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Minutes of the Ordinary Council Meeting held in the Council Chambers, 6 Paterson Street, Mundijong on Monday 14 September 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 Urban
J Erren
J Rossiter
G Wilson

Officers: Mr R Gorbunow Chief Executive Officer
Mr A Hart Director Corporate and Community
Mr M Lugod Acting Director Engineering
Mr D van der Linde Acting Director Planning
Ms K Peddie Executive Assistant to the CEO

Leave of Absence: Nil

Apologies: Cr B Moore

Observers: Nil

Members of the Public – 31

Members of the Press – 1

2. Response to previous public questions taken on notice:

No questions were taken on notice at Ordinary Council Meeting 24 August 2015.

3. Public question time:

Public question and statement time commenced at 7.01pm

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

Question 1:

Why has Gary Wilson applied for retrospective approval for an ancillary accommodation when there is no house on the property, this makes it a primary accommodation?

Response:

The item OCM161/09/15 is for a Retrospective Outbuilding (Shearing Shed) and a Single dwelling. The application does not make mention of an ancillary accommodation.

Question 2:

Was it Tony Simpson who took a photo of the petition for the judicial inquiry into Shire of Serpentine Jarrahdale before it was table and emailed it to Richard Gorbunow CEO of this Shire and why did he do it?

Response:

This question needs to be directed to Minister Tony Simpson as the CEO is not in a position to answer it.

Question 3

Whose idea is it to cul-de-sac Abernethy Road and block off ratepayers on the western side of Hopkinson Road and why hasn't the ratepayer been given the opportunity to know anything about this?

Response:

The closure in item OCM167/09/15 only refers to a portion of land to the southern side of Abernethy road that will not be required for the widening of Abernethy road in the future.

Mr M Byas, 101 Peters Way, Oakford, WA, 6121**Question 1:**

Can Council confirm that Federal Black Spot funding was received in 2003 for the Thomas Road / Nicholson Road intersection?

Response:

Yes

Question 2:

Can Council confirm that the money was returned to the funding authority in 2005 and why this occurred?

Response:

The funds were returned due to Main Roads WA not approving the Council Endorsed Plan to install Traffic Lights at the intersection due to it being a declared a High Wide Load Corridor.

Question 3

In the decade since 2005 what action has Council taken to upgrade this dangerous intersection?

Response:

This section of Thomas Road is under the control of Main Roads WA and as such, any upgrades are the responsibility of Main Roads WA not the Shire.

Mr B Denholm, on behalf of Serpentine Jarrahdale Netball Association**Question 1**

Is the recent allocation of funds of \$60,000 in the budget, to be used for resurfacing the current netball courts in Mundijong, as two of the four current courts will not be able to be used for competition next year due to safety concerns regarding the current surface?

Response:

The \$60,000 allocated in the 2015/2016 budget is for the refurbishment of the Mundijong netball courts

Question 2

Why is another feasibility study needed, given one has just been completed by the Shire and Department of Sport and Recreation recently?

Response:

A formal feasibility study is not being undertaken.

Question 3

How will the new proposed feasibility be financed?

Response:

There is no formal feasibility study, options are being explored by Shire officers, the Department of Sport and Recreation, Netball WA and the Clubs associated with the courts.

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

Question 1

Is the new planning policy intended to eliminate any chance of any other ratepayer getting approval to live in a shed without a primary residence being built after Councillor Wilson gets his approved as it comes up after his on the list?

Response:

New Local Planning Policy 36 - Outbuildings has been drafted to make the policy simpler and more understandable while addressing issues that have been raised by State planning authorities and the community.

Question 2

Will anyone be able to get approval to live in a shed in serpentine Jarrahdale from here on without the need to build a primary residence or have a limit on occupation time?

Response

Local Planning Policy 36 does not deal with the using outbuildings for residential purposes.

Question 3

Is council trying to convert Serpentine Jarrahdale into a slum where anything goes or is it only when a councillor does it?

Response:

The new Local Planning Policies that are being submitted to Council to adopt for purposes of advertising have been drafted to improve their implementation. Submissions received will be used to further refine them.

4. Public statement time:**Mrs L Bond, PO Box 44, Armadale, WA, 6112**

Once again someone without any knowledge, respect or concern has made the decision to cul-de-sac Abernethy Road, cutting everyone off on the western side of Hopkinson Road from travelling to Byford. Many have lived here more than 20 or 30 years and now they will be expected to travel to Thomas Road and try and turn right without incident. Should they be able to survive this trek without any harm they no doubt will then enter Briggs Road to get to Byford, I'm sure that horse owners will love this impending disaster. The other alternative is they travel to Orton Road and travel down Doley Road and through the housing estate or they travel down Warrington Road which is an accident waiting to happen. Which asinine fool made this ludicrous decision to put everyone at risk especially school children going to school during peak hour. All the shops and school are on the eastern side of Hopkinson Road, did that occur to anyone or don't you give a damn.

Here we go again, Councillor Wilson carried on at a Council Meeting recently when someone wanted retrospective approval and he said this will come back and cause you pain if you grant it, the only part he left out was that it would be him. Council cannot grant Councillor Wilson retrospective approval for ancillary accommodation when he doesn't have a house on the property. For about two years he has lived in this shed and no approval was given for anything on the property and he seemed happy enough to ignore the rules although he was a Councillor. Has it become crucial to rush things through because of an impending change in this Shire.

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

I have no problem with anyone living in their shed whilst building a house on any non-urban block and the subsequent transfer of that temporary accommodation to an ancillary use when they move into their new home, providing it comes up to the normal codes. Council cannot approve an ancillary accommodation against the policies of LPP17 5.0 which clearly states

Self-contained living accommodation on the same lot as a Single House that may be attached or detached from the Single House occupied by members of the same family as the occupiers of the main dwelling.

5.1 states

- The main dwelling must be constructed prior to the Ancillary Accommodation.

The entire policy makes it clear that to have ancillary accommodation you must first have a primary dwelling on the property, therefore the application by Councillor Wilson cannot be approved as ancillary accommodation without a primary residence being already built.

Draft Planning Policy 39 states:

1.0 Policy Objectives

The Objectives of this Policy are to

- Provide direction on the establishment of ancillary accommodation in association with a single house;
- Ensure that ancillary accommodation is provided, constructed and located in such a way so as to minimise their impact on the amenity of the locality by controlling building size, materials and location; and
- Ensure that ancillary accommodation is secondary to the primary dwelling on the property.

7.7 Ancillary Accommodation must be situated on the same legal title as the principle dwelling.

The design requirement state that ancillary accommodation is classed as unacceptable when placed forward of a primary building set back.

Again everything in this document makes it clear that you must have a primary accommodation to be possible to get approval for an ancillary accommodation.

Instead Councillor Wilson's application has to fall under the approval process for a temporary or primary residence and not an ancillary one. Should Council approve this against all their own policies a few weeks from an election it will be clear to all ratepayers that you will do anything to help yourselves get whatever you want in case you fail to get re-elected, when new councillors may hold you to the rules.

Public question and statement time concluded at 7.14pm

5. Petitions and deputations:

5.1 Mr Brian Williamson presented a deputation regarding item OCM164/09/15 Lot 309 (#95) Pony Place, Oakford, Proposed Home Business (Training Facility).

A summary of the development application for Lot 395 (#95) Pony Place, Oakford was presented.

5.2 Mr Brian Williamson presented a deputation regarding an independent survey.

A summary of the independent survey conducted at the Community Information Centre was presented.

6. President's report:

New Byford Bridge over Beenyup Brook

Two ageing bridges will be replaced on the busy South West Highway as a Federal Government initiative to deliver a safer and efficient Highway and will meet the new safety standards.

When complete, the new bridge over Beenyup Brook will include two lanes in each direction. Grade has been designed to remove any load restrictions. This work will start in October 2015 and on average 5,000 vehicles use the Byford Bridges per day and will create 85 construction jobs.

Elections 2015

Residents will be aware that an Ordinary Postal Election will be held for the Shire of Serpentine Jarrahdale to decide on vacancies across three wards of Northwest Ward, Northern Ward and Southern Ward. Voting packs will start arriving at homes from 23 September, and residents can vote in the lead up to Saturday 17 October via post or on the day by delivering their pack to the Shire Administration Office. Best of luck to all the candidates who have nominated to become a Councillor.

Proposed Closure of a Road Reserve

The Shire is aware that a letter drop was done to residents in the Byford area pertaining to a decision to be made at Council tonight regarding the closure of Abernethy road. The facts in the letter that state that *"On the 14th September 2015 7pm at the Council Chambers in Paterson Street Mundijong the Council will make the decision to close – the intersection of Abernethy road and Hopkinson road and make it a cul-de-sac..."* are not correct.

Council in OCM167/09/15 "Proposed Closure of a Road Reserve, Portion of Abernethy Road, Byford" will consider an application to possibly close a portion of land on the southern side of Abernethy road that is not required for the widening of the road as indicated in red on the map contained in the item. The item will provide the opportunity for advertising of the proposed closure as per Recommendation 1a which is the standard practice for all road closures.

7. Declaration of Councillors and officers interest:

Councillor Wilson declared a financial interest in item OCM161/09/15 as he is the owner of the property within the item and will leave the meeting while this item is discussed.

Councillor Urban declared a closely associated person interest in item OCM162/09/15 as he is one of the organisers of the event subject in the item and will leave the meeting while this item is discussed.

Councillor Ellis declared a closely associated person interest in item OCM174/09/15 as he is a patron of the Serpentine Jarrahdale Golf Club 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 – 24 August 2015

COUNCIL DECISION

Moved Cr Piipponen, seconded Cr Wilson

That the minutes of the Ordinary Council Meeting held on 24 August 2015 be confirmed (E15/4174).

CARRIED 8/0

9. Motions of which notice has been given:

OCM160/09/15	Lot 196 (#1526) Thomas Road, Oakford – Proposed extension of term of planning approval for Redevelopment of Oakford Traders, Liquor Store, Convenience Store and Service Station (P04121/01)
Author:	Helen Maruta – Senior Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	28 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: Ivan Humich
 Owner: Humich Nominees Pty Ltd & Far Super Pty Ltd
 Date of Receipt: 8 July 2015
 Lot Area: 621 511m² (62ha)
 Town Planning Scheme No 2 Zoning: 'Rural'
 Metropolitan Region Scheme Zoning: 'Rural'

Introduction

The purpose of this report is to provide a recommendation to the Metropolitan East Joint Development Panel (JDAP) on an application to extend the term of planning approval for the redevelopment of Oakford Traders Liquor Store, Convenience Store and Service Station on Lot 196 (#1526) Thomas Road, Oakford.



Aerial Reference

Background:

Existing Development:

The subject site known as the Oakford Traders contains an existing general store and liquor store.

Proposed Development:

The applicant seeks a two (2) year extension of the term of planning approval from the Metropolitan East Joint Development Panel.

Relevant Previous Decisions of Council:

OCM064/10/13 - Recommended refusal to the redevelopment of Oakford Traders Liquor Store, Convenience Store and Service Station.

Community / Stakeholder Consultation:

No public consultation has been undertaken.

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

Financial Implications:

There are no direct financial cost implications for Council.

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:

Refer attached Responsible Authority Report

Options and Implications:

With regard to the determination of the application for planning approval under Town Planning Scheme No. 2, Council has the following options:

Option1: Council may resolve to recommend approval to the extension of term of planning to the Metropolitan East Joint Development Panel.

The approval of the application to extend the term of planning approval will provide an opportunity for the site to be redeveloped.

Option 2: Council may resolve to recommend refusal of the application to the Metropolitan East Joint Development Panel.

Refusal of the application is not consistent with Clause: 6.9.2 of the Shire's Town Planning Scheme No. 2.

Option 1 is recommended.

Conclusion:

The application generally conforms to the provisions of the Shire of Serpentine Jarrahdale statutory planning framework.

Attachments:

- [OCM160.1/09/15](#) - Development Assessment Panels Approval (8 November 2013) (IN13/20112)
- [OCM160.2/09/15](#) - Applicant's letter - Request extension to term of planning approval (E15/3691)
- [OCM160.3/09/15](#) – Responsible Authority Report (E15/3741)

Voting Requirements: Simple Majority

OCM160/09/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Kirkpatrick, seconded Cr Piipponen

That Council:

- 1. Resolve to adopt the Responsible Authority Report which recommends that the Metropolitan East Joint Development Assessment Panel approves the application submitted by Ivan Humich on behalf of the landowners Humich Nominees Pty Ltd & Far Super Pty Ltd on Lot 196 (#1526) Thomas Road, Oakford with the following conditions:
 - a. The term of planning approval is extended for a period of two years from the date of approval as issued by the Metropolitan East Joint Development Assessment Panel.**
 - b. The existing conditions of planning approval by the Metropolitan East Joint Development Assessment Panel and dated 8 November 2013 shall remain the same.****
- 2. Note that the application for the proposed extension of term of planning approval for redevelopment of Oakford Traders Liquor Store, Convenience Store and Service Station on Lot 196 (#1526) Thomas Road, Oakford will be determined by the Metropolitan East Joint Development Assessment Panel.**

CARRIED 7/1

Councillor Wilson left Chambers at 7.32pm

OCM161/09/15	Lot 835 (#191) Rowe Road, Serpentine – Retrospective – Outbuilding – (Shearing Shed) and Single Dwelling (P07920/02)
Author:	Marcel Bridge - Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	21 August 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: Gary William Wilson & Deborah Jane Wilson
 Date of Receipt: 5 August 2015
 Lot Area: 309018m² (30ha)
 Town Planning Scheme No 2 Zoning: 'Rural'
 Metropolitan Region Scheme Zoning: 'Rural'

Introduction

The purpose of the report is to consider the development application for a 'Outbuilding' (retrospective - shearing shed) and partial conversion of an existing 'Outbuilding' (shed) to a 'Single Dwelling' at Lot 835 (#191) Rowe Road, Serpentine.



Aerial Reference

Background:Existing Development:

The Land is zoned 'Rural' under the provisions of the Metropolitan Region Scheme and the Shire's Town Planning Scheme No. 2 (TPS 2), and has a lot area of 309018m².

The property features the existing structures:

- 12m x 20m (240m²) outbuilding (approved)
- 6.5m x 4.3m shearing shed
- Single Dwelling (partial shed conversion)

Retrospective conversion of outbuilding to dwelling

- 4m x 12m of the southern portion of the outbuilding has been converted into a two storey Single Dwelling with a total floor area of 96m².

Relevant Previous Decisions of Council:

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

Community / Stakeholder Consultation:

Neighbour consultation has not been undertaken as it is the opinion of Shire officers that the development does not have any impact on the adjoining owner.

Statutory Environment:

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

Financial Implications:

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

This 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 application has been assessed in accordance with LPP 17.

The proposal for an additional 'Outbuilding' and conversion to the existing 'Outbuilding' (shed) is considered to be sited appropriately and compliant with the Shire's LPP 17. Further, the development as constructed will not have an impact on the amenity or character of the area.

The 'Single Dwelling' has also been assessed using the Residential Design Codes in relation to streetscape, passive surveillance etc. and found to be compliant with either the 'Deemed-to-comply' provisions or 'Design principles'.

Options and Implications:

With regard to the determination of the application for planning approval under Town Planning Scheme No. 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 request to consider the retrospective structures and the conversion of a portion of the outbuilding to a primary residence is considered to be of a low impact on the amenity of the locality, with the surrounding properties having their residences over 350m from the subject structure as well as being located approximately 200m from the nearest road.

Attachments:

- [OCM161.1/09/15](#) - Locality Plan, Site Plan, Certificate of Title and Elevations (IN15/15870)

Voting Requirements: Simple Majority

OCM161/09/15 COUNCIL DECISION / Officer Recommendation:**Moved Cr Hawkins, seconded Cr Erren**

That Council approves the application from the landowner Gary William Wilson & Deborah Jane Wilson, for a Retrospective – ‘Outbuilding’ (shearing shed), Single Dwelling at Lot 835 (#191) Rowe Road, Serpentine, subject to the following conditions:

- a. This approval relates only to the ‘Outbuilding’ (shearing shed) and partial change of use ‘Outbuilding’ (shed) to ‘Single Dwelling’, as indicated on the approved plans (OC15/15143). It does not relate to any other development on this lot.
- b. The ‘Outbuilding’ (shed) (excluding the area subject to the change of use) shall not be used for human habitation, commercial or industrial purposes (including home occupation), the parking of a commercial vehicle or the stabling of horses or other livestock.
- c. Within 60 days or such period as approved by the Director Planning, the landowner shall install an approved effluent disposal system.
- d. Within 60 days of this approval the landowner shall submit a Fire Management Plan for approval by the Director Engineering.
- e. Within 30 days of the approval of the Fire Management Plan required in (d) above or such further period as approved by the Director Planning, the landowner shall implement all requirements of the approved Fire Management Plan to the satisfaction of the Director Engineering.
- f. All storm water shall be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is not permitted.

Advice Notes

- a. The landowner is advised this is a Planning Approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements.
- b. The landowner is advised that an independent building certification is required to be submitted with a certified building application to the Shire’s Building Department to ensure compliance with the Building Code of Australia.
- c. The landowner / occupier shall be required to comply with Council’s annual Firebreak Notice and Fuel Hazard Reduction Notice.

CARRIED 4/3

**Councillors Urban and Kirkpatrick voted against
The item and requested their vote be recorded**

Councillor Wilson returned to Chambers at 7.37pm

Councillor Urban left Chambers at 7.37pm

OCM162/09/15	Lot 57 Wellard Street, Serpentine (Clem Kentish Reserve) – Proposed Market (P02887/04)
Author:	Regan Travers – Senior Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	6 August 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: Serpentine Community Association
 Owner: Shire of Serpentine Jarrahdale
 Date of Receipt: 26 June 2015
 Lot Area: 43025.63m² (4.3ha)
 Town Planning Scheme No 2 Zoning: 'Urban Development'
 Metropolitan Region Scheme Zoning: 'Urban'

Introduction

The purpose of this report is to consider the development application for a market on Lot 57 Wellard Street, Serpentine (the site).

The item is being sent to Council as the activities are proposed on a Shire reserve.



Aerial Reference

Background:Existing Development:

The site accommodates a number of community uses such as:-

- Tennis courts;
- Cricket nets;
- BMX track;
- Children's Playground;
- Sports Oval;
- Sports Clubhouse;
- Tractor Museum; and
- Sealed and unsealed car parking areas.

Proposed Development:

The applicant proposes to operate a monthly market from the subject site, with approval sought for 12 months.

The market it proposed to operate on the first Sunday of every month, with the exception of January.

Visitor parking is proposed in the existing sealed car park, while stallholder car parking has been identified within the wide road reserve to the west of the subject site.

Approximately 25 stalls attend the market, selling art and crafts, fruit and vegetables, baked goods and a variety of unique items.

The stalls are proposed on the western side of the oval in two east-west oriented rows.



Site Plan

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this application.

