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Minutes of the Ordinary Council Meeting held in the Council Chambers, 6 Paterson Street, Mundijong on Monday 24 August 2015. The Shire President declared the meeting open at 7.00pm and welcomed Councillors, staff and members of the gallery.

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

### In Attendance:

**Councillors:** K Ellis ..... Presiding Member  
S Piipponen  
J Kirkpatrick  
S Hawkins  
B Urban  
J Erren  
B Moore  
J Rossiter  
G Wilson

**Officers:** Mr A Hart ..... Director Corporate and Community  
Mr G Allan ..... Director Engineering  
Mr D van der Linde ..... Acting Director Planning  
Ms K Cornish ..... Governance Officer  
Ms K Peddie ..... Executive Assistant to the CEO

**Leave of Absence:** Nil

**Apologies:** Mr R Gorbunow ..... Chief Executive Officer

**Observers:** Nil

Members of the Public – 29

Members of the Press – 0

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

No questions were taken on notice at Ordinary Council Meeting 10 August 2015.

## 3. Public question time:

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

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

Question 1

Who within the Shire of Serpentine Jarrahdale Council office is discussing the private matters between residents and officers of the Shire of Serpentine Jarrahdale Council with the President of the Residents and Ratepayers Association?

*Response:*

*The Council is not aware of any discussions between officers and the President of the Ratepayers Association.*

Question 2

Why haven't the residents near the rifle range been told of the asbestos contamination?

*Response:*

*There is no asbestos contamination of the Old Rifle Range in Byford.*

Question 3

Because of particular behaviour being directed at Shop 9 at Byford IGA regarding the truth being displayed at this shop, who has the problem with this display and what is the concern?

*Response:*

*The Council has no issue with any individual expressing their opinion.*

**Ms T Nagy, 37 Noel Street, Helena Valley, WA, 6056**

Question 1

Is the council aware, and does the council acknowledge that a planning officer from the Shire of Serpentine Jarrahdale on multiple occasions made explicit recommendations to myself and three prospective builders that a building application incorporating two zero lot boundary walls would not be considered/approved for lot 794 or any lot relating to the Detailed Area Plan number 9?

*Response:*

*The R-codes and Detailed Area Plan for the area do not prohibit the application from being lodged and assessed as per Officer Recommendation.*

Question 2

Can the council please supply current examples of dwellings with two zero lot boundary walls in lieu of one that are currently approved and developed in the corresponding area for DAP 9?

*Response:*

*There are no similar examples on the six lots in the DAP9 area.*

Question 3

I would like to express my concern for the some of the responses submitted by the Planning Officer. I am concerned the development application and my objections were not reviewed sufficiently as there are significant discrepancies in the responses and its clear there is some kind of misunderstanding and/or confusion. Would the council consider reassessing the application and objection before continuing any further?

*Response:*

*The concern is noted. Planning officers have assessed the application in accordance with the statutory framework, having due regard for planning principles surrounding the dwelling on the nil boundary and neighbours comments.*

**Mr B Ricciardo, 12 Swiftlet Way, Gwelup, WA, 6018**

Question 1

Why is the Council allowing the owners of the Knackery and Poultry Farm to cause ongoing Environmental Degradation to the adjoining Nature Reserve which the Council has been entrusted to protect by every means possible for the benefit of the Byford Community?

*Response:*

*The Shire will continue to respond to any specific complaints and address any matters that are found to be non-compliant. All matters of concern can be emailed and this will be responded to as per statutory regulations. If required it can be escalated to the State Environmental agencies to assist.*

Question 2

Why are the owners of the Knackery and Poultry Farm allowed to treat the Nature Reserve as their own backyard, to do as they please and in the process making a mockery of this Council?

*Response:*

*The reserve should be managed in the same way as any other reserves in the Shire. An inspection will be triggered through this Public question and compliance action will be initiated.*

**Mr K Whibley, 22 Cranbourne Way, Byford, WA, 6122**

Question 1

Can the Shire President please tell me what is happening with the Community Garden sub-lease?

*Response:*

*The final signed lease was received from LWP late last week and has been signed today. A sublease with the Byford Glades Residents Association will now be prepared in consultation with you for Council endorsement. No timeframe can be given but you can be assured it is a matter of priority for this Council to finalise this.*

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

Because of the serious increase in the rates many people have expressed to me that they have great difficulty in paying these rates. Is it fair to not accept offers to pay the rates off and even initiate court action against these ratepayers. There are those out there who have lost their jobs for whatever reason and the last thing they need is heavy handed cruelty.

What Councillor is doing anything for the senior citizens of this Shire. Does anyone even listen to what their needs are, not from what I am being told.

Who is doing anything about the serious drug problem in Byford, for those that contact the local police they claim is it a waste of time. There are young children being offered drugs regularly in the main street of Byford. Then there are those who sit on the bench near the Byford Hall in full view and during daylight hours shooting up. Perhaps some of the money wasted by this Council should be directed towards providing avenues to steer these young people in a better direction.

**Mr K Whibley, 22 Cranbourne Way, Byford, WA, 6122**

Statement in relation to Community Garden Sub-lease.

On the 29<sup>th</sup> June 2015 I received an email from President Ellis saying all is signed, I phoned LWP and spoke to Mr Phil Cuttoni, he said it is going back and forwards between the Shire and LWP and the lease has been signed but with mistakes and clauses added after signing.

I have been trying to get this project under way for two years and have been very patient. I have lost several grants this year already because without a lease for land, the criteria is not met. If the sub-lease is not forth coming before September 23 or by December 14, I will lose another two more grants.

If this happens this will be another project the Shire of Serpentine Jarrahdale has lost. This is very disappointing because the Byford Glades Residents Association Inc and I are ready to make this community project which would bring people and families together work. The Byford Glades Residents Association Inc and I are losing patience and will not continue with false or inaccurate reports. Please give us closure on this sub-lease thank you.

**Public question and statement time concluded at 7.07pm**

**5. Petitions and deputations:**

**5.1 Mr Joe Algeri from Altus Planning and Appeals presented a deputation regarding item OCM147/08/15 Lot 5 (#49) Butcher Road, Darling Downs – Proposed Change of Use.**

My deputation related to agenda item OCM147/08/15 for the development application at No 49 (Lot 5) Butcher Road, Darling Downs. The first thing I need to state is that this is not a proposed 'change of use' and that's been the source of some confusion with the advertising and referral of the application and I'll get back to that in a moment. The simplest way to put this to you is that the application is for a variation to an approval for a pet meat knackery that has existed since 1980. In essence, the variation is to allow a small portion of animals currently processed to be slaughtered on premises as opposed to them being transported dead to the property, either from close or far away.

I'm not going to refer to the applicant because, as a friend of my late uncle, I have known Ross Waddell for most of my life. Not only do I know Ross, but also do many in the local community. In fact, your own Ranger Brian will tell you that Ross has come to assistance of dealing with stray, injured and sick animals within the Shire for decades.

The point of my deputation this evening is that there are some conditions to the recommended approval that we strongly believe are not acceptable. The first and perhaps the most important of these is condition 1b, a time limited approval is wholly inappropriate as it has no nexus to an application which is simply a variation to allow some of the animals to be slaughtered on site. If the application was refused or even if Ross withdrew it, the existing business could remain subject to compliance with the five simple conditions from the 1980 approval, no one can take that away from him. It would make absolutely no sense for him to accept a variation to an approval that already exists on the basis that it is now only valid for 10 years.

Secondly, there is no basis for the referral to the Western Australian Planning Commission as per part 2 of the recommendation. I assume that this recommendation has arisen from the referral to Main Roads WA who have wholly misunderstood the application. This is not a new proposal, it is not a change of use, and someone should have properly explained that to Main Roads. In fact, the current access across the reserve to the highway has existed for decades and this application is not the trigger to look at closing this access and requiring construction of Butcher Road at the rear. I'll give you 3 reasons:

- i) the current access is shared by the adjoining property owner where the poultry farm exists, it is much their responsibility to seek an alternative access, so how do you enforce that on a party that is not party of this application? It would be wholly inequitable for Ross to pay and deal with the closure alone;
- ii) building Butcher Road would be an incredibly expensive exercise and again there is no nexus to the nature and scale of the application before you. If it was cheap and easy I would otherwise simply tell Ross to do it; and
- iii) the opportunity for Butcher Road to be constructed is by a future developer, if and when the land to the west and north is ever subdivided, as per the provisions of the Act.

Accordingly, referring the application to the Planning Commission would achieve nothing other than a delay and an added cost to Ross only for them to arrive at exactly the same conclusion as I have just pointed out above.

There are some other conditions that trouble me, but I advised Ross to simply accept them to avoid confusion. Condition 1c, Department of Agriculture stocking rights apply to any land and is in effect, a superfluous condition. Condition 1l, landscaping and vegetation management plan, I'm not sure who exactly would benefit if the property can't be seen from the highway and practically no one else can view the site. However, if it's a few extra trees you would like around the perimeter of the property, I've told Ross just to do it.

For all these reasons, I kindly request an alternative motion which removes condition 1b and part 2 of the recommendation.

## 6. President's report:

May I begin my report this evening by offering my condolences to the family and friends of community members we have recently farewelled.

Ted Love was born in Mundijong, and was integral to Western Australia's dairy industry. He was the Farmers Federation representative for Landcare SJ for 26 years, a founding member of the Land Conservation District Committee, and long-time member of the Shire's Bushfire Advisory Committee. Vale Ted Love, we thank him for his contribution to this community.

May I also remember Don Daw who passed earlier this month. Don was a qualified mechanic and many residents will know him from his workshop in Nettleton Road, Byford. Don served on the Byford Bush Fire Brigade, and later on the Cardup Bush Fire Brigade, later appointed he Chief Bush Fire Control Officer for Serpentine Jarrahdale. On behalf of Council may I offer my condolences to his wife Dawn, children and grandchildren.

### SJ Community Fair

The recent SJ Community Fair was an outstanding success with all stall holders reporting record numbers with some food stalls running out of product two and three times. The Resource Centre have reported attendance of over 15,000 people. Thanks to those Councillors who could assist at our booth and I am pleased to report that we only had a few minor complaints from residents and we look forward to a bigger and better fair next year.

### Council Elections

We remind you that nominations for the Shire's forthcoming Election this October open on the 3rd of September. There is an information evening at the Shire tomorrow night at 6pm, facilitated by the Electoral Commission for those residents interested in becoming a Councillor.

## 7. Declaration of Councillors and officers interest:

Cr Wilson declared a proximity interest in item OCM149/08/15 as he owns the property adjoining 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 – 10 August 2015

#### COUNCIL DECISION

Moved Cr Hawkins, seconded Cr Piipponen

That the minutes of the Ordinary Council Meeting held on 10 August 2015 be confirmed (E15/3873).

**CARRIED 9/0**

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

<b>OCM145/08/15</b>	<b>Lot 793 (#37) Kola Bend, Byford – Proposed ‘Single Dwelling’ (P11566/02)</b>
Author:	Marcel Bridge – Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	23 July 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Ideal Homes Pty Ltd  
 Owner: Tabitha Burgess  
 Date of Receipt: 16 June 2015  
 Lot Area: 332m<sup>2</sup>  
 Town Planning Scheme No 2 Zoning: ‘Urban Development’  
 Metropolitan Region Scheme Zoning: ‘Urban’

### Introduction

The purpose of the report is to consider the development application for a ‘Single Dwelling’ on Lot 793 (#37) Kola Bend, Byford (the site).

