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Minutes of the Ordinary Council Meeting held in the Council Chambers, 6 Paterson Street, Mundijong on Monday 23 November 2015. The Shire President declared the meeting open at 7.00pm and welcomed Councillors, staff and members of the gallery.

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

### In Attendance:

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

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

**Leave of Absence:** Nil

**Apologies:** Nil

**Observers:** Nil

Members of the Public – 52

Members of the Press – 1

## 2. Response to previous public questions taken on notice:

No questions were taken on notice at Ordinary Council Meeting 9 November 2015.

## 3. Public question time:

**Public question and statement time commenced at 7.01pm**

**Mr Gleeson on behalf of Ms N Gleeson, 12 Larimar Parade, Byford, WA, 6122**

Question 1

When will the upgrade of Abernethy Road be started? The information on the sign on Abernethy Rd states that the total cost of the upgrades are \$4 million or is this only the cost of the relocation of services and the real cost of these upgrades more than likely 12 million to 16 million?

*Response:*

*The design phase is almost complete and tender documentation for Stage 1 (Soldiers Road to Warrington Road) is programmed for completion in the next month. The contract will be tendered in January 2016 with award and mobilisation anticipated in February, followed by construction in March 2016. The \$4 million figure on the sign board is the previously estimated figure for construction of Stage 1 (Soldiers Road to Warrington Road). This figure was the estimated construction cost at the time (including utility diversions) – actual costs will be determined during the tender process. It is anticipated that construction of the full length of Abernethy Road (including utility diversions) will be of the order of \$19 million.*

**Question 2**

When will the roundabout at the intersection of Kardan, Tourmaline and Abernethy Rd be constructed? Has any money been allocated for the design of this intersection?

*Response:*

*The design is already completed for the roundabout. The construction of the roundabout will form part of Stage 2 of the Abernethy Road Upgrade works. The exact date of this construction work is currently unknown.*

**Question 3**

When will the two estate of The Glades and Byford West be connected? To allow students to progress safely to High School within the estates?

*Response:*

*The connecting of these two estates will depend on the staging proposals of the respective land developers.*

**Ms T Hooper – Worrell, 95 Feast Road, Serpentine, WA, 6125****Question 1**

Why has three hot houses already been built without approval for the lodged proposal?

*Response:*

*The landowner commenced building without the approval from Council, a stop notice was issued to ensure no further development takes place until Council have resolved on the matters.*

**Question 2**

Will the council request a water and nutrient management plan for the business? If not why?

*Response:*

*Should the application be approved by the Council a condition has been recommended requiring a nutrient and irrigation management plan to be submitted and approved prior to works taking place.*

**Question 3**

What measures will be put in place to ensure the safety and privacy of neighbours?

*Response:*

*The landowner is required to landscape along the boundaries of the site, once completed Shire officers are confident that it will form a sufficient screen to protect the privacy of the neighbours.*

**Mr WJ Kirkpatrick, 77 Mead Street, Byford, WA, 6122****Question 1**

The cost of upgrading the four lights complete with towers and ancillary equipment is given at \$320,000.00 how was this figure arrived at? Was it by a quantity surveyor, by way of tender, a best guess?

*Response:*

*This is the estimated cost of materials and labour to complete the project.*

**Question 2**

The cost for the four light towers with ancillary equipment is \$320,000.00 that is about \$80,000.00 each. The budgeted cost of two similar light towers with ancillary equipment and cabling for the proposed BMX track in Byford is \$92,000.00 that is \$46,000.00 each or \$184,000.00 for four. Why the big difference? These costings are taken from Shire documents that are available.

*Response:*

*These 2 cost estimated cannot be compared as they are different projects on different locations.*

## Question 3

There is a figure of \$100,00.00 in the budget. That is described as for the Skate Park in Byford when in the budget discussions it was very clearly identified as for the relocation of the Cricket Nets to make an area available to place the Skate Park. Why is this described in a misleading manner? As it will raise expectation for a project that was not intended.

*Response:*

*The Council approved the 2015/16 budget with \$100,000 allocated towards the construction of a skate park in Byford. No money was included in the 2015/16 budget for relocation of the Cricket Nets.*

**Mrs L McIver, 62 Veterans Parade, Byford, WA, 6122**  
**Presented by Presiding Member**

## Question 1

Is the Shire still using the kennels in the pound in Watkins Road?

*Response:*

*For emergency temporary holding purposes only and not when there are adverse weather conditions.*

## Question 2

Has any agreement been made to house the dogs in the short term at the new vets premises in Paterson Street?

*Response:*

*No such agreement has been signed.*

## Question 3

If not, when will suitable arrangements be made to comply with the legislation for impounded animals?

*Response:*

*The Shire currently complies with the requirements of the Dog Act.*

**Mr K Morrow, 95 Braemore Street, Seville Grove, WA, 6112**

## Question 1

If a firm quote could be obtained for about \$450,000.00 to construct the BMX track in Byford, to the specifications outlines in the drawings supplied to the Department of Sport and Recreation in the 2014/2015 CSRRF grant application, would the Council be willing to allocate a further \$100,000 in addition to the \$300,000 already committed in the recent updated budget review? The Byford BMX Club is committing the amount of \$50,000 (including the cost of the recently purchased starting gates) to allow for the track to be built within the next six month.

*Response:*

*The Shire can consider this matter as part of its budget deliberations for the 2016/17 financial year.*

**Ms N Scade, 141 King Road, Oakford, WA, 6121**

## Question 1

Rumour tells us that bore holes have been installed to test for contamination by Bio-Organics. Has the Der informed the Shire of the progress? If not why not?

*Response:*

*The DER has not informed the Shire regarding the progress of the bore water monitoring. Shire officers have contacted the DER several times to request information but have not yet received a reply.*

## Question 2

Is the Shire aware that the situation today is that the entry to the composting site through Abernethy Road appears to be permanently closed? Is the Shire aware that all vehicle

movements appear to be using the access road for Lot 6 King Road? Is the Shire aware that there is a significant daily movement of trucks, utes and private vehicles on this entry to Lot 6 King Road?

Response:

*No the Shire was not aware that Abernathy road entry was closed or that all vehicle movements are through the access to Lot 6 King Road. The Shire is aware of a growing number of vehicle movements and has contacted the DER for information but there has been no response. The Shire has asked the DER to undertake a joint site visit.*

**Ms Linda Starceвич, 76 Baigup Loop, Cardup, WA, 6122**

Question 1

What checks and balances will be put in place to ensure the safety and security of neighbours, as this intensive agricultural business is set up in a residential rural area.

Response:

*Shire officers consider the type of business to be of a low impact to surrounding property owners, with the operating hours being during the day the use will increase the passive surveillance opportunities of the area during the day when most residence are away from their properties.*

Question 2

What is the council going to do to ensure the impact on the area is minimal, for example the loss in property values from neighbouring properties if the growth of the business is not regulated and managed by the shire.

Response:

*Should the application be approved by Council the approval will be subject to a number of conditions to regulate and manage the development, there is no evidence that such a use will impact on property values in the area.*

Question 3

What guarantees will those living close by the business get from the shire about monitoring of the business, the property owner has regularly flouted council rules and regulations what control will there be in the future?

Response:

*As indicated before, should Council approve the application, the approval will be subject to a number of conditions. Should the Shire be made aware that the landowner is not complying with any of the conditions, the matter will be investigated and the appropriate action taken.*

**Mr K Whibley, PO Box 51, Byford, WA, 6122**

Question 1

A sum of \$22,000.00 was allocated for the installation of Dagostino Park, the Glades, a single electric BBQ, security lighting in the gazebo, a table, 2 benches and a rubbish bin. When will the table and two benches be installed, and also the rubbish bin? The waste food left on the ground is becoming a health issue.

Response:

*We anticipate completing the requested table bench and bin installation in the next two weeks*

Question 2

A sum of \$120,000.00 was identified in the current year budget for a single self-cleaning disable toilet in Percy Park. When will this be going to be in place? Have the local residents been canvassed about its location? Will it be in a position for the Community Garden?

Response:

*The final location and configuration of this facility has yet to be determined. Investigations are currently being conducted regarding viable options for connecting the*

*facility to the gravity sewer system. The outcome of these investigations has potential to impact the cost, the nature of the facility and final site selection for the facility.*

Question 3

In BGB900 shows a sum of \$15,014.00 for an incomplete BBQ in The Glades, which one is this? As about \$17,000.00 of the original \$20,200.00 has been spent on the new BBQ in the Dagostino Park, so far leaving enough for the installation of the table, 2 benches and the rubbish bin. Is this another BBQ or the same one? As I have a costing from SJ Shire at OCM 23 February 2015 which I could it installed for \$12,000.00 with tables and 4 benches.

*Response:*

*The project is currently underway.*

**Mr G Wilson, 12 Elanora Road, Armadale, WA, 6112**

Question 1

In the recent budget review item number BBX900 shows an amount of \$34,577.00 for the BMX track design. In the department of Sport and Recreation 2014/2015 CSRFF grant application submitted by this Shire, indicates the building plans were submitted with the application. Could the Shire explain what further work needs to be carried out to make the grant successful? The grant application total cost was \$863,343.81 was the costing provided carried out by a qualified quantity surveyor, who was this person. This amount appears to be excessive, or is the information supplied not correct?

*Response:*

*These funds remained unspent at the 30<sup>th</sup> June 2015 and have been carried forward in the 2015/16 budget so they can be added to the \$300,000. If the funds are not required for any further detailed design, they will be used towards the cost of construction.*

Question 2

In the recent budget review item number BBX900, the Shire reported an amount of \$300,000.00 as a reinstated project for the Byford BMX track. Does this mean, this is the Shire's contribution of 33% with a similar amount to be sourced from the Department of Sport and Recreation of 33% leaving a shortfall in the region of about \$288,000.00? Is this remaining money expected to be contributed by the Byford BMX Club and its young members?

*Response:*

*The Shire has carried forward the budget of \$300,000 for the BMX Track relocation into 2015/16. No decision has been made as to if and when a Department of Sport and Recreation Grant application will be lodged, as a considerable amount of work needs to be completed to address all of the funding guidelines that they now requiring before a grant application can be submitted. Generally if a Sport and Recreation grant is successful, then there is an expectation from the Department of Sport and Recreation that the user of the facility make some form of contribution towards the project.*

Question 3

If this grant was applied for, when would that be and if successful when would construction be commenced?

*Response:*

*We cannot answer this as we are not sure if and when the shire will be in a position to apply for a grant.*

**Councillor See left the meeting at 7.34pm**

**Mr B Williamson, 95 Pony Place, Oakford, WA, 6121  
Presented by Presiding Member**

Question 1

How much did the shire spend on legal advice and fees for the 2 years Keith Ellis was shire president from all legal advisors including any invoices received and not yet paid for that period?

Response:  
Total \$840,594

#### Question 2

How much did the shire spend of ratepayers money on road construction and maintenance, not including developer and grant contributions for the 2 years Keith Ellis was shire president?

Response:  
Total \$5,222,073

#### Question 3

How much did the shire spend of ratepayers money on construction and maintenance of facilities for ratepayer and their families, not including developer and grant contributions for the 2 years Keith Ellis was shire president?

Response:  
Total \$3,374,211

## 4. Public statement time:

### Mr N Hidding, on behalf of Peter Webb and Associates

We fully support the officers favourable recommendation in the report and urge Council to endorse the report to JDAP. We have provided an amended plan clarifying the intended tenancy mix, to keep detail floor space under 5000m<sup>2</sup>. We have also managed to agree on a round-a-bout at the intersection of Abernethy Road and San Simeon Boulevard, which allows the Shire to progress its planned road upgrade. The update plan responds to this.

### Councillor See returned to the meeting at 7.38pm

### Mr T Houweling, Cornerstone Legal, Suite 1, 280 Bannister Road, Canning Vale, WA, 6155

The officers recommendation states: *“the proposed land use is consistent with the Byford Town Centre Local Structure Plan is not generate sufficient planning concern to warrant advertising.”* The basis to this belief is also set out in the report to include:

- a. Shire offices belief that there is a lack of supermarket facilities in the Byford area;
- b. anecdotal evidence from community members generally supporting provision of additional shopping facilities;
- c. the subject sites had been noted through the structure plan process as having the potential for this style of shop development;
- d. the application is to be considered in two parts the second part *“will have challenges providing enough car parking, however that form part of the future planning application.”*
- e. The *“cross-access agreement which forms of visual corridor between the existing adjoining development of the proposed development also needs to be finalised prior to the occupation of the development.”*

In respect of points a and b above this provides sufficient basis on which the Council officers ought to have verified their perspectives by having advertised the proposed application.

In respect of point c above; it should be noted Byford Town Centre Local Structure Plan at clause 1.13 refers to LPP 31. Page 29 of LPP31 sets out the type of land use to include:

- a. Retail;
- b. Office;
- c. Café;
- d. Civic Facilities;
- e. Showrooms and;



## f. Residential.

Additionally clause 3.5.1 of LPP 31 sets out the following land uses that are to be encouraged in this precinct:

- a. Highway commercial;
- b. Office (including Home Office);
- c. consulting rooms/medical suites;
- d. showrooms and;
- e. drive-through's.

Clause 3.5.4 sets out that: *“development shall address the highway frontage to maximise image of exposure. Retail (including showrooms) and office components shall be located facing the South West Highway (refer diagram 27).”*

The officer is mistaken to have concluded in his report to Council that this form of development that had been specifically envisaged in the structure plan.

Clause d above makes specific reference to the officer considering that the development can be considered in separate components. This is an anathema to proper planning process and is not the way in which planning is to be progressed.

In respect of clause the above reference is made to what the officer describes as the *cross-access agreement*. Clause 3.4.6 of LPP 31 identifies view corridors to have a minimum with 15 m. This proposal is for 2.5 m, this is a significant departure.

Development is in direct variance with the local structure plan in respect of:

- a. the parking and its ability to be provided on George Street;
- b. the form of the development envisaged within LPP31;
- c. the type of development envisaged in LPP31;
- d. nature and character of the development in this locality enabling “view corridors.”

The proposed development is in direct variance to the Local Planning Policy number 31 as is expressly referred to in the Byford Town Centre Local Structure Plan.

The development cannot be considered to be permitted use for the purposes of the Shire of Serpentine Jarrahdale’s Town planning scheme. Permitted development is described to mean: *“that uses permitted provided by the relevant standards and requirements laid down in the scheme and all conditions (if any) posed by the Council in granting planning consent.”* The proposed development does not comply with this criteria.

The development ought to be the subject of advertising.

It cannot be approved without being the subject to specific advertising.

The development is not consistent with the aims and objects of this specific locality.

The development does not address the principals of orderly and proper planning.

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

Pecuniary Interest is broken down into three categories

- Proximity
- Partiality
- Financial

Financial is the most controversial and the one most closely described in the Local Government Act. It states that you could have a financial interest in an elected member should vote on an issue that involved either and may benefit them.

- Your spouse or partner
- A member of your family

An organisation that you may be a member of  
A company that you are either a shareholder of or the owner or partner in that company

It also states that you, the elected member, must make the decision and that while you may get legal advice the decision always rests with the elected member.

The CEO cannot advise you, but may draw your attention to the fact that you may be in breach of the Act. If the CEO is aware that you may have breached the Act on financial interest he has a duty to report the matter to the Department of Local Government as a potential serious breach of the Act and they will decide if any breach has occurred and if and what any penalty may be.

There has been a case of an elected member declaring a financial interest and voting under the present CEO and him deciding not to report the matter although that Councillors vote may have decided the matter in question.

The penalties can be severe, incurring a fine of several thousands of dollars or a term of imprisonment or both.

There have been cases of State Members of Parliament going to jail over irregularities in the declaration of financial interest.

I know tonight two Councillors have financial interest in the item of the Development Application for Farmer Jack's. How many more have an interest in the matter either through an association with a community group or a business dealing with this issue.

#### **Mr GN Woollacott, on behalf of Elders Real Estate Mandurah**

After extensive consultation with Council staff, the owners have agreed to amend their application in line with comments received from neighbours. The owner is fully aware of the proposed conditions of approval as published in the agenda and they are happy to abide by them

#### **Public question and statement time concluded at 7.36pm**

### **5. Petitions and deputations:**

#### **5.1 Mr David Caddy to present a deputation in relation to item OCM256/11/15 – Proposed Town Centre Development – Lot 5 (No34) Abernethy Road, Byford.**

This deputation was not provided for inclusion in the minutes.

#### **5.2 Mr Joe Basilio and Ms Adelaide Wood to present a deputation in relation to item OCM244/11/15 relating to Lot 20 (#37) Cumming Road, Oakford – Proposed 'Outbuilding' (Shed) and fence**

The application assessment outcome report advises that "In relation to the proposed fence there are some concerns with the use of materials and the length of the fence in this rural location where the boundary treatment commonly comprises of post and rail fences. Following a site visit it is acknowledged that there are limestone and brick entrance statements along Cumming Road, however it is considered that a brick wall at the length proposed would detract from the character and appearance of the rural area".

On that note, I would like to say that the Fence Local Law in the Fifth Schedule advises;

1. A fence shall be erected from suitable material to restrain cattle...
  - i. Set not less than 450mm into the ground and not less than 1.2 metres out of the ground;
  - ii. Each fencing post shall carry the equivalent of not less than five plain galvanised wires.
2. Subject to approval of the Shire, fences of timber, brick, stone, concrete, link mesh or other material may be erected.

3. A fence shall be erected and maintained so as to securely confine all cattle within the boundaries of the property.

From this I understand that the specifications for fences in a Rural Zone in the Fences Local Law are intended for the purpose to keep in cattle and it does not take into consideration specifications that advise what it should be to keep children safe. If you have a home in a rural zone, it is expected that there would have been specifications for keeping the area around the home safe for the occupier as well as visually complimenting the home. I do not think that it is realistic that one would allow cattle to pasture in your front garden and driveway as this would I'm sure not be in line with environmental health principles and safety. Therefore, what the Fence Local Law proposes for this particular area in my opinion is not relevant or suitable.

Point 1 advises of the foundation and height for the construction of fences, however, it does not advise of any limitations for the length of a fence.

Point 2 of the specifications also says that; "Subject to approval of the Shire, fences of timber, brick, stone, concrete, link mesh or other material may be erected"

This application for the construction of a brick wall boundary fence at the front of my home has been designed to specification by an architect and it is only the length of the house yard frontage being approximately 39 meters. The total property lot boundary frontage is approximately 190m in length. As you can see, the proposed 39 m of fence is only 20% of the total front boundary of the property.

As per point 2 which states that subject to approval of the Shire a brick material fence or other material may be erected. From this I understand that Council understands that where cattle wire fencing is not appropriate for use, other materials maybe used such as brick or other material. This is in line with the materials proposed in this application, being brick and galvanised iron and also as per the report statement that acknowledged that 'there are limestone and brick entrance statements along Cumming Road'.

The existing wire fence in place, and some of the issues/risks that I have already experienced, make me very concerned for my 9 grandchildren of various ages as well as other children in the family or friends that come to visit.

A report for the Rural Industries Research and Development Corporation by Laurie Stiller, University of Sydney and Wayne Baker, Monash University - The Australian Government Rural Industries Research and development Corporation – Safer fences for Children on Farms (2005) found that 30.4% of all children fatally injured on farms were visitors. The report, under 'Current fencing Arrangements' states; "Many farms in Australia already have a fenced house yard. A survey of 208 people who live or work on a farm conducted at AgQuip Gunnedah in 2003 showed that some 80% have a fenced house yard".

However less than 40% of that sample rated their fence as "almost impossible" or "difficult" for a child under four to leave without the assistance of an adult. There was little difference in this ratio whether or not there were children living on the farm.

This perhaps highlights that traditionally, fences have been constructed primarily to keep stock and native animals from getting into the house and garden area on a farm. However farm parents have always had to deal with the mobility of young children and their potential to gain access to dams, waterways, machinery, sheds and other hazards – so that often the fence has served a dual purpose of keeping children "in" as well as animals "out."

It follow to state that while there is a lot of practical experience and technology behind the design of fencing for animals, there is much less information about fences on farms which target children and that for that reason research was conducted.

One of the issues I have recently witnessed was one of my grandchildren trying to get through the wire fence and get caught on the barb wire due to the gaps being too small for her to get through. The safety issue with the existing fence is that it prompts the children to climb up the wire rungs and I am concerned that if a child succeeds and gets onto the road with oncoming traffic, it will be a drastic outcome.

I feel that having a secure fence as proposed in my application supports safety and privacy for my family as well as being very important that my grandchildren have the freedom to enjoy the outdoors in a safe environment and that my stress is minimised by knowing that there are safe constructed structures in place. I plan to establish the front yard gardens and include some play equipment for the children to play and enjoy once the front boundary fence is constructed.

I feel it complements the surroundings of my home as the materials proposed will match the home and it will complement the character and appearance of the rural area as it will match (with less visual impact) existing boundary fence/s on Cumming Road (please note Figure 1). The boundary fence will be constructed with good design and a light colour brick with steel bars across the pillars.

I would like to put forward that I do not feel the assessment outcome provided is founded on endorsed policy which are more like “guidelines” left open to interpretation as there is nothing that legislates a specific length for the boundary fence in this area and there is no policy specifying the safety specifications/ conditions for the occupier in this case, children. As already highlighted, 39 metres of the total approximate 190m length, is not huge considering the length of the total lot. The remainder of the Lot frontage boundary will remain with the wire and posts fence as it does not constitute as part of the front garden of the home.

With regards to the material, it is the same/similar material that has been used in another property boundary on the same road. Please note Figure 1'. The length of the other property is much longer than what my application is proposing as it is approximately 120m in length and 1.8meters in height. One area of the property in particular is approximately 70 meters in length of colour bond material completely enclosed. There is also approximately 50 meters of limestone and pillars with steel bars in between pillars.

The boundary fence in this proposal will have open design with steel bars across as I would not want to fully enclose the house environment from the rest of the surroundings; however, I do want to make it a safe space for my grandchildren. Due to this fact, the fence needs to be the proposed height of 1.2 meters brick wall for security of young children and 600mm pillars on the brick wall and two cross bars providing a blending in of open integrated space and visually aesthetic design.

The proposed application is very similar to what was also proposed in 2002 by the previous owners of this property where the height was actually higher and the length approximately the same however the application received planning approval at the time. Please refer to the Shires records.

I ask the Council to consider all of the points being made in this letter and I can't emphasise enough the importance of the safety of my family siblings as well as visitor's.

I also, ask for consideration and that approval is given for the shed proposal, regardless of the status of the fence proposal due to the officer stating on the report that;

LPP 17 sets out development requirements for ‘outbuildings’ (sheds). However the policy does not specify development requirements for development within ‘rural Groundwater Protection Zone’ therefore an assumption has been made that the same principles would apply due to size and that ‘the height of the proposed ‘outbuilding (shed) and the floor area, once the existing buildings have been demolished complies with the requirements of this policy provision. I believe that it is very important that decisions being made or considered through the planning process are consistent, and also that more consideration is applied in the proposals recommendations by the land owner, rather than only applying set guidelines that in my opinion are only recommendations and a guide, and don’t necessarily meet the need of an individual’s requirements or where policy is lacking or unclear.

I also feel that the Fence Local Law and the Shire’s Rural Strategy in its future review take into consideration the identified safety needs in ‘The Australian Government Rural Industries Research and Development Corporation and other similar resources to improve assessment and specifications for rural fencing around family homes in rural living zones.

I would like to thank all for the effort applied in the assessment of this proposal and I am sure that with all the presented facts, you will find that the only response in this instance is to give its approval, for any other decision would definitely be contradictory with the values of the Shire’s Strategic Plan through its Vision, Mission and Goals;

#### “1.1 Strong Leadership

1.1.1 Drive a continuous improvement, ‘can-do’ and creative work culture.

1.1.2 Facilitate cooperation between the Shire and its stakeholders while also considering community values.

Governance and Leadership -

1.4 Listening and Learning

1.4.1 Incorporate regular community engagement practices into Shire activities.

1.4.2 Use appropriate tools and methods to maximise opportunities for the community to access and participate in decisions made by Council”.

I thank you in advance for your consideration and wait in anticipation of your positive response with a stamped approval so that I can progress with making my home environment safer and more attractive within the rural surroundings.

## **6. President’s report:**

On Friday 13<sup>th</sup> I attended the launch of the Peel Region Arts and Culture Strategy attended by Mr Andrew Hastie MP. The Peel Region Arts and Culture Strategy (PRACS) recognises the strengths and growth opportunities of the arts and culture sector in the Peel region.

Implementation of the strategy will enable strengthened local decision making processes by informing key stakeholders of the importance of the sector to the region’s economy, its needs and its potential to add to the social fabric of the region.

I would like to acknowledge the hard work of our Bush Fire & SES Volunteers who are currently out assisting at the Mount Solace fire which has been burning for over a week and other regional fires outside of our Shire.

On 26 November we’re throwing a snagger on the Barbie to celebrate another successful year of community partnership with Neighbourhood Watch. From 5.30pm onwards at the Mundijong Community Garden. I would encourage as many of you to come along and join in.

The Serpentine Skate park was successfully opened on Tuesday 17 November with approximately 60 people including families and YMCA kids. I would like to thank Councillors and Shire staff for their efforts in bringing this wonderful project to its successful completion.

On 7 December the Community Services team will be hosting the 'Thank a Volunteer Lunch' at the Byford Tavern, recognising and celebrating the valuable contribution volunteers make in our community. This is a small way that the Shire can show its appreciation of the great work our community member's tirelessly do to support our residents.

## **7. Declaration of Councillors and officers interest:**

Councillor Atwell declared a financial interest in item OCM246/11/15 as he is a part owner of the subject property and will leave the meeting while this item is discussed.

Councillor Erren declared a closely associated persons interest in item OCM247/11/15 as he has a close association with the owner of the land relating to the items and will leave the meeting while this item is discussed.

Councillor See declared an indirect financial interest in item OCM247/11/15 as she has acted and continues to act in her capacity as solicitor of the Byford and District Country Club and will leave the meeting while this item is discussed.

Councillor Hawkins declared an indirect financial interest in item OCM247/11/15 as she has a close financial association with the owner of the land relating to the items 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 – 9 November 2015**

#### **COUNCIL DECISION**

**Moved Cr Hawkins, seconded Cr Ellis**

**That the minutes of the Ordinary Council Meeting held on 9 November 2015 be confirmed (E15/5927).**

**CARRIED UNANIMOUSLY**

## 9. Motions of which notice has been given:

<b>OCM238/11/15</b>	<b>Lot 503 (#4) Bruns Drive, Darling Downs – Proposed Outbuilding ‘Garage’ (P05938/07)</b>
Author:	Marcel Bridge – Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	29 October 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Date of Receipt: 16 September 2015  
 Lot Area: 4124m<sup>2</sup>  
 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 an ‘outbuilding’ (garage) on Lot 503 (#4) Bruns Drive, Darling Downs.

The proposal is presented to Council as Shire officers do not have delegation to determine applications that exceed provisions of Local Planning Policy 17 – Residential and Incidental Development (LPP17) and Local Planning Policy 08 – Landscape Protection Policy provisions (LPP 08).



