

9.1 NO. 10 (LOT: 2545; D/P: 143599; RES: 12965) FARMER STREET, NORTH PERTH - TWO OUTBUILDINGS (SHIPPING CONTAINERS) ADDITION TO MEN'S SHED (AMENDMENT TO APPROVED - UNAUTHORISED EXISTING DEVELOPMENT)

Ward: North

Attachments:

1. Location Map
2. Development Plans
3. Previous Delegated Approval Notice and Approved Plans

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, **APPROVES** the application for Two Outbuildings (Shipping Containers) Addition to Men's Shed (Amendment to Approved – Unauthorised Existing Development) at No. 10 (Lot: 2545; D/P: 143599; RES: 12965) Farmer Street, North Perth, in accordance with the plans shown in Attachment 2, subject to the following condition:

1. All other conditions, requirements and advice notes detailed on the development approval 5.2020.180.1 granted on 9 June 2020 continue to apply to this approval.

PURPOSE OF REPORT:

To consider an application for amendment to development approval for unauthorised existing development additions to the existing outbuildings used by the Vincent Men's Shed at No. 10 Farmer Street, North Perth (subject site), known as Woodville Reserve.

PROPOSAL:

The application proposes to amend a previous development approval granted for two outbuildings (shipping containers) used by the Vincent Men's Shed.

The outbuildings are located between the existing Men's Shed and the North Perth Bowls Club building. A location plan is included as **Attachment 1**.

The amendments are for further additions to the existing outbuildings, involving a roof and external cladding. These additions have already been installed and the application is seeking retrospective approval.

The roof is located between the two existing outbuildings and provides a covered area for the Men's Shed members to work outside. The external cladding is white and provides a finish to the outbuildings consistent with the existing Men's Shed building.

The development plans are included as **Attachment 2**.

BACKGROUND:

Landowner:	City of Vincent
Applicant:	Vincent Men's Shed
Date of Application:	23 March 2022
Zoning:	MRS: Urban LPS2: Reserve: Public Open Space - Restricted R Code: N/A
Built Form Area:	Reserve
Existing Land Use:	Public Open Space - Community Purpose
Proposed Use Class:	Public Open Space – Community Purpose
Lot Area:	22,535m ²
Right of Way (ROW):	No
Heritage List:	No

The subject site is bound by Namur Street to the north, Fitzgerald Street to the east, Farmer Street to the south and Mignonette Street to the west.

The subject site is reserved for Public Open Space - Restricted under the City of Vincent's Local Planning Scheme No. 2 (LPS2). The surrounding properties have a range of zonings from Residential R30 to Residential R60-100 under LPS2. They are within the Residential and Transit Corridor Built Form Areas under the City's Policy No. 7.1.1 – Built Form Policy (Built Form Policy).

The application is not exempt under the *Planning and Development (Local Planning Scheme) Regulations 2015* as there are no exemptions specified for Local Reserves.

Previous Approval

On 13 May 2020, the Vincent Men's Shed lodged a development application seeking approval for two outbuildings (shipping containers) for use as external storage, along with landscaping and an associated retaining wall. The application was approved on 9 June 2020 by Administration under delegation. At that time of approval Administration had delegation to determine applications that proposed permanent structures on City owned or managed land.

The approval was time limited and is valid for a period of five years from the date of approval.

The previous approval notice and approved plans are included as **Attachment 3**.

DETAILS:

Summary Assessment

The provisions of the Built Form Policy do not extend to reserves.

In assessing this application, the City is to have due regard to the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) Schedule 2 Clause 67 - Matters to be considered by local government (Matters to be considered), and the objectives of the Public Open Space reserve under LPS2. An assessment against the relevant matters and objectives is discussed in the Comments section of this report.

CONSULTATION/ADVERTISING:

The application has been reviewed against the City's Community & Stakeholder Engagement Policy (Engagement Policy) and it was determined that the proposal did not require advertising for the following reasons:

- The Engagement Policy does not have specific advertising requirements that are applicable to the proposed development and discretion can be exercised; and
- The development would be located in the middle of the site approximately 36 metres away from the Farmer Street, and only relates to the addition of a roof and external cladding to existing approved outbuildings. The development is consistent with the objectives of the reserve under LPS2 and would not impact the existing streetscape or surrounding residential properties.

Design Review Panel (DRP):

Referred to DRP: No

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- City of Vincent Local Planning Scheme No. 2; and
- Community and Stakeholder Engagement Policy.

Planning and Development Act 2005

In accordance with Schedule 2, Clause 76(2) of the Regulations and Part 14 of the *Planning and Development Act 2005*, the applicant would have the right to apply to the State Administrative Tribunal for a review of Council's determination.

Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions)

The following matters set out in Schedule 2, Clause 67 of the LPS Regulations are relevant matters Council is to have due regard to as part of determining this application:

- a) *The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area.*
- j) *In the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve.*
- m) *the compatibility of the development with its setting, including –*
 - i. *the compatibility of the development with the desired future character of its setting; and*
 - ii. *the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development.*
- n) *The amenity of the locality including the following –*
 - 1. *environmental impacts of the development;*
 - 2. *the character of the locality; and*
 - 3. *social impacts of the development.*

City of Vincent Local Planning Scheme No. 2

In considering the acceptability of the development, Council is to have regard to the objectives of the relevant zone.

The objectives of the Public Open Space Reserves are as follows:

- *To set aside areas for public open space, particularly those established under the Planning and Development Act 2005 s. 152.*
- *To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.*

Delegation to Determine Applications:

This matter is being referred to Council in accordance with the City's Register of Delegations, Authorisations and Appointments as the delegation does not extend to the approval of applications that propose permanent structures on City owned or managed land.

The delegations have changed since the determination of the previous application, which is the reason that this application is now being referred to Council.

RISK MANAGEMENT IMPLICATIONS:

There are minimal risks to Council and the City's business function when Council exercises its discretionary power to determine a planning application.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's Strategic Community Plan 2018-2028:

Innovative and Accountable

We are open and accountable to an engaged community.

SUSTAINABILITY IMPLICATIONS:

This report has no implication on the City's Sustainable Environment Strategy 2019-2024.

PUBLIC HEALTH IMPLICATIONS:

This report has no implication on the priority health outcomes of the City's Public Health Plan 2020 – 2025.

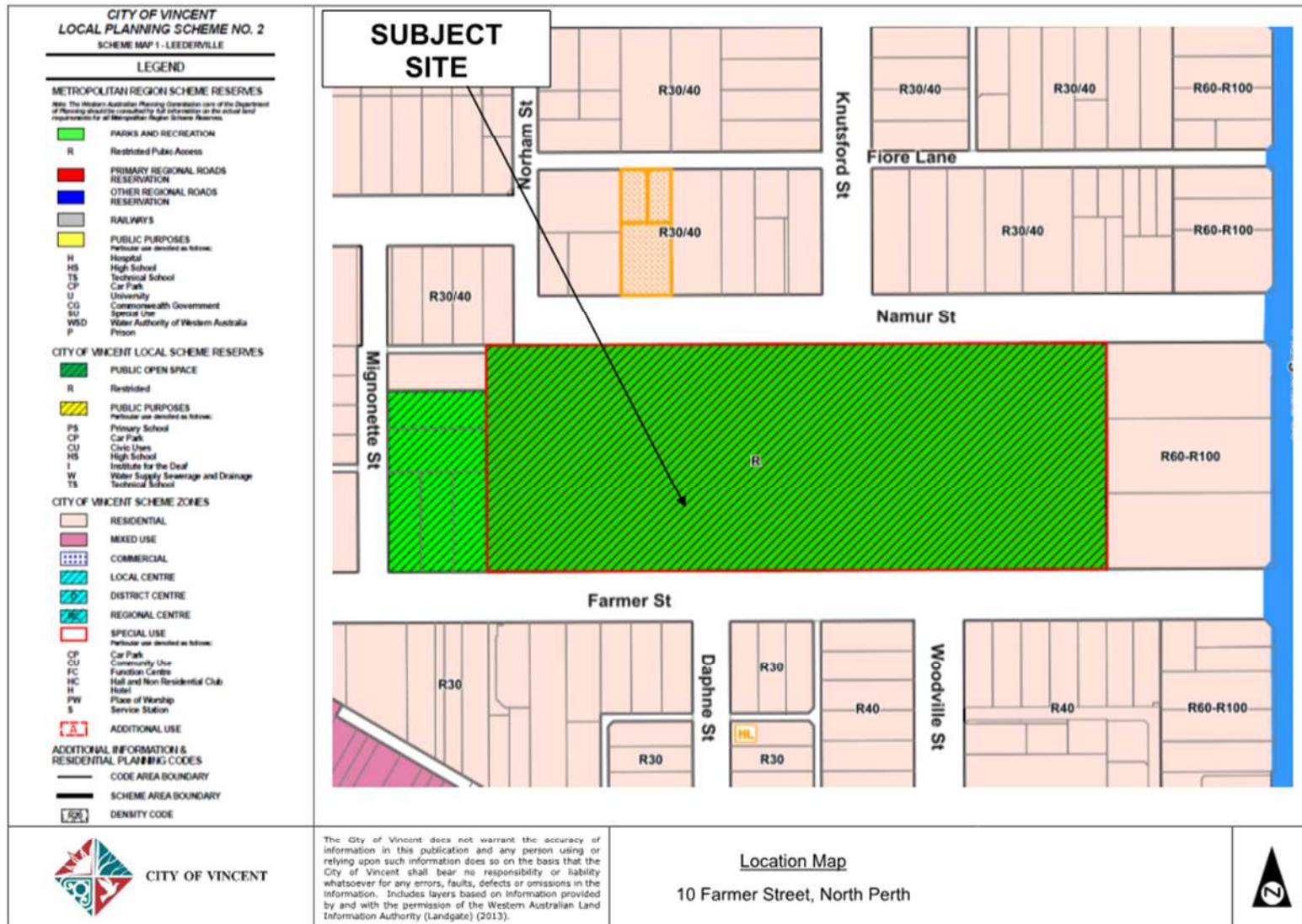
FINANCIAL/BUDGET IMPLICATIONS:

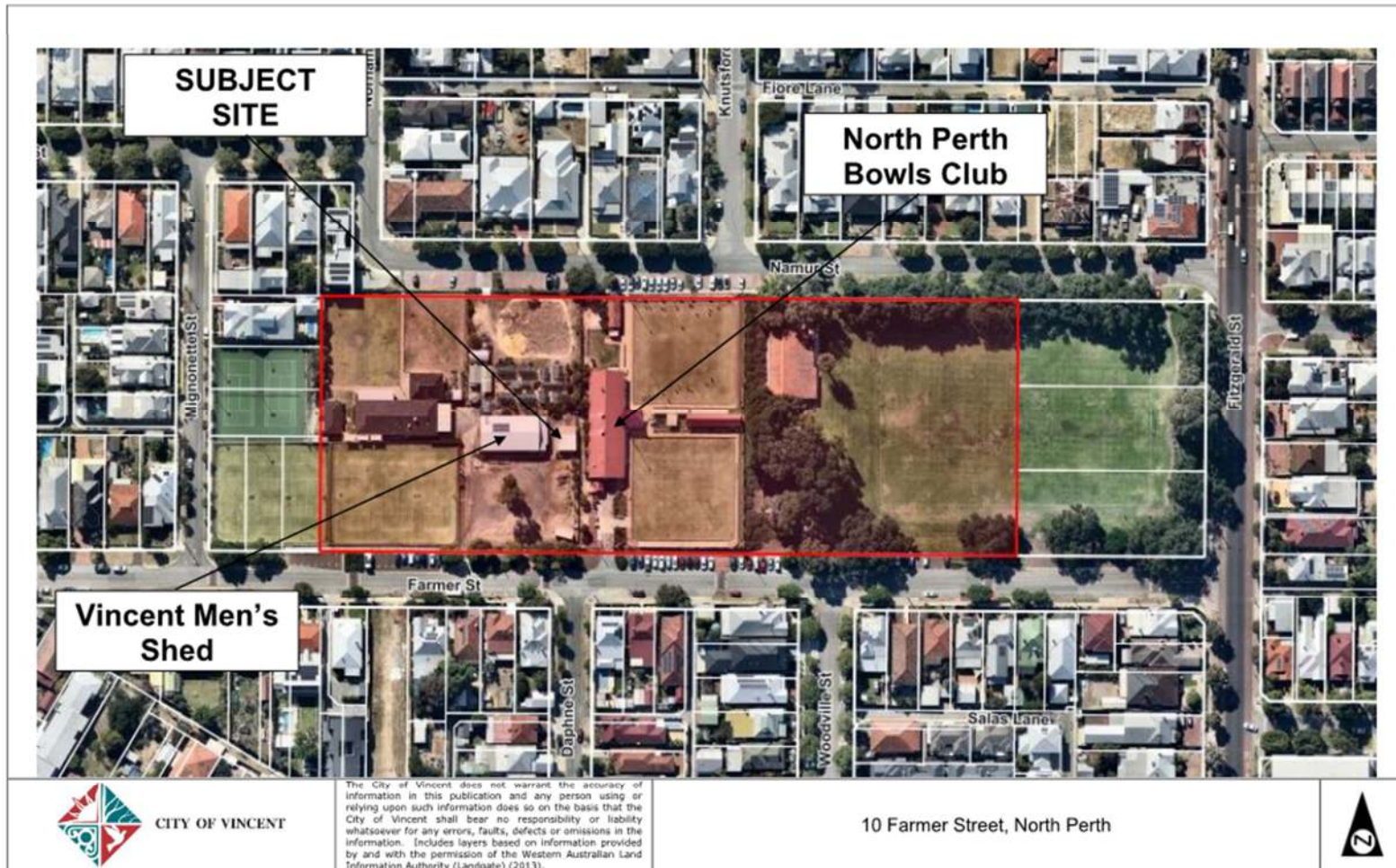
There are no finance or budget implications from this report.