As a result of an objection being received, the application is being presented to Council for consideration.



Aerial Reference

### Background:

#### Existing Development:

The site has been cleared and has a limestone retaining wall at the rear boundary constructed by the developer as a result of the subdivision.

**Proposed Development:**

Approval is sought for a 'Single Dwelling' with a total floor area of 143m<sup>2</sup>. The proponent has provided the following justification for the northern boundary wall,

*"The proposed second boundary wall is located on the Northern boundary and is desirable to make effective use of living space in the design having only 10.8m frontage. The walls are constructed in accordance with height and length of R30 and Detailed Area Plan setbacks requirements, which is achievable without any detriment to the amenity of the adjoining properties.*

*In light of the above, the proposed variations have been deemed to meet the relevant performance criteria of the Codes, with the proposal ensuring the provision of adequate light ventilation and privacy to the proposed and adjoining properties".*

**Relevant Previous Decisions of Council:**

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

**Community / Stakeholder Consultation:**

The application has been referred as follows:

Community Consultation was undertaken in accordance with Clause 6.3 of Town Planning Scheme No. 2.

**Comment:**

As a result of community consultation the following matters were raised:

- I am very concerned that if a parapet wall (Zero Lot Wall) is built along the North boundary of Lot 793, that it will visually impact on my entry walkway and porch into my dwelling, and that also on opening my front door to the outside I will be faced with a brick wall estimated to be over 28 courses high.
- The entry into my dwelling is designed to the side due to the Shire advising I could not build a parapet wall on the southern side and not giving me or my builder the opportunity to apply for separate approval. The entry is 1m wide and if a parapet wall is built as the boundary, I will have insufficient daylight and ventilation as opposed to a developer's Colorbond fence (1.8m) and then Lot 793 dwelling wall 1m behind that.
- The proposed dwelling is proposed to run 7.5m along the side boundary, running almost the entire length of my entry walkway and in front of my porch & entry door. My entry door is fitted with glass sections for which I paid extra to have, and if the proposed boundary wall is approved and built, the light available; for this feature will be very limited due to overshadowing. Please see attachment drawing of proposed wall against my entry way.
- The bulk of the wall itself would visually impact my property, never mind the choice of brick they choose to use. The builder could not confirm what colour the brick wall would be, which also causes me some concern".

**Applicant response:**

- The proposed Second boundary wall is located on the Northern boundary and is desirable to make effective use of living space in the design having only 10.8m frontage.
- The walls are constructed in accordance with r-codes height of 2486mm approx. Only 600 higher than a 1800h fence which I believe will not have a massive effect on how much light enters the porch area, it is also under the 3000 max height and length of 7490mm is well under 9000 max length of a boundary wall.
- The detailed area plan setbacks are met and the building envelope indicated on the detailed area plan is shown boundary to boundary
- The wall will be finished in 2c cream face brick and be of a high quality finish.



**Statutory Environment:**

- Metropolitan Regional Scheme  
The site is zoned 'Urban' Under the MRS
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2  
The site is zoned 'Urban Development' under the Town Planning Scheme
- State Planning Policy 3.1 Residential Design 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.

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 State Administrative Tribunal proceedings.

**Alignment with our Strategic Community Plan:**

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

**Planning Assessment:**Setbacks and Visual Amenity

The application has been assessed in accordance with part 5.1.3 'Lot boundary setback' of State Planning Policy 3.1 Residential Design Codes as follows:.

## P3.1

*Reduce the impacts of building bulk on adjoining properties:* the proposed wall along the northern boundary does not exceed the 3 height maximum for walls built up to the boundary.

*Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties:* The subject property is located southern side and therefore is not impacting on the neighbouring properties northern solar access.

*Minimise the extent of overlooking and resultant loss of privacy on adjoining properties:* Wall built up to boundary wall will provide privacy between the two properties.

## P3.2

*Makes more effective use of space for enhanced privacy for the occupants/ or outdoor living areas;* Proposed nil boundary wall will provide privacy to occupants of Lot 794

*Does not have any adverse impact on the amenity of the adjoining property:* Unlikely to impact on adjoining property as proposed nil boundary wall is a garage wall. In addition the window to be impacted is an obscure window (minor opening).

*Ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted:* as discussed above the bathroom wall is an obscured (minor opening) bedroom 1 has no windows facing the nil setback boundary wall.

Positively contributes to the prevailing development context and streetscape: Houses under construction currently have nil setback for Garage wall as depicted on Detailed Area Plans.

**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 proposal will provide the applicant with a dwelling that is built up to both sides. It is considered that in respect to the design principles of State Planning Policy 3.1 Residential Design Codes that the proposed dwelling is consistent with the streetscape and surrounding precinct. For these reasons the proposal is deemed not to have any impact on the residential amenity and is compliant with the Residential Design Codes and the Shire's overall planning framework.

**Attachments:**

- [OCM145.1/08/15](#) - Locality Plan, Site Plan, Side Elevations and Schedule of Colours and Materials (IN15/12037)

**Voting Requirements:** Simple Majority

**OCM145/08/15 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Wilson, seconded Cr Urban**

**That Council:**

- 1. Approves the application submitted by Ideal Homes Pty Ltd on behalf of the landowner(s) Tabitha Burgess on Lot 793 (#37) Kola Bend, Byford, subject to the following conditions:**
  - a. This approval relates only to the proposed 'Single Dwelling', as indicated on the approved plans. It does not relate to any other development on this lot.**
  - b. If the development referred to in (1) above is not substantially commenced within a period of two (2) years from the date of this approval, the approval shall lapse and be of no further effect.**
  - 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. No wall, fence or landscaping greater than 0.75 metres in height measured from the ground level at the boundary, shall be constructed within 1.5 metres of a vehicular access way unless such wall or fence is constructed with a 3.0 metre visual truncation.**
- g. Prior to occupation of the development, the development shall be connected to a reticulated main sewer system.**
- h. Prior to occupation or such period as approved by the Director Planning the driveway surfaces shall to be constructed of a hardstand material such as concrete, brick paving or bitumen.**
- i. Prior to occupation or such period as approved by the Director Planning, walls on the boundary shall be finished or rendered to match where practicable the colours and materials of the affected property to the satisfaction of the Director Planning.**
- j. The development shall be in accordance with Australian Standards AS3959 and the Bushfire Attack Level Assessment prepared by Cardno dated May 2014 which specifies construction to BAL 12.5.**

**Advice Notes:**

- a. The landowner is advised this is a Planning Approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements.**
- b. The landowner is advised that the use of brush or fern fencing is not permitted in the Shire due to the extreme bush fire danger of the locality as per Shire's Fencing Local Laws.**
- c. Retaining wall(s) shall be constructed to the Shire's specifications, where fill adjoining a property boundary exceeds 300mm above the existing ground level.**
- d. The landowner / occupier shall be required to comply with Council's annual Firebreak Notice and Fuel Hazard Reduction Notice.**
- e. The applicant is advised that this planning consent does not absolve the applicant or owner from time to time from complying with the restrictions contained in any restrictive covenant, estate covenants or easement pertaining to the site. This is the case even if this planning consent is in respect of a development that if constructed or carried out, would necessarily breach such a covenant or easement. Any such restrictive covenant, estate covenant or easement is a matter of private rights between the applicant or owner from time to time and the owner and owners of the land with the benefit of that restrictive covenant, estate covenant or easement, and this planning consent does not authorise a breach of such private rights or prevent such owners from enforcing such rights.**
- f. The landowner is advised that an external wall of a Class 1 building, and any openings in that wall, must comply with clause 3.7.1.5 of the Building Code of Australia.**

**CARRIED UNANIMOUSLY**

<b>OCM146/08/15</b>	<b>Final Adoption of Modification to Local Structure Plan – Lot 2 South Western Highway, Byford (SJ1465)</b>
Author:	Regan Travers – Senior Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	4 August 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Taylor Burrell Barnett Town Planning and Design  
 Owner: Cedar Woods  
 Date of Receipt: 4 December 2012  
 Lot Area: 322,880m<sup>2</sup> (32.288ha)  
 Town Planning Scheme No 2 Zoning: ‘Urban Development’  
 Metropolitan Region Scheme Zoning: ‘Urban’

**Introduction**

The purpose of the report is obtain Council’s final adoption of a Local Structure Plan (LSP), representing the final step in the statutory process and enables the LSP to be operational on Lot 2 South Western Highway, Byford (the site).

The matter requires Council determination in accordance with Clause 5.18.3.15 of Town Planning Scheme No. 2 (TPS 2).



Aerial Reference

**Background:**

Existing Development:

Stage 1 of residential development has commenced, as approved under the existing LSP.

Proposed Development:

The modified LSP proposes the following;

- Residential development at a density of R40-R60 at the north-western portion of the site.
- Residential development at a density of R20-R40 at the north-eastern portion of the site.

- Residential development at a density of R20-R40 to the southern portion of the site.
- The creation of a lineal public open space area along Beenyup Brook.
- The retention of approximately 3ha of vegetation to the north-eastern portion of the site in accordance with the Shire's Local Biodiversity Strategy.

The key land use and development differences between the approved LSP and revised LSP are as follows:

- Removal of the lifestyle villages and replacement of these with residential development at low and medium densities.
- Removal of the aged persons development and replacement with residential development at low and medium densities.
- A reconfiguration of the vegetation conservation area at the north-eastern portion of the site.

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

OCM125/2/14 - Resolution to advertise Modified LSP (subject to modifications)

OCM045/09/14 – Resolution to adopt the Modified LSP and forward to Western Australian Planning Commission (WAPC).

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

The draft LSP was advertised for comments to both the public and state government authorities.

Submissions received were presented to Council for consideration at its meeting of 8 September 2014, where Council acknowledged the submissions received, adopted the LSP subject to modifications and forwarded it to the WAPC for consideration.

#### **Comment:**

In accordance with the statutory process set out in TPS 2, the LSP was forwarded to the WAPC for determination. The WAPC reviewed the LSP and advised the Shire of the proposed modifications in correspondence dated 10 March 2015.

The modifications sought to update the structure and terminology used in the LSP documentation to ensure that it was consistent with the WAPC's guidelines for the preparation of structure plans and to ensure that noise attenuation was appropriately addressed within the statutory section of the LSP and also on the LSP map.

In accordance with the WAPC's approval subject to modifications, the applicant has undertaken the required modifications to 'The Brook at Byford' LSP and has forwarded the LSP to the Shire for final adoption by Council.

#### **Statutory Environment:**

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

#### **Financial Implications:**

Urbanisation and development within the Shire will result in indirect financial implications for Council. The implementation of the proposed LSP will result in increased demand 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

**Options and Implications:**

With regard to the determination of the application for planning approval under TPS 2, Council's only option is to adopt the LSP in accordance with Clause 5.18.3.15 of TPS 2.

**Conclusion:**

The LSP has been approved by the WAPC subject to a series of modifications, those modifications to the LSP have been made by the applicant and the final LSP document has been submitted to the Shire for final adoption by Council. Pursuant to the statutory process set out in the Shire's TPS 2, Council is now required to adopt the LSP. This is the last step in the statutory approvals process for the LSP and there is no other option available to Council but to adopt the LSP.

