

TABLE OF CONTENTS

1.	Attendances and apologies (including leave of absence):	2
2.	Response to previous public questions taken on notice:.....	2
3.	Public question time:	2
4.	Public statement time:	4
5.	Petitions and deputations:	5
6.	President’s report:	6
7.	Declaration of Councillors and officers interest:.....	7
8.	Receipt of minutes or reports and consideration for recommendations:	7
9.	Motions of which notice has been given:.....	8
	OCM195/10/15 Lot 2 (#14) Wellard Street, Serpentine – Proposed Retrospective Outbuilding (Shed) Extension (P02885/01).....	8
	OCM196/10/15 Lot 818 (#52) Mount Eden Lane, Oakford – Proposed ‘Ancillary Accommodation’ (P06107/03).....	12
	OCM197/10/15 Lot 3 (#77) Phillips Road, Karrakup – Retrospective Modifications to Dam and Driveway (P05011/07).....	16
	OCM198/10/15 Lot 1 (#1) Marble Road, Byford – Proposed Ten (10) Grouped Dwellings (P08735/01).....	19
	OCM200/10/15 Lot 99 (#1908) South Western Highway, Mardella – Proposed Extension to Existing Nursery and Retrospective Earthworks / Land Fill (P00033/06)	24
	OCM201/10/15 Lot 4 (#829) South Western Highway, Byford - Proposed Byford Town Centre Structure Plan Modification – (SJ1032-02)	30
	OCM202/10/15 Lot 102 (#138) Larsen Road, Byford – Proposed ‘Outbuilding’ (Shed) (P05656/02)	34
	OCM203/10/15 Lot 14 (#7) Bateman Street, Byford – Proposed Oversize Outbuilding (P04193/01)	39
	OCM204/10/15 Proposed Sublease between the Shire of Serpentine Jarrahdale and the Byford Glades Residents Association (SJ975-04).....	43
	OCM205/10/15 Revised Code of Conduct for Councillors and employees (SJ708) ..	45
	OCM206/10/15 Confidential – Recruitment Director Planning (SJ635)	47
10.	Information Reports:.....	48
11.	Urgent Business:	48
12.	Councillor questions of which notice has been given:	48
13.	Questions by members of which due notice has not been given:.....	48
14.	Closure:	48

Minutes of the Ordinary Council Meeting held in the Council Chambers, 6 Paterson Street, Mundijong on Monday 12 October 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: K Ellis Presiding Member
S Piipponen
J Kirkpatrick
S Hawkins
B Moore
B Urban
J Erren
J Rossiter
G Wilson

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

Leave of Absence: Nil

Apologies: Nil

Observers: Ms K Cornish – Governance Officer

Members of the Public – 27

Members of the Press – 1

2. Response to previous public questions taken on notice:

No questions were taken on notice at Ordinary Council Meeting 29 September 2015.

3. Public question time:

Public question and statement time commenced at 7.02pm

Mrs Lee Bond, PO Box 44, Armadale, WA

Question 1

Who is paying for the Community Barbeques?

Response:

The Shire funds these as part of our community engagement program.

Question 2

Is there a financial limit on Credit Card use by the Emergency Services Manager and is it limited to only Council related matters?

Response:

The Manager of Emergency Services does not have a Corporate Credit Card

Question 3

Has the current Emergency Services Manager ever been a Fire Control Officer with Serpentine Jarrahdale Shire Council?

Response:

No

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

Question 1

Is the bypass device to be installed permanently, given that the new Dam Wall is now above the natural level of the land by approx. 2 metres and the two spillway pipes are at the highest level possible under the driveway at the top of the dam wall. This delays flow of water downstream until the dam is filled; and also brings forward the date during summer when downstream flow ceases due to reduced flow & increased evaporation as the temperature & wind increases. Depending upon seasonal conditions this may have the effect of shortening the downstream flow of water in the creek by a month or more; even with upstream flow into the dam.

Response:

The intention of the bypass device is to ensure that, while the watercourse is flowing, part of the flow runs into the dam to fill it, and part bypasses the dam to continue down the watercourse. The bypass water flow device is to be maintained until the dam overflows or the watercourse above the dam ceases to flow, thus maintaining flow in the watercourse downstream of the dam during the entire period that there is flow above the dam.

Question 2

Will compliance be checked regularly.

Response:

Conditions of development approval are subject to regular compliance checks.

Mrs Tanya Hockey, 3 Moonstone Road, Byford, WA, 6122

Question 1

In reference to paragraph 1 and 2 in the last email I sent you, what are you going to do about the over shadowing issues to our house as the new plans still have a major impact on the amount of natural light into our entire living area as well as the butted up wall that extends well past both the front and back of our garage that still blocks out the window, is this not contra to the Councils building specifications.?

Response:

The amended site has been assessed against State Planning Policy 3.1 'Solar access for adjoining sites', and has been deemed to comply with the relevant standards.

Question 2

What are you going to do about our house not looking like it is part of the strata complex as the street view plans show you see the side of the unit on the corner then you see garage, window, door, garage, window, door, then garage door, window (our house) all are butted up against one another and all are the same set back making our house looking like it belongs to the strata complex and undistinguishable as our home, This also includes the 5 foot metal power box that stands less than 500ml from our boundary and directly in line with our reticulations solenoid's box.?

Response:

With regard to setbacks and design the development has been cognisant of the development requirements as contained in the Detailed Area Plan for Grange Meadows Estate, prepared during the initial subdivision of the area.

Question 3

What compensation are you going to provide if these plans are approved in relation to our expected increase in power, heating and possible affects to our health due to the inability of natural light not being able to come into our home as when our home was built we had to abide with council and building specifications on window sizes on the

side of the house in question to allow a certain amount of natural light in, this proposed complex contravenes these specifications.?

Response:

The development has been assessed against the relevant legislation and found to comply with the necessary specifications.

4. Public statement time:

Mrs L Bond, PO Box 44, Armadale, WA, 6112

The behaviour of certain Elected Members of the Serpentine Jarrahdale Shire have recently increased their rants of self-importance and denigration of average members of this Shire. This type of person does not represent me and I am sure I speak for many others when I suggest you get of this Council now. Like many others I am tired of those with agendas who seek to use lies to damage people's reputations and fluff up their own egos. This Shire has a disgraceful reputation at this time and I am very hopeful that shortly we will have rid of these people. It is not your right as a Councillor or Council Officer to deceive, denigrate, cheat or lie about matters or ratepayers of this Shire. It is the responsibility of all Councillors, officers and staff of this Shire to hold honesty and integrity foremost in their behaviour as representatives of this Shire. It is your responsibility to report matters which do not conform with the behaviour now being seen in this Shire and to ignore it makes you complicit in actions which will have dire results for some people. The privacy of ratepayers has been compromised by particular Councillors and Council officers, it is not your position to pass on information to members of the public regarding other ratepayers. That information is being spread around the Shire by individuals with no respect for ratepayers' privacy. My information is fact, not trouble making rumours.

Mr D Houseman, 17 Clifton Street, Byford, WA, 6122

One of the conditions of the agreement/contract for my subdivision was that all prospective purchasers of the lot have to be informed of the need to comply with Shires structure plan. The structure plan states that 'no portion of the lot shall be provided with frontage to the primary street. This will retain the existing character of the streetscape'.

The plan for subdivision shows a narrow strip of the lot fronting the street. This strip was intended for carrying services underground (i.e. power cables, water pipes, telecom, etc) and thus would not alter the street scape. Unfortunately the Shire had and still hasn't named the laneway forcing the West Australian Planning Commission to give the lot the address of 17a Clifton Street, even though it fronts the laneway. Shire now insists that this very long (40 m and skinny) service easement be used to access mail from the street and to drag wheelie bins along its length to the street, which is a half kilometre round trip, which is a ludicrous situation given that the lot is only 400 square metres and located in the town centre. Shire's inaction to complete the naming process, of which I have been asking Shire to undertake for seven years, is going to force me to degrade the street scape.

Will the Shire permit other parties to subdivide lots which have one street facing the front of the property and a laneway facing the rear? If the answer is no, my twenty thousand dollars that was taken off me seven years ago for laneway construction (i.e. bitumen, curb, drainage, etc) will not be spent. If this is to be the case I demand Shire refund the twenty thousand dollars immediately. I also want interest to be paid out for the period of the seven years that Shire held my money. It would be appreciated if interest is calculated at the same percentage rate as my overdue rates notice, of which I am resisting paying under protest of what I have outlined in this statement.

Shire informs me that it has to check if rubbish trucks can traverse the laneways safely. The lane running by my property is five metres wide, as are others, and lots that front

laneways have a 2.5 metre verge. This is wider than the ones in the Glades estate. Given that Shires trucks use them I'd say that they are safe to traverse. If there is an obstruction the Shire has a duty to remove the hazard promptly. Once named, emergency vehicles will be able to locate properties along the laneway promptly. Does the Shire have a duty to take reasonable steps to safe guard its residents with regards emergency services? I feel that after reading the agreement/contract and the structure plan, I have been misled into believing the laneway would service the lot. In March 2013 you wrote to me with regards to laneway naming and stated (three years ago), 'The matter is being treated with the highest priority'. The Shires Director of Planning wrote to me two years later in March this year informing me that Shire had formally requested that the Minister of Lands dedicate the laneways as public roads and when Shire receives the approval will it apply to the geographical names committee to accept approved names to finalise the process. Has the Shire received the approval from the Minister of Lands?

Shire has dragged its heels for so long that the whole situation has become farcical.

Public question and statement time concluded at 7.18pm

5. Petitions and deputations:

5.1 Mr Clayton Plug from Harley Dykstra Planning and Survey Solutions presented a deputation regarding item OCM200/10/15 – Proposed Extension to Existing Nursery and Retrospective Earthworks/Land Fill at Lot 99 South Western Highway, Mardella.

In response to the Council officer's recommendation for refusal we would like to note the following.

In the first place, Council officers have identified a concern that the proposed development will occur within the Bush Forever area associated with the site. Whilst we acknowledge that this is the case it is also important to understand that the portion of Bush Forever area in which the development is proposed is already significantly degraded. This ensures that the environmental impact will not be that great given that the construction of this proposal will not result in the removal of any environmentally sensitive vegetation.

Furthermore, it should also be noted that the applicant is willing to accept a condition on any approval that requires the fencing of the remaining significant portion of vegetation, as well as the implementation of some limited revegetation within that area. This will ensure that the significant environmentally important portion of vegetation becomes protected to an even greater level than what it is currently.

In the second place, Council officers have identified a concern that a Nutrient and Irrigation Management Plan has not been provide, as per the Department of Water request. In this regards, we, as applicant, believe that such a plan should not necessarily be part of the information provided in support of a development application given that it can appropriately be required as a condition of approval. We have made this evaluation on the basis that this is an existing nursery with extremely low water and fertiliser usage and hence, any impacts in the terms of nutrients and water usage are clearly able to be managed on site. If this application was for a new nursery we could understand that a Nutrient and Irrigation Management Plan would be required as a part of this application. However, as this application represents the expansion of an existing nursery with low water and fertiliser usage, we are of the opinion that it is entirely appropriate to condition an approval to require such a plan.