Aerial Reference

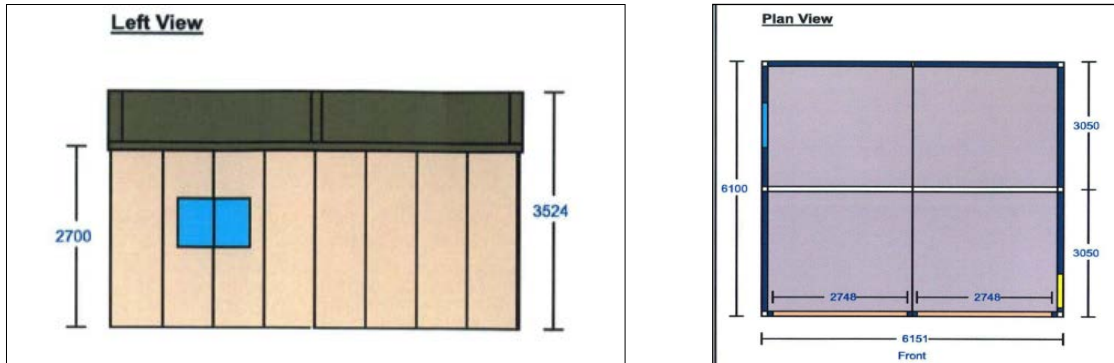
### Background:

#### Existing Development:

The lot is developed with an approved single dwelling, patio and swimming pool with primary access achieved from Bruns Drive and a secondary access from Eleventh Road.

**Proposed Development:**

The ‘outbuilding’ is proposed to be located in the south eastern corner of the lot, within the front setback area. The proposed ‘outbuilding’ has a total floor area of 37.52m<sup>2</sup>, wall height of 2.7m and a ridge height of 3.5m<sup>2</sup>.



**Relevant Previous Decisions of Council:**

There are no previous Council decisions relevant to this application.

**Community / Stakeholder Consultation:**

As Shire officers do not support the application, no consultation was undertaken. However the applicant provided a letter of no objection from neighbours at Lot 504.

**Statutory Environment:**

- Metropolitan Regional Scheme (MRS)  
The site is zoned ‘Rural’ under the Metropolitan Regional Scheme
- Shire of Serpentine Jarrahdale Town Planning Scheme No 2 (TPS 2)  
The site is zoned ‘Rural Living A’ under the Town Planning Scheme.
- Local Planning Policy No.8 – Landscape Protection Policy (LPP 8)
- Local Planning Policy 17 – Residential and Incidental Development (LPP 17)

**Financial Implications:**

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

**Alignment with our Strategic Community Plan:**

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

**Planning Assessment:**

From a planning perspective it is important to ensure the character and amenity of an area are not negatively impacted upon by a development, this is recognized and supported by the objective of LPP 8 which reads as follows:

*‘To protect and enhance the landscape, scenic and town scape values through control over design building material and siting of development.’*

Further LPP 17 sets out the development control criteria for inter alia outbuildings. In this regard the proposed outbuilding does not comply with the required front setback, which is required to be 15m with the proposal being 3m.



The following aspects have been taken into consideration during the assessment of the application:

Building Design:

The existing dwelling on the property is constructed out of brick similar to other dwellings within the estate. The proposed outbuilding will be constructed out of colorbond and whilst this is a common form of building throughout the state it is important to ensure that it does not detract from the character of the area. It is considered that the external appearance would be inconsistent with the materials and design of the existing dwelling which is constructed of brick. As such the location of the outbuilding is important to mitigate against any impact the proposed outbuilding may have on the streetscape and character of the area.

Location:

In terms of LPP 17 any development on a lot with a zoning of ‘Rural Living A’ is to be setback a minimum of 15m from the front boundary. The existing brick dwelling is located 20m from the front boundary, the applicant is proposing to locate the proposed outbuilding 3m from the boundary.

Setbacks are an important feature to any development and are used to ensure the streetscape and character of estates are maintained and not compromised. It is considered that the proposed location of the outbuilding does not mitigate the impact the development would have on the streetscape and character of the area.

Streetscape and Character:

From the aerial photograph below it is evident that development in the estate has maintained the 15m front setback with dwellings being located on average between 20m and 30m from the front boundary.

None of the lots within the estate have any developments between the dwelling and the front setback, that together with the large family dwellings have given the estate a unique streetscape and character.

Notwithstanding the required 15m front setback, it is considered that the development of an ‘outbuilding’ forward of the existing dwelling would have a negative impact on the streetscape and character of the area and would detract from the amenity of the area.



Aerial View (Character & Amenity)

**Options and Implications:**

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

Option 1: Council may resolve to refuse the application.

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

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

The approval of the application will result in a negative impact on the amenity or character of the area.

Option 1 is recommended.

**Conclusion:**

Notwithstanding the building design, it is considered that the material will detract from the streetscape. However, this can be mitigated through the appropriate location of the outbuilding. In this regard Shire officers have discussed the potential of locating the proposed outbuilding at minimum in line with the existing dwelling, however the applicant has indicated that this will not be possible.

It is considered, that the accumulative impact of the building design (material) and location (being forward of the existing dwelling) would have a negative impact on the streetscape, character and amenity of the estate. As such the application is deemed to be inconsistent with the policy provisions of LPP 17 and LPP 8.

**Attachments:**

- [OCM238.1/11/15](#) – Locality Plan, Floor Plan and Side Elevations (IN15/19377)

**Voting Requirements:** Simple Majority

**OCM238/11/15 COUNCIL DECISION / Officer Recommendation:**

Moved Cr Rich, seconded Cr Hawkins

**That Council refuses the application submitted by Colleen Murphy for an ‘outbuilding’ (garage) on Lot 503 (#4) Bruns Drive, Darling Downs, for the following reasons:**

- The proposal is contrary to the Local Planning Policy 17 – Residential and Incidental Development requirements for Outbuildings.**
- The proposal is contrary to the Local Planning Policy 8 – Landscape Protection Policy.**
- The proposal would have a detrimental impact on the streetscape, amenity and character of the surrounding properties.**

**CARRIED UNANIMOUSLY**

<b>OCM239/11/15</b>	<b>Lot 54 (#85) Feast Road, Serpentine – Floriculture (Extensive) – Proposed Additional Structures (Hot Houses 8x) (P00683/02)</b>
Author:	Marcel Bridge – Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	7 March 2018
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 1995</i>

Proponent: Geoffrey Neil Woollacott  
 Owner: L. Dwejah Jani  
 Date of Receipt: 8 June 2015  
 Lot Area: 2.7365ha  
 Town Planning Scheme No 2 Zoning: Special Rural  
 Metropolitan Region Scheme Zoning: Rural

**Introduction:**

The purpose of this report is to consider the development application for the addition of eight (8x) structures (hot houses) on Lot 54 (#85) Feast Road, Serpentine.

The matter is being presented to Council as Shire officers have received two objections during the advertising period.



Location Plan

**Background:**

On the 26<sup>th</sup> January 1984, Council approved the establishment of a wholesale cut flower / rose nursery, five (5) tunnel houses and two transportables. An application was later submitted for the addition of 16 tunnel houses, a total of 21 tunnel houses was considered

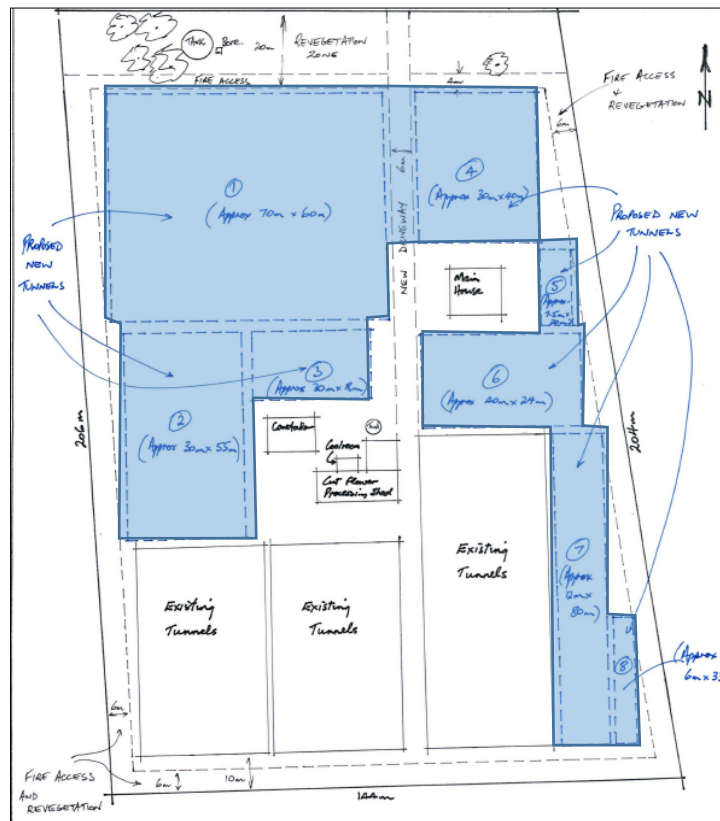
overly intensive development within the Special Rural Zone. A total of ten (10) hot tunnel houses was approved by Council on the 21 November 1988.

Existing Development:

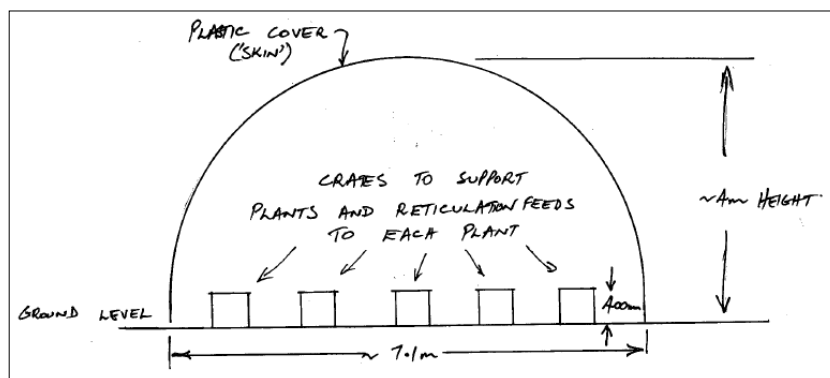
The subject property is zoned Special Rural, with an approved whole sale flower/rose nursery located thereon.

Proposed Development:

The proposal is to expand the current operations of the ‘Floriculture (Extensive)’ operation (previously approved as a wholesale cut flower/rose nursery) with the addition of eight (8) structures. (See illustrated site plan highlighted in blue below).



The proposed new tunnels are to feature crates that support plants and reticulation feeds to each plant (See side elevations below).



The proposed tunnels are to be of the following dimensions:

- Hothouse 1 (nominally 70m x 60m) - comprises 12 spans at 5.7m each, 60m in length i.e. the hothouse will be 68.4m wide by 60m deep.

- Hothouse 2 (nominally 30m x 55m) - comprises 10 spans at 5.5m each, 30m in length i.e. the hothouse will be 30m wide by 55m deep.
- Hothouse 3 (nominally 30m x 18m) - comprises 3 spans at 6.0m each, 30m in length i.e. the hothouse will be 30m wide by 18m deep.
- Hothouse 4 (nominally 30m x 40m) - comprises 7 spans at 5.7m each, 30m in length i.e. the hothouse will be 30m wide by 39.9m deep.
- Hothouse 5 (nominally 7.5m x 20m) - comprises 1 span at 7.5m wide, 20m in length.
- Hothouse 6 (nominally 40m x 24m) - comprises 4 spans at 6.0m each, 40m in length i.e. the hothouse will be 40m wide by 24m deep.
- Hothouse 7 (nominally 12m x 80m) - comprises 2 spans at 6.0m each, 80m in length i.e. the hothouse will be 12.m wide by 80m deep.
- Hothouse 8 (nominally 6m x 33m) - deleted from plan.

### **Relevant Previous Decisions of Council**

There is no previous Council decision relating to this application.

### **Community / Stakeholder Consultation**

The application has been advertised as per clause 6.3 of the Town Planning Scheme No. 2 (TPS 2), two (2) objections where received, and have been summarised as follows:

#### Objection 1:

The objector has commented as follows:

Proximity of the proposed structure eight (8) will impact on the amenity, being too close to the house.

#### Shire Officer's Response:

Proposed structure number eight (8) is likely to impact on the neighbouring property given the little vegetation screening and distance from the 'single dwelling and 'swimming pool'. (approximately 30m). It is recommended that structure number eight (8) be removed from the development proposal.

#### Objection 2:

The objector has commented as follows:

The addition of a colour bond fence abutting the end of the structures along our properties eastern boundaries to provide security and privacy from a large business to our family home.

An extension of the firebreak and revegetation border along the eastern boundary to provide space for planted and planned revegetation and an adequate firebreak as well as meeting setback regulations.

A comprehensive nutrient and water management plan to provide evidence that pollution and water use is controlled and follow appropriate standards.

#### Shire Officer's Response:

The objectors request for a colorbond fence cannot be considered as the local law for fencing, allows only post and rail fencing as a dividing fence. However, it is considered that the required landscaping will sufficiently screen the business from the objector's house.

Firebreaks are a legislative requirement and the land owner will be required to comply with the relevant legislation.

### **Statutory Environment:**

- Metropolitan Region Scheme (MRS)  
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 Special Rural under the Town Planning Scheme No. 2
- Local Planning Policy 17 – Residential and Incidental Development (LPP17)

### **Financial Implications:**

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

### **Alignment with our Strategic Community Plan:**

Objective 4.1	Sustainable Industries
Key Action 3.1.1	Target and engage sustainable, environmentally and socially responsible industries and businesses.

### **Planning Assessment:**

The application has been assessed in accordance with the relevant statutory documents. The existing zoning of the site is 'Special Rural' under the Shire of Serpentine Jarrahdale TPS 2.

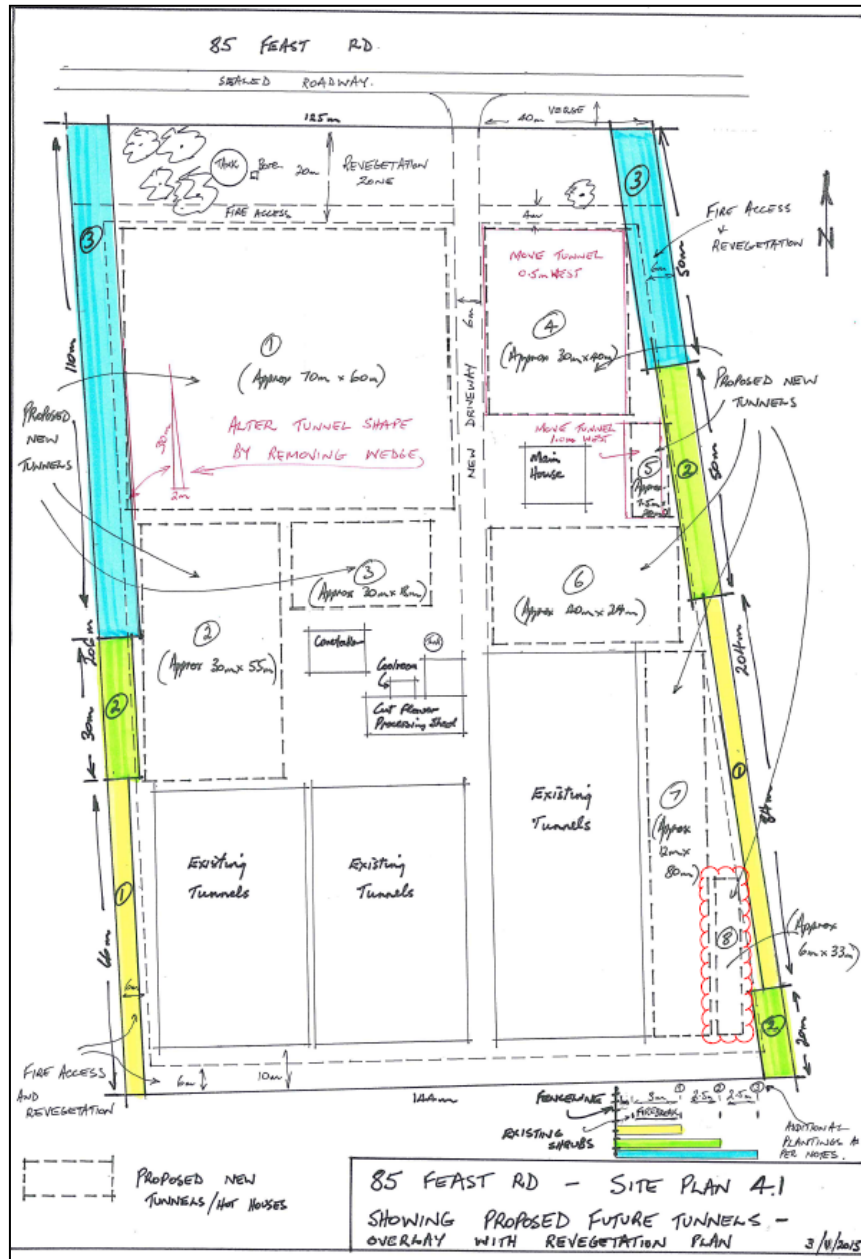
A 'Floriculture (extensive)' is an "SA" use in the 'Special Rural' zone under the TPS 2 and means that Council may, at its discretion, may permit the use after notice of the application has been given in accordance with Clause 6.3.

The proposed additional (eight – (8) Hot House Structures) aligns with the purpose and intent of the 'Special Rural Zone' which is permitted to provide uses such as, hobby farm, horse training and breeding, rural residential retreats and intensive horticulture. The proposal will allow for the expansion of the existing floriculture (extensive) operation.

### Additional Infrastructure and Location (Visual Appearance):

Within the original application submitted, it was considered that due to the location and scale of the proposed hot house structures it would appear visually invasive on the streetscape and neighbouring properties and would likely detract from the character and appearance of the site and surrounding area of Serpentine.

However, following negotiations with the applicant, an amended plan (below) was submitted to mitigate the visual impact of the proposal on adjoining land owners and the streetscape. The amended site plan demonstrated compliance with the 3 metre fire access and previously approved revegetation plan.



After discussions with technical officers and given the objections from adjoining land owners, it was deemed that Structure number eight (8) be removed from the proposal given it's likely to impact negatively on the adjoining land owner.

Potential Impacts:

Given the nature of the proposed development technical officers had concerns relating to nutrient , irrigation, stormwater runoff, noise, buffers, odour, dust, gaseous emissions (pesticide & Herbicide spray), disposal of liquid and hard wastes, lighting and mosquito and midge control.

In discussions with the Shire's Health and Environment Departments it can be acknowledged that the applicant was required to submit noise impact assessment by a qualified acoustic consultant and the other relating impacts could be managed through conditions, on the basis the development application is approved at Council. A noise impact assessment (Acoustic Report) was submitted to the Shire on the 28<sup>th</sup> October 2015.

**Options and Implications:**

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

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

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

Option 2: Council may resolve to refuse the application.

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

Option 1 is recommended.

**Conclusion:**

Shire officers consider that, approval of the additional seven (7) hot house structures to the approved 'Floriculture (extensive)' can be appropriately managed and together with the required landscape screening will not result in any negative impact on the amenity or character of the area.

It is recommended that the development application be approved subject to suitable conditions.

**Attachments:**

- [OCM239.1/11/15](#) – Site Plan and Side Elevations (E15/5746)

**Voting Requirements:** Simple Majority

**OCM239/11/15 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Hawkins, seconded Cr Ellis**

**That Council approves the application submitted by Geoffrey Neil Woollacott on behalf of the landowner L. Dwejah Jani for the 'addition of seven (7) Hot House Structures' as indicated on the approved plans and does not relate to any other development on Lot 54 (#85) Feast Road, Serpentine, subject to the following conditions:**

- If the development is not substantially commenced within a period of two (2) years from the date of this approval, the approval shall lapse and be of no further effect.**
- Prior to the commencement of works, a Nutrient and Irrigation Management Plan shall be approved by the Director of Engineering in consultation with the Department of Water and thereafter implemented.**
- 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 use of mechanical equipment such as fans / heating elements shall not be permitted.**



- e. Hours of operation shall be restricted to 6.30am – 5.00pm Monday to Saturday and are not permitted to occur on Sundays and Public Holidays.
- f. The storage, use and disposal of all chemicals including, but not limited to, pesticides, herbicides, fungicides and hydrocarbons shall be 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.

**CARRIED 5/4**  
**Councillors Rich and Urban voted against the item**  
**and requested their vote be recorded**

<b>OCM240/11/15</b>	<b>Lot 122 (#55) Beenyup Road Byford – Development Application – Alterations / Additions to Existing Outbuilding (Shed) (P01440/05)</b>
Author:	Marcel Bridge - Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	14 October 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Roland Van Zelst  
 Owner: Roland Nicolaas Van Zelst & Anne Martha Christine Schoolderman (Van Zelst)

Date of Receipt: 17 September 2015  
 Lot Area: 1150m<sup>2</sup>  
 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 the extension in floor area and increase to the wall height to an existing outbuilding on Lot 122 (#55) Beenyup Road, Byford.

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



Aerial Reference

**Background:**Existing Development:

The site measures 1150m<sup>2</sup> and is zoned Urban Development under the Shire's Town Planning Scheme No. 2 (TPS 2). The site currently features an approved outbuilding, swimming pool and single dwelling.

Proposed Development:

The proposed development will involve the extension to the floor area and wall height of the existing outbuilding.

**Relevant Previous Decisions of Council:**

There is no previous Council decision relating to this application.

**Community / Stakeholder Consultation:**

The applicant obtained a letter from the adjoining property owner confirming no objection to the proposed development.

**Statutory Environment:**

- Metropolitan Regional Scheme (MRS)  
The site is zoned 'Urban' under the Metropolitan Regional Scheme
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2)  
The site is zoned 'Urban Development' under the Town Planning Scheme
- Policy 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:**Size and Visual Impact:

As identified in the table below, outbuildings shall have a maximum floor area of 60m<sup>2</sup> and wall height of 2.4m, unless otherwise approved by Council. The proposal seeks approval for an outbuilding with an increased wall height to 3.4m (+1.0m) and a floor area of 69m<sup>2</sup> (+14.8m).

*Local Planning Policy No.17 – Residential and Incidental Development*

	Area	Wall Height	Apex
LPP17 - Maximum	72m <sup>2</sup> (+ 20%)	2.4m	4.2m
Current	54.m <sup>2</sup>	2.4m	4.2m
Extension	69m <sup>2</sup>	3.4m	4.2m
Variation	14.8m <sup>2</sup>	1m	n/a

The applicant has provided acceptable justification for these variations and included written confirmation from 'Stagg Boats' stating they are currently in the process of building a boat & trailer package for the applicant.

The overall objective of the LPP 17 policy requirements are to ensure that 'outbuildings' do not impact in size, appearance and location. In this case it is considered that the minor variation (1m) to the wall height is unlikely to impact on the scale and existing appearance of the current outbuilding. It is acknowledged that the external appearance has been designed to be in keeping with the design of the existing shed. This is deemed acceptable and would not detract from the character and appearance of the site or surrounding area.

### **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 SAT which may not be able to be successfully argued.

Option 1 is recommended.

### **Conclusion:**

The proposed outbuilding although does not meet all the development requirements as set out in LPP 17, would not result in an impact to the visual amenity of the area or surrounding land owners and is therefore supported.

### **Attachments:**

- [OCM240.1/11/15](#) – Floor Plan, Elevations and BAL Assessment (E15/5460)

**Voting Requirements:** Simple Majority

### **OCM240/11/15 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Urban, seconded Cr See**

**That Council approves the application submitted by Roland Van Zelst for Alterations / Additions to the Outbuilding (Shed) as indicated on the approved plans and does not relate to any other development on Lot 122 (#55) Beenyup Road, subject to the following conditions:**

- a. If the development is not substantially commenced within a period of two (2) years from the date of this approval, the approval shall lapse and be of no further effect.**
- b. The 'Outbuilding' (shed) shall not be used for human habitation, commercial or industrial purposes (including home occupation), the parking of a commercial vehicle or the stabling of horses or other livestock.**

- c. All existing native trees and / or revegetated areas on the subject lot shall be retained and shall be protected from damage prior to and during construction unless part of this or a separate planning approval.**
- d. The landowner shall ensure all activities related to the construction of the development (such as but not limited to, storage of building materials and contractor vehicles) shall be contained wholly within the lot boundaries.**
- e. All storm water shall be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is not permitted.**

**Advice Note:**

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

**CARRIED UNANIMOUSLY**

<b>OCM241/11/15</b>	<b>Lot 709 (#34) Eurythmic Road, Byford – Ancillary Accommodation (P08343/06)</b>
Author:	Heather Carline – Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	5 November 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: Element Construction WA Pty Ltd  
 Owner: M Raad and S Raad  
 Date of Receipt: 31 August 2015  
 Lot Area: 4097m<sup>2</sup> (0.4ha)  
 Town Planning Scheme No. 2 Zoning: 'Rural Living A'  
 Metropolitan Region Scheme Zoning: 'Urban Deferred'

**Introduction:**

The purpose of this report is to consider the development application for an 'ancillary accommodation' on Lot 709 (#34) Eurythmic Road, Byford.

The proposal was presented to Council at OCM208.10.15, the Shire officers recommendation was lost and the following note provided by Council:

*'This is a shed and does not fall into the category of Planning Policy 17 for ancillary dwellings.'*

However due to an administrative error the recommendation included the incorrect property and applicant details, as such the application is required to be reconsidered by Council.



