



Ordinary Council Meeting Attachments

Tuesday, 28 July 2020.

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To whom it may concern

I Jessica Moore would like to start my own Hair Dressing Business from my home, 12 Shannon St Dalwallinu, Western Australia.

I moved to Dalwallinu Dec 2019 with my husband who was here 4 yrs before me as I was working in Perth.

I am a fully qualified hair dresser and have been for 8 years plus and will be working at my own residence of 12 Shannon St Dalwallinu if deemed so by council of Dalwallinu.

With working from home I will not be making any changes to the outside of my residence regarding signage or advertising or any obstructions to the neighborhood in any way.

I will be working in a room which is located at the back of the house which was built on before we moved in. The room I will be working in is no way close to the kitchen, dining room or any part of our private dwelling. This is a large area approximately 15 meters long by 6 meters wide which stretches the width of the home, I work at one end of this room in the space of about 3x2.5 which has a glass sliding door for access for clients.

I will not need any addition parking nor will create any more traffic volume in the neighborhood as I have 2 drive ways on my property and will only be assisting one client at a time and one drive way comes straight to the salon door. I do have ABN and all insurances needed to make sure my clients are protected while they are on my premises during a consultation.

I do hope you take my plan into consideration as I wish to provide an essential service to the Dalwallinu District as I know there is not a Hair Dressing Salon in the district.

1. Subject

Sea Containers are defined as being redundant shipping containers that have been repurposed. Sea Containers are often being used on land in a manner that is unsightly and that is detracting significantly from the amenity of the locality in which the land is situated. Sea containers are used in Residential areas as an alternative to sheds and in Commercial and Industrial areas for storage and other purposes.

2. Objectives

Ensure that the use of Sea Containers is not unsightly and does not detract significantly from the amenity of the locality in which it is situated.

Establish guidelines for the assessment of applications for a permit to establish Sea Containers within the whole of the Shire local government area.

Set acceptable standards for an application to obtain Shire approval to establish a Sea Container on a particular property relevant to the land use.

3. General Provisions:

The following provisions, if adopted, will apply to all Sea Containers located within any land use zone.

Sea Containers:

- are only to be used in conjunction with an approved use on the lot
- must not be located over effluent disposal areas/systems
- must not be located over water mains, waste water or storm water drains, or underground power lines.
- must be setback from overhead power lines in compliance with the requirements of the relevant electricity authority
- will not be permitted in a Heritage Conservation Area.
- must not contain sanitary facilities (ablutions)
- must not be used for human habitation
- must not be placed on verges, or road reserves or other public places

4. Specific Zone Provisions:

Land use zones are incorporated into the Scheme to distinguish allowable land uses that do not detract from the amenity or character of a given area. The following provisions (specified criteria), if adopted, will apply to their respective land use zones.

Residential Zone

- A maximum of one Sea Container per allotment is allowable provided that it can be demonstrated that it meets the criteria as an 'Outbuilding' as defined in the *State Planning Policy 7.3 – Residential Design Codes Volume 1*
- Sea Containers will not be permitted in the Residential Zone on land where there is no existing dwelling or where there is no dwelling under construction
- Sea Containers are not to be located within the front setback of the property
- Sea Containers must be screened from the streetscape (nearby roads, other public places and adjoining neighbours) by suitable vegetation or other appropriate screening
- Where Sea Containers cannot be screened, the Shire will require additional design features to be incorporated, e.g. roof structures, doors, cladding
- Refrigerated Sea Containers are not permitted on Residential zoned land anywhere within the Shire
- With the exception of an approved Home Occupation, the Sea Container shall not be used for any commercial or industrial purpose.

Commercial Zone

- A maximum of one Sea Container per allotment is allowable provided that their use is ancillary to the approved land use
- Sea Containers must not be located in areas designated as car parking
- Sea Containers must be screened from the streetscape (nearby roads, other public places and adjoining neighbours) by suitable vegetation or other appropriate screening
- Where Sea Containers cannot be screened, the Shire will require additional design features to be incorporated, e.g. roof structures, doors, cladding
- Refrigerator motors and other cooling devices must be modified to ensure that noise emitted from the unit complies with the *Environmental Protection (Noise) Regulations 1993*.