Finally we note that in the conclusion of the officer's report, the Shire's officers have noted that they are unable to provide an informed recommendation without the submission of a number of items. I would like to address these items as follows

Potential Buffers being the first item, are only required where there is conflict between land uses evident. It is important to note that the proposed use is a rural use in a Rural Zoned area and therefore there is no land use conflict evident.

A Nutrient Management Plan and Storm Water Management Plan can be conditioned as per my statement earlier regarding the preparation of a Nutrient and Irrigation Management Plan. These two items would be addressed in such a plan.

The potential off site impacts of the proposed extension where listed in the report provided in support of the development application. In this regards, it was noted that the proposed expansion would not create any noise, dust or odour impact on properties within the vicinity of this site. The existing nursery does not impact adjacent property in terms of dust, noise or odour and this will continue to be the case upon the approval and construction of the proposed nursery expansion.

Finally there is no liquid or hard waste produced by the existing or proposed use, and therefore, a requirement for such information is considered superfluous.

Councillors, on the basis of the above we request that the Shire approve that application for the expansion of the existing nursery and the retrospective fill. We note that they can do so with confidence that an approval would allow for greater protection to the ecologically significant Bush Forever vegetation and would also ensure that appropriate nutrient and irrigation management can be sufficiently achieved.

6. President's report:

This is our last meeting as a group and we should be very proud of our achievements. In October 2013 the Local Government Reform was being pushed on to us and we invited our community into the Shire office and asked for their help. The Community responded magnificently as T Shirts, banners and leaflets were produced. What a great night for democracy on the steps of Parliament House and right up to the Court Case. We are very proud in the way the Community stood up for the Shire. The CEO and the President regularly attended meetings in both Subiaco and South Perth to meet up with 16 other Councils and formed a Group called Councils for Democracy. There were also the countless meeting with the Lawyers. This was also a stressful time for the management, staff and Councillors of the Shire as we were treated poorly and humiliated many times and we had no support from our Local and Federal politicians who were leading the charge.

Every one jumped on the kick SJ wagon including all Media. Our Staff went through a very tough time as they had an uncertain future with a few leaving and not being able to recruit, which left us very short on staff. Congratulations to all who toughed it out. A special mention to the CEO and his Management team for holding the finances together as the temptation would have been to spend up and make no mistake we were threatened not to do that. So, when we came out of Local Government reform we were in a very strong position, for example we have the lowest rate increase in the Peel region and lower than Armadale and I believe the lowest increase in the history of the modern day Shire. The 2015/16 budget you will see the biggest spend on infrastructure in the Shires history which is in excess of \$14 million. It is interesting to note that in 2013 we were spending 24% of our income on interest payments, today its around 4%, and at 6.8% the fastest growing Shire in Australia and this will continue creating new jobs for our young people and offering better services to keep our community happy and safe. But the real good news is that going forward our financial situation has strengthened further and this will be revealed to the new Council in the mid year review. To all Councillors, Officers, Staff and especially the CEO and his Management Team – congratulations.

7. Declaration of Councillors and officers interest:

Councillor Urban declared an indirect financial interest in item OCM200/10/15 as his step son was employed by the owner of the property and will leave the meeting while this item is discussed.

Councillor Moore declared a financial interest and a proximity interest in item OCM201/10/15 as he is the owner of an adjoining property of the item and will leave the meeting while this item is discussed.

Councillor Rossiter declared an indirect financial interest in item OCM201/10/15 as he has a financial association with the current owner of the business within the item and will leave the meeting while this item is discussed.

Councillor Erren declared an indirect financial interest in item OCM201/10/15 as he has a financial association with the current owner of the business within the item and will leave the meeting while this item is discussed.

Councillor Hawkins declared an indirect financial interest in item OCM201/10/15 as she has a financial association with the current owner of the business within the item and will leave the meeting while this item is discussed.

Councillor Kirkpatrick declared an impartiality interest in item OCM201/10/15 as the Planning Consultant on this item is his stepson and Cr Kirkpatrick will partake in the debate and vote on this agenda item.

Councillor Piiipponen declared a financial interest in item OCM204/10/15 as his father has provided quotes in relation to the Glades Association and will leave the meeting while this item is discussed.

Councillor Kirkpatrick declared a proximity interest in item OCM204/10/15 as he lives in the same estate as the garden proposed within the item and will leave the meeting while this item is discussed.

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

8.1 Ordinary Council Meeting – 29 September 2015

COUNCIL DECISION

Moved Cr Hawkins, seconded Cr Moore

That the minutes of the Ordinary Council Meeting held on 29 September 2015 be confirmed (E15/5023).

CARRIED 7/2

Councillor Urban requested his vote against the motion be recorded.

9. Motions of which notice has been given:

OCM195/10/15	Lot 2 (#14) Wellard Street, Serpentine – Proposed Retrospective Outbuilding (Shed) Extension (P02885/01)
Author:	Marcel Bridge – Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	9 July 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: Elliot Henwood
 Date of Receipt: 9 June 2015
 Lot Area: 1014m²
 Town Planning Scheme No 2 Zoning: 'Urban Development'
 Metropolitan Region Scheme Zoning: 'Urban'

Introduction

The purpose of this report is to consider the retrospective development application for an extension to the existing 'outbuilding' (shed) on lot 2 (#14) Wellard Street, Serpentine.

The application is being presented to Council for consideration as Shire officers do not have delegations to consider applications which do not comply with Local Planning Policy 17 – Residential and Incidental Development (LPP 17).



Arial Reference

Background:

Existing Development:

The site is currently developed with a single dwelling and incidental 'outbuilding' (shed) measuring 86m².

Retrospective Development:

The approved existing outbuilding had a wall height of 2.9m and a ridge height of 3.6m, the proposal is for the retrospective consideration of the extended wall height to 4.1m and ridge height of 4.8m.

(See Figures 1 and 2 below).

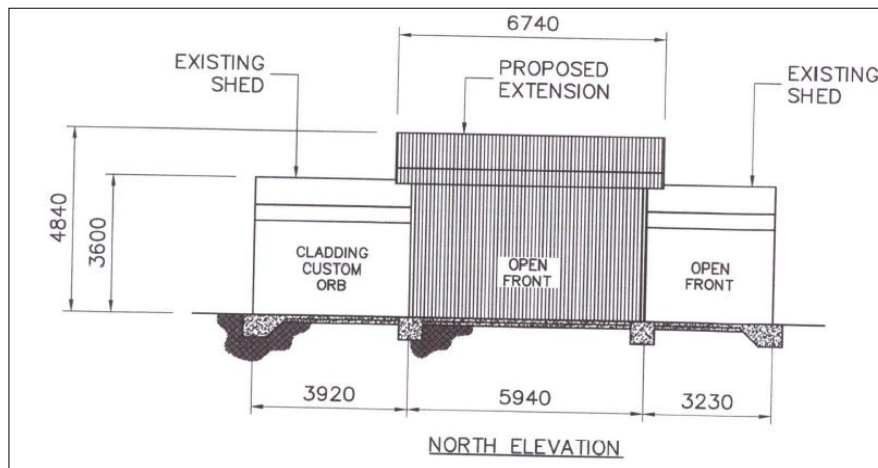


Figure 1 – Side North Elevation

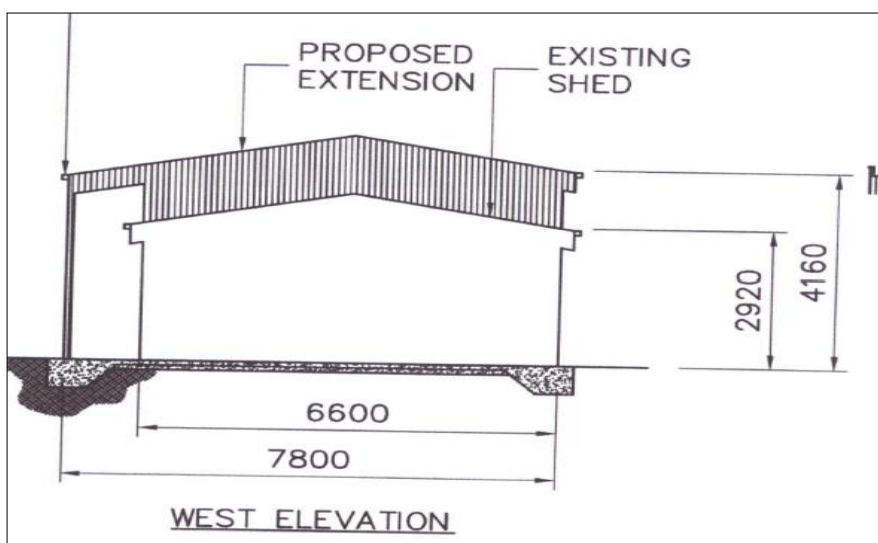


Figure 2 – Side West Elevation

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 clause 6.3 of the Town Planning Scheme No. 2 (TPS 2), no objections were received. However, members of the community raised concerns regarding the use of the outbuilding.

Concerns raised by the community were discussed with the applicant who confirmed the outbuilding would be used for domestic purposes only and that the extra height was required to accommodate a car hoist which will be used solely for personal use.

Shire officers comment:

Should Council resolve to approve the application the standard condition will be imposed restricting the use of the 'outbuilding' (shed) for domestic purposes.

Statutory Environment:

- Metropolitan Regional Scheme
The site is zoned 'Urban Development'
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2
The site is zoned 'Urban Development'
- Local Planning Policy 17 - Residential and Incidental Development

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:

As a consequence of the zoning being ‘Urban Development’, a local structure plan should be approved by Council prior to any development. In this regard, the development is considered incidental to the existing single dwelling and will not have a negative impact on the ability to prepare a local structure plan over the area.

Size of Development:

In terms of LPP17, the maximum floor area should not exceed 10% of the area of the lot or 60m², whichever is the smallest. The existing ‘outbuilding’ (shed) (86m²) exceeds the maximum floor requirements. However, this application does not propose any increase in the area of the outbuilding.

The retrospective ‘outbuilding’ (shed) extension will result in the approved wall height of 2.9 metres being exceeded by 1.2m (proposed 4.1m). A site visit was undertaken by Shire officers to determine the impact the increased height of the ‘outbuilding’ (shed) would have on the character of the surrounding area (See Photos 1 and 2 Below).

As a result of the site inspection, Shire officers are of the opinion that the retrospective application does not have a negative impact on the surrounding area.



Options and Implications:

With regards 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.
This will result in policy objectives of LPP17 being met. However, may result in an appeal to SAT which may not be successfully argued.

Option 1 is recommended.

Conclusion:

The approval will bring the already constructed outbuilding (shed) in line with the requirements of TPS 2, and regulate the use for the domestic purposes. It is considered that the building design, location and scale will not result in a negative impact on the amenity or character of the area.