Aerial Reference

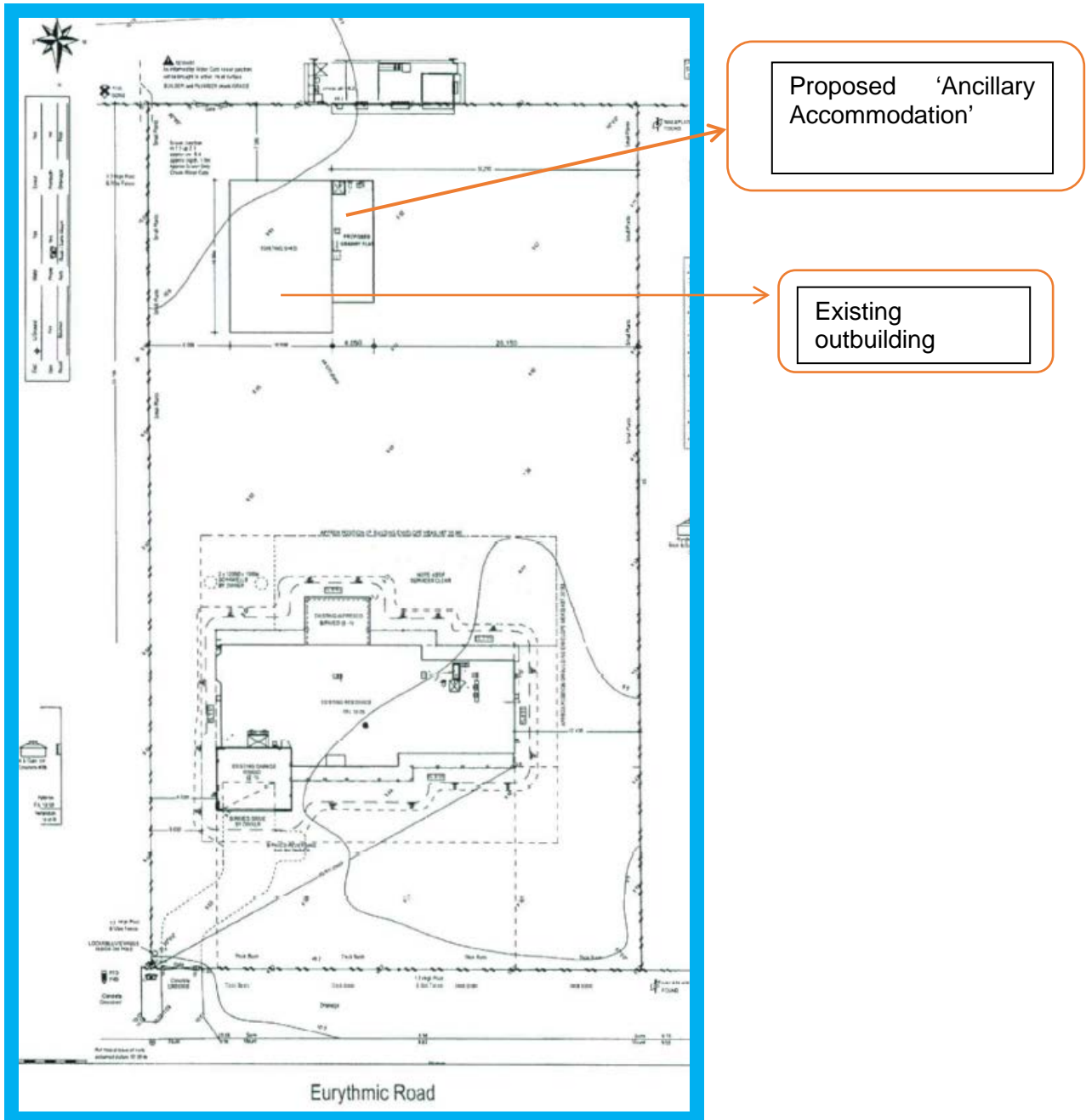
**Background:**

Existing Development:

The site currently comprises of a single dwelling and an ‘outbuilding’.

Proposed Development:

The proposed ‘ancillary accommodation’ would be located towards the south of the site adjacent to the existing shed.



The proposed ‘ancillary accommodation’ lies outside of the approved building envelope and variations to the policy requirements of Local Planning Policy 17 (LPP 17) are sought.

**Relevant Previous Decisions of Council:**

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

**Community / Stakeholder Consultation:**

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

- The small size of the proposal with the allowance of two bedrooms.
- The proposal is more like a mining type accommodation and not a single dwelling.
- There is almost no living space which would mean the occupier/s would be living more outside which would be an intrusion in the objector’s back yard.
- A single bedroom granny flat would be more appropriate which would limit the disruption to their property.
- The existing properties have rural type fencing and the proposal would have uninterrupted views of the objectors entire backyard and alfresco area due to its location at the back of the property.
- If the proposal were to have some form of patio area off the sliding door for ‘entertaining’ this will just compound the privacy issues.
- The objector states that the intended use of the proposed granny flat should be made clear as a dwelling and not used for other purposes such as the operation of a business which would cause additional concerns.

Shire officers response:

In response to these concerns, the size of the proposal is in line with the size requirements as set out in State Planning Policy 3.1 - Residential Design Codes (R- Codes) and LPP 17.

The impact the proposal would have on adjoining landowners has been assessed in relation to the setbacks of the proposed ‘ancillary accommodation’ which are policy compliant. The application seeks approval for the ‘ancillary accommodation’, should the application be approved this will be clearly stated in the approval conditions.

**Statutory Environment:**

- Metropolitan Regional Scheme (MRS)  
The site is zoned ‘Urban Deferred’ under the Metropolitan Regional Scheme
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2)  
The site is zoned ‘Rural Living A’ under the Town Planning Scheme
- Policy LPP17 – Residential and Incidental Development (LPP 17)
- State Planning Policy 3.1 – Residential Design Codes (R- Codes)

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

**Alignment with our Strategic Community Plan:**

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

**Planning Assessment:**

LPP 17 sets out development requirements for ‘ancillary accommodation’. The proposal is considered to comply with these development requirements except for the distance the ‘ancillary accommodation’ is proposed from the main dwelling and the external appearance of the building.



**Size:**

LPP17 states that ‘ancillary accommodation’ in the ‘Rural Living A’ zone where a lot size is under 2ha should have a maximum floor area of 60m<sup>2</sup>. The proposal seeks approval for ‘ancillary accommodation’ with a floor area of 48m<sup>2</sup>, in line with this policy requirement.

**Location and visual appearance:**

LPP 17 states that the ‘ancillary accommodation’ shall be under the same roofline as the main dwelling or located within 10 metres of the main dwelling, unless otherwise approved by Council. The proposal would be located approximately 28 metres from the main dwelling at its closest point.

The policy further states that ‘ancillary accommodation’ is to be constructed in the same or similar materials as the main dwelling to the satisfaction of the Shire. The proposal would be of timber / colorbond construction coloured ‘windspray’ with a colorbond roof coloured ‘surfmist’.

The application seeks to vary these policy requirements. The applicant has provided a justification for these variations and stated that there is nowhere within 10 metres of the main dwelling that is suitable to have the ‘ancillary accommodation’ and by locating it in its proposed location the existing services can be utilised. It has also been stated that the proposed location would result in less visual impact than having another stand-alone structure.

The applicant has expressed that the materials have been chosen to be similar to those of the existing shed.

The objectives of the policy requirements for the location of ‘ancillary accommodation’ and the use of materials are to ensure the connectivity between the ‘ancillary accommodation’ and the main house so as to not give the appearance of ‘grouped dwellings’. By definition ‘ancillary accommodation’ should appear ancillary and incidental to the main house. In this case it is considered that due to the layout, scale and appearance of the proposal, it would not appear as a ‘single dwelling’ independent to the main house and its location would not result in the increase in housing density of the site.

LPP 17 sets out minimum setbacks for development to ensure it does not impact detrimentally on adjoining landowners. In the ‘Rural Living A’ zone the policy states that development should have a minimum front setback of 15 metres and side and secondary street setbacks of 7.5 metres. The setbacks of the proposed ‘ancillary accommodation’ comply with these required setbacks.

In turn, it is acknowledged that the external appearance has been designed to be in keeping with the design of the existing shed. This is considered acceptable and would not detract from the character and appearance of the site or surrounding area.

Saddler Lane runs along the rear boundary to the south of the site. Following a site visit, it is noted that the boundary treatment in this location comprises of mature and well established vegetation. The proposal would not be visible from this road or the approach to this on Briggs Road.

It is considered that the variations to the policy requirements in relation to location and the use of materials in this instance would not be to the detriment of the visual amenity of the area or surrounding landowners.

**Options and Implications:**

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

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

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

Option 2: Council may resolve to refuse the application.

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

Option 1 is recommended.

**Conclusion:**

The proposed ‘ancillary accommodation’ although does not meet all the development requirements as set out in policy LPP 17, it would not result in an unacceptable level of harm to the visual amenity of the area or the amenity of surrounding landowners and therefore is supported.

**Attachments:**

- [OCM241.1/11/15](#) – Floor Plan and Elevations (E15/5081)

**Voting Requirements:** Simple Majority

**OCM241/11/15 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr See, seconded Cr Gossage**

**That Council approves the application submitted by Element Construction WA Pty Ltd. for ‘ancillary accommodation’ as indicated on the approved plans and does not relate to any other development on Lot 709 (#34) Eurythmic Road, Byford, subject to the following conditions:**

- If the development is not substantially commenced within a period of two (2) years from the date of this approval, the approval shall lapse and be of no further effect.**
- 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 be in accordance with Australian Standards AS3959.**

**Advice Note:**

- 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.**

**LOST 2/7**

**Council Note: the item does not conform with LPP17, the proposal indicates two rooms to the side of the shed, built in the same material as the shed and is not independent of the shed**

<b>OCM242/11/15</b>	<b>Lot 93 (#133) Rangeview Loop, Serpentine – Proposed Dwelling and Relocation of Building Envelope (P11851/01)</b>
Author:	Heather Carline – Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	2 November 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: Redink Homes  
 Owner: K Carver and L Smith  
 Date of Receipt: 11 September 2015  
 Lot Area: 4045m<sup>2</sup> (0.4ha)  
 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 relocation of the approved building envelope on Lot 93 (#133) Rangeview Loop, Serpentine.

The proposal is presented to Council as the application does not comply with the Shire's Town Planning Scheme No. 2 (TPS 2), and is unable to be supported.



Aerial Reference

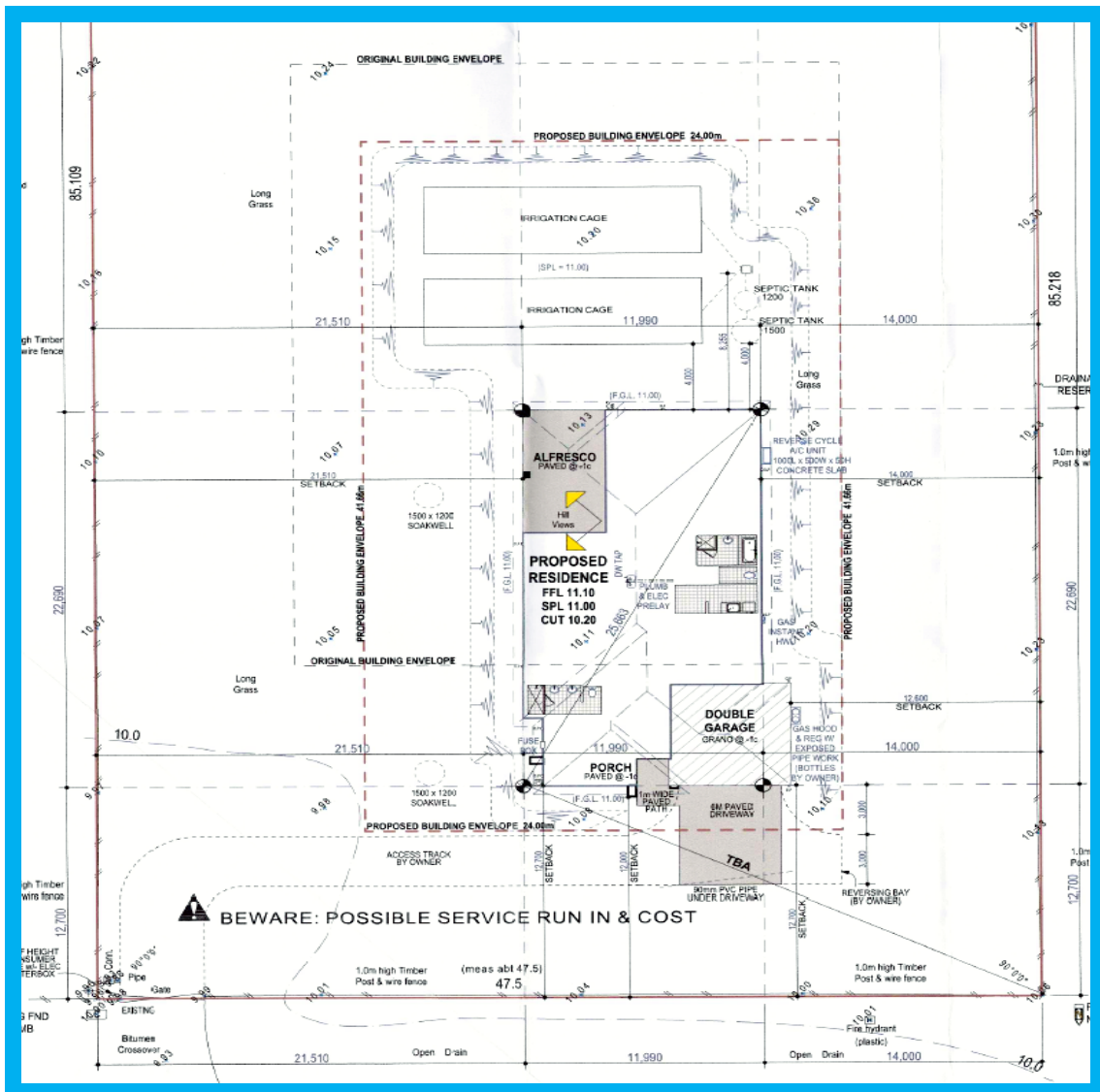
**Background:**

Existing Development:

The site is currently vacant.

**Proposed Development:**

The application seeks approval for the relocation of the approved building envelope and a single dwelling.



The proposed building envelope would measure approximately 1000m<sup>2</sup> in area. It would be relocated further towards the front boundary (north) and would become increased in depth and narrower than the existing building envelope.

It would have a front setback of 10m and a rear setback of 33.5m. The side setback from the western boundary would be 10m with a 13.5m side setback from the eastern boundary.

The proposed single dwelling would be located wholly within the building envelope, as indicated.

**Relevant Previous Decisions of Council:**

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

**Community / Stakeholder Consultation:**

The application has been advertised as per clause 6.3 of the TPS 2, no submissions have been received.

**Statutory Environment:**

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

**Financial Implications:**

Should Council resolve to refuse the application, the applicant will have the ability to appeal the decision with the State Administrative Tribunal (SAT). However, the proposal is contrary to the provisions of the TPS 2, and Shire officers are confident the matter will be resolved by the SAT.

**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 site lies within an area that was subject to Amendment 158 of the Shire's TPS 2 which rezoned the land from 'Rural' to 'Rural Living A'. As part of this amendment it was a requirement to provide building envelopes to the satisfaction of the Shire.

Section 5.12.9 (c) of the Shire's Town Planning Scheme states that no building envelope in the 'Rural Living A' zone shall be closer than 20m to the primary street boundary or closer than 10m to any other boundary. In this case the front setback of the proposed relocated building envelope is 10m and therefore is contrary to this provision of the TPS 2 and cannot be supported.

LPP17 states that where a building envelope exists all development is to be contained within the approved building envelope unless approval is granted by the Shire in writing to build a structure wholly or partly outside the building envelope.

The applicant has been advised by Shire officers that the relocated building envelope cannot be supported as it is not compliant with the provisions of the TPS 2 and the opportunity has been given for the application to be amended. The applicant has confirmed they wish to proceed with the application as proposed.

LPP17 sets out development requirements for residential development and states that development in the 'Rural Living A' zone should have a front setback of 15m. Notwithstanding the front setback of the proposed relocated building envelope, the proposed dwelling would have a front setback of 12.5m. This setback falls short of the requirement as prescribed in LPP17. Notwithstanding the policy provisions clause 9.1.2 of the TPS 2 states:

*'Any Local Planning Policy prepared under this Part shall be consistent with the Scheme and where any inconsistency arises the Scheme shall prevail.'*

The applicant has provided a justification for the relocation of the building envelope stating that the proposed dwelling would not fit within the approved building envelope hence the requirement to increase it in length and reduce it in width. The applicant has stated that the proposal is believed to meet the objectives of the Residential Design Codes by ensuring adequate provision of direct sunlight and ventilation to all buildings and ameliorating the impacts of building bulk, privacy and overshadowing to the subject and adjoining properties.

Shire officers have no objections to the alterations to the dimensions of the building envelope in making it narrower and has no concerns on the side setbacks of the proposal. However, the front setback of the proposed relocated envelope is contrary to the Shire's TPS 2 and cannot be supported.

### **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 refuse the application.

Refusal of the application may result in an appeal to the SAT, the refusal will be in accordance with provisions of the TPS 2.

Option2: Council may resolve to approve the application subject to conditions.

Approval of the application will be contrary to the provisions of the TPS 2, and cannot be approved by Council without first amending the TPS 2 and obtaining final approval from the Western Australian Planning Commission (WAPC).

Option 1 is recommended.

### **Conclusion:**

The proposed relocated building envelope does not meet the requirements as set out in the Shire's TPS 2 by reason of its front setback and therefore cannot be supported. The proposed dwelling would also be located with a front setback contrary to LPP17.

### **Attachments:**

- [OCM242.1/11/15](#) – Plans and Elevations (E15/5676)

**Voting Requirements:** Simple Majority

### **OCM242/11/15 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Hawkins, seconded Cr Rich**

**That Council refuses the application submitted by Redink Homes on behalf of the landowner(s) K Carver and L Smith for the proposed relocation of building envelope and single dwelling on Lot 93 (#133) Rangeview Loop, Serpentine, for the following reasons:**

- a. The proposed relocated building envelope is contrary to the provisions of the Shire's Town Planning Scheme No. 2 by reason of its front setback.**
- b. The proposed dwelling is contrary to the provisions of Local Planning Policy 17 - Residential and Incidental Development by reason of its front setback.**

**CARRIED UNANIMOUSLY**

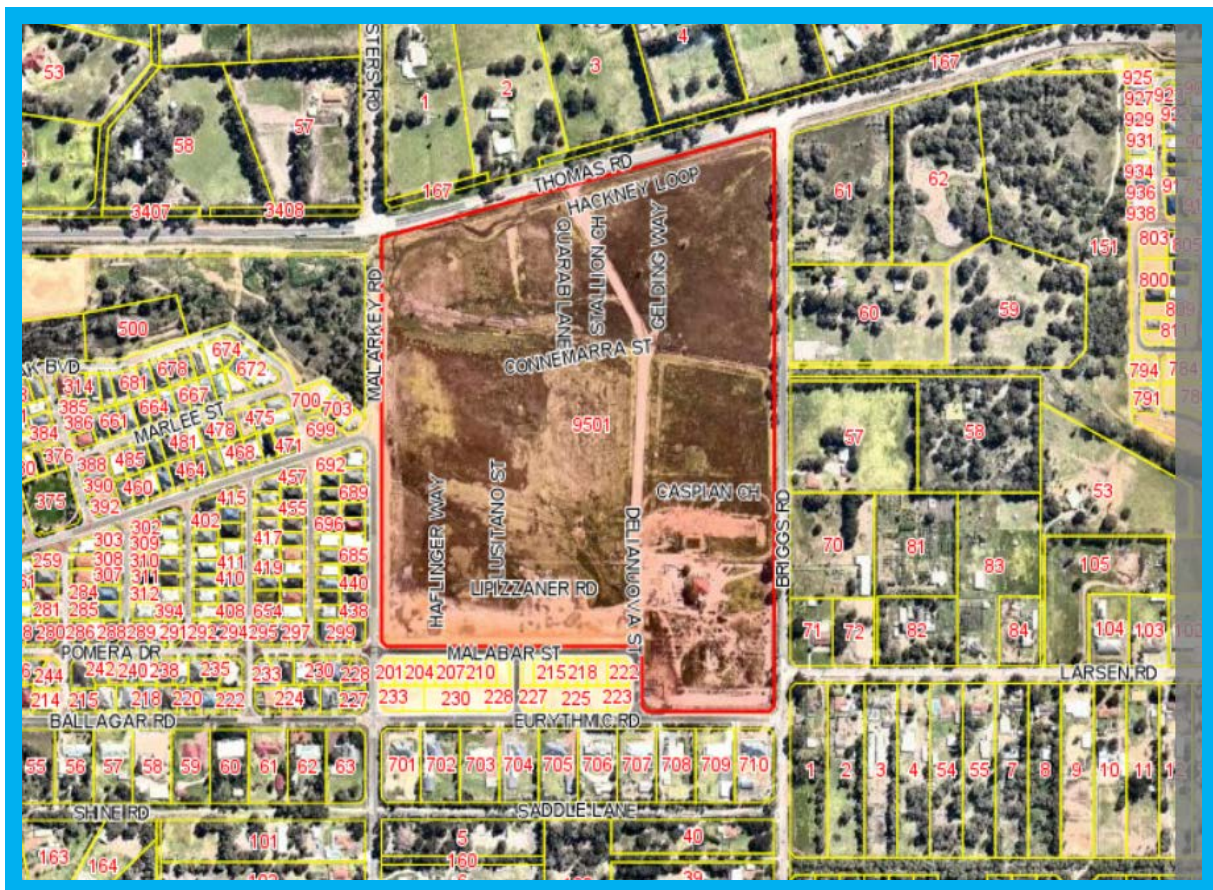
<b>OCM243/11/15</b>	<b>Lot 9501 Briggs Road, Byford – Proposed relocation of Signage (P12240/01)</b>
Author:	Heather Carline – Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	28 October 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent / Owner: G & G Corp  
 Date of Receipt: 2 October 2015  
 Lot Area: 269894m<sup>2</sup> (26.9ha)  
 Town Planning Scheme No 2 Zoning: 'Urban Development'  
 Metropolitan Region Scheme Zoning: 'Urban Deferred'

**Introduction:**

The purpose of this report is to consider the development application for the relocation of an approved sign on Lot 9501 Briggs Road, Byford.

The proposal is presented to Council as an objection to the proposal, has been received.



Aerial Reference

**Background:**

Existing Development:

The site is located within Byford and measures 26.9ha in area. Thomas Road lies to the north of the site with Briggs Road to the east and Malarkey Road to the west.

The site is currently undergoing subdivision for residential lots.

Council has previously approved an application for a land sales office and signage on the site. One of the signs is to be relocated and therefore approval is sought for this.

Proposed Development:

The sign would be located in close proximity to Eurythmic Road facing east-west.



The signage measures 6m x 3m with a total height of 4.2m.



**Relevant Previous Decisions of Council:**

OCM091.06.15 – Proposed Sales Office and Signage



**Community / Stakeholder Consultation:**

The application has been advertised as per clause 6.3 of the Town Planning Scheme No. 2 (TPS 2), one submission has been received from a neighbouring resident objecting to the proposal.

**Comment:**

Concerns have been raised in relation to the impact the proposal would have on visual amenity.

It has been commented that originally the sign was to be located adjacent to the car park and not right against the boundary fence to minimise visual impact on the adjacent properties. The objection considers that the developer should have raised concerns regarding the original location at the time and not override the Council decision and place the sign where they felt it suited them best. It has been stated that if the ground where the sign was originally located is unsuitable then the sign should be reduced in size.

The resident has commented on the size of the sign and that there isn't sales signage anywhere else in the area and hopes that there are no plans to illuminate the sign during the evenings.

The resident is also concerned that the developer may continue to make changes to the original development design on an ongoing basis hoping that no one will notice or if they do just apply for another development application.

**Applicant response:**

*The original Sign No.3 was facing north and south in approximately the same location of the current proposal. It was re-orientated to face east and west to minimise visual impact. The location of the approved sign located between the Sales Office carpark and the Bioretention Swale is inappropriate due to its proximity to the swale. Our engineers have advised that having the sign footings located within the swale and water body would undermine its structural integrity and potential pose a risk in the event of strong wind and during a heavy down pour. Having the sign maintained its east and west face will not have any adverse impact on the residents opposite Eurythmic Road.*

*The sign has been relocated away from the swale closer to Eurythmic Road as originally proposed. The only difference is that the sign will have an east-west facing and not facing north-south as previously proposed. The existing vegetation on the Eurythmic Road verges and extensive building setbacks to houses on the opposite side of Eurythmic Road would effectively address any concerns from the local residents.*

*Reducing the size of the sign would not address the structural integrity of the sign post located within the swale or water body. We have done everything we can reasonably be expected to as a developer and given our property is zoned urban development, we are merely developing our site for residential uses in accordance with the approved planning framework for the Byford locality.*

*The sign once approved will remain on site for a while as our residential stages are being rolled out progressively in a northerly fashion. The sign will only need to be on site for as long as lots are being sold from our estate.*

**Shire officers comment:**

The concerns raised by the resident are noted. The sign is proposed to be relocated due to the original location being in close proximity to the swale and the impact this would have on its structural integrity.

It is acknowledged that the proposed new location would be closer in proximity to the neighbouring properties and the sign is larger than the policy prescribes, however it is

considered that due to the orientation of the signage and its temporary nature, it would not substantially harm the visual amenity of adjacent landowners to warrant refusal of the planning application.

The other comments from the resident are acknowledged, however Shire officers cannot comment on concerns in relation to the original proposal are raised and can only consider the details relating to the specifics of the current planning application.

The proposal does not involve any illumination of the signage and any further amendments would require prior approval from the Shire.

**Statutory Environment:**

- Metropolitan Regional Scheme (MRS)  
The site is zoned 'Urban Deferred' under the Metropolitan Regional Scheme
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2)  
The site is zoned 'Urban Development' under the Town Planning Scheme
- Local Planning Policy LPP05 – Control of Advertisements (LPP05)

**Financial Implications:**

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

**Alignment with our Strategic Community Plan:**

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

**Planning Assessment:**

LPP05 sets out development requirements for advertisements.

It states that a pylon sign shall not be more than 6m above ground level, not cause a hazard to pedestrians or vehicles and be limited to a maximum of one sign per street frontage on any one lot.

The proposal complies with these requirements.

LPP05 also states that signs shall not exceed 2.5m measured either vertically or horizontally across the face of the sign or be greater than 4m<sup>2</sup> in area. The proposed sign is significantly larger than this requirement. This policy extends the size allowed for the signage where lots contain more than one tenancy and are greater than 0.5ha.

It is acknowledged that the size of the sign exceed the sizes as set out in LPP05, however the objectives of the policy relate to permanent signs whereas the proposed signage is not permanent. Any consent given would be of a temporary nature.

It is considered that the proposed sign, although exceeding the recommended sizes as set out in LPP05, would not unduly harm the character or appearance of the surrounding area or the visual amenity of neighbouring residents. It would also not result in issues with highway safety and therefore is supported.

**Options and Implications:**

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

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

As the proposal will only be valid for a period of three (3) years, it will not have a permanent 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 SAT.

Option 1 is recommended.

**Conclusion:**

The proposed signage, as relocated, exceeds the development requirements as set out in LPP05. However, due to the orientation and temporary nature of the sign it is not considered that it would be to the detriment of the surrounding area or the visual amenity of neighbouring residents.

**Attachments:**

- [OCM243.1/11/15](#) – Submission (IN15/22517)

**Voting Requirements:** Simple Majority

**OCM243/11/15 COUNCIL DECISION / Officer Recommendation:**

Moved Cr Rich, seconded Cr Ellis

That Council approves the application submitted by G and G Corp for a sign (relocated) as indicated on the approved plans and does not relate to any other development on Lot 9501 Briggs Road, Byford subject to the following conditions:

- Prior to the placement of the sign, the landowners shall pay the applicable Developer Signage Bond, as per the schedule of fees and charges.
- This approval shall be for a period of three (3) years from the date of issue or when the last lot is sold, whichever occurs first.
- At the expiry of the approval period, the sign shall be removed from the site by the developer unless approval has been granted in writing by the Shire for an extension of the approval period.
- This approval only encompasses the sign detailed on the approved drawings and erected in the locations identified on the approved site plan attached to and forming part of this approval.
- The sign shall be securely fixed to the structures by which it is supported, to the satisfaction of the Director Planning, and shall be maintained in a safe condition at all times.
- Paper, cardboard, cloth or other readily combustible material shall not form part of or be attached to the signs or sign structures.
- The sign shall be kept clean and free from unsightly matter and graffiti and shall be maintained by the landowner in good order free of dilapidation at all times.