Community / Stakeholder Consultation:

The proposed markets were not advertised for public or government agency comment as it is located wholly within Shire reserve which is bound by roads on all sides.

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:

The proposed markets are not considered to have direct financial implications for the Shire. General wear and tear of facilities used by the markets may occur.

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:Land Use

The proposed 'market' is a land use which is consistent with the current range of community facilities which use the Clem Kentish Reserve. The proposed land use provides opportunity for community engagement for the immediate Serpentine residents, along with residents of nearby town sites such as Mundijong, Byford and Jarrahdale. The proposed 'market' does not raise any land use concerns.

Operations

The applicant has advised the Serpentine Country Markets have been operating in Serpentine since March 2010 at two previous venues. As previously stated in this report, the application seeks approval for 12 months, operating on the first Sunday of every month (except January) with an average of 25 stalls.

The application does not propose amplified noise of music, thus is likely to comply with Health (Noise) Regulations.

As there are no ticket sales, it is difficult to determine maximum numbers, or whether sufficient parking will be available to the events. There are sealed and unsealed areas available for parking on-site, with angled parking bays also available on streets to the west of the site. It is considered that there is sufficient car parking available for patrons of the event.

The applicant has provided a Risk Assessment in support of the planning application which is acceptable to Shire officers. Ongoing compliance with the Risk Assessment is recommended as a condition of planning approval.

Ongoing Maintenance

Due to the applicant using community facilities to assist in operating the proposed market, the Shire officers recommend conditions of planning approval to ensure its assets are appropriately maintained. Key concerns include rubbish and waste disposal once stallholders and visitors leave the site.

Options and Implications:

With regard to the determination of the application for planning approval under Town Planning Scheme No. 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 will result in the Serpentine Country Markets not having a venue to operate from, which is likely to result in the cancellation of the event to the detriment of the community.

Option 1 is recommended.

Conclusion:

The approval will see the continuation of an established event within Serpentine, which provides the community with entertainment opportunities. The proposed use will not have any impact on the use of the reserve.

Attachments:

- [OCM162.1/09/15](#) – Risk Assessment and Site Plan (IN15/13126)

Voting Requirements: Simple Majority

OCM162/09/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Wilson, seconded Cr Erren

That Council approves the application submitted by Serpentine Community Association on behalf of the landowner, the Shire of Serpentine Jarrahdale for a Market on Lot 57 Wellard Street, Serpentine, subject to the following conditions and advice notes:

Conditions:

- The markets must be operated in accordance with the Risk Assessment dated 26 June 2015 as per attachment OCM162.1/09/15.
- The markets are permitted to operate once per calendar month, with this approval expiring on the 31 December 2016.
- The market area including oval, car parking and toilet facilities must be cleaned of rubbish after every event to the satisfaction of the Director Planning.
- Prior to each event / annually the organisers shall book the facility and provide the Shire with the applicable bond.
- Organisers shall provide extra refuse bins at the organisers cost and ensure the bins are emptied at the end of each event to the satisfaction of the Director Engineering.

Advice Notes:

- All food offered for sale is to be prepared in an approved food preparation area under the Food Regulations 2009, and approval is to be obtained from the Director Planning.
- Plant registration to be obtained for all amusement rides and provided to the Shire to the satisfaction of Director Planning.
- For any temporary structure/marquee over 55m², a Form 1 “Application to Construct, Alter or Extend a Public Building” under the Health (Public Building) Regulations 1992 is to be submitted at least 30 days prior to the event.
- No temporary structures with a floor area greater than 55m² are permitted without an Engineers Certification and approved under the Health (Public Building) Regulations 1992.
- The events are to comply with the Environmental Protection (Noise) Regulations 1997 at all times.

CARRIED 7/0

Councillor Urban returned to Chambers at 7.39pm

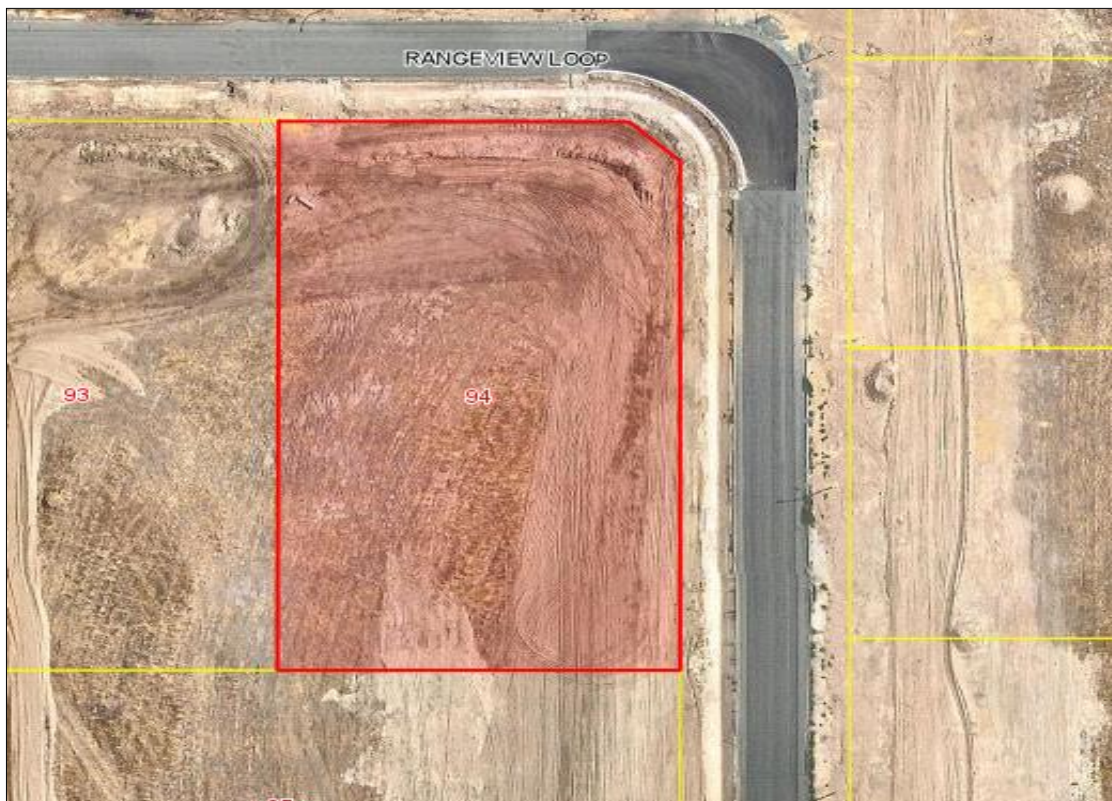
OCM163/09/15	Lot 94 (#121) Rangeview Loop, Serpentine – Proposed Single Dwelling and ‘Outbuilding’ (Shed) (P11852/01)
Author:	Marcel Bridge – Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	12 August 2015
Disclosure of Officers Interest:	No officer involved 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: Corey Jones Architect
 Owner: Russell Pink & Isabel Pink
 Date of Receipt: 2 July 2015
 Lot Area: 4018m²
 Town Planning Scheme No 2 Zoning: ‘Rural living A’
 Metropolitan Region Scheme Zoning: ‘Rural’

Introduction

The purpose of this report is to consider the development application for a ‘Single Dwelling’ and ‘outbuilding’ (shed) at Lot 94 (#121) Rangeview Loop, Serpentine.

The proposal is presented to Elected Members as Shire officers do not have delegation to determine applications for an ‘outbuilding’ (shed) with a floor area exceeding those set out in Local Planning Policy 17 – Residential and Incidental Development (LPP 17).



Site Plan

Background:

Existing Development

The subject property zoned ‘Rural Living A’ is 4018m² in size and is currently vacant. The site is located within Rangeview Loop, Oakford.

Proposed Development:

The proposal is for the construction of a 'Single Dwelling' and 'Outbuilding' (shed) to be located outside the building envelope on the subject site.

The proposed 'Outbuilding' (shed) is proposed to have a maximum floor area of 216m².

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this application.

Community / Stakeholder Consultation:

The application has been advertised as per LPP 17. Two (2) submissions were received in favour of the proposed development.

Community and Stakeholders:

Statutory Environment:

- Metropolitan Region Scheme
The site is zoned 'Rural' under the Metropolitan Region Scheme
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2)
The site is zoned 'Rural Living A' under the Town Planning Scheme
- 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) appeal.

This will have 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 application has been assessed in accordance with the relevant statutory documents.

In terms of LPP 17, the proposed 'Outbuilding' does not comply with the following aspects of the policy:

- Floor area
The maximum floor area for a lot zoned 'Rural Living A' is to be no more than 150m², and through performance based criteria should not exceed 20 % (180m²). The proposed floor area measures 216m².
- Height
The maximum wall height for a lot zoned 'Rural Living A' is to be 3.5m. The proposed wall height is 4.2m.
- Single Dwelling located outside building envelope
The proposed dwelling is partially located outside of the nominated building envelope, with the proposed 'Outbuilding' (shed) located wholly outside the nominated envelope.

Shire officers are of the opinion that the proposed locations will not have any detrimental impact on the amenity or character of the surrounding area.

Impact of variation:**Size of Development**

In terms of LPP 17, the maximum floor area of the 'Outbuilding' (shed) should not exceed 150m². The proposed 'Outbuilding' (shed) (measuring 216m²) exceeds the maximum floor area by 66m².

The proposed 'Outbuilding' (shed) meets the ridge height requirements however the wall height exceeds the maximum height by 7cm. Given the lot size and the magnitude of the variation is it considered that the minor variation will not have any detrimental impact to the streetscape or to the visual amenity of the adjoining land owners.

The proposed 'Outbuilding' (shed) is unlikely to impact onto neighbouring properties or to impact on the current streetscape as it located behind the proposed 'Single Dwelling' and located on a corner.

Setbacks

LPP 17 states that development within the 'Rural Living A' area requires a minimum setback distance of 15 metres from the primary street and 7.5 from the side and rear boundaries.

The proposed shed complies with the minimum setback distances with a rear setback of 10.0 metres and side boundary setback of 10.0 metres. However the proposed dwelling is located 10.0 metres from the primary street boundary in lieu of the required 15 metres.

The proponent has provided the following justification:

"Firstly we would like to have some of the house and all of the shed outside the building envelope. The proposed swimming pool and the ATU system will be within the building envelope. The Setbacks we are proposing still comply with the Guidelines for 'Rural Living A' which the site is zoned. We believe that by building the house with some of it projecting north of the envelope and positioning the shed to the very south of the block we are utilising the property more effectively, making better use of the winter sun and optimising the views of the hills to the east from the house."

The applicant has argued that there are a number of other single dwellings in the vicinity of the property which are not consistent with the 'Rural Living A' Zone. Existing setback distances are not considered justification for permitting setback distances which are inconsistent with the provisions of LPP 17. However the 5 metre variation along with vegetation and the proposed structures are unlikely to impact on the streetscape and adjoining properties along Rangeview Loop. In addition the reduced setback will increase passive surveillance opportunities.

Options and Implications:

With regard to the determination of the application for planning approval under Town Planning Scheme No. 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:

It is deemed that the proposal for a 'Single Dwelling' and 'Outbuilding' (shed) will provide the applicant use for domestic storage purposes, the use for the sheds for commercial or industrial use is not permitted. The minor variations to the building design, location and scale are unlikely to impact on surrounding precinct.

Attachments:

- [OCM163.1/09/15](#) - Locality Plan, Floor Plan and Side Elevations (IN15/13119)

Voting Requirements: Simple Majority

OCM163/09/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Erren, seconded Cr Hawkins

That Council approves the application submitted by Corey Jones Architect on behalf of the landowner(s) Russel Pink and Isabel Pink on Lot 94 (#121) Rangeview Loop, Serpentine, subject to the following conditions:

- This approval relates only to the proposed 'Single Dwelling' and 'Outbuilding' (shed), as indicated on the approved plans. It does not relate to any other development on this lot.**
- If the development referred to in (1) 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.**
- 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.**
- 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.**
- 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.**
- 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.**
- 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.**
- The development shall not to be located within 1.2 metres of any existing septic tank or 1.8 metres of a leach drain.**
- No wall, fence or landscaping greater than 0.75 metres in height measured from the ground level at the boundary, shall be constructed within 1.5 metres of a vehicular access way unless such wall or fence is constructed with a 3.0 metre visual truncation.**

- j. Front fencing forward of the dwelling shall not be permitted unless it is open style fencing (metal grille or wooden pickets) or a combination of solid and open style fencing and the solid portion of the fence (except for pillars) does not exceed a height of 1.2 metres above ground level. Maximum overall height of 1.8 metres above natural ground level applies.**
- k. Prior to occupation of the development, the landowner shall install an approved effluent disposal system.**
- l. Prior to the use of the shed or such period as approved by the Director Planning all driveway surfaces shall to be constructed of a hardstand material such as concrete, brick paving or bitumen to the satisfaction of the Director Planning.**

Advice Notes

- a. The landowner is advised this is a planning approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements.**
- b. The landowner is advised that the use of brush or fern fencing is not permitted in the Shire due to the extreme bush fire danger of the locality as per Shire's Fencing Local Laws.**
- c. Retaining wall(s) shall be constructed to the Shire's specifications, where fill adjoining a property boundary exceeds 300mm above the existing ground level.**
- d. The landowner is reminded that all common boundary fencing where abutting residential lots shall be 1.8 metres in height at any point along the dividing boundaries measured from the highest retained ground level. All fencing to be provided in accordance with the Dividing Fences Act and be constructed as a minimum standard of fibre cement.**
- e. The landowner / occupier shall be required to comply with Council's annual Firebreak Notice and Fuel Hazard Reduction Notice.**
- f. The landowner is reminded to install a bare mineral earth trafficable firebreaks to a minimum of three (3) metres wide immediately surrounding all buildings, sheds and groups of buildings situated on the land, with all overhanging branches, trees, limbs etc. to be trimmed back four (4) metres wide with a clear vertical axis over the firebreak area. This includes driveways and access to all buildings on the land.**

CARRIED UNANIMOUSLY

OCM164/09/15	Lot 309 (#95) Pony Place, Oakford – Proposed Home Business (Training Facility) (P04892/03)
Author:	Marcel Bridge – Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	26 August 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: Brian Williamson
 Date of Receipt: 25 June 2015
 Lot Area: 20,186m²
 Town Planning Scheme No 2 Zoning: 'Special Rural'
 Metropolitan Region Scheme Zoning: 'Rural'

Introduction

The purpose of the report is to consider the development application for a 'Home Business' (Training Facility) on Lot 309 (#95) Pony Place, Oakford (the site).



Aerial Reference

Background:

Existing Development:

The property is zoned 'Special Rural' under the Town Planning Scheme No. 2 (TPS 2) and is just over 2ha in size. The site features an existing residence and 'Outbuilding' (shed) on the property with scattered vegetation.

Proposed Development:

The proposal is to operate a 'Home Business' (training facility) which will utilise a portion of cleared space, the training facility will function within a 50m² area onsite (see site plans below).

The proponent has indicated that a number of trees will be planted and signage will be placed with the details of 'Willtrain' in dark blue lettering with a white background, no dimensions or location of the sign were indicated in the application.

The proponent proposes to conduct training packages, which are nationally recognised (accredited) courses from various agricultural, horticulture, forestry and aquaculture. Customers will be involved in training programs that consists of:

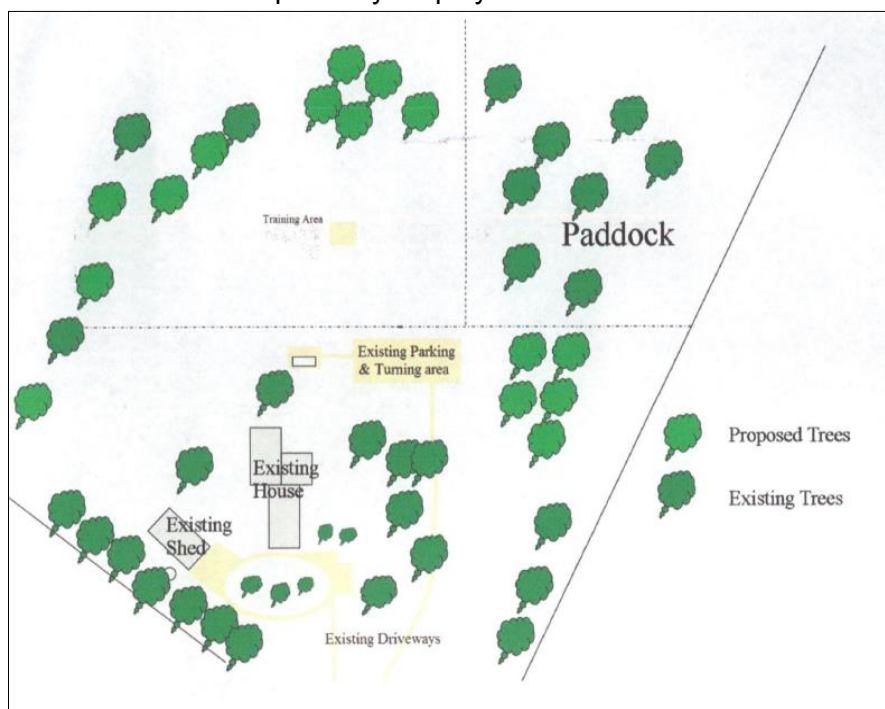
- Work Safely and Follow WHS Policies and Procedures (no machinery, tools or chemicals)
- Operate Pumps
- Control Weeds (Battery Operated Sprayer – no chemical use, only simulated coloured water)
- Conduct Tractor Operation (3 Cylinder 30hp Diesel, Mini Excavator 3 Cylinder 27hp Diesel and Mini Loader 4 Cylinder 27hp Diesel)
- Conduct Frontend Load Operation
- Load & Unload Plant

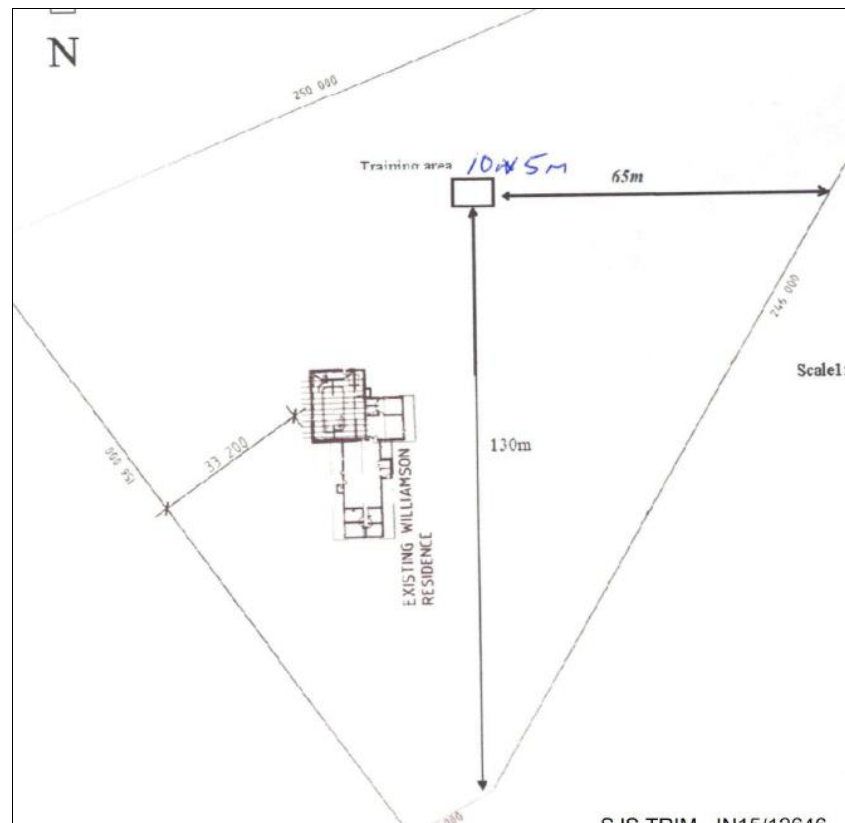
The proponent has advised that several courses (listed above) do not require machinery and that the machinery to be used will have small engines and with mufflers which result in noise at a low frequency level. The equipment to be used is a 3 Cylinder 30hp Diesel tractor, Mini Excavator 3 Cylinder 27hp Diesel and Mini Loader 4 Cylinder 27hp Diesel and basic hand tools.