General Industrial Zone

- An unlimited number Sea Containers is allowable provided that their use is ancillary to the approved land use
- Sea Containers must not be located in areas designated as car parking or landscaping
- The placement of the Sea Container is to be in compliance with prescribed setbacks in Table II of Part 5 of the Scheme

Townsite Zone

- A maximum of one Sea Container per allotment is allowable provided that their use is ancillary to the approved land use
- The placement of the Sea Container is to be in compliance with prescribed setbacks in Table II of Part 5 of the Scheme
- Sea Containers must be screened from the streetscape (nearby roads, other public places and adjoining neighbours) by suitable vegetation or other appropriate screening
- Where Sea Containers cannot be screened, the Shire will require additional design features to be incorporated, e.g. roof structures, doors, cladding

Rural Residential Zone

- A maximum of two Sea Containers per allotment is allowable provided that their use is ancillary to the approved land use
- The placement of the Sea Container is to be in compliance with prescribed setbacks in Table II of Part 5 of the Scheme
- Is used for domestic storage purposes only
- Refrigerated Sea Containers are not permitted on Rural Residential zoned land anywhere within the Shire
- Sea Containers must not be stacked

Rural Zone

- An unlimited number Sea Containers is allowable provided that their use is ancillary to the approved land use
- Where located within 200m of a boundary of a lot or road, Sea Containers are to substantially screened from the road, neighbouring properties or public vantage points

5. Exemptions

All proposals for the placement of Sea Containers require the planning approval of the Shire prior to being sited on a lot, except where the Sea Container is:

- Placed within a fully enclosed buildings
- Associated with the temporary storage of building materials and/or equipment during approved building work being undertaken. The building works must have substantially commenced and the construction works do not lapse for more than 30 consecutive days.
- Placed temporarily on the property for the purposes of furniture and/or goods removal or delivery where they are located for seven days or less
- Proposed to be modified for a dwelling or commercial building. Once a Sea Container has been modified, it is no longer considered as a Sea Container for the purposes of this Policy.

6. Public Consultation

- Sea Containers that do not comply with the specified criteria will be advertised for public comment before being determined by the Council.
- Owners of property adjoining a proposed development site are to be invited to make comment on all applications for Sea Containers.
- All public consultation is required to be undertaken for a period no less than 14 days.

7. Related Local Law/legislation

- *Planning and Development Act 2005*
- *State Planning Policy 7.3 – Residential Design Codes of WA*
- *Shire of Dalwallinu Local Planning Scheme N° 2 (The Scheme)*

8. Related Delegation

- Chief Executive Officer
- Manager Planning & Development Services

9. Issue Date

10. Review/Amendments Dates

L & T deGrussa

Building Services House Inspections

Our Job No: 0128

6 July 2020

Doug Burke
Manager Planning & Development Services
Shire of Dalwallinu
58 Johnston Street
DALWALLINU WA 6609

Dear Doug

LETTER SUPPORTING PLANNING APPLICATION FOR THE PROPERTY KNOWN AS LOT 1 61 JOHNSTON STREET, DALWALLINU WA

Owners

John Robert Wallis
Elizabeth Jean Wallis
PO Box 99
DALWALLINU WA 6609

Applicants

L & T deGrussa
PO Box 75
BALLIDU WA 6606

Purpose of this application

To obtain planning approval from Council to change the existing building classification in accordance with the ***Building Regulations 2012 Part 8 Division 1 r.47.***

The current classification of the building(s) is 6d which is a commercial classification for a service station. Notification is given that we wish to change this classification to 1a and 10a which are residential classifications for grouped dwellings and storage areas.

The principles of classification as explained in the Building Code of Australia state

*"The classification of a building or part of a building is determined
by the purpose for which it is designed, constructed or adapted
to be used"*

Len 0439 832 736	PO Box 75	Building Surveyor BSP165
Tracey 0439 133 399	BALLIDU WA 6606	Building Contractor BC10087
Email lendeg@westnet.com.au		ABN 15 351 699 089

Background

John R Wallis purchased the property, then known as Dalwallinu Motors in 2013 with the intention of both modifying the existing building and constructing additional new dwellings in order to provide low cost rental accommodation in town.

The building work was subsequently carried out, albeit without obtaining planning or building approval from the Shire of Dalwallinu.

Response from the Shire

The Shire has become aware of the unauthorised building work and is giving the owners the opportunity to rectify the situation by retrospectively acquiring the required approval and to obtain the relevant residential classifications as required by various statutory authorities.