**CARRIED UNANIMOUSLY**

<b>OCM244/11/15</b>	<b>Lot 20 (#37) Cumming Road, Oakford – Proposed Shed and Fence (P00871/02)</b>
Author:	Heather Carline – Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	26 October 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

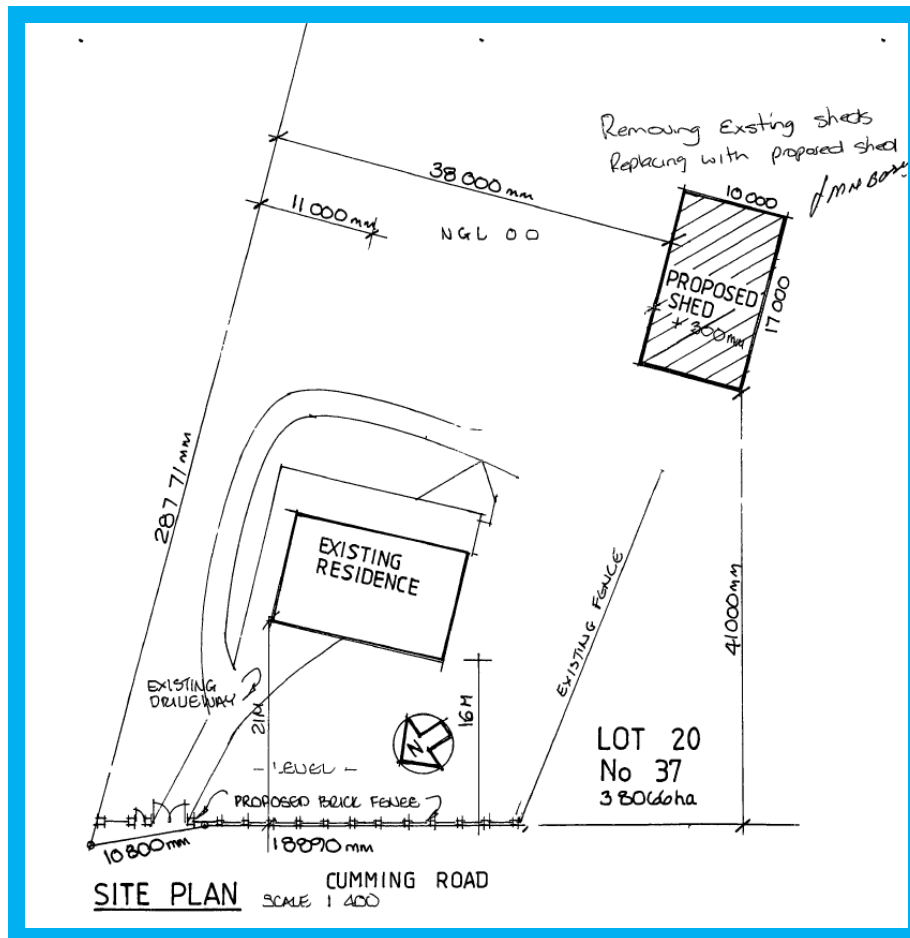
Proponent / Owner: J Basilio  
 Date of Receipt: 19 August 2015  
 Lot Area: 38066m<sup>2</sup> (3.8ha)  
 Town Planning Scheme No. 2 Zoning: 'Rural Groundwater Protection'  
 Metropolitan Region Scheme Zoning: 'Rural – Water Protection'

**Introduction:**

The purpose of this report is to consider the development application for an 'outbuilding' (shed) and a front fence on Lot 20 (#37) Cumming Road, Oakford.

The application is presented to Council as the application is not recommended for approval.





The fence would form the boundary treatment to the front boundary. It would measure approximately 39m in length with a height of 1.2m with 1.8m high pillars. The fence would be of brick construction with galvanised railings above.

The proposed 'outbuilding' (shed) would be located to the rear of the main dwelling and would replace the existing 'outbuildings' (sheds). It would measure 17m x 10m with a wall height of 3.6m and a ridge height of 4.9m.

#### Relevant Previous Decisions of Council:

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

#### Community / Stakeholder Consultation:

No community consultation has been undertaken.

#### Statutory Environment:

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

**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). Whilst Shire officers will attend any SAT proceedings it may be necessary to appoint planning consultants and potentially legal counsel to assist with the matter.

**Alignment with our Strategic Community Plan:**

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

**Planning Assessment:**

The application site lies within the 'Rural Groundwater Protection' zone. This zone was introduced as part of a Town Planning Scheme Amendment to rezone land from 'Rural' and 'Special Rural' in response to the Jandakot Groundwater Protection Policy. The aim of which is to ensure that land use and development over the Jandakot water mound is compatible with the use of the mound as a drinking supply resource.

It is considered that the proposed outbuilding (shed) and front fence are incidental to the use of the existing dwelling and therefore fall within an 'AA' use in the Shire's Town Planning Scheme, a use that Council may at its discretion permit.

The applicant has provided a justification for the proposed front fence stating that the length of the fence is only the length of the house yard frontage whereas the total lot boundary frontage is approximately 190m in length. The applicant has stated that there are concerns with the existing wire fence with regard to the safety of children (family members) climbing through the gaps and getting onto the road. It is also stated that the proposal will provide for further privacy.

The applicant considers the design of the front fence compliments the surroundings of the home and the materials will match the house. The applicant has stated that there is no endorsed policy legislating specific lengths for boundary treatment.

The applicant has also provided details of an existing front fence that is present along Cumming Road that is not permeable. This development was noted by Shire officers during a site visit however was not considered to be common place and the Shire officers cannot comment on the specific merits of another planning approval.

This area of Cumming Road provides for lots ranging between 2 and 4 hectares with a rural character and appearance. The boundary treatment typically comprises of post and wire fencing with some limestone and brick entrance statements.

Although the purpose of the existing zoning is to ensure development and land uses are consistent with the Jandakot Groundwater Protection Policy, for the purposes of assessing visual amenity the area is essentially rural. The Shire's Rural Strategy sets out objectives for rural areas. These objectives include maintaining and promoting the 'rural character' of the Shire and its distinct rural-living lifestyle. The Rural Strategy states that the protection of rural lifestyle and rural character are very significant objectives in the development of land.

The fences local law specifically states that in exercising its discretion Council shall not approve a fence in the Rural Zone which is not visually permeable. The proposal is therefore contrary to this provision in the fences local law.

It is considered that the proposed front fence by reason of its scale and use of materials would appear highly prominent and visually intrusive within the streetscape. It would result in an incongruous urban feature and would fail to preserve and enhance the rural character of the area.

The proposed front fence is therefore contrary to both the local law and the Shires adopted Rural Strategy and cannot be supported.

LPP 17 sets out development requirements for 'outbuildings' (sheds). The policy does not specify development requirements for development within the 'Rural Groundwater Protection Zone'. However the lot size of the application site is the equivalent to the size of a 'Rural Living B' lot and therefore it is considered that the same principles apply.

The height of the proposed 'outbuilding' (shed) and the floor area, once the existing buildings have been demolished complies with the requirements of this policy provision.

The proposal would be set back from the nearest neighbouring property to the north east of the site by 38m. Due to this setback and the scale of the proposed 'outbuilding' (shed) it is considered that it would not impact detrimentally on the amenity of adjacent residents.

### 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 refuse the application.

Refusal of the application would result in the compliance with the Shire's Rural Strategy and the Local Laws. It would ensure the preservation of the visual amenity and the rural character of the area.

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

The approval of the application will result in a negative impact on the amenity and character of the area.

Option 1 is recommended.

### Conclusion:

The proposed front fence by reason of its scale and use of materials would appear highly prominent and visually intrusive within the streetscape. It would result in an incongruous urban feature and would fail to preserve and enhance the rural character of the area. The application does not comply with the Shire's Rural Strategy or the local laws and therefore cannot be supported.

### Attachments:

- [OCM244.1/11/15](#) – Plans and Elevations (E15/5425)

**Voting Requirements:** Simple Majority

### OCM244/11/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Urban

That Council refuses the application submitted by Mr J Basilio for the proposed front fence and 'outbuilding' (shed) on Lot 20 (#37) Cumming Road, Oakford, for the following reasons:

- a. The proposed front fence by reason of its scale and appearance would appear visually intrusive within the streetscape and would result in an incongruous urban feature failing to preserve or enhance the rural character of the area.
- b. The proposal is contrary to the Shire's Rural Strategy.
- c. The proposal is contrary to the Shire's Fencing Local Law.

**CARRIED UNANIMOUSLY**

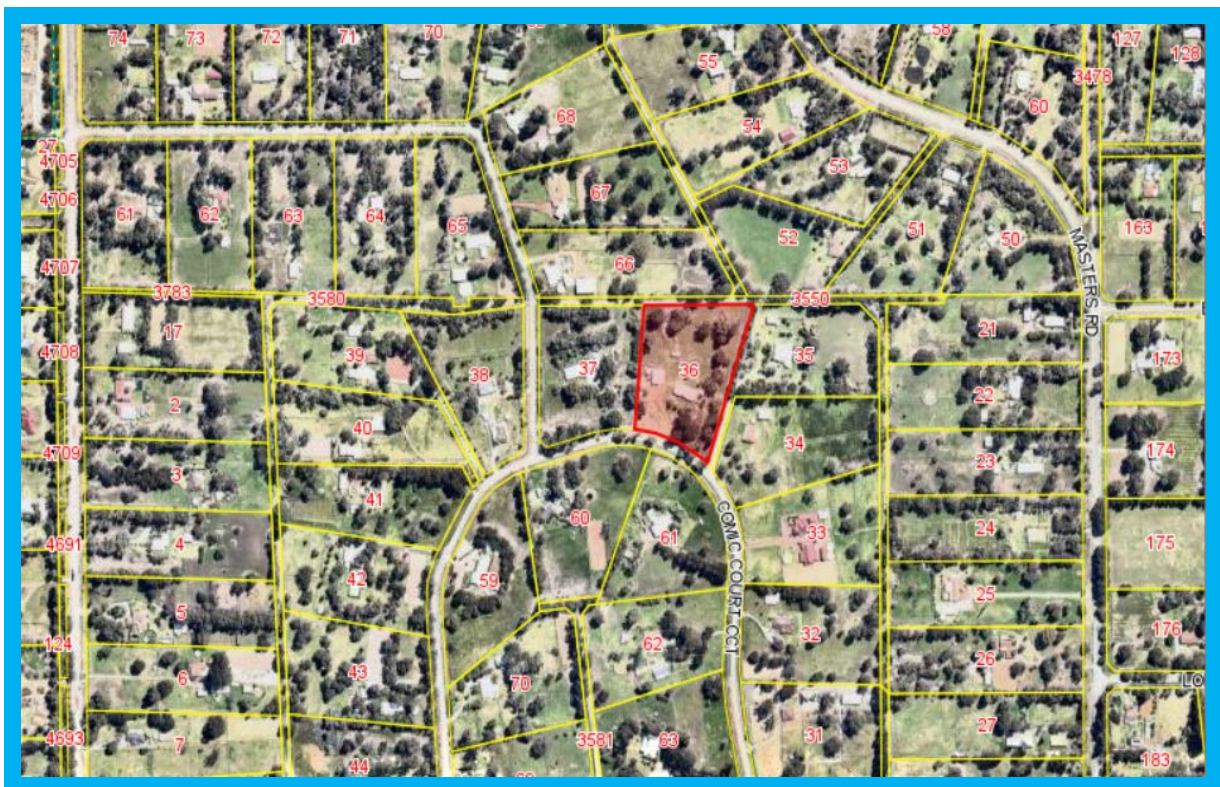
<b>OCM245/11/15</b>	<b>Lot 36 (#60) Comic Court Circuit, Darling Downs – ‘Outbuilding’ Shed (P05345/02)</b>
Author:	Heather Carline – Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	22 October 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: David Ah Chee  
 Owner: Mr E Wroe  
 Date of Receipt: 20 August 2015  
 Lot Area: 20280m<sup>2</sup> (2ha)  
 Town Planning Scheme No. 2 Zoning: ‘Special Rural’  
 Metropolitan Region Scheme Zoning: ‘Rural’

**Introduction:**

The purpose of this report is to consider the development application for an ‘outbuilding’ (shed) on Lot 36 (#60) Comic Court Circuit, Darling Downs.

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



Aerial view

**Background:**

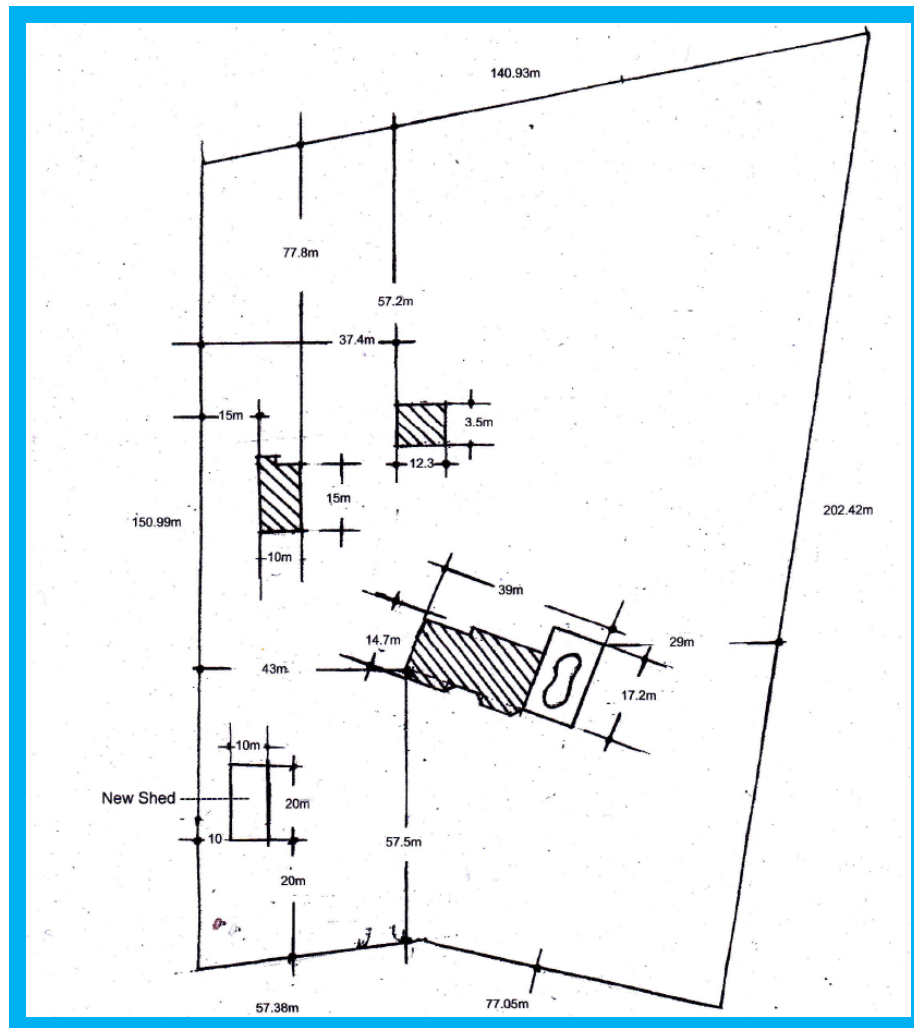
Existing Development:

The site currently comprises of a single dwelling with two associated outbuildings and a water tank.



**Proposed Development:**

The application seeks approval for an 'outbuilding' (shed).



The proposed 'outbuilding' (shed) would be located in close proximity to the western boundary and forward of the main dwelling. It would measure 10m x 20m with a wall height of 3.6m and a ridge height of 4.5m.

**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 Local Planning Policy 17 – Residential and Incidental Development. No objections have been received.

**Statutory Environment:**

- Metropolitan Regional Scheme  
The site is zoned 'Rural' under the Metropolitan Regional Scheme (MRS)
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2  
The site is zoned 'Special Rural' under the Town Planning Scheme (TPS 2)
- Policy LPP17 – Residential and Incidental Development (LPP 17)
- State Planning Policy 3.1 – Residential Design Codes (R-Codes)

**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 it may be necessary to appoint planning consultants and legal counsel to assist Shire officers during 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:**Location and Amenity:

LPP 17 sets out development requirements for 'outbuildings' (sheds). It states that in the 'Special Rural' Zone development should be set back from the front and rear boundaries by 20m and the side boundaries by 10m.

Section 5.4.3 of State Planning Policy 3.1 – Residential Design Codes (SPP 3.1) sets out design principles for 'outbuildings'. It states that 'outbuildings' (sheds) should be approved where they do not detract from the streetscape or the visual amenity of residents or neighbouring properties.

The proposed 'outbuilding' (shed) would be located forward of the main house with a front setback of 20m and a side setback of 10m. Although these setbacks are compliant with the setback requirements as set out in LPP 17, due to the current site layout it is considered that the proposal would appear highly prominent within the streetscape of Comic Court Circuit.

Following a site visit it was noted that the front boundary treatment currently comprises of a post and wire fence and there is minimal vegetation. It was also noted that the submitted site plan does not accurately reflect the location of the existing buildings on site. The applicant has been advised of the Shire's concerns and given the opportunity to amend the proposal. No information has been received justifying why the proposal is required to be located in this position.

It is considered that the proposed 'outbuilding' (shed) by reason of its location would detract from the streetscape and visual amenity of the area and is therefore contrary to SPP 3.1 and cannot be supported.

Size:

LPP17 states that the combined floor area for all 'outbuildings' (sheds) should not exceed 200m<sup>2</sup> and the maximum wall height should not exceed 4m with a maximum ridge height of 6m.

The proposed 'outbuilding' (shed) would have a floor area of 200m<sup>2</sup> and would result in a combined total floor area of 'outbuildings' (sheds) of approximately 393m<sup>2</sup>. This is a significant increase in the policy requirement as set out in LPP17. Due to the size of the lot it is considered that the floor area of the proposal alone would not warrant refusal of the application, however in its proposed location taken with the size, would negatively impact on the character and streetscape of the area.

The proposed 'outbuilding' (shed) complies with the height requirements of LPP17.

**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 may result in an appeal to the SAT.

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

The approval of the application will result in a negative impact on the character and amenity of the area.

Option 1 is recommended.

**Conclusion:**

The proposed 'outbuilding' (shed) by reason of its location would appear highly prominent and visually intrusive within the streetscape to the detriment of the visual amenity of the area. The application does not comply with the SPP 3.1 and cannot be supported.

**Attachments:**

- [OCM245.1/11/15](#) – Floor Plan and Elevations (E15/5499)

**Voting Requirements:** Simple Majority

**OCM245/11/15 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr See, seconded Cr Urban**

**That Council refuses the application submitted by David Ah Chee for the proposed 'Outbuilding' (shed) on Lot 36 (#60) Comic Court Circuit, Darling Downs for the following reasons:**

- The proposed 'Outbuilding' (shed) by reason of its location would appear visually intrusive within the streetscape and would be to the detriment of the visual amenity of the area. The proposal is contrary to State Planning Policy 3.1 – Residential Design Codes.**
- The combined size of the outbuildings does not comply with Local Planning Policy 17 – Residential and Incidental Development.**

**CARRIED UNANIMOUSLY**

**Councillor Atwell declared a financial interest in item OCM246/11/15 and left the meeting at 8.18pm while the item was discussed.**

<b>OCM246/11/15</b>	<b>Scheme Amendment No. 187 – West Mundijong Industrial Area – Various Lots from Rural and Farmlet to Urban Development &amp; Development Contribution Plan (SJ1533)</b>
Author:	Rob Casella – Senior Strategic Planner
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	14 October 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act 1995</i>

Proponent: Shire of Serpentine Jarrahdale  
 Owner: Various  
 Land Area: Approx. 480ha  
 Town Planning Scheme No 2 Zoning: Farmlet & Rural  
 Metropolitan Region Scheme Zoning: Rural

### **Introduction:**

The purpose of this report is for Council to consider initiating a Town Planning Scheme No. 2 (TPS 2) amendment to rezone the area defined by the West Mundijong District Structure Plan (DSP) to the Urban Development zone as well as amending the scheme text to include provisions surrounding the introduction of development contributions for the industrial precinct.

The proposal is presented to Council as an application to rezone land within the Shire and amending the scheme text is required to be initiated by the Council.

### **Background:**

At the Ordinary Council Meeting (OCM) held 11 March 2013 Council resolved to request the Western Australian Planning Commission (WAPC) to proceed with a Metropolitan Region Scheme (MRS) amendment to rezone the area defined by the DSP from Rural to Industrial.

Since Council's resolution the following has occurred:

1. Shire officers have advised the WAPC and Department of Planning (DoP) of its resolution from the OCM and provided the DoP a copy of the DSP and relevant technical reports to support the MRS amendment request;
2. A meeting was held between Shire officers, the DoP and the Department of Transport (DoT) regarding the proposed intermodal terminal. The DoP have requested further information from the DoT regarding the need to reserve land for the potential intermodal terminal;
3. The DoT has recently commissioned a metropolitan wide analysis to gather information regarding the drivers behind the feasibility of the intermodal terminal;
4. Shire officers have prepared the necessary documentation to facilitate a TPS 2 amendment to rezone the area defined by the DSP to Urban Development; and
5. Shire officers have liaised with officers of the Environmental Protection Authority (EPA) to establish referral requirements for the TPS amendment.
6. Shire officers have sought approval for a Bushfire Management Plan from Department of Fire and Emergency Services to support the rezoning.
7. The Honorable Minister has supported the MRS amendment to proceed to advertising, advising the Shire on 29 October 2015.

Since the preparation of the amendment documents, the State Planning Department has implemented a new set of planning and development regulations, which has resulted in three levels of scheme amendments being introduced, Basic, Standard and Complex.

The proposed scheme amendment is deemed to be processed as a complex amendment as the amendment proposes to identify a development contribution area and seeks to have approved a development contribution plan, as in accordance with Regulation 34(e) under the complex amendment heading.

**Relevant Previous Decisions of Council:**

OCM161/03/13 – Council considered the technical investigations to support the MRS amendment, adopted the DSP and supporting technical investigations for advertising with the MRS amendment, resolved to formally request the WAPC to progress an MRS amendment to rezone the area to Industrial and resolved to notify landowners of Council's decision.

**Community / Stakeholder Consultation:**

Following initiation of the scheme amendment, the Shire will be required to advertise the amendment document, following receipt of the Commission, in accordance with r.38(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Major Considerations:

There are a number of major considerations that impact the progression of the proposal, these are generally as follows:

1. Freight Rail Realignment and Intermodal Terminal.
2. Future Tonkin Highway Extension.
3. Future Extension of Mundijong Road East.
4. Buffer Requirements and Noise Amelioration.

These major considerations are discussed below in detail for the benefit of Council.

*1. Freight Rail Realignment and Intermodal Terminal*

In August 2011, Council resolved to adopt the final Mundijong-Whitby District Structure Plan (M-W DSP). As part of the approval, an illustration of the potential freight rail realignment was shown outside of the Mundijong townsite. The potential realignment was identified parallel with the future Tonkin Highway extension. The Design Philosophy of the M-W DSP states the following:

*“...The freight line is a significant design element particularly in relation to regional access to infrastructure and quality of life for nearby residents, and is likely to increase in use over time. Realigning the freight line along the Tonkin Highway corridor to the west is critical for Mundijong/Whitby and ultimate maturity of the area.”*

Subsequent to the approval of the M-W DSP, the DoT undertook a desktop analysis of the potential options for the freight rail realignment. The analysis was prepared by suitably qualified consultants and outlined the opportunities and constraints of various freight rail realignments through the West Mundijong Industrial Area. The analysis was presented to the Infrastructure Coordination Committee (ICC) of the WAPC. The ICC considered the analysis and resolved to identify the alignment with the future Tonkin Highway extension as its preferred option and that further detailed investigation be undertaken.

With regard to the DSP and current MRS amendment request, the DoT have recently commissioned a metropolitan wide analysis to gather information regarding the drivers behind the feasibility of the intermodal terminal at West Mundijong. Ultimately the planning, design and provision of the proposed freight rail realignment and intermodal terminal is an initiative and responsibility of the state government. The Shire can provide no commitment

or funding to the initiative, it is for this reason and on this basis that the DSP reflects the planning undertaken to date for the proposed future rail realignment and intermodal terminal. Furthermore, the DSP takes into account the findings of an Environmental Assessment Report and states that the ultimate realignment and location of the intermodal terminal will be determined at the advice of the DoT when further investigations have taken place.

The DSP and associated technical investigations have explored and allowed for the possibility of a freight rail realignment and intermodal terminal at West Mundijong. At the district planning level, the planning for the West Mundijong Industrial Area is robust enough to facilitate such a significant facility and any impacts are dealt with in an appropriate manner in accordance with relevant requirements at appropriate stages of planning. Implementation mechanisms within the DSP allow for this to occur.

On balance, the matters concerning the proposed freight rail re-alignment and intermodal terminal are long term strategic considerations and are not considered to prejudice the rezoning of the area. The further particulars associated with the realignment and intermodal terminal need to be attended to by the DoT at further detailed levels of planning. Shire officers are of the understanding that landowners would like to develop the land for general and light industry purposes in the short to medium term. As outlined in the DSP, irrespective of the timing or occurrence of the freight rail realignment, industrial development is feasible at West Mundijong.

### *2. The Future Tonkin Highway Extension*

The future Tonkin Highway extension has been identified in the MRS to extend south of Mundijong Road and to connect east around the periphery of the M-W DSP to South Western Highway. The extension is vital to connecting the area to key destination points within the metropolitan area and importantly destinations in the north-west via the Great Northern Highway. The timing of the extension is unknown. It may be the case that the rezoning of West Mundijong will provide a further imperative for the extension of the highway.

The detailed planning for the extension has commenced and a Tonkin Highway Extension Community Reference Group has been formed. The community reference group recently completed a strategic business case in accordance with the department of Finance Strategic Asset Management Framework to establish the justification for the expenditure of significant funds on the Tonkin Highway extension. The strategic business case is currently with the Minister for transport for further consideration; Council will be advised of the outcome in due course.

### *3. The Future Extension of Mundijong Road East*

For some time at a strategic level there has been discussion around extending Mundijong Road east and to provide a major transport linkage to the Wheatbelt region. It is the Shire's understanding that the strategic policy division of the DoT is currently exploring options within the Peel Region at a desktop level and Mundijong Road is only one of a number of options being evaluated. Road linkages may not be considered desirable, however, in the longer term there may be potential opportunities to explore rail linkages east within existing infrastructure reserves to the intermodal terminal at West Mundijong. This would maximise its potential as a major transport facility in the region. The planning for this is considered beyond the scope of the DSP and TPS 2 amendment and Shire officers will continue to work collaboratively at a strategic level with the DoT.

