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Minutes of the Ordinary Council Meeting held in the Council Chambers, 6 Paterson Street, Mundijong on Monday 9 November 2015. The Shire President declared the meeting open at 7.00pm and welcomed Councillors, staff and members of the gallery.

1. Attendances and apologies (including leave of absence):

In Attendance:

Councillors: J Erren Presiding Member
S Piipponen
D Atwell
K Ellis
D Gossage
S Hawkins
M Rich
J See
B Urban

Officers: Mr R Gorbunow Chief Executive Officer
Mr A Hart Director Corporate and Community
Mr G Allan Director Engineering
Mr D van der Linde Acting Director Planning
Ms K Peddie Executive Assistant to the CEO (Minute Taker)

Leave of Absence: Nil

Apologies: Nil

Observers: Ms K Cornish Governance Officer
Mr L Long Acting Planning Manager
M M Bridge Planning Officer

Members of the Public – 19

Members of the Press – Nil

2. Response to previous public questions taken on notice:

No questions were taken on notice at Ordinary Council Meeting 26 October 2015.

3. Public question time:

Public question and statement time commenced at 7.01pm

Mrs L Bond, PO Box 44, Armadale, WA, 6122

Question1

Have any follow up assessments been conducted by Council with regard to WA Tree Works at 766 King Road, Oldbury regarding ground water quality of this development and bore water and soil quality? If not, why not?

Response:

The Shire is currently in the process of assessing compliance with the conditions of the Development Application for this property.

Question 2

When is Council going to make it clear to Main Roads for the need of a slip road regarding Pitman Way, or is this being denied by particular Councillors for their own agenda?

Response:

This is a Main Roads issue but the Shire understands that it is the intention of Main Roads to install a slip lane at this location.

Question3

Why hasn't Council advised the WA Electoral Commission of a voting failure for the 2015 Council elections after it has been clearly shown that Council Staff did the vote count, not electoral commission staff as we were advised was the case on 17 October 2015?

Response:

The WA Electoral Commission appoint an authorised Returning Officer for the Local Government Elections held on 17 October 2015. The WA Electoral Commission advise the Returning Officer of the number of persons required for the Count Team. The Returning Officer then appoints a number of Local Government employees trained and authorised as the Count Team.

Mr J Glasson, Lot 259 Macleod Close, Byford, WA, 6122

Question 1.

Why has the Shire still taken no action almost 12 months since being notified about the illegal and unauthorised works to the ATU system at 30 Macleod Close, Byford. No approval or authority was given by the State Health Department or Shire officers to move the location of the irrigation outside the building envelope, change it to above soil irrigation and move it into a close proximity to the boundary where it now sprays effluent into the Cardup Brook Nature Reserve. Why has no action been taken?

Response:

Officers visited the property back in January 2015 and observed that the irrigation area was well maintained, consistent with the original approval issued in 2010 for the Clearwater domestic sewage system with disposal to be via surface irrigation. At the time of the site visit no spray was observed leaving the property and entering the Cardup Brook reserve. Further inspection of the property will be conducted and if spray is observed leaving the property, the owner will be required to undertake works to prevent this from happening.

Question 2.

Why is the Shire making confidential decisions in regards to the retrospective approval for the shed and retaining wall at 30 Macleod Close, Byford? It has been rejected by Council twice, it doesn't comply with the Shires own planning policies and legislation, it has severely impacted the neighbouring properties, it has no building license and is in breach of the planning approval that was given.

Response:

The item regarding 30 McLeod Close is a confidential item as it relates to a specific action required by the State Administrative Tribunal as part of the SAT process. It does not specifically relate to the merits of the application.

Question 3.

Will the Shire uphold the Councils decisions at SAT to not grant retrospective approval for the shed and retaining wall at 30 Macleod Close, Byford?

Response:

Council has previously indicated what its stance is regarding the applications on this lot. The State Administrative Tribunal will utilise these decisions to make a determination and Council will be required to adhere to any decision. The item before Council does not directly relate to the merits of the application.

Mr WJ Kirkpatrick, 77 Mead Street, Byford, WA, 6122

Question1

Why was the incorrect information for the Lighting at Mundijong oval stated in the documentation issued with the rates notices? It showed a sum of \$320,000 as the Shires contribution when in fact in reply to a question on notice the true figure is

\$95,000, no explanation was supplied with the documentation it did have two asterisks but no explanation what they may have meant. What is going to happen with the difference, a total of \$225,000?

Response:

The Rates Information Guide listed the total value of works to be completed this financial year. It did not identify how the projects are to be funded. As you have stated in your question, the Council Contribution is \$95,000, the balance is the value of the external contributions for the works which is \$225,000.

Question 2

Why did the CEO and, or the then President Councillor Ellis, allow this misinformation to be published in the local paper during the election period when they were both aware that it is an offence under the Local Government Act for a sitting Council member or Shire officer to publish information that may be supportive or detrimental to any candidate? These were large half page ads.

Response:

The information contained in these adverts were based on facts to explain to the community that projects were planned in the 2015/16 financial year.

Question 3

Could I have the total amount of monies spent to date on the Byford and Districts Country Club relocation? To contractors, consultants and other persons. From which pot of money did it come from? From the Shire contribution of \$280,000 or from the various grants? Were these grants controlled by the Shire or the Byford and Districts Country Club and which group payed the invoices?

Response:

The total expenditure on the project to-date is \$842,800. The Shire does not charge various parts of the project to each "pot of money". The various income sources for the project are combined to show the total of the external funding for the project. The project is funded from a separate line item which is the capital works project with a total project budget of \$5.34 million.

Mr B Williamson, 95 Pony Place, Oakford, WA, 6121

Question 1

How is the \$148,558 paid to Councillor Ellis for the two years as Shire President made up and what is each figure? (Sitting fees, ITC allowance, Out of pocket expenses, Percentage of rates)

Response:

Sitting Fees - \$116,366

ITC Allowance - \$6771

Out of Pocket Expenses - \$25,421

Percentage of Rates – 2013/14 0.36%, 2014/15 0.46% 2015/16 0.12% (Forecast)

Question 2

What amount was spent on corporate credit cards by Councillor Ellis whilst on business trips for that period and is it included in the \$148,558?

Response:

Councillors are not issued with corporate credit cards.

Question 3

It is great to see that we are getting a Dome coffee shop/restaurant in Byford. When was it approved by Council and when is the construction scheduled to start?

Response:

At the Ordinary Council Meeting in October 2015 Council resolved to approve for advertising for the modification of the zoning of Lot 4 (829) South Western Highway. Council should be able to make a determination in this regard early in the New Year.

4. Public statement time:

Mrs L Bond, PO Box 44, Armadale, WA, 6122

When is retrospective approval going to be stopped by this Council. Clearly relatives and Council friendlies are given this right to the exclusion of others. The suggestion that wasting ratepayers money on Council so they can obtain a piece of paper that declares they are qualified in some way to expend the ratepayers money correctly is totally ludicrous. The gallery often has very intelligent and competent people who wipe the floor with Councillors on this Council. The fact that particular Councillors are now on this Council does not give you the right to assume you have been elected by the majority because you have not. While there is a representative from the Local Government Department in the gallery on a regular basis it shows what little authority they have and many give some Councillors and Council officers the idea they are untouchable.

What is the cost for the security guard who is employed to look after the Council building while he remains inside and leaves when the gallery leave. Then we have the doorman, another waste of ratepayers money any Councillor can call the police if needed, you could even call on members of the gallery to call them if needed. Doormen are more usually used at night clubs, not the sedate Local Council meeting and doormen cannot put their hands on anyone. As these two people are being engaged until Christmas what would be the vicinity of the cost of these two people, \$25,000 perhaps \$30,000 or more. What reason or right do you have to waste ratepayers money in this manner.

President presented statement on behalf of

Mrs M Cala, 49 Phillips Road, Karrakup, WA, 6122

Reports of a Hanson's Quarry proposal to use their Cardup hard rock quarry site for landfill purposes is contrary to community expectations. This community received State Government assurances that once the current Cardup landfill site had reached capacity, there would be no further landfill in the Darling Scarp, or the Shire of Serpentine Jarrahdale.

Hansons proposal, if allowed would see another 15 to 18 (or more) years of landfill within our Shire. It could also be used as a precedent for other expired quarry sites to be similarly used. Hansons site is just a short distance from the new Whitby development, and downwind of the strong, seasonal Easterly Winds. The stench which would be experienced by residents within the area is unimaginable, and would render any form of outdoor living impossible. We do not want to become known as the Rubbish Shire.

The potential for ground water contamination also makes the proposal unacceptable. There are known difficulties in safely lining a hard rock quarry, and the possibility of an accidental spill is always present. Any spill would inevitably make its way to the Peel system which is already under extreme pressure.

The added danger of more rubbish trucks – usually on a strict timetable – entering and leaving the site at speed onto the South West Highway and often through local roads and town sites would only add to the misery of our community which is already awash with heavy duty haulage vehicles of all types.

Any offer to the Shire Council of free, or reduced tip fees, if indeed this was tendered, could never compensate the community for the very real disturbances they would suffer.

We request that all Councillors consider the detrimental impact on our community of further landfill within the Shire. We also request that Officers are given a clear understanding of the strength of community feeling about more landfill in our Shire, and

that this is taken into account, should any proposal come before them for consideration or recommendation.

The SJ Ratepayers and Residents Association acknowledge that rubbish disposal is an ongoing and expensive issue. However we believe that the people of Serpentine Jarrahdale have served our time with the Cardup Landfill site and that for all the reasons stated it would be unreasonable for another landfill site within our Shire.

Mr WJ Kirkpatrick, 77 Mead Street, Byford, WA, 6122

I find it disturbing that having been a Councillor for a number of years how difficult it is to get the Shire to action complaints. For example the illegal use of Lot 4 South Western Highway. This lot is clearly zoned as Public Open Space yet is being used as a car park with an illegal crossover from the intersection of Pitman Way and South Western Highway. I know it is suggested that it be rezoned to commercial but that has not happened as yet and it is still public open space.

The section of footpath that has been missing for a couple of weeks in Mead Street is a compliance issue as it was dug up for a development. The Spoil in Gordin Way left by contractors working on behalf of Croker Const for LWP again is a compliance issue but unaddressed. The failure to repair the footpath to a usable standard on Abernethy Road between Thatcher and Warrington. Some of these endanger my life as I am forced to use my disable transport in heavy traffic as there is no provision for me to travel safely, I have drawn this to the attention of the Shire President on a number of occasions including photographs.

We still have a unique form of football in Percies Park, where we only have three goalposts. Councillor Hawkins has a tree removed from outside her house (there were only three in the street) because it was damaging the kerb. The tree was cut down, but the stump is still there and so is the dangerous kerbing, the reason for removing the tree. I offered if they would replace the tree with a native one not a Jaccaranda to water it for the coming summer with no reply.

We are constantly running out of doggy bags at Percies Park and Dagostino Park and again have not had the offer taken up for the residents to replace them as required if the Shire will give them to us.

I drew to the attention of Councillor Hawkins that the sandwich boards outside the post office were impeding my ability to get along the path provided in my gopher without any success. This is compounded by cars driving up to the kerb and obstructing the walkway with the overhang of their cars.

The block of land at the end of Tanzalite Way and Carnelian Link has been allowed to be a haven for snakes and a tipping site for any rubbish and spare soil. There have been five occurrences of snakes in houses adjoining that piece of land, do we wait until a toddler is bitten with possible fatal result before we take action?

There is another section of walkway where the new café is being built by the lake in the Glades across the right of way as the Shire has taken this section of road and pathway over they have a Duty of Care to ensure that it is safe for pedestrians to walk there. There may be a good reason for a portion of this path to be restricted as it is a confined site but it needs to be barricaded to Australian standards.

The table and two seats to be provided in Dagostino Park to enable people to use the new BBQ have not been fitted not has the rubbish bin. The allowance for this operation was raised from \$16,500 to \$20,200 to allow for the extra cost.

The bins in Percy's Park and Dagostino Park were emptied on Friday as per the contact with the waste contractor so I suppose getting something done is a success but again it was a contractor not the Shire doing the operation.

Not a very high performance from a new Council that promised that the times of helping your mates was over and they would consider the community.

Ms J Star, 230 Jarrahdale Road, Jarrahdale, WA, 6124

I have become aware of the Ratepayers and Residents concern at the possibility of further landfill on the Scarp. I have watched with great concern the expansion of the current site way beyond its original imposition intended on the landscape.

I have also noted other intrusions onto the landscape below the WA Limestone quarry, and now the sand mine near Jarrahdale Road.

I was on the Darling Range Regional Park Consultative Committee when a Landscape study was done by (then) CALM which sowed the Darling Range Scarp to be of the highest value. In fact we fought against mineral sand mining licensing on those grounds.

Serpentine Jarrahdale has landscape features that make it stand out from most other Local Government areas. As well as being in the middle of the South West Biodiversity Hotspot it is also on the overlap between the northern and southern coastal plain making it particularly rich in plant diversity. It even has 3 or 4 eucalypts that are relatively rare and best found here. Add to this the rural scene created by the farming history and there are values that make the place special and give it a great appeal. Most landowners respect this and try to enhance properties thus maintaining value.

In fact the Corporate Plan I think still reflects this and it is a great shame this plan was ignored when past Councillors imposed their individual suburban taste on the redevelopment of Mundijong's main street, thus losing an important aspect of sense of place (wide country street, self-maintaining local vegetation).

That aside, I would urge Councillors (and therefore staff) to seriously consider the value of this landscape before giving any countenance to a further blight upon it. Keeping its integrity throughout is very important to its landscape value.

It is also a poor past practice to dispose of waste to landfill as the Rivers Council has recently decided.

Mr B Williamson, 95 Pony Place, Oakford, WA, 6121

I was pleased to hear the assurance John Erren gave when elected to the position of Shire President that he would heal Council and the community. I would like to point out that from the outside this does not seem to be happening as of yet which may be a bit premature and in some ways unfair as decisions made will always be compared with those made before the election but I feel needs pointing out. This appears evident when you look at who got what committee.

It is important that this Council puts the ways of the Ellis Council behind them and corrects the antagonistic attitudes that the then Shire President and the CEO have towards the public.

Ratepayers expect uncensored free speech, transparency and accountability. We also expect fairness and consistency in all dealings and not the disparity we still appear to have. The persecution and intimidation must stop it is costing the ratepayers way too much in unwarranted legal opinions. We could build several BMX complexes for the amount we have paid the Council lawyers over the two years of the Ellis Council.

Remember, the CEO works for Council. And not the other way around. You cannot allow the tail to wag the dog. It is not just about doing the right thing it is about being seen to be doing the right thing.

I would also like to announce that I will be running for Council at the next Shire Council Election, I learned allot over the last two years and I am sure it will be an interesting next two years.

Public question and statement time concluded at 7.23pm

5. Petitions and deputations:

5.1 Mr Vince Alteri and Ms Linda Balfour presented a deputation in relation to item OCM224/11/15 – Lot 322 (23) Fieldview Chase, Oakford (Retrospective) Approval for three (3) outbuildings and a water tank.

In response to the agenda of the Ordinary Council Meeting scheduled for 9 November 2015, we feel this application is a total misinterpretation of our property. The aerial photo included in the agenda is at least six months old. Our property is no way used as a Transport Depot.

Two tilt panel units located at until 2 and 3, 10 Dickens Road, Armadale, were leased on the 3 June 2015 to park trucks and do maintenance and repairs. We also have a successful offer on these units to purchase and are waiting on the green titles to come through. This is scheduled to happen at the end of November.

As per Council letter dated 5 August 2015, we have addressed all points of the first schedule. Please find these listed below:

- a) We have trucks parked at Units @ and 3, 10 Dickens Road, Armadale.
- b) We have cleared all introduced fill on the property.
- c) Have ceased screening any soil.
- d) We have not proceeded with any other development apart from planting trees and having mulch delivered.

Our machinery shed will now be used to house a mini excavator which is used to plant trees, as the clay is extremely hard to dig in. Also a regular and mini bobcat which are used for landscaping purposes and to do our firebreaks.

