month for adoption by Council showing creditors paid under delegate authority.

Policy Implications:
Finances have been managed in accordance with the Shire of Koorda policies. Payments have been made under delegated authority.

Strategic Implications:
Shire of Koorda Integrated Strategic Plan 2022
4.1.1 - Ensure the use of resources is effective, efficient and reported regularly. (e.g. Financial Management)

Financial Implications:
Funds expended are in accordance with Council's adopted 2022/2023 Budget.

Voting Requirements: ☒Simple Majority ☐Absolute Majority

Officer Recommendation

That Council, by Simple Majority, pursuant to Section 6.8(1)(a) of the *Local Government Act 1995* and Regulation 12 & 13 of the *Local Government (Financial Management) Regulations 1996*, receives the report from the Chief Executive Officer on the exercise of delegated authority in relation to creditor payments from the Shire of Koorda Municipal Fund, as presented in the attachment, and as detailed below:

For the period 7 December 2022 to 23 December 2022

Municipal Voucher V242 to V385	**Totalling $ 942,920.49**
Credit Card Transaction (V369)	**Totalling $ 2,872.20**
	Total $ 945,792.69

For the period 23 December 2022 to 9 February 2023

Municipal Voucher V386 to V444	**Totalling $ 318,279.56**
Credit Card Transaction (V388, V401 & V428)	**Totalling $ 808.95**
	Total $ 319,088.51

12. OFFICER'S REPORTS – GOVERNANCE & COMPLIANCE

12.1 Council Resolutions Status Report

Governance and Compliance	
Date	6 February 2023
Location	Not applicable
Responsible Officer	Darren Simmons, Chief Executive Officer
Author	As above
Legislation	*Local Government Act 1995*
Disclosure of Interest	Nil
Purpose of Report	☐Executive Decision ☐Legislative Requirement ☒Information
Attachments	December 2022 Status Report

Background:
The Council resolutions status report (status report) is a register of Council resolutions that are allocated to Shire staff that require actioning. When staff have progressed or completed any action in relation to Council's decision, comments are provided until the process is completed or superseded by more recent Council resolutions.

Comment:
In the interest of increased transparency and communication with the community, the status report is provided for information. (As a new initiative, the status report period commences from October 2022 and will then follow a 'rolling' monthly cycle as Council agenda item 12.1).

Consultation:
Nil

Statutory Implications:
Nil

Policy Implications:
Nil

Strategic Implications:
Shire of Koorda Integrated Strategic Plan 2022
4.1 - Open and Transparent Leadership

Financial Implications:
Nil

Voting Requirements: ☒Simple Majority ☐Absolute Majority

Officer Recommendation

That the Council Resolutions Status Report for December 2022 be received.

12.2. Development Application – Internet communications facility on part Lot 101 on DP 301627 accessed off Newcarlbeon Road, Koorda

Governance and Compliance	
Date	6 February 2023
Location	Not applicable
Responsible Officer	Darren Simmons, Chief Executive Officer
Author	Paul Bashall, Planwest (Planning Consultant)
Legislation	*Planning and Development Act 2005* *Shire of Koorda Local Planning Scheme No. 3*
Disclosure of Interest	Nil
Purpose of Report	☐Executive Decision ☒Legislative Requirement ☐Information
Attachments	Attachment A – Development application Attachment B – Property owners consent

Background:

Crisp Wireless Pty Ltd has applied for a Development Approval (DA) for a communications facility including a 30m aerial and associated infrastructure to provide for improved wireless connectivity in the locality at lot 101 Newcarlbeon Road, Newcarlbeon.

CRISP Wireless is a Network owner/operator licensee for Wireless Broadband services in Western Australia providing a unique telecommunications solution that utilises Point to Point secured wireless connectivity between sites as well as community wireless services and subscriber broadband.