Attachments:

- [OCM195.1/10/15](#) - Locality Plan and Floor Plan (IN15/11480)

Voting Requirements: Simple Majority

OCM195/10/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Moore, seconded Cr Hawkins

That Council approves the application submitted by Elliot Henwood for a retrospective 'outbuilding' (shed) extension as indicated on the plans and does not relate to any other development on Lot 2 (#14) Wellard Street, Serpentine, subject to the following conditions:

- 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.**
- Only the colours and materials identified on the Schedule of Materials and Finishes attached to and forming part of this approval, shall be used.**
- 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.**

Advice Notes:

- 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.**
- Advises the applicant / landowner to submit a retrospective Building Approval Certificate for the extensions to the 'outbuilding' (shed) within 30 days of this approval.**
- Advises the applicant / landowner to remove the unauthorised structures connecting the retrospective 'outbuilding' (shed) to the patio alternatively to submit a retrospective Building Approval Certificate within 30 days of this approval.**
- Advises the applicant / landowner that not complying with the above may result in legal action being taken.**

CARRIED UNANIMOUSLY

OCM196/10/15	Lot 818 (#52) Mount Eden Lane, Oakford – Proposed ‘Ancillary Accommodation’ (P06107/03)
Author:	Marcel Bridge –Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	18 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: DA & LJ Thomas & P & M Lee
 Owner: Douglas Albert & Lesley Jane Thomas
 Date of Receipt: 28 July 2015
 Lot Area: 2.29ha
 Town Planning Scheme No 2 Zoning: ‘Rural Living A’
 Metropolitan Region Scheme Zoning: ‘Rural’

Introduction:

The purpose of the report is to consider the development application for a proposed ‘ancillary accommodation’ on Lot 818 (#52) Mount Eden Lane, Oakford (the site).

The application is being presented to Council for consideration as Shire officers do not have delegation to consider applications that exceed policy provisions of Local Planning Policy 17 – Residential and Incidental Development (LPP 17).



Aerial Reference

Background:

Existing Development:

The subject property zoned ‘Rural Living A’ is ‘2.29ha’ in size and features an approved ‘single dwelling’, shed, water tank and dam.

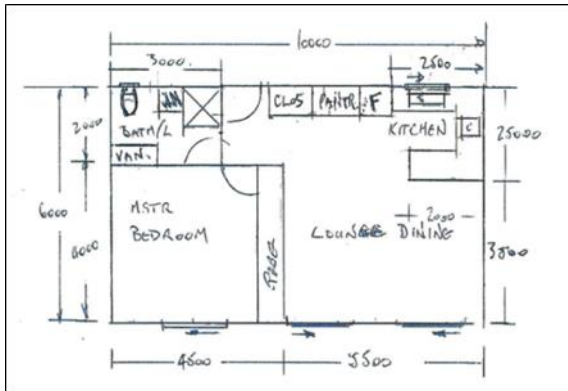
Proposed Development:

The development application is for an “ancillary accommodation” proposed to be located outside the nominated building envelope at Lot 818 (#52) Mount Eden Lane (the site). The proposed “ancillary accommodation” is located to the western side of the block (location).

Details:

The proposed ‘ancillary accommodation’ features the following:

- A total floor area of 60m² (10m x 6m)
- Wall height of 2.4m
- Ridge height of 3.5m
- Setback: 18m (Western Boundary)



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, no objections were received.

Statutory Environment:

- Metropolitan Regional Scheme
The site is zoned ‘Rural’ under the Metropolitan Regional Scheme.
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2
The site is zoned ‘Rural’ under the Town Planning Scheme.
- Local Planning Policy 17 – Residential and Incidental Development

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:Assessment:

The application has been assessed in accordance with the relevant statutory documents. The existing zoning of the site is 'Rural Living A' permitting an 'ancillary accommodation' unit as an 'AA' use. Council may, at its discretion permit the use.

In terms of LPP 17, the proposed 'ancillary accommodation' complies will all aspects of the policy (Section 5.0):

Materials:

Proposed Materials and Colours of similar nature to existing 'single dwelling'

Floor area:

The maximum floor area for a lot zoned 'Rural Living A' (over 2ha) is to be no more than 100m². The proposed floor area measures 60m².

Connection to main Dwelling / Location:

The 'ancillary accommodation' is to either be constructed under the same roof as the 'single dwelling' or be located a minimum of 10m from the existing 'single dwelling'. In this regard the 'ancillary accommodation' does not comply with the following provision as it is located further than 10 metres away from the 'single dwelling' with an approximate distance of 19 metres away.

Setbacks:

Proposed 'ancillary accommodation' complies all setbacks in accordance Table 3.1 of – LPP 17.

Services:

Applicant advised that water and effluent disposal services will be shared with existing 'single dwelling'. Shire officers advised due to the subject area being wet and is subject to perched water therefore an application to construct/install an apparatus for the treatment of sewage will need to be lodged with the Shire, as the current effluent disposal system is not large enough to cope with extra effluent created by the ancillary accommodation.

Impact of Variation:

Given the size of the lot and the existing vegetation the ancillary accommodation will be screened from public view. It is considered that the sited location of the 'ancillary accommodation' is the most appropriate location in regard to site constrain such as existing outbuildings and vegetation.

Shire officers are of the opinion that the distance from the primary dwelling is unlikely to negatively impact on the amenity or character of the surrounding area.

Options and Implications:

With regards 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 able to be successfully argued.

Option 1 is recommended.

Conclusion:

It is recommended that the development application be granted planning approval as the assessment of the proposed 'ancillary accommodation' has been assessed against the provisions contained within LPP17 and the Scheme and is considered to satisfy the Shire's Planning framework as the finished built quality is of a high quality, which is suitably screened and unlikely to pose any amenity issues in the surrounding locality.

Attachments:

- [OCM196.1/10/15](#) – Site Plan, Side Elevations and Locality Plan (IN15/15072)

Voting Requirements: Simple Majority

OCM196/10/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Erren, seconded Cr Wilson

That Council approves the application submitted by DA & LJ Thomas & P & M Lee on behalf of the landowner(s) Douglas Albert & Lesley Jane Thomas for the proposed 'ancillary accommodation' as indicated on the approved plans and does not relate to any further development on Lot 818 (#52) Mount Eden Lane, Oakford, subject to the following conditions:

- a. If the development above 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 storm water to be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses or drainage lines is not permitted.
- c. Prior to occupation of the development, the landowner shall install an approved effluent disposal system.
- d. 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.
- e. 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.

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

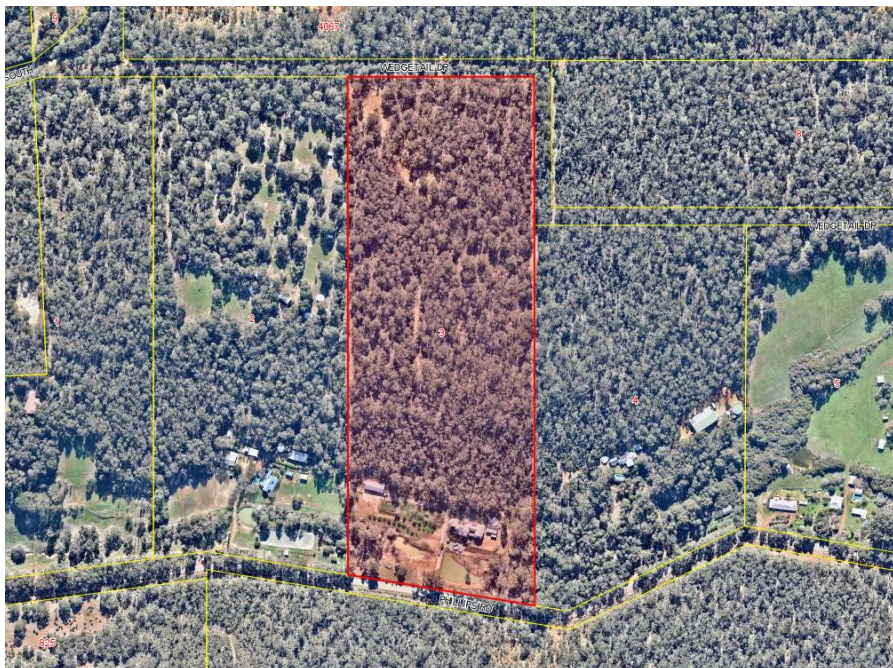
OCM197/10/15	Lot 3 (#77) Phillips Road, Karrakup – Retrospective Modifications to Dam and Driveway (P05011/07)
Author:	Regan Travers– Senior Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	8 September 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Owner: Colin Ross
 Date of Receipt: 26 June 2015
 Lot Area: 123,758m² (12.37ha)
 Town Planning Scheme No 2 Zoning: 'Rural'
 Metropolitan Region Scheme Zoning: 'Rural'

Introduction:

The purpose of this report is to consider the development application for modifications to a dam and driveway (partially commenced) on Lot 3 (#77) Phillips Road, Karrakup (the site).

The proposal is presented to Council as it is considered to be 'high impact' and in accordance with Local Planning Policy No. 33 - Construction of Dams (LPP 33), must be determined by Council.



Aerial Reference

Background:

Existing Development:

The site features a 'single dwelling' and a number of 'outbuildings' associated with the rural use of the land.

Proposed Development:

The applicant proposes to upgrade the existing dam and driveway in the following manner:

Driveway:

- Upgraded from gravel to asphalt (600m compacted clay gravel, 350mm fine crushed rock and 40mm asphalt built up 1 metre);

- Construct concrete barrier along both sides to stop erosion; and
- Spillway upgraded to 2 x 300mm pipes (previously one 300mm pipe).

Dam:

- Sealing and clay lining;
- Keyed edges; and
- Reduced dam capacity by 25%.

Some works commenced on-site but have ceased to allow for a planning application to be progressed and determined.

Relevant Previous Decisions of Council:

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

Community / Stakeholder Consultation:

The application has been advertised in accordance with clause 6.3 of Town Planning Scheme No.2 (TPS 2), no objections were received.

Statutory Environment:

- Metropolitan Regional Scheme.
The site is zoned 'Rural' under the Metropolitan Regional Scheme.
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.
The site is zoned 'Rural' under the Town Planning Scheme.
- Policy Local Planning Policy No. 33.
The proposed development has been assessed against LPP 33. The location of the dam is high impact due to being within 100 metres of the primary setback and being sited within 200 metres of a road.

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:

The proposed development is generally consistent with the Town Planning Scheme No. 2 and the objectives of LPP 33 in 'Rural' areas.

Water Course Impacts:

The property is outside the surface water area proclaimed under the *Rights in Water and Irrigation (RIWI) Act 1914* and a license to take water is not required.

Under the *Rights in Water and Irrigation Act 1914* the proponent has a 'riparian' right to take water for stock watering, firefighting and ordinary domestic use as long as it does not 'sensibly' diminish the flow of the water course, even in an un-proclaimed area.

There is one property immediately downstream that is also reliant on the watercourse for its 'riparian' right to take water for stock watering, firefighting and ordinary domestic use.

The flow of the watercourse will be diminished for the period it takes to fill the new 'modified' dam. It is possible to maintain flow in a watercourse, such that it might not be continually diminished, by installing a pipe to allow an amount of water flow to bypass the dam while it fills. Should the application be approved, Shire officers recommend a condition of planning approval be added in this 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 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 State Administrative Tribunal which may not be able to be successfully argued.