**Attachments:**

- [OCM146.1/08/15](#) - LSP with modifications as approved by WAPC (IN15/12783)
- [OCM146.2/08/15](#) - WAPC approval of LSP (IN15/5313)

**Voting Requirements:** Simple Majority

**OCM146/08/15 COUNCIL DECISION / Officer Recommendation:**

Moved Cr Moore, seconded Cr Urban

That Council:

1. Adopt 'The Brook at Byford' Modified Local Structure Plan provided as attachment OCM146.1/08/15, modified in accordance with the requirements of the Western Australia Planning Commission, pursuant to Clause 5.18.3.15 of Town Planning Scheme No. 2.
2. Note the decision of the Western Australian Planning Commission to approve 'The Brook at Byford' Local Structure Plan, pursuant to Clause 5.18.3.12 of the Town Planning Scheme No. 2, as detailed in their correspondence dated 10 March 2015, as provided in attachment OCM146.2/09/15.

**CARRIED UNANIMOUSLY**

<b>OCM147/08/15</b>	<b>Lot 5 (#49) Butcher Road, Darling Downs – Proposed Change of Use (P04390/03)</b>
Author:	Helen Maruta – Senior Planner
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	5 July 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Altus Planning and Appeal  
 Owner: Ross Waddell  
 Date of Receipt: 23 April 2015  
 Lot Area: 63384m<sup>2</sup> (6.338ha)  
 Town Planning Scheme No 2 Zoning: 'Rural'  
 Metropolitan Region Scheme Zoning: 'Rural'

**Introduction**

The purpose of the report is to consider a retrospective development application for change of use (to allow slaughtering of animals onsite, not permitted under the current planning approval) on Lot 5 Butcher Road, Darling Downs.

The report is presented to Council for consideration to determine the application as it is retrospective and objections were received during the consultation period.



Aerial Reference

**Background:**

Existing Development:

The subject land has an existing pet meat business that was approved by Council on 14 October 1980. Condition 1, of the approval specifically prohibits slaughtering of animals to be undertaken on land. Notwithstanding this the landowner has been slaughtering animals on site.

The subject site is developed with an existing residence and several outbuildings associated with the knackery, including mobile refrigeration units and a holding yard located on the south eastern portion of the property. The northern portion of the site contains an old equestrian track and two water bodies that include a soak and a dam to the west of the knackery.

Vehicular access to the subject land and the adjoining poultry farm is currently and historically been via the adjoining reserve from South Western Highway. The subject application is not seeking to alter this current arrangement.

**Proposed Development:**

In addition to processing pet meat, the applicant is seeking approval to slaughter animals on-site. The proposal seeks to amend the existing approval by undertaking the following:

- *Killing of livestock on site received from private surrounding owners where animals are sick or injured or animals purchased from private owners depending on the market conditions;*
- *Slaughtering a total of fourteen animals comprising of ten sheep, two horses and two cows per week;*
- *Slaughtered animals are butchered within the processing facility and placed in the refrigerator and ready for sale;*
- *The total annual output of the operations is no more than 1000 tonnes per year and will generally be around 500 tonnes per year;*
- *Solid waste including fur and paunch contents removed are placed into solid bins and emptied by a contractor on a daily basis;*
- *Operation of two 4 –tonne trucks which collects animals from different sources;*
- *Approximately 30-50 customer vehicles visiting the site per week to purchase the meat; and*
- *Hours of operation 6.30am – 4.00pm Monday to Friday and 6.30am – 11.00am Saturday. Closed on Sunday.*

**Relevant Previous Decisions of Council:**

On 14 October 1980 Council conditionally approved the knackery.

**Community / Stakeholder Consultation:**

The application has been referred as follows:

**Government Agencies / Departments:**

- Main Roads Western Australia (MRWA)
- Department of Environment and Regulation (DER)
- Department of Water (DoW)
- Environment Protection Authority (EPA – third part referral)

**Comment:**

**Main Roads Western Australia (MRWA)**

- Main Roads is unable to support continued access through the Crown reserve to South Western Highway due to major safety issues including limited sight distance, road geometry and proximity to the bridge over Wungong Creek.
- Given the safety concerns Main Roads requests that all access to and from the proposed development and other development in this vicinity is via Butcher Road and Thomas Road to the south.
- Access to South Western Highway from Butcher Road is to be restricted to emergency access only.



- Main Roads suggested initiation of a Developer Contribution Scheme by Council to ensure equitable contribution to access arrangements for lots along Butcher Road south to Thomas Road.

#### Applicant response

*The applicant does not identify the current access route as “unsafe”. This access is via a parking bay onto South West Highway and therefore has excellent vehicle sightlines in both directions. While road safety is a concern, we submit that the manner in which the applicant gains access to his own land should not be given as a reason for refusal of this application, as it does not directly relate to the land use activity in question. Main Roads seems to have misunderstood that the development has been in place for in excess of three decades; the current application exists in order to vary the current operational requirements of the land use, not propose a new access route to the subject land. The applicant has accessed the subject land via this route for over 35 years and has never been involved in any road accident as a result.*

#### Shire officers comment

Access to the site is currently and historically been via the adjoining reserve. Shire officers are of the view that the access through to the property can remain as it is, until such time that Butcher Road is constructed. Once Butcher Road is constructed properties that currently gain access through the reserve would need to access their properties via Butcher Road.

Whilst the suggestion for Council to initiate a Developer Contribution Scheme to ensure equitable contribution to access arrangements is acknowledged, the type of application does not warrant the preparation or the implementation of a Developer Contribution Scheme.

Notwithstanding the safety concerns raised by Main Roads, Shire officers are of the opinion that the application does not have sufficient nexus to refuse the application based on the current access arrangements. Further, North Western Highway is under the control of MRWA and if the access is considered to be a dangerous situation MRWA has the ability to close off access.

As a result of the comment received from MRWA, the application will be referred to the Western Australian Planning Commission for approval.

#### Department of Environment and Regulation (DER)

- Revised submission from the department advised that the production or design capacity of the facility was below the criteria for Prescribed Premises categories under schedule 1 of the Environmental Protection Regulations 1987 and as such did not require a works approval.
- Given the facility meets the definition of an abattoir, with a production or design capacity of more than 100 tonnes per year and less than 1000 tonnes per year, the facility is subject to the Environmental Protection (Abattoirs) Regulations 2001 (the regulations).

#### Applicant response:

*Based on previous advice from the Department of Environmental Protection (DEP), the applicant submitted that a works approval was not necessary for the land use on the subject land due to the annual throughput being less than 1000 tonnes per year. As the situation has not changed, as detailed in the development application, no specific works approval or Licence is required from the Department of Environment Regulation (DER) due to the small-scale nature of this pet meat knackery as it is not prescribed.*

#### Shire officers comment:

It is expected that the applicant obtains all the necessary approvals and licences related to the noxious industry pursuant to *Environmental Protection Act 1986 (EP Act)* and *Environmental Protection (Abattoirs) Regulations 2001*.

### Department of Water

- The applicant is required to obtain a licence under Section 5C of the Rights in Water and Irrigation Act 1914 for the take and use of groundwater, excluding domestic use.
- Given the site's wastewater treatment utilises filtration as the primary water quality mechanism, further information should be provided to determine that no further treatment processes are required prior to irrigation.
- If the existing two soaks have a connection to the abattoir by way of holding treated effluent prior to irrigation discharge, (this constitutes a contamination risk) they are required to be constructed to the appropriate specifications and inclusive of lining,

#### Applicant response:

*The current system was approved based on the information supplied to Southdale by WQM (Peter Taylforth) as part of the original upgrade of the system in 1998. The calculations completed by WQM and reflected in the development application documentation indicate that the anticipated annual loading of nutrients is well below the requirements detailed in the DoW's Water Quality Protection Note 22 'Irrigation with Nutrient Rich Wastewater' to prevent eutrophication risk.*

*It is our understanding that the water within these two dams is collected surface water only. On that understanding, it is our view that a groundwater licence is unlikely to be required. The owner will investigate the situation further. The matter should be kept separate from the consideration of the planning approval.*

#### Shire officer comment:

It is expected that the applicant obtains all the necessary approvals and licences related to groundwater extraction for the purposes of the proposed operation.

#### Community and Stakeholders:

Community consultation was undertaken which resulted in a total of seven submissions being received. Issues raised are listed below:

- Inadequate Buffer Zones
- Air Quality Odour
- Potential Deterioration of Property Values
- Potential Ground Water Contamination
- Potential Strategic Plan Implications
- Land use Conflicts interface to Rural Living A
- Increase of vermin
- Future Residential Development

### Odour

During the consultation period concerns were raised regarding potential odour emissions inherently becoming a major concern on the general amenity of the surrounding residential properties and future rural living residential development in close proximity.

#### Applicant response:

*The current proposal seeks only to update an existing land use which has been in operation for a number of years. No expansion of the operations is proposed. To manage odour, the Southdale has implemented measures contained in the Environmental Assessment and Management Plan.*

#### Shire officers comment:

The application identified the main site sources of odour as holding yards, knackery (killing floor / bleeding area), waste bins and waste water. Odour is a known impact from a knackery / abattoir and has the potential to cause health and amenity issues for surrounding

areas if good management practices are not in place. In this regard the application was supported by an Odour Impact Assessment prepared by 'The Odour Unit' (TOU).

Based on the dispersion modelling used, the report concluded that odour emissions can be appropriately managed and are not predicted to adversely impact on nearby sensitive receptors with the exception of the onsite residence. The maximum odour impact from the knackery was likely to occur on the adjacent poultry farm which is considered a compatible land use with a higher odour intensity footprint.

Shire officers were generally satisfied that the odour assessment represented current operations identifying all the odour sources. In addition to the odour impact assessment, the applicant submitted an Environmental Assessment and Management Plan (EAMP) which outlined in greater detail management strategies proposed to be implemented to manage and minimise off-site odour impacts. Should the application be approved, a condition is recommended to ensure that the development complies with the EAMP.

### Inadequate Buffer Zones

Concerns were raised regarding the implementation of buffer zones required for an abattoir and neighbouring residential properties as recommended by the Environmental Protection Authority Guidance Statement No.3. The 500 metre buffer as proposed by the applicant which was based on the small scale production is not considered adequate given the previous approval was approved as a pet meat processing facility of dead animals that were transported to site. The submitter views the proposal as an expansion to the business and is of the opinion that the expansion of the proposal has not adequately considered the significant amenity impacts on current and future residential development. It was also submitted that reduced buffer zones had the potential to devalue surrounding properties.

#### Applicant response:

*No expansion of the operations is proposed, the current applicant seeks to formalise an existing land use which has been operating as proposed for a number of years. The appropriate buffer distance to surrounding sensitive land uses given for this land use is 500-1000 metres, depending on the size of the operation. Given the small scale production nature of the application, we submit that a minimum distance of 500 metres should be regarded as acceptable. We note that the closest sensitive land-use is the rural-living properties to the south and north which are approximately 500 metres from the knackery. Based on the modelling undertaken for the facility, a conservative approach would be that the assessment suggested that the existing receptors would not be unreasonably impacted by the Southdale operations.*

*The 500m buffer is a recommendation only, in lieu of a specific report that investigates the potential impacts from the proposal which has been undertaken for in the process of this application. It is considered that property values are not a relevant planning consideration and therefore outside the scope of the current application.*

#### Shire officers comment:

The Environmental Protection Authority Guidance Note 3 (Separation distances between Industrial and Sensitive Land Uses) provides guidance to proponents and responsible authorities, stakeholders' generic separation distances between industries and sensitive land uses to avoid or minimize the potential for land use conflicts. The guideline separation distance between an 'abattoir' and sensitive land uses is between 500-1000 meters depending on the size of the operation.

While distances are not intended to be an absolute separation distance, they provide general guidance on suitable separation distances in the absence of site specific technical studies. The application being considered is to formalise current operations that have been existing for a number of years.