The DA application form (see Attachment A) is accompanied by;

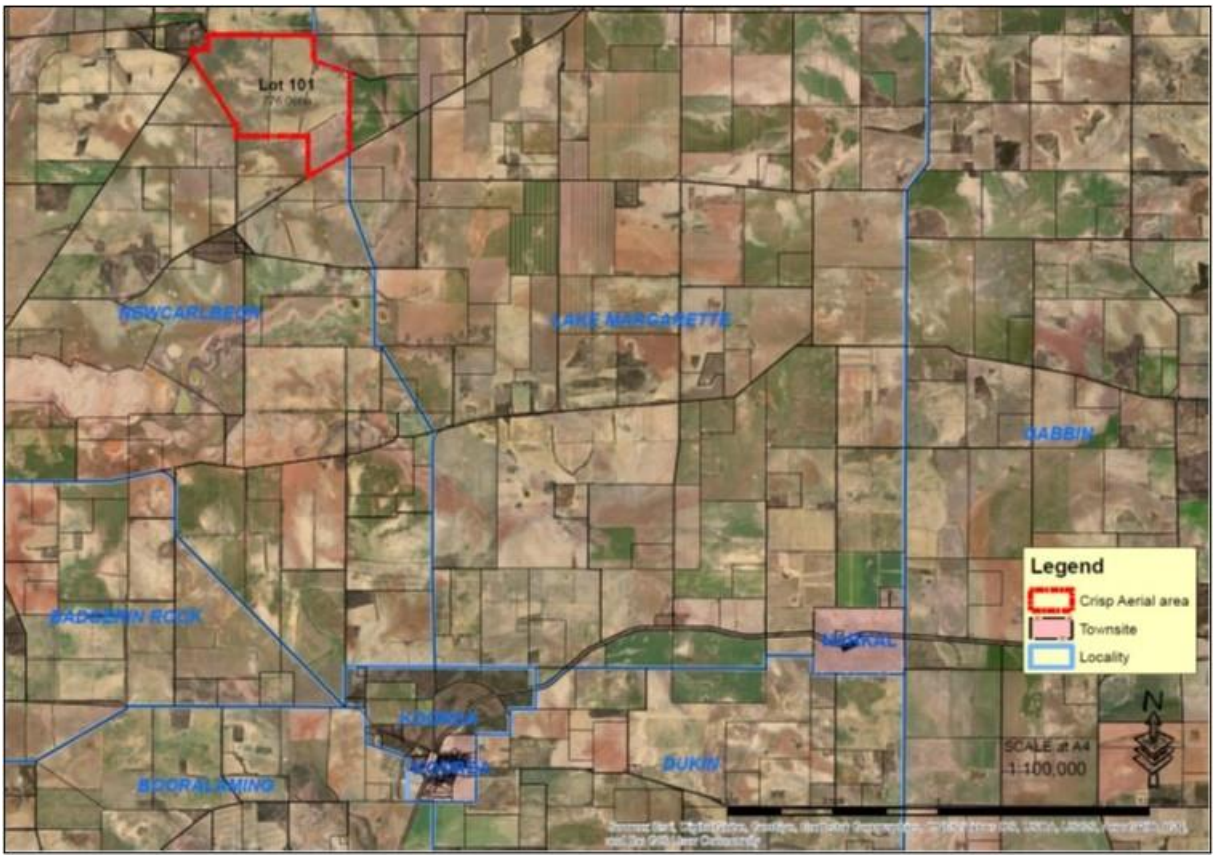
- an authority from the owner of the land (see Attachment B),
- a summary and location of the proposal,
- how the proposal fits within the Council's Local Planning Scheme No 4 (the Scheme),
- details of the components of the facility and
- a copy of the certificate of title.

The property is located about 14 kilometres north of Koorda townsite and about 25 kilometres southeast of Kulja Townsite.

Figure 1 provides a location plan of the site showing its relationship to the Koorda and Narkal townsites and the rural nature of the surrounding properties.