The water tank collects the water from our existing shed and is used for the gardens. The studio will be mainly used as storage for documents, but if we needed to have a meeting with someone I can't see a problem with this being used for the purpose.

If there are too many sheds we are quite prepared to dismantle the storage shed as shown on the plan. We have no idea why someone is so adamant that we are parking four of our trucks on the property, as they have been parked at Dickens Road, Armadale, since June 2015

We would appreciate you taking into account we have complied with all requests from the Council and request that you support our retrospective application.

6. President's report:

I attended the West Australian of the Year awards presentation and was proud to watch local hero Georgia Lowry be presented her certificate as one of four finalists for the Young West Australian of the Year Award.

The afternoon saw the celebration of 16 of West Australia's best, being recognised for their good work in the community. I was very proud that someone from SJ was recognised. Georgia's amazing story of survival as a baby from cancer and her commitment to help others facing the same battle is nothing short of inspiring.

Congratulations and well done to Georgia and to her proud parents Anne-Marie and Sean.

I'm happy to announce the official opening of the Serpentine Skate Park on Tuesday the 17th November from 4-6pm. Bring your children and get involved with the activities. There will be a free sausage sizzle, a deck design competition, a skate competition and Y Time activities. It's important that we give our youth every opportunity to enjoy the best that Serpentine Jarrahdale has to offer. Council is committed to providing facilities for young people in the area.

It's Senior's Week and various activities will be offered at the Serpentine Jarrahdale Rec Centre, there will be a concert, singalong and dance on 10 November and a Social Games Day on 12 November. I encourage all our seniors to go along and enjoy the fun.

The Serpentine Jarrahdale RSL will be commemorating Remembrance Day at 11am on the 11th of November on the corner of South West Highway and Abernethy Road with a Last Post Ceremony. I would encourage those of you who are able to, to attend.

Finally I met with the newly elected Federal Member for Canning, the Honourable Andrew Hastie MP, to discuss SJ's exciting future and how we look forward to his support at a federal level for our projects and infrastructure. Mr Hastie was very open and supportive of our Shire and shared my excitement for our future.

7. Declaration of Councillors and officers interest:

Councillor Atwell declared a proximity interest in item OCM228/11/15 as he is a part owner of the abutting land and will leave the meeting while this item is discussed.

Councillor Hawkins declared an impartiality interest in item OCM231/11/15 as the advocate of the naming convention within this item. Cr Hawkins stated this will not affect the way in which she votes and will partake in the debate and vote on this agenda item.

8. Receipt of minutes or reports and consideration for recommendations:

8.1 Audit Committee Meeting – 26 October 2015

Corrections:

Minutes changed to reflect the correct date in the resolution for Audit Committee President:

That Cr Erren be appointed as Presiding Member of the Audit Committee until October 2017.

COUNCIL DECISION

Moved Cr Hawkins, seconded Cr Ellis

That the minutes of the Audit Committee Meeting held on 26 October 2015 be confirmed (E15/5588).

CARRIED UNANIMOUSLY

8.2 Ordinary Council Meeting – 26 October 2015

COUNCIL DECISION

Moved Cr Piipponen, seconded Cr Urban

That the minutes of the Ordinary Council Meeting held on 26 October 2015 be confirmed (E15/5600).

CARRIED UNANIMOUSLY

9. Motions of which notice has been given:

OCM223/11/15	Lot 182 (#1020) Anketell Road, Oakford – Proposed Single Dwelling, Outbuilding (Shed) and Water Tank (P08883/03)
Author:	Marcel Bridge – Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	1 October 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Daryl / Edwina Thatcher
 Date of Receipt: 28 August 2015
 Lot Area: 20,845m²
 Town Planning Scheme No 2 Zoning: 'Rural Groundwater Protection'
 Metropolitan Region Scheme Zoning: 'Rural'

Introduction:

The purpose of this report is to consider the development application for an outbuilding, single dwelling and water tank on Lot 182 (#1020) Anketell Road, Oakford.

The proposal is presented to Council as the lot lies within the 'Rural Groundwater Protection' zone.



Aerial Reference

Background:

Existing Development:

The subject land is currently vacant with dispersed vegetation.

Proposed Development:

The proposal is for the construction of a 300m² outbuilding, (30m x 10m) with a wall height of 4.5m, to be located within the building envelope. The proposal also includes the

construction of a single dwelling to be located within the building envelope and a water tank outside the prescribed building envelope with a capacity of 160 000 litres.

Relevant Previous Decisions of Council:

OCM116/07/15 – Council conditionally approved the ‘Outbuilding’

“Moved Cr Moore, seconded Cr Erren

That Council:

1. *Approves the application submitted by Daryl Thatcher for an ‘Outbuilding’ (shed) on Lot 182 Tuart Road, Oakford, subject to the following conditions:*
 - a. *The shed shall not to be used for human habitation, commercial or industrial purposes, the parking of a commercial vehicle or the stabling of horses or other livestock unless the written approval of the Shire has first been obtained.*
 - b. *The shed shall not be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant Legislation for other types of effluent disposal systems.*
 - c. *All storm water to be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is prohibited.”*

As a result of the outbuilding not being able to be constructed in the approved location, the applicant has submitted the current application to vary the location of the approved outbuilding.

Community / Stakeholder Consultation:

Shire officers deemed that no consultation was necessary for the proposed water tank given the scale, height and location of the structure was considered unlikely to have any impact on adjoining properties.

Statutory Environment:

- Metropolitan Regional Scheme (MRS)
The site is zoned ‘Rural’ under the Metropolitan Regional Scheme
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2)
The site is zoned ‘Rural Ground Water Protection’ under the Town Planning Scheme

Financial Implications:

Should Council resolve to refuse the application, the applicant will have the ability to appeal the decision with the State Administrative Tribunal (SAT).

This will have a financial impact on the Shire as refusal will be contrary to what has been recommended by Shire officers and will require the appointment of planning consultants and potential legal counsel to represent Council throughout the SAT proceedings.

Alignment with our Strategic Community Plan:

Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.1	Maintain the area’s distinct rural character, create village environments and provide facilities that serve the community’s needs and encourage social interaction

Planning Assessment:**Building Design and Location:**

The single dwelling and outbuilding will be constructed of brick, trim deck with a finished colour of shale grey. The proposed height and floor area is considered to be acceptable in 'Rural' areas and would not impact negatively on the surrounding area.

With regard to the location, the proposed single dwelling and outbuilding is located wholly within the approved building envelope. The 'single dwelling' will be located in front of the proposed outbuilding thereby sufficiently being screened from the streetscape.

The proposed water tank is to be sited approximately five (5) metres south of the proposed new location of the shed. As discussed above, given the scale of the lot and location of the proposed water tank is unlikely to impact on the amenity of the area and to adjoining land owners of Anketell and Tuart Road.

Potential Nutrient Leaching:

Given the nature of the proposed development primarily for storage and that the proposed shed will be constructed on a concrete base, it is unlikely to have any negative impact on the groundwater through potential leaching.

Options and Implications:

With regard to the determination of the application for planning approval under TPS 2, Council has the following options:

Option1: Council may resolve to approve the application subject to conditions.

The approval of the application may result in a precedent for similar developments to be undertaken within the area.

Option 2: Council may resolve to refuse the application.

From a planning perspective the proposal has merit to be considered favourably. Should the application be refused it may be successfully appealed with the SAT.

Option 1 is recommended.

Conclusion:

The proposal for the amended location of the outbuilding, single dwelling and water tank is considered to be consistent with the end use of the site being primarily for rural residential lifestyle. As noted above, the proposal is unlikely to have a negative impact on the amenity or character of the area and will not result in the leaching of nutrients into the groundwater.

Attachments:

- [OCM223.1/11/15](#) – Site Plan, Cross Sections and Locality Plan (IN15/17917)

Voting Requirements: Simple Majority

Officers Recommendation

That Council approves the application submitted by Daryl Thatcher for an 'outbuilding' (shed), 'single dwelling' and 'water tank' as indicated on the approved plans and does not related to any other development on Lot 182 (#1020) Anketell Road Oakford, subject to the following conditions:

- a. If the development is not substantially commenced within a period of two (2) years from the date of this approval, the approval shall lapse and be of no further effect.
- b. The 'outbuilding' (shed) shall not be used for human habitation, commercial or industrial purposes (including home occupation), the parking of a commercial vehicle or the stabling of horses or other livestock.
- c. All existing native trees and / or revegetated areas on the subject lot shall be retained and shall be protected from damage prior to and during construction unless part of this or a separate planning approval.
- d. The landowner shall ensure all activities related to the construction of the development (such as but not limited to, storage of building materials and contractor vehicles) shall be contained wholly within the lot boundaries.
- e. Hot water systems, plumbing pipes, air conditioners and the like shall be installed to prevent loss of amenity to any neighbouring property by their appearance, noise, emission or otherwise, to the satisfaction of the Director Planning.
- f. All storm water shall be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is not permitted.
- g. The development shall be in accordance with Australian Standards AS3959 and the Bushfire Attack Level Assessment prepared by Fire Plan WA dated 8/10/15 which specifies construction to BAL – 12.5.
- h. The development shall not to be located within 1.2 metres of any existing septic tank or 1.8 metres of a leach drain.
- i. No wall, fence or landscaping greater than 0.75 metres in height measured from the ground level at the boundary, shall be constructed within 1.5 metres of a vehicular access way unless such wall or fence is constructed with a 3.0 metre visual truncation.
- j. Prior to occupation of the development, the landowner shall install an approved effluent disposal system.

Advice Notes:

- a. The landowner is advised this is a planning approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements.

OCM223/11/15 COUNCIL DECISION / Amended Recommendation:

Moved Cr Hawkins, seconded Cr Gossage

That Council approves the application submitted by Daryl Thatcher for an 'outbuilding' (shed), 'single dwelling' and 'water tank' as indicated on the approved plans and does not related to any other development on Lot 182 (#1020) Anketell Road Oakford, subject to the following conditions:

- a. If the development is not substantially commenced within a period of two (2) years from the date of this approval, the approval shall lapse and be of no further effect.

- b. The 'outbuilding' (shed) shall not be used for human habitation, commercial or industrial purposes (including home occupation), the parking of a commercial vehicle or the stabling of horses or other livestock.**
- c. All existing native trees and / or revegetated areas on the subject lot shall be retained and shall be protected from damage prior to and during construction unless part of this or a separate planning approval.**
- d. The landowner shall ensure all activities related to the construction of the development (such as but not limited to, storage of building materials and contractor vehicles) shall be contained wholly within the lot boundaries.**
- e. Hot water systems, plumbing pipes, air conditioners and the like shall be installed to prevent loss of amenity to any neighbouring property by their appearance, noise, emission or otherwise, to the satisfaction of the Director Planning.**
- f. All storm water shall be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is not permitted.**
- g. The development shall be in accordance with Australian Standards AS3959.**
- h. The development shall not to be located within 1.2 metres of any existing septic tank or 1.8 metres of a leach drain.**
- i. No wall, fence or landscaping greater than 0.75 metres in height measured from the ground level at the boundary, shall be constructed within 1.5 metres of a vehicular access way unless such wall or fence is constructed with a 3.0 metre visual truncation.**

Advice Notes:

- a. The landowner is advised this is a planning approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements.**

CARRIED 9/0

Council Note: the officers recommendation was amended to remove reference to the Bushfire Attack Level Assessment in condition g and to remove all of condition j.

OCM224/11/15	Lot 322 (#23) Fieldview Chase, Oakford – (Retrospective) Three (3) Outbuildings and a Water Tank (P04630/04)
Author:	Marcel Bridge – Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	14 October 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent / Owner: Vincenzo Alteri / Linda Balfour
 Date of Receipt: 21 May 2015
 Lot Area: 21104m²
 Town Planning Scheme No 2 Zoning: Rural Living B
 Metropolitan Region Scheme Zoning: Rural

Introduction:

The purpose of this report is to consider the development application for three (3) outbuildings (machinery shed, chook shed, studio) and a water tank on Lot 322 (#23) Fieldview Chase, Oakford.

Shire officers do not have delegation to determine applications that exceed policy provisions as outlined in Local Planning Policy 17 – Residential and Incidental Development.



Aerial Reference

Background:

Existing Development:

The site currently features an approved residential dwelling, swimming pool and a single outbuilding measuring 163.8m².

Proposed Development:

The retrospective proposal is for the following:

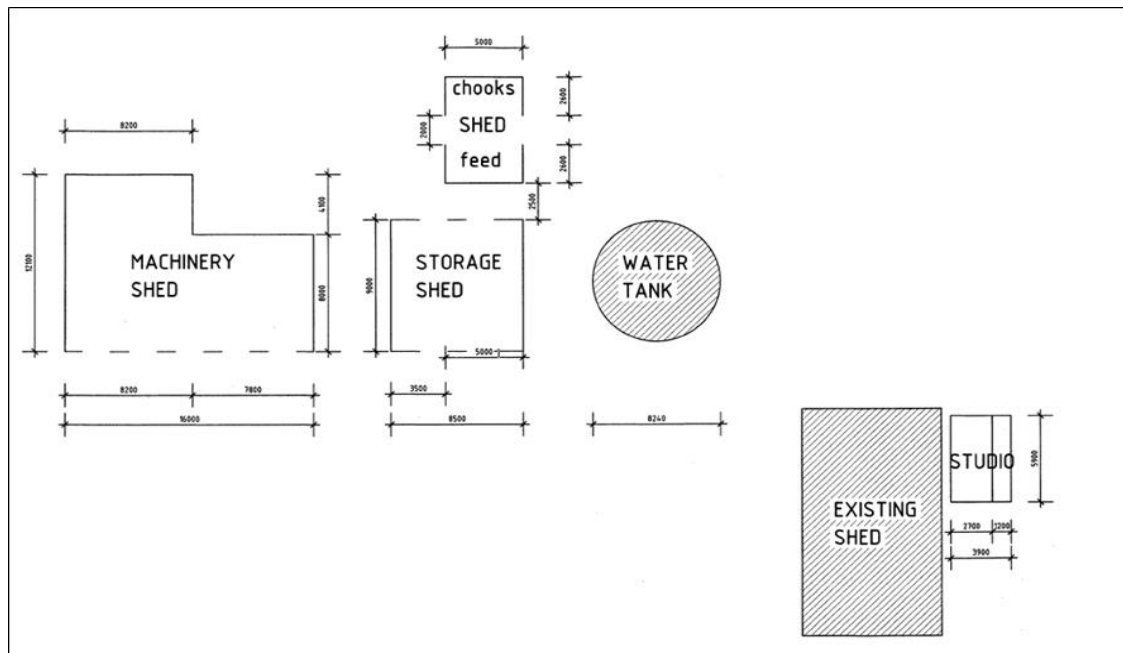
Outbuilding (machinery shed: 192m²) (Wall height - 3.7metres) + (Ridge height: 4.750 metres)

Outbuilding (storage shed: 76.5m²) (Overall Height of 2.9 metres)

Outbuilding (studio: 23m²)

Outbuilding (Chook Shed: 26m²)

Water Tank: Diameter of 8.240 metres (O/A height of 2.4 metres)



Existing and Proposed outbuildings

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this application / issue.

Community / Stakeholder Consultation:

The application has been advertised as per LPP 17, one objection was received and is summarised as follows:

- The machinery shed will be used to park four (4) of six (6) trucks owned by the landowner;
- The studio will be used as an office;
- The approval of the machinery shed and office will result in the landowner conducting a trucking business from the site.

Shire officers comment:

The applicant was requested to further justify the use of the outbuildings and studio and has advised as follows:

- The sheds shown on the plan are to be used for machinery and equipment storage;
- The smaller one is for a wood shed and possibly in the future maybe a chook pen; and
- The studio will be used as a filing room and on occasion a meeting room.

Shire officers do not consider this justification to be acceptable as the use of the studio for a filing room and meeting room indicates that the landowner intends to continue operating a business from the site. A site inspection by Shire rangers on 21 October 2015, has confirmed that the landowner continues to operate a 'Transport Depot' business from the site, despite being issued with a notice to cease.