The training facility will operate by appointment only with (1-4) customers attending per day (Maximum of 4 Customers on the premise at any one time).

The operating hours and days of the week are between 8.30am – 4.00pm Monday to Friday.

The 'Home Business' will not require any employees in addition to the owner / operator.





Site Plans

Relevant Previous Decisions of Council:

The proponent has previously applied for the operation of a business on two occasions. The proponent's application was previously refused under delegation on the 21 March 2014. Prior to that, the applicant had applied for the operation of a business from the site incorporating the assembly of spa pools (TRIM reference P04892/01). The application was considered by Council in 2004 and refused.

Whilst the current application needs to be assessed on its individual merits, Council's reasons for its refusal of the previous applications need to be considered to ensure consistency in decision making in relation to 'Home Business' applications on 'Special Rural' zoned land.

Community / Stakeholder Consultation:

The application has been advertised as per clause 6.3 of the 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 'Special Rural' under the Town Planning Scheme

Financial Implications:

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

Alignment with our Strategic Community Plan:

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

Planning Assessment:Consistency of Use with the Zoning of the Land

Table 1 of the TPS 2 – zoning table states that in the Special Rural Zone:

The use of “Home Business” is an “AA” (Discretionary) use in the Special Rural Zone.

Definition of Proposed Land Use

The definition of a ‘Home Business’ in TPS 2 is as follows:

‘Home Business – means a business, service, trade or similar activity carried on in a dwelling or on land around a dwelling which may employ, in addition to the resident of the dwelling, no more than two persons but which –

- (a) does not entail the retail sale, display or hire of goods of any nature;*
- (b) does not cause injury to or prejudicially affect the amenity of the neighbourhood;*
- (c) does not detract from the residential appearance of the dwelling house or domestic outbuilding;*
- (d) does not entail employment of any person not a member of the occupier's household;*
- (e) does not occupy an area greater than 50m²;*
- (f) will not result in traffic difficulties as a result of the inadequacy of on-site and off-site parking*
- (g) will not result in a substantial increase in the amount of vehicular traffic in the vicinity; and*
- (h) does not entail the presence, parking and garaging of a vehicle of more than 3.5 tonne tare weight.’*

Based on the above, Shire officers are of the opinion the best fit for the proposed use is a ‘Home Business’ (training facility) which complies with the above definition.

Options and Implications:

With regard to the determination of the application for planning approval under Town Planning Scheme No. 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 relates to the use of the land for a ‘Home Business’ (training facility). The application has been assessed in terms of the relevant legislation and on its individual merits.

Attachments:

- [OCM164.1/09/15](#) – Development Application (IN15/12646)

Voting Requirements: Simple Majority

Councillor Piipponen foreshadowed he would move the officers recommendation with the inclusion of three additional clauses that include a fire management plan, landscaping plan and dust management plan, if the motion under debate is lost.

OCM164/09/15 Officer Recommendation:

Moved Cr Hawkins, seconded Cr Erren

That Council approves the application submitted by Brian Williamson for a 'Home Business' – (Training Facility) on Lot 309 (#95) Pony Place, Oakford, subject to the following conditions:

- a. The approval is personal to the applicant and cannot be transferred to or assigned to any other person, nor does it run with the land in respect of which it was granted.
- b. The hours of operation of the 'Home Business' are restricted from 8.30am to 4.00pm Monday to Friday. Operation of the 'Home Business' on Saturday, Sunday and Public Holidays is not permitted.
- c. A maximum of 4 customers are permitted to attend the premises per day.
- d. All cars associated with the 'Home Business' are to be parked within the boundaries of the subject property and are not permitted to be parked on the adjacent road or verge at any time.
- e. Not more than 50m² of the Training Area is permitted to be used for the purpose of the 'Home Business'.
- f. The "Home Business" (training facility) shall be restricted to the use of a 3 Cylinder 30hp Diesel tractor, Mini Excavator 3 Cylinder 27hp Diesel and Mini Loader 4 Cylinder 27hp Diesel and basic hand tools.
- g. A maximum of one sign with an area of 0.2m² shall be permitted to be displayed on the property in relation to the approved 'Home Business'.
- h. If the 'Home Business' has been carried on with the approval of the Council and substantiated complaints have been received by the Council, Council may withdraw the approval.
- i. 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.
- j. Noise generated by the operation of the 'Home Business' shall comply with the Environmental Protection (Noise) Regulations at all times.

CARRIED 6/2

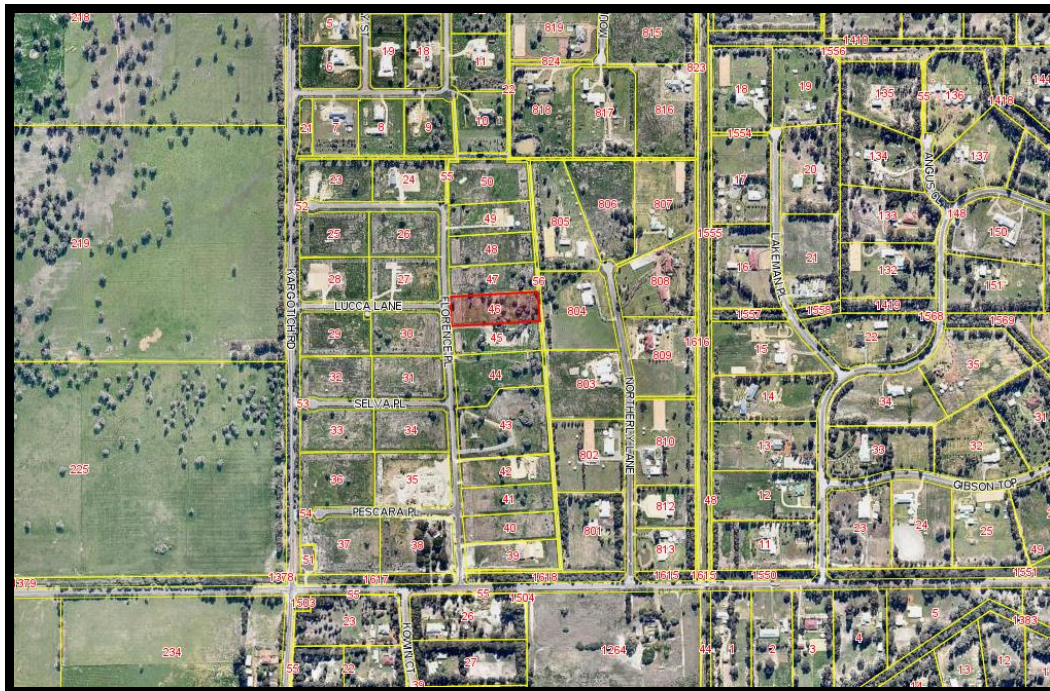
OCM165/09/15	Lot 46 (#54) Florence Place, Oakford – Proposed ‘Single Dwelling’ with ‘Ancillary Accommodation’ and Water Tank (P10569/01)
Author:	Heather Carline – Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	19 August 2015
Disclosure of Officers Interest:	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: Makin Homes
 Owner: C and E Conyers
 Date of Receipt: 30 June 2015
 Lot Area: 10000m² (1ha)
 Town Planning Scheme No 2 Zoning: ‘Rural Living A’
 Metropolitan Region Scheme Zoning: ‘Rural’

Introduction

The purpose of this report is to consider the development application for a ‘Single Dwelling’ with ‘Ancillary Accommodation’ and a water tank on Lot 46 (#54) Florence Place, Oakford (the site). The ‘Single Dwelling’ is proposed to be constructed within the building envelope and therefore is considered acceptable.

The application is before Council as the floor area of the ‘Ancillary Accommodation’ exceeds the allowance that can be considered under delegation.



Aerial View

Background:

Existing Development:

The site is currently vacant and comprises of sparse vegetation towards the eastern half of the lot.

Proposed Development:

The application seeks approval for a ‘Single Dwelling’ with attached ‘Ancillary Accommodation’ and a water tank that would be outside of the approved building envelope. The proposed ‘Single Dwelling’ with ‘Ancillary Accommodation’ lies within the approved building envelope. However the floor space of the ‘Ancillary Accommodation’ exceeds the

allowable floor space as set out in Local Planning Policy 17 (LPP 17) – Residential and Incidental Development.

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

Financial Implications:

There are no direct financial cost implications for Council.

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 sets out development requirements for 'Ancillary Accommodation'.

Lots zoned 'Rural Living A' that are less than 2ha in area should have a maximum floor area of 60m². The proposed ancillary element of the proposal would be 103m², a substantial increase in floor area than is prescribed in the policy.

The objective of restricting the floor area for 'Ancillary Accommodation' is to minimise the impact on the amenity of the locality, to ensure it is secondary and integrated in all regards to the primary 'Single Dwelling' and to ensure that the scale is not considered to represent an increase to the existing residential density of the property.

The applicant was requested to justify the need for the size of the 'Ancillary Accommodation'. It has been clarified that the accommodation is for the occupier of the main 'Single Dwellings' father and that there will be no lease agreement entered into for the accommodation. The applicant has stated that the main 'Single Dwelling' is large and that the floor area of the 'Ancillary Accommodation' equates to 25% of the floor area of the main 'Single Dwelling'.

The 'Ancillary Accommodation' is separated from the main house by the garage and it has its own entrance. By virtue of its size, layout and facilities it is considered that the 'Ancillary Accommodation' is a separate 'Single Dwelling' capable of being independent from the main house resulting in the increased residential density of the property.

Notwithstanding the size of the main residence, the use of 'Ancillary Accommodation' by definition should be clearly smaller in scale than is proposed. It is considered that the proposal constitutes grouped 'Single Dwellings' which are a prohibited use under the TPS 2 in the 'Rural Living A' zone.

The use of the 'Ancillary Accommodation' as set in the applicant's justification is acknowledged, however, due to the design with the 2 "Dwellings" separated by the garage, the proposal does not appear integrated or subservient to the main house.

It is considered that the proposal is contrary to TPS 2 by proposing a prohibited use (Group Dwellings) within the zone and LPP 17 by proposing an additional 43m² of floor area over the 60m².

Options and Implications:

With regard to the determination of the application for planning approval under Town Planning Scheme No. 2, Council has the following options:

Option 1: Council may resolve to refuse the application.

Refusal of the application would result in the compliance with the Shire's Town Planning Scheme No. 2 and Local Planning Policy 17 – Residential and Incidental Development.

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

The approval of the application will be contrary to both the Town Planning Scheme No. 2 and Local Planning Policy 17 – Residential and Incidental Development. The proposal would result in the increased residential density of the lot.

Option 1 is recommended.

Conclusion:

The proposed 'Ancillary Accommodation' by reason of its size and appearance would result in the prohibited use of an additional 'Single Dwelling' within the 'Rural Living A' zone. The size of the 'Ancillary Accommodation' is contrary to LPP 17. The application does not comply with the Shire's planning policies and cannot be supported.

Attachments:

- [OCM165.1/09/15](#) – Plans and Elevations (IN15/13566)

Voting Requirements: Simple Majority

OCM165/09/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Piipponen, seconded Cr Erren

That Council refuses the application submitted by Makin Homes Pty Ltd on behalf of the landowner(s) C and E Conyers for the proposed 'Single Dwelling' with 'Ancillary Accommodation' and Water Tank on Lot 46 (#54) Florence Place, Oakford, for the following reasons:

- a. The 'Single Dwelling' with 'Ancillary Accommodation' by reason of its scale, layout and appearance constitutes grouped 'Single Dwellings', a use that is prohibited under the Shire's Town Planning Scheme No. 2.
- b. The 'Ancillary Accommodation' by reason of its size is contrary to Local Planning Policy 17 – Residential and Incidental Development, by exceeding the floor area by 43m².
- c. The 'Ancillary Accommodation' by reason of its size is contrary to State Planning Policy 3.1 Residential Design Codes.

LOST 0/8

Council Note: Council voted against the officer recommendation as it was the opinion of the Council that this application is not an ancillary application but a primary residence and should be approved.

OCM166/09/15	Lot 43 (# 30) Florence Place, Oakford – Proposed ‘Outbuilding’(‘Outbuilding’ (shed)) and Water Tank (P10566/02)
Author:	Heather Carline – Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	17 August 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: Mr Z Haouchar
 Date of Receipt: 2 July 2015
 Lot Area: 21572m² (2.1ha)
 Town Planning Scheme No 2 Zoning: ‘Rural Living A’
 Metropolitan Region Scheme Zoning: ‘Rural’

Introduction

The purpose of this report is to consider the development application for a ‘Outbuilding’ (‘Outbuilding’ (shed)) and a water tank on Lot 43 (#30) Florence Place, Oakford (the site).

The proposal is presented to Elected Members as the Shire’s officers do not have delegation to determine the application due to the floor area and height of the ‘Outbuilding’ (‘Outbuilding’ (shed)) exceeding those set out in Local Planning Policy 17 (LPP 17) – Residential and Incidental Development.



Aerial View

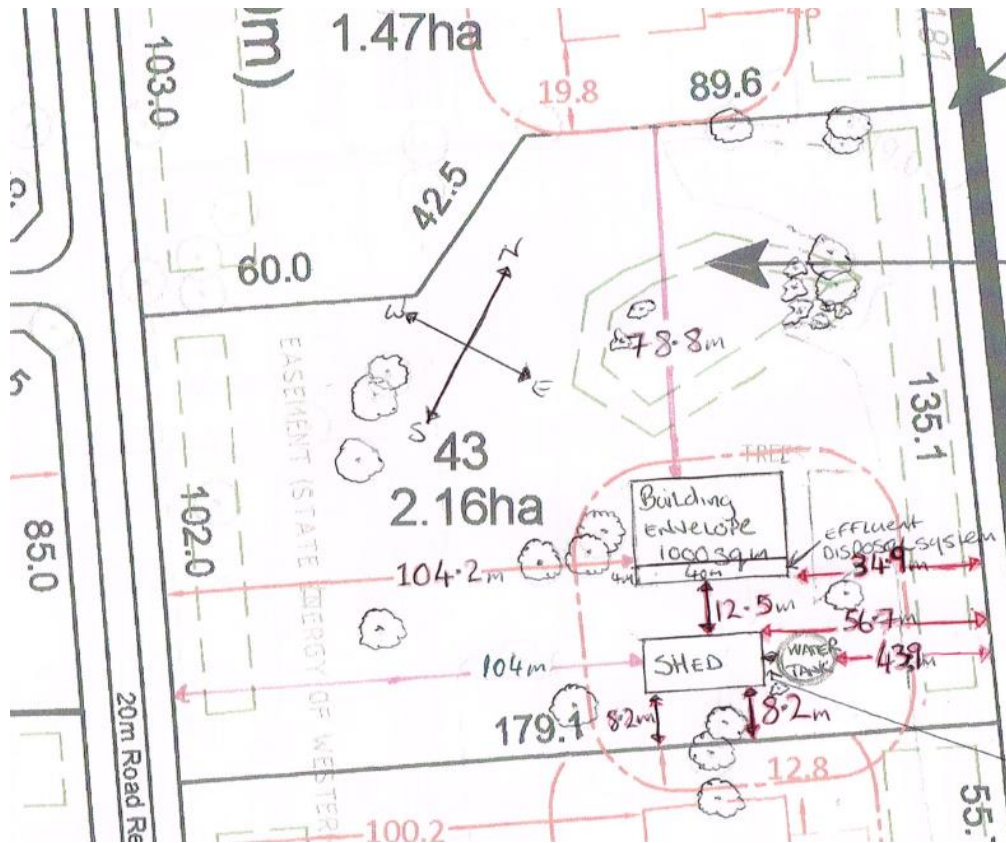
Background:

Existing Development:

The site is currently vacant.

Proposed Development:

The application seeks approval for an ‘Outbuilding’ (shed) and a water tank. The ‘Outbuilding’ (shed) would measure 18.2m x 10.5m which is 191.1m² in floor area. The water tank would have a capacity of 170,000 litres and measure 10m in diameter and 2.1m in height. Both the ‘Outbuilding’ (shed) and the water tank are proposed outside of the approved building envelope.



Proposed Development

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
The site is zoned 'Rural' under the Metropolitan Regional Scheme
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2)
The site is zoned 'Rural Living A' under the Town Planning Scheme
- LPP 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 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 'Outbuilding' (shed) and water tank would be located outside of the approved building envelope. The applicant has confirmed that this is to create a buffer between the 'Outbuilding' (shed) and the proposed future dwelling.

It is not considered that the principle of the proposal being outside the approved building envelope alone would result in over development of the site.

LPP 17 sets out requirements for incidental development within the 'Rural Living A' zone.

Setbacks of Development

LPP 17 states that development should have a front setback of 20m and a side and rear setback of 7.5m.

The proposed 'Outbuilding' (shed) and water tank both comply with these policy requirements.

Size of Development

LPP 17 sets out maximum floor areas and heights for outbuildings. In areas zoned 'Rural Living A' it sets out the maximum floor area of 150m² with a maximum wall height of 3.5m and maximum roof height of 5m.

In this case the proposed 'Outbuilding' (shed) would measure 191.1m². The applicant has confirmed that the 'Outbuilding' (shed) is required for the storage of a boat, caravan and mowing equipment. The lot measures 2.1ha in area and it is not considered that this increase in floor area of 41.1m² would result in an unacceptable level of harm to the character and appearance of the site or surrounding area.

The 'Outbuilding' (shed) is set back 8.2m from the south eastern boundary and 56.7m from the north eastern boundary, as such the floor area is not considered to impact detrimentally on the residential amenity of these neighbouring properties.