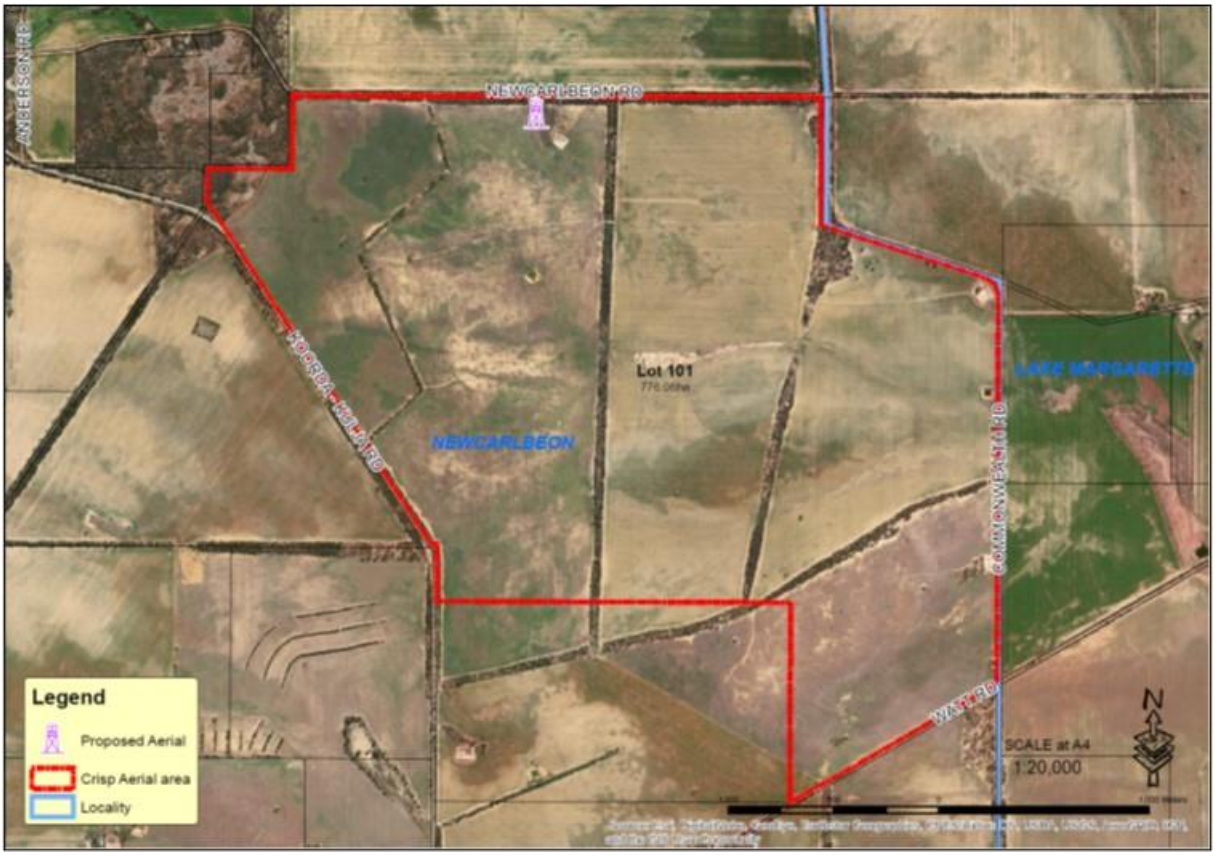
Figure 2 shows an enlargement of the whole property indicating the location of the facility on the northern boundary. Lot 101 is about 776 hectares and largely used for cropping. The facility is to be located 75 metres from the northern boundary of Lot 101.