### *4. Buffer Requirements and Noise Amelioration*

Draft State Planning Policy 4.1 – State Industrial Buffer (SPP4.1) requires off site buffers to be considered in the planning of new industrial estates. Section 6 of SPP4.1 deals with mechanisms for securing buffers. It is proposed to secure the buffer for West Mundijong via the Shire's Rural Strategy Review (the strategy).

From information received, the Shire understands that, as a result of the Noise Modelling Report and in consultation with senior officers of the Department of Environment and

Conservation (the DEC) and OEPA the following noise management mitigation measures are proposed at the district planning phase:

1. “Quieter” light industry is to be located at the periphery of the area to the east and south to provide a separation and internalised buffer to residential and rural residential development. General industry is to be located in the core of the area and adjacent to less sensitive rural land uses to the west and north.
2. Consideration should be given at further detailed stages of planning to explore the merits and potential of constructing a noise attenuation barrier to mitigate impacts to residential development.
3. Recommend through the Local Structure Plans associated with Precinct E of the M-W DSP that Detailed Area Plans be required for those lots adjoining the Water Corporation reservation will need to comply with the requirements of State Planning Policy 5.4.
4. Concurrently with the preparation of the planning for the area, the Shire is undertaking a review of its strategic land use planning framework. The strategy should identify land to the north, south and west of the area as a ‘buffer’.
5. Additionally notifications of rail noise should be added to titles of residents located adjacent to possible future railway.

Securing the future form and function of the land identified for the buffer is a policy requirement of draft SPP4.1 and will be undertaken through the finalisation of the Strategy. The buffer is approximately 1 kilometre in width from the proposed West Mundijong Industrial area and allows for General Industry to be located to the northern and western sides of the area. In the context of existing and approved sensitive land uses, light Industry is to be located on the eastern and southern sides of the area. The buffer, distance and location have been determined on the basis of a Preliminary Noise Modelling Assessment which has recently been completed and found to be acceptable to the Noise Branch of the DEC. With regard to point 4 above, the Shire will continue to explore potential subdivision and development opportunities within this area with relevant State Government agencies / landowners and through the consultation and finalisation process of the Strategy.

#### Development Contribution Arrangement:

Amendment 187 includes a textual amendment to Appendix 16 Development Contribution Plans (DCP) to establish a Development Contribution Arrangement (DCA) for West Mundijong and generally sets out the infrastructure, cost and other items included, the contribution methodology and various other operational matters. It is not intended to explain the detail of the DCA but rather provide a broad outline of what the DCA is to consist of. The Scheme Amendment establishes the legal head of power to collect development contributions in West Mundijong. A DCP report has been prepared to accompany the provisions contained within the scheme amendment, however this report will not form part of TPS 2. This report sets out in detail the calculation of the cost contributions for landowners in the DCA. Calculations are based upon the methodology and items identified within the scheme amendment.

The DCP report will be updated and reviewed on an annual basis. Having the DCP report sit outside of TPS 2 is beneficial as the DCP can be updated or amended in a more timely manner than if it was embedded within the scheme. If this report was to form a part of the scheme it would be a very costly and difficult exercise to enable adjustment and would require amending TPS 2. This approach is considered the most appropriate given the fluctuations of infrastructure and land value costs and is consistent with the approach required by State Planning Policy 3.6 – Development Contributions for Infrastructure (SPP3.6).

#### **Statutory Environment:**

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Town Planning Scheme No. 2

### Financial Implications:

The Shire has received significant financial assistance from the state government which has enabled the Shire to progress the technical investigations for West Mundijong. Shire officers are providing on-going updates to the state government in regard to the studies, expenditure and progression of the project. It is recommended that the Shire continue to progress this project with funding from external sources, assist through budgeted funding where possible and provide in kind, contribution through ongoing project management.

<b>Organisation</b>	<b>Amount received to date</b>
Peel Development Commission (PDC)	\$18,000
Department of Planning (DoP)	\$115,500
Department of Agriculture & Food WA (DAFWA)	\$22,000
<b>Total</b>	<b>\$155,500</b>

### Alignment with our Strategic Community Plan:

Objective 2.3	Financial Diversity
Key Action 2.3.2	Encourage commercial investment in the Shire that positively impacts the natural environment.
Objective 4.1	Local Economy
Key Action 4.1.1	Target and engage sustainable, environmentally and socially responsible industries and businesses.

### Options and Implications

Council has the following options when considering the request to initiate the scheme amendment:

Option 1: Council may resolve to initiate the scheme amendment for advertising.

Initiation of the Scheme amendment will inevitably support the future development of the West Mundijong Industrial Precinct, a strategically located employment hub for the future growth of the Shire's population and local and regional economy.

Option 2: Initiate an amendment to TPS 2 with modifications.

If Council request to modify the scheme amendment document prior to initiation, it will substantially delay the initiation of the scheme amendment in seeking adoption.

Option 3: Not initiate an amendment to TPS 2.

By not initiating the scheme amendment, Councillors will be contradicting its support for the Metropolitan Region Scheme amendment adopted in March 2013.

Option 1 is recommended.

### Conclusion:

The Shire has prepared documentation to facilitate a scheme amendment that will rezone the properties bounded by the Kwinana Freight line to the north, Tonkin Hwy Road Reserve to the east, Mundijong Road to the South and Kargotich Road to the West to an 'Urban Development' zone with the intent to develop for industrial land uses.



In addition to the rezoning of the scheme map and associated textual changes, the amendment document incorporates the initiation of a DCP to ensure adequate funds are raised to better service the surrounding infrastructure that will facilitate the development of the West Mundijong Precinct.

**Attachments:**

- [OCM246.1/11/15](#) - Draft Scheme Amendment No. 187 Documentation (E15/4840)
- [OCM246.2/11/15](#) - Draft West Mundijong Industrial Area DSP with Appendices (E15/5707)
- [OCM246.3/11/15](#) - Draft Development Contribution Plan & Report (IN13/12682)

**Voting Requirements:** Simple Majority

**Officer Recommendation:**

That Council pursuant to Section 75 of the *Planning and Development Act 2005 (as amended)* and regulation 58 of the *Planning and Development (Local Planning Schemes) Regulations 2015* proceed to advertise amendment no. 187 without modification, to the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 by:

- a. Acknowledging that the amendment is complex for the reason that it proposes to establish a development contribution area and plan as per r 34(e) of the *Planning and Development (Local Planning Schemes) Regulation 2015*.
- b. Amending the Scheme text as follows:
  - aa. Reclassifying the following land parcels from the ‘Rural’ & ‘Farmlot’ zone to the ‘Urban Development’ zone in West Mundijong:
    - i. Part Lot 99 Kargotich Road (near intersection Kargotich Road)
    - ii. Lot 38 Bishop Road (Cnr Kargotich Road)
    - iii. Lots 1680, 525 & 405 Bishop Road
    - iv. Lots 2, 6, 9 8, 7 & 402 & 404 Scott Road
    - v. Lot 4 Sparkman Road
    - vi. Lot 2 Kargotich Road
    - vii. Lots 11 & 1255 Mundijong Road
    - viii. Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 12 Pure Steel Lane
  - ab. Deletion of the ‘Area of Natural Beauty’ designation from Lot 1680 and Lot 405 Bishop Road & Lot 7 and Lot 402 Scott Road.
  - ac. Replacement of item No. 33 in ‘APPENDIX 7 - SCHEDULE OF PLACES OF NATURAL BEAUTY, HISTORIC BUILDINGS AND OBJECTS OF HISTORICAL OR SCIENTIFIC INTEREST’ with: *MANJEDAL BROOK From its source east of Nettleton Road along its length to the extension of Tonkin Highway.*
  - ad. Including portion of Lot 7 and Lot 402 Scott Road & Portion of Lot 405 Bishop Road in the ‘Public Open Space’ reserve with the balance of the parcels within the ‘Urban Development’ zone as delineated on the Scheme Amendment map as detailed above.
  - ae. Modification to ‘APPENDIX 9 - DEVELOPMENT AREAS’ by inclusion of the following development area:

Ref No.	Description of Land	Provisions
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<b>DA 6</b>	<ul style="list-style-type: none"> <li>a) Part Lot 99 Kargotich Road (near intersection Kargotich Road)</li> <li>b) Lot 38 Bishop Road (Cnr Kargotich Road)</li> <li>c) Lots 1680, 525 &amp; 405 Bishop Road</li> <li>d) Lots 2, 6, 9 8, 7 &amp; 402 &amp; 404 Scott Road</li> <li>e) Lot 4 Sparkman Road</li> <li>f) Lot 2 Kargotich Road</li> <li>g) Lots 11 &amp; 1255 Mundijong Road</li> <li>h) Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 &amp; 12 Pure Steel Lane</li> </ul>	<ol style="list-style-type: none"> <li>1. Land use to be in accordance with the ‘Light Industry’ and ‘General Industry’ zone as varied by an endorsed structure plan prepared pursuant to Part 16 of the Deemed Provisions.</li> <li>2. Compliance with a district structure plan and consequential local structure plans prepared in accordance with Part 16 of the Deemed Provisions and the guidelines prepared by the Western Australian Planning Commission for Structure Plans.</li> <li>3. In addition to the considerations outlined in Part 16 of the Deemed Provisions, the structure plan is to have regard to the following factors: <ul style="list-style-type: none"> <li>-Proposed extension of Tonkin Highway</li> <li>-Possible realignment of the Kwinana Freight line</li> <li>-Provision of a possible intermodal facility if found feasible by the Department of Transport</li> <li>Conservation of Manjedal Brook</li> <li>-Preparation and implementation of a noise management strategy to the satisfaction of the Office of Environmental Protection which is cognisant of proposed and existing sensitive uses including those existing uses contained within the structure plan area</li> <li>-Provision of ecological corridors reflecting district drainage patterns</li> </ul> </li> <li>4. Compliance with a Development Contribution Plan prepared in accordance with clause 9.3 of the Scheme.</li> </ol>
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af. Modifying ‘APPENDIX 10 - DEVELOPMENT CONTRIBUTION PLANS’ by including the following development contribution area:

i. Adding the following text into Appendix 10 of the Scheme:

**‘Appendix 10B – West Mundijong Development Contribution Area – Scheme Development Contribution Plan**

<i>Development contribution area name</i>	<i>West Mundijong</i>
<i>Reference number on Scheme Map(s)</i>	<i>DCA 2</i>
<i>Boundary of development</i>	<i>Refer Scheme Map(s)</i>

<p><b>Items</b></p>	<p><b>Mundijong Road:</b></p> <ul style="list-style-type: none"> <li>a) <i>Land required to achieve the proposed 40 metres road reserve;</i></li> <li>b) <i>Earthworks for the whole road reserve;</i></li> <li>c) <i>The construction and upgrade of one carriageway;</i></li> <li>d) <i>Associated drainage works including water sensitive measures;</i></li> <li>e) <i>Traffic control devices including two sets of traffic lights, intersection treatments incorporating slip lanes and associated works;</i></li> <li>f) <i>Shared paths;</i></li> <li>g) <i>Utility removal, relocation and insertion; and</i></li> <li>h) <i>Associated costs including design, administration, and management.</i></li> </ul>
	<p><b>Kargotich Road:</b></p> <ul style="list-style-type: none"> <li>a) <i>Land required to achieve the proposed 30 metres road reserve;</i></li> <li>b) <i>Earthworks for the whole road reserve;</i></li> <li>c) <i>Complete road construction based on a single lane split carriageway with central median.</i></li> <li>d) <i>Associated drainage works including water sensitive measures;</i></li> <li>e) <i>Traffic control devices including intersection treatments incorporating slip lanes and associated works;</i></li> <li>f) <i>Shared paths;</i></li> <li>g) <i>Utility removal, relocation and insertion; and</i></li> <li>h) <i>Associated costs including design, administration, and management.</i></li> </ul>
	<p><b>Bishop Road New:</b></p> <ul style="list-style-type: none"> <li>a) <i>Land required to achieve the proposed 30 metres road reserve;</i></li> <li>b) <i>Earthworks for the whole road reserve;</i></li> <li>c) <i>Complete road construction based on a single lane split carriageway with central median.</i></li> <li>d) <i>Associated drainage works including water sensitive measures;</i></li> <li>e) <i>Traffic control devices including one set of traffic lights, intersection treatments incorporating slip lanes and associated works;</i></li> <li>f) <i>Shared paths;</i></li> <li>g) <i>Utility removal, relocation and insertion; and</i></li> <li>h) <i>Associated costs including design, administration, and management.</i></li> </ul>

	<p><b>North-South Spine Road:</b></p> <ul style="list-style-type: none"> <li>a) Land required over and above a standard 20 metre road reserve to achieve the required road width of 30 metres;</li> <li>b) Earthworks for the whole road reserve;</li> <li>c) Complete road construction based on a single lane split carriageway with central median.</li> <li>d) Associated drainage works including water sensitive measures;</li> <li>e) Shared paths;</li> <li>f) Utility removal, relocation and insertion; and</li> <li>g) Associated costs including design, administration, and management.</li> </ul>
	<p><b>Land for drainage:</b> All land required for district drainage purposes.</p>
	<p><b>Administrative:</b></p> <ul style="list-style-type: none"> <li>• All estimated future costs associated with administration planning and development in West Mundijong, including:</li> <li>• Planning studies;</li> <li>• Traffic studies;</li> <li>• Drainage studies</li> <li>• Road design costs;</li> <li>• Borrowing costs (including interest and principal loan repayments); and</li> <li>• Scheme Management Costs (including administration and management of the DCA)</li> </ul>
<b>Contribution methodology</b>	<ul style="list-style-type: none"> <li>• Per hectare or square metre basis.</li> </ul>
<b>Period of operation</b>	20 years
<b>Priority and timing of infrastructure provision</b>	Refer development contribution plan report'

ii. Amending the Scheme Map(s) by including West Mundijong Industrial Area within the DCA 2 development contribution area special control area, as indicated on the Scheme Amendment map.

ag. Amending the Scheme Maps accordingly.

c. Forward 2 copies of Amendment 187 to Town Planning Scheme No. 2 to the Environmental Protection Authority for comment, pursuant to Section 81 of the Planning and Development act (2005) and to the Western Australian Planning Commission for information and, subject to no objections being received from the Environmental Protection Authority and acknowledgement being received from the Western Australian Planning Commission, the amendment be advertised for public comment pursuant to Regulation 38(4) of the Planning and Development (Local Planning Schemes) Regulations 2015 for a period of 60 days, to the satisfaction of the Shire.

**OCM246/11/15 COUNCIL DECISION / Amended Motion:****Moved Cr Hawkins, seconded Cr Ellis**

That Council pursuant to Section 75 of the *Planning and Development Act 2005 (as amended)* and regulation 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015* proceed to advertise Amendment No. 187 without modification, to the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 by:

- a. Acknowledging that the amendment is complex for the reason that it proposes to establish a development contribution area and plan as per r 34(e) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- b. Amending the Scheme text as follows:
  - aa. Reclassifying the following land parcels from the 'Rural' & 'Farmlot' zone to the 'Urban Development' zone in West Mundijong:
    - i. Part Lot 99 Kargotich Road (near intersection Kargotich Road)
    - ii. Lot 38 Bishop Road (Cnr Kargotich Road)
    - iii. Lots 1680, 525 & 405 Bishop Road
    - iv. Lots 2, 6, 9 8, 7 & 402 & 404 Scott Road
    - v. Lot 4 Sparkman Road
    - vi. Lot 2 Kargotich Road
    - vii. Lots 11 & 1255 Mundijong Road
    - viii. Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 & 12 Pure Steel Lane
  - ab Deletion of the 'Area of Natural Beauty' designation from Lot 1680 and Lot 405 Bishop Road & Lot 7 and Lot 402 Scott Road.
  - ac Replacement of item No. 33 in 'APPENDIX 7 - SCHEDULE OF PLACES OF NATURAL BEAUTY, HISTORIC BUILDINGS AND OBJECTS OF HISTORICAL OR SCIENTIFIC INTEREST' with: *MANJEDAL BROOK From its source east of Nettleton Road along its length to the extension of Tonkin Highway.*
  - ad Including portion of Lot 7 and Lot 402 Scott Road & Portion of Lot 405 Bishop Road in the 'Public Open Space' reserve with the balance of the parcels within the 'Urban Development' zone as delineated on the Scheme Amendment map as detailed above.
  - ae Modification to 'APPENDIX 9 - DEVELOPMENT AREAS' by inclusion of the following development area:

Ref No.	Description of Land	Provisions

<b>DA 6</b>	<p>a) a.Part Lot 99 Kargotich Road (near intersection Kargotich Road)</p> <p>b) Lot 38 Bishop Road (Cnr Kargotich Road)</p> <p>c) Lots 1680, 525 &amp; 405 Bishop Road</p> <p>d) Lots 2, 6, 9 8, 7 &amp; 402 &amp; 404 Scott Road</p> <p>e) Lot 4 Sparkman Road</p> <p>f) Lot 2 Kargotich Road</p> <p>g) Lots 11 &amp; 1255 Mundijong Road</p> <p>h) Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 &amp; 12 Pure Steel Lane</p>	<p>1. Land use to be in accordance with the ‘Light Industry’ and ‘General Industry’ zone as varied by an endorsed structure plan prepared pursuant to Part 16 of the Deemed Provisions.</p> <p>2. Compliance with a district structure plan and consequential local structure plans prepared in accordance with Part 16 of the Deemed Provisions and the guidelines prepared by the Western Australian Planning Commission for Structure Plans.</p> <p>3. In addition to the considerations outlined in Part 16 of the Deemed Provisions, the structure plan is to have regard to the following factors:</p> <ul style="list-style-type: none"> <li>- Proposed extension of Tonkin Highway</li> <li>- Possible realignment of the Kwinana Freight line</li> <li>- Provision of a possible intermodal facility if found feasible by the Department of Transport Conservation of Manjedal Brook</li> <li>- Preparation and implementation of a noise management strategy to the satisfaction of the Office of Environmental Protection which is cognisant of proposed and existing sensitive uses including those existing uses contained within the structure plan area</li> <li>- Provision of ecological corridors reflecting district drainage patterns</li> </ul> <p>4. Compliance with a Development Contribution Plan prepared in accordance with clause 9.3 of the Scheme.</p>
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af. Modifying ‘APPENDIX 10 - DEVELOPMENT CONTRIBUTION PLANS’ by including the following development contribution area:

i. Adding the following text into Appendix 10 of the Scheme:

‘Appendix 10B – West Mundijong Development Contribution Area – Scheme Development Contribution Plan

<i>Development contribution area</i>	<i>West Mundijong</i>
<i>Reference number on</i>	<i>DCA 2</i>
<i>Boundary of development</i>	<i>Refer Scheme Map(s)</i>

<b>Items</b>	<p><b>Mundijong Road:</b></p> <ul style="list-style-type: none"> <li>a) Land required to achieve the proposed 40 metres road reserve;</li> <li>b) Earthworks for the whole road reserve;</li> <li>c) The construction and upgrade of one carriageway;</li> <li>d) Associated drainage works including water sensitive measures;</li> <li>e) Traffic control devices including two sets of traffic lights, intersection treatments incorporating slip lanes and associated works;</li> <li>f) Shared paths;</li> <li>g) Utility removal, relocation and insertion; and</li> <li>h) Associated costs including design, administration, and management.</li> </ul>
	<p><b>Kargotich Road:</b></p> <ul style="list-style-type: none"> <li>a) Land required to achieve the proposed 30 metres road reserve;</li> <li>b) Earthworks for the whole road reserve;</li> <li>c) Complete road construction based on a single lane split carriageway with central median.</li> <li>d) Associated drainage works including water sensitive measures;</li> <li>e) Traffic control devices including intersection treatments incorporating slip lanes and associated works;</li> <li>f) Shared paths;</li> <li>g) Utility removal, relocation and insertion; and</li> <li>h) Associated costs including design, administration, and management.</li> </ul>
	<p><b>Bishop Road New:</b></p> <ul style="list-style-type: none"> <li>a) Land required to achieve the proposed 30 metres road reserve;</li> <li>b) Earthworks for the whole road reserve;</li> <li>c) Complete road construction based on a single lane split carriageway with central median.</li> <li>d) Associated drainage works including water sensitive measures;</li> <li>e) Traffic control devices including one set of traffic lights, intersection treatments incorporating slip lanes and associated works;</li> <li>f) Shared paths;</li> <li>g) Utility removal, relocation and insertion; and h) Associated costs including design, administration, and management.</li> <li>h) Associated costs including design, administration, and management</li> </ul>

	<p><b>North-South Spine Road:</b></p> <ul style="list-style-type: none"> <li>a) <b>Land required over and above a standard 20 metre road reserve to achieve the required road width of 30 metres;</b></li> <li>b) <b>Earthworks for the whole road reserve;</b></li> <li>c) <b>Complete road construction based on a single lane split carriageway with central median.</b></li> <li>d) <b>Associated drainage works including water sensitive measures;</b></li> <li>e) <b>Shared paths;</b></li> <li>f) <b>Utility removal, relocation and insertion; and</b></li> <li>g) <b>Associated costs including design, administration, and management.</b></li> </ul>
	<p><b>Land for drainage:</b> All land required for district drainage purposes.</p>
	<p><b>Administrative:</b></p> <ul style="list-style-type: none"> <li>• <b>All estimated future costs associated with administration planning and development in West Mundijong, including:</b></li> <li>• <b>Planning studies;</b></li> <li>• <b>Traffic studies;</b></li> <li>• <b>Drainage studies</b></li> <li>• <b>Toad design costs;</b></li> <li>• <b>Borrowing costs (including interest and principal loan repayments); and</b></li> <li>• <b>Scheme Management Costs (including administration and management of the DCA)</b></li> </ul>
<b>Contribution methodology</b>	<ul style="list-style-type: none"> <li>• <b>Per hectare or square metre basis.</b></li> </ul>
<b>Period of operation</b>	<b>20 years</b>
<b>Priority and timing of infrastructure provision</b>	<b>Refer development contribution plan report'</b>

ii. Amending the Scheme Map(s) by including West Mundijong Industrial Area within the DCA 2 development contribution area special control area, as indicated on the Scheme Amendment map.

ag. Amending the Scheme Maps accordingly.

c. Forward 2 copies of Amendment 187 to Town Planning Scheme No. 2 to the Environmental Protection Authority for comment, pursuant to Section 81 of the Planning and Development act (2005) and to the Western Australian Planning Commission for information and, subject to no objections being received from the Environmental Protection Authority and acknowledgement being received from the Western Australian Planning Commission, the amendment be advertised for public comment pursuant to Regulation 38(4) of the Planning and



**Development (Local Planning Schemes) Regulations 2015 for a period of 60 days, to the satisfaction of the Shire.**

**CARRIED UNANIMOUSLY**

**Council Note:**

**The officers recommendation was amended to change the advertising of this specific amendment to be in accordance with regulation 47 as it is deemed to be a standard amendment. Further, officers recommendation (a)(aa)(iv) was amended to add lot 404 Scott Road.**

**Councillor Atwell returned to Chambers at 8.21pm**

Councillor Erren declared a closely associated person interest, Councillor Hawkins declared an indirect financial interest and Councillor See declared a financial interest in item OCM228/11/15 and all left the meeting at 8.22pm while the item was discussed.

The Presiding Member vacated the chair and Deputy President Piipponen assumed the chair at 8.22pm

<b>OCM247/11/15</b>	<b>Lot 5, 7 and 51 (No. 843, 849 &amp; 857) South Western Highway, Byford - Proposed Supermarket (P05177/01)</b>
Author:	Leonard Long – Acting Manager Planning
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	3 November 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: Rowe Group Planning Design Delivery  
 Owner: Byford & Districts Country Club  
 Date of Receipt: 30 October 2015  
 Lot Area: 6565m<sup>2</sup> total (Lot 5 2188m<sup>2</sup>, Lot 7 2203m<sup>2</sup> and Lot 51 2174m<sup>2</sup>)  
 Town Planning Scheme No. 2 Zoning: Urban Development  
 Metropolitan Region Scheme Zoning: Byford District Structure Plan

**Introduction:**

The purpose of this report is to consider an amended development application (incorporating a minor road widening) for a Shop on Lots 5, 7 and 51 (No. 843, 849 & 857) South Western Highway, Byford.

The proposal is presented to Council as Shire officers do not have delegated authority to determine applications to amend an approved application if such approval was granted by Council.



Aerial Reference

**Background:**

**Existing Development:**

The subject site is within the established Byford Town Centre area bound by South Western Highway to the east and George Street to the west. The site has been used by the Byford and Districts Country Club for a clubhouse and playing greens.

Planning approval was issued by the Council on 11 August 2014 for the Byford and Districts Country Club to develop a new facility at Lot 2857 (Reserve 10164) South Western Highway, Byford, previously known as the Rifle Range reserve.

As the Byford and Districts Country Club is soon to vacate the subject sites, it is able to realise its development potential under the Byford Town Centre Local Structure Plan.

**Approved Development:**

The proposal is to develop a supermarket, which will comprise of the following:

- 2,276m<sup>2</sup> gross lettable area (GLA) (2,076m<sup>2</sup> ground floor and 200m<sup>2</sup> mezzanine floor);
- Operating Hours of 7.00am to 9.00pm seven days a week;
- Maximum 15 staff members;
- 154 Car parking Bays (some existing);
- 630m<sup>2</sup> landscaping (149.7m<sup>2</sup> soft, 481m<sup>2</sup> hard)
- Nil building setback to South Western Highway;
- Two metre wide veranda;
- Single storey with mezzanine along eastern side of building;
- Colours and materials consistent with the adjoining Town Centre development;
- Signage panels incorporated into building façade.

**Proposed Amendment:**

In order to comply with the requirements imposed by Main Roads Western Australia (MRWA) for the widening of South Western Highway, the footprint of the proposed development has been reduced. The approved gross lettable area of 2,276m<sup>2</sup> has been reduced to 2,188m<sup>2</sup> (200m<sup>2</sup> mezzanine floor) a reduction of 88m<sup>2</sup> to accommodate the required widening of South Western Highway.

As a consequence of the reduction in gross lettable area, the required parking has also been reduced, as such the development is now required to provide a minimum of 153 car parking bays.

**Relevant Previous Decisions of Council:**

OCM021/08/14 – Council Approved Byford and Districts Country Club new site.

OCM095/06/15 – Council resolved to Approve the Shop subject to conditions.

**Community / Stakeholder Consultation:**

Government Agency Referral:

The amended application was referred to MRWA for comment. MRWA advised that on 30 October 2015 that they were was satisfied with the plans.

Community Consultation:

The land use of 'Shop' is permitted within the Town Centre zoning, and there is no mandatory requirement for community consultation. The proposed land use is consistent with the Byford Town Centre Local Structure Plan and does not generate sufficient planning concern to warrant advertising.

