



**MINUTES
ORDINARY COUNCIL MEETING**

22 NOVEMBER 2017

These minutes were confirmed at the Ordinary Council Meeting held on 20 December 2017

Signed: Date

(Chairperson at the meeting at which minutes were confirmed)

Council Minutes are 'Unconfirmed' until they have been adopted at the following meeting of Council.

10.1.116 APPLICATION FOR PLANNING CONSENT – STORAGE OF SKIP BINS – LOT 81 (NO. 76) CLAYTON ROAD, NARROGIN

File Reference: A337018
Disclosure of Interest: Nil
Applicant: Narrogin Skip Bin Service
Previous Item Nos: Nil
Date: 7 November 2017
Author: Leigh Medlen – Planning Officer
Authorising Officer: Azhar Awang – Executive Manager Development & Regulatory Services

Attachments

- Attachment 1 – Application for Planning Consent
- Attachment 2 – Locality Map

Summary

Council is requested to consider an application for planning consent for the storage of skip bins at Lot 81 (No. 76) Clayton Road, Narrogin.

Background

On 18 July 2017 the Shire of Narrogin received a complaint regarding the operation of a skip bins business and accumulation of rubbish as a result of the storage of skip bins at Lot 81 (No. 76) Clayton Road, Narrogin.

On 25 July 2017 Shire of Narrogin Officers sent correspondence to the landowner of the property requesting the removal of the skip bins or an application for planning consent for their use be lodged with the Shire of Narrogin.

On 3 August 2017 a site inspection was undertaken to determine if the skip bins were still operating at the subject property, as no application for their use had been lodged. It was determined that the skip bins were still being stored on site.

On 4 August 2017 correspondence was sent to the landowner requesting the removal of the skip bins within seven days of the correspondence being sent or an application be made to the Shire of Narrogin for their use.

A site inspection was then undertaken on 1 September 2017 and 12 September 2017 to determine if the skip bins had been removed, as no application for planning consent had been lodged for their use. It had been determined on these site inspections that the skip bins had been removed from the subject property. The applicant had since advised that an application would be lodged for their use at the subject property as it was leased by the landowner on a three year term on the basis it could be used for the storage of skip bins. At this point in time no application had been submitted, however the skip bins had been removed from the property.

On 26 September 2017 the Shire of Narrogin received a complaint suggesting the skip bins had returned to the subject property. A site inspection was undertaken on the 27 September and it was determined that the skip bins had returned to the subject property. The Shire of Narrogin officers therefore sent correspondence requesting an application for planning consent be made or the removal of the unauthorised activity.

On 13 October 2017 the Shire of Narrogin received an application for planning consent for the storage of empty skip bins at the subject property. Council is therefore requested to consider the application that has been received as it is not a use listed within the Former Town of Narrogin Town Planning Scheme No. 2 (FT-TPS).

Comment

The subject property is zoned under the FT-TPS as 'Single Residential' the subject property is 1,286m². The property has access via Clayton Road and is surrounded by single residential dwellings to the north, south, east and west.

The application proposes to store empty skip bins on the premises as part of the Narrogin Skip Bin Service.

Council is requested to consider the application for planning consent for the storage of skip bins as a use that is not listed within the zoning table of a 'Single Residential' land use zone.

Clause 2.2.5 and 2.2.7 of the FT-TPS apply which allow Council to consider an application as a use not listed. Clauses 2.2.5 and 2.2.7 of the FT-TPS state:

"2.2.5 Clause 2.2.4 does not prohibit the Council from giving consent to a use that is not

a) Mentioned in the list of use classes in the Development Table; or

b) Defined in Clause 1.8; or

c) Defined in Appendix D to the Town Planning Regulations, 1967

and determining the zone in which the use may be carried on pursuant to Clause 2.2.6 nor does Clause 2.2.4 prohibit the use of the land in accordance with consent so given.

2.2.7 An application to the Council for it's consent under Clause 2.2.5 –

a) shall be advertised in accordance with provisions of Clause 6.3.2; and

b) shall not be granted unless a resolution to do so is passed by an absolute majority of the Council.