Statutory Environment:

- Metropolitan Regional Scheme (MRS)
The site is zoned Rural under the Metropolitan Regional Scheme
- Shire of Serpentine Jarrahdale Town Planning Scheme No 2 (TPS 2)
The site is zoned Rural Living B under the Town Planning Scheme
- Local Planning Policy 17 – Residential and Incidental Development (LPP 17)

Financial Implications:

Should Council resolve to refuse the application, the applicant will have the ability to appeal the decision with the State Administrative Tribunal (SAT). This may have a financial impact on the Shire as it may be necessary to appoint planning consultants and legal counsel to assist with SAT tribunal proceedings.

Alignment with our Strategic Community Plan:

Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.1	Maintain the area's distinct rural character, create village environments and provide facilities that serve the community's needs and encourage social interaction

Planning Assessment:

When assessing the application, the size and the use of the outbuildings need to be taken into consideration. In this regard the size of the outbuildings has been assessed against LPP 17, which limits the total floor area of all outbuildings to 200m² for lots zoned 'Rural Living B'. The subject lot has an approved outbuilding measuring 163m² and now proposes three (3) additional outbuildings which would measure 481m² in total exceeding the provisions of LPP 17 by 281m².

From a planning perspective, a use cannot be assumed however, in this instance the landowner has and continues to use the outbuildings for the purpose of a 'Transport Depot' a use that is not permitted under TPS 2 for a lot zoned 'Rural Living B'.

Because the use of the outbuildings is not considered to be residential in nature 'Transport Depot' the application cannot be considered as outbuildings and should be considered as a workshop and office related to the existing unauthorised use on the lot being a 'Transport Depot' a non-permitted use on the lot.

Options and Implications:

With regard to the determination of the application for planning approval under TPS 2, Council has the following options:

Option1: Council may resolve to refuse the application.

Refusal of the application may result in an appeal to SAT, Shire officers are confident that the matter can be resolved through the SAT process.

Option 2: Council may resolve to approve the application subject to conditions.

Approval of the application will be in conflict with the requirements of LPP17 and may also be in conflict with TPS 2 as a result of the use of the structures.

Option 1 is recommended.

Conclusion:

Whilst the proposed size of the 'outbuildings' do not create a concern with regard to streetscape and visual amenity the use of the outbuildings for a transport depot and office is contrary to TPS 2.

The landowner has not sufficiently justified the use of the outbuildings to be residential / rural in nature and continues to use the outbuildings to operate his unauthorised business from the site 'Transport Depot' which is not capable of being approved as it is a non-permitted use within the zone.

Attachments:

- [OCM224.1/11/15](#) - Locality Plan and Floor Plan (IN15/10267)

Voting Requirements: Simple Majority

Councillor Urban foreshadowed he would move a new motion to defer the item to a future meeting to allow officers to further investigate the retrospective application, if the motion under debate is lost.

OCM224/11/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Piipponen

That Council refuses the 'Retrospective' application for three (3) outbuildings (machinery shed, chook shed, studio) and a water tank submitted by Vincenzo Alteri / Linda Balfour on Lot 322 (#23) Fieldview Chase, for the following reasons:

- a. The total size of the 'outbuilding' exceed the provisions of Local Planning Policy 17 – Residential and incidental development; and
- b. The use of the 'outbuildings' as a 'Transport Depot' and 'Office' is not permitted under the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.

LOST 0/9

OCM224/11/15 COUNCIL DECISION / Foreshadowed Motion:

Moved Cr Urban, seconded Cr Gossage

That Council defer this item to the Ordinary Council Meeting on 7 December 2015 to allow further investigation of the retrospective application.

CARRIED 9/0

OCM225/11/15	Lot 5 (#7) Baskerville Road, Mundijong – Proposed Dwelling and Oversized Outbuilding (P03060/01)
Author:	Marcel Bridge – Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	7 October 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Owner: Nathan & Bernice Hordyk
 Date of Receipt: 20 July
 Lot Area: 8,306m² (0.8ha)
 Town Planning Scheme No 2 Zoning: 'Urban Development'
 Metropolitan Region Scheme Zoning: 'Urban'

Introduction:

The purpose of this report is to consider the development application for a single dwelling and an oversized outbuilding on Lot 5 (#7) Baskerville Road, Mundijong.

The proposal is presented to Council for consideration as the proposal with respect to the proposed outbuilding is not in line with Local Planning Policy 17 – Residential and Incidental Development (LPP 17).



Aerial Reference

Background:

Existing Development:

The site is currently a vacant lot with existing native trees scattered around the eastern half of the lot.

Proposed Development:

A planning application was lodged for the consideration of a single dwelling and an 18.2m x 9m (163.8m²) 'outbuilding' with a wall height of 3.65m and roof ridge height of 4.35m. The outbuilding is to be located 24.2m from the eastern boundary (rear) and 10m to the northern boundary (side).

The single dwelling component of the application is to be setback 20m from the western boundary (primary street boundary) and 11.4m from the northern boundary (side), taking up a building footprint of 423.7m² and is compliant with the State Planning Policy 3.1 – Residential Design Codes (R-codes).

The 'outbuilding' is to be constructed out of steel in 'Colorbond Gully' finish to match the colour scheme of the proposed dwelling.

As part of the proposed development, the removal of approximately 15 trees is required to facilitate the development.

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this application.

Community / Stakeholder Consultation:

The application has been advertised as per LPP 17, no objections have been received.

Statutory Environment:

- Metropolitan Regional Scheme (MRS)
The site is zoned Urban under the Metropolitan Regional Scheme
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2)
The site is zoned Urban Development under the Town Planning Scheme
- Local Planning Policy No.17 – Residential and Incidental Development (LPP 17)
- State Planning Policy 3.1 – Residential Design Codes (SPP 3.1)

Financial Implications:

Should Council resolve to refuse the application, the applicant will have the ability to appeal the decision with the State Administrative Tribunal (SAT). This may have a financial impact on the Shire as refusal may require the appointment of planning consultants and potential legal counsel to represent Council throughout the SAT proceedings.

Alignment with our Strategic Community Plan:

Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.1	Maintain the area's distinct rural character, create village environments and provide facilities that serve the community's needs and encourage social interaction

Planning Assessment:

From a planning perspective the application with regard to the proposed outbuilding needs to be assessed against the following aspects:

Impact on the ability to prepare a Structure Plan:

It is considered that the proposed development does not jeopardise the future preparation of a Structure plan, as the location of the proposed dwelling and outbuilding is situated to one side of the property, so as to allow for the site to be developed in the future without prejudicing the suitability of the residential land use.

Potential impact on the streetscape or visual amenity:

From a planning perspective the location and distance from a public street is one of the main contributing factors when considering the impact of a development on the streetscape. As the outbuilding (with a roof height of 3.65m) is proposed behind the proposed dwelling (with a roof height of 5.6m) it will be sufficiently screened from the street and have a negligible impact (if any) on the streetscape.

In considering the potential impact on the visual amenity, it is necessary to in conjunction with the location also consider the setback from the boundaries. In this regard SPP 3.1 provides guidance on what the acceptable boundary setbacks are. Taking into consideration the wall length and wall height, the required setback is 1.6m from the rear and 1.1m from the side boundaries. The applicant is proposing a 24.2m setback from the rear boundary and 10m from the nearest side boundary (northern boundary).

Further, considering the lot is over 8000m² in area, the proposed outbuilding is situated outside the minimum boundary setbacks and the proposed colour will be a neutral colour that is sympathetic to the natural landscape, the impact (if any) on the visual amenity would be negligible.

Size and use of the outbuilding:

The maximum floor area, wall and roof heights for outbuildings are prescribed by LPP 17, which notes the combined floor area of an outbuilding shall not exceed 10% of the lot area or 60m², whichever is the smallest, this is reflective of SPP 3.1.

The following table provides a breakdown of proposed area and heights being applied for in relation to the requirements of LPP 17 and SPP 3.1.

	Area	Wall Height	Apex Height
LPP 17 and SPP 3.1	60m ²	2.4m	4.2m
Proposal	163.8m ²	3.65	4.35m
Variation	103.8m ²	(+) 1.25m	(+) 0.15m

The applicant has provided the following justification for the proposed outbuilding, which is acceptable from a planning perspective to consider the proposed size of the outbuilding favourably.

“The shed is for storage only of various items of machinery, tools, equipment and materials relevant to our Property/Building Maintenance business. No business is conducted at the address. There will also be a ute, trailer and caravan garaged inside. As all of these items are of considerable value we would like to have them stored in a secure shed. The height is required for storage and allows for the roller door to be on the south side of the shed giving ample opening height. The proposed colour of the shed is to be Colorbond ‘Gully’ which is sympathetic to the surrounding area. We believe there will be no impact on neighbouring properties as the shed is set back twenty four metres from the East boundary and ten metres from the North boundary. Bordering the North boundary of the property there is a ten metre wide public open space therefore the closest neighbour on the North side is not less than twenty metres. The existing trees and the proposed new residence conceal the shed from Baskerville Road. Also of note is that the property size is 8306 square metres”.

Technical Comments:

The proposal includes the removal of 15 trees, this has been raised with the Shire’s Environmental Department who have indicated that the proposal can be supported subject to the relocation of the driveway to avoid the need to remove vegetation.

Options and Implications:

With regard to the determination of the application for planning approval under TPS 2, Council has the following options:

Option1: Council may resolve to approve the application subject to conditions.

The approval of the application will not result in a negative impact on the amenity or character of the area.

Option 2: Council may resolve to refuse the application.

Refusal of the application may result in an appeal to the SAT which may not be able to be successfully argued.

Option 1 is recommended.

Conclusion:

The proposal for a single dwelling and oversized outbuilding, measuring 163.8m² with a wall height of 3.65m and roof height of 4.35m on Lot 5 (#7) Baskerville Road, Mundijong is considered to be sited in an appropriate location so as to ensure the proper and orderly planning of the area can be undertaken in the future.

Additionally, given the size of the lot, it is considered that the proposed outbuilding is appropriately screened and setback from the nearest adjoining property owners, having no impact on the streetscape or the amenity of the area.

Attachments:

- [OCM225.1/11/15](#) – Development Application (E15/3834)

Voting Requirements: Simple Majority

Officer Recommendation:

That Council approves the application submitted by Nathan Hordyk for a single dwelling and outbuilding as indicated on the approved plans and does not relate to any other development on Lot 5 (#7) Baskerville Road, Mundijong subject to the following conditions:

- a. If the development is not substantially commenced within a period of two (2) years from the date of this approval, the approval shall lapse and be of no further effect.**
- b. The 'Outbuilding' (shed) shall not be used for human habitation, commercial or industrial purposes (including home occupation), the parking of a commercial vehicle or the stabling of horses or other livestock.**
- c. All existing native trees and / or revegetated areas on the subject lot shall be retained and shall be protected from damage prior to and during construction unless part of this or a separate planning approval.**
- d. The landowner shall ensure all activities related to the construction of the development (such as but not limited to, storage of building materials and contractor vehicles) shall be contained wholly within the lot boundaries.**
- e. Hot water systems, plumbing pipes, air conditioners and the like shall be installed to prevent loss of amenity to any neighbouring property by their appearance, noise, emission or otherwise, to the satisfaction of the Director Planning.**

- f. All storm water shall be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is not permitted.**
- g. The development shall be in accordance with Australian Standards AS3959 and the Bushfire Attack Level Assessment prepared by Bushfire Solutions South West dated 02/10/2015 which specifies construction to BAL-19.**
- h. The development shall not be located within 1.2 metres of any existing septic tank or 1.8 metres of a leach drain.**
- i. No wall, fence or landscaping greater than 0.75 metres in height measured from the ground level at the boundary, shall be constructed within 1.5 metres of a vehicular access way unless such wall or fence is constructed with a 3.0 metre visual truncation.**
- j. Prior to occupation of the development, the development shall be connected to a reticulated main sewer system. Prior to the issuing of the Building Permit the landowner shall ensure the proposed driveway is located to the satisfaction of the Director Engineering.**

Advice Notes:

- a. The landowner is advised this is a Planning Approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements.**

OCM225/11/15 COUNCIL DECISION / Amended Recommendation:

Moved Cr Gossage, seconded Cr Ellis

That Council approves the application submitted by Nathan Hordyk for a single dwelling and outbuilding as indicated on the approved plans and does not relate to any other development on Lot 5 (#7) Baskerville Road, Mundijong subject to the following conditions:

- a. If the development is not substantially commenced within a period of two (2) years from the date of this approval, the approval shall lapse and be of no further effect.**
- b. The 'Outbuilding' (shed) shall not be used for human habitation, commercial or industrial purposes (including home occupation), the parking of a commercial vehicle or the stabling of horses or other livestock.**
- c. All existing native trees and / or revegetated areas on the subject lot shall be retained and shall be protected from damage prior to and during construction unless part of this or a separate planning approval.**
- d. The landowner shall ensure all activities related to the construction of the development (such as but not limited to, storage of building materials and contractor vehicles) shall be contained wholly within the lot boundaries.**
- e. Hot water systems, plumbing pipes, air conditioners and the like shall be installed to prevent loss of amenity to any neighbouring property by their appearance, noise, emission or otherwise, to the satisfaction of the Director Planning.**

- f. All storm water shall be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is not permitted.**
- g. The development shall be in accordance with Australian Standards AS3959.**
- h. The development shall not be located within 1.2 metres of any existing septic tank or 1.8 metres of a leach drain.**
- i. No wall, fence or landscaping greater than 0.75 metres in height measured from the ground level at the boundary, shall be constructed within 1.5 metres of a vehicular access way unless such wall or fence is constructed with a 3.0 metre visual truncation.**
- j. Prior to the issuing of the Building Permit the landowner shall ensure the proposed driveway is located to the satisfaction of the Director Engineering.**

Advice Notes:

- a. The landowner is advised this is a Planning Approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements.**

CARRIED UNANIMOUSLY

Council Note: the officers recommendation was amended to remove reference to the Bushfire Attack Level Assessment in condition g and to remove the reference to the main sewer system in condition j.

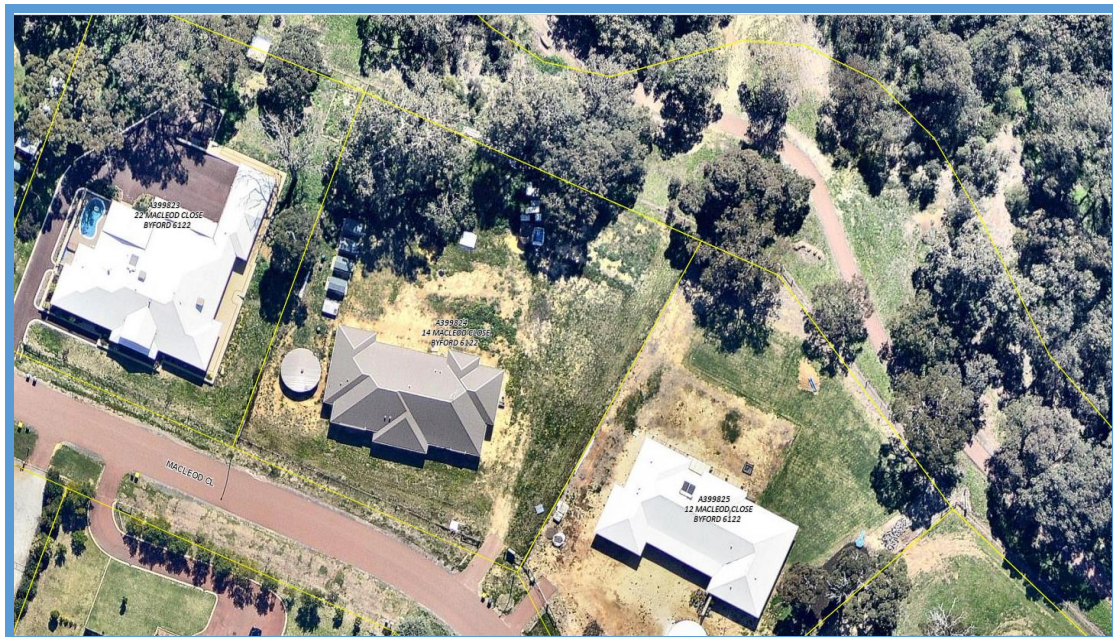
OCM226/11/15	Lot 261 (#14) MacLeod Close, Byford – Proposed ‘Outbuilding’ (P00427/05)
Author:	Regan Travers – Senior Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	12 October 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent / Owner: Damien Heasman
 Date of Receipt: 10 August 2015
 Lot Area: 3228m² (0.3ha)
 Town Planning Scheme No 2 Zoning: ‘Urban Development’
 Metropolitan Region Scheme Zoning: ‘Urban’

Introduction:

The purpose of this report is to consider the development application for an ‘outbuilding’ on Lot 261 (#14) MacLeod Close, Byford.