**Statutory Environment:**

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

The Site is zoned ‘Urban Development’ under the Shire of Serpentine Jarrahdale Town Planning Scheme No 2 (TPS 2) and ‘Town Centre’ under the Byford Town Centre Local Structure Plan. In terms of Table 1 of TPS 2, a ‘Shop’ is categorised as a ‘P’ use.

- Various Local Planning Policies

**Financial Implications:**

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

**Alignment with our Strategic Community Plan:**

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

**Planning Assessment:**

The proposed amendment, being the reduction of the gross lettable area (88m<sup>2</sup>) is considered to be a minor departure from the approved development. As part of the original application the applicant sufficiently demonstrated that the proposed development is consistent with the Shire of Serpentine Jarrahdale TPS 2.

In addition the applicant sufficiently demonstrated that the proposed development is consistent with the Byford Town Centre Local Structure Plan. Redevelopment of the Byford and Districts Country Club was foreshadowed, with the local structure plan featuring a commercial town centre zoning, rather than ‘public purposes’ which would have ensured continuation of the existing land use, or its conversion into a similar use.

The Shire’s officers believe there is a lack of supermarket facilities in the Byford area, which is a result of unprecedented urban expansion over the past five years. There is anecdotal evidence from community members generally supporting the provision of additional shopping facilities.

The subject sites have been noted through the structure plan process as having the potential for this style of shop development, making the sites suitable for the proposed development. It is likely that stage 2 of the development will have challenges providing enough car parking, however that will form part of a future planning application. To enable development across the three sites, they must be amalgamated into one certificate of title. The cross-access agreement which forms the visual corridor between the existing adjoining building and the proposed development also needs to be finalised prior to occupation of the development.

The submission by MRWA acknowledges the South Western Highway widening matter has been sufficiently addressed with the revised plans.

**Options and Implications:**

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

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

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

Option 2: Council may resolve to refuse the application.

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

Option 1 is recommended.

### Conclusion:

The Shire officers consider the amendment to be minor and does not materially depart from the original approval with regard to vision of the Byford Town Centre Local Structure Plan.

### Attachments:

- [OCM247.1/11/15](#) – Development Plans (IN15/23134)

**Voting Requirements:** Simple Majority

### OCM247/11/15 COUNCIL DECISION / Officer Recommendation:

#### Moved Cr Ellis, seconded Cr Gossage

That Council approves the amended application (incorporating the required road widening) from the Rowe Group Planning Design Delivery on behalf of the landowner Byford and Districts Country Club, to develop a Shop at Lots 5, 7 and 51 (No. 843, 849 & 857) South Western Highway, Byford subject to the following conditions:

- An operational management plan being submitted and approved by the Shire prior to the commencement of site works and thereafter implemented, to the satisfaction of the Shire.
- The owner entering into a legally binding agreement with the Shire of Serpentine Jarrahdale to ensure that the Visual Corridor remains publicly accessible at all times.
- A monetary contribution being paid to Council for the establishment of public art or, alternatively, the provision of public art being provided on-site in accordance with Council's Local Planning Policy No. 59 - Public Art Policy for Major Developments to the satisfaction of the Shire.
- A Traffic Management Plan being submitted and approved by the Shire prior to the commencement of site works. Once approved, the Traffic Management Plan is to be implemented in its entirety.
- The vehicle parking area, access ways and crossover must:
  - be designed in accordance with Australian / New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval;
  - include 153 car parking bays;
  - include disabled car parking spaces dedicated to people with disability designed in accordance with Australian / New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disability, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
  - lighting to be provided to all car parking areas and the exterior entrances to all buildings in accordance with Australian Standard AS 1158.3.1 (Cat. P);

- v. be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter to the satisfaction of the Shire.
- f. Bicycle parking facilities and end of trip facilities must be provided in accordance with Local Planning Policy No. 58 Bicycle Facilities in Urban Developments, to the satisfaction of the Shire.
- g. Works (including earthworks) are not to commence until Council has approved detailed engineering plans and specifications of the works, including earthworks, retaining walls, roads and paths, drainage, clearing, landscaping / rehabilitation and soil stabilisation measures, that apply both during and after construction.
- h. Prior to commencement of any site works, a Dust Management Plan is to be developed in accordance with the Department of Environment and Conservation “Guidelines for the prevention of dust and smoke pollution from land development sites in Western Australia” and submitted to the Shire for approval. Shire approval of the Dust Management Plan must be obtained prior to the commencement of works and thereafter implemented at all times.
- i. A petrol and oil trap being installed in the car park drainage system prior to occupation of the development, to the satisfaction of the Shire.
- j. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the Shire and certified by an Engineer, with all permanent and temporary stormwater drainage basins being designed to control the breeding of mosquitoes, prior to commencement of the development.
- k. No goods or materials are to be stored either temporarily or permanently in the parking area, driveway, landscape areas, public footpath areas or road reserves.
- l. All loading and unloading to take place within the boundaries of the premises.
- m. A Lighting Plan is to be submitted and approved by the Shire prior to the commencement of site works. The Lighting Plan shall demonstrate the provision of lighting to all access ways, car parking areas, the exterior entrances to all buildings and the extent to which light from all external light sources is cast.
- n. The applicant is to submit a Waste Management Plan to the satisfaction of the Shire prior to the commencement of site works. Once approved, the Waste Storage and Removal Plan is to be implemented for the life of the development.
- o. Prior to the commencement of site works, a Signage Strategy detailing location, size and height of signage for the whole development, including wall signs, window signs, under verandah signs and fascia signage, is to be submitted for approval by the Shire. All signage is thereafter to comply with the approved Signage Strategy and is to be maintained in good condition at all times to the satisfaction of the Shire.
- p. No signs are permitted to be displayed in the road reserve of South Western Highway at any time.
- q. A Landscape and Vegetation Management Plan including all car parking areas, access roads, road verges and areas of open space, must be submitted and approved by the Shire prior to the commencement of site works.

- r. Landscaping and timed reticulation is to be established in accordance with the approved Landscape and Vegetation Management Plan prior to occupation of the development and thereafter maintained to the satisfaction of the Shire.
- s. Street furniture (fixed seating and bins) to be provided within the development to the satisfaction of the Shire.
- t. Arrangements must be made for the amalgamation of the land onto one Certificate of Title prior to applying for a Building Permit, alternatively, a Deed of Agreement being entered into between the landowner and the Shire of Serpentine Jarrahdale requiring the amalgamation of all lots onto one Certificate of Title prior to the occupation of the development.

**Advice notes:**

- a. This approval is valid for a period of two years. If development is not substantially commenced within this period, a fresh planning approval is required to be sought and obtained, prior to commencing or continuing development.
- b. A planning consent is not an approval to commence any works. A building permit must be obtained for all works. The application for a building permit must satisfy the conditions specified in this decision notice.
- c. With regard to the operational management plan, it is to include but not limited to:
  - 1. Antisocial behaviour management;
  - 2. Complaints handling;
  - 3. Litter management; and
  - 4. Trading hours.
- d. The Landscape and Vegetation Management Plan shall:
  - 1. Be drawn to a scale of 1:200 and show the following:
    - i. The location, name and mature heights of proposed trees and shrubs at a rate of one tree per four parking bays;
    - ii. Areas of drainage swales for at source storm water percolation;
    - iii. Those areas to be reticulated or irrigated or demonstrated to be designed using water sensitive principles.
- e. Incorporate measures creating sustainable landscapes extensively using local plants for nutrients reduction, water conservation and creation of a “sense of place”. This includes dry planting of local plants on verges.
- f. Include the provision of semi mature trees to ensure that shade in the car park and landscaping amenity is provided in a reasonable period of time.
- g. A Demolition Permit is to be obtained from the Shire should any existing buildings be removed.

**CARRIED 6/0**

**Councillors Erren, Hawkins and See returned to Chambers at 8.32pm**

**Councillor Erren resumed chairing the meeting at 8.32pm**

<b>OCM248/11/15 Lot 200 (#13) Poseidon Road, Byford – Proposed Use Not Listed (Family Day Care) (P09904/02)</b>	
Author:	Helen Maruta - Senior Planner
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	22 November 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: Amy Walker  
 Owner: Matthew James Robert Walker  
 Date of Receipt: 20 October 2015  
 Lot Area: 448m<sup>2</sup>  
 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 'Use Not Listed' (Family Day Care) on Lot 200 (#13) Poseidon Road, Byford.

The proposal is presented to Council as Shire officers do not have delegation to determine a 'Use Not Listed' within the Shire's Town Planning Scheme No. 2 (TPS 2).



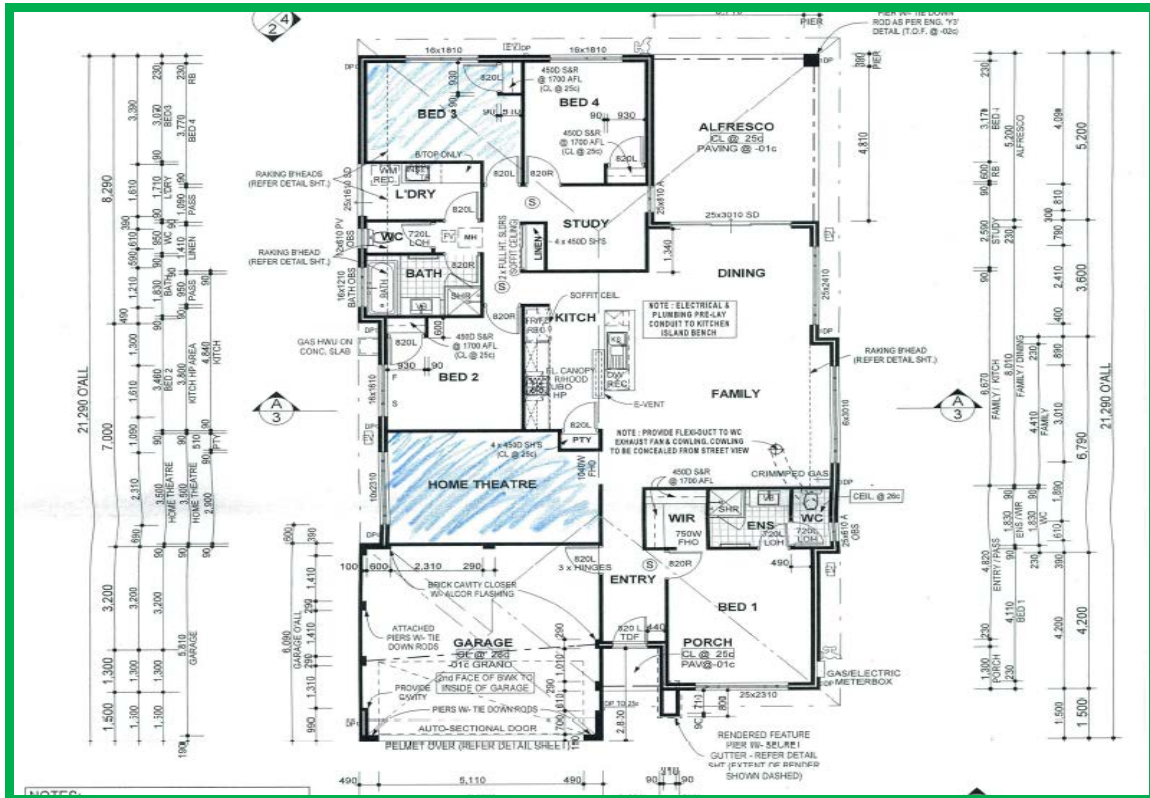
Aerial Reference

**Background:**

Existing Development:

The subject land consists of an existing dwelling. As depicted on the floor plan below, the existing home theatre and bedroom number three are proposed to be used for the family day care activities.





**Proposed Development:**

The proposal is to establish a family day care catering for a maximum of seven children. The family day care is proposed to operate between the hours of 6.30am and 6:30pm Monday to Friday only.

**Relevant Previous Decisions of Council:**

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

**Community / Stakeholder Consultation:**

The application has been advertised as per clause 6.3 of the TPS 2, no objections were received.

**Statutory Environment:**

- Metropolitan Regional Scheme (MRS)  
The site is zoned 'Urban Development' under the Metropolitan Regional Scheme
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2  
The site is zoned 'Urban' 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:**Use Class and Permissibility:

Clause 3.2.5 of the Scheme states:

*“If the use of the land for a particular purpose is not specifically mentioned in the zoning table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:*

*b) determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of Clause 6.3 in considering an application for the planning consent.”*

A family day care is not a use listed within the zoning table of TPS 2, the closest listed use that could be considered is that of a “Home Business” which is defined as follows:

*“means a business, service or profession carried out in a dwelling or on land around a dwelling which:*

- a) does not employ more than two people not members of the occupiers household;*
- b) will not cause injury to or adversely affect the amenity of the neighbourhood;*
- c) does not occupy an area greater than 50m<sup>2</sup>;*
- d) does not entail the retail sale, display or hire of any goods of any nature;*
- e) in relation to vehicles and parking, will not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and*
- f) does not involve the use of an essential service of greater capacity than normally required in the zone.”*

Whilst the proposed family day care is generally consistent with the requirements for a Home Business with the exception that the floor area to be used which is arguably more than 50m<sup>2</sup>. It would not be practical to limit child supervision and associated activities to the designated rooms as identified on the floor plan, as the children and supervisor would need to access and utilise other rooms in the dwelling such as the kitchen, bathroom and toilet facilities.

The area to be used for activities and supervision of children will be the home theatre and bedroom number three. The kitchen which will be used for preparing food for the children's meals adjoins the main living areas. It is also expected that the children would be given supervised access to areas outside the house to allow for outdoor activities.

Given that the proposed family day care activities will use an area greater than 50m<sup>2</sup> Shire officers have assessed the proposal as a ‘Use Not Listed’.

**Options and Implications:**

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

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

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

Option 2: Council may resolve to refuse the application.

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

Option 1 is recommended.

**Conclusion:**

The applicant is required to undertake and obtain the necessary requirements to satisfy Child Care Services (Education and Care Services National Regulations 2012). It is anticipated that the family day care can be operated without detrimental impact to surrounding landowners in the residential estate. The family day care provides an opportunity for income to the applicant and also provides a service to the local community. Accordingly it is recommended the proposal be approved subject to conditions.

**Attachments:**

- [OCM248.1/11/15](#) - Development Plans (E15/5675)

**Voting Requirements:** Simple Majority

**OCM248/11/15 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Atwell, seconded Cr Gossage**

**That Council approves the application submitted by Amy Walker on behalf of the landowner Matthew James Robert Walker for a 'Use Not Listed' - Family Day Care as indicated in the approved plans and does not relate to any other development on Lot 200 (#13) Poseidon Road, Byford, subject to the following conditions:**

- If the use is not 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 hours of operation of the family day care are restricted to 6:30am to 6:30pm Monday to Friday. Operation of the family day care shall not be permitted on Saturdays, Sundays and Public Holidays.**
- A licence to operate as a family day care under the Child Care Services (Education and Care Services National Regulations 2012) shall be maintained at all times during the operation of the family day care.**
- A family day care is required to notify / register as a food business if they are supplying food other than food that is supplied by parents.**
- Any signage on the property in relation to the family day care shall be in accordance with the Shire's Local Planning Policy No. 5 - control of advertisements.**
- All vehicles associated with the family day care shall 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.**

**Advice Notes:**

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

**CARRIED UNANIMOUSLY**

<b>OCM249/11/15</b>	<b>Lot 812 (#9) Gallagher Way, Cardup,– Proposed ‘Outbuilding’ (shed) (P03320/04)</b>
Author:	Helen Maruta – Senior Planner
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	29 October 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Owner: S Dodge & J Jones  
 Date of Receipt: 2 September 2015  
 Lot Area: 22194m<sup>2</sup> (2.2ha)  
 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 an ‘outbuilding’ (stable complex) on Lot 812 (#9) Gallagher Way, Cardup.

The proposal is presented to Council as Shire officers do not have delegation to determine applications that exceed policy provisions set out in Local Planning Policy 17 – Residential and Incidental Development (LPP17).



Aerial Reference

### Background:

#### Existing Development:

The subject land contains an existing dwelling, ‘outbuilding’ (storage shed) and a water tank.

#### Proposed Development:

- An oversize ‘outbuilding’ (stable complex including a tack room) with an overall total enclosed floor area of 116.5m<sup>2</sup>.
- A wall height of 3.0 metres and roof height of 5.0metres.
- The ‘outbuilding’ (stable complex) is proposed to be located entirely outside the prescribed building envelope.

### Relevant Previous Decisions of Council:

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

### Community / Stakeholder Consultation:

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

### Statutory Environment:

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

### Financial Implications:

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

#### LPP 17 Residential and Incidental Development:

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

Setbacks	Required	Proposed	Comments (Complies/Variation Supported/Condition Required)
Side	7.5m	20m	Complies.
Floor Area (combined total floor area of all outbuildings)	150m <sup>2</sup>	236m <sup>2</sup>	Variation supported - The proposal exceeds the 20% (180m <sup>2</sup> ) variation prescribed under LPP17. The 'outbuilding' is to allow a stable complex to be build.
Wall Height	Max. 3.5m	3.0m	Complies
Roof Height	Max. 5.0m	5.0m	Complies

The applicant is seeking permission to establish a stable complex comprising three stable boxes which will provide accommodation for three horses, feed storage and tack room, wash bay and float parking area.

The surrounding properties generally have existing oversized 'outbuildings' that include storage sheds and stables consistent with the current proposal. Shire officers have considered that it is not unreasonable to allow additional 'outbuilding' space in the form of stables to allow keeping of horses consistent with the locality characterised by intensive equestrian activities. The stables are proposed to be located approximately 80 metres from the nearest sensitive receptor and are well screened from view by existing mature vegetation along the southern boundary of the block. It is considered the proposal is unlikely to cause any adverse impact on the general character and amenity of the locality.

**Options and Implications:**

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

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

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

Option 2: Council may resolve to refuse the application.

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

Option 1 is recommended.

**Conclusion:**

The scale of the proposed development is considered to be generally in keeping with the character of the general locality. It is considered reasonable to support the variation as the 'outbuilding' is not likely to adversely affect the amenity of the general locality and the streetscape. Council has consistently approved similar oversize 'outbuildings' for stables in addition to existing storage sheds. Accordingly it is recommended that the application be conditionally approved.

**Attachments:**

- [OCM249.1/11/15](#) – Site Plan (E15/5702)
- [OCM249.2/11/15](#) – Floor and Elevations Plans (E15/5709)

**Voting Requirements:** Simple Majority

**OCM249/11/15 COUNCIL DECISION / Officer Recommendation:****Moved Cr Ellis, seconded Cr Hawkins**

**That Council approves the application submitted by Shan Dodge and Joel Jones for an 'Outbuilding' (stable complex) as indicated on the approved plans and does not relate to any other development on Lot 812 (#9) Gallagher Way, Cardup subject to the following conditions:**

- If the use / development is not substantially commenced within a period of two (2) years from the date of this approval, the approval shall lapse and be of no further effect.**
- The stables shall not be used for human habitation, commercial or industrial purposes (including home occupation) or the parking of a commercial vehicle.**
- The landowner shall ensure all activities related to the construction of the stables / paddocks (such as but not limited to, storage of building materials and contractor vehicles) shall be contained wholly within the lot boundaries.**
- Stables floors shall be constructed of an impermeable base and drained to prevent nutrient leaching.**
- Prior to introducing livestock, all existing trees, bushland and / or revegetated areas on the subject lot shall be retained and protected (fenced off or tree guards installed) from damage by livestock.**

- f. Prior to introducing livestock, the landowner shall submit and have approved by the Director Engineering a Landscape Vegetation Management Plan.**
- g. The stables shall not be located within 1.2 metres of any existing septic tank or 1.8 metres of a leach drain.**
- h. 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.**
- i. All existing drainage lines and drainage areas shall be fenced off and not accessible to livestock.**
- j. All paddock fencing shall be of post and rail or post and wire.**

**CARRIED UNANIMOUSLY**

<b>OCM250/11/15</b>	<b>Lot 9001 Wungong South Road, Darling Downs - Road Naming Application (E15/5271)</b>
Author:	Haydn Ruse – Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	20 October 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent / Owner: Erujin Pty Ltd  
 Date of Receipt: 29 September 2015  
 Lot Area: 363,367m<sup>2</sup>  
 Town Planning Scheme No. 2 Zoning: 'Rural Living A'  
 Metropolitan Region Scheme Zoning: 'Rural'

**Introduction:**

The purpose of this report is to consider new road names for a subdivision at Lot 9001 Wungong South Road, Darling Downs.

The proposal is presented to Council as Shire officers do not have delegations to consider road names.



**Background:**

Subdivision approval was granted by the Western Australian Planning Commission (WAPC) on 27 October 2014. The proponent and owner Erujin Pty Ltd. are proposing race horse names to compliment the approved horse breed theme for the nearby Darling Downs Estate.

**Relevant Previous Decisions of Council:**

OCM030/03/15 - L1 & L2 Rowley Road Darling Down Stage 1 Road Naming Theme Request  
 OCM164/06/12 - Local Planning Policy No. 38 – Road Naming

**Community / Stakeholder Consultation:**

The *Land Administration Act 1997*, does not require community consultation to be undertaken.

**Statutory Environment:**



- *Land Administration Act 1997*, clause 26A (2b) and (3),
- Geographic Names Committee Policies and Standards for Geographical Naming in Western Australia
- Local Planning Policy No. 38 – Road Naming

### Financial Implications:

If Council resolves to approve the proposed road names, there will be costs associated with road signage.

### 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:

Erujin Pty Ltd. have submitted a road naming request for a new subdivision development at Lot 9001 Wungong South Road, Darling Downs. The proposal is for 2 (two) ew road names and an extension to an existing road name. An initial assessment has shown the proposed names are available and comply with the relevant standards. An assessment of the surrounding road network shows an existing informal equestrian theme. The recent subdivision to the west features roads named after Phizam (Horse that won the 1985 Perth Cup) and Dalray (Winner of the 1952 Melbourne Cup). Another recent subdivision to the north features roads named after Rivose (Finished the 1919 Perth Cup in a dead heat with Eurythmic) and Todman (Winner of the inaugural STC Golden Slipper in 1957 and inducted into the Australian Racing Hall of Fame in 2005).

The subdivision relies on the extension of Dalray Court to provide the primary point of access. The proposal seeks to continue the existing road name (Dalray Court) with the extension of the road. Section 8 of the Geographic Names Committee Policies and Standards for Geographical Naming in Western Australia prohibits roads from having more than one name. As a result the only name that can be complaint with Geographic Names Committee Policy is Dalray Court. This is further supported under section 3.17 of the Geographic Names Committee Policies and standards for Geographical Naming in Western Australia which discourages unnecessary road name changes.

### Options and Implications:

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

Option 1: Council may resolve to approve the application.

Option 2: Council may resolve to refuse the application.

Should Council resolve to refusal the request, Council will be required to provide alternative road names to what has been proposed.

Option 1 is recommended.

### Conclusion:

It is considered that the proposed race horse names are appropriate for the locality and approval is recommended.

### Attachments:

- [OCM250.1/11/15](#) – Road Naming Application (IN15/21582)
- [OCM250.2/11/15](#) – Road Naming Plan (E15/5615)

**Voting Requirements:** Simple Majority

**OCM250/11/15 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Hawkins, seconded Cr Rich**

**That Council approves the following proposed road names as indicated on attachment OCM250.2/11/15 – Road naming plan for the approved subdivision of Lot 9001 Wungong South Road, Darling Downs:**

<b>Proposed Name</b>	
<b>a. Doriemus</b>	<b>Won the Melbourne cup and Caulfield Cup in 1995, Queen Elizabeth Stakes and Turnbull Stakes in 1996</b>
<b>b. Shannon</b>	<b>An Australian Thoroughbred race horse that was inducted into the Hall of Fame in 2006. Won in 1944 Hobartville Stakes, 1945 Epsom Handicap, Hill Stakes, 1946 George Main Stakes and 1947 Theo Marks Stakes.</b>
<b>Alternative / Reserved names for future use within the subdivision</b>	
<b>a. Rivette</b>	<b>Won the Melbourne Cup in 1939.</b>
<b>b. Foxzami</b>	<b>Won the Melbourne Cup 1949.</b>
<b>c. Gunsynd</b>	<b>A champion Australian racehorse that won four major mile races: the Epsom Handicap 1971, the Toorak Handicap 1971, the George Adams Handicap 1971, and the Doncaster Handicap 1972. Inducted into the Australian Racing Hall of Fame in 2005.</b>
<b>d. Manikato</b>	<b>Won the Blue Diamond Stakes 1978, the Golden Slipper 1978 and the Caulfield Guineas 1978. Inducted into the Australian Racing Hall of Fame in 2002.</b>

- a. Endorses the extension of Dalray Court into the subdivision of Lot 9001 Wungong South Road, Darling Downs.**
- b. Forwards the approved names to the Geographic Names Committee for final approval.**

**CARRIED UNANIMOUSLY**

<b>OCM251/11/15</b>	<b>Lot 68 (#14) Pollard Cross, Cardup - Removal of Caveat (Ancillary Accommodation Restrictions) (P03476/02)</b>
Author:	Haydn Ruse – Planning Officer
Senior Officer/s:	Deon van der Linde - Acting Planning Director
Date of Report:	22 October 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Gerrit Kriek  
 Owner: Noupoot Pty Ltd  
 Date of Receipt: 18 September 2015  
 Lot Area: 20,044m<sup>2</sup>  
 Town Planning Scheme No. 2 Zoning: 'Special Rural'  
 Metropolitan Region Scheme Zoning: 'Rural'

**Introduction:**

The purpose of this report is to consider a request from Gerrit Kriek to remove a covenant imposed on the development through the original Council approval for an 'ancillary accommodation' on Lot 68 (#14) Pollard Cross, Cardup.

The proposal is presented to Council as Shire officers do not have delegation to remove caveats imposed through a Council resolution.



**Background:**

A planning application was lodged on 27 March 1997 seeking approval for 'ancillary accommodation' at Lot 68 (#14) Pollard Cross, Cardup. It was approved by Council on 21 July 1997 subject to conditions, including condition No. 1 which stated:-

*“That Council approve of the oversize ancillary accommodation subject to the owner/occupier entering into a legal agreement with this authority stipulating that approval was granted for a single dwelling with ancillary accommodation attached and a note to be lodged on the title to that effect.”*

The ‘ancillary accommodation’ has been completed and condition #1 has been satisfied.

#### **Relevant Previous Decisions of Council:**

B002 – Proposed Ancillary Accommodation: Lot 68 Pollard Cross, Cardup (BA211/97) - (21 July 1997)

#### **Community / Stakeholder Consultation:**

No community consultation has been undertaken for the subject request.

#### **Statutory Environment:**

- Town Planning Scheme No. 2 (TPS 2)
- State Planning Policy No.3.1 – Residential Design Codes (SPP 3.1)
- Local Planning Policy No.17 – Residential and Incidental Development (LPP 17)

#### **Financial Implications:**

The proposal will not have any financial implications for the Shire.