Option 1 is recommended.

Conclusion:

The proposed development is generally consistent with the TPS 2 and LPP 33 objectives for dam construction in rural areas and does not raise any planning concerns.

Attachments:

- [OCM197.1/10/15](#) – Development Plans and Information (E15/4436)

Voting Requirements: Simple Majority

OCM197/10/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Moore, seconded Cr Piipponen

That Council approves the application submitted by Colin Ross for modifications to existing Dam and Driveway, as indicated on the approved plans and does not relate to any other development on Lot 3 (#77) Phillips Road, Karrakup, subject to the following conditions:

- a. 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.**
- b. A by-pass device shall be installed in, around or over the dam wall to allow water flow to be maintained in the watercourse 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. With regard to condition (b), the bypass water flow device is to be maintained until the dam fills and naturally overflows or the watercourse above the dam ceases to flow, whichever occurs first.**

CARRIED UNANIMOUSLY

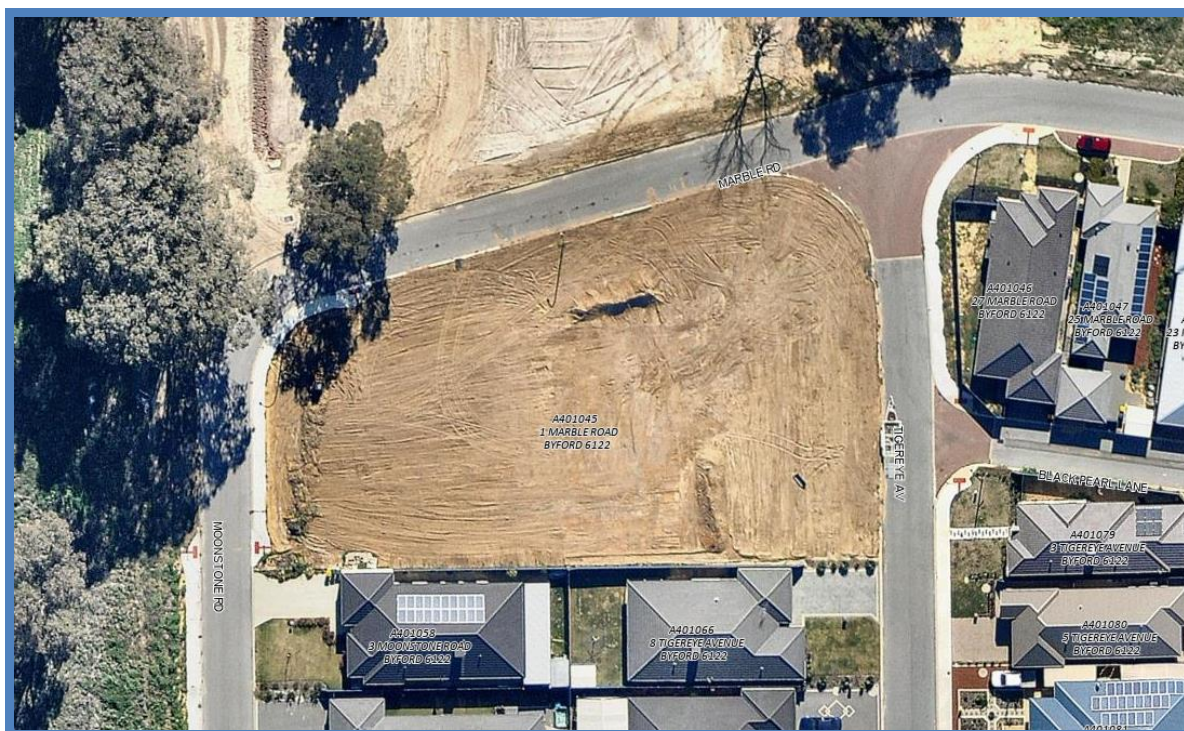
OCM198/10/15	Lot 1 (#1) Marble Road, Byford – Proposed Ten (10) Grouped Dwellings (P08735/01)
Author:	Regan Travers – Senior Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	2 September 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: BGC Residential Pty Ltd
 Owner: Tigra Investments Pty Ltd
 Date of Receipt: 29 April 2015
 Lot Area: 2252m² (0.22ha)
 Town Planning Scheme No 2 Zoning: 'Urban Development (Residential R40)'
 Metropolitan Region Scheme Zoning: 'Urban'

Introduction

The purpose of this report is to consider the development application for ten (10) 'grouped dwellings' on Lot 1 (#1) Marble Road, Byford (the site).

The proposal is presented to Council, due to an objection being received against the application.



Aerial Reference

Background:

Existing Development:

The subject site is currently vacant, with existing 'single dwellings' abutting to the south.

Proposed Development:

The applicant proposes to develop ten (10) 'grouped dwellings' on the subject site.

All units feature the following:-

- Two (2) car parking spaces (some double garages, some tandem with a single garage)
- Three (3) bedrooms
- Two (2) bathrooms

In addition to the R60 density code, a Detailed Area Plan (DAP) applies to the lot. The DAP varies standard R-Code provisions, notable variations include:-

- Maximum of ten (10) units permitted
- All dwellings shall be provided with double garages / carports constructed of materials which complement the dwelling
- No nil setbacks to adjoining properties

Relevant Previous Decisions of Council:

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

Community / Stakeholder Consultation:

The application has been advertised in accordance with clause 6.3 of Town Planning Scheme No. 2 (TPS 2), one objection was received from an adjoining landowner.

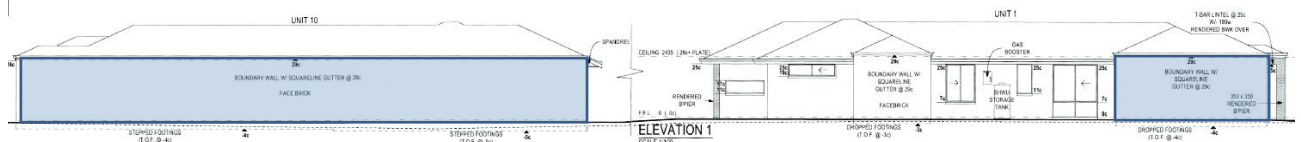
Objection:

An adjoining landowner objected to the following element of the proposal:

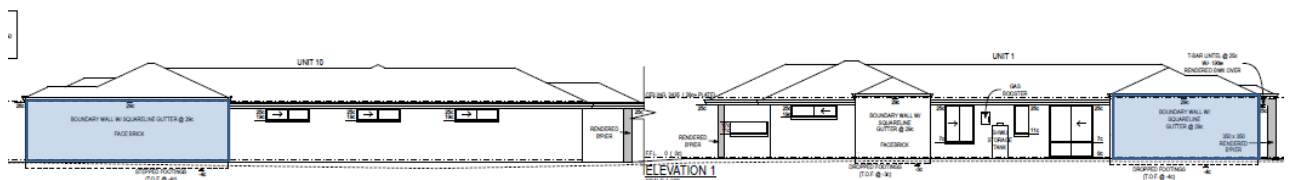
- Nil setback wall impacts amenity and solar access for their northern windows

Applicant response:

The applicant provided a revised plan, indicating a reduction of the nil setback from 21 metres in length to 6.4 metres, abutting the adjoining lot’s garage, which also has a nil setback. The proposed nil setback wall extends 1.1 metres beyond the adjoining neighbours’ garage wall.



Original Side Elevation (blue highlighted area indicates nil setbacks)



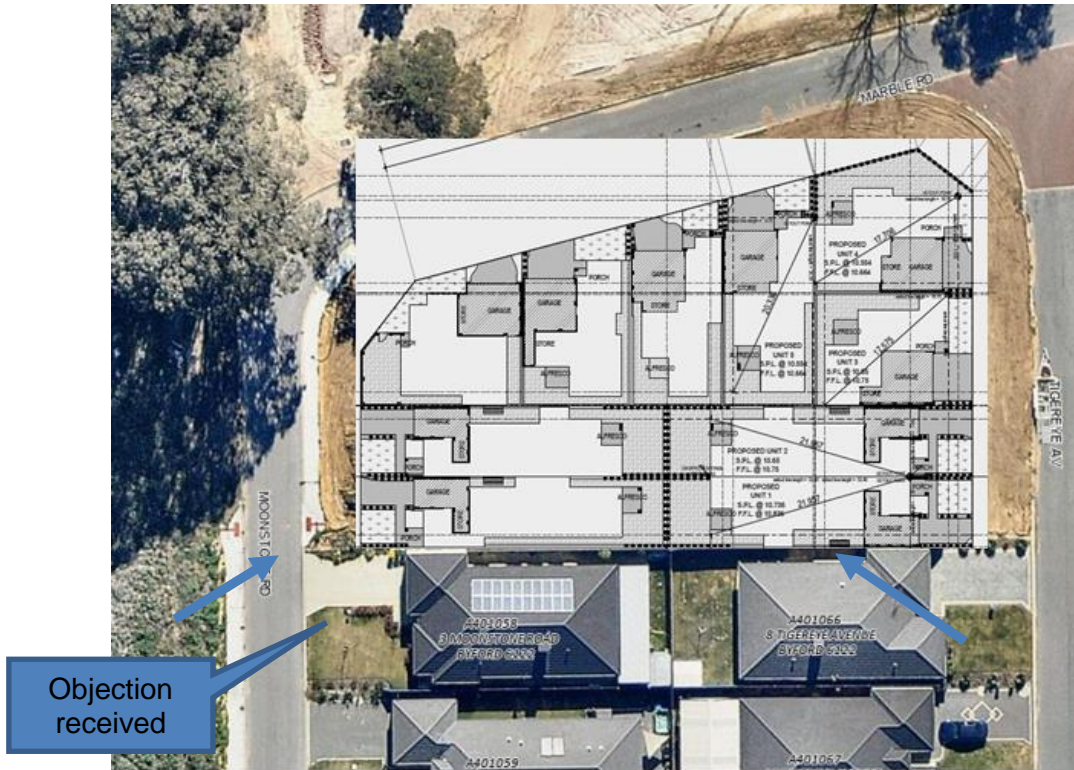
Revised Side Elevation (blue highlighted area indicates nil setbacks)

The applicant justified the nil setbacks based on the intended built form of the subject site, noting that the development achieves appropriate residential density and provides an attractive street-focused building facade.

Shire officers comment:

Shire officers acknowledge that solar access is a planning concern and are of the opinion that the revised plans indicate a design which gives due consideration to the concerns raised

by the adjoining landowner, primarily by changing the length of the nil setback wall in order to comply with R-Codes requirements. The 6.4 metre wall partially blocks one north facing window (theatre room) of the adjoining property, when previously it blocked solar access to all north facing windows.



Development Overlay Diagram

The above diagram demonstrates the alignment of the proposed nil setback garage with the existing nil setback garages of the adjoining lots.