The wall height of the 'Outbuilding' (shed) would be 4.2m with a ridge height of 5.2m. It is considered that the additional height is minimal and will not detract from the character and appearance of the area or the amenity of neighbouring residents.

It is considered that the proposed 'Outbuilding' (shed) and water tank by way of siting, scale and external appearance is consistent with the use of the land and would not harm the visual amenity of the area or residential amenity of adjoining neighbour's.

Options and Implications:

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

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

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

Option 2: Council may resolve to refuse the application with reason/s for refusal

Refusal of the application may result in an appeal to the State Administrative Tribunal.

Option 1 is recommended.

Conclusion:

The proposed development would not harm the character and appearance of the site in terms of siting, scale and appearance and is consistent with development in the surrounding area. The proposal would not harm the residential amenity of any neighbouring residents and the objectives of LPP 17 have not been compromised.

Attachments:

- [OCM166.1/09/15](#) – Water Tank Detail (E15/3708)
- [OCM166.2/09/15](#) – Plan and Elevations of ‘Outbuilding’ (shed) (E15/3680)

Voting Requirements: Simple Majority

OCM166/09/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Wilson, seconded Cr Hawkins

That Council approves the application for an ‘Outbuilding’ (shed) and water tank on Lot 43 (#30) Florence Place, Oakford, subject to the following conditions:

- This approval relates only to the proposed ‘Outbuilding’ (shed) and Water Tank, as indicated on the approved plans. It does not relate to any other development on this lot.
- If the development referred to in (1) 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.
- 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.
- 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.
- 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.
- 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.
- The development shall not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain.

Advice Notes

- 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.
- Retaining walls are required to be constructed to the Director Engineering specifications, where fill adjoining a property boundary exceeds 300mm above the existing ground level.
- The landowner / occupier is required to comply with Councils’ annual firebreak notice and Fuel Hazard Reduction Notice.

CARRIED UNANIMOUSLY

OCM167/09/15	Proposed Closure Of Road Reserve, Portion of Abernethy Road, Byford (SJ141)
Author:	Rob Casella – Senior Strategic Planner
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	25 August 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: TPG
 Owner: Shire of Serpentine Jarrahdale
 Date of Receipt: 19 August 2015
 Lot Area: 1,685m² (0.1685ha)
 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 permanently close a road reserve situated adjacent to the north of Lot 9500 Abernethy Road, Byford and to invite public comment on the proposal.



Aerial Reference

Background:

At its Ordinary Council Meeting on 9 March 2015, Council considered an application to close a portion of Abernethy Road Reserve for the purpose of residential lots within the Byford Green Private Estate, as well as a portion being added to a park along Abernethy Road.

Originally, the identified land was ceded free of cost when the land was first subdivided for the required 30m road reserve width for the Abernethy Road widening project, requiring 10m of land to be ceded by the developer.

Relevant Previous Decisions of Council:

OCM025/03/15 – Deferred until such time as there is certainty regarding the timing of the extension of Tonkin Highway.

Community / Stakeholder Consultation:

In accordance with the provisions of the *Land Administration Act 1997*, public comment is required to be invited on proposed road closures for a period of not less than 35 days. Public consultation will be done as follows:

- A notice being placed in The Examiner Newspaper;

- a notice being placed on the Shire website;
- a letter being sent to all relevant State government agencies; and
- a letter being sent to landowners adjacent to the portion of Abernethy Road to be closed.

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
- Land Administration Act 1997 – Section 58
Closure of Roads

Financial Implications:

There are no direct financial cost implications for Council.

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

Comment:

The Council's decision to defer the matter was based on concerns as to whether upgrades to Abernethy Road would be required to accommodate traffic in the interim, until the Tonkin Highway extension is constructed and Abernethy Road ultimately converted to a Cul-de-sac.

In response to Council's resolution, the Shire's Engineering department undertook a review of the traffic modelling for the surrounding road network in order to confirm the potential impact associated with the deferral of the Tonkin Highway extension.

In accordance with SIDRA Analysis for the Abernethy Road Duplication project, Section 3 of the report identified that Abernethy Road can remain as a two lane divided road (one lane each direction), thus can be reduced from a 30m wide road reserve to 20m for the subject section of Abernethy Road with the major concerns for widening between San Simeon Boulevard to the east to South Western Highway.

In addition to the findings of the SIDRA Analysis:

- The review of the traffic modelling undertaken by the Shire's Engineering department confirms that there is sufficient capacity within Abernethy Road (as currently constructed) to accommodate both interim and future traffic volumes, and that the timing of the Tonkin Highway extension will have no impact on the capacity of the road network, and is therefore not an issue.
- Abernethy Road has been constructed as a single carriageway road with the necessary upgrades in accordance with the Byford District Structure Plan and Developer Contribution Plan (DCP) having recently been completed in this regard Abernethy Road was never envisaged to be constructed as a dual carriageway (or Boulevard) standard road in this location (west of Tourmaline Boulevard) under any previous or current planning for the Byford area.
- The road widening will not impact on the ability to implement proposed upgrades to the Hopkinson Road intersection required to facilitate traffic movement for the interim until the Tonkin Highway extension occurs.

- The Engineering department has confirmed that it has no requirement or intention to use the road widening for any purpose in the future.

Additionally, the closure and amalgamation of the road widening back into the Byford Green Estate will have several benefits including providing a greater opportunity with respect to future built form outcomes and design solutions for the adjacent grouped housing site and open space.

It has been acknowledged by the applicant, that the road widening has been accounted for under the DCP for the area (as an offset to the Byford Green development) however this would be reimbursed upon amalgamation of the land back into the development.

Options and Implications:

With regard to the determination of the application for planning approval under Town Planning Scheme No. 2, Council has the following options:

Option 1: Council may resolve to support the road closure request

By supporting the request to close the subject portion of road reserve, the outcome will provide an area for residential development that will deliver a desirable outcome in relation to build form and public open space.

Option 2: Council may resolve to not support the road closure request

If Council does not support the road closure, the landowner would be compensated for the value of the land.

Option 1 is recommended.

Conclusion:

This portion of Abernethy Road reserve subject to this closure application will be incorporated into land zoned for residential development and a portion added to the public open space. The progression of the road closure under the Byford DCP is supported.

Attachments:

- [OCM167.1/09/15](#) – Local Structure Plan (E15/679)

Voting Requirements: Simple Majority

OCM167/09/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Erren, seconded Cr Rossiter

That Council:

1. Pursuant Section 58 of the Land Administration Act 1997, supports the closure of a 10 metre wide portion of Abernethy Road, Byford, as depicted in the attachment OCM167.1/09/15, subject to;
 - a. Consultation pursuant to section 58 (3) of the Land Administration Act 1997, for a period of not less than 35 days, by way of the following:
 - i) A notice being placed in The Examiner Newspaper;
 - ii) A notice being placed on the Shire website;
 - iii) A letter being sent to adjacent landowners.
2. Subject to no objections being received during the consultation period required in 1 (a) above formally request pursuant to Section 58(1) of the *Land Administration Act 1997*, the Minister for Lands to formally close the portion of road as depicted in the attachment OCM167.1/09/15.

CARRIED 8/0

OCM168/09/15	Draft Local Planning Policy No. 9 – Multiple Use Trails (SJ1090)
Author:	Rob Casella – Senior Strategic Planner
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	20 August 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 consider the adoption of draft Local Planning Policy No. 9 – Multiple Use Trails (LPP 9) for the purposes of advertising.

Background:

LPP 9 was adopted by Council on 17 March 2003, which was developed in response to the Shire's Trails Master Plan, prepared in May 1999 by Maher Brampton Associates, to ensure the linkages and specifications for trails development within the Shire could be implemented.

Relevant Previous Decisions of Council:

P235/03/03 – Adopted Local Planning Policy No. 9 subject to modifications.

Community / Stakeholder Consultation:

Should Council adopt the draft review LPP 9 – Multiple Use Trails, public consultation will be undertaken in accordance with clause 9.3 of TPS 2, allowing 21 days for any submissions to be made.

Comment:

Proposal

LPP 9 has been updated to reflect any referenced documents or authorities / community groups contained within the policy that may have changed, as well as a formatting and editing of existing provisions to remove any details or unnecessary information that was duplicated in the related *Work Procedures* document.

Additionally, the document has been streamlined to make the policy more user friendly and readable for all stakeholders. It is considered that the policy will require another review once the Shire has adopted a Local Planning Strategy that will reflect the future vision and direction of Multiple Use Trails into the future.

The intent of the policy has not been modified as the Trails Master Plan was designed as a guide for the Council in the development of recreational trails with the Shire of Serpentine Jarrahdale.

The most significant changes have been provided below.

Amendments to LPP 9

The following summarises the main amendments which have been made to LPP 9.

Policy Objectives

Objective 3 has been edited to remove reference to how the objective can be implemented, which is covered in the intent of the policy provisions, with the new objective contained below:

- *Focus on development of several strategic (longer term) trail projects which will give even greater prominence to the area and its trails network, and which will serve to attract additional visitors to the Shire and the Peel Region.*

Objective 7 has been amended to reflect the diversifying demand in multiple use trails, with encroaching urban development creating the need for service trail infrastructure to be used by multiple modes of recreational transportation, which reads as follows:

- *Implement Council's objective to develop and promote natural recreational opportunities such as walking, cycling and equestrian trail networks.*

Background

The background of LPP 9 has been edited to be specific to the intent of the Policy in a broad view, given the changing and diversifying context of the Shire, and reads as follows:

A Trails Master Plan has been prepared for the Shire and is designed to guide the Council, stakeholders and local volunteer groups in their recreation trail development activities.

A Trails Working Group, known as the SJ Trails Incorporated has been formed and consists of representatives from local community members and groups who have a vested interest in the development and maintenance of trails in the Shire.

The purpose of the Working Group is to:

- *Develop a priority list for the construction and maintenance of trails throughout the Shire;*
- *Prepare applications and seek funding for the construction and maintenance of trails within the Shire;*
- *Assists the Shire with the development and maintenance of trails;*
- *Ensure the objectives of the policy are being implemented.*

Application

This section has been added to be consistent with the Shire's template for Local Planning Policies as well as clearly specifying how LPP 9 shall be applied.

This policy applies to all land owned or vested to the Shire, land vested with state utilities or state departments and other local governments. It also applies to land subject to subdivision and rezoning.

Benefits

This section has been added to provide some greater detail as to how Multiple Use Trails should be applied and implemented, which establishes some clarity around the vision for the Shire:

Recreation trails provide many benefits to individuals, communities, and to our society in general. Trails development has the following benefits:

- a) Presents a unique opportunity for education, not only environmental, but also cultural and historical, incorporating both Aboriginal and European material;*
- b) Presents easy access to natural bush settings and can help satisfy a growing demand for outdoor recreation in WA;*
- c) Helps deliver community and individual benefits through economic stimulation, increased standards of living, heightened sense of community consciousness, and a positive impact on people's health and lifestyle;*
- d) A trail network can play an important role through its unifying effect on rural communities. An integrated network would generate both symbolic and physical unity between rural towns, just like railways in the past;*
- e) Physical wellbeing through the activity of using the trails;*
- f) Providing a focus for a community groups to work on and maintain a trail in their local area and providing a safe environment for recreational pursuits*

Users of Multiple Use Trails

This section has been edited to remove any duplication of the intent for the policy and be clearer in the context of the heading.

Statutory Environment:

Town Planning Scheme No. 2

Financial Implications:

There are no direct financial cost implications for Council.

Alignment with our Strategic Community Plan:

Objective 5.2	Excellence in Environmental Management
Key Action 5.2.2	Provide recreational, educational and economic access to natural assets without compromising their quality and integrity.

Options and Implications:

Option 1: Council may resolve to adopt draft review Local Planning Policy No. 9 for advertising purposes.

By adopting the draft policy for the purpose of public advertising, it will allow Council to gauge the communities' position.

Option 2: Council may resolve to refuse to adopt draft review Local Planning Policy No. 9 for advertising purposes.

If Council resolve to refuse the draft policy for advertising, it will delay the ability to advertise to the community which will subsequently defer the public from commenting on the content and intent of the provisions.

Option 1 is recommended.

Attachments:

- [OCM168.1/09/15](#) – Revised Draft LPP 9 (E15/4176)

Voting Requirements: Simple Majority

OCM168/09/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Urban, seconded Cr Erren

That Council:

1. Pursuant Part 9.1 of Town Planning Scheme No. 2 adopt draft Local Planning Policy No. 9 – Multiple Use Trails as contained in attachment *OCM168.1/09/15* for the purposes of advertising.
2. Pursuant Part 9.3 of Town Planning Scheme No. 2 invite public comment on draft Local Planning Policy No. 9 – Multiple Use Trails for a period of not less than 21 days by way of a:
 - a) Notice published once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area;
 - b) notice being placed in the Shire's Administration Centre; and
 - c) notice being placed on the Shire's internet website.
3. Subject to no objections being received during the advertising period required in (2) above the draft Local Planning Policy No. 9 – Multiple Use Trails is adopted pursuant Part 9.3 (b) of the Town Planning Scheme No. 2, without modification. 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 8/0

Director Corporate and Community left Chambers at 8.00pm

CEO left Chambers at 8.02pm

CEO and Director Corporate and Community returned to Chambers at 8.03pm

OCM169/09/15 Draft Local Planning Policy No. 20 – Sea Containers (SJ1101)	
Author:	Rob Casella – Senior Strategic Planner
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	18 August 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction

The purpose of this report is to consider the adoption of draft Local Planning Policy No. 20 – Sea Containers (LPP 20) for the purposes of advertising.

Background:

At Councils 18 December 2006 Ordinary Council Meeting, Councillors resolved to adopt LPP 20 (the Policy) Sea Containers and other similar Relocatable Storage Containers.

The motive for the Policy was a result of a development application that resulted in the State Administrative Tribunal (SAT) of which SAT agreed to the determination for the following reason:

“The Tribunal found that the sea container was clearly visible from Adonis Street and from surrounding properties and that the visual outlook from the street and the residences was significantly diminished and the character of the area was negatively affected by the visual prominence of the sea container. The Tribunal considered that approval of development that diminished the existing residential character of the area and negatively impacted on the existing and future amenity of the area was contrary to orderly and proper planning. Furthermore, the Tribunal considered the form of the structure was discordant with the residential character of the area and visually detracted from the streetscape and significantly diminished the visual outlook of adjoining properties.”

In conjunction with the continually growing proliferation of transportable containers throughout the Shire, it is deemed necessary for the Policy to be reviewed and updated to reflect the growing concern and accommodate the changing trend from the local community.

Relevant Previous Decisions of Council:

SD066/12/06 – Adopted the policy

Community / Stakeholder Consultation:

Should Council adopt the draft review LPP 20 – Sea Containers, public consultation will be undertaken in accordance with clause 9.3 of TPS 2, allowing 21 days for any submissions to be made.

Planning Assessment:

Clause 9.1 of TPS 2 provides the mechanism by which the Council may make Local Planning Policies as follows:

9.1 LOCAL PLANNING POLICIES

9.1.1 *The Council may prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme Area so as to apply:-*

- a) *generally or for a particular class or classes or matters and;*
- b) *throughout the Scheme Area or in one or more parts of the Scheme Area; and may amend or add to or rescind a Policy so prepared.*

The procedure for making a Local Planning Policy is contained in clause 9.3 of TPS 2 as set out below:

9.3 PROCEDURES FOR MAKING AND AMENDING A LOCAL PLANNING POLICY

A Local Planning Policy shall become operative only after the following procedures have been completed:-

- a) The Council having prepared and adopted a draft Policy shall publish a notice once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area giving details of where the draft Policy may be inspected, the subject and nature of the Policy and in what form and during what period (being not less than 21 days) submissions may be made.*
- b) The Council shall review the draft Policy in the light of any submissions made and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy.*

Amendments to LPP 20

The following summarizes the main amendments which have been made to LPP 20:

Policy Objectives

Under Part 1.0 of LPP 20, the following policy objectives have been added:

- *Provide direction on the placement and use of sea containers and similar storage containers within the Shire.*
- *Ensure that sea containers are situated and appear visually integrated with the surrounding area.*
- *Ensure that sea containers are used in a way to minimise impact on the amenity of the locality.*

The stated objectives elaborate on the current policy objectives to emphasis the intent of the Policy, providing a clearer position of Council to guide Shire officers when assessing such development applications.

Background

Part 2 has been added to reflect the Shire's supporting strategic framework which highlights the importance to preserve the character and lifestyle of its rural communities and a statement of how the proposed policy seeks to protect the visual amenity through its planning controls.

Parts 3, 4 and 5 have been added to provide clear statements reflecting how the Policy falls within the Shire's Statutory Planning Framework and how the Policy shall be applied.

Policy Provisions

Under Part 6 of the Policy, a number of modifications / additions have been made, which are addressed in the table below:

Policy Provisions (Review)	Officer Comment / Comparison to LPP20 (2006)
6.1 All sea containers or transportable structures sited in the Shire requires planning approval.	Provision added to clearly state all the landowners' responsibility to obtain planning approval prior to the structure being deposited on any land within the Shire.
6.2 No Change 6.3 Sea containers for the purpose of temporary storage of building materials and equipment for the duration of construction of a building or structure on that land for which the Shire has issued a Building Permit may be considered forward of the building line / setback.	Provisions has been added to allow some flexibility in the siting of a transportable storage unit where proven to be on a temporary basis, and the appropriateness of the requested duration to be determined at the Technical Officer's Discretion, given the context.