The use of a property for the storage of skip bins as a land use therefore can be considered on these grounds within a Single Residential Zone in accordance with the advertising requirements prescribed in Clause 6.3.2. Clause 6.3.2 states as follows:

"6.3.2 Where the Council is required or decides to give notice of an application to the Council shall cause:

a) Notice of the proposed use and development to be sent by post or delivered to the owners and occupiers of land within an area determined by the Council as likely to be affected by the granting of the application;

b) Notice of the proposed use and development to be published in a newspaper circulating in the Scheme Area and in the State of Western Australia stating that submissions may be made to the Council within 21 days from the publication thereof; and

- c) *a sign displaying notice of the proposed use and development to be erected in a conspicuous position on the land for a period of 21 days from the date of publication of the notice referred to in paragraph (b) hereof.*”

Amenity

The storage of skip bins within a residential area does have the potential to disturb the amenity of residential areas through noise disturbance, impact to visual amenity, offensive odour, as well as the accumulation of residual rubbish. The application does propose to store empty skip bins which could reduce the potential of left over waste being present on site.

Visual Amenity & Screening

The subject property is a relative average size residential property within the Shire of Narrogin. The skip bins are visible from the street and could be considered to be out of character with surrounding residential properties and ideal of residential amenity.

The subject property is a vacant property, therefore has minimal natural methods of screening the use from surrounding residential areas. Screening the proposed use has the ability to reduce any adverse visual impacts as well as potentially limiting rubbish from blowing onto surrounding properties. Screening the use also has the ability to confine the use to a portion of the lot, rather than scatter the bins across the entire lot reducing the impact of their presence within a residential area.

It is therefore recommended that Council advertise the proposal in accordance with Clause 6.3.1 to allow nearby residents and landowners an opportunity to make public comment, prior to Council's further consideration.

Consultation

- Azhar Awang – Executive Manager, Development and Regulatory Services
- Public Advertising in accordance with Clause 6.3.

Statutory Environment

- Former Town of Narrogin Town Planning Scheme No. 2 – Clause 2.2.5 and 2.2.7 – Use not listed
- Former Town of Narrogin Town Planning Scheme No. 2 – Clause 6.3 – Application for Special Approval

Policy Implications

Nil

Financial Implications

- Application for Planning Consent Fee to the value of \$147 to be made payable to the Shire of Narrogin and borne by the applicant.
- Advertising Costs – Town Planning Scheme No .2 – Clause 6.3.6
“The applicant shall pay to the Council the cost of all expenses incurred by Council in giving notice in accordance with the foregoing provisions and if not so paid the Council may recover that amount in a court of competent jurisdiction.”

Strategic Implications

Objective	3. Environment Objective (Conserve, protect and enhance our natural and built environment)
Outcome:	3.4 A well maintained built environment
Strategy:	3.4.1 Improve and maintain built environment

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

1. In the event that no negative submissions are received, the Chief Executive Officer is authorised to issue planning approval for the storage of skip bins at Lot 81 (No. 76) Clayton Road, subject to the following conditions:
 - a) This approval is valid for a period of three years as per the length of the current lease agreement and shall expire on 1 February 2020. Any extension upon this approval will require a separate application for planning consent and to be reconsidered by Council.
 - b) All skip bins stored on site shall be empty at all times. If skip bins are found to contain waste refuse Council may revoke this planning approval.
 - c) Skip bins shall be placed in the rear portion of the lot and be screened from public view.
 - d) A maximum of six skip bins shall be placed on site at any given time.
 - e) No commercial vehicle associated with the storage of the skip bins shall be repaired, serviced or cleaned at the subject property.
 - f) No commercial vehicle associated with the storage of the skip bins shall be parked on the subject property for a period longer than 4 hours.
 - g) The use approved shall not cause injury to, or prejudicially affect the amenity of the locality by reason or appearance or the emission of noise, odour, vapour, dust, waste water products of otherwise.
 - h) The activity must not display signage related to the use hereby approved.
 - i) Any use, additions to and further intensification of any part of the development or land which is not in accordance with the original application or conditions of approval shall be subject to a further development application and consent for that use.
 - j) The development approved shall occur generally in accordance with the submitted plans in support of the application and these shall not be altered or modified without the prior written approval of the Chief Executive Officer.

COUNCIL RESOLUTION 1117.133 AND OFFICER'S RECOMMENDATION

Moved: Cr Fisher

Seconded: Cr Walker

That Council:

1. Advertise the proposed storage of skip bins at Lot 81 (no 76) Clayton Road Narrogin for public comment in accordance with Section 6.3 of the Former Town of Narrogin Town Planning Scheme No 2.
2. After the expiry date of submissions period, consider all submissions received at the next available Council Meeting.

CARRIED 8/0

Reason for change: Council amended this resolution so that all submissions could be presented to Council for their consideration at a future meeting.