Outline of unauthorised work

The unauthorised work that has been carried out on the property consists of:

- Conversion of a section of the existing building into a self-contained dwelling *being attached quarters B (see site plan)*
- Construction of a new self-contained dwelling *being attached quarters A*
- Placement of a free standing transportable dwelling *being donga C*
- Conversion of a section of the existing building into a storage area

Statement of building work

As a registered building surveyor and registered building contractor I have inspected the unauthorised building work and am satisfied that it is structurally sound and suitable for human habitation.

Compliance with State Planning Policy 7.3 Residential Design Codes Vol 1

The subject land has an area of 2000m² (*including truncation*) and is zoned commercial with a R-Code rating of R10/30.

The following table details that the property conforms with State Planning Policy 7.3 and is therefore suitable for a residential classification.

State Planning Policy 7.3 Residential Design Codes Volume 1			
61 Johnston Street, DALWALLINU WA 6609			
R10/30			
Site Requirement(s)	R-Code Specs	61 Johnston Street	Conforms Y/N
Min area per dwelling	260m ²	500m ²	Y
Av area per dwelling	410m ²	500m ²	Y
Min frontage	N/A	40.0m	Y
Min total open space (% of site)	45%	59%	Y
Min outdoor living	24m ²	42m ²	Y
Min setbacks – primary street	4.0m	8.0m (average) Johnston St	Y
Secondary street	1.5m	1.5m James St	Y
South boundary	1.5m	5.5m	Y
Rear boundary	0.6m	11.5m (dwelling) 1.0m (shed)	Y

Bushfire Prone Area

A search of the Department of Fire and Emergency Services website has revealed that the subject property is not in a bushfire prone area.

Summary of this application

Considering the site and buildings meet the requirements of the State Planning Policy 7.3 Residential Design Codes Vol 1 and conform with the Shire of Dalwallinu Town Planning Scheme No 2, we ask that Council consider granting approval for the change in classifications.

Further action

Once Council has granted approval the owners will undertake a full investigation to determine if there is any evidence of soil contamination on the site.

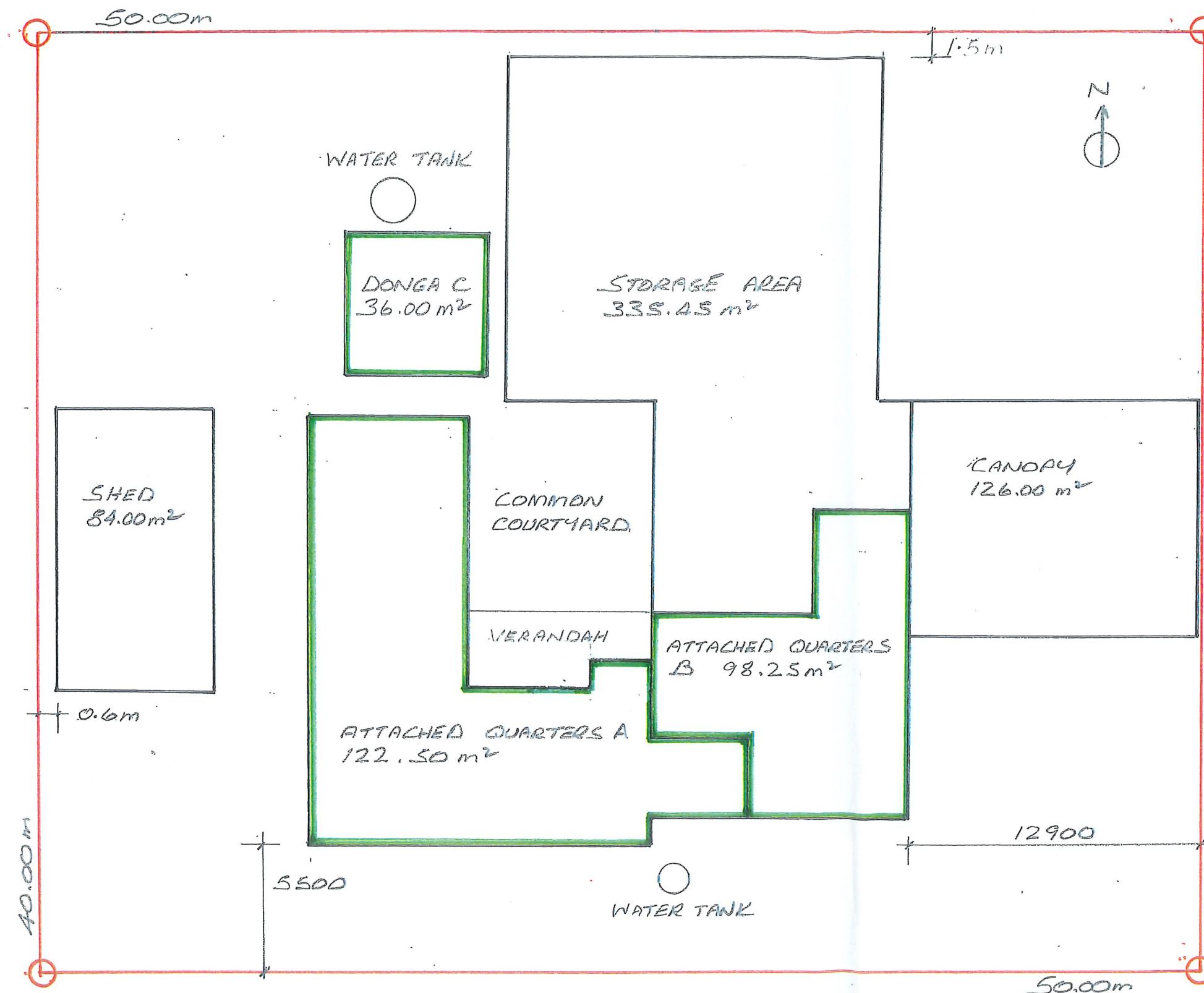
(The vendor of the property states such tests were carried out in 2013 with negative results)