<p>6.4 Council may grant approval for ONE sea container to be kept on all zoned land within the Shire subject to the following conditions:</p> <p>6.4.1 The sea container shall be located behind the building line/setback.</p> <p>6.4.2 The sea container shall be screened so as not to be easily seen from the road, including secondary streets and adjacent properties, as determined by the Shire.</p> <p>6.4.3 The exterior of the sea container shall be treated with cladding that is similar to or complementary to the architectural appearance and colour of existing buildings on the property, or the prevailing landscape and matches the roof line of the existing built structures on the property.</p> <p>6.4.4 Sea containers being sited on land so as to prevent any damage and / or removal of existing vegetation.</p> <p>6.4.5 Sea Containers shall be sited outside the root protection zone of existing or designated vegetation areas, unless measures are taken to ensure the vegetation root zones are not going to be affected.</p> <p>6.4.6 No Change</p> <p>6.4.7 No Change</p> <p>6.4.8 Sea containers are not permitted to be used for ancillary accommodation unless approved by Council and complies with the Residential Design Codes, Building Code of Australia and the Health Act 1911.</p>	<p>6.4 Has been modified to allow an application for a sea container to be submitted within all zones of the Shire.</p> <p>Provisions 6.4.1 and 6.4.2 are contained within the current Policy as one provision. Officers have sought to separate the provision into two. The intent remains the same.</p> <p>6.4.3 Has been modified to include the ability clad the structure to reduce the visual impact of the structure to ensure the external appearance of the structure is sympathetic to the existing built environment which should be reflective of the rural character and natural environment.</p> <p>The intent of 6.4.4 and 6.4.5 is to avoid the unnecessary damage and/or removal of existing native vegetation for the purpose of facilitating a sea container on a potent.</p> <p>6.4.8 has been added to address the growing popularity of the conversion of sea containers to habitable structures and ensuring that any such application shall require a planning application prior to a building permit being issued as a means of the Shire having greater measures to control the development that is sympathetic to the surrounding built and natural environment of the proposal.</p>
<p>6.5 The following details shall be submitted as part of an application for siting a sea container on a property:</p> <p>6.5.1 A scaled site plan showing the proposed location of the sea container and detailing setbacks to boundaries. The site plan shall also include other buildings, access ways, and vegetation on the property.</p> <p>6.5.2 The proposed size and use of the sea container.</p> <p>6.5.3 Whether approval is being sought for a temporary period (state time period) or on a permanent basis.</p> <p>6.5.4 Details of how the sea container will be screened from view from nearby roads, other public places, and adjoining properties.</p> <p>6.5.5 Details of any exterior upgrading and/or colour to be applied so the sea container blends in with the surrounding landscape.</p>	<p>The provisions contained under 6.4 have been added to ensure high quality plans and details are provided and addressed to ensure an accurate and efficient assessment can be carried out by the Shire’s Technical Officers.</p>

The following table identifies the provisions that have been removed from the current adopted Policy:

Adopted Policy Provisions Removed	Justification
3.2 Sea containers are not permitted on any land zoned Residential, Urban Development and Special Residential.	The identification of the permissible zones have been addressed in section 3 of the revised Draft Policy which allows for applications to be considered in all zoned land within the Shire, including Council Reserves, which in its own nature, will require planning approval.
3.3 Planning consent may be considered in the Rural Living A, Rural-Residential, Rural, Rural Living B, Special Rural, Farmlet, Rural Groundwater Protection and Special Use Zones for the temporary storage of building materials and equipment for the duration of construction of a building or structure on that land for which the Shire has issued a Building Licence.	
3.6 Any application for the placement of a Sea Container on a Council Reserve must be referred to Council for determination.	

The proposed provisions in the revised draft policy will allow the Shire's delegated officers the authority to determine applications that are in accordance with the policy provisions, whilst applying discretion as to the suitability one sea container on a subject lot.

Any variations to the proposed policy or proposals for additional sea containers on a single lot will require a Council determination on any zoned lot.

Options and Implications:

Council has the following options:

Option1: Council may resolve to adopt the Draft Review Local Planning Policy No. 20 for advertising purposes.

By adopting the draft policy for the purpose of public advertising, it will allow Council to gauge the communities' position on the use of sea containers within the Shire. Following the advertising period the policy will be referred back to the Council for consideration of its final adoption.

Option 2: Council may resolve to refuse to adopt the draft review Local Planning Policy No. 20 for advertising purposes.

If Council resolve to refuse the draft policy for advertising, it will delay the ability to advertise to the community which will subsequently defer the public from commenting on the content and intent of the provisions.

Option 1 is recommended.

Statutory Environment:

- Metropolitan Regional Scheme
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 - Clause 9.1.1

Financial Implications:

There are no direct financial cost implications for Council.

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

Conclusion:

The proposed draft Local Planning Policy No. 20 – Sea Containers is considered to address the developing community needs and growing popularity of sea containers in a time where sea containers are determined as an alternative option for added security and economic building material, by allowing applications for a sea container, to be considered in all zones providing suitable measures are applied to ensure the local and greater amenity of the Shire is not jeopardised.

The revised Policy is considered to apply greater planning controls over the siting and use of sea containers within the Shire, whilst also establishing clear objectives that emphasise the importance of protecting the character and amenity of the predominantly rural landscape.

Attachments:

- [OCM169.1/09/15](#) – Draft Local Planning Policy No. 20 – Sea Containers (E15/3198)

Voting Requirements: Simple Majority

Officer Recommendation:**That Council:**

1. Pursuant to Part 9.3 of Town Planning Scheme No. 2 adopt draft Local Planning Policy No. 20 – Sea Containers as contained in attachment [OCM169.1/09/15](#) for the purposes of advertising.
2. Invite public comment on draft Local Planning Policy No. 20 – Sea Containers for a period of not less than 21 days by way of a:
 - a) Notice published once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area;
 - b) notice being placed in the Shire's Administration Centre; and
 - c) notice being placed on the Shire's internet website.
3. Subject to no objections being received during the advertising period required in (2) above the draft Local Planning Policy No 20 – Sea Containers is adopted pursuant Part 9.3(b) of Town Planning Scheme No. 2, without modification. 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.

OCM169/09/15 COUNCIL DECISION / New Motion:

Moved Cr Hawkins, seconded Cr Piipponen

That Council defers item OCM169/09/15 Draft Local Planning policy No 20 – Sea Containers for the purpose to advertise to allow Shire officers to workshop the Draft Local Planning Policy No. 20 – Sea Containers with the Elected Members.

CARRIED UNANIMOUSLY

OCM170/09/15	Draft Review of Local Planning Policy No. 26 – Biodiversity Planning (SJ1107)
Author:	Rob Casella – Senior Strategic Planner
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	24 August 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction

The purpose of this report is to consider the adoption of a draft review of Local Planning Policy No. 26 – Biodiversity Planning (LPP 26) for the purposes of advertising.

Background:

In 2008 the Council adopted the Shire’s Stage 1 Local Biodiversity Strategy at its Council Meeting held on the 27 October 2008.

Council resolved to implement a Local Planning Policy (LPP) to achieve the effective integration of biodiversity planning into the statutory decision making process.

On 21 December 2009, Council resolved to adopt LPP 26 which was designed to strategically protect vegetation within the Shire.

Relevant Previous Decisions of Council:

SD085/12/09 – Adopted LPP 26.

Community / Stakeholder Consultation:

Should Council adopt the draft review LPP 26, public consultation will be undertaken in accordance with clause 9.3 of Town planning Scheme No. 2 (TPS 2), allowing 21 days for any submissions to be made.

Statutory Environment:

- Metropolitan Regional Scheme
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 - Clause 9.1.1

Financial Implications:

There are no direct financial cost implications for Council.

Alignment with our Strategic Community Plan:

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

Planning Assessment:

Clause 9.1 of Town Planning Scheme No. 2 provides the mechanism by which the Council may make Local Planning Policies as follows:

9.1 LOCAL PLANNING POLICIES

9.1.1 *The Council may prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme Area so as to apply:-*

- generally or for a particular class or classes or matters and;*
- throughout the Scheme Area or in one or more parts of the Scheme Area;*

and may amend or add to or rescind a Policy so prepared.

The procedure for making a Local Planning Policy is contained in clause 9.3 of TPS 2 as set out below:

9.3 PROCEDURES FOR MAKING AND AMENDING A LOCAL PLANNING POLICY

A Local Planning Policy shall become operative only after the following procedures have been completed:-

- a) *The Council having prepared and adopted a draft Policy shall publish a notice once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area giving details of where the draft Policy may be inspected, the subject and nature of the Policy and in what form and during what period (being not less than 21 days) submissions may be made.*
- b) *The Council shall review the draft Policy in the light of any submissions made and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy.*

Amendments to LPP 26

The following summarizes the main amendments which have been made to LPP 26:

Status	Amended Policy Provisions	Officer Comment
Amended	<p>Policy Objectives:</p> <ol style="list-style-type: none"> 1. to protect, maintain and improve the viability of habitats, ecological communities, flora and fauna and genetic diversity. 2. to ensure that any land use or development in proximity to or contains a natural area is compatible with the long-term maintenance and conservation of that area, and will not have detrimental impacts on biodiversity. 3. to assist in achieving the conservation goals and targets as established in the Shire's <i>Local Biodiversity Strategy</i>. 	<p>The Policy objectives have been revised to make them more specific to the intent of the LPP 26 rather than the reason for the Policy itself, as the existing objectives are established in the planning provisions contained within the policy provisions.</p>
Amended	<p>Background:</p> <p>The Shire of Serpentine Jarrahdale's <i>Strategic Community Plan</i> recognises the need to protect, restore and manage our landscapes and biodiversity. The Shire's <i>Local Biodiversity Strategy</i> provides for a framework for the protection of biodiversity values. This local planning policy provides guidance on the information required to assess the impact of development proposals on biodiversity.</p>	<p>The background of LPP 26 has been updated to bring it in line with the Shire's existing Policy framework, expressing the strategic framework which has provided the direction for LPP 26.</p> <p>The currently adopted LPP 26 provides too much detailed information which is provided within the Shire's <i>Local Biodiversity Strategy</i>.</p>
Added	<p>Application:</p> <p>This Policy applies to all land within the Shire of Serpentine Jarrahdale.</p>	<p>This section has been added to reflect where the Policy is applicable, in relation to the development of land.</p>
Added	<p>Status:</p> <p>Relationship to Town Planning</p>	<p>Details have been included to reflect how the Policy obtains its legal status and its</p>

	Scheme No. 2; and Relationship to other documents	hierarchy
Modified	Interpretations: 1. Biodiversity 2. Biodiversity feature 3. Natural area 4. Native vegetation	A number of interpretations have been removed that are in the existing Policy, and it has been condensed down to reflect the content in the Policy. The four (4) interpretations included in the draft review have been modified from the current LPP 26 interpretations.
Modified	Policy Provisions: Natural Areas identified in the Local Biodiversity Strategy, where a Scheme Amendment, Structure Plan or detailed area plan is proposed within 100m or contains a natural area, is required to submit information to assess the impact of the development proposal on the natural area.	Provisions have been imposed so as to ensure that a high level and accurate information is submitted to the Shire for assessment against the Shire's Local Biodiversity Strategy. The information to be submitted has been confirmed to be satisfactory by the Shire's Environmental Business unit to ensure a suitable impact assessment can be undertaken.

The intent of the policy provisions contained above are to streamline the policy in a way to ensure it is easily readable by all stakeholders, making it a policy that is easily implementable, ensuring effective development outcomes can be achieved with the appropriate information being provided to Shire officers.

Options and Implications:

Council has the following options:

Option1: Council may resolve to adopt the Draft Review Local Planning Policy No. 26 for advertising purposes.

By adopting the draft policy for the purpose of public advertising, it will allow Council to gauge the communities' position.

Option 2: Council may resolve to refuse to adopt the Draft Review Local Planning Policy No. 26 for advertising purposes.

If Council resolve to refuse the draft policy for advertising, it will delay the ability to advertise to the community which will subsequently defer the public from commenting on the content and intent of the provisions.

Option 1 is recommended.

Conclusion:

Local Planning Policy No. 26 Draft Review has been amended to ensure it is current with the Shire's planning framework and making it a more user friendly document by removing any duplication the Policy has compared to the Shire's Local Biodiversity Strategy.

The revised LPP 26 aims to achieve the objectives of the Local Biodiversity Strategy.

Attachments:

- [OCM170.1/09/15](#) – Draft Review Local Planning Policy No 26 – Biodiversity Planning (E15/3389)

Voting Requirements: Simple Majority

OCM170/09/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Erren, seconded Cr Rossiter

That Council:

- 1. Pursuant Part 9.1 of Town Planning Scheme No. 2 adopt draft Local Planning Policy No. 26 – Biodiversity Planning as contained in attachment *OCM170.1/09/15* for the purposes of advertising.**
- 2. Pursuant Part 9.3 of Town Planning Scheme No. 2, invite public comment on draft Local Planning Policy No. 26 – Biodiversity Planning for a period of not less than 21 days by way of a:**
 - a) Notice published once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area;**
 - b) notice being placed in the Shire’s Administration Centre; and**
 - c) notice being placed on the Shire’s internet website.**
- 3. Subject to no objections being received during the advertising period required in (2) above, the draft Local Planning Policy No. 26 – Biodiversity Planning is adopted pursuant Part 9.3 (b) of the Town Planning Scheme No. 2, without modification. 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 UNANIMOUSLY

OCM171/09/15	Draft Local Planning Policy No. 36 - Outbuildings (SJ1117)
Author:	Lauren Dujmovic – Strategic Planner
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	20 August 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 consider the adoption of draft Local Planning Policy No. 36 – Outbuildings (LPP 36) for the purposes of advertising.

Background:

LPP 36 was drafted and adopted by Council for the purposes of advertising in July 2011 to provide guidance on the development of outbuildings in the Shire. Following the advertising period, Shire officers amended LPP 36 to assist in the practical implementation of the Policy. These amendments were not considered to alter the material intent of the Policy. In May 2013 amended LPP 36 was adopted by Council for the purposes of advertising. Since being advertised in 2013, Shire officers have considered the received submissions and have reviewed the operation of the Policy. This review of LPP 36 has led to significant amendments. Pursuant to Clause 9.3 of Town Planning Scheme No. 2 (TPS 2) the amended LPP 36 is required to be readvertised. Accordingly, this report is presented to Council to consider the adoption of LPP 36 for the purposes of advertising.

Relevant Previous Decisions of Council:

OCM198/05/13 – Adopted for the purposes of advertising.

Community / Stakeholder Consultation:

Should Council adopt the draft review LPP 36 – Outbuildings, public consultation will be undertaken in accordance with clause 9.3 of TPS 2, allowing 21 days for any submissions to be made.

Comment:

Proposal

The purpose of LPP 36 is to provide guidance on the approval of outbuildings in the Shire. LPP 36 was most recently advertised for public comment in May 2013. Following the advertising period, amendments to LPP 36 have been undertaken to improve the operation and implementation of the Policy. It is proposed that the amended LPP 36 be adopted by Council for the purposes of advertising.

Amendments to LPP 36

The following summarises the main amendments which have been made to LPP 36.

Policy Objectives

Under Part 1.0 of LPP 36, the following Policy Objectives have been added to emphasise the purpose of the Policy and more specifically define the Shire's position in regards to the design, location and scale of outbuildings:

- *Provide guidance as to when a development will be approved by the Shire of Serpentine Jarrahdale;*
- *Ensure that outbuildings complement the character of the primary dwelling and appear secondary in all regards to the primary dwelling;*
- *Ensure that outbuildings do not have a detrimental visual impact which adversely affects the amenity of the surrounding area; and*
- *Ensure the use of outbuildings is incidental to the primary use operating on the land;*

These additions strengthen the objectives of LPP 36 which is important in establishing a strong and well-defined position to inform the development assessment process.

Application of LPP 36

LPP 36 has been amended to be a general outbuildings policy which applies to the development of all outbuildings in the Shire rather than only non-urban outbuildings. It is noted that the Residential Design Codes contain provisions for the development of outbuildings in urban areas, however including urban areas within LPP 36 ensures consistency and allows the Policy Objectives of LPP 36 to be applied to the development of all outbuildings across the Shire. Section 3.0 Application of LPP 36 has also been amended to include that the Policy is not applicable to 'a structure associated with an approved non-residential use'.

Requirement for Planning Approval

The previously adopted LPP 36 specified that applications which were deemed to be compliant did not require planning approval. Only applications which were non-compliant required a planning approval and payment of relevant fees. LPP 36 has been amended to require all proposed outbuildings to require planning approval. It is considered that requiring planning approval for all outbuildings will formalise the process and ensure compliance with the policy and TPS 2.

Fees and Determination of Applications

The Policy has been amended to clearly state that development application fees will be required for all applications. The Policy also addresses where Council fees may be required and how applications shall be determined to ensure applicants are aware prior to submission. The Policy has been restructured to contain this information under the descriptions of Compliant applications, Performance Based applications and Non-Compliant applications under Section 6.0 Provisions.

Performance Based Applications (20% variation)

The performance based criteria of the Policy has been amended to allow up to a 20% variation of the 'Acceptable Development Requirements' in regards to floor area. This has significantly decreased the floor areas considered under the performance based criteria, particularly within some zones. Proposed outbuildings exceeding the floor areas considered under the performance based criteria will be considered as non-compliant applications. Applications which meet the performance based criteria can be assessed under delegation and are not necessarily required to be determined by Council, while non-compliant applications are always required to be determined by Council. Reducing the performance based floor areas encourages less variance to the 'Acceptable Development Requirements' and specifying a 20% variation ensures consistency as the variation considered is proportionate to the acceptable floor area for each zone. Additionally, it will ensure applications proposing a significant variance to the 'Acceptable Development Requirements' will be determined by Council.

Policy Provisions

The following Policy Provisions under Section 6.0 have been removed as it is considered that these issues are addressed in other Shire policies and documents.

- *'Outbuildings proposed within the Landscape Protection Area shall comply with LPP No.8 – Landscape Protection Policy.'*
- *It is the Shire's expectation that stormwater reuse devices are to be depicted on applications detailing colours and materials in accordance with Table 3 – Outbuilding Assessment and Approval Requirements. Stormwater reuse devices depicted on application shall detail dimension, size and methods of reuse.*
- *If a water reuse device is required for the purposes of bushfire protection, specifications for these devices, including valves, fittings and sizes, are to be in accordance with the requirements as outlined in LPP No.43 – Hazards and Natural Disasters.*
- *A stormwater reuse device shall generally be installed within 90 days of the completion of the outbuilding.'*

The following clauses have been included under Section 6.0 Provisions to ensure the Policy is applicable to all land and development which may not be clearly defined under the Scheme:

- *'Applications will be assessed in accordance with the most suitable category under Table 1 as determined by the Shire.'*
- *'Any proposed roofed structure that does not clearly fall within the definition of an outbuilding and lean-to, or any other structure defined under the Scheme, will be assessed in accordance with this Policy and will be restricted to the total floor area requirements identified in Table 1.'*

Conversion to Alternate Uses

The following clause relating to the conversion of outbuildings to alternate uses has been removed from the Policy:

- *'The Shire does not support the conversion of outbuildings to ancillary accommodation or rural workers dwellings due to the difference in external appearance and functionality.'*

This clause has been removed as the conversion of outbuildings to other uses can be supported under TPS 2 and the Residential Design Codes. By removing this clause, it provides flexibility and allows for Shire officers discretion to consider individual applications on a case by case basis.

Lean-To

The following clause has been removed from the Policy:

- *'Where the existing approved outbuilding falls within the unacceptable development floor area, the maximum size of the lean-to shall be 30% of the performance based floor area.'*

This clause has been removed as unacceptable development floor areas have been removed from the Policy. Provisions for a lean-to for an existing outbuilding are already contained in another clause within the Policy which states that the maximum size of a lean-to shall be 30% of the roof cover of the existing or proposed outbuilding.

The following clause has been included in the Policy to ensure quality design outcomes:

- *'All lean-to's shall be constructed of materials that match or complement the proposed / existing adjoining outbuilding.'*

Floor Area, Setbacks and Height

Provisions regarding floor area, setbacks and height were contained under Table 1 of the previously adopted LPP 36. The floor areas for performance based applications have been amended under Table 1 to include the 20% variation as discussed above. The floor areas for unacceptable development have been removed as it is considered unnecessary to state this given applications which do not fall within the acceptable development or performance based criteria are non-compliant. Setback requirements have also been removed from Table 1 as setbacks are addressed under the Residential Design Codes in urban areas and under Clause 5.4 of TPS 2 in non-urban areas.