The mover and seconder agreed with the amended resolution.

PLANNING CONSENT



89 Earl Street
PO Box 1145
Narrogin WA 6312

(08) 9890 0900

www.narrogin.wa.gov.au
enquiries@narrogin.wa.gov.au

CASHIER HOURS:
8:30am – 4:30pm
MONDAY- FRIDAY

TOWN PLANNING SCHEME NO.2 DISTRICT SCHEME

Name of Applicant	NARROGIN SLIP BIN SERVICE
Correspondence Address	PO BOX 1205 EARL ST AND K KOKICH @
Applicant Phone Number	0429511661 BEYOND.COM

I hereby apply for planning consent to:

- Use the land described hereunder for the purpose of STORAGE OF EMPTY SLIP BINS
- Erect, alter or carry out development on land described hereunder in accordance with the accompanying plans (3 copies attached)

Existing use of land	
Approximate cost of proposed development	\$
Estimated time of completion	
No of persons to be housed / employed after completion	

TITLES OFFICE DESCRIPTION OF LAND

LOCALITY PLAN

House No	76	Lot No	81	Location No	CLAYTON RD
Plan or Diag		Street Name	CLAYTON ROAD		
Certificate of Title	Volume: _____			Folio: _____	

LOT DIMENSIONS

Site area		Square metres
Frontage		Metres
Depth		metres

AUTHORITY

Applicant's Signature [Signature] Date 13-10-2017

NOTE: WHERE THE APPLICANT IS NOT THE OWNER, THE OWNER'S SIGNATURE IS REQUIRED.

NOTE: ALL OWNERS OF THE PROPERTY MUST SIGN THIS APPLICATION FORM. WHERE PROPERTY IS OWNED BY A COMPANY, AT LEAST TWO DIRECTORS OF THE COMPANY MUST SIGN THE APPLICATION.

Owner's Signature *DM Smith* Date 12/10/2017

NOTE: THIS FORM IS TO BE SUBMITTED IN DUPLICATE, TOGETHER WITH THREE COPIES OF PLANS, COMPRISING THE INFORMATION SPECIFIED IN THE PARTICULARS REQUIRED WITH THE APPLICATION OUTLINED BELOW.

THIS IS NOT AN APPLICATION FOR A BUILDING LICENCE

PARTICULARS REQUIRED WITH APPLICATION FOR PLANNING CONSENT

Where an application involves the erection or alteration of a building or a change in levels of a site, the plans accompanying an application for planning consent shall, unless especially exempt by the Shire:

- a. Indicate the position and describe the existing buildings and improvements on the site and indicate those which are to be removed;
- b. Indicate the position and describe the buildings and improvements proposed to be constructed, their appearance, height and proposed uses in relation to existing and proposed contours;
- c. Indicate the position, type and height of all the existing trees on the site and indicate those to be retained and those to be removed;
- d. Indicate the areas to be landscaped and the location and type of shrubs, trees and other treatment proposed;
- e. Indicate site contours and details of any proposed alteration to the natural contour of the area;
- f. Indicate car parking areas, their layout and dimensions and accessways and the position of existing and/or proposed crossovers; and
- g. Indicate site dimensions and be to metric scale.

OFFICE USE ONLY

File Reference		Application No	
Date Received		Date of Approval / Refusal	
Date of Notice of Decision		Officer's Signature	

NARROGIN SKIP BIN SERVICE

SHIRE OF NARROGIN
89 EARL STREET
NARROGIN WA 6312



ABN: 90 276 126 772

PO BOX 1205

NARROGIN WA 6312

TANDKKOKICH@BIGPOND.COM



TERRY 0429811664

TINA 0403169169

13/10/2017

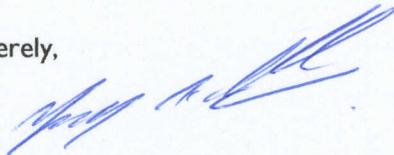
To Whom It May Concern

TA & KM Kokich purchased Narrogin Skip Bin Service from P&F Kulker on the 1st February 2017. As part of the purchase agreement we lease lot 81 Clayton Road Narrogin from Peter Kulker to enable us to store empty skip bins, at no point will any bins stored contain refuse,

Because of its close proximity to the Narrogin Refuse site, it enables us to service to our clients in a quick and efficient manor, which is crucial to the operation of this business.

Your consideration on this matter is appreciated.

Sincerely,



Terry Kokich

Partner



Attachment Two – Locality Map