Also any minor remedial building work will be attended to.

Yours sincerely



Len deGrussa



This drawing is part of the
APPLICATION FOR PLANNING CONSENT
for a change of building classification of
premises at 61 Johnston Street,
Dalwallinu WA 6609

Drawing 1 of 4

Site Plan

Drawn 15 June 2020
L deGrussa

**L & T deGrussa
Building Services**
lendeg@westnet.com.au

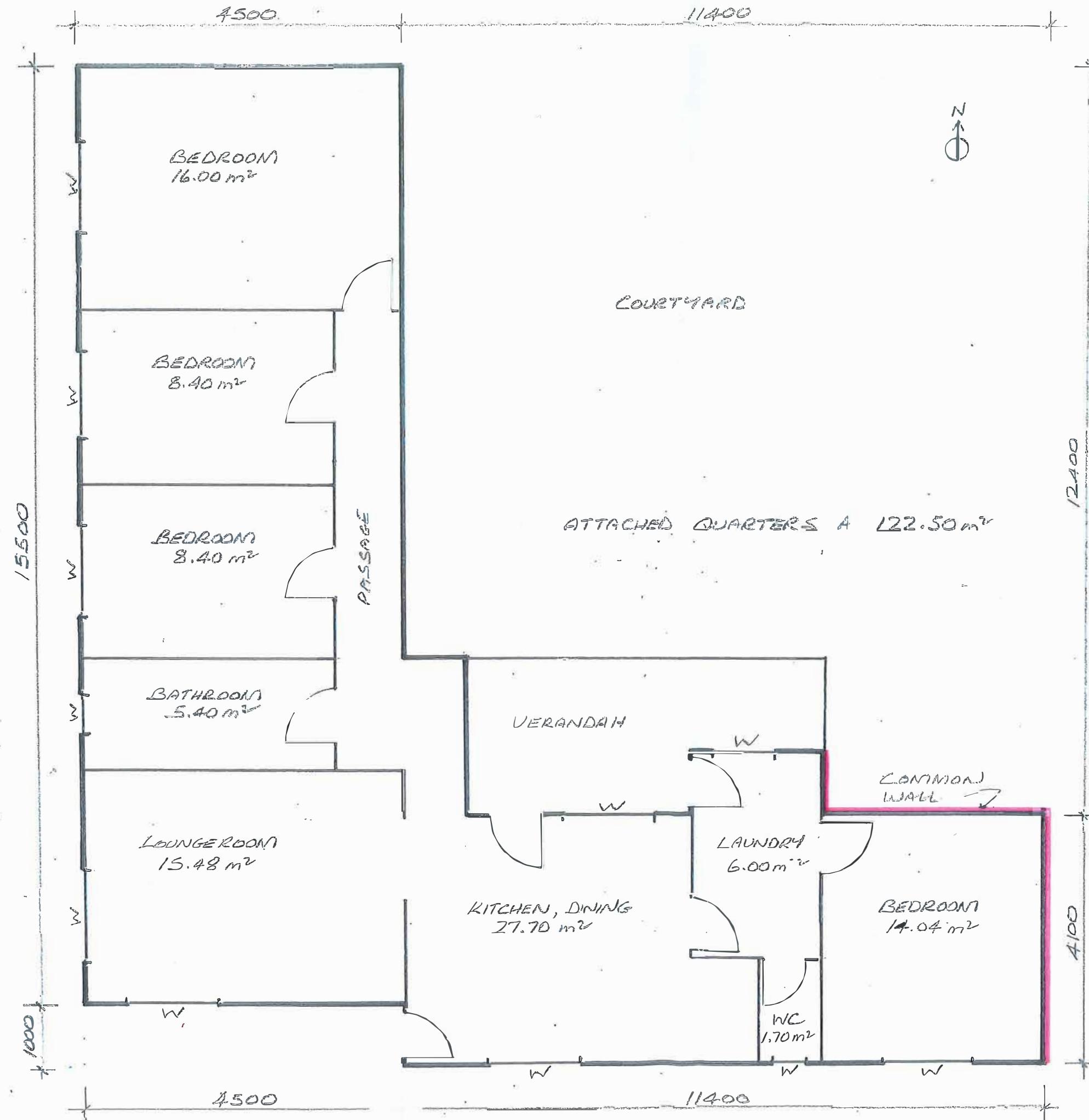
AREAS

Attached quarters A	122m ²
Attached quarters B	98.25m ²
Donga C	36.00m ²
Storage area	335.45m ²
Canopy	126.00m ²
Shed	84.00m ²
Total covered area	802.22m ²
Open space	1197.80m ²