The proposal is presented to Council as the Shire officers do not have delegation to determine applications that exceed the policy provisions of Local Planning Policy 17 – Residential and Incidental Development (LPP 17).



Aerial Reference

Background:

Existing Development:

The site currently comprises of a single dwelling with a water tank and small structures.

Proposed Development:

The application seeks approval for an outbuilding measuring 120m² with a wall height of 2.52 metres and roof ridge height of 4.378 metres.



The proposed 'outbuilding' lies outside of the approved building envelope and the floor space, wall height and roof ridge height exceed the allowable limits as set out in LPP 17.

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this application / issue.

Community / Stakeholder Consultation:

The application was advertised in accordance with Town Planning Scheme No. 2 (TPS 2) to the neighbouring landowners at Lot 262 (#12) MacLeod Close. No submission has been received.

Statutory Environment:

- Metropolitan Regional Scheme (MRS)
The site is zoned 'Urban' under the Metropolitan Regional Scheme
- Shire of Serpentine Jarrahdale Town Planning Scheme No 2 (TPS 2)
The site is zoned 'Urban Development' under the Town Planning Scheme
- Policy LPP 17 – Residential and Incidental Development (LPP 17)

Financial Implications:

Should Council resolve to refuse the application, the applicant will have the ability to appeal the decision with the State Administrative Tribunal (SAT). This will have a financial impact on the Shire as refusal will be contrary to what has been recommended by Shire officers and will require the appointment of planning consultants and potentially legal counsel to represent Council throughout the SAT proceedings.

Alignment with our Strategic Community Plan:

Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.1	Maintain the area's distinct rural character, create village environments and provide facilities that serve the community's needs and encourage social interaction

Planning Assessment:

The 'outbuilding' is proposed outside of the approved building envelope. The applicant has provided a justification for this, detailing that the outbuilding is required for the secure storage of personal vehicles.

LPP 17 sets out development requirements for outbuildings. In the 'Urban Development' zone it states that the overall floor area of outbuildings should not exceed 60m² or 10% of the lot size, whichever is lesser. The resultant floor area of the existing and proposed outbuildings would be 120m².

LPP 17 also states that the maximum wall height of outbuildings should not exceed 2.4 metres and the roof height should not exceed 4.2 metres. The wall height of the proposed 'outbuilding' would be 2.52 metres and the overall ridge height would be 4.378 metres.

	Policy Requirement	Proposed Shed	Variation
Overall Size	Maximum 60m ²	120m ²	60m ²
Wall Height	Maximum 2.4 metres	2.52 metres	0.12m
Roof Ridge Height	Maximum 4.2 metres	4.378 metres	0.178m

Streetscape and Amenity:

The proposed 'outbuilding' would be located in the north east corner of the lot, which is the rear corner of the site. While the proposed development is of a larger scale than that anticipated for an area zoned 'Urban Development', in the context of the streetscape, the proposed development is considered to have minimal impacts on the visual amenity of Macleod Close.

The 0.12 metre variation to wall height and 0.178 metre variation to maximum roof ridge height are considered to be insignificant, given the outbuilding is proposed to be located over 45 metres setback from the primary street.

The proposed 'outbuilding' is setback 0.6 metres from the rear boundary of the site. As the site is less than 4057m² in area, the Shire does not prescribe fire breaks or fire access. The size of the proposed 'outbuilding' does not impact on existing infrastructure which is required to service the site.

The objectives of LPP 17 include the provision for uniformity of residential and incidental development standards, consistent with local needs. In this instance it is acknowledged that the applicant has a requirement for additional storage.

It is considered that although the proposed 'outbuilding' is contrary to LPP 17 by reason of the floor area for 'outbuildings' on the site and its wall height and roof ridge height. The location of the proposed 'outbuilding' is well set back from the street in an effort to minimise adverse visual impact on the streetscape.

Options and Implications:

With regard to the determination of the application for planning approval under TPS 2, Council has the following options:

Option 1: Council may resolve to approve the application subject to conditions.

The approval will not result in a negative impact on the amenity or character of the area.

Option 2: Council may resolve to refuse the application.

Refusal of the application may result in an appeal to the SAT which may not be able to be successfully argued.

Option 1 is recommended.

Conclusion:

The proposed 'outbuilding', although exceeds the policy requirements of LPP 17 by reason of its wall height and combined overall floor area for outbuildings, would not result in an unacceptable level of harm to the visual amenity of the area or surrounding landowners and therefore is supported.

Attachments:

- [OCM226.1/11/15](#) – Site Plan and Elevation Plan (E15/5219)

Voting Requirements: Simple Majority

OCM226/11/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Urban

That Council approves the application submitted by Damien Heasman for an 'outbuilding' as indicated on the approved plans and does not relate to any other development on Lot 261 (#14) MacLeod Close, Byford, subject to the following conditions:

- a. If the development is not substantially commenced within a period of two (2) years from the date of this approval, the approval shall lapse and be of no further effect.**
- b. The 'Outbuilding' (shed) shall not be used for human habitation, commercial or industrial purposes (including home occupation), the parking of a commercial vehicle or the stabling of horses or other livestock.**
- c. All existing native trees and / or revegetated areas on the subject lot shall be retained and shall be protected from damage prior to and during construction unless part of this or a separate planning approval.**
- d. The landowner shall ensure all activities related to the construction of the development (such as but not limited to, storage of building materials and contractor vehicles) shall be contained wholly within the lot boundaries.**
- e. All storm water shall be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is not permitted.**
- f. The development shall not be located within 1.2 metres of any existing septic tank or 1.8 metres of a leach drain.**

CARRIED UNANIMOUSLY

OCM227/11/15	Lot 2 (#20) Abernethy Road, Byford – Proposed Amendment to Mixed Use Development (P01330/03)
Author:	Regan Travers – Senior Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	19 October 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Michael Kevill (TPG Town Planning)
 Owner: Coles Group Property Developments
 Date of Receipt: 27 September 2015
 Lot Area: 192,696m² (19.2ha)
 Town Planning Scheme No 2 Zoning: 'Urban Development'
 Metropolitan Region Scheme Zoning: 'Urban'

Introduction:

The purpose of this report is to endorse the Responsible Authority Report (RAR) which provides recommendations to the Metropolitan East Joint Development Assessment (JDAP) Panel for minor amendments to the development application for a Mixed Use development on Lot 2 (#20) Abernethy Road, Byford.



Aerial Reference

Background:

Please refer to attached RAR.

Relevant Previous Decisions of Council:

OCM099/12/14 – Resolved to endorse the Responsible Authority Report which recommended approval subject to condition.

Community / Stakeholder Consultation:

Please refer to attached RAR.

Comment:

Please refer to attached RAR.

Statutory Environment:

- Metropolitan Regional Scheme (MRS)
The site is zoned 'Urban' under the Metropolitan Regional Scheme
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2)
The site is zoned 'Urban Development' under the Town Planning Scheme
- Byford Town Centre Local Structure Plan
The site is designated as Town Centre, Mixed Use, Residential, and Public Open Space
- Various Local Planning Policies

Financial Implications:

Development within the Shire will result in direct financial cost implications for Council. The implementation of the proposed development will result in increased demand in the future for the provision of services provided by the Shire.

Alignment with our Strategic Community Plan:

Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.1	Maintain the area's distinct rural character, create village environments and provide facilities that serve the community's needs and encourage social interaction

Planning Assessment:

Please refer to attached RAR.

Options and Implications:

With regard to the determination of the application for planning approval under TPS 2, Council has the following options:

Option 1: Council may resolve to endorse the RAR.

Endorsing the RAR will enable the JDAP Panel to consider the matter with a positive resolution of Council.

Option 2: Council may resolve to not endorse the RAR.

Should the Council resolve not to endorse the RAR report, the report will have to be presented to the JDAP and the Shire representatives on the JDAP panel will be required to notify the panel of the non-endorsement by Council. However, non-endorsement by Council does not preclude the JDAP panel from determining the application.

Option 1 is recommended.

Conclusion:

As the modifications are considered to be minor and do not have any direct external impacts, the application was not advertised for public or external agency comment.

Attachments:

- [OCM227.1/11/15](#) – Responsible Authority Report (E15/5332)

Voting Requirements: Simple Majority

OCM227/11/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Ellis, seconded Cr Hawkins

That Council note the application for the proposed Mixed Use Development at Lot 2 (#20) Abernethy Road, Byford will be determined by the Metropolitan East Joint Development Assessment Panel.

- a. Recommend to adopt the Responsible Authority Report, which recommends that the Metropolitan East Joint Development Assessment Panel approve the application seeking Planning Approval for minor modifications to the proposed Mixed Use Development at Lot 2 (#20) Abernethy Road, Byford.**

CARRIED 6/3

Councillor Atwell declared a proximity interest in item OCM228/11/15 and left the meeting at 7.58pm while the item was discussed.

OCM228/11/15 Lot 61 (#142) Taylor Road, Mundijong – Proposed Modification to Adopted Mundijong Precinct E1 Local Structure Plan (SJ1052-02)	
Author:	Helen Maruta – Senior Planner
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	19 October 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Greg Rowe & Associates
 Owner: Kerrboyle (ABN Group) Pty Ltd
 Date of Receipt: 9 September 2015
 Lot Area: 948 300m² (94.83ha)
 Town Planning Scheme No 2 Zoning: 'Urban Development'
 Metropolitan Region Scheme Zoning: 'Urban'

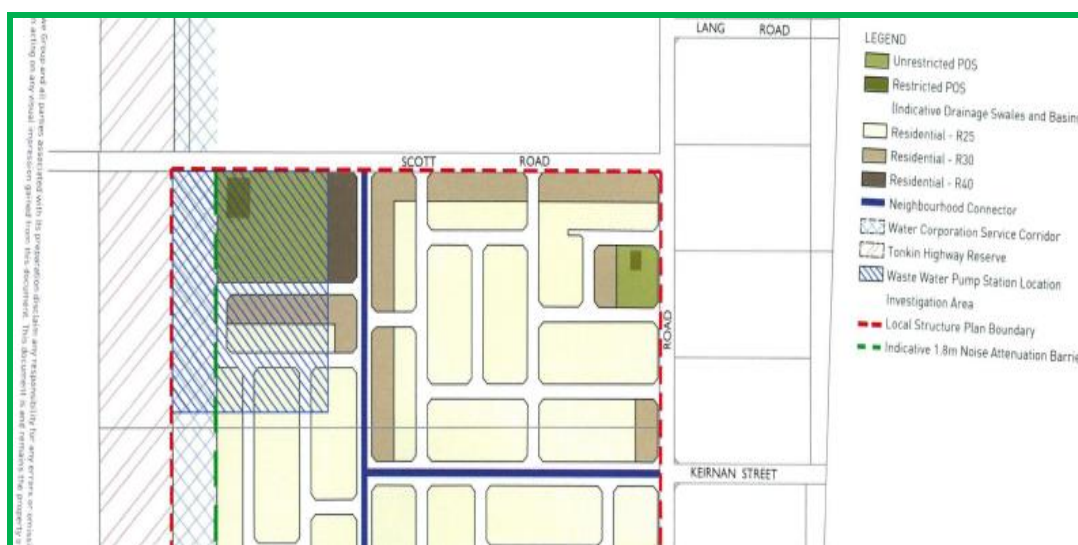
Introduction:

The purpose of this report is to consider a request to amend the 'adopted' Mundijong Precinct E1 Local Structure Plan (LSP). The modification seeks to remove the 'Investigation Area' included on the LSP located on Lot 61 Taylor Road, Mundijong.

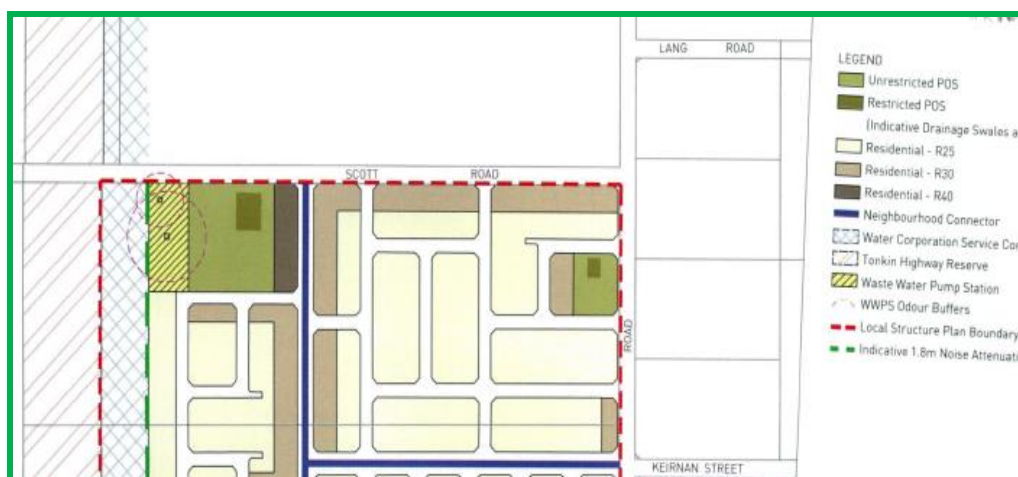
Background:

The subject land is within the 'Urban Development' zone of Mundijong, and is subject to the district planning framework established under the Mundijong Whitby District Structure Plan. The Mundijong Precinct E1 Local Structure Plan was adopted by Council on 10 February 2014 and is currently with the Western Australian Planning Commission (WAPC) for final approval.

The adopted LSP includes an 'Investigation Area' of approximately 5 hectares over land proposed for Waste Water Pump Station (WWPS) to service the residential area. The area was included on the LSP to defer subdivision and any development until the WAPC and the Water Corporation were satisfied that land requirements, type, size and configuration including relevant buffers of the WWPS have been determined and appropriately addressed.



Existing Local Structure Plan



Proposed Modification

The modification seeks approval to remove the WWPS 'Investigation Area' from the LSP as the land required for the WWPS has been identified on the western portion of Lot 61 Taylor Road (50m x 120m). Matters concerning the WWPS have been considered and an agreement been reached by relevant parties on the appropriate location. Water Corporation is satisfied that sufficient land has been set aside for the current need and future expansion.

Relevant Previous Decisions of Council:

OCM116/02/14 - Council adopted the Mundijong Precinct E1 Local Structure Plan in accordance with the requirements of the Western Australia Planning Commission, pursuant to Clause 5.18.3.15 of Town Planning Scheme No. 2.

Community / Stakeholder Consultation:

The Mundijong Precinct E1 LSP was advertised extensively during its original progression, prior to adoption by Council. No community consultation has been progressed for the current proposal as officers have determined the modification is not changing the intent of the LSP and therefore deemed a 'minor' modification.

Statutory Environment:

- Metropolitan Regional Scheme (MRS)
The site is zoned 'Urban' under the Metropolitan Regional Scheme
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2)
The site is zoned 'Urban Development' under the Town Planning Scheme

Financial Implications:

There are no direct financial implications associated with the progression of the proposed modification to the LSP.

Alignment with our Strategic Community Plan:

Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.1	Maintain the area's distinct rural character, create village environments and provide facilities that serve the community's needs and encourage social interaction

Planning Assessment:

Structure Plan Guidelines:

A key consideration for Council is whether the modification proposed to the LSP is deemed to be minor or major in nature. The WAPC's Structure Plan Framework (August 2015) provides guidance in this matter. In terms of what constitutes a minor or major modification, the guideline states the following:

- "A 'minor' modification to a structure plan is a change or departure that does not materially alter the purpose and intent of the structure plan."