Statutory Environment:

- Metropolitan Regional Scheme
The site is zoned 'Urban' under the Metropolitan Regional Scheme
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2
The site is zoned 'Urban Development' (Residential R40) under the Town Planning Scheme
- Detailed Area Plan
Grange Meadows Estate Stage 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 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:

Shire officers note that the proposed development is generally consistent with the development objectives which have been established for the subject grouped housing site.

The proposed development proposes a number of R-Codes variations, however they are minor and are internal to the site. Whilst the proposed nil setback wall partially blocks one of four (4) north facing windows on the southern property, it is noted that the nil setback wall is compliant with R-Codes requirements.

Both dwellings are single storey and are likely to contribute to overshadowing, however this is expected to be well within R-Code requirements due to the adjoining dwelling having an alfresco area to the east, which already has a substantial amount covered by a patio.

Options and Implications:

With regards 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 successfully argued.

Option 1 is recommended.

Conclusion:

Shire officers consider the proposed development to be consistent with the development objectives of the site. The revised plans with a reduced nil setback wall are R-Codes compliant and are considered to sufficiently address the concerns raised by the adjoining landowner.

Attachments:

- [OCM198.1/10/15](#) – Revised Plans (E15/4413)
- [OCM198.2/10/15](#) – Justification for Variations (E15/4412)
- [OCM198.3/10/15](#) – Schedule of Submissions (E15/2856)

Voting Requirements: Simple Majority

OCM198/10/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Wilson, seconded Cr Hawkins

That Council approves the application submitted by BGC Residential Pty Ltd on behalf of the landowner Tigra Investments Pty Ltd. for ten (10) ‘Grouped Dwellings’ as indicated on the approved plans and does not relate to any other development on Lot 1 (#1) Marble Road, 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. Only the colours and materials identified on the Schedule of Materials and Finishes, attached to and forming part of this approval, shall be used.**
- c. Walls on the boundary shall be finished or rendered to match where practicable the colours and materials of the affected property to the satisfaction of the Shire's Director Planning.**
- d. 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.**
- 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. 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.**
- g. Prior to occupation of the development, the development shall be connected to a reticulated main sewer system.**
- h. Prior to occupation or such period as approved by the Director Engineering all driveway surfaces shall be constructed of a hardstand material such as concrete, brick paving or bitumen 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

Councillor Urban declared a financial interest in item OCM200/1015 and left the meeting at 7.31pm while the item was discussed.

OCM200/10/15	Lot 99 (#1908) South Western Highway, Mardella – Proposed Extension to Existing Nursery and Retrospective Earthworks / Land Fill (P00033/06)
Author:	Regan Travers – Senior Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	18 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: Harley Dykstra Pty Ltd
 Owner: Robert Blackburn and Jacqueline Bowen
 Date of Receipt: 18 June 2015
 Lot Area: 33,784m² (3.34ha)
 Town Planning Scheme No 2 Zoning: 'Rural'
 Metropolitan Region Scheme Zoning: 'Rural'

Introduction:

The purpose of this report is to consider the development application for an extension to the existing nursery and retrospective earthworks at Lot 99 (#1908) South Western Highway, Mardella.

The proposal is presented to Council, as a result of the Shire officer’s recommendation for refusal.



Aerial Reference

Background:

Existing Development:

The subject site currently accommodates a single dwelling and numerous outbuildings associated with the operation of the nursery. Some buildings have only been partially completed and the building permits have now expired.

Proposed Development:

There are two parts to the proposed development.

Retrospective Earthworks can be summarised as:

- Filling the extraction pit to same finished level as the nursery;
- Fill material is large granite rocks, blue metal and a top layer of clean fill; and
- Total fill estimate of 12,014 cubic meters.

Extension to Nursery can be summarised as:

- Completion of construction of the partially constructed nursery
- Construction of two new shade houses measuring 63.5m x 25m and 28m x 11.5m (total of 1,909.5m²);
- Construction of stone pitched embankment along eastern side of nursery;
- Construction of a lean-to extension to the eastern side of the shed adjacent to the south of the existing dwelling; and
- Completion of the construction of the quarantine nursery, including the construction of an additional lean-to on the eastern side of the structure.

The proposed development will facilitate a greater capacity to produce a variety of cacti species.

Relevant Previous Decisions of Council:

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

Community / Stakeholder Consultation:

The application was referred in accordance with Clause 6.3 of Town Planning Scheme No. 2 (TPS 2) and Local Planning Policy No. 27 Stakeholder Engagement (LPP 27).

Landowners within 1,000 metres of the property were advised in writing of the proposed development, along with a number of government agencies.

Comment:

No submissions were received from nearby landowners, however, a number of submissions have been received from various government agencies.

Main Roads WA:

Main Roads advised that the proposed development would be acceptable as long as conditions were imposed on any approval advising that no earthworks are to encroach onto the South Western Highway reserve, no stormwater drainage shall be discharged onto the South Western Highway reserve and that all vehicle access shall be restricted to the existing driveway.

Applicant response:

The applicant accepted the conditions.

Shire officers comment:

Shire officers raise no concerns with the proposed conditions.

Department of Water:

The Department of Water advised that the information provided by the proponent to support this application is insufficient to provide a full assessment of the proposal's potential to impact water resources. At this point the Department does not support the proposal in its current form, and recommends that further information is provided.

Applicant response:

The applicant advised that the preparation of a Nutrient Irrigation Management Plan was not necessary given a low level of risk to water resources (full explanation is contained within submission schedule).

Shire officers comment:

Shire officers agree that a Nutrient Irrigation Management Plan must be provided, prior to any development being approved which is considered by the Department of Water to have potential groundwater contamination risks.

Department of Parks and Wildlife (DPAW):

The DPAW raised concerns with the proposed development and its proximity to (and within) Bush Forever Site 71 (Transit Road Bushland). The DPAW advised that it does not support development within the Bush Forever boundary of the clearing of the Floristic Community Type 3b vegetation which is ranked as a Threatened Ecological Community.

Applicant response:

The Applicant advised that 6 large trees were lost during two large storm events in late 2014 and early 2015. The Applicant acknowledged that a portion of the proposed development occurs within the Bush Forever protected area. The Applicant noted that the area of proposed development has already been largely cleared and therefore, the proposed development will not result in any further degradation of sensitive vegetation. Additionally, if the Shire is willing to support the development as proposed, the land owner is prepared to accept a condition on the Development Approval that requires the fencing of the significant vegetation as well some limited rehabilitation. It should be noted that some portions of the bush forever area cannot be rehabilitated such as the historical gravel pit site, given the nature of the ground.

Shire officers comment:

Shire officers acknowledge that development is proposed within the Bush Forever Site and are not supportive of development within Bush Forever areas, regardless if its biodiversity value appears to have decreased.

Statutory Environment:

- Metropolitan Regional Scheme
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' under the Town Planning Scheme.
- State Planning Policy
As the subject site is partially covered by a Bush Forever area, State Planning Policy 2.8 – Bushland Policy (SPP 2.8) applies to the site.

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).

An appeal will have a financial impact on the Shire as it may be necessary to appoint consultants and potentially legal counsel to assist in the appeal process.

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

Shire officers do not consider the proposed development to be consistent with the Shire's Strategic Community Plan due to the substantial amount of structures on the site and the negative impact of those structures on vegetation and the rural character of the area.

Planning Assessment:

Retrospective Earthworks and Land Fill:

Shire officers note that material has been extracted from the site without necessary Local Government approvals. Shire officers do not raise concerns with the filling of the land, however; it is noted the area use for material extraction is more appropriately revegetated. If the land fill was to be approved, conditions regarding trucks entering the site and a Landscaping Revegetation Plan are recommended.

Shire officers note that the applicant has not demonstrated whether the proposed fill material will be suitable to facilitate the excavated area being returned to its pre-excavation vegetated state.

Extensions to Existing Nursery:

Nutrient Irrigation Management Plan

Shire officers agree with the Department of Water's concerns regarding Nutrient Irrigation Management. The applicant has confirmed the use of fertilisers, but has failed to demonstrate the specific management measures which will be employed on-site to ensure groundwater contamination does not occur. Arrangements to ensure that the development would not have any negative impacts on groundwater for the life of the development would also need to be known prior to Shire officers supporting the application.

Bush Forever Site 71

The proposed development does not acknowledge Bush Forever is located within the subject site and within the proposed development footprint. SPP 2.8 recommends all proposals and decision making affecting a Bush Forever area should:

- Recognise regionally significant bushland protection and its management as a primary purpose and a fundamental planning consideration in its own right as part of an area's essential environmental infrastructure;
- ensure that all reasonable steps have been taken to avoid, minimise and offset any likely adverse impacts on regionally significant bushland;
- adopt or incorporate the impact assessment process and criteria (SPP 2.8 Appendix 1 and 2) if adverse impacts are unavoidable.

Shire officers believe the applicant has provided insufficient information regarding Bush Forever Site 71 and the points listed above which is required, prior to an application being suitable for approval. In addition, it appears works have been completed by the landowner with no regard to the Threatened Ecological Community and Council consideration.

Options and Implications:

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

Option 1: Council may resolve to refuse the application.

Refusal of the application may result in an appeal to the SAT.

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

The approval of the application without the additional information requested by both Shire officers and state agencies may result in a negative impact on the environment.

Option 1 is recommended.

Conclusion:

While the strategic documents may support the type of use, Shire officers are unable to provide an informed recommendation without the submission of the following documents / information:

- Potential buffers;
- Nutrient management plan;
- Landscape and vegetation management plan;
- Storm water management plan;
- Noise impact statement / study;
- Odour impact statement / study;
- Dust impact statement / study; and
- Disposal of liquid and hard waste.

In addition the proposed development does not address SPP 2.8 for Perth Metropolitan Region, which requires all proposals which affect Bush Forever should:

- Recognise regionally significant bushland protection and its management as a primary purpose and a fundamental planning consideration in its own right as part of an area's essential environmental infrastructure;
- Ensure that all reasonable steps have been taken to avoid, minimise and offset any likely adverse impacts on regionally significant bushland; and
- Adopt or incorporate the impact assessment process and criteria (SPP 2.8 appendix 1 and 2) if adverse impacts are unavoidable

Shire officers have forwarded the request for additional information to the applicant, however the applicant has indicated that the additional information is not necessary.

Attachments:

- [OCM200.1/10/15](#) – Development Plans (IN15/12421)
- [OCM200.2/10/15](#) – Schedule of Submissions (E15/4732)

Voting Requirements: Simple Majority

Councillor Moore foreshadowed he would move a new motion to approve the application with conditions if the motion under debate is lost.