61 (Lot 1) Johnston Street is 2000m²

Therefore

Total covered area is 40.11% of lot
Open space is 59.89% of lot

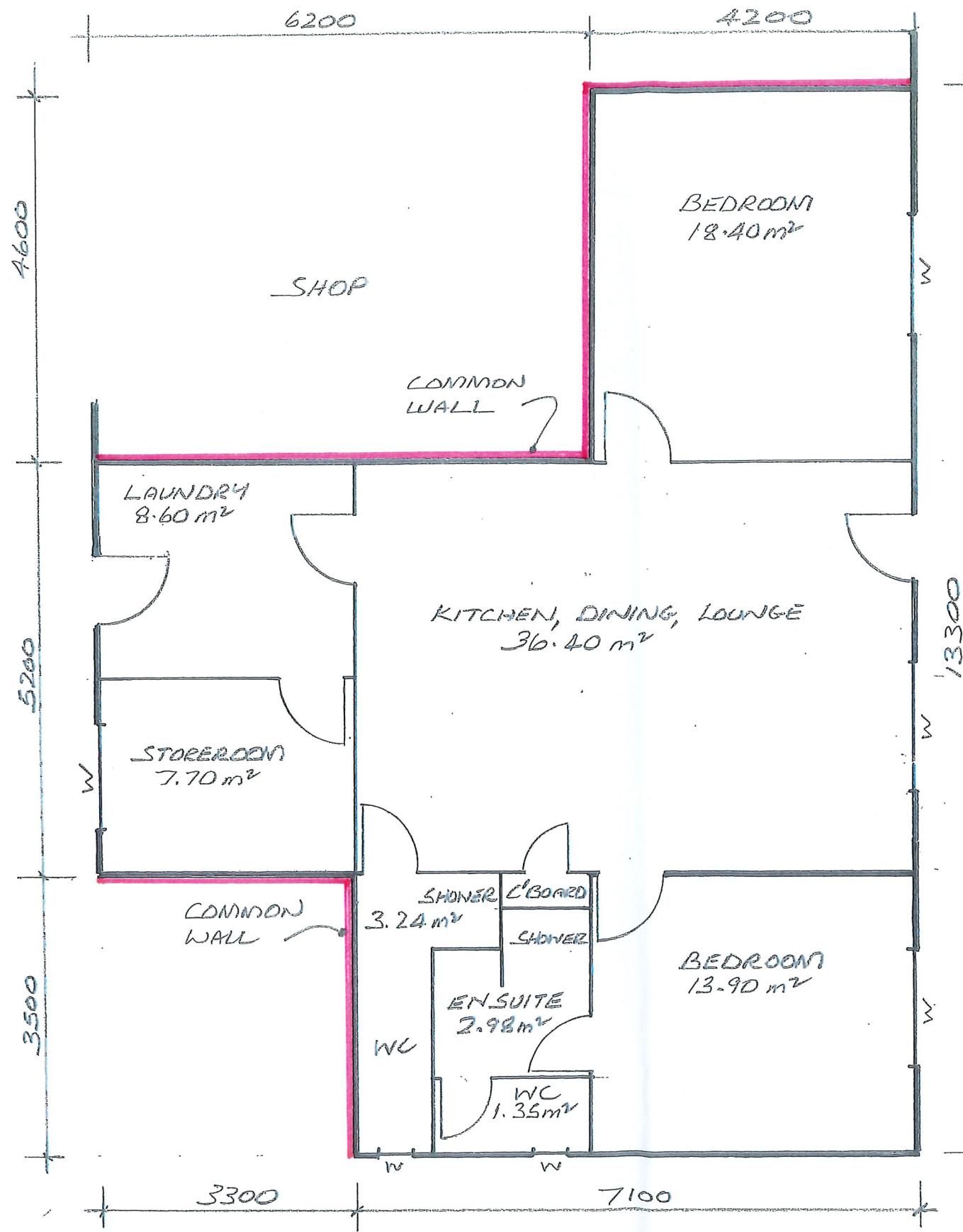


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premises at 61 Johnston Street,
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Drawing 2 of 4
Attached Quarters A Internal Floorplan

Drawn 15 June 2020