In the opinion of Shire officers, the proposed modification does not alter the material intent of the original LSP and is deemed to be a 'minor' modification.

Town Planning Scheme No. 2 (TPS 2):

The power for Council to adopt a 'minor' modification to a LSP is conferred in clause 5.18.4.1 of TPS 2 as follows:

"The local government may adopt a minor change to or departure from a Structure Plan if, in the opinion of the local government, the change or departure does not materially alter the intent of the Structure Plan".

Public Open Space:

It is noted that removal of the land set aside for the waste water pump station will result in reduced footprint for the Public Open Space (POS) as was originally provided for in the adopted LSP. Notwithstanding, removal of this area, the applicant has provided information that the remaining POS provided is in excess of the minimum 10% requirement. Shire officers are satisfied with the information provided by the applicant in that regard.

Options and Implications:

With regard to the determination of the application for planning approval under TPS 2, Council has the following options:

Option1: Council may resolve to adopt the proposed as a 'minor' modification.

Resolving to adopt the modification will not adversely impact upon the original intent of the adopted LSP.

Option 2: Council may resolve that the proposed modification alters the material intent of the LSP and require the proposed modification to be progressed as a 'major modification' including formal advertising, adoption by Council and approval by the WAPC.

Option 1 is recommended.

Conclusion:

The proposed modification is considered to not alter the material intent of the LSP. It is recommended that Council adopt the proposed modification. The purpose of the proposal is to facilitate a subdivision of the site.

Attachments:

- [OCM228.1/11/15](#) – Mundijong Precinct E1 LSP (E15/5364)
- [OCM228.2/11/15](#) – LSP Modification Plan (E15/5363)

Voting Requirements: Simple Majority

OCM228/11/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Urban, seconded Cr Hawkins

That Council adopt the proposed modification to the Mundijong Precinct E1 Local Structure Plan as per attachment OCM228.2/11/15 pursuant to Clause 5.18.4.1 of the Town Planning Scheme No. 2.

- a. Forward the proposed modification to the Western Australian Planning Commission for consideration in accordance with Clause 5.18.4.2 of the Serpentine Jarrahdale Town Planning Scheme No. 2.**

CARRIED UNANIMOUSLY

Councillor Atwell returned to Chambers at 7.59pm

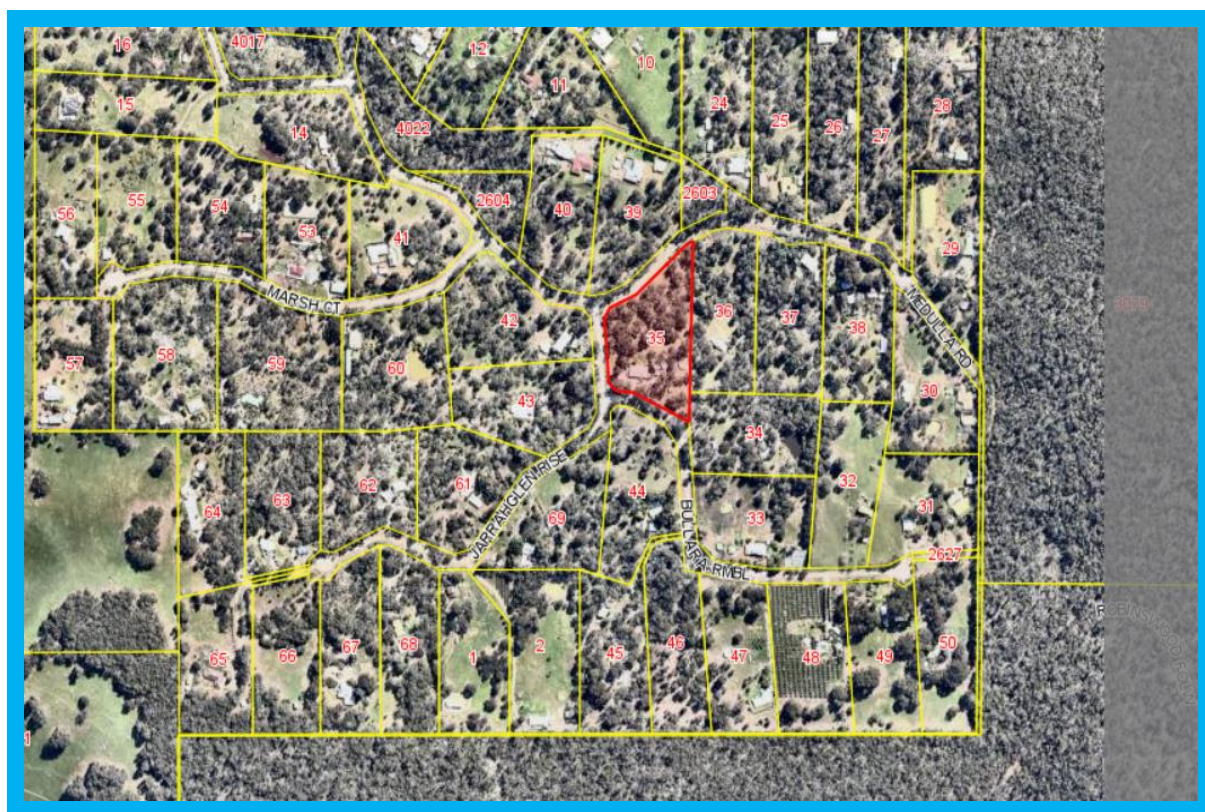
OCM229/11/15	Lot 35 (#3) Bullara Ramble, Jarrahdale – Proposed Underground Bushfire Shelter (P03686/03)
Author:	Heather Carline – Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	8 October 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent / Owner: Mr. B Wall
 Date of Receipt: 17 September 2015
 Lot Area: 19904m² (1.9ha)
 Town Planning Scheme No 2 Zoning: 'Special Rural'
 Metropolitan Region Scheme Zoning: 'Rural'

Introduction:

The purpose of this report is to consider the development application for a bushfire shelter on Lot 35 (#3) Bullara Ramble, Jarrahdale.

The proposal is presented to Council as the Shire's officers do not have delegation to determine the application due to the proposal being located within the front setback area.



Aerial Reference

Background:

Existing Development:

The site currently comprises of a single dwelling with associated outbuildings and water tanks with dense vegetation.

Proposed Development:

The application seeks approval for a bushfire shelter that would be located towards the front of the site.



The proposed bushfire shelter would be located frontward of the main dwelling with a front setback of 7.5m.

The shelter would measure 2.5m x 1.8m. The maximum height of the shelter would be 2.1m although this would be installed within the existing landscape and would not be entirely above ground level.

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this application.

Community / Stakeholder Consultation:

The application has been advertised as per clause 6.3 of the Town Planning Scheme No. 2, no objections have been received.

Statutory Environment:

- Metropolitan Regional Scheme (MRS)
The site is zoned 'Rural' under the Metropolitan Regional Scheme
- Shire of Serpentine Jarrahdale Town Planning Scheme No 2
The site is zoned 'Special Rural' under the Town Planning Scheme
- Policy LPP17 – Residential and Incidental Development (LPP 17)

Financial Implications:

Should Council resolve to refuse the application, the applicant will have the ability to appeal the decision with the State Administrative Tribunal (SAT).

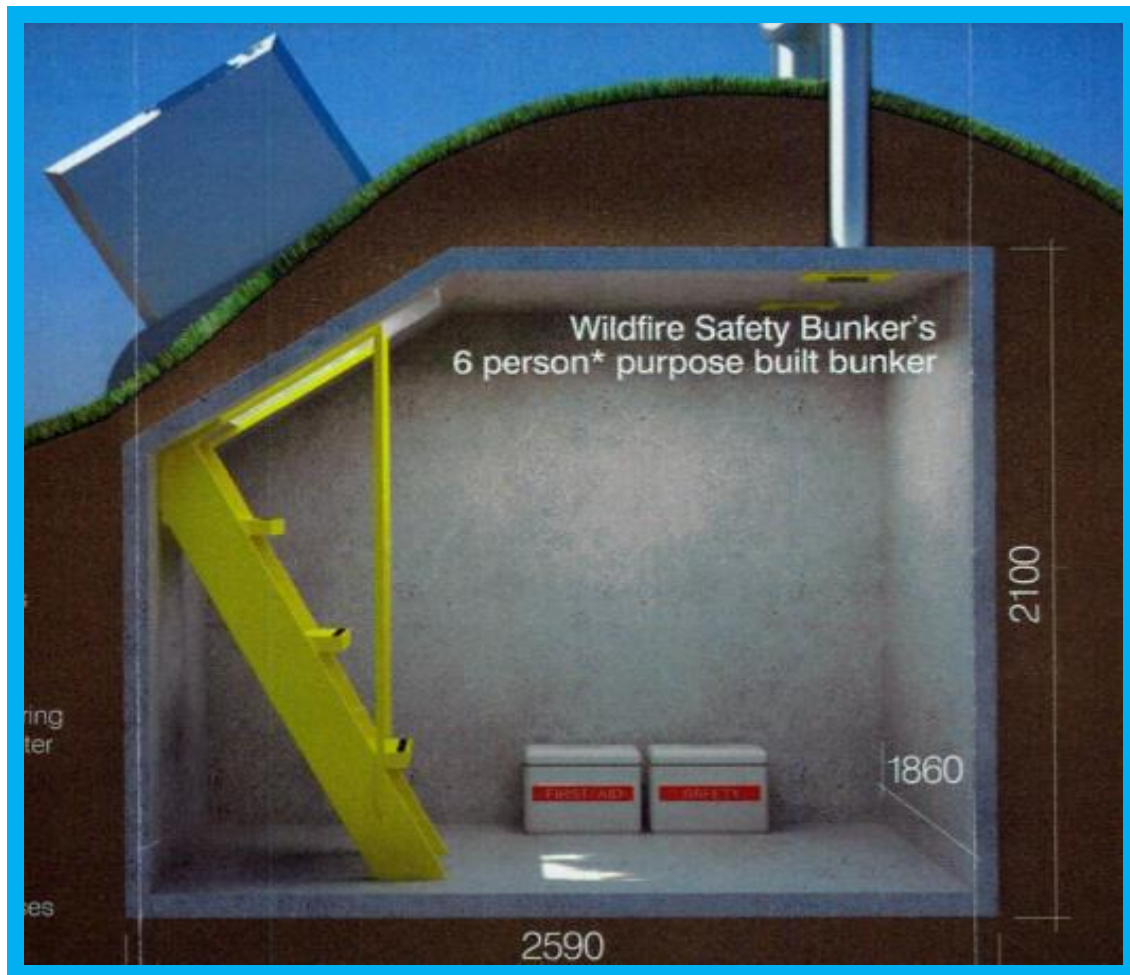
This will have a financial impact on the Shire as refusal will be contrary to what has been recommended by Shire officers and will require the appointment of planning consultant and potential legal counsel to represent Council throughout the SAT proceedings.

Alignment with our Strategic Community Plan:

Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.1	Maintain the area's distinct rural character, create village environments and provide facilities that serve the community's needs and encourage social interaction

Planning Assessment:

The proposed bushfire shelter provides for a last resort protection measure against bushfire. The applicant has stated in the application that the only access to Bullara Ramble is via Medulla Road which in case of a bush fire would be the only escape route other than a rough bush track through the forest that does not provide for a reliable escape route.



The shelter is constructed from a custom made concrete blend and designed to withstand Bushfire Attack Level – Flame Zone. As shown above, it would be nearly entirely installed beneath ground level but for the entrance doors and the ventilation shaft.

Location:

It is proposed to locate the bushfire shelter frontward of the dwelling with a setback of 7.5m. LPP 17 sets out development requirements for incidental development. It states that development within the 'Special Rural' zone should have a minimum front setback of 20m therefore the proposal is contrary to this policy provision.

The objectives of policy LPP 17 are to provide for uniformity of residential and incidental development and provide development standards consistent with local needs. The proposal is a new concept within the Shire and the purpose of locating the shelter in close proximity to the front boundary is to ensure it can be easily located in the dark or in an emergency situation. It would be sited away from any explosive or flammable substances which are contained in the existing sheds and it would be easily accessible from the road should the emergency services personnel be required to locate it.

It is considered that due to the use of the shelter, the minimal visual impact and the objectives of LPP 17, the reduced setback would not have any negative impact on the streetscape or amenity of the area.

Visual Amenity:

The majority of the proposal would be installed within the existing landscape with only a mound being visible from above ground together with the entrance and the ventilation shaft. The applicant has stated that once the shelter has been installed, the area will be landscaped to minimise any impact on the visual amenity of the area.

The photograph below shows the view of the front of the property from the road. The land slopes away from the road resulting in the front garden of the property being lower than the road.



It is considered that due to the land levels and the existing and proposed vegetation on the site, the proposal would not be visible from Bullara Ramble or cause an unacceptable level of harm to the visual amenity of the site or surrounding area.

Due to the lack of prominence of the proposal and the distance it would be sited from any adjacent neighbouring properties it is also considered that it would not impact detrimentally on the amenity of neighbouring residents.

Vegetation:

The proposal would require the removal of three flooded gums, one small (approx. DBH 15-20cm) and two large (approx. DBH 30-40cm), which would block the shelter if they fell during a fire.

The Shire's Environmental Services Department has commented that while the removal of any trees is undesirable, the amount of trees nearby means that their removal will have little impact on the landscape.

Building Code of Australia (BCA):

Bushfire shelters are a recent classification that has been added to the BCA. These structures / buildings are classified as 10c. Buildings and structures that meet the performance requirements of the BCA are considered compliant buildings.

With regard to the proposed shelter the BCA 2014 contains a performance provision (P2.3.5) that addresses the construction of private bushfire shelters which the applicant will have to demonstrate compliance with.

Options and Implications:

With regard to the determination of the application for planning approval under TPS 2, Council has the following options:

Option 1: Council may resolve to approve the application subject to conditions.

The approval of the application will not result in a negative impact on the amenity or character of the area.

Option 2: Council may resolve to refuse the application.

Refusal of the application may result in an appeal to the SAT which may not be successfully argued.

Option 1 is recommended.

Conclusion:

The proposed bushfire shelter, although does not strictly comply with the policy requirements of LPP 17 by reason of its front setback, it would not result in an unacceptable level of harm to the visual amenity of the area or surrounding landowners and therefore is supported.

Attachments:

There are no attachments for this proposal

Voting Requirements: Simple Majority

OCM229/11/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Urban

That Council approves the application submitted by Mr. B Wall for a bushfire shelter as indicated on the approved plans and does not relate to any other development on Lot 35 (#3) Bullara Ramble, Jarrahdale subject to the following conditions:

- a. If the development is not substantially commenced within a period of two (2) years from the date of this approval, the approval shall lapse and be of no further effect.
- b. All existing native trees and / or revegetated areas on the subject lot that do not form part of this approval shall be retained and shall be protected from damage prior to and during construction unless part of this or a separate planning approval.
- c. The landowner shall ensure all activities related to the construction of the development (such as but not limited to, storage of building materials and contractor vehicles) shall be contained wholly within the lot boundaries.
- d. The development shall not to be located within 1.2 metres of any existing septic tank or 1.8 metres of a leach drain.

CARRIED UNANIMOUSLY

OCM230/11/15	Lot 114 (#22) Lorenz Way, Oakford – Proposed ‘Outbuilding’ (P00427/05)
Author:	Heather Carline – Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	9 September 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Stekon Pty Ltd, T/A Famlonga Building Contractors
 Owner: J K Pilmer
 Date of Receipt: 31 July 2015
 Lot Area: 20000m² (2ha)
 Town Planning Scheme No 2 Zoning: ‘Rural Living B’
 Metropolitan Region Scheme Zoning: ‘Rural’

Introduction:

The purpose of this report is to consider the development application for an outbuilding’ on Lot 114 (#22) Lorenz Way, Oakford.

The proposal is presented to Council as the Shire’s officers do not have delegation to determine applications that exceed the policy provisions of Local Planning Policy 17 – Residential and Incidental Development (LPP 17).