FIGURE 1 – LOCATION PLAN



Source: ESRI, Landgate, Planwest

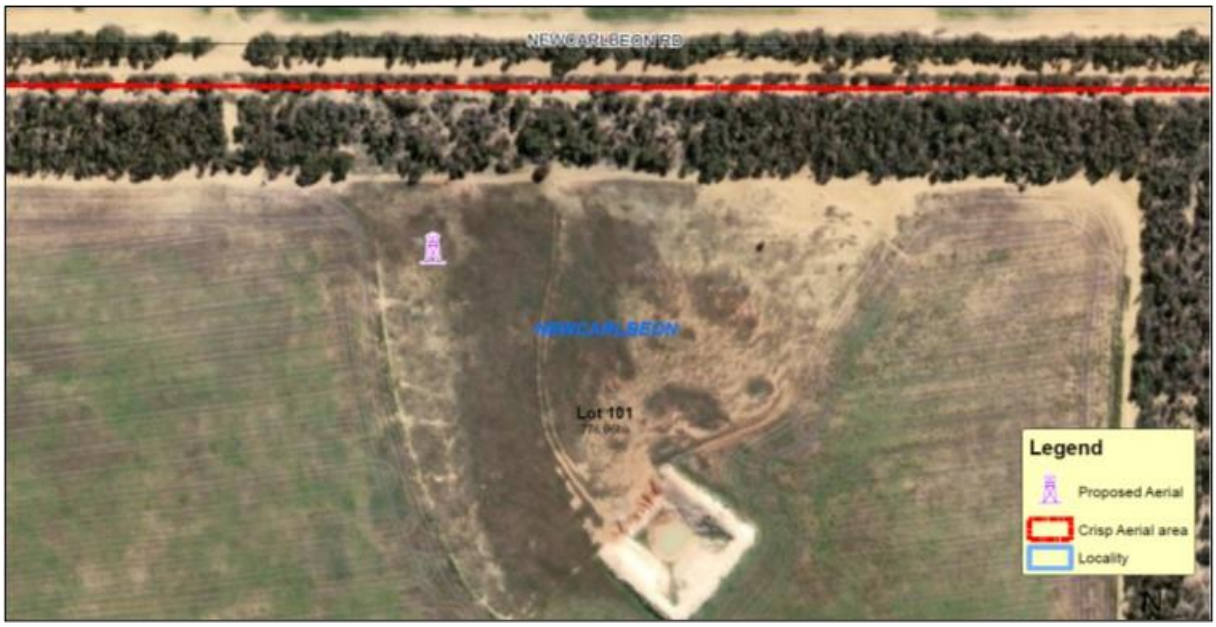
FIGURE 2 – ENLARGEMENT OF SUBJECT LAND



Source: ESRI, Landgate, Planwest

Figure 3 shows an enlargement of the specific location of the tower and associated infrastructure. The fenced compound will occupy about 400m^2.

FIGURE 3 – INFRASTRUCTURE SITING PLAN



Source: ESRI, Landgate, Planwest

Access to the site will be via an opening in the vegetated strip along Newcarlbeon Road about 530 west of the proposed site. Following construction, the need for access to the site is expected to be minimal.

FIGURE 4 - TYPICAL TOWER AND HUT

Figure 4 shows a typical configuration of the infrastructure with a tower, hut, and solar panels.

The proposed development consists of:

- A 30m steel tower.
- A combination of Dual Pole Parabolic Antennas (Dishes) and Sector.
- A sea container housing the communications equipment; and
- Solar panels to power the system on the roof of the sea container.

The DA application includes other fact sheets regarding technical details of the hut, the tower (and guy wires) and the antennae.

Due to the bulk of the tower and the size of the hut, it is unlikely that there will be any significant visual impact, especially as Newcarlbeon Road is so vegetated in this area.

The DA form indicates that the development will cost $30,000 and be completed in 4-6 weeks from approval.

Comment:

The proposal will be beneficial to the quality of communications in the region, is well separated from residential areas and sensitive uses, and will have a minimal visual impact on the amenity and streetscape in this locality.

The development will need to comply with stormwater and bushfire requirements as part of the Council's support for the proposed development, however the fire break compliance need only be a footnote to the determination, rather than a condition, as it is obligatory.

The proposed facility is unlikely to have a significant impact from any surrounding development or public places.

Due to the nature of the facility, parking and landscaping provisions are considered unnecessary.

It is not considered necessary to advertise the DA.

Consultation:

Nil

Statutory Implications:

Planning and Development Act 2005
Shire of Koorda Local Planning Scheme No.3

The ***Deemed Provisions*** [1] do not exempt the proposal from requiring a DA.

Shire of Koorda Local Planning Scheme No 3 (the Scheme) was gazetted on 10 December 2014 and is the statutory document that provides for control of uses and development within the Shire.

The land is zoned 'Rural' in the Local Planning Scheme No 4 (the Scheme).