Whilst there are a number of sensitive receptors within 500m buffer, Shire officers have considered that the relevant environmental concerns being noise, dust and odour have been adequately addressed through the Environmental Assessment and Management Plans. Further, the applicant has also provided a technical study prepared by TOU which has indicated that the buffer should be set at 300m. As such Shire officers are of the opinion that implementation of the management measures as proposed will ensure that the risks of the operations can be appropriately managed.

#### Potential Ground Water Contamination

Concern was raised regarding the potential contamination of ground and surface water resulting from onsite disposal of wastewater on site and if the wastewater treatment system as proposed had considered the provisions of the Water Quality Protection Note 98 (WQPN).

Applicant response:

*The concerns are noted and the effective treatment of waste water has been a central part of the application. The proposal produces wastewater as a result of the slaughtering process which can potentially lead to adverse environmental impacts. In order to minimise the potential impacts, the proposal incorporates various management measures to treat wastewater onsite prior to discharge and/or on-site irrigation. A number of management procedures to appropriately manage solid waste, stormwater and wastewater disposal have been discussed in the report*

*The Water Quality Protection Note has limited scope in this instance as the proposal does not concern the establishment or expansion of a 'Rural' abattoir. The existing land use has been present on the land for a number of years and is not planned to be upgraded as part of this proposal.*

Shire officers comment:

The disposal of wastewater also needs to comply with the provisions of the *Environmental Protection (Abattoirs) Regulations 2001*. The regulations state that an operator must not use treated wastewater for irrigation unless a treated waste water irrigation management plan has been submitted to and approved by the DER. This matter has been raised with department and it is expected that the applicant obtain all the necessary approvals and licences pursuant to the *Environmental Protection Act 1986*.

#### Increase of Vermin

Concerns were raised during the consultation period regarding the increase of vermin such as foxes, mice, crows (scavengers) to the area allegedly attracted by the offal from the site.

Applicant response:

*Claims that there has been an increase in the presence of vermin to the area, as a result of the location of the land use on the subject land, cannot be proven or substantiated. The land use has been in operation for approximately 40 years. Any increase in vermin throughout this period can therefore not be attributed to this operation. The presence of vermin in a rural-zoned area is otherwise common.*

Shire officers comment:

It is expected that the implementation of the solid waste management measures as outlined in the Environment Assessment and Management Plan will mitigate against any perceived increase of vermin and the potential impact associated with solid waste.

#### Interface with Rural Living on Lot 9001 Butcher Road

Land directly to the north and west of the site was rezoned to 'Rural Living A' under the Shire Town Planning Scheme Amendment 94 with an indicative subdivision guide plan to create 40 rural living residential lots. Concerns were raised regarding inadequate buffer if the proposal (abattoir) were to be approved.

Applicant response:

*The adopted zoning and guide plan for Lot 9001 Butcher Road is not affected by this application. Whilst it is suggested that a change of use to allow the killing of animals on-site is a major change, the fact is that this operation is very small (less than 1000 tonnes throughput per year), which, under the Environmental Protection Regulations 1987 does not require licensing from the DER. The facility therefore cannot be considered as having the same detrimental effect as a large industrial abattoir.*

*Whilst the current zoning and Subdivision Guide Plan (SGP) have existed for 15 years, the current facility at Lot 5 Butcher Road has been in operation for longer. The ongoing operation of this facility does not prejudice the subdivision of Wungong Brook, it would in fact be poor planning to refuse to grant approval to this application on the supposition that subdivision of this land may occur in the future.*

Land Use Conflicts

Concerns were raised that residential development further north were being hampered by the existence of the poultry farm and the abattoir. It was also submitted that Council should consider the strategic location of the existing industries in relation to the Perth to Sub Regional Structure Plan which has identified the surrounding land as potential future urban land use with the exception of the four lots that currently contain the semi-rural uses. In that regard it was suggested Council submits a request through the advertising process to include the four lots in the precinct earmarked for urban future urban potential.

Applicant response:

*The 'Noxious Industry' described is not 'being established'; it has been present on the subject land for many years. The Perth to Peel Sub-Regional Structure Plan referred to in this submission is a draft only, and should therefore not prejudice any planning consideration. Rural land uses are considered to be the best and most appropriate use of rural land. Until such a time as a scheme amendment to rezone the subject land is undertaken, to residential or otherwise, speculation as to how the subject land is affecting the use of surrounding residential zoned land is superfluous.*

Shire officers comment:

It is noted that under the Western Australian Planning Commission's Draft Perth and Peel@3.5million – South Metropolitan Peel Sub-regional Framework, the subject site is within a small precinct identified as 'Rural', while surrounding properties are identified as 'Urban'. It is stated that this identification is to reflect the current form of development.

Given the existing future 'Rural' living and proposed future 'Urban' zones, Shire officers have considered that it is reasonable to recommend that any approval is granted on a time limited basis for a specified period. This will enable the use to be reconsidered when strategic planning considerations and timeframes are available.

**Statutory Environment:**

- Metropolitan Regional Scheme  
The site is zoned 'Rural' under the Metropolitan Regional Scheme
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2  
The site is zoned 'Rural' under the Town Planning Scheme
- Draft Perth and Peel@3.5million – South Metropolitan Peel Sub-regional Framework  
Identified as 'Rural'.

**Financial Implications:**

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

This may 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 State Administrative Tribunal proceedings.

### Alignment with our Strategic Community Plan:

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

### Planning Assessment:

#### Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2)

A 'knackery' falls under the 'noxious industry' which is defined under TPS 2 as follows:

Industry Noxious *means:*

*'an industry in which the processes involved constitute an offensive trade within the meaning of the Health Act, 1911 (as amended), but does not include a fish shop, dry cleaning premises, marine collectors yard, laundromat, piggery or poultry farm.'*

In terms of Table 1 of TPS 2, Industry – Noxious is categorised as an 'SA' use.

*'SA means that the Council may, at its discretion, permit the use after notice of the application has been given in accordance with Clause 6.3.'*

The proposed uses are consistent with the definition and use class under TPS 2 and can be considered within the rural zone.

#### Rural Strategy Review 2013

The subject land is identified as 'Farmlot' in the Rural Strategy Review 2013. The policy area is essentially another form of rural living with larger parcels of land that provides opportunities for development that maintains rural character, commercial use of the land and appropriate land management.

It is considered that the proposed change of use does not fully detract from the intentions of the policy area. It is noted that the rural strategy while the subject land is proposed to be included within the Farmlot Policy Area in in the draft Rural Strategy Review (2013) as adopted by the Shire, the draft Rural Strategy Review has not been certified by the WAPC.

### 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 approve the application.

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

A 'Noxious Industry' is a discretionary use in the 'Rural' zone which means Council may permit the use at its discretion after all the necessary consultation has been done in accordance with the scheme provisions. The operation is considered to be of relatively small scale and is unlikely to have a significant effect on the environment. The application contains reasonable measures to be implemented to minimize offsite impacts on surrounding properties to provide an acceptable level of amenity in a 'Rural' zone. Accordingly it is recommended that approval be granted for the change of use subject to conditions.

## Attachments

- [OCM147.1/08/15](#) - Odour Impact Assessment (E15/3719)
- [OCM147.2/08/15](#) - Environment Assessment and Management Plan (E15/3718)
- [OCM147.3/08/15](#) – Summary of Submissions (E15/3353)

**Voting Requirements:** Simple Majority

**Councillor Hawkins foreshadowed she would move a new motion that removed conditions 1b and Part 2 from the Officers Recommendation if the motion under debate is lost.**

## OCM147/08/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Moore, seconded Cr Wilson

That Council:

1. Approves the application submitted by Altus Planning & Appeals on behalf of the landowner Ross Waddell, for change of use (Noxious Industry) on Lot 5 (#49) Butcher Road, Darling Downs subject to the following conditions:
  - a. This approval relates only to the proposed 'Noxious Industry' (Knackery), as indicated on the approved plans. It does not relate to any other development on this lot. This planning approval supersedes the current approval dated 14 October 1980.
  - b. This approval is valid for a period of ten (10) years from the date of approval being granted.
  - c. The maximum number of animals shall not exceed the stocking rate guidelines set in the Department of Agriculture and Food Western Australia for the applicable land use.
  - d. The applicant shall not be permitted to process more than 1000 tonnes of pet meat per year.
  - e. Retail sales of less than 4.5 kilograms shall not be permitted.
  - f. All development and operational activities shall be carried out in accordance with the Environment Assessment and Management Plan prepared by Talis Consultants Pty Ltd and dated April 2015 attached to and forming part of this approval.
  - g. The development shall be in accordance with the dust management measures contained in the Environment Assessment and Management Plan prepared by Talis Consultants Pty Ltd and dated April 2015, so as to minimise dust emissions and ensure that visible dust is not emitted beyond the boundaries of the development site.
  - h. The development shall be in accordance with the odour management measures contained in the Environment Assessment and Management Plan prepared by Talis Consultants Pty Ltd and dated April 2015.

- i. The applicant shall submit an annual compliance report to the Shire of Serpentine - Jarrahdale by 31 March each year.
- j. The development shall be in accordance with the noise management measures contained in the Environment Assessment and Management Plan prepared by Talis Consultants Pty Ltd and dated April 2015 forming part of this approval.
- k. The hours of operation of the business shall be restricted to 6.00am to 4.00pm Monday to Friday and 6.00am to 11.00am on Saturdays. Operation of business on Sunday and public holidays is not permitted.
- l. A landscape and Vegetation Management Plan addressing screening and windbreak requirement to the Shire's satisfaction shall be submitted and approved by the Director Engineering and thereafter be implemented in its entirety within 24 months.

**Advice Notes:**

- a. The landowner is advised this is a Planning Approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements.
  - b. The landowner / occupier is required to comply with Council's annual Firebreak Notice and Fuel Hazard Reduction Notice.
  - c. The landowner is advised that an application for an offensive trade license pursuant to the *Health Act 1911*, is required.
  - d. The landowner is advised that a licence is required under Section 5C of the *Rights in Water and Irrigation Act 1914* for the take and use of groundwater, excluding domestic use.
  - e. With regard to condition (i) the annual compliance report shall include an internal compliance audit of all the development approval conditions and Environmental Assessment and Management Plan to the satisfaction of the Director Planning. The annual report shall also provide details of complaints and complaint responses.
  - f. All firebreaks, strategic firebreaks and gates are to conform to the requirements of Councils' firebreak notice and be installed by the developer at their expense prior to approval.
  - g. The applicant is advised that a 'Treated Wastewater Management Plan' must be approved by the Department of Environment Regulation.
2. Refer the proposal to the Western Australian Commission for determination pursuant to Schedule 1(b) of the Instrument of Delegation *Planning and Development Act 2005* (Government Gazette No 83).