OCM200/10/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Moore, seconded Cr Hawkins

That Council refuses the application submitted by Harley Dykstra on behalf of the landowners Robert Blackburn and Jacqueline Bowen for extension to the existing nursery and retrospective earthworks / Land Fill on Lot 99 (#1908) South Western Highway, Mardella, for the following reasons:

- a. The Shire is not supportive of development within Bush Forever Area 71.**
- b. Insufficient information has been provided to address State Planning Policy 2.8 – Bushland Policy.**
- c. Insufficient information has been provided to address the Shire and Department of Water's concerns regarding potential groundwater contamination.**

Advice Notes:

- a. Advises the landowner that all unauthorised structures are required to be removed within 30 days calculated from the date of being notified of this refusal.**
- b. Advises the landowner to submit to and have approved by the Director Engineering a landscape and vegetation management plan for the rehabilitation of the cleared Bush Forever area within 30 days of being notified of this refusal.**

c. Advises the landowner to implement the approved landscape and vegetation management plan required within 60 days (or such further period as may be approved by the Director Engineering) of the approval of the landscape and vegetation management plan.

d. Advises the landowner that failure to comply with the above may result in legal action being taken against the landowner / occupant.

CARRIED 5/4

The Shire President used his casting vote.

Councillors Moore and Rossiter requested their votes against the motion be recorded.

Councillor Urban returned to Chambers at 7.39pm

Councillor Moore declared a proximity interest in item OCM201/10/15. Councillors Erren, Rossiter and Hawkins declared a financial interest in item OCM201/10/15. Councillors Erren, Rossiter, Hawkins and Moore left the meeting at 7.39pm whilst item OCM201/10/15 was discussed.

Councillor Kirkpatrick requested a point of order to clarify that the CEO had sought legal advice which confirmed that Councillor Kirkpatrick had disclosed an interest in a matter before Council and based on being an impartiality interest he is able to remain in chambers and partake in the debate and vote on agenda item OCM201/10/15.

OCM201/10/15	Lot 4 (#829) South Western Highway, Byford - Proposed Byford Town Centre Structure Plan Modification – (SJ1032-02)
Author:	Heather Carline – Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	21 July 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: Urbis Pty Ltd
 Owner: R and C Borich
 Date of Receipt: 18 June 2015
 Lot Area: 2934m² (0.29ha)
 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 a portion of the Byford Local Structure Plan (LSP) which falls over Lot 4 (#829) South Western Highway, Byford and determine if the modified Structure Plan is satisfactory for advertising.

Council and the Western Australian Planning Commission (WAPC) have previously approved the LSP for the subject site, however, the applicant has submitted a modified LSP, which if approved, will replace the existing approved LSP.

A Council resolution is required in order to initiate advertising.



Background:

In December 2011 the WAPC approved the LSP subject to a schedule of modifications. In February 2013, Council was consulted in respect of a further revised schedule of modifications. Council expressed its position in respect of the matters, resulting in Final Adoption in February 2014.

Existing Local Structure Plan:

Lot 4 (#829) South Western Highway is located within the town centre of Byford. The lot is located to the western side of South Western Highway with George Street running along the western boundary and Pitman Way to the southern boundary. The site is currently vacant and comprises of established vegetation.

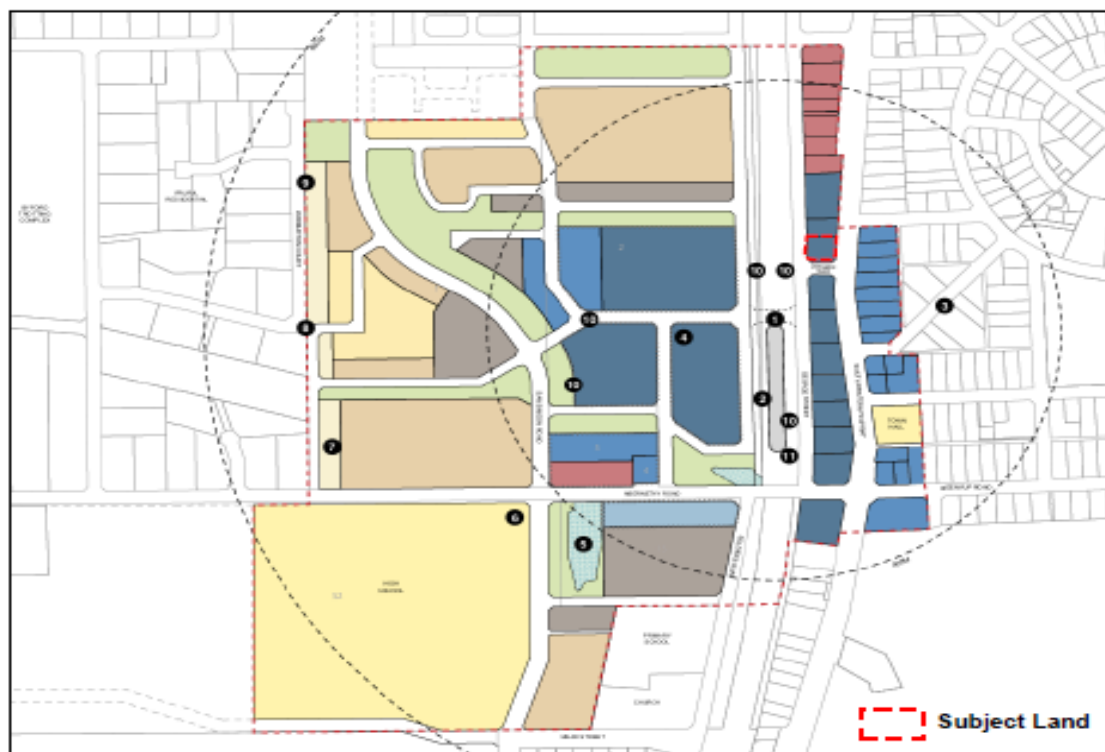
The southern portion of the lot, subject to the modification, is currently zoned as 'Public Open Space' (POS) under the LSP.

Proposed Major Modification to Local Structure Plan:

The proposed modification seeks to rezone the southern portion of Lot 4 (#829) South Western Highway from 'Public Open Space and Drainage' to 'Town Centre'. The intention of the rezoning is to facilitate development of the site to provide for a Café.

The details of the development will be assessed through the Development Application process and the modification of the LSP seeks approval for the modification to the zoning of the land only.

The proposed modification is considered to alter the intent of the LSP through the loss of open space and by increasing the overall provision of retail floor space.



Location Plan

Relevant Previous Decisions of Council:

OCM152/02/13 - Byford Town Centre Local Structure Plan - Proceedings before the SAT
OCM123/02/14 – Byford Town Centre Local Structure Plan – Final Adoption

Community / Stakeholder Consultation:

As a major modification to the LSP, the proposal is required to be advertised in accordance with Clause 6.3 of Town Planning Scheme No. 2 (TPS 2), and Local Planning Policy No. 27 (LPP 27) – Stakeholder Engagement in Land Use Planning.

Statutory Environment:

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

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.

Planning Assessment:

Public Open Space:

The proposed modification seeks to rezone approximately 1500m² of land from 'Public Open Space and Drainage' to 'Town Centre'. The applicant has provided site area calculations for the provision of open space within the Local Structure Plan. Currently the Local Structure Plan provides for 6.82ha or 14.95% of 'Public Open Space'. This exceeds the minimum 10% requirement by 4.95%. The reduction of open space that would result from the proposed modification would not result in a reduction below the 10% minimum requirement.

Town Centre/Retail floor space:

As part of the original LSP, a retail demand analysis was undertaken to inform an appropriate amount and distribution of retail net lettable area (NLA) within the Byford Town Centre. The analysis concludes that the Town Centre will support between 8,962m² and 15,538m² of retail NLA to 2031.

The applicant considers that the proposed rezoning will only marginally increase the potential of the overall Town Centre. The proposed future development will be limited by parking and drainage requirements thereby only adding approximately 500m² of potential retail NLA towards the Town Centre total.

Drainage:

Given the nature of the land and topography of the area, the drainage requirements for the LSP area are significant which resulted in a 'Public Open Space' provision in excess of the standard 10% requirement.

The applicant has advised that future development will retain the existing creek line and allow for the drainage functions of the multiple use corridor to continue as proposed.

To ensure that the full drainage network across the Byford Town Centre Structure Plan will work, rather than looking at the subject site in isolation, Shire officers recommend that the Local Water Management Strategy for the entire Town Centre area be updated, prior to the modification being advertised for community and relevant agency comment.

Options and Implications:

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

Option 1: Council may resolve that the major modification to the Byford Town Centre Local Structure Plan is not to be advertised until further details have been provided to the satisfaction of the Director of Engineering.

Option 2: Council may resolve to advertise the major modification to the Byford Town Centre Local Structure Plan and commence advertising.

Resolving to advertise the major modification will facilitate community consultation being undertaken.

Option 3: Council may resolve that the modification is not satisfactory for advertising.

Resolving not to advertise the modification will result in a delay in advertising.

Option 1 is recommended.

Conclusion:

It is concluded that pursuant to Clause 5.18.3.2 (a) of TPS 2 the proposed major modification to the Byford Town Centre Local Structure Plan is satisfactory for advertising. The Shire officers understand that the purpose of the proposal is to facilitate a Development Approval over the site.

Attachments:

- [OCM201.1/10/15](#) – Structure Plan Amendment from Urbis (E15/3146)

Voting Requirements: Simple Majority

OCM201/10/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Wilson, seconded Cr Piipponen

That Council:

1. Approves the advertising request submitted by Urbis on behalf of the landowners R and C Borich for the modification of the zoning of Lot 4 (#829) South Western Highway, Byford as follows:
 - a. Modifying the existing zoning from 'Public Open Space and Drainage' to 'Town Centre'.
2. Subject to the following, advertising the proposed modified Local Structure Plan in accordance with clause 5.18.3 of the Town Planning Scheme No. 2:
 - a. The submission and approval by the Director Engineering of an updated Local Water Management Strategy.
3. Subject to no objections being received during the advertising period required in (2) above, the modified Byford Local Structure Plan is adopted in accordance with clause 5.18.3.7 of the Shire's Town Planning Scheme No. 2. The adoption date is to be the date of the first Ordinary Council Meeting following the closure date of the advertising period required in (2) above.

CARRIED 5/0

Councilors Erren, Rossiter, Hawkins and Moore returned to the Chambers at 7.40pm

OCM202/10/15	Lot 102 (#138) Larsen Road, Byford – Proposed ‘Outbuilding’ (Shed) (P05656/02)
Author:	Heather Carline – Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	14 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: Mr T Tobia
 Date of Receipt: 31 August 2015
 Lot Area: 4027m² (0.4ha)
 Town Planning Scheme No 2 Zoning: ‘Rural Living A’
 Metropolitan Region Scheme Zoning: ‘Urban Deferred’

Introduction

The purpose of this report is to consider the development application for an ‘outbuilding’ (shed) on Lot 102 (#138) Larsen Road, Byford.