#### **Alignment with our Strategic Community Plan:**

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

#### **Planning Assessment:**

The Shires planning assessment of the planning application is based on the requirements of the SPP 3.1 and the Shire’s LPP 17.

Part 5.5 of the Residential Design Codes discuss the design principles for the development of ancillary dwellings. The deemed-to-comply provisions do not restrict occupation to family members of the occupiers of the main dwelling, however this has not always been the case.

Until Planning Bulletin No.109 was released in May 2013, the Residential Design Codes required that ‘ancillary accommodation’ was occupied by family members of the main dwelling. A review of the Residential Design Codes in early 2013 resulted in the restriction for only family members to occupy ‘ancillary accommodation’ to be removed from the Residential Design Codes.

Clause 5.0 of the Shires LPP17 is clear in its requirement, which was consistent with the Residential Design Codes when the policy was written, restricting the occupation of ‘ancillary accommodation’ to family members of the occupiers of the main dwelling.

Currently the Shires LPP 17 is under review, while due regard must still be given to the policy, it should be noted that a precedence has been set by Council in regard to the requirement for occupation of ‘ancillary accommodation’ being restricted to family members of the occupiers of the main dwelling. In a previous decision by Council on a similar matter on 8 September 2014 (OCM044/09/14), Council resolved to:

1. *Grants Planning Approval for Ancillary Accommodation at Lot 18 (#88) Malek Drive, Mardella subject to conditions as determined by the Director Planning*
2. *Support the removal of the Caveat from the title*

It is recommended that Council maintain its previous stance regarding Ancillary Accommodation restrictions and support the proposed removal of caveat.

**Options and Implications:**

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

Option1: Council may resolve to approve the request.

The approval of the request will be consistent with the current approach by Council when approving ‘ancillary accommodation’.

Option 2: Council may resolve to refuse the request.

The refusal of the request will see the use of the ‘ancillary accommodation’ being more restrictive than similar developments being considered by Council.

Option 1 is recommended.

**Conclusion:**

It is recommended that the application be approved in line with previous decisions made by Council regarding similar developments.

**Attachments:**

- [OCM251.1/11/15](#) – Current Application (IN15/19660)
- [OCM251.2/11/15](#) – Previous Council Resolution (E15/5452)

**Voting Requirements:** Simple Majority

**OCM251/11/15 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Hawkins, seconded Cr Gossage**

**That Council approves the request from Gerrit Kriek to remove condition 1, Item B002 21/06/1997, (BA211/97) of Council Resolution dated 21 July 1997 as per attachment OCM251.2/11/15, for an ‘ancillary accommodation’ on Lot 68 (#14) Pollard Cross, Cardup.**

**CARRIED UNANIMOUSLY**

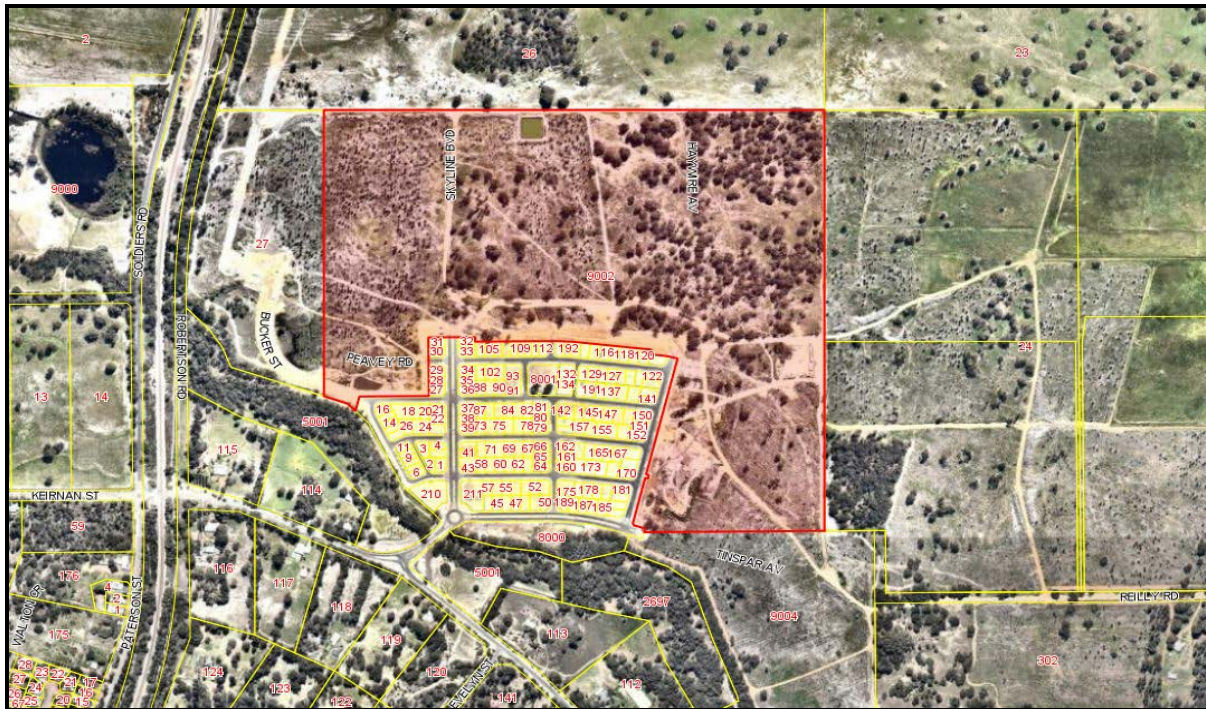
<b>OCM252/11/15</b>	<b>(Lots 25 &amp; 27) South Western Highway, Whitby - Proposed Road Names – Whitby Stage 2 (SJ500-03)</b>
Author:	Haydn Ruse – Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	19 October 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Development Management Group (DMG)  
 Owner: Gold Fusion Pty Ltd  
 Date of Receipt: 6 October 2015  
 Lot Area: 542,890m<sup>2</sup>  
 Town Planning Scheme No. 2 Zoning: 'Urban Development'  
 Metropolitan Region Scheme Zoning: 'Urban'

**Introduction:**

The purpose of this report is to consider new road names for the Whitby Estate Stage 2, (Lots 25 & 27) South Western Highway, Whitby.

The proposal is presented to Council as Shire officers do not have delegations to consider road names.



Site Plan

**Background:**

Subdivision approval was granted by the Western Australian Planning Commission (WAPC) on 31 October 2014. The estate has an approved 'timber milling' road name theme, which was approved on 10 November 2014 (OCM080/11/14).

**Relevant Previous Decisions of Council:**

OCM080/11/14 - Whitby Town Estate – Keirnan Street, Whitby – Road Naming Theme Request.

**Community / Stakeholder Consultation:**

The *Land Administration Act 1997*, does not require community consultation to be undertaken.

**Statutory Environment:**

- Clause 26A (2) (b) & (3) Land Administration Act 1997.
- Geographic Names Committee Policies and Standards for Geographical Naming in Western Australia.
- Local Planning Policy No. 38 – Road Naming.

**Financial Implications:**

If Council resolves to approve this application there will be costs associated with road name signage.

**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 applicant is preparing to start development of the second stage of the Whitby estate. As part of this preparation the applicant is seeking approval for additional road names to an existing 'timber milling' theme.

As part of the selection process for the stage 2 road names, the applicant held a competition at the Serpentine Jarrahdale Grammar School. The competition involved students researching appropriate logging terms and submitting names to the applicant who selected the best ones and included them in the naming proposal.

The proposed names have been assessed against the Shires Road Naming Policy – 36 and Geographic Names Committee Policy and Standards for Geographic Naming in Western Australia, and found to be consistent with both.

**Options and Implications:**

Option1: Council may resolve to approve the application.

Option 2: Council may resolve to refuse the application.

Should Council resolve to refuse the request, Council will be required to provide alternative road names to what has been proposed.

Option 1 is recommended.

**Conclusion:**

It is recommended that the proposed additions to an approved theme be accepted as they are compliant with the relevant policies and standards and will enhance the character of the area.

**Attachments:**

- [OCM252.1/11/15](#) – Whitby - Stage 2 - Information Relating to Street Names (E15/5651)

**Voting Requirements:** Simple Majority

**OCM252/11/15 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Hawkins, seconded Cr Piipponen**

That Council approves the following proposed road names as indicated on attachment **OCM252.1/11/15 – Road naming plan for Whitby Estate Stage 2, (Lots 25 & 27) South Western Highway, Whitby.**

<b>Proposed Names</b>	
<b>a. Sapwood</b>	The living, immature outer wood of a tree. As its inner layers die they become heartwood.
<b>b. Crosscut</b>	A type of saw ideal for cutting small size logs and branches as well as rough carpentry, bridge building, lumber yards and general construction work.
<b>c. Quill</b>	The name of the lever (Quill lever) on saw mill machinery.
<b>d. Chipper</b>	A specialist machine used in Timber mills which cuts logs down to small pieces.
<b>e. Grain</b>	The orientation of the wood elements relative to the main axis of the piece of timber.
<b>f. Scantling</b>	Timber of small rectangular or square cross-sections used in construction, such as rafters.
<b>g. Flitch</b>	A section of timber which has been sawn from a log.
<b>h. Guaged</b>	Timber with a smooth, even surface that has been dressed to a precise size.
<b>i. Knot</b>	A section of a branch which is embedded in the wood of a tree trunk or of a large branch.
<b>j. Jarrahwood</b>	Name of the company that was the first to make Jarrah Supplies in the region.
<b>k. Heartwood</b>	The mature part of timber in a tree the inner zone of dead wood. It provides the structural support for the plant.
<b>Alternative / Reserved names for future use within the subdivision</b>	
<b>a. Lyctids</b>	Also known as 'Powderpost' beetles. The larvae of these beetles attack the starch-containing sapwood of certain hardwood species.
<b>b. Durability</b>	The length of time that timber will last in the ground or be exposed to the weather before decay takes place and the timber loses its structural strength.
<b>c. Sawn</b>	Sawn timber is produced by sawing a log longitudinally to create pieces of sawn timber each with a square or rectangular cross section.
<b>d. Sawmill</b>	A site where logs are processed to create timber.
<b>e. Kerf</b>	The name given to a type of cut or incision made by a saw or the like in a piece of wood. Also the name of a type of saw used in Timber Milling.

**a. Forwards the approved names to the Geographic Names Committee for final approval.**

**CARRIED 9/0**



<b>OCM253/11/15</b>	<b>Lot 2 South Western Highway, Byford - Proposed Road Names – The Brook at Byford Stage 2 –(SJ500-03)</b>
Author:	Haydn Ruse – Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	20 October 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Taylor Burrell Barnett  
 Owner: Daleford Properties  
 Date of Receipt: 19 August 2015  
 Lot Area: 137,919.000m<sup>2</sup>  
 Town Planning Scheme No. 2 Zoning: 'Urban Development'  
 Metropolitan Region Scheme Zoning: 'Urban'

**Introduction:**

The purpose of this report is to consider proposed road names for 'the Brook at Byford Estate' Stage 2 on Lot 2 South Western Highway, Byford.

The proposal is presented to Council as Shire officers do not have delegations to consider road names.



**Background:**

A Local Structure Plan (LSP) for Lot 2 South Western Highway, Byford was adopted pursuant to clause 5.18.3.15 of Town Planning Scheme No. 2 (TPS 2) on 25 February 2011. Subdivision approval was granted by the Western Australian Planning Commission (WAPC) on 7 November 2013 for the parts of the site that are already designated for 'residential' purposes.

**Relevant Previous Decisions of Council:**

OCM161/04/14 - Road Naming Theme – The Brook at Byford Stage 2 – Lot 2 South Western Highway, Byford (SJ500-02)

**Community / Stakeholder Consultation:**

The *Land Administration Act 1997*, does not require community consultation to be undertaken.

**Statutory Environment:**

- Clause 26A (2) (b) & (3) Land Administration Act 1997.
- Geographic Names Committee Policies and Standards for Geographical Naming in Western Australia.
- Local Planning Policy No. 38 – Road Naming.

**Financial Implications:**

If Council resolves to approve the proposed names there will be costs associated to road name signage.

**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:**

Taylor Burrell Barnett have submitted a road naming request for stage 2 of 'the Brook at Byford Estate' under a 'Farming Tradition' theme (approved by Council on 14 April 2014). The proposed names fit within the approved theme, which comprises a blend of the family names (sourced from the Post Office Directories 1904-1949), dairy farmers, general farmers and orchardists / fruit growers from the area, cattle breeds, types of cheeses and other elements associated with dairy farming.

**Options and Implications:**

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

Option1: Council may resolve to approve the application.

Option 2: Council may resolve to refuse the application.

Should Council resolve to refusal the request, Council will be required to provide alternative road names to what has been proposed.

Option 1 is recommended.

**Conclusion:**

It is considered that the proposed road names comply with the approved 'Farming Tradition' theme and are appropriate for the locality.

**Attachments:**

- [OCM253.1/11/15](#) – The Brook at Byford Road Naming (E14/1178)
- [OCM253.2/11/15](#) – Road Name Request and Background (IN15/17144)
- [OCM253.3/11/15](#) – Road Naming Plan (E15/5614)

**Voting Requirements:** Simple Majority

**OCM253/11/15 COUNCIL DECISION / Officer Recommendation:****Moved Cr Rich, seconded Cr Urban**

That Council approves the following proposed road names as indicated on attachment *OCM253.3/11/15* – Road naming plan for ‘the Brook at Byford Estate’ Stage 2 on Lot 2 South Western Highway, Byford.

Proposed Name	
a. Ayrshire	A breed of dairy cattle originating from Ayrshire in south west Scotland.
b. Guernsey	A breed of cattle used in dairy farming. It is orange/red and white in colour, and is particularly renowned for the rich flavour of its milk.
c. Hereford	A beef cattle breed, widely used both in intemperate areas and temperate areas, mainly for meat production.
d. Braford	A breed of cattle cross between a Hereford bull and a Brahman cow.
e. Bromus	A Cattle Breed.
f. Wannell	Family name of historic Beenyup/Byford dairy farmer.
<b>Alternative / Reserved names for future use within the subdivision</b>	
a. Gallon	Historic milk measurement
b. Yearling	An animal (especially a sheep, calf, or foal) that is a year old or that is in its second year.
c. Dairyman	A man who owns, works or manages a dairy or deals with dairy products.
d. Hessian	Building material of Willis’s first farm.
e. Cosh	Family name of historic Beenyup/Byford dairy farmer.
f. Curren	Family name of historic Beenyup/Byford dairy farmer.
g. Scale	Family name of historic Beenyup/Byford dairy farmer.
h. Roberts	Family name of historic Beenyup/Byford dairy farmer.

a. Endorses the extension of Dundatha Drive and Shorthorn Circuit into the subdivision of Lot 2 South Western Highway, Byford, as per attachment *OCM253.3/11/15*.

b. Forwards the approved names to the Geographic Names Committee for final approval.

**CARRIED UNANIMOUSLY**

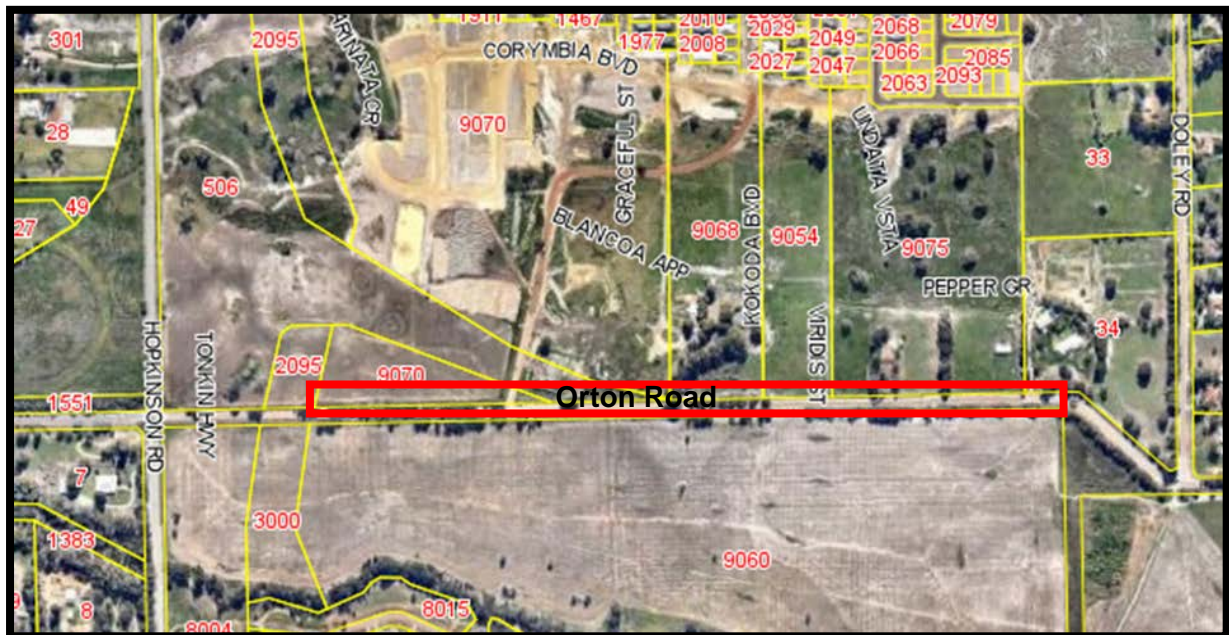
<b>OCM254/11/15 Lot 9060 Orton Road, Byford - Proposed Closure of Section of Road (SJ141)</b>	
Author:	Haydn Ruse – Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	29 October 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: McMullen Nolan Group Pty Ltd  
 Date of Receipt: 19 August 2015  
 Lot Area: 4,064m<sup>2</sup> (0.4064ha)  
 Lot Area: 1150m<sup>2</sup>  
 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 portions of Orton Road situated adjacent to Lot 9060 Orton Road, Byford and to invite public comment on the proposal.

The proposal is presented to Council as Shire officers do not have delegated authority to consider road closure requests.



Aerial view

**Background:**

At its Ordinary Council Meeting of 27 April 2011, Council resolved to adopt the Byford Main Precinct Local Structure Plan. The closure of sections of Orton Road are necessary for the progression of the Byford by the Glades development, in line with the approved Local Structure Plan.

**Relevant Previous Decisions of Council:**

SD093/04/11 – Adoption of the Local Structure Plan for the Byford Main Precinct

**Community / Stakeholder Consultation:**

Consultation will be undertaken upon the endorsement of the road closure by Council before being referred to Department for Lands to be finalised. 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.

**Statutory Environment:**

- Metropolitan Regional Scheme (MRS)
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2)
- Land Administration Act 1997 – Section 58, Closure of Roads (LAA 1997)

**Financial Implications:**

Compensation may be sought if Council does not support the road closure and the subdivision to the north is delayed.

**Alignment with our Strategic Community Plan:**

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

**Assessment:**

The applicant is proposing to close parts of Orton Road (as shown below) to allow future development to reflect the road network identified in the approved Byford Main Precinct Local Structure Plan.



In assessing this proposal the main concern is that of traffic management once roadworks are ready to be undertaken. The applicant has assured that: *Staging and traffic management will occur to maintain through traffic for the majority of the time, with the possible exception of short duration full-road closure / detour arrangements when necessary for public safety. Detailed engineering drawings and traffic management plans will be submitted to the Shire for approval at the appropriate time.*

This approach has been discussed with the Shires Engineering department, who have indicated that they are satisfied with this approach.

The Department for Lands requires the proposed road closures to be approved by Council before it could support a subdivision application for the next stage of development. The detailed road designs will be submitted during the subdivision process. At this time the Shire officers will have the opportunity to assess the plans and ensure traffic management is maintained to a high standard.

### Options and Implications:

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

Option1: Council may resolve to approve the road closure request.

Approval of the request will allow for the public consultation process to be undertaken.

Option 2: Council may resolve to refuse the road closure request

Refusal of the request will result in the applicant not being able to comply with the approved Local Structure Plan.

Option 1 is recommended.

### Conclusion:

The closure is required to progress the adopted Byford Main Precinct Local Structure Plan. The portion of Orton Road reserve subject to this closure application will be incorporated into land zoned for residential and mixed use development.

The progression of the road closure under the Byford Development Contribution Plan is supported.

### Attachments:

- [OCM254.1/11/15](#) – Local Structure Plan Maps (E15/5438)
- [OCM254.2/11/15](#) – Updated Plan of Road Closure (E15/5439)

**Voting Requirements:** Simple Majority

### OCM254/11/15 COUNCIL DECISION / Officer Recommendation:

**Moved Cr Urban, seconded Cr Atwell**

**That Council pursuant to Section 58 of the *Land Administration Act 1997*, supports the closure of the portion of Orton Road, Byford, as depicted in attachment OCM254.2/11/15 subject to:**

- a. Consultation pursuant to Section 58(3) of the *Land Administrative Act 1997*, for a period of not less than 35 days, as follows:**
  - i. A notice being placed in The Examiner Newspaper;**
  - ii. A notice being placed on the Shire website; and**
  - iii. A letter being sent to adjacent landowners.**

**CARRIED UNANIMOUSLY**

<b>OCM255/11/15</b>	<b>Lot 105 (#82) Cumming Road, Oakford – Ancillary Accommodation (P07957/01)</b>
Author:	Regan Travers – Senior Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	4 November 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 and Julie Howe  
 Date of Receipt: 8 September 2015  
 Lot Area: 20,640m<sup>2</sup> (2.06ha)  
 Town Planning Scheme No. 2 Zoning: 'Rural Groundwater Protection'  
 Metropolitan Region Scheme Zoning: 'Rural – Water Protection'

**Introduction:**

The purpose of this report is to consider the development application for an 'ancillary accommodation' on Lot 105 (#82) Cumming Road, Oakford.

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



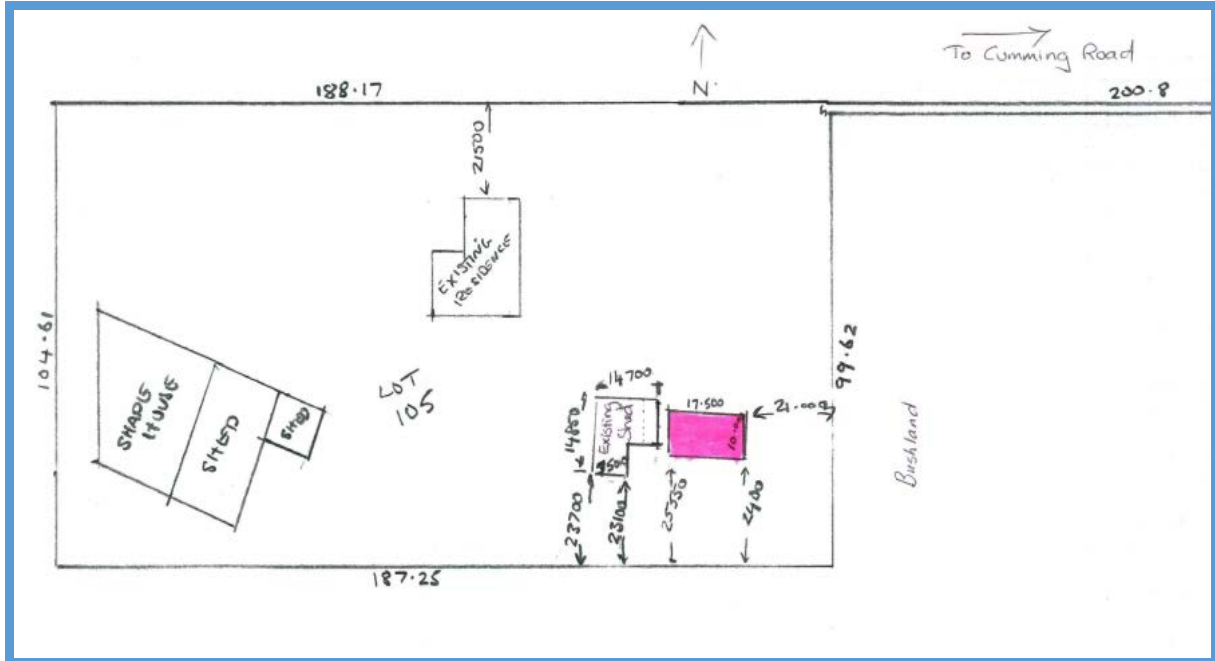
Aerial Reference

**Background:**Existing Development:

The site currently comprises of a single dwelling and outbuildings, including a nursery.

Proposed Development:

The proposed 'ancillary accommodation' would be located towards the east of the site adjacent to the existing shed.



The proposed 'ancillary accommodation' lies outside of the approved building envelope and variations to the policy requirements of LPP 17 are sought.

**Relevant Previous Decisions of Council:**

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

**Community / Stakeholder Consultation:**

The application was not advertised to adjoining landowners. Shire officers do not believe the proposed development requires advertising, due to the significant setback of the proposed development (over 100 metres) from the nearest adjoining residence.

The application was advertised to the Department of Water (DoW) and the Department of Health due to being located within the Rural Ground Water Protection zone.

**Department of Water:**

The DoW acknowledged the location of the proposed development within a 'Priority 2' (P2) area of the Jandakot Underground Water Pollution Control Area. The DoW noted that the development would be compatible if:

- A suitable wastewater disposal alternative treatment unit (ATU) is installed for the proposed ancillary dwelling. In addition, the DoW recommended that the ATU is installed in a location that will allow the existing dwelling to be connected to this ATU, or an additional ATU provided for the existing dwelling.
- The total occupancy (including the residents of the main house and the ancillary dwelling) should be equal to or less than the capacity of a Department of Health approved, single on-site wastewater treatment system (usually 8 to 10 people)



The DoW also noted that in accordance with State Planning Policy 3.1 Residential Design Codes (WAPC, 2008) defines the maximum size of an ancillary dwelling to be 70m<sup>2</sup>.

**Department of Health:**

The Department of Health acknowledged the proposed development, however advised that it did not raise concerns due to being compliant with the Government Sewerage Policy – Perth Metropolitan Region.

**Statutory Environment:**

- Metropolitan Regional Scheme (MRS)  
The site is zoned ‘Rural – Water Protection’ under the Metropolitan Regional Scheme
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2)  
The site is zoned ‘Rural Groundwater Protection’ under the Town Planning Scheme
- Policy LPP17 – Residential and Incidental Development (LPP 17)
- State Planning Policy 3.1 – Residential Design Codes (R- Codes)

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

**Alignment with our Strategic Community Plan:**

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

**Planning Assessment:**

LPP 17 sets out development requirements for ‘ancillary accommodation’. The proposal is considered to comply with these development requirements except for the distance the ‘ancillary accommodation’ is proposed from the main dwelling and the external appearance of the building.

Size:

LPP17 does not specifically state the maximum size of ‘ancillary accommodation’ in the ‘Rural Groundwater Protection’ zone. For the purposes of this assessment, given the 2ha lot size and the broader ‘Rural’ nature of the property, the maximum permitted floor area for ‘ancillary accommodation’ is considered to be 100m<sup>2</sup>. The proposal seeks approval for ‘ancillary accommodation’ with a floor area of 99m<sup>2</sup>, in line with this policy requirement.