Aerial Reference

Background:

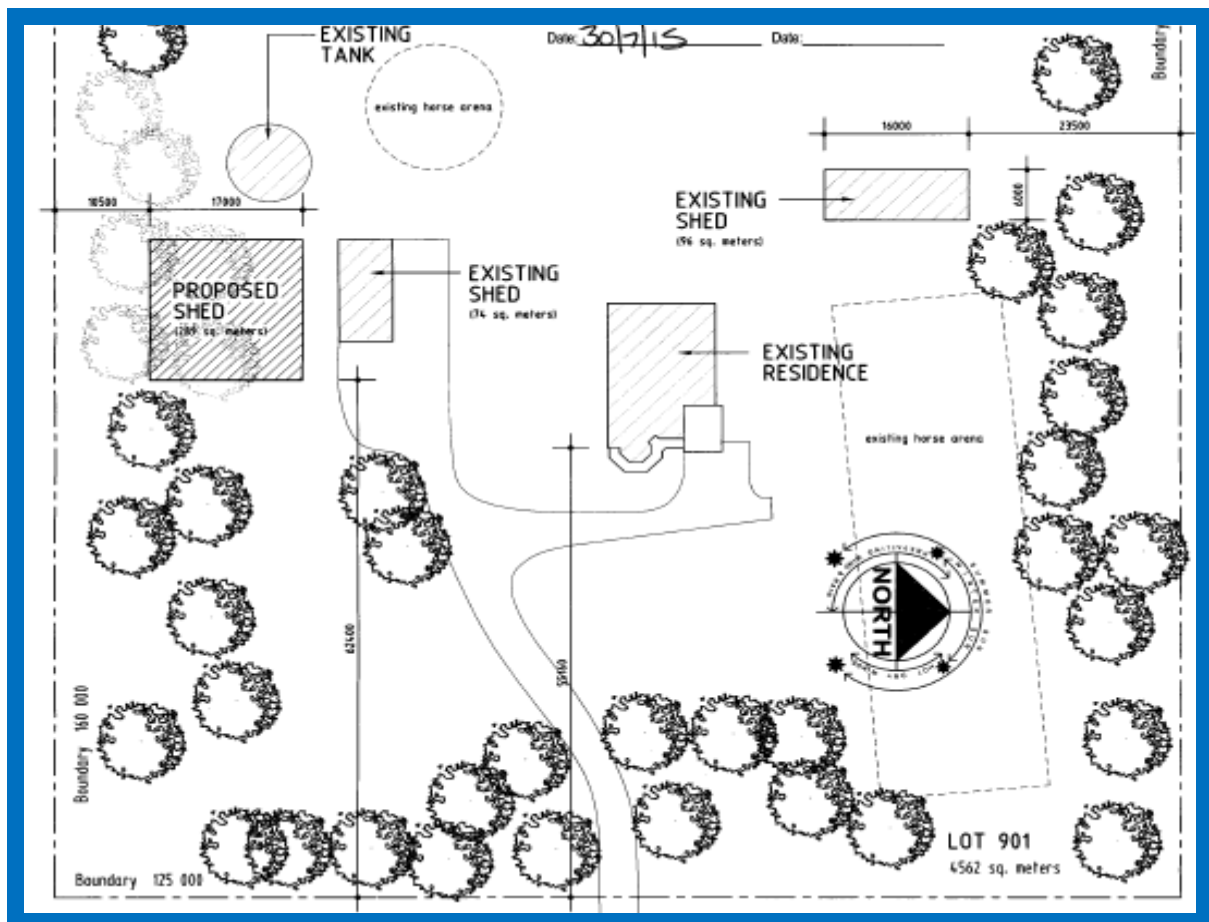
Existing Development:

The site currently comprises of a single dwelling with an outbuilding, water tank, stables and a horse riding arena.

There is established vegetation located along the site boundaries that was a requirement of the original subdivision approval.

Proposed Development:

The application seeks approval for an additional outbuilding measuring 289m² in area, with a wall height of 4.5m.



The proposed 'outbuilding' lies outside of the approved building envelope and the floorspace exceeds the allowable floorspace as set out in LPP 17.

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this application / issue.

Community / Stakeholder Consultation:

The application included a copy of a site plan from the neighbouring residents at Lot 113 (#32) Lorenz Way, confirming they have no objections to the proposal.

No further consultation has been carried out.

Statutory Environment:

- Metropolitan Regional Scheme (MRS)
The site is zoned 'Rural' under the Metropolitan Regional Scheme
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2)
The site is zoned 'Rural Living B' under the Town Planning Scheme
- Policy LPP 17 – Residential and Incidental Development (LPP 17)

Financial Implications:

Should Council resolve to refuse the application, the applicant will have the ability to appeal the decision with the State Administrative Tribunal (SAT). This will have a financial impact on the Shire as refusal will be contrary to what has been recommended by Shire officers and

will require the appointment of planning consultants and potentially legal counsel to represent Council throughout the SAT proceedings.

Alignment with our Strategic Community Plan:

Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.1	Maintain the area's distinct rural character, create village environments and provide facilities that serve the community's needs and encourage social interaction

Planning Assessment:

The 'outbuilding' is proposed outside of the approved building envelope. The applicant has provided a justification for this detailing that the outbuilding is required for the secure storage of machinery and miscellaneous items associated with horses and the maintenance of the property. The applicant has stated that the existing shed does not have any further storage capacity.

LPP 17 sets out development requirements for outbuildings. In the 'Rural Living B' zone it states that the overall floor area of outbuildings should not exceed 200m². The resultant floor area of the existing and proposed outbuildings would be 459m², a significant increase to the policy requirement.

LPP 17 also states that the maximum wall height of outbuildings should not exceed 4m and the roof height should not exceed 6m. The wall height of the proposed outbuilding would be 4.5m and the overall ridge height would be 6m.



The proposed outbuilding would be located adjacent to the existing outbuilding shown on the photograph. Although there is vegetation within the site, the proposal would still be visible. It is also noted that vegetation has been removed from the southern boundary of the site without prior approval from the Shire.

As originally submitted, it was considered that due to the location and the scale of the proposed outbuilding it would appear visually intrusive within the streetscape and detract from the character and appearance of the site and surrounding area.

However, following negotiations with the applicant, a Vegetation Management Plan has been submitted to provide replacement planting for the already lost vegetation and to mitigate the visual impact of the proposal on the appearance of the streetscape.

The objectives of LPP 17 include the provision for uniformity of residential and incidental development standards, consistent with local needs. In this instance it is acknowledged that the applicant has a requirement for additional storage. Although the total combined floor area for the outbuildings would be 459m², 96m² of this space is used as stabling for horses and not for storage. The existing 74m² shed does not currently provide for enough storage for equipment associated with the keeping of horses and other activities consistent with the land uses in the 'Rural Living B' zone.

The Vegetation Management Plan has been assessed by the Shire's Environmental Services Department and is considered adequate in terms of the quantity and use of species, to provide screening for the outbuilding from the street but not from the side boundary and it is recommended that an additional row of medium shrubs be planted along the south side of the outbuilding to further mitigate the visual impact of the proposal.

It is considered that although the proposed 'outbuilding' is contrary to LPP 17 by reason of the combined floor area for outbuildings on the site and its wall height, adequate planting will be provided to mitigate the visual impact on the character and appearance of the streetscape. An approval would be conditioned to provide for further screening to the south of the shed to reduce the visual impact on the neighbouring residents at Lot 113 Lorenz Way.

Options and Implications:

With regard to the determination of the application for planning approval under TPS 2, Council has the following options:

Option 1: Council may resolve to approve the application subject to conditions.

The approval will not result in a negative impact on the amenity or character of the area.

Option 2: Council may resolve to refuse the application.

Refusal of the application may result in an appeal to the SAT which may not be able to be successfully argued.

Option 1 is recommended.

Conclusion:

The proposed 'outbuilding', although exceeds the policy requirements of LPP 17 by reason of its wall height and combined overall floor area for outbuildings, would not result in an unacceptable level of harm to the visual amenity of the area or surrounding landowners and therefore is supported.

Attachments:

- [OCM230.1/11/15](#) – Floor Plan and Elevations (E15/4431)

Voting Requirements: Simple Majority

OCM230/11/15 COUNCIL DECISION / Officer Recommendation:**Moved Cr Piipponen, seconded Cr Hawkins**

That Council approves the application submitted by Stekon Pty Ltd T/A Famlonga Building Contractors for an 'outbuilding' as indicated on the approved plans and does not relate to any other development on Lot 114 (#22) Lorenz Way, Oakford, subject to the following conditions:

- a. If the development is not substantially commenced within a period of two (2) years from the date of this approval, the approval shall lapse and be of no further effect.
- b. The 'Outbuilding' (shed) shall not be used for human habitation, commercial or industrial purposes (including home occupation), the parking of a commercial vehicle or the stabling of horses or other livestock.
- c. All existing native trees and / or revegetated areas on the subject lot shall be retained and shall be protected from damage prior to and during construction unless part of this or a separate planning approval.
- d. The landowner shall ensure all activities related to the construction of the development (such as but not limited to, storage of building materials and contractor vehicles) shall be contained wholly within the lot boundaries.
- e. All storm water shall be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is not permitted.
- f. The development shall not to be located within 1.2 metres of any existing septic tank or 1.8 metres of a leach drain.
- g. Prior to commencement of the works, the landowner shall provide and have approved by the Director Planning details of the colours of the development.
- h. Prior to the commencement of works, the landowner shall submit and have approved by the Director Engineering a revegetation / landscaping plan.
- i. Prior to the use of the development, the approved revegetation / landscaping plan shall be implemented and thereafter maintained to the satisfaction of the Director Engineering.

Advice Notes:

- a. The landowner is advised this is a planning approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements.
- b. The landowner is advised that the revegetation plan / landscaping plan required by condition (h) is to provide screening vegetation along the southern boundary of the site adjacent to the outbuilding.

CARRIED UNANIMOUSLY

Councillor Hawkins declared an impartiality interest in item OCM231/11/15 as the advocate of the naming convention within this item. Cr Hawkins stated this will not affect the way in which she votes and will partake in the debate and vote on this agenda item.

OCM231/11/15	Lot 8007 Plaistowe Boulevard, Byford – Proposed Reserve Naming (SJ1669)
Author:	Haydn Ruse – Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	21 October 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Sandra Hawkins
 Owner: State of W.A (Reserve vested to The Shire of Serpentine Jarrahdale)
 Date of Receipt: 29 October 2014
 Lot Area: 24,979m² (2.4979ha)
 Town Planning Scheme No 2 Zoning: 'Urban Development' (Local Structure Plan Designation – District Open Space)
 Metropolitan Region Scheme Zoning: 'Urban'

Introduction:

The purpose of this report is to consider the request for the naming of Reserve R50321 on Lot 8007 Plaistowe Boulevard, Byford – Bill Hicks Reserve.

The naming proposal is presented to Council to endorse the request as required under the *Part 2, Division 3, Section 26, clause 2(c) of the Land Administration Act 1997*.



Aerial Reference

Background:

Existing Development:

The reserve is approximately 2.5 hectares in size and is located off Plaistowe Boulevard in Byford, with an approved club house on the site.

Reserve Name:

William (Bill) Hicks was born in Fremantle in 1924 and passed away in 1993. He served as a Pilot in the Royal Air Force in England during World War II. Upon his return he served with the fire brigade for 20 years. In his later years Bill became a dairy farmer, starting in Kelmscott before moving to Westfield and finally settling in Byford. The Hicks family farm was established in what is now the Byford Central Urban Development Area. What is now Lot 8007 was once used as a grazing paddock for the dairy herd.

The proposal seeks to honour Bill Hicks for his service and contribution to the local community and his ties to the land.

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this application/issue.

Community / Stakeholder Consultation:

Should Council resolve to endorse the name, community consultation will be undertaken as required by section 6.2.1 of the Geographic Names Policy and Standards for Geographic naming in Western Australia.

Statutory Environment:

- Metropolitan Regional Scheme (MRS)
The site is zoned 'Urban' under the Metropolitan Regional Scheme
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2)
The site is zoned 'Urban Development' under the Town Planning Scheme
- Byford Central Local Structure Plan
The site is zoned 'District Open Space' under the Local Structure Plan

Financial Implications:

There are no direct financial implications regarding this matter.

Alignment with our Strategic Community Plan:

Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.1	Maintain the area's distinct rural character, create village environments and provide facilities that serve the community's needs and encourage social interaction

Assessment:

In line with the Geographic Names Committee (GNC) policy on reserve naming, proposals to assign a name to commemorate an individual shall only be considered if:

- Such application is in the public interest;
- There is evidence of broad community support for the proposal;
- The person has been deceased for at least two (2) years;
- Where the applicant requesting the new name is not an immediate relative, written permission of the family is obtained;
- The person being honoured by the naming has had either some direct and long-term association, twenty (20) or more years, with the feature or has made a significant contribution to the area in which it is located;
- The proposal commemorating an individual with an outstanding national or international reputation has had a direct association with the area in which it is located. If the person has not been directly associated with the area the name shall not be considered.

The proposed naming is consistent with the GNC policy on reserve naming.

Options and Implications:

With regard to the determination of the application for reserve naming, Council has the following options:

Option1: Council may resolve to endorse the proposed name and apply to the Geographic Names Committee for approval.

Option 2: Council may resolve to refuse the proposed name and provide the applicant with reasons.

Option 1 is recommended.

Conclusion:

The proposed name complies with the reserve naming requirements of the GNC, and will honour a prominent community member.

Attachments:

- [OCM231.1/11/15](#) – Naming Proposal (IN14/21178)

Voting Requirements: Simple Majority

OCM231/11/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Ellis, seconded Cr Piipponen

That Council endorse the proposed name ‘Bill Hicks’ reserve for reserve R50321 on Lot 8007 Plaistowe Boulevard, Byford.

- a. Advertise the proposed name in accordance with clause 6.3 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.**
- b. Subject to no objections being received during the advertising period required by (2) above, forward the proposed name ‘Bill Hicks’ to the Geographic Names Committee for approval.**

CARRIED 9/0

OCM232/11/15	Request to Waive Legal Fees for Preparation of Byford Glades Residents Association Community Garden Sublease (SJ975-05)
Author:	Kristen Cooper – Leasing and Property Officer
Senior Officer/s:	Alan Hart – Director Corporate and Community
Date of Report:	18 October 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction

The purpose of this report is to seek Council endorsement to waive the \$700 legal fees associated with the preparation of the Byford Glades Residents Association sublease. The Byford Glades Residents Association (BGRA) is seeking a waiver of the standard costs associated with the preparation of the community garden sublease which was recently endorsed by Council. An invoice for legal fees has not yet been issued to the association.

Background:

The Byford Glades Residents Association is a voluntary, not for profit (NFP) organisation whose primary aim is to promote harmony and goodwill amongst residents. The association's only source of income is from fundraising through various means, including sausage sizzles, and by roadside rubbish bag collection. Payment of legal fees would be a significant impost on this NFP organisation at this time.

Relevant Previous Decisions of Council:

OCM204/10/15 – Endorsed the Byford Community Garden Sublease with the Byford Glades Residents Association.

Community / Stakeholder Consultation:

Nil

Attachments:

- [OCM232.1/11/15](#) – Letter from Byford Glades Residents Association requesting a waiver to legal fees associated with preparation of sublease (IN15/19706)

Alignment with our Strategic Community Plan:

This proposal is aligned with responsible financial and asset management.

Objective 2.1	Responsible Management
Key Action 2.1.1	2.1.1 Undertake best practice financial and asset management.

Statutory Environment:

Section 6.12(1)(c) of the *Local Government Act 1995*: "Power to Defer, Grant Discounts, Waive or Write Off Debts states: "A Local Government may write off any amount of money, which is owed to the Local Government."

Financial Implications:

The financial implications to Council will result in a write off of \$700. The Shire has an annual budget for writing off debts.

Voting Requirements: Absolute Majority

OCM232/11/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Urban, seconded Cr Gossage

That Council endorse waiving the amount of \$700 in legal fees for preparation of the Byford Community Garden Sublease for the Byford Glades Residents Association.