LOST 9/0

**OCM147/08/15 COUNCIL DECISION / New Motion:**

Moved Cr Hawkins, seconded Cr Wilson

That Council:

1. Approves the application submitted by Altus Planning & Appeals on behalf of the landowner Ross Waddell, for change of use (Noxious Industry) on Lot 5 (#49) Butcher Road, Darling Downs subject to the following conditions:



- a. This approval relates only to the proposed 'Noxious Industry' (Knackery), as indicated on the approved plans. It does not relate to any other development on this lot. This planning approval supersedes the current approval dated 14 October 1980.
- b. The maximum number of animals shall not exceed the stocking rate guidelines set in the Department of Agriculture and Food Western Australia for the applicable land use.
- c. The applicant shall not be permitted to process more than 1000 tonnes of pet meat per year.
- d. Retail sales of less than 4.5 kilograms shall not be permitted.
- e. All development and operational activities shall be carried out in accordance with the Environment Assessment and Management Plan prepared by Talis Consultants Pty Ltd and dated April 2015 attached to and forming part of this approval.
- f. The development shall be in accordance with the dust management measures contained in the Environment Assessment and Management Plan prepared by Talis Consultants Pty Ltd and dated April 2015, so as to minimise dust emissions and ensure that visible dust is not emitted beyond the boundaries of the development site.
- g. The development shall be in accordance with the odour management measures contained in the Environment Assessment and Management Plan prepared by Talis Consultants Pty Ltd and dated April 2015.
- h. The applicant shall submit an annual compliance report to the Shire of Serpentine - Jarrahdale by 31 March each year.
- i. The development shall be in accordance with the noise management measures contained in the Environment Assessment and Management Plan prepared by Talis Consultants Pty Ltd and dated April 2015 forming part of this approval.
- j. The hours of operation of the business shall be restricted to 6.00am to 4.00pm Monday to Friday and 6.00am to 11.00am on Saturdays. Operation of business on Sunday and public holidays is not permitted.
- k. A landscape and Vegetation Management Plan addressing screening and windbreak requirement to the Shire's satisfaction shall be submitted and approved by the Director Engineering and thereafter be implemented in its entirety within 24 months.

**Advice Notes:**

- a. The landowner is advised this is a Planning Approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements.
- b. The landowner / occupier is required to comply with Council's annual Firebreak Notice and Fuel Hazard Reduction Notice.
- c. The landowner is advised that an application for an offensive trade license pursuant to the *Health Act 1911*, is required.
- d. The landowner is advised that a licence is required under Section 5C of the *Rights in Water and Irrigation Act 1914* for the take and use of groundwater, excluding domestic use.
- e. With regard to condition (i) the annual compliance report shall include an internal compliance audit of all the development approval conditions and Environmental

**Assessment and Management Plan to the satisfaction of the Director Planning. The annual report shall also provide details of complaints and complaint responses.**

- f. All firebreaks, strategic firebreaks and gates are to conform to the requirements of Councils' firebreak notice and be installed by the developer at their expense prior to approval.**
- g. The applicant is advised that a 'Treated Wastewater Management Plan' must be approved by the Department of Environment Regulation.**

**CARRIED 9/0**

**Council Note: Conditions 1b and Part 2 were removed from the Officers Recommendation as Council deemed these to be unfair to the applicant.**

<b>OCM148/08/15</b>	<b>L53 (#188) Comic Court Circuit, Darling Downs – ‘Outbuilding’ (garage) &amp; Retrospective ‘Outbuilding’ (Shed) (P05364/03)</b>
Author:	Rob Casella – Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	4 August 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Grid Construction  
 Owner: Ken Rhodes  
 Date of Receipt: 11 June 2015  
 Lot Area: 20,028  
 Town Planning Scheme No 2 Zoning: ‘Special Rural’  
 Metropolitan Region Scheme Zoning: ‘Rural’

### Introduction

The purpose of the report is to consider the development application for an ‘Outbuilding’ (garage) (identified as garage on the site plan) and existing shelter.

The item is presented to Council for consideration due to the combined floor area permitted under Local Planning Policy No. 17 (LPP 17) being exceeded.



Arial View

### Background:

#### Existing Development:

The subject lot has a number of structures approved on the site, including a dwelling, an outbuilding (144m<sup>2</sup>) and a rainwater tank.

#### Retrospective Development:

There is an unauthorized outbuilding (retrospective outbuilding) located on the property measuring 65m<sup>2</sup> in area, and has been included as part of this application to bring the outbuilding into conformity with the Shire’s Town Planning Scheme No. 2 (TPS 2).

The retrospective structure is located 7.7m southwest from the existing dwelling, identified as *Existing Shelter* on the site plan (attached).

**Proposed Development:**

A planning application was lodged for the consideration of a 21m x 9m (189m<sup>2</sup>) 'Outbuilding' (garage) with a wall height of 3.6m and roof ridge height of 4.39m. The structure is to be located approximately 32m from the southern boundary (side) and 20m to the rear of the existing dwelling.

The 'Outbuilding' (shed) is to be constructed out of steel in a classic cream finish with manor red gutters to match the colour scheme of the existing structures on the property.

The applicant also provided the following justification for the proposed 'Outbuilding' (shed):

*"Please be advised our client required the additional roof cover to store Vintage and Historic Cars, he is an avid collector and requires the space to make sure the vehicles don't deteriorate."*

*Mr. Rhodes wishes to have the extra cover as he does not work or rebuild the vehicles at the property, simply storage of his collection."*

**Relevant Previous Decisions of Council:**

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

**Community / Stakeholder Consultation:**

The application has been referred to the surrounding property owners, with the Shire receiving no submissions.

**Statutory Environment:**

- Metropolitan Regional Scheme  
The site is zoned 'Rural' under the Metropolitan Regional Scheme
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2  
The site is zoned 'Special Rural' under the Town Planning Scheme
- Local Planning Policy No. 17 – Residential & 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.

This may have a financial impact on the Shire as refusal may require the appointment of Planning Consultants and potential legal counsel to represent Council throughout the State Administrative Tribunal proceedings.

**Alignment with our Strategic Community Plan:**

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

**Planning Assessment:**

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

The following table has been extracted from Table 3.2 of LPP 17:

	Floor Area	Wall Height	Roof Height
LPP17: Special Rural	200m <sup>2</sup>	4.0m	6.0m
Proposed	189m <sup>2</sup>	3.6m	4.39m
Retrospective	65m <sup>2</sup>	3.5m	4.3m
Existing (approved)	132.2m <sup>2</sup>	3.7m	4.7m

The permitted floor area is 200m<sup>2</sup>, the applicant is proposing 189m<sup>2</sup> outbuilding, the combined floor area of the existing and retrospective outbuilding equates to 386.2m<sup>2</sup> being 186.2m<sup>2</sup> over the prescribed area of 200m<sup>2</sup>.

*Retrospective 'Outbuilding' (shed)*

The existing 'Outbuilding' (shed) identified on the site plan, has been on the property since 2013.

The colours and location of the 'Outbuilding' (shed), in contrast with the existing dwelling and approved outbuilding, are considered to complement the site, therefore having no negative impacts.

*Proposed 'Outbuilding' (Garage)*

The proposal for a 189m<sup>2</sup> shed is located directly behind the existing dwelling. The structure is to be built in a colour which is deemed to be site responsive and sympathetic context of the surrounding locality, whilst complementing the existing development contained on the site.

The shed is for the storage of a number of motor vehicles, with the applicant confirming that no mechanical or servicing works will be carried out on site.

Whilst undertaking the planning assessment of the site, it is considered that the proposed outbuilding is deemed to be suitably screened from the surrounding properties and local road network, having no negative impact on the amenity of the special rural locality within Darling Downs.

**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 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 proposal for a 189m<sup>2</sup> 'Outbuilding' (garage) and 65m<sup>2</sup> retrospective 'Outbuilding' (shed) has been determined to exceed the floor area contained within the Shire's Local Planning Policy No.17. However, it is deemed to satisfy the Shire's planning principles by being located so as to reduce visual or amenity impacts and is for the purpose of garaging a number of historic and vintage vehicles and not for any commercial or industrial operations.

**Attachments:**

- [OCM148.1/08/15](#) – Development Application (E15/3685)
- [OCM148.2/08/15](#) – Site Plan (IN15/13563)

**Voting Requirements:** Simple Majority

**OCM148/08/15 COUNCIL DECISION / Officer Recommendation:****Moved Cr Wilson, seconded Cr Moore**

That Council approves the application submitted by Grid Constructions on behalf of the landowner(s) Ken Rhodes for an outbuilding (garage) and retrospective outbuilding (shed) on Lot 53 (#188) Comic Court Circuit, Darling Downs, subject to the following conditions:

- a. This approval relates only to the proposed 'Outbuilding' (garage) and retrospective 'Outbuilding' (shed), as indicated on the approved plans. It does not relate to any other development on this lot.
- b. If the development referred to in (1) above is not substantially commenced within a period of two (2) years from the date of this approval, the approval shall lapse and be of no further effect.
- c. The 'Outbuilding' 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.
- d. All existing native trees and / or revegetated areas on the subject lot shall be retained and shall be protected from damage prior to and during construction unless part of this or a separate planning approval.
- e. The landowner shall ensure all activities related to the construction of the development (such as but not limited to, storage of building materials and contractor vehicles) shall be contained wholly within the lot boundaries.
- f. All storm water shall be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is not permitted.
- g. The development shall not to be located within 1.2 metres of any existing septic tank or 1.8 metres of a leach drain.
- h. Prior to use or such period as approved by the Director Planning all driveway surfaces shall be constructed of a hardstand material such as concrete, brick paving or bitumen to the satisfaction of the Director Planning.

**Advice Notes:**

- a. The landowner is advised this is a Planning Approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements.
- b. The landowner is advised that the use of brush or fern fencing is not permitted in the Shire due to the extreme bush fire danger of the locality as per Shire's Fencing Local Laws.
- c. Retaining wall(s) shall be constructed to the Shire's specifications, where fill adjoining a property boundary exceeds 300mm above the existing ground level.
- d. The landowner / occupier shall be required to comply with Council's annual Firebreak Notice and Fuel Hazard Reduction Notice.

**CARRIED UNANIMOUSLY**

**Councillor Wilson left the meeting at 7.30pm**

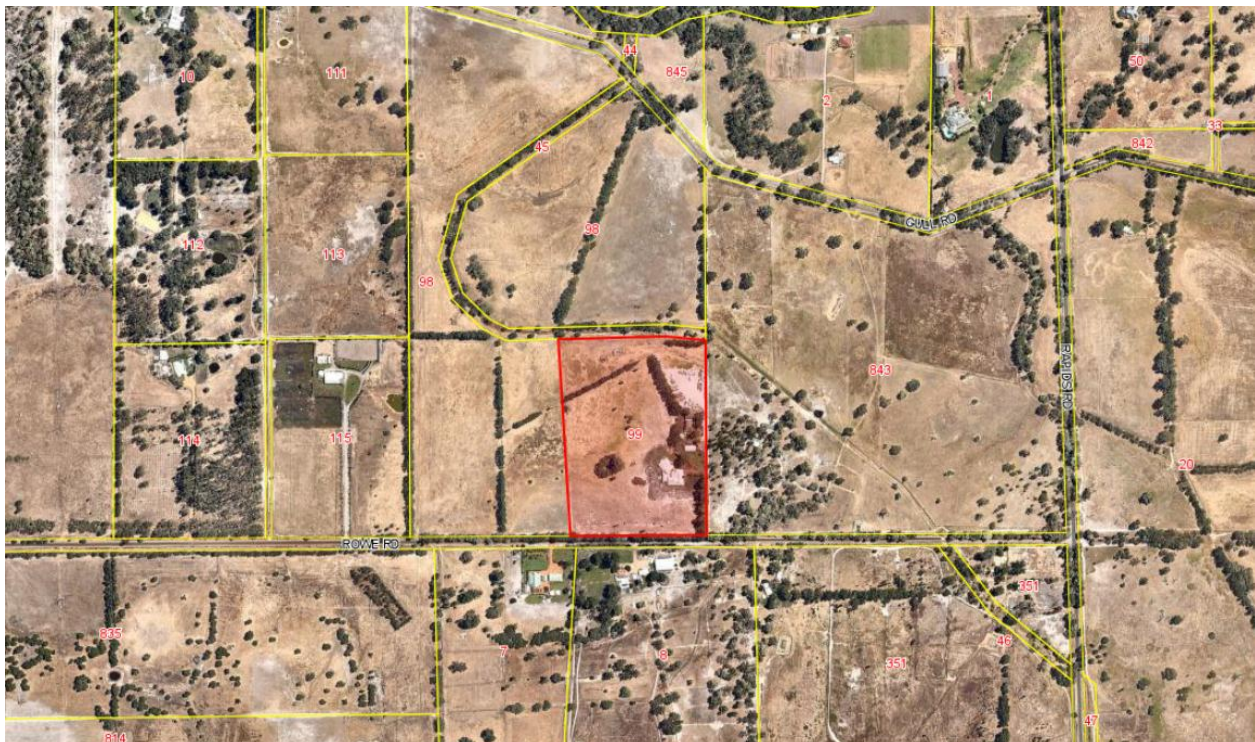
<b>OCM149/08/15</b>	<b>Lot 99 (#62) Rowe Road, Serpentine – Retrospective Storage facility for Caravans and Trucks (P07921/06)</b>
Author:	Rob Casella – Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	13 July 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Owner: Janet & Peter Pacey  
 Date of Receipt: 15 May 2015  
 Lot Area: 80 089 m<sup>2</sup> (8ha)  
 Town Planning Scheme No 2 Zoning: 'Rural'  
 Metropolitan Region Scheme Zoning: 'Rural'