Location and visual appearance:

LPP 17 states that the ‘ancillary accommodation’ shall be under the same roofline as the main dwelling or located within 10 metres of the main dwelling, unless otherwise approved by Council. The proposal would be located approximately 45 metres from the main dwelling at its closest point.

The policy further states that ‘ancillary accommodation’ is to be constructed in the same or similar materials as the main dwelling to the satisfaction of the Shire. The proposal would be of cladding / colorbond construction coloured ‘beige or steel blue’ with a zincalume roof.

The application seeks to vary these policy requirements. The applicant has advised that there is nowhere within 10 metres of the main dwelling that is suitable to have the ‘ancillary accommodation’. The proposed location is close to an existing outbuilding and is an area

cleared of vegetation. It is noted that the proposed location may result in less visual impact than having another stand-alone structure.

The materials have been chosen to be similar to those of the existing shed.

The objectives of the policy requirements for the location of 'ancillary accommodation' and the use of materials are to ensure the connectivity between the 'ancillary accommodation' and the main house so as to not give the appearance of 'grouped dwellings'. By definition 'ancillary accommodation' should appear ancillary and incidental to the main house. In this case it is considered that due to the layout, scale and appearance of the proposal, it would not appear as a 'single dwelling' independent to the main house and its location would not result in the increase in housing density of the site.

LPP 17 sets out minimum setbacks for development to ensure it does not impact detrimentally on adjoining landowners. In the 'Rural Living A' zone the policy states that development should have a minimum front setback of 15 metres and side and secondary street setbacks of 7.5 metres. The setbacks of the proposed 'ancillary accommodation' comply with these required setbacks.

In turn, it is acknowledged that the external appearance has been designed to be in keeping with the design of the existing shed. This is considered acceptable and would not detract from the character and appearance of the site or surrounding area.

It is considered that the variations to the policy requirements in relation to location and the use of materials in this instance would not be to the detriment of the visual amenity of the area or surrounding landowners.

#### **Options and Implications:**

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

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

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

Option 2: Council may resolve to refuse the application.

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

Option 1 is recommended.

#### **Conclusion:**

The proposed 'ancillary accommodation' although does not meet all the development requirements as set out in policy LPP 17, it would not result in an unacceptable level of harm to the visual amenity of the area or the amenity of surrounding landowners and therefore is supported.

#### **Attachments:**

- [OCM255.1/11/15](#) – Floor Plan and Elevations (E15/5742)

**Voting Requirements:** Simple Majority

**OCM255/11/15 COUNCIL DECISION / Officer Recommendation:****Moved Cr See, seconded Cr Piipponen**

**That Council approves the application submitted by Gary and Julie Howe for an ‘ancillary accommodation’ as indicated on the approved plans and does not relate to any other development on Lot 105 (#82) Cumming Road, Oakford, subject to the following conditions:**

- a. If the development is not substantially commenced within a period of two (2) years from the date of this approval, the approval shall lapse and be of no further effect.**
- b. 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.**
- c. The landowner shall ensure all activities related to the construction of the development (such as but not limited to, storage of building materials and contractor vehicles) shall be contained wholly within the lot boundaries.**
- d. Hot water systems, plumbing pipes, air conditioners and the like shall be installed to prevent loss of amenity to any neighbouring property by their appearance, noise, emission or otherwise, to the satisfaction of the Director Planning.**
- e. All storm water shall be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is not permitted.**
- f. The development shall be in accordance with Australian Standards AS3959.**

**Advice Note:**

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

**CARRIED UNANIMOUSLY**

<b>OCM256/11/15</b>	<b>Lot 5 (#34) Abernethy Road, Byford - Proposed Town Centre Development (P01686/04)</b>
Author:	Regan Travers – Senior Planner
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	30 October 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Peter Webb and Associates  
 Owner: Baywillow Holdings Pty Ltd  
 Date of Receipt: 23 December 2014  
 Lot Area: 1.8 ha  
 Town Planning Scheme No. 2 Zoning: Urban Development  
 Metropolitan Region Scheme Zoning: Urban

**Introduction:**

The purpose of this report is to endorse the Responsible Authority Report (RAR) which provides recommendations to the Metropolitan East Joint Development Panel (JDAP) on an application for a proposed Town Centre Development at Lot 5 (#34) Abernethy Road, Byford. The application was twice previously considered by Council which resulted in the JDAP resolving to defer determination of the application to allow for additional information and revised plans. The revised plans and information has been received and assessed by the Shire.



Aerial Reference

**Background:**

Please refer attached RAR.

**Relevant Previous Decisions of Council:**

OCM026/03/15 – Council resolved to endorse the Responsible Authority Report which recommended refusal.

OCM074/05/15 – Council resolved to endorse the Responsible Authority Report which recommended approval.

**Community / Stakeholder Consultation:**

Please refer attached RAR.

**Comment:**

Please refer to attached RAR.

**Statutory Environment:**

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

**Financial Implications:**

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

**Alignment with our Strategic Community Plan:**

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

**Planning Assessment:**

Please refer to attached RAR.

**Options and Implications:**

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

Option 1: Council may resolve to endorse the RAR.

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

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

Should Council resolve not to endorse the Shire officers report, the report is still required to be submitted to the JDAP as Council's non-endorsement does not preclude the JDAP from determining the application.

Option 1 is recommended.

**Conclusion:**

The revised development is generally consistent with the Abernethy North Precinct, as noted in section 3.2 of Local Planning Policy 31 (LPP 31) – Byford Town Centre Built Form Design Guidelines which indicates a contemporary building layout which reflects fine grain development and reaches urban design targets such as activated building facades and minimal street setbacks, car parking areas behind buildings, integration with Public Open Space areas and providing a continuous sheltered pedestrian environment for circulation to other areas of the Town Centre.

**Attachments:**

- [OCM256.1/11/15](#) – Responsible Authority Report (E15/5623)

**Voting Requirements:** Simple Majority

**OCM256/11/15 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Hawkins, seconded Cr Ellis**

**That Council endorses the Responsible Authority Report, which recommends that the Metropolitan East Joint Development Assessment Panel approve the application seeking planning approval for a Town Centre Development at Lot 5 (#34) Abernethy Road, Byford as per attachment OCM256.1/11/15.**

**CARRIED 5/4**

<b>OCM257/11/15</b>	<b>Lot 502 (#60) Kellet Drive, Oakford – Proposed Outbuilding (Shed (P04566/04))</b>
Author:	Regan Travers – Senior Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	29 October 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Owner: Dean and Emma Hudson  
 Date of Receipt: 31 July 2015  
 Lot Area: 20,675m<sup>2</sup> (2.06ha)  
 Town Planning Scheme No. 2 Zoning: 'Rural Living B'  
 Metropolitan Region Scheme Zoning: 'Rural'

### Introduction:

The purpose of this report is to consider the development application for an 'outbuilding' on Lot 502 (#60) Kellet Drive, Oakford.

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



Aerial Reference

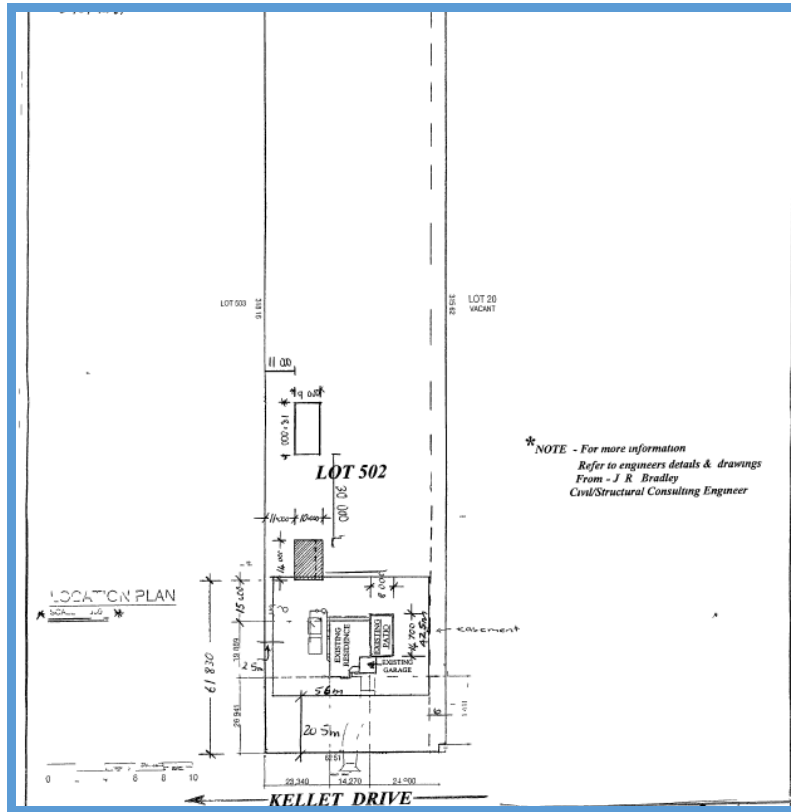
### Background:

#### Existing Development:

The site currently comprises of a single dwelling with a water tank and 140m<sup>2</sup> 'outbuilding' (shed).

#### Proposed Development:

The application seeks approval for an 'outbuilding' (shed) measuring 162m<sup>2</sup> with a wall height of 3.95 metres and a roof ridge height of 4.9 metres.



Site Plan

The proposed ‘outbuilding’ (shed) lies outside of the approved building envelope and the floor space exceeds the allowable limits as set out in LPP 17.

**Relevant Previous Decisions of Council:**

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

**Community / Stakeholder Consultation:**

The application was advertised as per LPP 17, no submissions have been received.

**Statutory Environment:**

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

**Financial Implications:**

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

**Alignment with our Strategic Community Plan:**

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



### **Planning Assessment:**

The 'outbuilding' is proposed outside of the approved building envelope. The applicant has provided a justification for this, detailing that the outbuilding is required for the secure storage of personal vehicles and small farm machinery related to the maintenance of the property.

LPP 17 sets out development requirements for outbuildings. In the 'Rural Living B' zone it states that the overall floor area of outbuildings should not exceed 200m<sup>2</sup>. The resultant floor area of the existing and proposed outbuildings would be 302m<sup>2</sup>.

### Streetscape and Amenity:

The proposed 'outbuilding' would be located in the mid-west section of the lot, which is to the rear of the existing dwelling. While the proposed development is of a larger scale than that anticipated for an area zoned 'Rural Living B', in the context of the streetscape, the proposed development is considered to have minimal impacts on the visual amenity of Kellet Drive.

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

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

### **Options and Implications:**

With regard to the determination of the application for planning approval under 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 'outbuilding', although exceeds the policy requirements of LPP 17 by reason of its combined overall floor area for outbuildings, would not result in an unacceptable level of harm to the visual amenity of the area or surrounding landowners and therefore is supported

### **Attachments:**

- [OCM257.1/11/15](#) – Site Plan and Elevation Plan (E15/5620)

**Voting Requirements:** Simple Majority

### **OCM257/11/15 COUNCIL DECISION / Officer Recommendation:**

#### **Moved Cr Ellis, seconded Cr Hawkins**

**That Council approves the application submitted by Dean and Emma Hudson for an 'outbuilding' as indicated on the approved plans and does not relate to any other development on Lot 502 (#60) Kellet Drive, Oakford, subject to the following conditions:**

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

**CARRIED 6/3**

<b>OCM258/11/15</b>	<b>Transfer of Management Order from the Shire to the Water Corporation for Reserve 50133 (L8024) Cardup Siding Road (RS0252)</b>
Author:	Vanessa Slater – Natural Reserves Coordinator
Senior Officer/s:	Gordon Allan – Director Engineering
Date of Report:	6 November 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

### Introduction:

The purpose of this report is to request Council to approve the transfer of the Management Order over Reserve 50133, Cardup Siding Road from the Shire to the Water Corporation, so that the Water Corporation are able to use this parcel of land for the future expansion of their pipeline corridor (see below). This corridor will extend from Serpentine in the south through to Armadale in the north, Baldivis in the west and Byford in the east. Depending on demand, works are proposed to occur any time between 2015 – 2050.

This application is brought before Council as there is no delegation in place that permits the transfer of a Management Order.



### Background:

The reserve was ceded to the Crown during the subdivision process for the purpose of drainage and recreation. The Shire accepted the Management Order over this reserve in March 2012 and has been managing and maintaining it since.

The infrastructure that is currently installed within this reserve is a 240m linear drainage basin that has been constructed as part of the Water Sensitive Urban Design for the subdivision of Byford by the Brook.

The Water Corporation made contact with Shire officers requesting comment in having the Management Order be transferred to them on 8 April 2015. Following assessment of the proposal by Shire officers, it was agreed there were no issues with transferring this

Management Order, other than ensuring the existing infrastructure assets are protected and adequately maintained.

It is proposed that in order to protect the infrastructure integral for this estate, a legal agreement be entered into with Water Corporation to ensure the existing infrastructure is not altered and is protected and adequately maintained. The agreement is to also include that the Water Corporation be responsible for all weed and tree maintenance on the reserve.

**Relevant Previous Decisions of Council:**

There is no previous Council decision relating to this matter.

**Community / Stakeholder Consultation:**

There is no community or stakeholder consultation required.

**Statutory Environment:**

Section 3.54 of the *Local Government Act* pertains to the control and management of reserves under the control of a local government. The Shire has in place a delegated authority for the management of reserves under its control, however this delegated authority does not include the authority to transfer a Management Order on a reserve.

**Financial Implications:**

There are no financial implications involved in this report.

**Voting Requirements:** Simple Majority

**OCM258/11/15 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr See, seconded Cr Gossage**

**That Council:**

- 1. Approve the transfer of the Management Order for Reserve 50133 Cardup Siding Road to the Water Corporation, in accordance with section 3.54 of the Local Government Act.**
- 2. Authorises the Chief Executive Officer and the Shire President to sign a legal agreement with the Water Corporation to ensure strategic assets within the reserve are retained and maintained.**

**CARRIED UNANIMOUSLY**

## 10. Information Reports:

<b>OCM259/11/15</b>	<b>Chief Executive Officer Information Report (SJ1508)</b>
Author:	Kirsty Peddie – Executive Assistant
Senior Officer:	Richard Gorbunow - Chief Executive Officer
Date of Report:	6 November 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 and associated attachments is to provide information to Councillors relating to recent activity regarding operational matters that need to be reported to Council either through a statutory mechanism or as information. The following details are provided to Councillors for information only:

### Attachments:

- [OCM259.1/11/15](#) - Common Seal Register Report – October 2015 (E02/5614)

**Voting Requirements:** Simple Majority

**OCM259/11/15 COUNCIL DECISION / Officer Recommendation:**

Moved Cr Hawkins, seconded Cr Ellis

That Council accept the Chief Executive Officer Information Report for October 2015.

**CARRIED UNANIMOUSLY**

<b>OCM260/11/15</b>	<b>Corporate and Community Information Report (SJ514-06)</b>
Author:	Elba Strijdom – PA to Director Corporate and Community
Senior Officer/s:	Alan Hart – Director Corporate and Community
Date of Report:	6 November 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 and associated attachments is to provide information to Councillors relating to recent activity regarding operational matters that need to be reported to Council either through a statutory mechanism or as information.

### Attachments

- [OCM260.1/11/15](#) – Delegated Authority – Financial Services 1-31 October 2015 (E15/5657)
- [OCM260.2/11/15](#) – Australia Day 2016 – Project Group Minutes of 8 September 2015 (E15/4961)
- [OCM260.3/11/15](#) – Australia Day 2016 – Project Group Minutes of 13 October 2015 (E15/5799)
- [OCM260.4/11/15](#) – Neighbourhood Watch Meeting of 24 September 2015 (OC15/20949)

**Voting Requirements**                      Simple Majority

**OCM260/11/15                      COUNCIL DECISION / Officer Recommendation**

**Moved Cr Urban, seconded Cr Hawkins**

**That Council accept the Corporate and Community Information Report.**

**CARRIED UNANIMOUSLY**

<b>OCM261/11/15 Monthly Financial Report – October 2015 (SJ514-06)</b>	
Author:	Kelli Hayward - Contract Financial Accountant
Senior Officer/s:	Alan Hart – Director Corporate and Community
Date of Report:	4 November 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 provide a monthly financial report which includes rating, investment, reserve, debtor, and general financial information to Councillors in accordance with Section 6.4 of the *Local Government Act 1995*.

**Background:**

The Local Government Act and Financial Management Regulations require that the Shire prepare a Statement of Financial Activity each month. The *Local Government Act* further states that this statement can be reported by either by Nature and Type, Statutory Program or by Business Unit. The Shire has resolved to report by Business Unit and to assess the performance of each business unit, by comparing the year-to-date budget and actual results. This gives an indication of how each business unit (and collectively the Shire) is performing against expectations for this point in time and any variance over or under 10% is reported.

**Relevant Previous Decisions of Council:**

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

**Community / Stakeholder Consultation:**

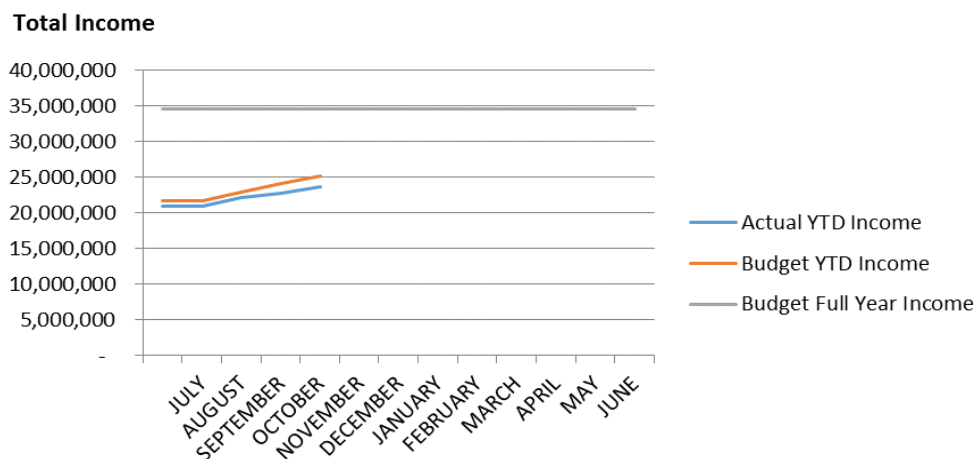
No community consultation was undertaken / required.

**Comment:**

The period of review is October 2015. The municipal surplus for this period is \$17,724,510 compared to a budget position of \$13,029,627. This is considered a satisfactory result for the Shire.

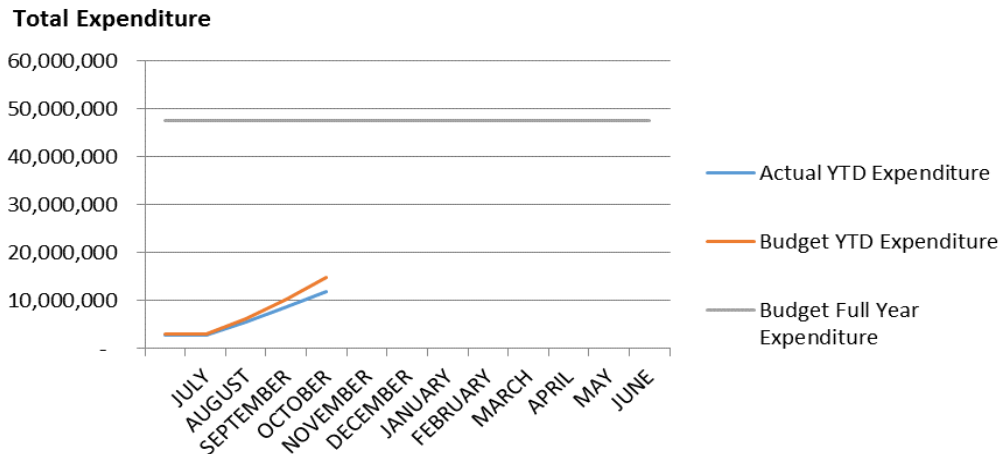
Income for the October 2015 period, year-to-date is \$23,681,873. The budget estimated \$25,259,765, would be received for the same period. The variance to budget is (\$1,577,892). Details of all significant variances are provided in the notes to the Statement of Financial Activity by Directorate.

The following graph illustrates actual income to-date compared to the year-to-date budget.



Expenditure for the October 2015 period, year-to-date is \$11,886,906. The budget estimated \$14,800,271 would be spent for the same period. The variance to budget is \$2,913,365. Details of all significant variances are provided in the notes to the Statement of Financial Activity by Directorate.

The following graph illustrates actual expenditure to-date compared to the year-to-date budget.



**Attachments:**

- [OCM261.1/11/15](#) – Monthly Financial Report October 2015 (E15/5728)

**Alignment with our Strategic Community Plan:**

Financial Sustainability

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

**Statutory Environment:**

Section 6.4 of the *Local Government Act 1995* requires a local government to prepare an annual financial statement for the preceding year and other financial reports as are prescribed.

Regulation 34 (1) of the *Local Government (Financial Management) Regulations 1996* as amended requires the local government to prepare monthly financial statements and report on actual performance against what was set out in the annual budget.

**Financial Implications:**

There are no financial implications relating to the preparation of the report. Any material variances that have an impact on the outcome of the annual budget are detailed in this report.

**Voting Requirements:** Simple Majority

**OCM261/11/15 COUNCIL DECISION / Officer Recommendation:**

Moved Cr Piipponen, seconded Cr Ellis

That Council accepts the Monthly Financial Report for October 2015, in accordance with Section 6.4 of the *Local Government Act 1995*.

**CARRIED UNANIMOUSLY**



<b>OCM262/11/15</b>	<b>Confirmation Of Payment Of Creditors (SJ514-06)</b>
Author:	Vicki Woods - Finance Officer
Senior Officer:	Alan Hart - Director Corporate and Community
Date of Report:	1 October 2015
Disclosure of Officers Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

### Introduction

The purpose of this report is to prepare a list of accounts paid by the Chief Executive Officer each month, as required by The *Local Government (Financial Management) Regulations 1996*.

### Relevant Previous Decisions of Council

There is no previous Council decision relating to this issue.

### Community / Stakeholder Consultation

No community consultation was required.

### Comment

In accordance with the *Local Government (Financial Management) Regulations 1996* 13(1), Schedules of all payments made through the Council's bank accounts are presented to Council for their inspection. The list includes details for each account paid incorporating:

- a) Payees name;
- b) The amount of the payment;
- c) The date of the payment; and
- d) Sufficient information to identify the transaction.

Invoices supporting all payments are available for the inspection of Council. All invoices and vouchers presented to Council have been certified as to the receipt of goods and the rendition of services and as to prices, computations and costing and that the amounts shown were due for payment, is attached and relevant invoices are available for inspection.

It is recommended that Council receives the payments authorised under delegated authority and detailed in the list of invoices for period of 1 October 2015 to 31 October 2015, as per the attachment.

### Attachments:

- [OCM262.1/11/15](#) - Creditors List of Account 1 October 2015 to 31 October 2015. (E15/5656)

### Alignment with our Strategic Community Plan:

The Strategic Community Plan has placed an emphasis on undertaking best practice financial and asset management and is in line with the category of Financial Sustainability.

### Financial Sustainability

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

### **Statutory Environment**

Section 5.42 and 5.45(2) of the *Local Government Act 1995* states that the Local government may delegate some of its powers to the Chief Executive Officer. Council have granted the Chief Executive Officer Delegated Authority CG07 - Payments from Municipal and Trust Fund.

### **Financial Implications**

All payments that have been made are in accordance with the purchasing policy and within the approved budget, and where applicable budget amendments, that have been adopted by Council.

### **Voting Requirements**

Simple Majority

### **OCM262/11/15 COUNCIL DECISION / Officer Recommendation**

#### **Moved Cr Hawkins, seconded Cr Piipponen**

**That Council accepts the payments authorised under delegated authority and detailed in the list of invoices for period of 1 October 2015 to 31 October 2015, as per attachment OCM262.1/11/15 - Creditor List of Accounts 1 October 2015 to 31 October 2015 including Creditors that have been paid and in accordance with the *Local Government (Financial Management) Regulations 1996*.**

**CARRIED UNANIMOUSLY**

<b>OCM263/11/15</b>	<b>Planning Information Report (SJ514-06)</b>
Author:	Mary-Ann Toner - Personal Assistant to the Director Planning
Senior Officer:	Deon van der Linde – Acting Director Planning
Date of Report:	6 October 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

### Introduction

The purpose of this report and associated attachments is to provide information to Councillors relating to recent activity regarding operational matters that need to be reported to Council either through a statutory mechanism or as information. The following details are provided to Councillors for information only.

### Attachments

- [OCM263.1/11/15](#) Planning, Building, Health, Rangers and Development Compliance – Delegated Authority Information Report (E15/5785)
- [OCM263.2/11/15](#) Scheme Amendment, Local Planning Policies and Local Structure Plans (E12/3985)

Voting Requirements Simple Majority

**OCM263/11/15 COUNCIL DECISION / Officer Recommendation:**

Moved Cr See, seconded Cr Ellis

That Council accept the Planning Information Report for October 2015.

**CARRIED UNANIMOUSLY**

<b>OCM264/11/15</b>	<b>Engineering Services Information Report (SJ514)</b>
Author:	Jill Jennings – Personal Assistant to Director Engineering
Senior Officer:	Gordon Allan – Director Engineering
Date of Report:	6 November 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 and associated attachments is to provide information to Councillors relating to recent activity regarding operational matters that need to be reported to Council either through a statutory mechanism or as information. The following details are provided to Councillors for information only.

**Attachments:**

- [OCM264.1/11/15](#) – Engineering Delegation of Authority Report, October 2015 (E15/5545)
- [OCM264.2/11/15](#) – Local Emergency Management Committee (LEMC) – Minutes, 22 September 2015 (E15/3414)
- [OCM264.3/11/15](#) – Rivers Regional Council – Special Council Meeting, Minutes, 8 October 2015 (IN15/21924)
- [OCM264.4/11/15](#) – Rivers Regional Council – Ordinary Council Meeting, Minutes, 15 October 2015 (IN15/22377)
- [OCM264.5/11/15](#) – Bushfire Advisory Committee – Minutes, 29 October 2015 (E15/2475)
- [OCM264.6/11/15](#) – Peel Trails Group – Minutes, July 2015 (IN15/23064)
- [OCM264.7/11/15](#) – SJ Trails Group – Minutes, July 2015 (OC15/21441)
- [OCM264.8/11/15](#) – Cemeteries Management Committee – Minutes, June 2015 (OC15/21443)
- [OCM264.9/11/15](#) – Reserves Advisory Group – Minutes, July 2015 (OC15/21448)

**Voting Requirements:** Simple Majority

**OCM264/11/15 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr See, seconded Cr Hawkins**

**That Council accept the Engineering Services Information Report for October 2015.**

**CARRIED UNANIMOUSLY**

### **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 9.03pm.

I certify that these minutes were confirmed at the  
Ordinary Council Meeting held on 7 December 2015

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Presiding Member

.....  
Date