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



Aerial View

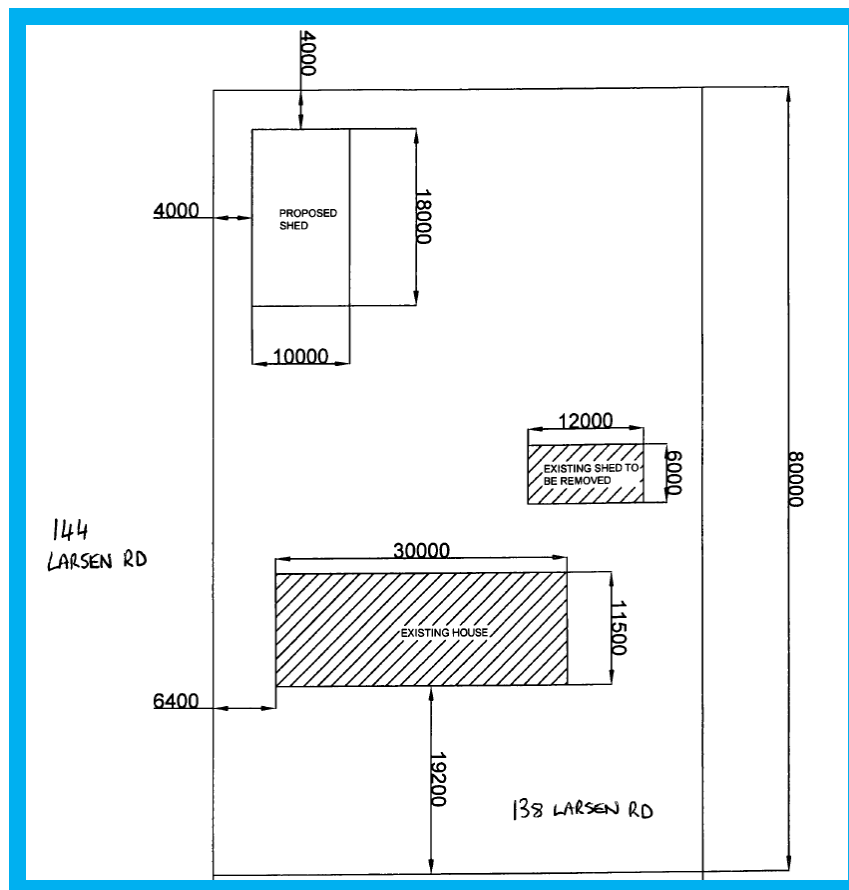
Background:

Existing Development:

The site currently comprises of a single dwelling, a shed and a water tank.

Proposed Development:

The application seeks approval for an ‘outbuilding’ (shed). The ‘outbuilding’ (shed) would be located to the rear of the site in close proximity to the western boundary. It would be set back from the rear and side boundaries by 4m.



Proposed layout

The proposed 'outbuilding' (shed) would measure 18m x 10m equating to 180m². The wall height would be 4m with a ridge height of 5m. It would be of colorbond construction coloured 'pale eucalypt'. The proposed 'outbuilding' (shed) would replace an existing building that would be demolished following the construction of the proposed building.

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, no objections have been received.

Statutory Environment:

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

LPP 17 specifically deals with 'outbuildings'. Tables 3.1 and 3.2 of this policy detail the recommended setbacks and sizes of outbuildings within specific zones within the Shire. The policy states that where a building envelope exists, development is to be contained within the approved building envelope unless approval is granted by the Shire in writing.

In this case the application site has an approved building envelope. The 'outbuilding' (shed) to which the application relates is proposed outside of this approved building envelope, however the policy principles still apply.

The applicant has confirmed that the 'outbuilding' (shed) is proposed in its location to provide separation between the 'outbuilding' and the dwelling.

Size of Development:

LPP 17 sets out development requirements for 'outbuildings'. Within the 'Rural Living A' zone it states that the maximum overall floor area should not exceed 150m², the wall height should not exceed 3.5m and the maximum ridge height should not exceed 5m.

In this case there is an existing 'outbuilding' on site that measures 72m² in floor area. The applicant has confirmed that the proposed 'outbuilding' (shed) will replace this structure and application for a demolition permit has been submitted to the Shire's building department. Any approval would be conditioned to ensure that this was demolished prior to the use of the proposed 'outbuilding' (shed).

The proposed 'outbuilding' (shed) would measure 180m² in floor area, 30m² over the policy requirement as set out in LPP 17. The wall height of the proposal is 4m, this is also an increase to the policy requirement. The overall height of the 'outbuilding' (shed) complies with the policy requirement.

The objective of the policy is to provide for uniformity of residential and incidental development standards, consistent with local needs.

The purpose and intent of the 'Rural Living A' zone is set out in the Shires Rural Strategy and includes the provision for opportunities for development that maintains rural character and promotes appropriate land management and to provide an opportunity for residential uses in a rural setting.

In this instance although the proposal would exceed the floor area and wall height of the policy requirement, due to its proposed location, it is not considered to be to the detriment of the visual amenity of the area or neighbouring residents. It is considered that the proposal is consistent with the objectives of LPP 17 and the use of the land.

Setbacks:

Table 3.1 of LPP 17 states that the front setback for development zoned 'Rural Living A' should be 15m and all other setbacks should be 7.5m.

The proposed 'outbuilding' (shed) would have a setback to the western side boundary with #144 Larsen Road and a rear setback of 4m. The applicant has stated that if the policy setbacks were adhered to, then the proposed development would encroach too far into the

property. It is acknowledged that the 'outbuilding' (shed) has been located to maximise the outside space behind the house.

The neighbours at #144 Larson Road have no objections to the proposal. This property has 'outbuildings' (sheds) located in close proximity to this side boundary with reduced setbacks and therefore the area of this neighbours land directly adjacent to the proposed development is not used as an area of 'outdoor living'. It is therefore considered that the proposal would not impact the level of residential amenity currently afforded by way of unacceptable building bulk.

The land to the rear of the site forms part of Lot 100 Larsen Road measuring 1.3ha in area with the house and garden fronting onto Larsen Road, a significant distance from the boundary with the application site. Due to the size and use of this adjacent lot and the scale of the proposed 'outbuilding' (shed) it is considered that the proposal would not have a detrimental impact on the amenity of these neighbouring residents.

The front setback and the setback to the eastern boundary are compliant with the policy.

Impact on Streetscape and Visual Amenity:

As acknowledged, the size of the development exceeds the recommended size for 'outbuildings' as set out in LPP 17. In terms of impact on the streetscape, the 'outbuilding' (shed) would be located towards the rear of the site and behind the house, a significant distance from the front boundary facing onto Larsen Road. For this reason it is considered that the proposed 'outbuilding' (shed) would not have a detrimental impact on the visual amenity of the streetscape or surrounding area.

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 successfully argued.

Option 1 is recommended.

Conclusion:

The proposal will provide for a replacement 'outbuilding' (shed) for the use of storage. Although the proposed development exceeds the policy requirements of LPP 17 by reason of its floor area, wall height and setbacks, it is considered that the design of the proposal by way of siting, scale and appearance is consistent with buildings within the surrounding area. It is also considered that the proposal will not harm the residential amenity of any neighbouring residents. For these reasons the objectives of LPP 17 have not been compromised.

It is recommended that the proposed 'outbuilding' (shed) be approved subject to conditions.

Attachments:

- [OCM202.1/10/15](#) - Elevations (E15/4689)

Voting Requirements: Simple Majority

OCM202/10/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Wilson, seconded Cr Moore

That Council approves the application submitted by Mr T Tobia for the proposed 'outbuilding' (shed) as indicated on the approved plans and does not relate to any other development on Lot 102 (#138) Larsen Road, Byford, subject to the following conditions:

- a. If the development referred to above 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. Within 30 days of the date of completion of construction of the 'outbuilding' (shed) hereby approved the existing 'outbuilding' (shed) as shown on the approved site plan shall be demolished.**
- 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.**
- g. Prior to the use of the 'outbuilding' (shed) or such period as approved by the Director Engineering all driveway surfaces shall be constructed of a hardstand material such as concrete, brick paving or bitumen 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

OCM203/10/15	Lot 14 (#7) Bateman Street, Byford – Proposed Oversize Outbuilding (P04193/01)
Author:	Helen Maruta – Senior Planner
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	21 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>

Owner: Danny and Tanya Berrington
 Date of Receipt: 7 August 2015
 Lot Area: 1517m² (0.15ha)
 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 oversize and over height 'outbuilding' (shed) on Lot 14 (#7) Bateman, Byford.

The proposal is presented to Council for consideration as Shire officers have no delegation to determine applications that exceed the guidelines set out in Local Planning Policy 17 – Residential and Incidental Development (LPP 17).



Aerial Reference

Background:

Existing Development:

The subject land contains an existing dwelling and an 'outbuilding' (shed). The applicant provided information that the existing 'outbuilding' (shed) will be removed to make way for the new 'outbuilding' (shed).

Proposed Development:

- An 'outbuilding' (shed) with an overall total floor area of 108m²;
- A lean-to (open bays) attached to the 'outbuilding' (shed) with a floor area of 27m²;
- A wall height of 2.74m and roof height of 3.78m;

- The 'outbuilding' (shed) is setback 1 metre from the rear boundary and 0.5metres from the side boundary;
- The shed is proposed to be constructed entirely out of colorbond materials.

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, no submissions 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

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:

LPP 17 Residential and Incidental Development:

Table 3.1 Setbacks Dwellings, outbuildings, swimming pools, carports patios gazebos verandahs etc.

Setbacks	Required	Proposed	Comments (Complies/Variation Supported/Condition Required)
Rear	1.5m	1.0m	Variation - supported. The 'outbuilding' (shed) is out of view from neighbours screened by mature trees.
Side	1m	0.5m	
Floor Area (combined total floor area of all outbuildings)	10% of the lot area or 60m ² whichever is the smallest.	108m ²	Variation - supported. The proposal is considered to have sufficient merit, having regard to the size of the lot being 1517m ² . It is reasonable to allow larger blocks to have a larger floor area for outbuildings without impacting on adjoining neighbouring properties.
Wall Height	Max. 2.4m	2.74m	Variation – supported as it falls within the 20% (2.88m) acceptable variation prescribed under LPP17. The 'outbuilding' (shed) is located at the rear of the dwelling and will not be visually intrusive from the streetscape.
Roof Height	Max. 4.2m	3.87m	Complies

The applicant provided information that the necessity for the wall height and size of the proposed 'outbuilding' (shed) is for the storage of private vehicles including an excavator, trailer and vintage motor bikes. Shire officers are of the opinion that the justification of the proposal is acceptable and can be considered as representing 'incidental development' to a 'single dwelling' in terms of use class for the land.

The surrounding properties generally have existing large storage 'outbuildings' (sheds) consistent with the current proposal. The proposal is therefore, considered unlikely to cause any adverse effect in the locality and the general character and amenity of the area.

Options and Implications:

With regards 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 State Administrative Tribunal which may not be successfully argued

Option 1 is recommended.

Conclusion:

It is considered reasonable to support the variations as the 'outbuilding' (shed) is considered unlikely to adversely affect the amenity of the general locality and the streetscape. It is recommended that the application be conditionally approved.