**Introduction**

The purpose of the report is to consider the retrospective development application for the parking of 30 boats and caravans with associated trailers, as well as for the parking of two (2) prime mover trucks with two (2) associated trailers each on Lot 99 (#62) Rowe Road, Serpentine.

The subject land use has received objections from the surrounding property owners and is therefore referred to Council for consideration.



Aerial View

**Background:**Existing Development:

The site currently has an approved dwelling, an ancillary accommodation and swimming pool. Also located on the property are a number of outbuildings, totalling approximately 400m<sup>2</sup> in floor area, and two rainwater tanks, all located in the south eastern portion of the property.

**Proposed Development:**

The retrospective proposal is to maintain a hardstand surface area, setback 3m along the eastern (side) boundary and 64m from the northern (rear) boundary for the parking and storage of up to 30 vehicles plus a number of commercial vehicles and associated trailers and sea containers only.

The area of the existing hardstand measures approximately 4,600m<sup>2</sup> with a nil boundary setback from the eastern side boundary.

The applicant requires the hardstand area for the storage of up to 30 vehicles at any one time, in addition to the two (2) prime movers and associated trailers (x4) and three (3) sea containers.

The 30 vehicles proposed to be stored on the site are considered to be part of a commercial operation, which permits vehicle owners to store their recreational vehicles on the subject lot for extended periods of time and retrieve the vehicles on a needs basis.

The two (2) prime movers and associated trailers (x4) are considered to be associated with the primary business operations of the occupants of the dwelling. The operating times of the commercial vehicles are inconsistent as jobs are primarily destined for the north-west regions of Western Australia.

The proponent has stated that no fuel is to be stored on site, as well as no mechanical repairs undertaken on the property, only daily checks of the prime movers.

**Relevant Previous Decisions of Council:**

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

**Community / Stakeholder Consultation:**

The application has been referred as follows:

Community Consultation:

Community consultation was undertaken which resulted in a total of 4 submissions being received.

- 4 objections where received.

The objectors have raised the following:

- Traffic Concerns
- Operating Times
- Noise
- Visual amenity
- Inconsistent with Rural Zone

**Traffic Concern**

The concerns raised included the current condition of Rowe Road, being a single bitumen lane, common to that of a rural locality, therefore not conducive to supporting heavy trucks as the bitumen roadway is not wide enough, with the edge of the bitumen in disrepair.

Additional concerns regarding the turning ability into the property for trucks. It is believed to have resulted in the damage of the road adjacent to the existing gateway to the subject property, rearing it unsuitable for such vehicles.



Further, a neighbouring property owner raised concerns about safety as a result of the lack of visibility of traffic for operators / customers when entering and exiting the subject property.

Shire officers response:

The requirement for multiple commercial vehicles and attached trailers to be entering and exiting the local road network is not suited for the current location given the current road design and speed limits applicable.

#### Operating Times

Concerns raised identified that trucks were entering and exiting the property at all hours of the day and night in excess of the two prime movers subject of this application, ultimately creating amenity concerns for those who live in proximity to the subject lot and those lots directly fronting onto Rowe Road.

Shire officers response:

From a planning perspective, it is considered difficult to reduce the potential impact produced by the commercial vehicle movements, as the applicant does not have set hours of when the vehicles will be in operation, as freight jobs will vary in terms of distance and time, as work is usually carried out to the north west regions of Western Australia.

It is determined that the commercial vehicle movements will continuously cause amenity issues due to the times of operation, especially as the trucking business grows, as what seems to be the case, since the application has been lodged, from inspection of the property.

#### Noise

Excess noise pollution has been experienced by surrounding property owners, resulting from the infrequency of the truck movements, being of all hours of the day and night.

Shire officers response:

The proposal currently is operating outside of usual operating times, impacting on the amenity of surrounding residences within the 'Rural' zone.

Given this, it is considered that such a noise issue may be more appropriate within a more intensive zone associated with that of an industrial land use, or a land use that is closer to a high freight road network, as opposed to a quite rural retreat, as is the case of the locality of the subject lot which has lots ranging from 7ha to 20ha in direct proximity.

#### Visual Amenity

Concerns of visual amenity were associated with the storage facility being clearly visible from neighbouring residences and passing traffic along both Rowe Road and Rapids Road, detracting from the rural surroundings, stating that the facility is unsightly and borders on being visual pollution.

Shire officers response:

Upon inspection of the subject site and retrospective facility, it is evident that an expanding compound is developing, of which can be viewed when travelling down Rapids Road, which is approximately 0.6km's away.

Additionally, as evident in Diagram 1, it's confirmed that the retrospective development encroaches onto the adjoining property, with a hardstand surface being laid and trucks and associated trailers parked over the boundary line, therefore preventing any measures being implemented, such as vegetation screens, to reduce the potential visual impact from the surrounding road networks and adjoining properties. This is also in contradiction to the applicant's submission, which identifies a 3m setback from the side (east) boundary, as well as the mandatory Emergency Services Firebreak requirements.



Diagram 1 – East Boundary

#### Inconsistent with Rural Zone

The retrospective land use was identified as being inconsistent with the 'Rural' zone and the operation would be more appropriate within an industrial zone.

#### Shire officers response:

The proposed land use is considered to be an intensive land use given the volume of vehicles currently being parked there, which is in excess of the submitted development application.

The proposed development is deemed to be inconsistent with the objectives of the 'Rural' zone.

#### **Statutory Environment:**

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

#### **Financial Implications:**

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

This may have a financial impact on the Shire as refusal may require the appointment of Planning Consultants and potential legal counsel to represent Council throughout the State Administrative Tribunal proceedings.

**Alignment with our Strategic Community Plan:**

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

**Planning Assessment:**

Zoning:

The Site is zoned ‘Rural’ under the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2). In terms of Table 1 of TPS 2, the proposed development is most closely associated with that of a ‘Transport Depot’ of which is categorised as an ‘SA’ use.

*‘SA means that the Council may, at its discretion, permit the use after notice of the application has been given in accordance with Clause 6.3.’*

*‘Transport Depot – means land or buildings designed or used for one or more of the following purposes:*

- (a) The parking or garaging of more than one commercial vehicle used or intended for use for the carriage of goods (including livestock) or persons.”*

The proposed *Transport Depot*, being an ‘SA’ use within the ‘Rural’ zone, for the purpose of storing recreational vehicles as part of a commercial operation, as well as the parking of two commercial vehicles and associated trailers, which are associated with the occupants transport business, is considered to be a highly sought after facility as residential properties are becoming smaller and surrounding Local Governments increasing the restriction of parking such vehicles on council verges.

The land use, in its entirety, is deemed to be too intensive within the rural context.

Local Planning Policy No.17 (LPP 17) – Residential and Incidental Development, Table 3.1 specifies the minimum setback requirements for development to take place from the property boundaries, being 10m from the side boundaries and 20m from the front and rear boundary.

Additionally, the applicant is witnessed to be storing equipment that is not identified in the development application, specifically a number of skip bins, unlicensed damaged vehicles, building rubble and truck trailers with cargo attached as depicted in Diagram 2 & 3, as well as parking vehicles extended past the allocated hardstand area.



Diagram 2



Diagram 3

Technical Officer Comment:

Health:

Dust impacts may be caused from vehicles using the access road and hardstand area. It is noted that the access road and hardstand area abuts the eastern boundary. It is recommended that vegetation screening is planted along the eastern boundary to mitigate any potential dust issues.

Noise impacts from vehicles entering and leaving the site may cause a nuisance if not managed. The applicant states that storage will be long term and therefore vehicles will not be entering the leaving each day. Servicing of vehicles on-site should not be permitted.

Emergency Services:

From an aerial perspective the applicant is not complying with firebreak requirements as the sea container appears to be parked on the boundary.

The proposed use does not appear to be consistent with the surrounding area.

Strategic Planning

The subject site is identified within the Farmlet Policy Area under the Rural Strategy Review 2013, adopted by Council in July 2014. The proposed use is in conflict with the objectives of the Farmlet Policy Area under the Rural Strategy Review 2013 which promotes rural living and some limited form of agricultural uses.

It is noted that under the WAPC's Perth and Peel@3.5million – South Metropolitan Peel Sub-regional Planning Framework, the subject site is identified as Rural.

The proposed development is not consistent with the objectives of the Farmlet Policy Area as specified in the Rural Strategy Review 2013.

Engineering

- Rowe Road is a narrow road with low traffic volumes of less than 300 vehicles per day;
- Crossovers to be constructed and maintained in accordance with engineering specifications to the satisfaction of the Director Engineering;
- Turning Radius of crossover to be of a size suitable for large trucks to the satisfaction of the Shire;
- The width of the crossover shall be sufficient to accommodate two trucks (one entering and one existing the site);

- The maximum speed limit of 20 km per hour shall be applied to all internal roads, driveways and vehicle access ways and signs in this regard shall be displayed at the entrances of the site; and
- All internal roadway surfaces are to be constructed of a suitable material such as paving, road base, limestone or coarse gravel and compacted to limit the generation of dust.

### Building Design and Location

The location of the hardstand surface area for the parking and storage facility is located in a position that encroaches on the neighbouring property boundary, causing significant amenity issues that have caused the adjoining land owner to establish a suitable vegetation screen along the boundary line to reduce the visual impact of the expanding facility. This is contrary to the minimum setback distances required for the Rural zone, as specified in LPP 17, of which are applied so as to prevent or reduce the potential impact on amenity from a development, on an adjoining property.

The location of the hardstand and parked vehicles impedes on the minimum 3m firebreak, which is currently obstructing the possibility for emergency vehicles to have free access around the perimeter of the property.

### Access

As identified by the Shire's Engineering Department and the comments raised by the surrounding land owners, the development is experiencing issues regarding damage to the road and encroaching crossover from the subject lot.

It is considered that Rowe Road is not suitably designed for the proposed vehicle movements, as such, it is deemed the retrospective land use poses a danger to the safety of local road users.