Design Requirements

The previously adopted LPP 36 provided design requirements contained within Tables 2 and 3 which addressed siting, landscaping, colours and materials. It is considered that such requirements are too prescriptive and do not encompass the range of design issues which are considered in the planning assessment process. The Policy has been amended to remove Tables 2 and 3 as it is considered unnecessary to outline such requirements. The planning assessment process involves the consideration of design issues beyond those contained within Tables 2 and 3.

Application Requirements

The development application checklist and justification for non-compliance form contained within Schedules 1 and 2 of the Policy have been removed. Application requirements are addressed under TPS 2 and it is not considered necessary for these forms to be attached to LPP 36.

Options and Implications

Option 1: Council may resolve to adopt draft review Local Planning Policy No. 36 for advertising purposes.

By adopting the draft policy for the purpose of public advertising, it will allow Council to gauge the communities' position.

Option 2: Council may resolve to refuse to adopt draft review Local Planning Policy No. 36 for advertising purposes.

If Council resolve to refuse the draft policy for advertising, it will delay the ability to advertise to the community which will subsequently defer the public from commenting on the content and intent of the provisions.

Option 1 is recommended.

Attachments:

- [OCM171.1/09/15](#) – Advertised LPP 36 (E13/1679)
- [OCM171.2/09/15](#) – Schedule of Submissions (E15/3697)
- [OCM171.3/09/15](#) – Amended LPP 36 (E15/3046)

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

Statutory Environment:

Town Planning Scheme No. 2

Financial Implications:

There are no direct financial cost implications for Council.

Voting Requirements: Simple Majority

OCM171/09/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Erren, seconded Cr Hawkins

That Council:

1. Pursuant Part 9.1 of Town Planning Scheme No. 2 adopt draft Local Planning Policy No. 36 – Outbuildings as contained in attachment *OCM171.3/09/15* for the purposes of advertising.
2. Pursuant Part 9.3 of Town Planning Scheme No. 2 invite public comment on draft Local Planning Policy No. 36 – Outbuildings for a period of not less than 21 days by way of a:
 - a) Notice published once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area;
 - b) notice being placed in the Shire's Administration Centre; and
 - c) notice being placed on the Shire's internet website.
3. Subject to no objections being received during the advertising period required in (2) above the draft Local Planning Policy No. 36 – Outbuildings is adopted pursuant Part 9.3 (b) of the Town Planning Scheme No. 2, without modification. 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 UNANIMOUSLY

OCM172/09/15	Draft Local Planning Policy No. 39 – ‘Ancillary Accommodation’ (SJ1120)
Author:	Lauren Dujmovic – Strategic Planner
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	August 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

Proponent: Shire of Serpentine Jarrahdale
 Owner: Various
 Town Planning Scheme No 2 Zoning: Various
 Metropolitan Region Scheme Zoning: Various

Introduction

The purpose of this report is to consider the adoption of draft Local Planning Policy No. 39 – ‘Ancillary Accommodation’ (LPP 39) for the purposes of advertising.

Background:

LPP 39 was drafted and adopted by Council for the purposes of advertising in 2011 to provide guidance on the development of ‘Ancillary Accommodation’ in all areas of the Shire. As State Planning Policy 3.1 Residential Design Codes contains provisions for the development of ‘Ancillary Accommodation’ in urban areas, it is important for the Shire to specify provisions for non-urban areas. During the advertising of LPP 39 in 2011, the Department of Planning recommended in their submission that the Shire postpone the progression of LPP 39 until the finalisation of the Residential Design Codes review. The Residential Design Codes have since been reviewed and amended in 2013. Following this, LPP 39 has been reviewed by Shire officers and significant amendments have been made. The amended LPP 39 is presented to Council for adoption for the purposes of advertising.

Relevant Previous Decisions of Council:

SD011/07/11 – Local Planning Policy No. 39 – ‘Ancillary Accommodation’ – Adopted for the purposes of advertising.

Community / Stakeholder Consultation:

Should the amended LPP 39 be adopted by Council for the purposes of advertising, it will be advertised for public comment for a period of not less than 21 days in accordance with Clause 9.3(a) of TPS 2.

Comment:

Proposal

‘Ancillary Accommodation’ can provide housing diversity, choice and affordability. The Residential Design Codes contain provisions for the development of ‘Ancillary Accommodation’ in urban areas of the Shire, however no such provisions exist for non-urban areas. The purpose of LPP 39 is to provide guidance on the development of ‘Ancillary Accommodation’ in all areas within the Shire. Since being advertised for public comment in 2011, amendments to LPP 39 have been undertaken. It is proposed that the amended LPP 39 be adopted by Council for the purposes of advertising.

Amendments to draft LPP 39

The following summarises the main amendments which have been made to LPP 39 since it was advertised in 2011:

Policy Objectives

Under Part 1.0 of LPP 39, the following policy objectives have been added to emphasise the Shire's position regarding 'Ancillary Accommodation'.

- *'Ensure that 'Ancillary Accommodation' is situated and constructed to appear visually related to and integrated with the primary dwelling.'*
- *'Ensure that the scale and location of the 'Ancillary Accommodation' is not considered to represent an increase to the existing residential density of the property.'*
- *'Protect against the fragmentation of semi-rural and rural land by ensuring that 'Ancillary Accommodation' is not developed in a manner which may encourage future subdivision.'*

These additions strengthen the objectives of LPP 39 which is important in establishing a strong and well-defined position to inform the development assessment process.

Removal of requirement for Section 70A Notification on Title

The definition of 'Ancillary Accommodation' under Part 5.0 of LPP 39 has been updated to reflect the definition in the amended Residential Design Codes. This involved removing the requirement for occupants of the 'Ancillary Accommodation' to be members of the same family as the occupants of the primary dwelling. This requirement has also been removed from the policy provisions in Part 6.0 of LPP 39 in accordance with the Residential Design Codes. This requirement which has been removed, previously sought to avoid landowners engaging in formal rental agreements with non-relatives and specified that applicants were to place a Section 70A Notification on Title prior to occupancy.

Conversion of outbuildings to 'Ancillary Accommodation'

The following clause relating to the conversion of outbuildings to 'Ancillary Accommodation' has been removed from the Policy:

- *'Outbuildings (sheds, garages) proposing conversion to 'Ancillary Accommodation' shall generally not be approved.'*

This clause has been removed as the conversion of outbuildings to 'Ancillary Accommodation' can be supported under TPS 2 and the Residential Design Codes. By removing this clause, it provides flexibility and allows for officer discretion to consider individual applications on a case by case basis.

Removal of performance based and unacceptable development provisions

Schedule 1 – Maximum Floor Area Requirements have been amended to only include provisions for acceptable development, removing the provisions for performance based and unacceptable development. Schedule 2 – Design Requirements have been amended to remove the acceptable development, performance based and unacceptable development provisions, instead specifying design requirements expected by the Shire. This approach has been employed to clearly state the maximum floor area requirements and design requirements which are deemed acceptable by the Shire without any ambiguity. It also promotes a more positive approach which emphasises the form of development that is supported by the Shire. If any proposal seeks to vary the acceptable development provisions or design requirements outlined in Schedule 1 and Schedule 2, policy provisions are contained within Part 6.0 of LPP 39 requiring that written justification be provided and consultation with adjoining landowners be undertaken.

Maximum Floor Area Requirements

The acceptable maximum floor area requirements contained within Schedule 1 have been amended to allow 'Ancillary Accommodation' to have floor areas up to 70m² in all zones within the Shire. The Residential Design Codes specifies a maximum floor area of 70m² for 'Ancillary Accommodation'. LPP 39 has been amended to be consistent with the Residential Design Codes.

Timing

The following requirement relating to timing has been removed from Schedule 2 of the Policy as it is considered that the development of 'Ancillary Accommodation' should be regulated on scale, location and design rather than timing.

- *'Ancillary Accommodation' is to be developed after the primary dwelling.'*

Siting

The following requirements have been added to siting under Schedule 2 to avoid potential land use conflicts and address places of cultural heritage significance.

- *‘Ancillary Accommodation’ is to be sited to minimise impact on rural land uses and be separated from potentially conflicting land uses, such as stables, intensive livestock operations or livestock yards, either on the subject land or adjacent land.*
- *Consideration shall be given to the impact of ‘Ancillary Accommodation’ on places of cultural heritage significance.’*

The following requirement has been removed from siting under Schedule 2 as it is considered to be too prescriptive to be contained within the design requirements.

- *‘Located above the garage to support designing out crime principles for properties accessed via a rear laneway.’*

Separation Distance

The following requirement relating to separation distances has been removed from Schedule 2.

- *‘Ancillary Accommodation’ is located within 10 metres of the primary dwelling.’*

This requirement has been removed as it contradicts another requirement contained under Schedule 2 which states that:

- *‘Ancillary Accommodation’ shall be under the same roofline as the primary dwelling’.*

Scale

Scale has been added as an element under Schedule 2 – Design Requirements, with the corresponding design requirement stating that ‘Ancillary Accommodation’ shall have no more than two (2) bedrooms. This design requirement has been added to LPP 39 to ensure that the ‘Ancillary Accommodation’ does not represent an increase to existing residential density. By specifying a limit to the number of bedrooms permitted, LPP 39 seeks to regulate the number of persons able to be accommodated within the ‘Ancillary Accommodation’. This aims to manage the impact of ‘Ancillary Accommodation’ on the existing residential density, ensuring that additional pressure is not placed on community and service infrastructure.

Services

The following requirement has been added to services under Schedule 2 to state that an additional effluent disposal system can be considered in some instances. This requirement provides the Policy with greater flexibility.

- *‘Where connection to the existing effluent disposal system is not possible, the Shire can consider an additional effluent disposal system on the lot if all setbacks can be achieved.’*

Transportable Dwellings

The following requirement relating to transportable dwellings has been amended to allow flexibility and discretion to be applied in achieving overall outcomes.

- *‘No more than 50% of materials are to be dissimilar to the existing primary dwelling.’*

This requirement has been amended to state the following:

- *‘Transportable dwellings should be consistent with the architectural style and exterior finish of the primary dwelling and surrounding locality.’*

Application Requirements

The application requirements contained within Schedule 3 of the Policy have been removed. Application requirements are addressed under TPS 2 and it is not necessary for this to be attached to LPP 39.

Statutory Environment:

Town Planning Scheme No. 2

Financial Implications:

There are no direct financial cost implications for Council.

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

Options and Implications:

Option 1 - Resolve to adopt LPP 39 for the purposes of advertising; or

Option 2 - Resolve to not adopt LPP 39 for the purposes of advertising.

Option 1 is recommended.

Attachments:

- [OCM172.1/09/15](#) – Advertised LPP 39 (E10/1047)
- [OCM172.2/09/15](#) – Schedule of Submissions (E15/4134)
- [OCM172.3/09/15](#) – Amended LPP 39 (E15/2949)

Voting Requirements: Simple Majority

OCM172/09/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Erren, seconded Cr Hawkins

That Council:

1. Pursuant to Part 9.3 of Town Planning Scheme No. 2 adopt draft Local Planning Policy No. 39 – ‘Ancillary Accommodation’ as contained within attachment [OCM172.3/09/15](#) for the purposes of advertising.
2. Invite public comment on draft Local Planning Policy No. 39 – ‘Ancillary Accommodation’ for a period of not less than 21 days by way of a:
 - a) notice published once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area;
 - b) notice being placed in the Shire’s Administration Centre; and
 - c) notice being placed on the Shire’s internet website.
3. Subject to no objections being received during the advertising period required in (2) above the draft Local Planning Policy No. 39 – Ancillary Accommodation is adopted pursuant Part 9.3 (b) of the Town Planning Scheme No. 2, without modification. 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 UNANIMOUSLY

OCM173/09/15	Review of Council Policy G009 - Recognition of Assets and Depreciation (SJ514-06)
Author:	Megan Hodgson – Financial Accountant
Senior Officer/s:	Alan Hart – Director Corporate and Community
Date of Report:	27 August 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

Council is requested to adopt a revised Recognition of Assets and Depreciation Policy to reflect changes to the Infrastructure (including Parks/Reserves, Roads, Drainage, Footpaths) asset category, and the useful lives for each of the components.

Background:

This policy has been reviewed due to changes to the *Local Government Act 1995* and the Local Government (Financial Management) Regulations 1996, whereby it is now mandatory to value assets at fair value. Council elected to revalue the infrastructure assets in the 2014/15 financial year which has resulted in the need to update the schedule of depreciation in respect to the infrastructure assets. This policy was previously reviewed in June 2015, however in carrying out the fair value review of infrastructure assets the need has arisen for further components of Parks Assets to be created. The opportunity is also now being taken to summarise the existing categories of assets, so that the policy is not so specific and allows for the creation of new components as the need arises in the future without having to amend the policy.

A review has also been carried out on capitalisation thresholds and it is proposed to reduce buildings to \$10,000 in line with the other categories, and to separate out the infrastructure assets so that a threshold of \$10,000 can also be applied to Parks and Reserves. This will help to ensure an appropriate balance between the administrative workload of recording and maintaining a reliable Asset Register with the risk and compliance issues attached to the proper classification of capital expenditures.

Relevant Previous Decisions of Council:

- OCM099/06/15.

Community / Stakeholder Consultation:

No community consultation is required.

Comment:

Council adopted a phased-in approach for valuing all Shire assets at fair value. Infrastructure assets will be recorded at fair value at 30 June 2015. This will complete the initial phasing in of the Fair Value implementation. This review will ensure the assets are broken down into components to better reflect their respective useful lives. Proposed updates are as follows:

Land	Not depreciated
Buildings	
Structural	50 years
Internal Fit-Out	15 - 25 years
Mechanical Services	25 – 35 years
Security	15 years
Fire systems	15 years
Other Building Structures	15 – 25 years
Plant and Equipment	5 – 15 years
Motor Vehicles	2 – 5 years
Furniture and Equipment	4 – 10 years

Computer Equipment	2 – 5 years
Roads	
Subgrade	Not depreciated
Pavement	
Unsealed	10 years
Urban and Regional	60 - 100 years
Surface	5 – 20 years
Surface Water Channel	
Kerbing	40 years
Drains	8 - 15 years
Drainage	
Culvert	80 years
Stormwater Drainage	100 years
Footpaths	40 – 80 years
Parks and Reserves	
Land	Not Depreciated
Softscapes	50 years
Hardscapes	40 – 80 years
Reticulation	20 years
Parks Furniture	10 – 20 years
Lighting	15 – 25 years
Other Structures	10 – 40 years

Including the proposed changes the new capitalisation threshold table will appear as follows:

Land	\$1
Artworks	\$5,000
Buildings	\$10,000
Computer Equipment	\$10,000
Furniture	\$10,000
Plant & Equipment	\$10,000
Motor Vehicles	\$10,000
Roads	\$1
Drainage	\$1
Footpaths	\$1
Parks and Reserves	\$10,000

Conclusion

It is recommended that Council adopt the revised Policy G009 - Recognition of Assets and Depreciation.

Attachments:

- [OCM173.1/09/15](#) - Current Policy G009 - Recognition of Assets and Depreciation (E15/4171)
- [OCM173.2/09/15](#) - Proposed Policy G009 – Recognition of Assets and Depreciation (E15/4172)

Alignment with our Strategic Community Plan:

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

Statutory Environment:

Local Government (Financial Management) Regulations 1996 17A(3) states “a local government must show in each financial report —

- (a) for the financial year ending on 30 June 2013, the fair value of all of the assets of the local government that are plant and equipment; and
- (b) for the financial year ending on 30 June 2014, the fair value of all of the assets of the local government —
 - (i) that are plant and equipment; and
 - (ii) that are —
 - (i) land and buildings; or
 - (ii) infrastructure; and
- (c) for a financial year ending on or after 30 June 2015, the fair value of all of the assets of the local government.”

Financial Implications:

There are no direct financial cost implications for Council.

Voting Requirements: Simple Majority

OCM173/09/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Rossiter

That Council adopt revised Policy G009 - Recognition of Assets and Depreciation as per attachment OCM173.1/09/15.

CARRIED UNANIMOUSLY

Councillor Ellis left the Chambers at 8.11pm.

The Presiding Member vacated the chair and Deputy President Piipponen assumed the chair at 8.11pm.

OCM174/09/15	Write Off Of Sundry Debtor – July 2015 (SJ975-04)
Author:	Kristen Cooper – Leasing and Property Officer
Senior Officer/s:	Alan Hart – Director Corporate and Community
Date of Report:	27 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>

Introduction

The purpose of this report is to consider an amount be written off by Council as a bad debt. As part of the normal business activity of the Shire, debtor invoices are issued to individuals/corporations where in the opinion of the Shire a debt is owed to the Shire.

It is prudent financial management that the Shire review monies owed and if the debt is considered uncollectable, the amount be written off by Council as a bad debt.

Debtor Code	Invoice Number	Date of Invoice	Amount (GST exclusive)	Reason
448	7544	23 Feb 2015	\$1200	Invoice was for the reimbursement of legal fees associated with the preparation of the Serpentine & Districts Golf Course Lease
TOTAL			\$ 1,200	

Background:

The Serpentine & Districts Golf Club have disputed the costs associated with the preparation of the Golf Club lease which commenced in December 2013. Lease negotiations first commenced in 2010 and the finalisation of the process was delayed due to various amendments to the draft lease. The Club was invoiced for and paid \$500 in 2009 for legal fees associated with the lease prepared at that time. The Club has also disputed rental invoices for \$1,100 issued for the period 2013-2014 and 2014-2015, and the requirement to pay rubbish rates.

In the interests of moving forward the Shire has offered to write off the \$1,200 debt for legal fees for the preparation of the lease in return for the payment of the outstanding rental monies, and rubbish rates. The rental fees have now been paid in full, rubbish rates are still outstanding.

Relevant Previous Decisions of Council:

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

Community / Stakeholder Consultation:

Nil

Attachments:

- [OCM174.1/09/15](#) – Letter from Serpentine & Districts Golf Club requesting write off of debt (IN15/14683)

Alignment with our Strategic Community Plan:

This proposal is aligned with responsible financial and asset management.

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

Statutory Environment:

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

Financial Implications:

The financial implications to Council will result in a write off of \$1,200. The Shire has an annual budget allocation of \$4,000 for write off of debts.

Voting Requirements: Absolute Majority

OCM174/09/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Wilson, seconded Cr Erren

That Council consider the amount of \$1,200 be written off as a bad debt for the following Sundry Debtor:

Debtor Code	Invoice Number	Date of Invoice	Amount (GST exclusive)	Reason
448	7544	23 Feb 2015	\$1200	Invoice was for the reimbursement of legal fees associated with the preparation of the Serpentine & Districts Golf Course Lease
TOTAL			\$ 1,200	

CARRIED ABSOLUTE MAJORITY 7/0

Councillor Ellis returned to the Chambers and resumed chairing the meeting at 8.12pm.