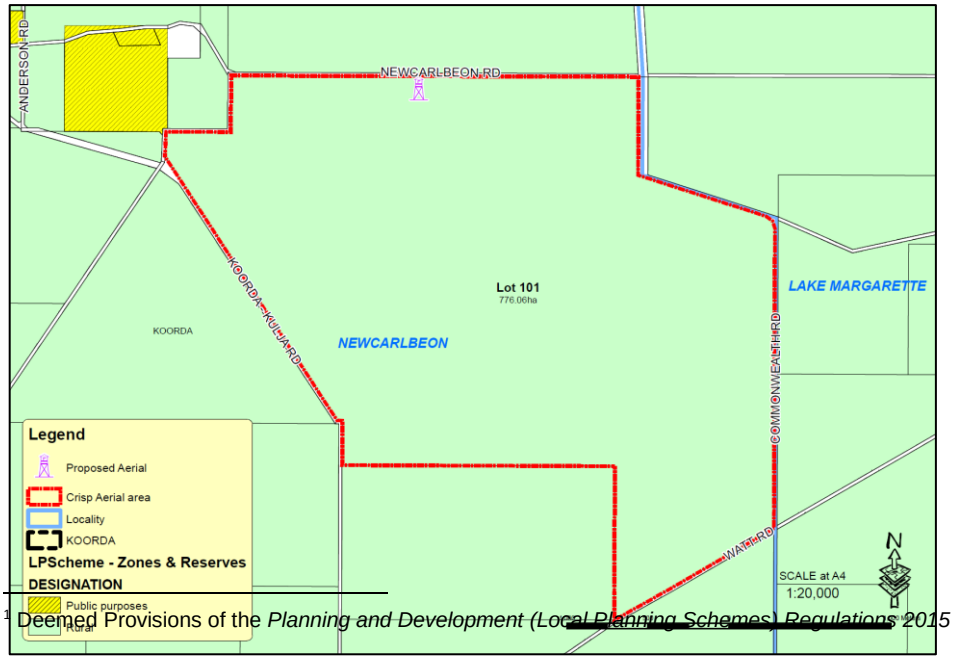
Figure 5 shows the zoning of the property and surrounding land.

All the surrounding properties are also zoned 'Rural' and appear to be largely cropped as well.

As noted by the applicant, Table 1 – Zoning Table of the Scheme provides for a Telecommunications infrastructure as a 'D' use in a Rural zone.

A 'D' use *means that the use is not permitted unless the local government has exercised its discretion by granting planning approval* (DA).

FIGURE 5 – SCHEME MAP EXTRACT



[1] Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*

Policy Implications:
Whilst bushfire prone provisions apply to the property, the provisions essentially relate to the protection of lives that are involved in buildings or works. As this facility will be unmanned and require very little on-site maintenance the risk and consequences of a bushfire are considered remote.

The Council has adopted Local Planning Policies under the Scheme provisions, however none of these relate to telecommunications infrastructure.

Strategic Implications:
Shire of Koorda Integrated Strategic Plan (2022)
2.1.1 - Ensure that our planning framework is modern and meets the needs of the relevant zoning stakeholders, such as industry, residential, small business and any emerging opportunities.

The Council has an adopted Local Planning Strategy that was endorsed by the WA Planning Commission on 3 December 2014.

The Strategy is silent on the matter of telecommunications infrastructure. There are no further strategic implications that need to be considered.

Financial Implications:
Nil

Voting Requirements: ☒Simple Majority ☐Absolute Majority

Officer Recommendation

That the development application from Crisp Wireless for an internet communications facility on part Lot 101 on DP 301627 accessed off Newcarlbeon Road, Koorda be approved subject to the following conditions;

1. **Any change to the drainage system, including the crossover to Newcarlbeon Road, will need to be contained on site, to the satisfaction of the local government.**

Advice Notes
1. **If the development, the subject of this approval, is not substantially commenced within a period of 24 months from the date of the approval, the approval will lapse and be of no further effect. For the purposes of this condition, the term "substantially commenced" has the meaning given to it in the Planning and Development (Local Planning Schemes) Regulations 2015 as amended from time to time.**
2. **If an applicant or owner 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 made within 28 days of the determination.**
3. **The applicant is advised that granting of development approval does not constitute a building permit and that an application for relevant building permits must be submitted to the local government (where applicable) and be approved before any work requiring a building permit can commence on site.**
4. **The applicant is advised of the obligations of the owner to comply with annual fire break notice issued under s33 of the Bush Fires Act 1954.**

12.3. Development Application – Storage barn style shed with a caretaker's accommodation internally at 3 Allenby Street, Koorda

Governance and Compliance	
Date	6 February 2023
Location	Not applicable
Responsible Officer	Darren Simmons, Chief Executive Officer
Author	Paul Bashall, Planwest (Planning Consultant)
Legislation	*Planning and Development Act 2005* *Shire of Koorda Local Planning Scheme No. 3*
Disclosure of Interest	Nil
Purpose of Report	☐Executive Decision ☒Legislative Requirement ☐Information
Attachments	Development application

Background:

Mr Anthony Meyers (the applicant) has applied for Development Approval (DA) to construct a private storage barn style shed with a caretaker's accommodation internally at 3 Allenby Street in Koorda. The Lot (61) is 1,011m^2 (or quarter acre). Anthony Meyers is also the owner of the property.