L deGrussa

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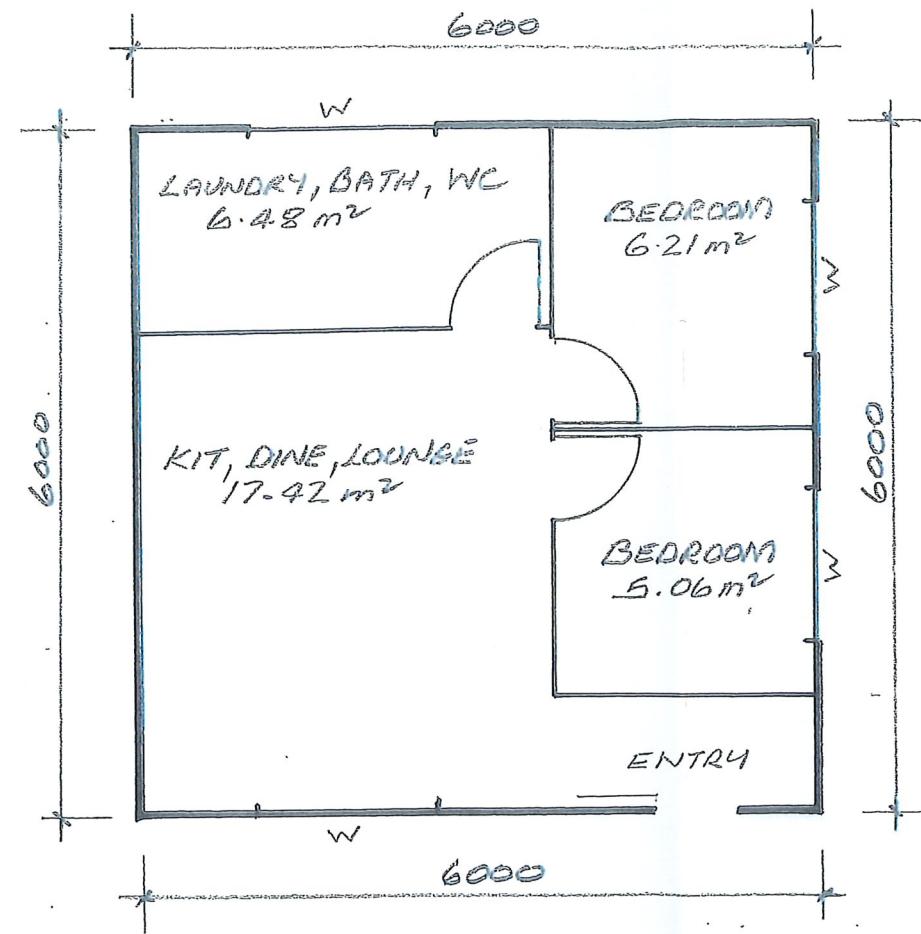
Drawing 3 of 4

Attached Quarters B Internal Floorplan

Drawn 15 June 2020

L deGrussa

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Drawing 4 of 4

Donga C Internal Floorplan

Drawn 15 June 2020
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