CARRIED ABSOLUTE MAJORITY 9/0

OCM233/11/15 2015/16 Budget Adjustments	
Author:	Megan Hodgson - Accountant
Senior Officer/s:	Alan Hart – Director of Corporate and Community Services
Date of Report:	23 October 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

Introduction:

The purpose of this report is to request Council to adjust the 2015/16 Budget to reflect revenue and expenditure variations.

Background:

With changing circumstances throughout the financial year it is necessary for Council to make adjustments to the adopted budget.

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this issue.

Community / Stakeholder Consultation:

No community/stakeholder consultation is required.

Comment:

The following budget adjustments are outside of the delegated authority of the Chief Executive Officer and require Council approval.

Governance
Expenditure

GL Account	Description	Original Budget	Proposed Adjusted Budget	Variation
EXE502	Consultants	(12,000)	(47,000)	(35,000)

Additional cost relates to a Contract Communications Officer required for essential communications projects.

General Purpose
Income

GL Account	Description	Original Budget	Proposed Adjusted Budget	Variation
RAR137	Instalment Interest	80,000	99,000	19,000

Instalment interest is year to date already in excess of the full year budget.

GL Account	Description	Original Budget	Proposed Adjusted Budget	Variation
RAR138	Instalment Administration Fee Interest	90,000	110,000	20,000

Instalment administration fee interest is year to date already in excess of the full year budget.

GL Account	Description	Original Budget	Proposed Adjusted Budget	Variation
GFI629	Interest Developer Contributions	40,000	50,000	10,000

Interest on Developer Contributions is year to date already in excess of the full year budget.

Expenditure

GL Account	Description	Original Budget	Proposed Adjusted Budget	Variation
RAR515	Printing	(17,000)	(33,500)	(17,000)

Additional printing costs are required for rates instalments notices to convert them from manual to electronic via zip form which enables bar codes to be printed, allowing the option for payment at post offices.

Recreation and Culture

Income

GL Account	Description	Original Budget	Proposed Adjusted Budget	Variation
OSR102	Rec Center Contributions	65,000	117,800	52,800

To recognise the requirement for the Recreation Center to make contributions to cover the lease payments for the cardio equipment per the management contract, which was omitted from the budget.

Expenditure

GL Account	Description	Original Budget	Proposed Adjusted Budget	Variation
OSR607	Rec Center Equipment lease	0	(91,956)	(91,956)
OSR625	Rec Center Maintenance	(190,019)	(137,219)	52,800

To separate out the lease of gym equipment from general maintenance costs. The lease payments for gym equipment now cover both cardio and weights (previously we were only leasing the cardio equipment). Also this is to recognise the requirement for the rec center to make contributions to cover the lease payments for the cardio equipment per the management contract, which was omitted from the budget. The contributions are included in the income section above. The net effect of these changes is an increase of \$13,644 to the current year surplus.

Community Amenities

Expenditure

GL Account	Description	Original Budget	Proposed Adjusted Budget	Variation
CDC525	Community Developers Contribution Strategy	(30,000)	(68,200)	(38,200)

The quotes to have the community infrastructure plan developed are in excess of the original budget. AECOM has been appointed to develop this plan at a cost of \$68,200.

Other Property and Services**Expenditure**

GL Account	Description	Original Budget	Proposed Adjusted Budget	Variation
EPC555	Minor Tools & Equipment	(30,000)	(50,000)	(20,000)

The budget includes the approval of the following new positions; Leading Hand Parks & Gardens, Reticulation Fitter, a 2 person mowing Crew, and a 2 person Construction and Maintenance Crew, however no provision was made for the tools of trade required. The additional funds are required to purchase items such as chainsaws, whipper snippers, sprayers, blowers, edgers, other hand tools and protective equipment.

Summary of changes to Operating Budget

In summary these operational changes represent a decrease to the original budget surplus of \$47,056, bringing the adjusted budget surplus down to \$27,506.

GL Account	Description	Original Budget	Proposed Adjusted Budget	Variation
Income				
RAR137	Instalment Interest	80,000	99,000	19,000
RAR138	Instalment Administration Fee Interest	90,000	110,000	20,000
GFI629	Interest Developer Contributions	40,000	50,000	10,000
OSR102	Rec Center Contributions	65,000	117,800	52,800
	Total			101,800
Expenditure				
EXE502	Consultants	(12,000)	(47,000)	(35,000)
RAR515	Printing	(17,000)	(33,500)	(17,000)
OSR607	Rec Center Equipment lease	0	(91,956)	(91,956)
OSR625	Rec Center Maintenance	(190,019)	(137,219)	52,800
EPC555	Minor Tools & Equipment	(30,000)	(50,000)	(20,000)
CDC525	Community Developers Contribution Strategy	(30,000)	(68,200)	(38,200)
	Total			(149,356)
Budget Surplus		74,562	27,506	(47,056)

Capital Expenditure

Council is requested to approve the following adjustments to the capital expenditure budget. The net effect of these changes represents no additional cost to the Municipal Fund, all changes to projects are being funded by additional grants or from reserves.

Funded from additional grants received

GL Account	Description	Original Budget	Proposed Adjusted Budget	Variation
RRG137	Orton Road	213,614	0	(213,614)
RRG009	Kargotich Road – Randell Road South	0	393,827	393,827
RRA009	Kargotich Road North	191,122	281,122	90,000
RRG302	Rowley Road	305,311	395,311	90,000
RRG017	Hopeland Road	329,556	349,556	20,000
SBS013	Hopkinson Road	180,000	260,000	80,000
R2R193	Alexander Road – Marri Grove Primary School	180,000	250,000	70,000

Funded from Reserves

GL Account	Description	Original Budget	Proposed Adjusted Budget	Variation
RRV900	Jarrahdale RV Bays	0	88,000	88,000
BBX900	BMX race track design	0	34,577	34,577
MSP900	Mundijong Skate Park	0	11,540	11,540
RC902	Whitby Falls	0	26,908	26,908

The reasons for these changes are outlined below:

1. Regional Road Group Swap of Orton Road for Kargotich Road

Original budget includes \$263,614 for Orton Road of which two thirds was to be funded by grants from the Regional Road Group. On final sign off by the Minister of the Regional Road Group grant funding program, Orton Road was swapped with Kargotich Road – Randell Road South at a higher cost of \$358,856. Although this means greater grant funding has become available, it also represents an additional cost to council of \$48,414, being our one third contribution.

2. Additional Grant funding from Roads to Recovery

The Roads to Recovery Programme has increased the funding available to the Shire from \$732,000 to \$1,095,385. The additional funding of \$363,385 has been proposed to cover the shortfall resulting in the above mentioned swap of Orton Road for Kargotich Road- Randell Road South of \$48,414. It has also been proposed to use this funding to supplement existing projects that are thought to be undervalued in the current budget. The remaining funds are to be spread as follows; Kargotich Road North \$90,000, Rowley Road \$90,000, Hopeland Road \$20,000, Hopkinson Road \$80,000, and an additional \$34,971 to be added to Kargotich Road – Randell Road South, bringing the total budget for this project to \$393,827.

3. Alexander Road – Marri Grove Primary School

Original budget includes \$180,000 to modify the current gravel road between Larsen Road and Meyrick Link into an urbanised asphalt road. The Education Department has agreed to contribute an additional \$70,000 to incorporate 26 parking bays and a footpath link between Larsen Rd and Metrica Rd. This link will improve school access surrounding the Marri Grove Primary School.

4. Jarrahdale Recreational Vehicle Bays

\$88,000 was approved as an adjustment to the 2014/15 budget June 2015 as per OCM/089/06/15. As the timing of this was actually after the 2015/16 budget had been prepared it was missed from the budget carry forwards. This is being funded by a grant of \$44,100 which has been received from Tourism WA and placed into restricted cash, and \$43,900 which was carried forward from last financial year and also placed into restricted cash at 30 June 2015.

5. BMX Race Track Design

This represents the unused budget from 2014/15 carried forward at 30 June 2015 and placed into restricted cash. These funds are required to complete the project.

6. Mundijong Skate Park

This represents the unused budget from 2014/15 carried forward at 30 June 2015 and placed into restricted cash. These funds are required to complete the project.

Alignment with our Strategic Community Plan:

Financial Sustainability

Objective 2.1	Responsible Management
Key Action 2.1.1	Undertake best practice financial and asset management.
Key Action 2.1.2	Manage assets and prioritise major capital projects to ensure long-term financial sustainability
Key Action 2.4.1	Ensure projects and goals are realistic and resourced, and that full costs are known before decisions are made.

Statutory Environment:

Section 6.8 of the Local Government Act 1995 requires a local government not to incur expenditure from municipal funds where an estimate has not been provided for in the Annual Budget without prior authorisation by Absolute Majority.

Financial Implications:

The financial implications are detailed in this report.

Voting Requirements: Absolute Majority**OCM233/11/15 COUNCIL DECISION / Officer Recommendation:****Moved Cr Piipponen, seconded Cr See****That Council:****1. Approve the adjustments to the 2015/16 Capital Budget as listed below:**

GL Account	Description	Original Budget	Proposed Adjusted Budget	Variation
RRG137	Orton Road	213,614	0	(213,614)
RRG009	Kargotich Road – Randell Road South	0	393,827	393,827
RRA009	Kargotich Road North	191,122	281,122	90,000
RRG302	Rowley Road	305,311	395,311	90,000
RRG017	Hopeland Road	329,556	349,556	20,000
SBS013	Hopkinson Road	180,000	260,000	80,000
R2R193	Alexander Road – Marri Grove Primary School	180,000	250,000	70,000
RRV900	Jarrahdale RV Bays	0	88,000	88,000
BBX900	BMX race track design	0	34,577	34,577
MSP900	Mundijong Skate Park	0	11,540	11,540
RC902	Whitby Falls	0	26,908	26,908

2. Approve the adjustments to the 2015/16 Operating Budget as listed below:

GL Account	Description	Original Budget	Proposed Adjusted Budget	Variation
Income				
RAR137	Instalment	80,000	99,000	19,000

	Interest			
RAR138	Instalment Administration Fee Interest	90,000	110,000	20,000
GFI629	Interest Developer Contributions	40,000	50,000	10,000
OSR102	Rec Center Contributions	65,000	117,800	52,800
	Total			101,800
Expenditure				
EXE502	Consultants	(12,000)	(47,000)	(35,000)
RAR515	Printing	(17,000)	(33,500)	(17,000)
OSR607	Rec Center Equipment lease	0	(91,956)	(91,956)
OSR625	Rec Center Maintenance	(190,019)	(137,219)	52,800
EPC555	Minor Tools & Equipment	(30,000)	(50,000)	(20,000)
CDC525	Community Developers Contribution Strategy	(30,000)	(68,200)	(38,200)
	Total			(149,356)
Budget Surplus		74,562	27,506	(47,056)

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY

OCM234/11/15 2014/15 Carried Forward Surplus	
Author:	Megan Hodgson - Accountant
Senior Officer/s:	Alan Hart – Director of Corporate and Community Services
Date of Report:	23 October 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

Introduction:

The purpose of this report is to request Council to approve the allocation of the surplus carried forward from the 2014/15 financial year.

Background:

The audited 2014/15 Financial Statements includes a surplus of \$2,456,991 to carry forward into 2015/16.

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this issue.

Community / Stakeholder Consultation:

No community/stakeholder consultation is required.

Comment:

The carry forward surplus generally consists of items which were budgeted for in 2014/15 which were not completed in that financial year, and requests have been made to carry the funds forward to be spent in the 2015/16 financial year.

The amounts making up the carry forward surplus are as follows:

GL Account	Description	Amount	Comment
GPG142	General Purpose Grants	1,229,318	Relates to 2015/16
SBS001	South Western Hwy – Nettleton Road	6,000	Incomplete in 2014/15. Already approved in budget.
RRA009	Kargotich Road – Mundijong Road	88,573	Incomplete in 2014/15. Already approved in budget.
ADM519	Risk management review	35,000	Incomplete in 2014/15. Already approved in budget.
LIB626	Library maintenance - Signage	10,000	Incomplete in 2014/15. Already approved in budget.
EXE526	Intranet development	30,000	Incomplete in 2014/15. Already approved in budget.
ITS502	Trim Workflow	30,000	Incomplete in 2014/15. Already approved in budget.
MPP626	Meeting Place - Replumbing Mains	10,000	Incomplete in 2014/15. Already approved in budget.

HAL625	Asbestos Audit	20,000	Incomplete in 2014/15. Already approved in budget.
HOP625	Hopeland School Toilet upgrade	5,000	Incomplete in 2014/15. Already approved in budget.
EST525	Engineering Consulting Fees	59,290	Incomplete in 2014/15
CCS502	Corporate Services Consulting Fees	15,000	Incomplete in 2014/15
RC323	Harris Place Drainage	4,000	Incomplete in 2014/15
BGB900	Byford Glades BBQ Area	15,014	Incomplete in 2014/15
BBX900	Byford & Districts BMX	300,000	Reinstated project
ADM901	Admin Building Office Refit	112,000	New project
Unallocated Surplus		487,796	Unallocated
TOTAL		2,456,991	

Most of the items included above have already been approved by council in the budget. New items which require comment are as follows:

1. General purpose grants

These relate to the first half of 2015/16 and were received in advance on the 30th June 2015, therefore is included in our closing cash balance at that date. They are to be spent in the 2015/16 financial year.

2. Engineering Consulting Fees

Carry forward amount relates to \$36,000 for the Building Asset Management Plan, \$8,000 for the JRA Asset Management Maturity Assessment, and \$15,290 for the WALGA procurement review. Works were budgeted for and commenced in 2014/15, however not completed until current financial year.

3. Corporate Services Consulting Fees

Relates to the Revaluation work carried out by Talis. This was budgeted for and commenced in 2014/15, however not completed until current financial year.

4. Harris Place

This job was budgeted for and commenced in 2014/15, however there is a small amount of work required to be carried forward into 2015/16.

5. Byford Glades BBQ Area

This job was budgeted for and commenced in 2014/15, however the installation works are still required in 2015/16, and was not carried forward as part of the original budget.

6. Byford & Districts BMX

This relates to the Byford & Districts BMX project which was originally included in the 2014/15 budget, but removed at budget review due to lack of funding. This is to fund the council contribution to the overall project.

7. Administration Building Office Refit

The shire has been progressively modifying the administration building to accommodate additional staff as they are recruited. It has been identified that as a result of the recent growth in the organisation, more modifications to the office space are required in the 2015/16 financial year.

Alignment with our Strategic Community Plan:

Financial Sustainability

Objective 2.1	Responsible Management
Key Action 2.1.1	Undertake best practice financial and asset management.
Key Action 2.1.2	Manage assets and prioritise major capital projects to ensure long-term financial sustainability
Key Action 2.4.1	Ensure projects and goals are realistic and resourced, and that full costs are known before decisions are made.

Statutory Environment:

Section 6.8 of the Local Government Act 1995 requires a local government not to incur expenditure from municipal funds where an estimate has not been provided for in the Annual Budget without prior authorisation by Absolute Majority.

Financial Implications:

The financial implications are detailed in this report.

Voting Requirements: Absolute Majority

OCM234/11/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Piipponen, seconded Cr Ellis

That Council:

1. Approve the allocation of carried forward surplus and adjustments to the 2015/16 annual budget as detailed below:

GL Account	Description	Amount
GPG142	General Purpose Grants	1,229,318
SBS001	South Western Hwy – Nettleton Road	6,000
RRA009	Kargotich Road – Mundijong Road	88,573
ADM519	Risk management review	35,000
LIB626	Library maintenance - Signage	10,000
EXE526	Intranet development	30,000
ITS502	Trim Workflow	30,000
MPP626	Meeting Place - Replumbing Mains	10,000
HAL625	Asbestos Audit	20,000
HOP625	Hopeland School Toilet upgrade	5,000
EST525	Engineering Consulting Fees	59,290
CCS502	Corporate Services Consulting Fees	15,000
RC323	Harris Place Drainage	4,000
BGB900	Byford Glades BBQ Area	15,014
BBX900	Byford & Districts BMX	300,000
ADM901	Admin Building Office Refit	112,000
Unallocated Surplus		487,796
TOTAL		2,456,991

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY

OCM235/11/15 2014/2015 Financial Statements and Audit	
Author:	Megan Hodgson – Accountant
Senior Officer:	Alan Hart – Director Corporate and Community Services
Date of Report:	23rd October 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

Council's Auditor, Moore Stephens, has provided Council with the Audit Report and Management Report for the financial year ended 30 June 2015.