Attachments:

- [OCM203.1/10/15](#) – Development Plans (E15/4725)

Voting Requirements: Simple Majority

OCM203/10/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Wilson, seconded Cr Rossiter

That Council approves the application submitted by Danny Berrington for an 'Outbuilding' (shed) as indicated on the approved plans and does not relate to any other development on Lot 14 (#7) Bateman Street, Byford, subject to the following conditions:

- a. If the development referred to above 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), unless the written approval of the Shire has been obtained.**
- c. All existing native trees 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 a septic tank or 1.8 metres of a leach drain.**

Advice Notes:

- a. The landowner is reminded 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

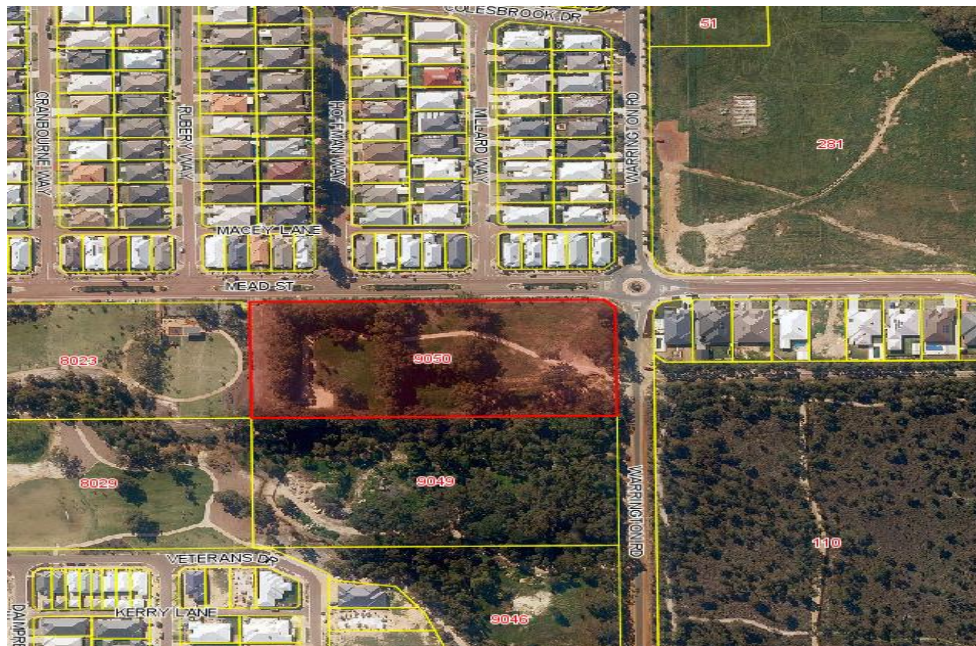
**Councillor Piipponen declared a financial interest in item OCM204/10/15/
Councillor Kirkpatrick declared a proximity interest in item OCM204/10/15.
Councillors Kirkpatrick and Piipponen left the meeting at 7.42pm whilst item OCM204/10/15 was discussed.**

OCM204/10/15	Proposed Sublease between the Shire of Serpentine Jarrahdale and the Byford Glades Residents Association (SJ975-04)
Author:	Kristen Cooper – Leasing and Property Officer
Senior Officer/s:	Alan Hart – Director Corporate and Community
Date of Report:	18 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 Local Government Act

Introduction

The purpose of this report is to seek Council’s endorsement of this proposed sublease. Once Council’s approval is obtained the sublease will be executed by the Chief Executive Officer and Shire President. Byford Glades Residents Association Inc has for many years expressed a desire to create a community garden in the Glades. The Shire has entered into a Head Lease with the LWP Byford Syndicate until the land is ceded to the Crown as public open space. The Shire intends to enter into a sublease with the Byford Glades Residents Association so that the land can be actively used for the purposes of a community garden during this transition period.

Background



Aerial Photograph

Byford Glades Residents Association Inc is a voluntary, not for profit organisation whose primary aim is to promote harmony and goodwill amongst residents. They have been active in raising funds through various means, including sausage sizzles, rural roadside rubbish collections and have successfully applied for several grants, including the Shire’s Locality funding Program, since their formation in 2013. The community garden will be of benefit to residents of all ages.

Relevant Previous Decisions of Council

OCM048/04/15 delegated authority to the Chief Executive Officer and Shire President to sign, on behalf of Council, the lease with LWP.

Community / Stakeholder Consultation

Nil

Attachments

- [OCM204.1/10/15](#) – Proposed Lease between the Shire of Serpentine Jarrahdale and the Byford Glades Residents Association Inc (IN15/19793)

Alignment with our Strategic Community Plan

Community groups play a vital role in the community's wellbeing. The Byford Glade's Residents Association's purpose aligns with the shire's promotion of the benefits of volunteering in the community

Objective 6.2	Active and Connected People
Key Action 6.2.2	Use community facilities to provide social interactions for all age groups through appropriate activities and events

Statutory Environment

Nil

Financial Implications

There are no direct financial cost implications for Council.

Voting Requirements Absolute Majority

OCM204/10/15 COUNCIL DECISION / Officer Recommendation**Moved Cr Erren, seconded Cr Hawkins****That Council:**

1. **Endorse the terms and conditions in the Sublease as per attachment OCM204.1/10/15.**
2. **Endorse an annual lease fee of \$1 payable on demand.**
3. **Authorise the Chief Executive Officer and Shire President to sign the Sublease as per attachment OCM204.1/10/15 with the Byford Glades Residents Association for the purpose of a community garden for a period of two years.**

CARRIED BY ABSOLUTE MAJORITY 7/0**Councillors Kirkpatrick and Piipponen returned to Chambers at 7.43pm**

OCM205/10/15	Revised Code of Conduct for Councillors and employees (SJ708)
Author:	Karen Cornish – Governance Officer
Senior Officer/s:	Richard Gorbunow - Chief Executive Officer
Date of Report:	23 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 Local Government Act

Introduction

The purpose of this report is for Council to adopt a revised code of conduct. *Section 5.103 of the Local Government Act* requires every local government to prepare and adopt a code of conduct to be observed by Council members, committees and employees.

Background:

The existing Code of Conduct was adopted by Council in October 2011. Since this time, the Shire's vision and values have been reviewed and amended so it is appropriate that the Code of Conduct is also reviewed to ensure it supports the Shire's vision, goals and values.

The Code is relevant to all Councillors, employees of the Shire and consultants or contractors who are engaged to provide services to the Shire.

The Code of Conduct is designed to assist Councillors and employees understand the legal and moral obligations they have. The organisational values underpin our Code of Conduct and aim to provide Councillors and employees with the guidance they need to carry out their roles with integrity.

A code of conduct is a legislative requirement under *section 5.103 of the Local Government Act* and further legislation, including the *Local Government (Rules of Conduct) Regulations 2007* and the *Local Government (Administration) Regulations 1996* prescribe the codes of conduct or the content of and matters in relation to codes of conduct requirements.

Relevant Previous Decisions of Council:

SCM008/10/11 – Council adopted a new values based Code of Conduct for Councillors and employees.

Community / Stakeholder Consultation:

Community consultation is not required in this instance.

Comment:

Working in the public sector means that we have a responsibility to act in the public's best interest at all times, and a high standard of honesty, integrity, fairness and respect is expected from all Councillors, employees, consultants and contractors .

In any matter of misconduct or suspected misconduct, the CEO has an obligation under the *Corruption, Crime and Misconduct Act 2003* to notify the Corruption and Crime Commission or the Public Sector Commission of any matter that they suspect, on reasonable grounds, that concerns either serious or minor misconduct involving Councillors or employees.

Attitudes and behaviour affect colleagues and the way our stakeholders and community view the Shire. We need to ensure that what we say and do is aligned with the Code of Conduct. We should also be aware at all times that our individual and collective behaviour and the way we interact with our stakeholders defines our reputation and credibility in the wider community and other industries.

Options and Implications

Council has the following options:

1. Adopt the Code of Conduct as per the officer's recommendation.
It is recommended that Council adopt this option.
2. Refuse to adopt the Code of Conduct as per the officer's recommendation.
If Council were to refuse to adopt the Code of Conduct, they would be in breach of section 5.103 of the Local Government Act.
3. Resolve to modify the Code of Conduct.
Council may, at their discretion seek to modify any part or all of the Code of Conduct.

Conclusion

A working group involving Shire employees has spent significant time reviewing and updating the Shire's Code of Conduct. This Code seeks to demonstrate the Shire's ethical leadership in the context of our new values and reinforces our commitment to these values.

Attachments:

- [OCM205.1/10/15](#) – Revised Code of Conduct (E15/5005)

Alignment with our Strategic Community Plan:

Objective 1.2	Progressive Organisation
Key Action 1.2.3	Establish and communicate the Shire's purpose, vision, values and goals.
Key Action 1.2.6	Comply with all legislative and statutory requirements.

Statutory Environment:

Local Government Act 1995 (Section 5.103)
Local Government (Rules of Conduct) Regulations 2007
Local Government (Administration) Regulations 1996
Corruption, Crime and Misconduct Act 2003

Financial Implications:

There are no direct financial implications to Council related to this issue other than minor printing and design costs which can be accommodated within the current budget.

Voting Requirements: Simple Majority

OCM205/10/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Wilson, seconded Cr Erren

That Council, pursuant to s5.103 of the Local Government Act, adopt the Shire's revised Code of Conduct for Councillors and Employees as provided at attachment OCM205.1/10/15.

CARRIED UNANIMOUSLY

COUNCIL DECISION:

Moved Cr Wilson, seconded Cr Erren

That the meeting be closed to members of the Public at 7.45pm to allow Council to discuss Confidential Item OCM206/10/15 – Confidential – Recruitment Director Planning.

CARRIED UNANIMOUSLY

Members of the public were asked to leave the meeting whilst confidential item OCM206/10/15 was discussed. The doors were closed at 7.46pm.

OCM206/10/15	Confidential – Recruitment Director Planning (SJ635)
Author:	Lydia Highfield - WALGA
Senior Officer/s:	Richard Gorbunow - CEO
Date of Report:	24 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>

Voting Requirements: Simple Majority

OCM206/10/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Piipponen, seconded Cr Hawkins

That Council

1. Approves the employment contract for the appointment of preferred Applicant 17 as identified in attachment OCM206.1/10/15 to the position of Director Planning, as per Confidential Attachment OCM206.2/10/15, in accordance with section 5.37(2) of the Local Government Act.
2. Designates the position of Director Planning as a Senior employee in accordance with section 5.37(1) of the Local Government Act.

CARRIED UNANIMOUSLY

COUNCIL DECISION:

Moved Cr Piipponen, seconded Cr Erren

That the meeting be reopened to the public at 7.47pm.

CARRIED UNANIMOUSLY

Members of the public returned to the Chambers and the Presiding Member advised that item OCM206/10/15 was carried unanimously 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. Questions by members of which due notice has not been given:

In accordance with section 3.11A of the Shire of Serpentine Jarrahdale Standing Orders Local Law 2002 Councillor Wilson sought clarification from the Chief Executive Officer regarding the alleged financial interest Councillor Urban did not disclose at the Ordinary Council Meeting 29 September 2015.

The Chief Executive Officer advised that the matter had been reported to the Corruption and Crime Commission.

14. Closure:

There being no further business the Presiding Member declared the meeting closed at 7.48pm.

I certify that these minutes were confirmed at the
Ordinary Council Meeting held on 26 October 2015

.....
Presiding Member

.....
Date