The structure is a classic barn style iron building typically with three roller doors in the front, however one of these roller doors has been replaced with a glass sliding door to access the proposed caretaker's dwelling.

The applicant has provided several supporting documents including;

- A Certificate of design compliance issued by TCS Pilbara Pty Ltd – a registered building surveying company (No 391),
- several hand-drawn layouts of the proposed barn and dwelling,
- plans and elevations of the proposed barn and dwelling,
- an energy efficiency assessment by True North Energy,
- a Bushfire Attack Level Report and Certificate by Bushfire Smart,
- a Structural Design Certificate of Compliance by Upright Engineering, and
- a site classification report by Arena Clauson Engineering Group.

Figure 1 shows the location of the proposed barn at 3 Allenby Street, Koorda.

FIGURE 1 – LOCATION PLAN

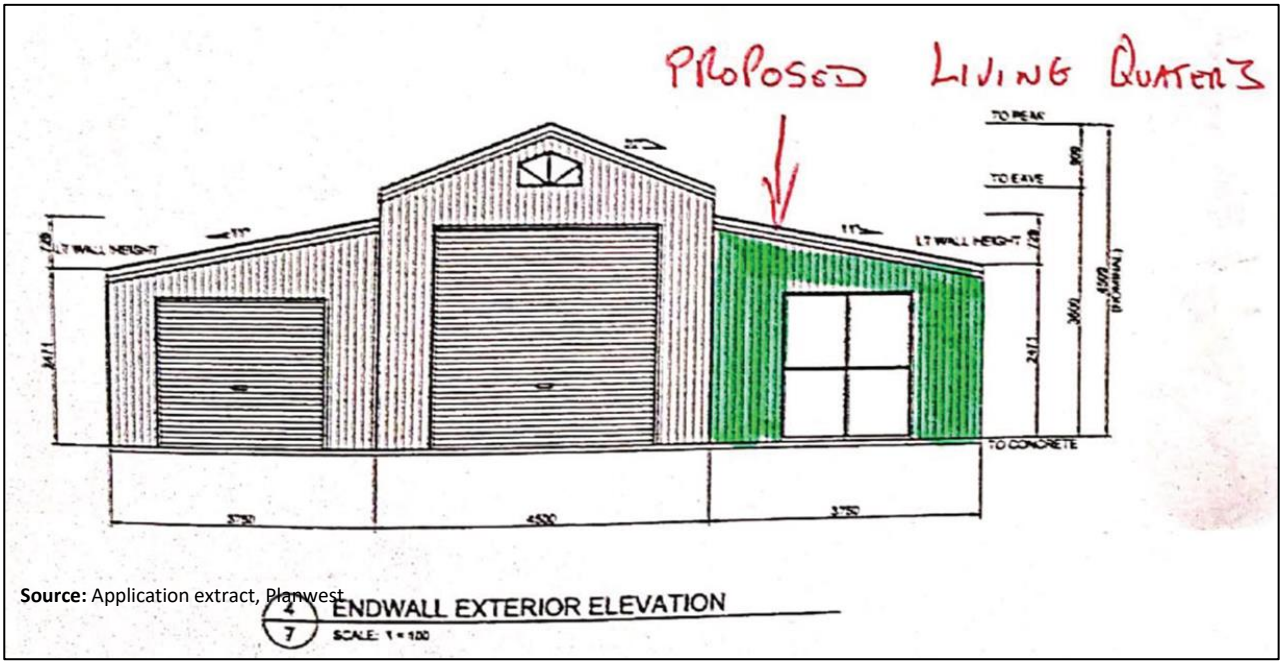
Source: Landgate, Planwest

The subject land is currently vacant – except for a 6m x 10m shed at the rear of the lot. The property is situated between a single house on the corner of Allenby and Scott Street, and a vacant lot to the south.

The proposed barn structure measures 12m wide by 14m deep and is proposed to be set back 16m from the Allenby Street frontage. The side setbacks are shown as 1m on the south side and 7m on the north side.

Figure 3 shows an extract from the DA application showing two roller doors and a glass sliding door to the caretaker's dwelling. The large roller door measures over 3 metres in height – although this is difficult to measure accurately due to the poor quality of the elevations.