OCM175/09/15	Switch your thinking Business Plan 2015/16-2019/20 (SJ829)
Author:	Julie McMinn - Switch your thinking Program Coordinator
Senior Officer:	Martin Lugod– Acting Director Engineering
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>

Introduction:

The purpose of this report is to seek Council endorsement of the Switch your thinking Business Plan 2015 – 2020 and include additional funding amounts for the Switch your thinking Program in the Shire’s long-term financial plan. The specific relevant Corporate Business Plan Action is 4.3.2.1 “Continue SEREG (Switch your thinking)” and the Target is “Strengthen and expand SEREG”.

Background:

In 1999 the Shire of Serpentine Jarrahdale and Cities of Gosnells and Armadale resolved to work together as the South East Regional Energy Group (SEREG) to reduce corporate and community greenhouse gas emissions. The Switch your thinking program was developed by the group in 2002 as a vehicle to deliver diverse emission abatement projects.

SEREG is comprised of a Councillor Delegate and Senior Officer from each partner Council. The Group’s primary function is to guide the development and implementation of Switch your thinking to the satisfaction and mutual benefit of the partner Councils.

Successive Switch your thinking Business Plans are used to identify strategic objectives and activities and provide an agreed budget.

The 2012-2015 Switch your thinking Business Plan has now expired and a new Business Plan (2015-2020) has been prepared by SEREG for consideration by partner Councils.

Highlights of the 2012-15 business cycle include:

- Securing over \$970,000 of grant funding to assist SEREG partner Councils to undertake corporate and community emission abatement and environmental awareness projects.
- Streamlining and automating service provision by upgrading online education materials and up-skilling Council staff and community members.
- Generating \$13.73 of revenue from other sources for every \$1.00 invested in Switch your thinking by the Shire of Serpentine Jarrahdale.
- Retaining a record number of member Council subscribers, earning \$135,000 in income.
- Delivering high-profile environmental awareness projects and abating over 9,400 tonnes of greenhouse gas emissions which is the equivalent to the amount of greenhouse emissions sequester by 241,282 seedlings growing for 10 years.

Community / Stakeholder Consultation:

The Switch your thinking 2015-2020 Business Plan has been prepared for SEREG in consultation with Councillor and Officer Representatives.

The Business Plan has also undergone intra-directorate reviews at the Shire of Serpentine Jarrahdale, the City of Armadale and the City of Gosnells and is scheduled for consideration by the City of Armadale’s City Strategy Committee on 17 August 2015 and the City of Gosnells Council on 25 August 2015.

Comment:

The 2015-2020 Switch your Thinking Business Plan contains strategies to ensure the ongoing success and financial sustainability of the program. It addresses program risks and paves the way for further growth, enhanced benefits for partner Councils and future innovation.

The Business Plan identifies new segments of the community and Council for Switch your thinking to educate and assist. In addition, it forecasts a growing demand for services, the result of population increases, complex regulations and further emission abatement opportunities.

Under resourcing is a major threat to the program, in the context of regional population growth, uncertainty over grant opportunities and high stakeholder expectations.

Proposal

The Switch your Thinking Business Plan details five key strategies that minimise risks and places the program in a competitive position to seize new abatement and funding opportunities.

Key Strategies:

Strategy 1: SEREG partner Council contributions are increased to cover Switch your thinking staff wages and on-costs.

Strategy 2: Keep pace with forecast growth in Community and Corporate Services by employing an additional Program Officer in July 2017.

Strategy 3: Base partner Council financial support for the Switch your thinking program on municipal population (from 2016/17), with the Shire of Serpentine Jarrahdale’s contribution further adjusted to equitably share administration costs between the three partner Councils.

Strategy 4: Partner Councils adopt a five-year cycle, commencing with the 2015/16 to 2019/20 Business Plan, as the basis for the program’s business planning.

Strategy 5: Pursue new markets and funding sources by partnering with government, community and non-government organisations and groups to fill service gaps and reach new sections of the community.

The Business Plan also includes activities and initiatives that will be delivered by Switch your thinking in the broad areas of:

Education and Promotion
Innovation and Advocacy

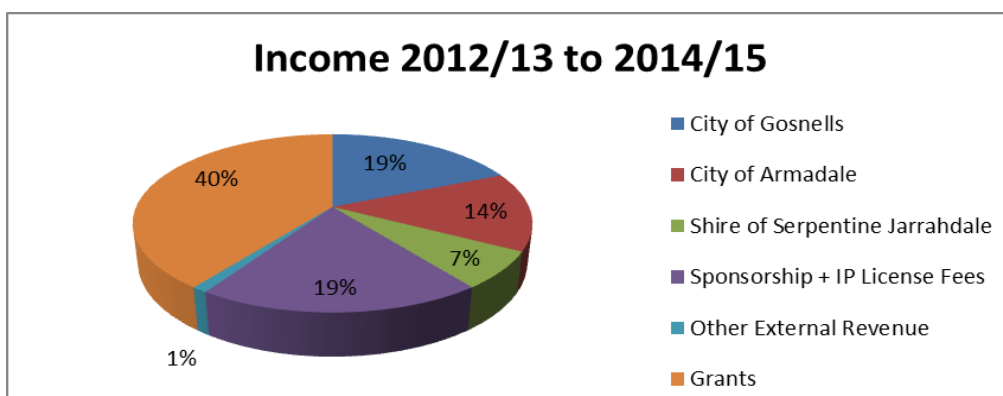
Corporate Abatement
Administration and Efficiency

Strategy 1: Fully Funding Staff Wages

To-date Switch your thinking has relied on insecure external funding (corporate sponsorship, licence fees and grant funding) to supplement SEREG partner Council contributions to cover the cost of employing program staff. This approach carries the risk of program contraction or collapse in the event that external funding is not realised or is withdrawn.

The graph below shows the sources of program income between 2012/13 and 2014/15.

Figure 1. Switch your thinking Program Income Break-down



Only five percent of grant funding acquitted between 2012-15 came from grant programs that are still running. Furthermore, the current level of economic uncertainty is predicted to further constrain corporate sponsorship levels. The absence or further reduction in alternative funding sources is likely to create an additional demand from local government for the services of Switch your thinking. There will certainly be a requirement for greater expertise when completing grant applications, as the field will be more competitive. This is an area where Switch has a great deal of experience.

Given these factors, partner Council contributions detailed in the Business Plan have been increased to collectively fully fund staff wages and on-costs. This approach will create the following benefits for Switch your thinking and the Shire of Serpentine Jarrahdale:

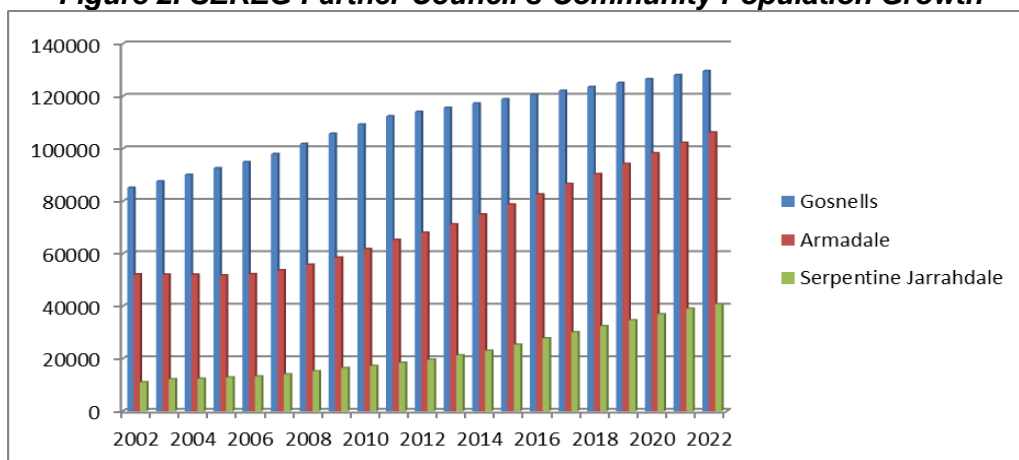
- Program certainty and stability;
- Increased external revenue through more competitive grant applications and attractive sponsorship proposals (all external funding may be directed into project activities instead of salaries, which is not currently the case);
- Opportunities to apply for a broader range of grant funding (many funding programs specify that grant monies cannot be spent on staff salaries);
- Free up program resources for project implementation and corporate abatement activities; and
- Improved staff retention rates and morale.

Strategy 2: Additional FTE Officer

The Switch your thinking program is currently staffed by two full-time employees, with the program operating at full capacity. The below graph shows historical and predicted future population growth in SEREG partner Councils, predicting even stronger growth in the future than that experienced to date. By 2017 it is predicted that partner Council populations will total 238,789 residents. This is a 44 percent increase from 2007 levels, when the last staff increase was made.

Given commitments under the Switched on Homes funding agreement and pre-existing staffing arrangements, June 2017 is considered the most appropriate time to recruit an additional full-time Officer. This timescale will allow the Switched on Homes project to remain a focus, and enable the efficient integration of a new staff member.

Figure 2. SEREG Partner Council’s Community Population Growth



Population is used as an indicator of future demand for program services. As the population increases so too does the number of community members accessing Switch your thinking initiatives and the scope of Council operations. This provides additional opportunities to abate greenhouse gas emissions.

Switch your thinking is also servicing a growing number of licensed member Councils, with the program currently being delivered in fourteen local governments covering approximately a third of the metropolitan area.

Employing an additional officer in 2017/18 will create the following benefits for the Shire of Serpentine Jarrahdale:

- Enhanced integration with corporate service resulting in additional abatement opportunities;
- Expansion of scope in relation to community, including extension of the program to previously excluded members of the community;
- Potential improvements in success rates with respect to external funding and awards; and
- Avoidance of program stagnation as a result of under-resourcing.

Whilst resourcing climate change mitigation and sustainability in a cost effective way that delivers enhanced value to Council and the community.

Strategy 3: Re-indexing of SEREG Partner Council Contributions

Population size is a reasonable approximation of community greenhouse gas emissions and demand for Switch your thinking services. Therefore, it is used to apportion the size of partner Council contributions. The 2015-2020 Business Plan re-calibrates partner Council contributions to reflect current and forecasted residential populations, with the Shire of Serpentine Jarrahdale's contribution also adjusted to share administration costs between the three partner Councils.

The table below shows the adjustment of the SEREG partner Council contributions as each local government's populations grow at differing rates.

Council	% of regional population 2012-15	% of SEREG contribution 2012-15	% of regional population 2015-20	% of SEREG contribution 2015-20
Gosnells	54%	47%	50%	50%
Armadale	35%	36%	37%	37%
Serpentine Jarrahdale	11%	17%	13%	13%

The City of Gosnells administers Switch your thinking on behalf of the three SEREG partner Councils. The City of Gosnells incurred \$41,652 (12 cents per resident per year) of administration costs during the 2012-15 business cycle. The City of Armadale administers the Armadale Gosnells Landcare Group (AGLG), a landcare program shared with the City of Gosnells. It is estimated the administration costs associated with AGLG are similar to costs incurred by Switch your thinking, due to comparable program sizes, funding structures and management requirements. As the City of Gosnells and City of Armadale both incur administration costs of shared programs it is recommended that the Shire of Serpentine Jarrahdale's contribution is apportioned so that Switch your thinking program costs are shared evenly between all three partner Councils.

Strategy 4: Pursue New Markets and Funding Through Partnerships

One of the key strengths of Switch your thinking to-date is the ability to form successful partnerships with funding bodies and other agencies. The Business Plan outlines a number of activities that are designed to strengthen partnerships and increase support for community sustainability groups, enabling greater community penetration and efficiency.

As highlighted above, adopting the strategy of fully funding program staff will also open up new grant funding and partnership opportunities. For example, non-profit organisations and other funding bodies specifically disallow granted money to be spent on staff wages.

Consequently, the risk is reduced of Switch your thinking focusing on non-core activities, purely and simply because certain categories of funding offer a salary component.

Options and Implications

Options include:

- Option 1: Not supporting the Switch your thinking 2015-2020 Business Plan and MOU.
- Option 2: Endorse the Switch your thinking Business Plan 2015-2020 with changes outlined by Council at their Ordinary Council meeting
- Option 3: Endorse the Switch your thinking Business Plan 2015-2020 and MOU as attached

Conclusion

The Switch your thinking Business Plan 2015-16 to 2019-20 proposes a business case for SEREG partner Councils to strengthen the Switch your thinking program and build on its considerable success.

The program is a unique asset of SEREG partner Councils and the regional community. The investment outlined in this business plan will ensure the ongoing success and financial sustainability of Switch your thinking and builds capacity for further growth and innovation in the medium-term future.

Attachments:

- [OCM175.1/09/15](#) - Switch your thinking Business Plan 2015-2020 (IN15/17543)
- [OCM175.2/09/15](#) - Switch your thinking Memorandum of Understanding (IN15/17544)

Alignment with our Strategic Community Plan:

Objective 2.2	Innovative Partnerships
Key Action 2.2.1	Reduce costs via asset sharing and shared services with other local governments and pursue joint ventures or public-private partnerships that are mutually beneficial.
Objective 4.3	Regional Collaboration
Key Action 4.3.1	Continue fostering strategic regional partnerships.
Key Action 4.3.2	Continue engaging with neighbouring councils to explore service and resource sharing options.
Objective 5.1	Responsible Resource Management
Key Action 5.1.2	Reduce the creation of waste, facilitate waste recovery and reuse, and minimise the negative environmental impacts of waste disposal.

Statutory Environment:

No statutory implications.

Financial Implications:

The Shire of Serpentine Jarrahdale has budgeted a \$29,032 contribution to the Switch your thinking Program in 2015/16.

Voting Requirements: Simple Majority

OCM175/09/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Erren, seconded Cr Wilson

That Council endorse the Switch your thinking Business Plan 2015-2020.

CARRIED 8/0

OCM176/09/15	Waste Services – Request to Withdraw from Rivers Regional Council – Shire of Waroona (SJ581)
Author:	Gordon Allan – Director Engineering
Senior Officer:	Richard Gorbunow - Chief Executive Officer
Date of Report:	28 August 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

The purpose of this report is to provide Council with information related to the request by the Shire of Waroona to withdraw as a Member of Rivers Regional Council.

Background:

Rivers Regional Council (RRC) is a body which has the responsibility of coordinating various aspects of waste management within the region, and with the primary function of establishing the Alternative Waste Treatment (AWT) facility. The AWT tender was recently awarded, and is in the final stages of contract finalisation.

During the AWT establishment process, the Shire of Waroona had concerns regarding their contractual responsibilities, and has requested that they be permitted to withdraw their membership of the RRC.

The Establishment Agreement of the RRC permits such a withdrawal, but all Members are to be in agreement for this to occur. This report addresses this requirement. The Shire of Waroona request has therefore been referred by the RRC to each Member Council for consideration.

Relevant Previous Decisions of Council:

Nil

Community / Stakeholder Consultation:

- Rivers Regional Council

Comment:

The written request from the Shire of Waroona is attached to this report. Date of Withdrawal is cited as being 16 October 2015, the date on which the tenure of Elected Members representing Member Councils ends. This date is logical as all Elected Members then end their tenure; thereafter new nominations are to be made by each Member Council.

The Establishment Agreement provides for determination of financial implications in cases of withdrawal, which largely addresses the surplus of assets over liabilities. In the case of the RRC, assets are in excess of liabilities by a small margin, and the Shire of Waroona has indicated that after withdrawal they will not be claiming their portion for this small surplus. Waroona's membership proportion is very small, and their entitlement would be minimal in financial terms.

The Shire of Waroona will pay their full annual membership fees for 2015/2016, however, have requested that a pro-rata repayment of these fees be applicable based on the final agreed date of withdrawal. This is considered to be a reasonable condition.

Conclusion:

The request by the Shire of Waroona is considered to be reasonable, and the conditions under which this request is made are considered to be acceptable. It is therefore recommended that the application for withdrawal as a member of the RRC be supported.

Alignment with our Strategic Community Plan:

Objective 4.3	Regional Collaboration
Key Action 4.3.1	Continue fostering strategic regional partnerships
Objective 5.1	Responsible Resource Management
Key Action 5.1.2	Reduce the creation of waste, facilitate waste recovery and re-use, and minimise the negative environmental impacts of waste disposal

Statutory Environment:

- The *Local Government Act 1995* governs the activities of a Regional Council
- The *Waste Avoidance and Resource Recovery Act 2017* provides the legislative framework for the management of waste within the State

Financial Implications:

Should the Shire of Waroona withdraw from Rivers Regional Council, their proportion of their contribution would be shared across the other member Councils.

Attachments:

- [OCM176.1/09/15](#) – Notification of Withdrawal from Membership in Rivers Regional Council – Shire of Waroona (IN15/13355)

Voting Requirements: Simple Majority

OCM176/09/15 Officer Recommendation:

Moved Cr Urban, seconded Cr Rossiter

That Council support the application for withdrawal of the Shire of Waroona as a Member of the Rivers Regional Council, on the following conditions:

- 1. The effective date for termination of membership be Friday, 16 October 2015.**
- 2. That there be no distribution of any financial excess of assets over liabilities from Rivers Regional Council to the Shire of Waroona.**
- 3. That the Shire of Waroona be refunded a pro-rata amount of their 2015/2016 membership fees, based on the actual date of membership termination.**
- 4. That Rivers Regional Council be advised of Council's decision.**

CARRIED UNANIMOUSLY

OCM177/09/15	Update Report: Working Group to identify a suitable site as an Off Road Vehicle Area within the Shire of Serpentine Jarrahdale (SJ1266 & SJ869)
Author:	Brian Owston – Senior Ranger
Senior Officer:	Richard Gorbunow – Chief Executive Officer
Date of Report:	21 August 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction

The purpose of this report is to update Council and report on the progress in respect to the identification of a suitable site for use as an Off Road Vehicle (ORV) Area to be located within the Shire of Serpentine Jarrahdale.

Background:

At the Ordinary Council Meeting of 13 April 2015, Council made the following decision;

12.2 Standing Orders Local Law 2002, section 3.11 (1) – Questions by Members of which due notice has been given.

Cr Rossiter has given notice of intention to raise the following questions, in accordance with Shire of Serpentine Jarrahdale Standing Orders Local Law 2002, section 3.11 (1) – Questions by Members of which due notice has been given:

Recognising the growing demand for off road facilities for the use by off road motor cycles and other suitable off road recreational equipment such as quad bicycles etcetera, I ask that this Council forms a working group of four Councillors to identify a safe and suitable locations for the construction of a facility suitable for the use by off road motor cycles and other recreational equipment.

The working group will be required to consult with all necessary State Government agencies, the City of Armadale, Local Police, Recreational Trailer Bike Riders Association WA, and the Coastal Motor Cycle club and report back to Council by September 2015. During these discussions the working group must identify suitable locations and the necessary safety and environmental issues and identify if once constructed if the facilities could be maintained and operated by a suitably experienced motorcycle club and if the City of Armadale would consider financial assistance for construction of such facilities.