Background:

Pursuant to Sections 7.2, 7.3 and 7.9 of the *Local Government Act 1995*, local governments are required each year to have the accounts and annual financial report of the Council audited by an auditor appointed by the local government.

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this matter.

Community / Stakeholder Consultation:

No community consultation was undertaken / required.

Comment:

At the completion of the audit, Moore Stephens advised of the following instances where the council did not comply with the Local Government (Financial Management) Regulations 1996:

Payments presented to Council

The monthly list of accounts paid in relation to the months of October 2014 to January 2015 (inclusive) were not prepared and presented to Council as required by Local Government (Financial Management) Regulation 13.

Monthly Statements of Financial Activity

The Monthly Statement of Financial Activity for the month of November was not presented to Council within the timeframe required by Local Government (Financial Management) Regulation 34(4)(a).

Annual Financial Report

The Annual Financial Report for the year ended 30 June 2014 was not submitted to the Director General of the Department within 30 days of the auditors report becoming available as required by Financial Management Regulation 51 (2).

In their Management Report for the financial year ended 30 June 2015 Moore Stephens would also like to bring to Council's attention a few matters relating to ratios.

Ratios provide useful information when compared to industry and internal benchmarks and assist in identifying trends. Whilst not conclusive in themselves, understanding ratios, their trends and how they interact is beneficial for the allocation of scarce resources and planning for the future.

1. Asset Sustainability Ratio

This ratio is below target levels and is trending downwards. This ratio measures the extent to which assets are being renewed/replaced compared to the amount consumed

(depreciation). A ratio less than 0.90 indicates the local government is having difficulty undertaking a sustained capital investment program sufficient to renew/replace assets while also negating the effect of inflation on purchasing power over time.

The 2015 ratio (0.84) shows a decrease from the 2014 ratio (1.22) and is below the acceptable banding provided in DLG guidelines. In addition the four year average is trending downwards. This suggests Council is currently replacing or renewing its existing assets at a lower rate than they are wearing out. When this ratio is below 0.90, it should prompt a review of depreciation rates and asset valuations to ensure they are reasonable and are generating reliable representative depreciation expenditure. Depending on the outcome of the depreciation and asset valuation reviews, it may also prompt a review of operations with a view to assessing the revenue raising capacity necessary to support the ongoing asset base.

Interpretation of this ratio should be considered together with the Asset Consumption Ratio (ACR) (marginally below target at 0.74) and the Asset Renewal Funding Ratio (ARF) (below target banding at 0.44). Council and management should continue to monitor this ratio in the future as it attempts to fully understand the trend.

2. Debt Service Cover Ratio

This ratio is below target levels but is trending upwards. The Debt Service Cover Ratio measures the Shire's ability to service debt out of its uncommitted or general purpose funds available from its operations.

Whilst we acknowledge the overall level of borrowings has decreased, the increase in the ratio has occurred mainly as a result the net result being \$7.4m higher in 2015 contributing to the higher ratio from 2014. Within the higher net result is an increase in operating grants, subsidies and contributions which includes a pre-payment of 25% the 2015/16 Financial Assistance Grants (FAGs) amounting to \$1,229,318. If this portion of revenue were excluded from the debt service cover ratio calculation, the adjusted ratio would be 4.886, resulting in a marginally downward trend although an improvement on 2014.

3. Asset Renewal Funding Ratio

This ratio is below target levels and is trending downwards. This ratio indicates whether the Shire's planned capital renewal expenditure over the next 10 years as per its Long Term Financial Plan (LTFP) is sufficient to meet the required capital renewal expenditure over the next 10 years as per its Asset Management Plans (AMPs). Interpretation of this ratio should be considered together with the Asset Sustainability Ratio (ASR) (High risk at 0.84) and the Asset Consumption Ratio (ACR) (Medium risk at 0.74).

We note that during the year ended 30 June 2015 the building and roads asset management plans were updated, contributing to the downward trend in the ARF ratio when compared to prior years. Council should identify the reasons why its Asset Management Plans require more renewal expenditure than is provided for in its Long Term Financial Plan. Council should also consider a review of the Shire's long term capital investment program to help ensure asset renewal is maintained at an appropriate level with sufficient funding support in the future.

Comment:

All of these ratios are relatively new and it may take some time for their implication to be fully understood. However it is advised that they become a part of the overall financial management of the Shire and are monitored to ensure the Shire's scarce resources are managed effectively

The financial performance of the Shire has improved from previous years. Below is a table of the 2014/2015 and previous financial years for comparisons. As detailed below the net result, reserve balance, and cash and cash equivalents are improving in performance and

there is a positive trend. Rates raised, operating and capital expenditure, operating and non-operating (capital) income, are also increasing and this is a result of growth in the Shire.

	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015
Rates Raised	8,946,043	10,220,714	11,527,614	12,976,751	14,492,919	16,389,803
Operating Expenditure	17,490,523	19,064,617	21,524,499	22,460,557	24,352,565	26,072,294
Operating Revenue	17,220,430	18,593,130	21,498,379	23,529,257	23,490,214	28,381,374
Non-Operating Revenue	3,246,791	3,501,419	4,893,664	3,967,341	5,192,179	9,355,608
Actual Net Result	2,976,698	3,009,932	4,867,544	5,036,041	4,102,201	11,553,109
Capital Expenditure	6,123,534	3,289,577	5,098,768	9,119,851	6,433,078	8,081,375
Loan Borrowing Balance	5,704,816	4,411,103	4,486,292	5,787,337	2,796,675	2,116,790
Reserve Balance	1,661,942	1,949,015	2,101,206	2,617,973	4,841,087	5,860,863
Cash & Cash Equivalents Balance (excluding restricted & reserve cash)	748,225	713,018	2,841,460	3,010,059	2,989,651	3,797,859

Attachments:

- [OCM235.1/11/15](#) - Moore Stephens Management Letter Report (E15/5384)
- [OCM235.2/11/15](#) - 2014/2015 Annual Financial Report including Independent Audit Report (E15/5383)
- [OCM235.3/11/15](#) - 2014/2015 Concise Annual Financial Report including Independent Audit Report (E15/5382)

Alignment with our Strategic Community Plan:

Objective 2.1	Responsible Management
Key Action 2.1.1	This report is a tool for evaluating performance against service delivery to ensure efficiency, effectiveness and meets the needs of the community, elected members, management and staff.

Statutory Environment:

Section 7.2 of the *Local Government Act 1995* states that, “the accounts and financial statements of a local government for each financial year are to be audited by an auditor appointed by the local government.”

Section 7.3 of the *Local Government Act 1995* states, “A local government is to, from time to time whenever such an appointment is necessary or expedient, appoint a person, on the recommendation of the Audit Committee, to be its auditor”.

Section 7.9 (1) of the *Local Government Act 1995* states, “An auditor is required to examine the accounts and annual financial report submitted for audit and, by 31 December next following the financial year to which the accounts and report relate or such later date as may be prescribed, to prepare a report thereon and forward a copy of the report to:

- a) *The Mayor or President;*
- b) *The Chief Executive Officer of the local government; and*
- c) *The Minister.”*

Financial Implications:

A budget provision has been included in the 2015/2016 budget to accommodate the expenses associated with carrying out an audit.

Voting Requirements: Absolute Majority

OCM235/11/15 COUNCIL DECISION / Audit Committee Recommendation:

Moved Cr Hawkins, seconded Cr Piipponen

That Council:

- 1. Adopt the Independent Audit Report and the Concise Independent Audit Report from Moore Stephens for the financial year ended 30 June 2015.**
- 2. Receive the Management Report.**
- 3. Receive the Audited Financial Report and the Concise Audited Financial Report for the Shire of Serpentine Jarrahdale for the financial year ended 30 June 2015.**
- 4. Adopt that the Annual Report will include the Concise Financial Report and that the full Financial Report will be available to the public, in person, or via the website.**

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY

OCM236/11/15	Briggs Park and Brickwood Reserve Draft Management Plan (SJ1863)
Author:	Chris Portlock – Manager Environmental and Sustainability Services
Senior Officers:	Gordon Allan – Director Engineering
Date of Report:	23 October 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.

Introduction:

The purpose of this report is to seek Council endorsement of the release of the Briggs Park and Brickwood Reserve Draft Management Plan for public comment.

Background:

Briggs Park and Brickwood Reserve is located in Byford; the main urban centre of the Shire of Serpentine Jarrahdale (the Shire). It is a popular recreation node within the Shire and it contains the Serpentine Jarrahdale Recreation Centre. The reserve system is also on the National Trust Register, recognised as having significant environmental features, including being a Bush Forever Reference Site containing one of the largest and most intact examples of a critically endangered threatened ecological community on the Swan Coastal Plain. The reserve is protected, both under the Federal EPBC Act and State government policies.

Urban development associated with the growth of Byford is placing additional pressure on the recreation, access and environmental features of Briggs Park and Brickwood Reserve. Recognising this fact, the Shire has prepared this management plan to guide and prioritise the use and management of the reserve in the longer term.

Key issues include continuing to improve the Recreation Centre for increased use and a range of new uses. In 2013, the Master Plan for Briggs Park Recreation Precinct was developed in the context of the latest Brickwood Reserve and Briggs Park Management Plan also being updated by the same consultant. The entire area of Briggs Park and Brickwood Reserve constitutes the Bush Forever Site 321 so having an updated management plan in place is critical to the communication and authorisation of ongoing management to other government agencies.

Community/Stakeholder Consultation:

The Briggs Park and Brickwood Reserve Management Plan has been reviewed and revised with stakeholder consultation which took place while the Briggs Park Recreation Precinct Master Plan was being put in place. This included community, as well as agency consultation from the Department of Parks and Wildlife and the Department of Planning. Further to this the Reserves Advisory Group have reviewed and revised this Draft Management Plan as has an internal team of Shire Officers. As a draft there will be full public consultation including a community workshop. As a final edited form, following inclusion of comments, the Reserves Advisory Group, government agencies and the team of Shire Officers will again have the opportunity for further input.

Comment:

The protection of the threatened ecological communities within the reserve is of paramount importance. Reconciling the protection of this significant environmental feature with community demands for access and recreation is a major aim of this management plan. As such, the key issues to be considered by the management plan include:

- Long term protection and management of the reserve's threatened ecological communities;

- Providing for appropriate community access to the reserve and facilities; and
- Recognising the community value associated with the reserve and facilities, both in terms of its environmental features and the recreational opportunities provided.

Proposal

The proposal is for Council to support the release of the Briggs Park and Brickwood Reserve Draft Management Plan for a standard submission period and during that submission period a community workshop will be held. Following consideration of the community workshop and submissions, a final version of the management plan will be prepared for consideration by Council as the final Briggs Park and Brickwood Reserve Management Plan.

Options and Implications

- Option 1: Not supporting the release of the Draft Management Plan for comment;
The implications to the Shire of Council not supporting the release of the Draft Management Plan will be a delay in the implementation of the Briggs Park Precinct Master Plan.
- Option 2: Making some changes to the Draft Management Plan before its release;
The implications to the Shire of Council making some changes to the Draft Management Plan will be a minor time delay for the Shire being able to include these changes in the draft to be released and in the implementation of the Briggs Park Precinct Master Plan.
- Option 3: Releasing the Draft Management Plan as presented to Council.
The implications to the Shire will be that the Draft Management Plan can be issued for comment for the minimum of 21 days standard public submission period, working towards implementation of the Briggs Park Precinct Master Plan.

Option 3 is recommended

Conclusion:

The Briggs Park and Brickwood Reserve Management Plan has served its purpose for the last six years but with the recent Briggs Park Precinct Master Plan, expansion of the Serpentine Jarrahdale Recreation Centre and an upgrade of the Briggs Lower Oval will be required sometime in the future. A new revised plan to replace the existing plan is necessary to enable these further developments to occur. A management plan including full public consultation to enable these and other developments within the Briggs Park and Brickwood Reserve area to occur is critical in the dialogue with State government agencies and will be appreciated by the local community.

Attachments:

- [OCM236.1/11/15](#) – Briggs Park and Brickwood Reserve Draft Management Plan (E15/5397)

Alignment with our Strategic Community Plan:

Objective 5.2	Excellence in Environmental Management
Key Action 5.2.1	Protect, restore and manage our landscapes and biodiversity

Statutory Environment:

- *Metropolitan Region Scheme (MRS)*
- *Planning and Development Act 2005*
- *Town Planning Regulations 1967*
- *TPS 2*

Financial Implications:

Once finalised, the reserve maintenance fund would be increased to allow for the implementation of the management plan.

Voting requirements: Simple Majority

OCM236/11/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Gossage

That Council, pursuant to Clause 7.18 of Local Planning Policy No 27 Stakeholder Engagement in Land Use Planning, invite public comment on the Briggs Park and Brickwood Reserve Draft Management Plan for a period of not less than 21 days. After closure of submissions, the final Draft Management Plan will be submitted back to Council for final endorsement.

CARRIED 6/3

COUNCIL DECISION:**Moved Cr Urban, seconded Cr Hawkins**

That the meeting be closed to members of the Public at 8.12pm to allow Council to discuss Confidential Item OCM237/11/15 – Confidential – Lot 258 (#30) Macleod Close, Byford – State Administrative Tribunal Proceedings.

CARRIED 9/0

Members of the public were asked to leave the meeting whilst confidential item OCM237/11/15 was discussed. The doors were closed at 8.13pm.

OCM237/11/15	Confidential Item - Lot 258 (#30) Macleod Close, Byford – State Administrative Tribunal Proceedings (P07518/07)
Author:	Leonard Long – Coordinator Statutory Planning
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	22 October 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Voting Requirements: Simple Majority**COUNCIL DECISION****Moved Cr Urban, seconded Cr Hawkins**

That Standing Orders 9.5, 9.6, 10.7 and 10.13 be suspended at 8.20pm in order to further discuss item OCM237/11/15.

CARRIED 9/0**COUNCIL DECISION****Moved Cr See, seconded Cr Piipponen**

That Standing Orders be reinstated at 8.30pm

CARRIED 9/0

Councillor Hawkins foreshadowed she would move a new motion to approve the second option of the officers recommendation if the motion under debate was lost.

OCM237/11/15 COUNCIL DECISION / Officer Recommendation:**Moved Cr Hawkins, seconded Cr Piipponen**

That Council directs the Director Planning to appoint Planning Consultants to represent Council at the State Administrative Tribunal proceedings for the application for retrospective outbuilding and retaining wall on Lot 258 (#30) Macleod Close, Byford.

Or

That Council delegates the authority to the Coordinator Statutory Planning to consent on behalf of Council to the State Administrative Tribunal member determining the application for retrospective outbuilding and retaining wall on Lot 258 (#30) Macleod Close, Byford.

LOST 0/9

OCM237/11/15 COUNCIL DECISION / Foreshadowed Motion:

Moved Cr Hawkins, seconded Cr See

That Council delegates the authority to the Coordinator Statutory Planning to consent on behalf of Council to the State Administrative Tribunal member determining the application for retrospective outbuilding and retaining wall on Lot 258 (#30) Macleod Close, Byford.

CARRIED 9/0

Council Note: Council is resigned to have no option but to vote for this resolution as a result of the State Administrative Tribunal advising that this motion will be determined as per its directive.

COUNCIL DECISION:

Moved Cr Hawkins, seconded Cr Atwell

That the meeting be reopened to the public at 8.45pm.

CARRIED 9/0

Members of the public returned to the Chambers and the Presiding Member advised that item OCM237/11/15 was carried with a vote of 9/0.

10. Information Reports:

Nil

11. Urgent Business:

Nil

12. Councillor questions of which notice has been given:

Nil

13. Closure:

There being no further business the Presiding Member declared the meeting closed at 8.48pm.

I certify that these minutes were confirmed at the
Ordinary Council Meeting held on 23 November 2015

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Presiding Member

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Date