FIGURE 3 – FRONT ELEVATION OF BARN STRUCTURE



Source: Application extract, Planwest

The DA application states that the approximate cost of the proposed development is $56,000 and will be completed in 30 weeks from the approval.

Comment:

Scheme Provisions

One of the Scheme objectives of the Residential zone is to *provide for non-residential uses that are compatible with the character, scale and operation of surrounding uses, and do not detract from the amenity of the area*.

Notwithstanding the proposed Caretaker's dwelling is not a permitted use in a Residential zone, the proposed structure is considered totally out of character for a residential street.

The application provides no information about the intended use of the non-residential component of the barn style shed, nor is there any information regarding landscaping, parking and the like.

The Council considers that these barn type structures are more appropriate in a rural environment and are primarily designed for rural uses – not residential uses.

State Planning Policy 7.0 (SPP7) – Design of The Built Environment.

The WA Planning Commission has prepared SPP7 that applies to various scales of development and includes guidance for decision makers dealing with DA applications. SPP7 should be read in conjunction with other policies including the Residential Design Codes (R-Codes) and Liveable Neighbourhoods.

One of the objectives of SPP7 is to provide a framework for the desired design quality outcomes from the planning and design of the built environment.

The WAPC maintains the Design Principles, which are: context and character; landscape quality; built form and scale; functionality and build quality; sustainability; amenity; legibility; safety; community; and aesthetics – all of which contribute to 'good design'.

Schedule 1 of SPP7 outlines these design principles including:

- **Context and character -** Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.
- **Landscape quality -** Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.
- **Built form and scale** - Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.
- **Functionality and build quality** - Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life-cycle.
- **Sustainability** - Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.
- **Amenity** - Good design provides successful places that offer a variety of uses and activities while optimising internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy.
- **Legibility** - Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.
- **Safety** - Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.

- **Community** - Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction.
- **Aesthetics** - Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.

The proposed structure conflicts with several of these 'good design' principles.

State Planning Policy 7.3 - Residential Design Codes (R-Codes)

Part 5.4.3 of the R-Codes deals with Outbuildings.

Development that demonstrates compliance with the ***Design principles*** can be considered acceptable,

P3 ***Outbuildings*** *that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.*

However, it is the opinion of the Council that the proposed structure does not comply with the design principles as it would detract from the streetscape.

The proposed structure is ***Deemed-to-comply*** if it satisfies the requirements below;

C3 ***Outbuildings*** *that:*

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

The following is in response to the above requirements.

i. The proposed structure is attached to the dwelling.
ii. Part of the structure is proposed to be habitable.
iii. The existing shed is already 60m^2, added to the shed component of the proposed structure is well over 100m^2 (10% of site area).
iv. Wall heights are over 2.4m.
v. The ridge height is over 4.5m
vi. n/a
vii. n/a
viii. A side setback is less than 1.5m.

In summary, the proposed development does not satisfy the Deemed-to-comply provisions.

Consultation:

Nil

Statutory Implications:

The subject land is located in the residential area of Koorda and is zoned Residential with an R-Code of R10. This density code provides for a single house on 1,000m^2 area.

Figure 4 shows an extract from the Shire of Koorda Local Planning Scheme No 3 (Scheme) map showing the area of the proposal (red border) and the surrounding properties.

Table 1 – Zoning Table provides the permissibility of use classes in each zone of the Scheme. The use of a caretaker's dwelling is an 'X' use in a Residential zone.