### Drainage

The hardstand surface is a compacted limestone base which has hardened to a virtually impermeable surface. With the hardstand surface along the common property boundary and no drainage measures implemented, stormwater is likely to drain on the adjoining property rather than being disposed of on site.

### **Options and Implications:**

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

Option 1: Council may resolve to refuse the application.

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

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

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

Option 1 is recommended.

### **Conclusion:**

The proposed land use of a 'Transport Depot' along Rowe Road in Serpentine is considered to be an intensive land use in the 'Rural' zone, detracting from the traditional rural landscape and land uses generally associated with a rural transport depot.

The existing context of the 'Rural' zone and associated road network is not capable of accommodating such an intensive land use.

**Attachments:**

- [OCM149.1/08/15](#) - Site Plan, Cross Sections and Locality Plan (IN15/9858)
- [OCM149.2/08/15](#) - Schedule of Submissions (E15/3724)

**Voting Requirements:** Simple Majority

**OCM149/08/15 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Hawkins, seconded Cr Rossiter**

**That Council refuses the application from Janet Pacey, to develop a ‘Transport Depot’ at Lot 99 (#62) Rowe Road, Serpentine for the following reasons:**

**a. The proposal is contrary to the objectives of the ‘Rural Zone’ of the Shire, which states that:**

**“The purpose and intent of the ‘Rural Zone’ is to allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme Area.”**

**b. The proposed land use is deemed to be more suitable for an Industrial Zone.**

**c. The proposal has a detrimental impact on the amenity of the area.**

**d. The proposal has a detrimental impact on the character of the area.**

**e. Rowe Road is not constructed/designed to accommodate heavy vehicle movements.**

**CARRIED UNANIMOUSLY**

**Councillor Wilson returned to the meeting at 7.31pm**

<b>OCM150/08/15</b>	<b>Lot 25 (#30) Gibson Top, Oakford – Proposed Ancillary Accommodation (P05110/04)</b>
Author:	Marcel Bridge - Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	22 July 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Glen Bolger  
 Owner: Katherine Janet Scupham & Dwayne William Allen  
 Date of Receipt: 19 June 2015  
 Lot Area: 20,088m<sup>2</sup>  
 Town Planning Scheme No 2 Zoning: 'Rural Living A'  
 Metropolitan Region Scheme Zoning: 'Rural'

### Introduction

The purpose of the report is to consider the development application for an 'Ancillary Accommodation' on Lot 25 (#30) Gibson Top, Oakford (the site).

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



Aerial Reference

### Background:

#### Existing Development:

The development application for an Ancillary Accommodation was received on the 19<sup>th</sup> June 2015. The subject property zoned Rural Living A is 20,088m<sup>2</sup> in size and features an approved residential dwelling, swimming pool, sheds and water tank.

**Proposed Development:**

The proposed Ancillary Accommodation development is located central to the lot behind the main residential dwelling.

The proposed Ancillary Accommodation features the following: Floor Area of 99.841m<sup>2</sup> (Total O/A 11.9 metres (Width) x 18.39)

**Relevant Previous Decisions of Council:**

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

**Community / Stakeholder Consultation:**

The subject application was advertised to adjoining land owners deemed affected. No objections were received during the notice period of 21 days.

**Statutory Environment:**

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

**Financial Implications:**

There are no direct financial implications regarding this matter.

**Alignment with our Strategic Community Plan:**

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

**Planning Assessment:**

In terms of LPP 17 – Residential and Incidental Development, the proposed 'Ancillary Accommodation' does not comply with the following aspect of the policy:

- Connection to main dwelling: 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. In this regard the proposed 'Ancillary Accommodation' is not proposed under the same roof and is located 18m from the existing dwelling.

**Impact of variation:**

Given the size of the lot 20 088m<sup>2</sup> (2ha) the existing development and vegetation on the site will largely screen the proposed 'Ancillary Accommodation' from the primary street. The proposed 'Ancillary Accommodation' is to share the same access as the primary dwelling. Shire officers are of the opinion that the proposed variation will not result in a negative impact on the amenity or character of the 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 the State Administrative Tribunal which may not be able to be successfully argued
- Option 1 is recommended.



**Conclusion:**

The proposed 'Ancillary Accommodation' has been assessed against LPP 17 and is deemed not to have any negative impact on the overall amenity and surrounding area of Oakford.

**Attachments:**

- [OCM150.1/08/15](#) - Locality Plan, Site Plan and Elevations (IN15/12352)

**Voting Requirements:** Simple Majority

**OCM150/08/15 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Rossiter, seconded Cr Moore**

**That Council approves the application submitted by Glen Bolger on behalf of the landowner(s) Katherine Janet Scupham & Dwayne William Allen Lot 25 (#30) Gibson Top, Oakford, subject to the following conditions:**

- a. This approval relates only to the proposed 'Ancillary Accommodation', as indicated on the approved plans. It does not relate to any other development on this lot.**
- b. If the development referred to in (1) above is not substantially commenced within a period of two (2) years from the date of this approval, the approval shall lapse and be of no further effect.**
- c. All existing native trees and / or revegetated areas on the subject lot shall be retained and shall be protected from damage prior to and during construction unless part of this or a separate planning approval.**
- d. The landowner shall ensure all activities related to the construction of the development (such as but not limited to, storage of building materials and contractor vehicles) shall be contained wholly within the lot boundaries.**
- e. Hot water systems, plumbing pipes, air conditioners and the like shall be installed to prevent loss of amenity to any neighbouring property by their appearance, noise, emission or otherwise, to the satisfaction of the Director Planning.**
- f. All storm water shall be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is not permitted.**
- g. Prior to occupation of the development, the landowner shall install an approved effluent disposal system.**

**Advice Notes:**

- a. The landowner is advised this is a planning approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements.**
- b. The landowner is advised that the use of brush or fern fencing is not permitted in the Shire due to the extreme bush fire danger of the locality as per Shire's Fencing Local Laws.**
- c. The landowner / occupier shall be required to comply with Council's annual Firebreak Notice and Fuel Hazard Reduction Notice.**

**CARRIED UNANIMOUSLY**

<b>OCM151/08/15</b>	<b>Consideration for the Rescission of Various Local Planning Policies (SJ234; SJ233; SJ1128; SJ1141; SJ1144; SJ1150; and SJ1494)</b>
Author:	Moe Moe Myint – Senior Strategic Planner
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	28 July 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

### Introduction:

Local planning policies are periodically reviewed to ensure they maintain relevance to the Shire and reflect contemporary planning practices. This report is presented to Council to consider the rescission of the following local planning policies:

Local Planning Policy No. 1.0 – Serpentine Jarrahdale Shire Planning Framework (LPP 1.0)  
 Local Planning Policy No. 01 – Bonds and Bank Guarantees (LPP 01)  
 Local Planning Policy No. 47 – Mundijong Whitby Interim Development (LPP 47)  
 Local Planning Policy No. 52 – Interim Developer Contributions – Western Byford (LPP 52)  
 Local Planning Policy No. 55 – Interim Developer Contributions – Eastern Byford (LPP 55)  
 Local Planning Policy No. 61 – Local Structure Plans (LPP 61)  
 Local Planning Policy No. 75 – Interim Developer Deeds – Byford Traditional Infrastructure Development Contribution Plan (LPP 75)

### Background:

#### Local Planning Policy No. 1.0 – Serpentine Jarrahdale Shire Planning Framework

LPP 1.0 is an administrative policy which outlines the framework for decision making regarding planning proposals and applications within the Shire and provides context on how local planning fits into the statewide planning system.

#### Local Planning Policy No. 01 – Bonds and Bank Guarantees

LPP 01 is an administrative policy relating to the registration and release of bonds and bank guarantees as part of ensuring compliance with the conditions of planning approvals. Since its adoption in 2001, there has been changes in the Shire's processes in that bonds are no longer accepted by the Shire and bank guarantees are used exclusively.

#### Local Planning Policy No. 47 – Mundijong Whitby Interim Development

To deliver the vision and objectives outlined within the Mundijong Whitby District Structure Plan, local structure plans are required to be prepared and adopted. LPP 47 covers the Urban Development zone of the District Structure Plan area; and was prepared to provide guidance to applications for development or use other than a single house, or to excise an existing dwelling from a larger parcel of land prior to the applicable local structure plan being adopted by Council.

#### Local Planning Policy No. 52 – Interim Developer Contributions – Western Byford and Local Planning Policy No. 55 – Interim Developer Contributions – Eastern Byford

Development Contribution Plans are prepared to facilitate the cost sharing of common infrastructure, land for public purposes and other items depicted within a development area. In the interim, until such time that a formal Development Contribution Plan is finalized, the Shire's Town Planning Scheme No. 2 allows for other arrangements satisfactory to the Shire, being established to attain developer contributions. LPP 52 and LPP 55 were prepared to provide guidance on interim developer contributions prior to the finalisation of the Byford Development Contribution Plan for the Byford District Structure Plan area.

### Local Planning Policy No. 61 – Local Structure Plans

LPP 61 outlines the content and requirements for the preparation of local structure plans to ensure that the information provided by proponents is sufficiently comprehensive, structured appropriately, and features the content necessary to address site related matters.

### Local Planning Policy No. 75 – Interim Developer Deeds – Byford Traditional Infrastructure Development Contribution Plan

Similar to LPP 52 and LPP 55, LPP 75 was prepared to enable development prior to the finalisation of the Byford Development Contribution Plan. For subdivision to occur in the absence of a Development Contribution Plan, developers were required to enter into Interim Development Deeds with the Shire, which secured the Development Contribution Plan future contribution liability for lots that were being subdivided.

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

SD121/06/11	Council resolved to adopt LPP 1.0
25 June 2001	Council resolved to adopt LPP 01 (unable to sight electronic copy of Council resolution)
OCM166/06/12	Council resolved to adopt with modifications LPP 47
SD044/09/11	Council resolved to adopt with modifications LPP 52
SD083/02/11	Council resolved to adopt LPP 55
SD008/07/11	Council resolved to adopt LPP 61
OCM020/08/13	Council resolved to adopt LPP 75

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

Should Council resolve to rescind LPP 1.0, LPP 01, LPP 47, LPP 52, LPP 55, LPP 61 and LPP 75 under Part 9.4 (b) of Town Planning Scheme No. 2 (TPS 2), a formal notice of rescission by the Council shall be published twice in a local newspaper which circulates in the local government district.

### **Comment:**

#### Local Planning Policy No. 1.0 – Serpentine Jarrahdale Shire Planning Framework

A review of LPP 1.0 has shown that while the policy provides a broad overview of the context in which planning decisions are made, the policy reproduces information from sources such as State Planning Policies, and the Shire's former Plan for the Future. It is considered that LPP 1.0 adds limited value to the Local Planning Policy Suite and it is recommended that the policy be rescinded.

#### Local Planning Policy No. 01 – Bonds and Bank Guarantees

LPP 01 is an administrative policy that is considered to be more appropriate as a Council policy. In addition, the existing policy does not reflect the current practice of exclusively using bank guarantees. It is recommended that LPP 01 be rescinded so that a Council policy on bank guarantees can be prepared and adopted.

#### Local Planning Policy No. 47 – Mundijong Whitby Interim Development

Clause 5.17 of TPS 2 requires structure plans for Urban Development zoned land while under Clause 5.18, the Shire is unable to recommend subdivision prior to an adopted local structure plan. With LPP 47, the Shire can consider and recommend approval; in the absence of a structure plan; subdivision applications in the policy area to excise an existing residence from a larger parcel of land, provided it complies with the policy provisions.