COUNCIL DECISION

Moved Cr Rossiter, seconded Cr Kirkpatrick

That Council in accordance with section 5.10 of the Local Government Act 1995 appoints Councillors Urban, Kirkpatrick, Rossiter and Erren and a representative of the CEO be members of an Off Road Vehicle committee.

In response to this decision, a committee was formed, consisting of Councillor Rossiter (Chair), and Councillors Erren, Kirkpatrick and Urban, and Brian Owston (Senior Ranger) representing the CEO, with a number of working group meetings having been undertaken. The first meeting was held on 27 May 2015, and accordingly a number of sites were identified for consideration. A further meeting was held on 9 June 2015, involving the extended Working Group which included key stakeholders and land managers.

Investigation of the proposed sites identified a site for further consideration, and a decision of this meeting was for the stakeholders to provide feasibility reports in respect to the

proposed site. A preliminary report has been provided by the Water Corporation, which will be followed up with a formal submission. The Department of Parks and Wildlife have been researching the proposed site, and are currently drafting a formal response to the proposed site. These reports are expected in the near future, and will be provided to, and will be tabled at the next ORV Working Group meeting. A formal committee meeting will be called once this information is compiled for recommendation to Council.

Relevant Previous Decisions of Council:

Council decision of OCM 13 April 2015.

Community / Stakeholder Consultation:

The extended working group is made of key stakeholders, being Council members and staff, officers of the Department of Parks and Wildlife, being land managers, officers from Water Corporation, being land managers in the proximity of the area to drinking water protection zone controls, and, members of the Recreational Trail Riders Association and the All-Terrain Vehicle Riding Group.

Comment:

Members of the stakeholder groups, and associated bodies have been undertaking visits to, and studies of the site, and the surround areas, with a number of preliminary reports of activities and observations circulated. The concept of identifying a suitable ORV site is notably a complex process, and will take time and the support of all stakeholders, and is the first step in the Declaration of an ORV Area process in accordance with the relevant statutes.

Attachments:

- Nil

Alignment with our Strategic Community Plan:

Objective 1.2	Progressive Organisation
Key Action 1.2.5	Provide safe and supportive work environments.
Objective 6.2	Active and Connected people
Key Action 6.2.5	Create a reassuring and safe place to live

Statutory Environment:

Local Government Act 1995

Control of Vehicles (Off Road Areas) Act 1978, Sections 5, 12, 19 & 20

Financial Implications:

There are no direct financial cost implications for Council.

Voting Requirements: Simple Majority

OCM177/09/15 Officer Recommendation:

Moved Cr Rossiter, seconded Cr Erren

That Council extend the consultation period for the Off Road Vehicle Area Committee and report back to Council by December 2015 on the outcomes in identifying a suitable site as an Off Road Vehicle Area within the Shire of Serpentine Jarrahdale.

CARRIED UNANIMOUSLY

10. Information Reports:

OCM178/09/15	Review of Strategic Community Plan 2013-2017 / SJ Journey Campaign (SJ477-03)
Author:	Tammy Wayne-Elliot – Manager Communications
Senior Officer:	Richard Gorbunow - Chief Executive Officer
Date of Report:	26 August 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction

The purpose of this report is to provide information to Council on the outcomes of The SJ Journey campaign, including details of the five Community Roadshows held during the months of May and June 2015 and a summary of community feedback received through a survey made available at the Roadshows and other venues throughout the campaign.

Background:

Hosting Community Roadshows biannually is an action within the Shire's Corporate Business Plan aligned with the Strategic Community Plan, with the first round of Community Roadshows held during May and June 2015. The Roadshows form part of a larger SJ Journey campaign which incorporated a community survey and invited comment from the community through a number of thought-provoking videos posted on the Shire's Facebook page.

This report will provide a brief description of the outcomes of the SJ Journey campaign and a summarised analysis of the feedback received through the community survey and other mechanisms during the duration of the SJ Journey campaign, including the Shire's Facebook page and website.

Relevant Previous Decisions of Council:

There are no previous relevant decisions related to this report.

Community / Stakeholder Consultation:

Extensive community consultation was undertaken in the development of the Strategic Community Plan, with residents indicating a desire for more feedback opportunities.

Comment:

The SJ Journey campaign was developed and delivered by the Shire's Communication's team during the months of May and June 2015. The campaign was designed to encourage community feedback, and gather information for the biannual review of the Shire's Strategic Community Plan.

The campaign was two fold in its consultation with residents, as outlined below:

1. Delivery of Community Roadshows across five locations during the months of May and June 2015 to showcase the Shire's services, with a family friendly feel, featuring a different family movie at each location.
2. Availability of a survey online and in hardcopy, providing residents with the opportunity to comment on the Shire's existing services and how the organisation can improve moving forward.

Community Roadshows

Community Roadshows were held in five separate locations during the months of May and June 2015 with a total of 365 residents attending. The individual outcomes are outlined below:

Jarrahdale – Saturday 9 May 2015

Held at Bruno Gianatti Hall, the first Community Roadshow was well received by the Jarrahdale community and attracted approximately 75 residents.

Serpentine – Saturday 16 May 2015

Held at the Clem Kentish Hall in Serpentine, weather impacted numbers for this Community Roadshow, with approximately 30 residents attending on the night.

Mundijong – Saturday 23 May 2015

Held at the Civic Centre, Mundijong, this Community Roadshow attracted approximately 50 residents.

Byford – Saturday 30 May 2015

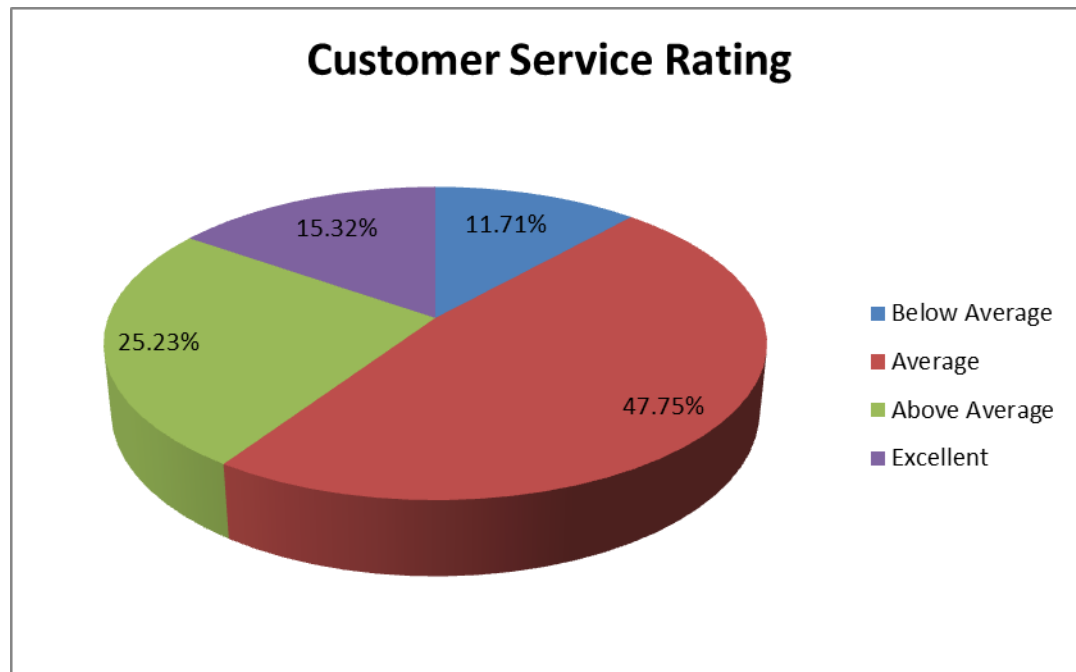
Held at the SJ Community Recreation Centre, the Community Roadshow held in Byford attracted a larger crowd of approximately 150 residents.

Oakford – Saturday 6 June 2015

The Oakford Community Roadshow was held at Oakford Community Centre, and attracted approximately 60 residents.

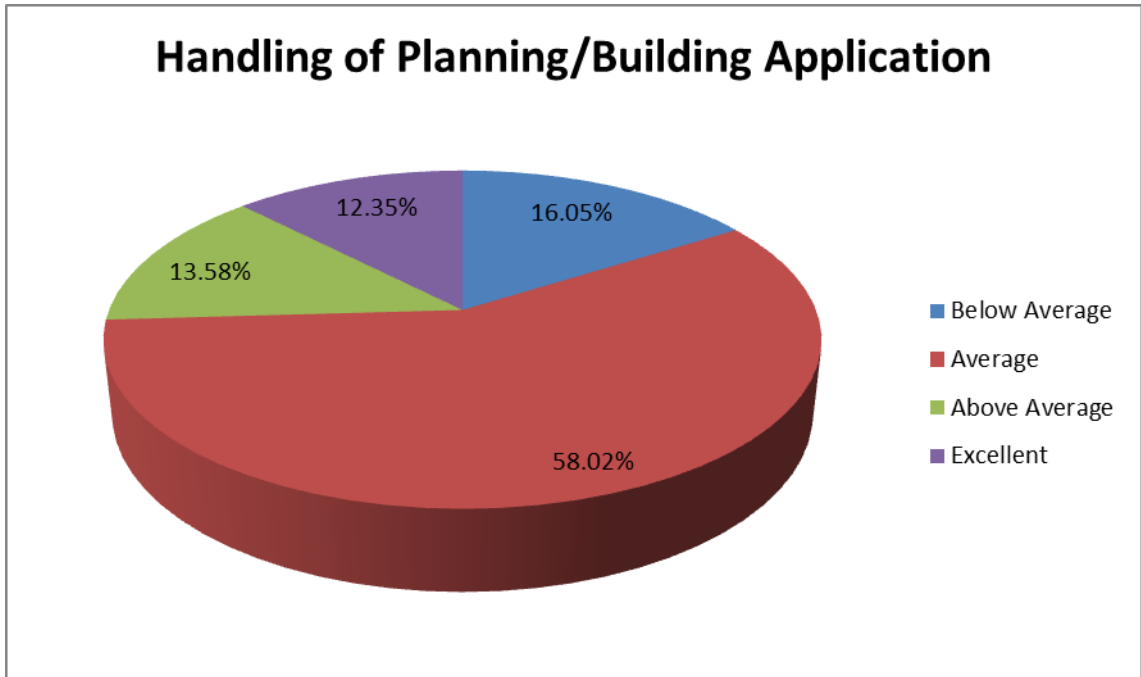
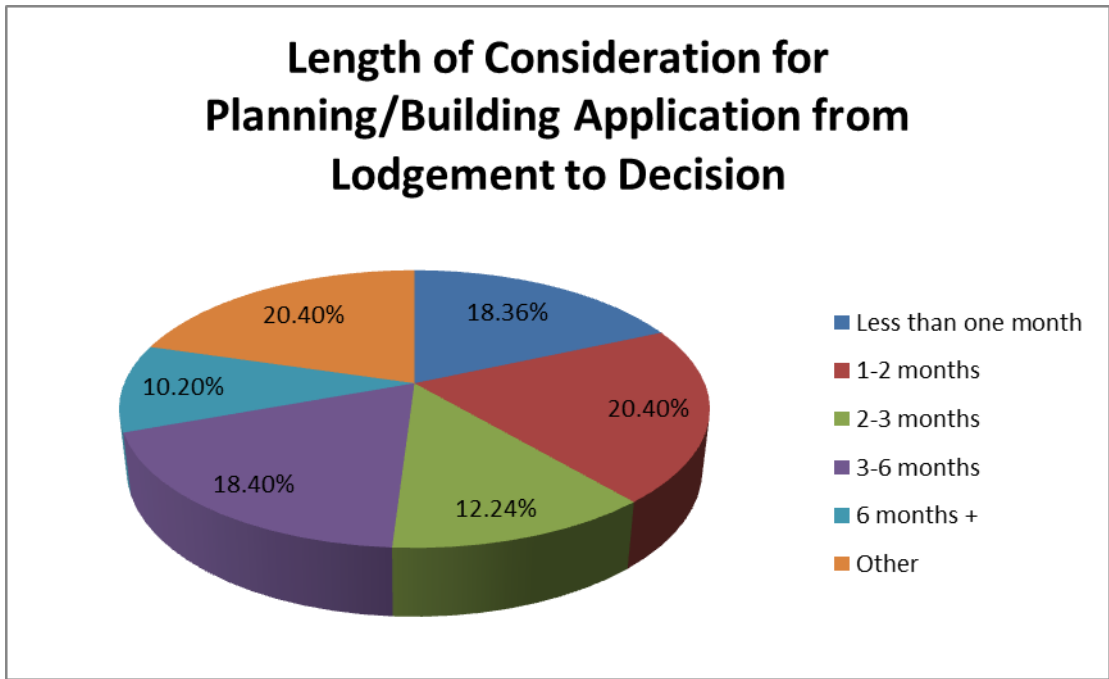
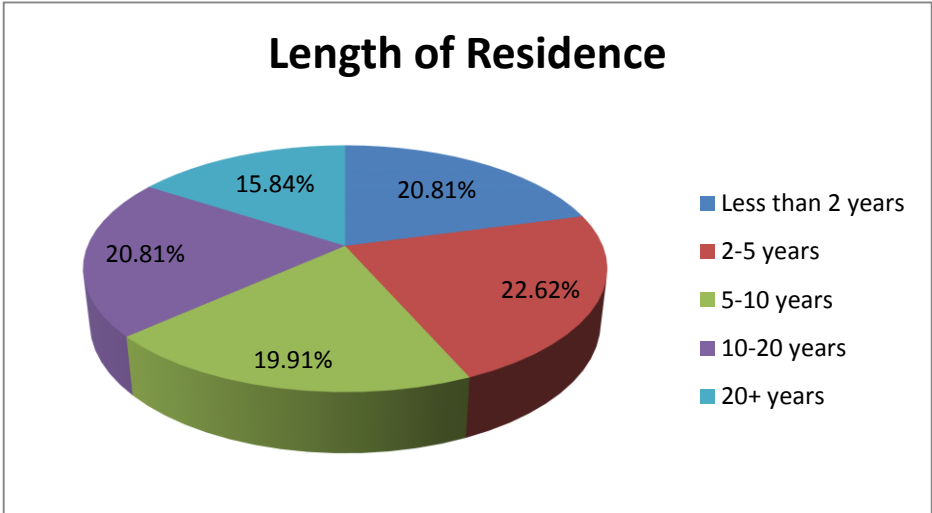
SJ Journey Survey

The SJ Journey survey was available online and in hardcopy from Thursday 7 May through to Friday 26 June 2015. At the end of the consultation period, the Shire had received 236 responses. Some key statistics and emerging themes have been included below:



Themes from General Comments

- Staff generally helpful and friendly
- Telephone calls made when promised
- Staff often did not have the required information
- Slow response – written communication in letter or email form.



Awareness Rate of Mundijong Public Library 88.21%
Themes from General Comments

- Friendly staff.
- Happy with Library service.
- Love the community and school interaction they have.
- Residents report lack time to visit, look up information online, and children access school library.

Awareness Rate of SJ Community Recreation Centre 78.20%
Themes from General Comments

- Request for indoor pool.
- Concerns with cleanliness of facility.
- Concerns with customer service at the Centre.

Rating of Services out of 10 - Provided by the Shire

Services	Rating
Facilities, services and care available for seniors	5
Services and facilities for youth	5
Management of urban sprawl	5
Efforts to attract tourists and visitors to the areas	5
The Serpentine Jarrahdale Community Recreation Centre	8
Economic development, tourism and job creation	6

Level of satisfaction for areas the Shire is responsible for. Rating out of 10, where 10 is totally satisfied, and 0 is totally dissatisfied.

Areas of Governance	Rating of Satisfaction
How community is consulted about local issues	3
Efficiency and effectiveness of customer service	5
Festival, events and cultural activities	5
Planning and Building Approvals	5
Road maintenance	5
Conservation and environmental management	8
Weekly rubbish collections	8
Fortnightly recycling services	8
Verge-side bulk rubbish collections	5
Parks, reserves, sporting grounds and ovals	7
Bush fire prevention and control	8

Themes of General Comments

Be more pro-active

Make it easier for volunteer groups

Community Roadshows are a good idea, and beneficial providing residents with an opportunity to meet with Councillors and Shire staff to discuss the Shire and its future. Increased interaction and communication with residents.

Council needs to cooperate and engage more with adjoining Councils.

Library, fantastic facility with good customer service.

Recent beautification projects, ie Byford, Mundijong main street etc have been well received, with residents wanting to see more of it.

Request for rubbish tip passes, and larger bins without the additional cost. Request for weekly recycle bin collection (rather than fortnightly).

Appreciation for parklands, and a request for more to be created.

Request for bushland to be protected when new developments are created.

Call to increase developer contributions, for the benefit of the community.

Importance to be placed on delivering services across the Shire's diverse community, ie services for seniors, youth, children etc.

Appreciation for Facebook communication, and request for more of it.

Delays in response times for correspondence.

Issue of speeding and hooning around the Shire, especially within new housing estates.

Concerns with vergeside collection delays.

Roads are not well maintained.

Need to keep Shire's rural character.

Concern with the spread of wealth, belief that Byford receives substantial amounts compared to other localities.

Build knowledge on the various localities, and work to their strengths and weaknesses to inform development and tourism.

United Council

Suggestions for Shire presence in Byford, so residents do not have to travel to Mundijong to speak with a Council officer.

Increased facilities for the Shire's diverse range of residents.

Large park with playground for Byford.

Increased funding for Jarrahdale.

Based on the feedback from the survey, the Shire of Serpentine Jarrahdale should focus on the following priorities:

- Customer Service
- Improve customer response times.
- Increased community consultation.
- Improved road network.
- Major shopping centre for the area.
- Increased infrastructure to support local development.
- Improved waste management services.

Feedback received during the SJ Journey campaign, especially feedback received through the survey will inform a future review of the Shire's Strategic Community Plan and the development of a communication and marketing plan to be developed for the Shire, designed to increase communication with residents and raise the Shire's profile across the localities.

Attachments:

Nil

Alignment with our Strategic Community Plan:

Objective 1.4	Listening and Learning
Key Action 1.4.1	Incorporate regular community engagement practices into Shire activities.

Statutory Environment:

Nil

Financial Implications:

There are no direct financial cost implications for Council.

Voting Requirements: Simple Majority

OCM178/09/15 Officer Recommendation:

Moved Cr Erren, seconded Cr Piipponen

That Council accept this information report, the contents of which will inform a review of the Shire's Strategic and Community Plan, and the development of a communications and marketing plan designed to increase communication with local residents and raise the profile of Council across the locality.

CARRIED 8/0

11. Urgent Business:

Nil

12. Councillor questions of which notice has been given:

Nil

13. Closure:

There being no further business the Presiding Member declared the meeting closed at 8.19pm.

I certify that these minutes were confirmed at the
Ordinary Council Meeting held on 29 September 2015

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Presiding Member

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Date