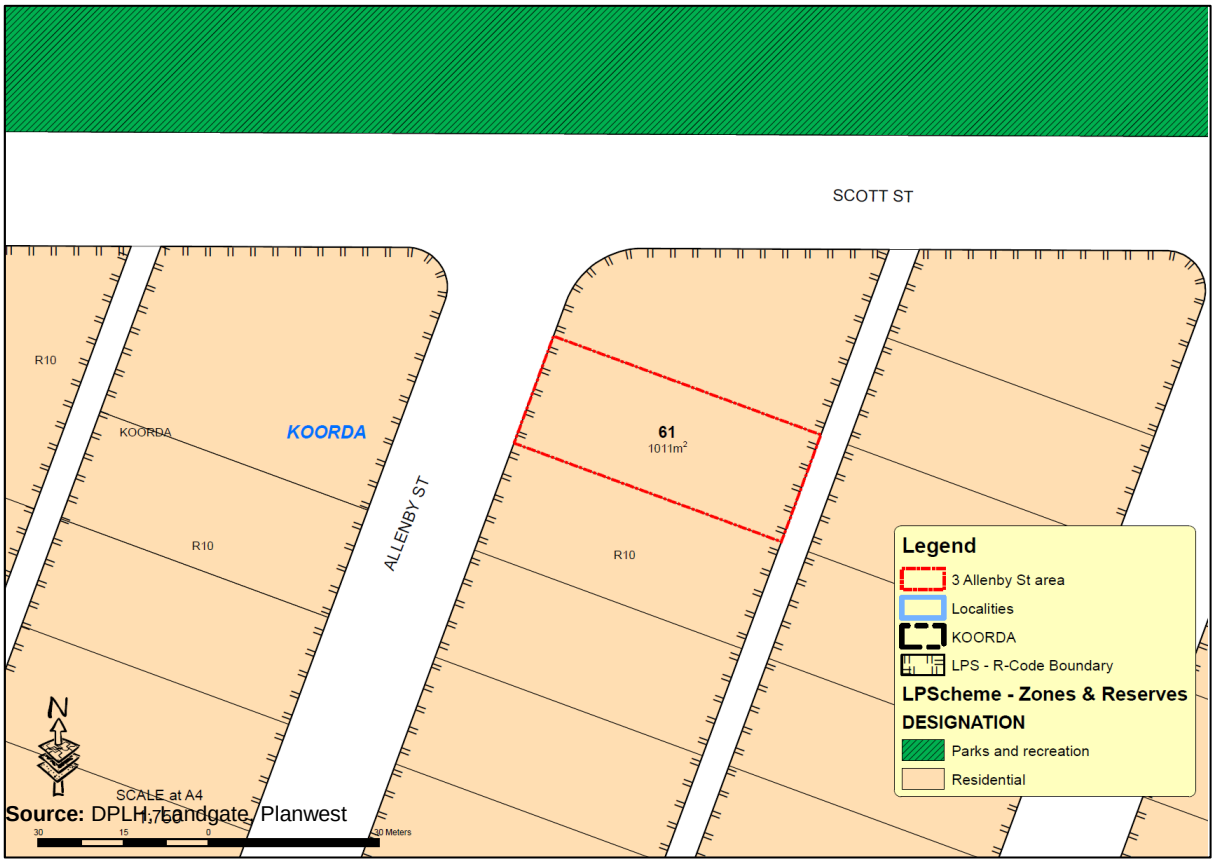
'X' means a use that is not permitted by the Scheme.

A caretaker's dwelling *means a dwelling on the same site as a building, operation or plant used for industry, and occupied by a supervisor of that building, operation or plant*.

Because an industry use is not permitted in a Residential zone, a caretaker's dwelling cannot be allowed either.

Also, there are almost no commercial uses that are permitted in the Residential zone that would warrant the scale and character of the proposed structure.

FIGURE 4 – EXTRACT FROM SCHEME MAP



Source: DPLH, Landgate, Planwest

Policy Implications:

Nil

Strategic Implications:

Shire of Koorda Integrated Strategic Plan (2022)
2.1.1 - Ensure that our planning framework is modern and meets the needs of the relevant zoning stakeholders, such as industry, residential, small business and any emerging opportunities.

Financial Implications:

Nil

Voting Requirements: ☒Simple Majority ☐Absolute Majority

Officer Recommendation

That the development application for a Storage barn style shed with a caretaker's accommodation internally at 3 Allenby Street, Koorda be refused for the following reasons;

1. **A caretaker's dwelling in a Residential zone is not permitted by the Scheme.**
2. **There are no industrial uses permitted by the Scheme that would warrant the size and scale of the proposed building in a Residential zone.**
3. **The proposed development is not consistent with the Design principles as outlined in State Planning Policy No 7 – Design of the Built Environment.**
4. **The proposed structure does not satisfy the Design principles or Deemed-to-comply provisions of the Residential Design Codes (State Planning Policy 7.3).**

Advice Notes:
Note 1: If an applicant or owner 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 made within 28 days of the determination.

13. OFFICER'S REPORTS – WORKS & ASSETS

14. Urgent Business Approved by the Person Presiding or by Decision

15. Elected Members' Motions

16. Matters Behind Closed Doors

17. Closure