COMMENTS:

An assessment of the development has been undertaken against the objectives for Public Open Space reserves within LPS2 and the applicable provisions of Clause 67 of the Deemed Provisions. The development is considered consistent for the following reasons:

- The roof structure is affixed to two existing outbuildings (sea containers) and is largely concealed from the street by the existing structures.
- The scale and nature of the amendments to the existing approved outbuildings will not impact the existing areas of public open space, as the amendments relate to minor additions to an existing development at Woodville Reserve.
- The roof and external cladding would be complimentary to the existing approved outbuildings and the use of this portion of the Woodville Reserve by the Vincent Men's Shed.
- The application does not propose to introduce a new use and the development would be used in conjunction with existing activities undertaken by the Men's Shed and do not detract from the objective of the reserve to provide for active and passive recreation uses.
- The amendments to the existing approved outbuildings are small in scale and would not impact on the existing character of the area and would have limited visibility from the street and adjoining properties.
- The development would be used in conjunction with the existing Vincent Men's Shed activities and would not result any emissions or additional traffic.
- The roof and external cladding have already been installed, and the City has not received any complaints in relation to these.





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Planning and Development Act 2005

City of Vincent

Notice of determination on application for development approval

Location: No. 10 Farmer Street NORTH PERTH

Lot, Plan/Diagram: LOT: 2545 D/P: 143599 RES: 12965

Vol. No: LR3139

Folio No: 155

Received on: 13 May 2020

Serial No: 5.2020.180.1

Description of proposed development: Two Outbuildings (Shipping Containers)

Plans dated: 13 May 2020

This application for development approval is approved subject to the following conditions:

- (1) This approval is for Two Outbuildings (Shipping Containers) as shown on the approved plans dated 13 May 2020. No other development forms part of this approval.
- (2) This approval is valid for five years from the date of determination. Following expiry of this period, the development shall not be continued unless a further development approval is granted by the City.
- (3) The colours, materials and finishes of the shipping containers shall be consistent with the existing Men's Shed building, to the satisfaction of the City.
- (4) Landscaping is to be installed in the location shown on the approved plan. The area to be vegetated shall be planted with fast growing native climbers on a 2 metre high lightweight mesh screen wall OR trees that have a mature height of at least 2 metres and are in accordance with the City's recommended tree species list, to the satisfaction of the City.
- (5) The shipping containers shall not be used for the purposes of human habitation.
- (6) Stormwater from all roofed and paved areas shall be collected and contained on site. Stormwater must not affect or be allowed to flow onto or into any other property or road reserve.

ADVICE NOTES:

1. This is a development approval issued under the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme only. 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/owner to obtain any other necessary approvals and to commence and carry out development in accordance with all other laws.
2. **No** verge trees shall be **REMOVED**. The verge trees shall be **RETAINED** and **PROTECTED** from any damage including unauthorized pruning.

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3. In regards to Condition '5', all storm water produced on the subject land shall be retained on site, by suitable means to the full satisfaction of the City. No further consideration shall be given to the disposal of storm water 'off site' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of storm water 'off site' be subsequently provided, detailed design drainage plans and associated calculations for the proposed storm water disposal shall be lodged together with the building permit application working drawings.
4. Within twenty eight days (28) days of the issue date of this 'Approval to Commence Development', a Building Approval Certificate Application, including architectural drawings and building compliance report (BCA), which are prepared by a qualified Practising Building Consultant demonstrating the building complying with the Building Code of Australia (BCA) requirements for a Class 10a Building, shall be submitted to and approved by the City of Vincent Building Services, and that the cost of this service is to be borne by the applicant/owner(s);

Date of determination: 9 June 2020

- Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.
- Note 2: Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
- Note 3: 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.
- Note 4: In relation to Note 1 a further two years is added to the date by which the development shall be substantially commenced, pursuant to Schedule 4, Clause 4.2 of the Clause 78H Notice of Exemption from Planning Requirements During State of Emergency signed by the Minister for Planning on 8 April 2020. For further information regarding the Ministerial direction, please contact the assessing officer Dan McCluggage on 08 9273 6569.



Signed:

Dated: 9/6/20

JOSLIN COLLI
COORDINATOR PLANNING SERVICES
for and on behalf of the City of Vincent