Following adoption of the policy, a subdivision application that met the provisions in LPP 47 to excise an existing dwelling from a larger lot, was refused by the Western Australian Planning Commission. Although the objectives of LPP 47 has merit, the policy conflicts with TPS 2, and with the Mundijong Whitby District Structure Plan, and Local Planning Policy No.

29 – Mundijong Planning Framework, both of which necessitates an adopted local structure plan before subdivision can be approved. It is recommended that LPP 47 be rescinded.

In TPS 2, the LPP 47 policy area has no R-code. LPP 47 requires development approval to be obtained for a single dwelling house, subject to the R10 density code of the *Residential Design Codes*. Rescinding the policy will remove the requirement for development approval for single residential development. Nevertheless, residential development in the policy area will still be subject to the R10 density code requirements as per Clause 5.4.2 (a) of TPS 2, which states that where there is no R-code, residential development is to be in accordance with the R10 density code except in the Special Rural, Rural Living A, Rural Living B, Farmlet and Rural zones where it is to be in accordance with the R2 density code. If LPP 47 is rescinded, Council will continue to have discretion in approving development or use other than a single house, as this is provided for in Clause 5.18.7 of TPS 2.

#### Local Planning Policy No. 52 – Interim Developer Contributions – Western Byford and Local Planning Policy No. 55 – Interim Developer Contributions – Eastern Byford

TPS 2 Amendment 168 (Byford Traditional Infrastructure Development Contribution Arrangement), which includes Byford within a development contribution area special control area and inserts the Byford Development Contribution Plan scope of works into Appendix 16A of TPS 2 was approved by Council on 29 June 2012. Final approval by the Western Australian Planning Commission was given on 14 January 2014 with gazettal on 21 January 2014. Once Amendment 168 was gazetted, LPP 52 and LPP 55 were no longer required. It is recommended that LPP 52 and LPP 55 be rescinded.

#### Local Planning Policy No. 61 – Local Structure Plans

A review of LPP 61 has shown that the policy consists of information reproduced from the Western Australian Planning Commission's *Structure Plan Preparation Guidelines* (Guidelines) and the *Structure Plan Digital Data and Mapping Standards* (Mapping Standards) and the Shire's TPS 2.

The Guidelines standardizes the scope, format and content of structure plans and details the information required to be provided for each type of structure plan. The Mapping Standards provide guidance on the use of digital data and maps in structure plans. The policy provisions of LPP 61, along with Appendix One and Schedule Two of LPP 61 consist of extracts from an earlier iteration of the Guidelines and Mapping Standards and is inconsistent with the current versions of these documents.

Schedule One of LPP 61 identifies issues to be addressed in structure plans and subdivision applications and lists the local planning policies related to a particular issue. As Schedule One merely directs readers to other Shire documentation, it would be better suited in the form of an Information Note rather than a local planning policy.

Clause 5.18 of TPS 2 requires structure plans to be prepared for Development Areas and details the process for adoption and amendment of structure plans. Appendix 15 of TPS 2 identifies the Development Areas for which structure plans are required and the provisions that are to be addressed. LPP 61 restates the need to address these requirements.

As the direction on the format and content of structure plans is provided through the Guidelines and Mapping Standards and the Shire specific requirements for structure plans is detailed in TPS 2, it is considered that LPP 61 represents a duplication of content and is not required. It is recommended that LPP 61 be rescinded.

#### Local Planning Policy No. 75 – Interim Developer Deeds – Byford Traditional Infrastructure Development Contribution Plan

Similarly to LPP 52 and LPP 55, once Amendment 168 was gazetted, LPP 75 was no longer required. All interim developer deeds that were entered into have now been acquitted. It is recommended that LPP 75 be rescinded.

**Conclusion:**

Local Planning Policy No. 1.0 – Serpentine Jarrahdale Shire Planning Framework:

It is recommended that LPP 1.0 be rescinded as it represents a reproduction of content in State Planning Policies and the Shire’s former strategic plan.

Local Planning Policy No. 01 – Bonds and Bank Guarantees:

It is recommended that LPP 01 be rescinded and a Council policy on bank guarantees be prepared.

Local Planning Policy No. 47 – Mundijong Whitby Interim Development:

It is recommended that LPP 47 be rescinded as it conflicts with TPS 2 and the Mundijong Whitby District Structure Plan.

Local Planning Policy No. 52 – Interim Developer Contributions – Western Byford:

It is recommended that LPP 52 be rescinded as it is no longer required.

Local Planning Policy No. 55 – Interim Developer Contributions – Eastern Byford:

It is recommended that LPP 55 be rescinded as it is no longer required.

Local Planning Policy No. 61 – Local Structure Plans:

It is recommended that LPP 61 be rescinded as it represents a reproduction of content in State Government guidelines and the Shire’s TPS 2.

Local Planning Policy No. 75 – Interim Developer Deeds – Byford Traditional Infrastructure Development Contribution Plan:

It is recommended that LPP 75 be rescinded as it is no longer required.

Rescission of the above local planning policies will assist in keeping the Local Planning Policy Suite relevant to the Shire and better aligned with current planning practices.

**Attachments:**

- [OCM151.1/08/15](#) – Local Planning Polices 1.0, 01, 47, 52, 55, 61 and 75 (E15/3808)

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

**Statutory Environment:**

Part IX - Local Planning Policies of Town Planning Scheme No.2 outlines the procedure for the rescission of a local planning policy. Part 9.4 (b) would be applicable in this instance should Council resolve to rescind LPP 1.0, LPP 01, LPP 47, LPP 52, LPP 55, LPP 61 and LPP 75. This is specified below -

**9.4 RESCISSION OF A LOCAL PLANNING POLICY**

A Local Planning Policy may be rescinded by:

- The preparation or final adoption of a new Policy pursuant to clause 9.3 specifically worded to supersede an existing Policy; and
- Publication of a formal notice of rescission by the Council twice in a local newspaper circulating in the local government district.

**Financial Implications:**

The Shire currently charges fees for planning applications for single residential development within the LPP 47 policy area. Rescinding LPP 47 may result in less applications being submitted to the Shire for consideration.

**Voting Requirements:** Simple Majority

**OCM151/08/15 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Moore, seconded Cr Hawkins**

**That Council**

- 1. Pursuant to Part 9.4 (b) of Town Planning Scheme No. 2 rescind the following Local Planning Policies;**
  - a. No. 1.0 – Serpentine Jarrahdale shire Planning Framework;**
  - b. No. 01 – Bonds and Bank Guarantees**
  - c. No. 47 – Mundijong Whitby Interim Development**
  - d. No. 52 – Interim Developer Contributions – Western Byford**
  - e. No. 55 – Interim Developer Contributions – Eastern Byford**
  - f. No. 61 – Local Structure Plans**
  - g. No. 75 – Interim Developer Deeds – Byford Traditional Infrastructure Development Contribution Plan**
- 2. Publish a formal notice of rescission twice in a local newspaper circulation in the local government district; and**
- 3. Advise the Western Australian Planning Commission accordingly.**

**CARRIED UNANIMOUSLY**

<b>OCM152/08/15</b>	<b>Review of Council Policy G808 – Public Question and Public Statement Time – Ordinary Council Meeting (SJ514-06)</b>
Author:	Karen Cornish – Governance Officer
Senior Officer/s:	Richard Gorbunow – Chief Executive Officer
Date of Report:	7 August 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

### Introduction

The purpose of this report is for Council to consider some further refinements to Council policy G808 Public Question and Public Statement Time – Ordinary Council Meeting.

### Background

Changes to this policy were adopted at the 6 July Ordinary Council meeting. This report provides some further refinements to some points in the policy that were causing some confusion to the community.

### Relevant Previous Decisions of Council

OCM100/06/15 – Review of policy G808 Public Question and Public Statement Time - Ordinary Council Meeting

### Community / Stakeholder Consultation

No community consultation is required.

### Comment

It is regulated and supported by Council that the public have the opportunity to attend and ask questions or make public statements at Council meetings. This revised policy reinforces this right and provides guidance to members of the public of Council's procedure for permitting questions and statements at public meetings. The policy also provides guidance for the Presiding Member to determine if questions or statements are appropriate or not.

Following the adoption of the revised Public Question and Statement Time policy that Council adopted on the 6 July 2015, the Shire was made aware of some points in the policy that were causing some confusion to the public, therefore the Shire seeks to refine these points in order to provide clear guidance to the public.

One of the changes proposed to this policy is to revise the cut off time for the lodgement of questions and statements from 5pm to 2pm. The lodgement of questions and statements prior to the meeting allows time to ensure proposed questions and statements are in accordance with the policy and in some instances may allow an opportunity to prepare a response that can be provided at the meeting.

### Attachments:

- [OCM152.1/08/15](#) – Current Policy G808 – Public Question or Public Statement Time – Ordinary Council Meeting (E15/2817)
- [OCM152.2/08/15](#) - Revised Policy G808 – Public Question or Public Statement Time – Ordinary Council Meeting (E15/3462)

### Alignment with our Strategic Community Plan:

Objective	Governance and Leadership
Key Action	Listening and Learning- "Use appropriate tools and methods to maximise opportunities for the community to access and participate in decisions made by Council."

### **Statutory Environment**

- *Local Government Act 1995*
- *Local Government (Administration) Regulations 1996*
- *Shire of Serpentine Jarrahdale Standing Orders (Local Law) 2002*

### **Financial Implications**

There are no direct financial implications regarding this matter.

**Voting Requirements**          Simple Majority

**OCM152/08/15          COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Erren, seconded Cr Piipponen**

**That Council adopt revised Policy G808 – Public Question and Public Statement Time - Ordinary Council Meeting as per attachment OCM152.2/08/15.**

**CARRIED 6/3  
Councillors Kirkpatrick, Rossiter and Urban requested their vote  
against the motion be recorded**



**COUNCIL DECISION:**

Moved Cr Hawkins, seconded Cr Piipponen

That the meeting be closed to members of the Public at 7.39pm to allow Council to discuss Confidential Item OCM153/08/15 – Organisational Review.

**CARRIED 9/0**

Members of the public were asked to leave the meeting whilst confidential item OCM153/08/15 was discussed. The doors were closed at 7.40pm.

<b>OCM153/08/15</b>	<b>Confidential Item – Organisational Review (SJ714)</b>
Author:	Allen Graham – Workforce Planning Consultant
Senior Officer/s:	Richard Gorbunow – Chief Executive Officer
Date of Report:	26 June 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

**Voting Requirements:** Simple Majority

**OCM153/08/15 COUNCIL DECISION / Officer Recommendation:**

Moved Cr Moore, seconded Cr Erren

That Council:

1. In accordance with Sections 5.2 and 5.36(1)(b) of the *Local Government Act 1995*, as amended, endorses the new Shire of Serpentine Jarrahdale Organisational Structure as per attachment OCM153.1/08/15.
2. Authorises the Chief Executive Officer to amend Policies as necessary to reflect new position titles.

**CARRIED 9/0**

**COUNCIL DECISION:**

Moved Cr Wilson, seconded Cr Rossiter

That the meeting be reopened to the public at 7.41pm.

**CARRIED 9/0**

Members of the public returned to the Chambers and the Presiding Member advised that item OCM153/08/15 was carried with a vote of 9/0.

## 10. Information Reports:

<b>OCM154/08/15</b>	<b>Chief Executive Officer Information Report (SJ1508)</b>
Author:	Kirsty Peddie – Executive Assistant
Senior Officer:	Richard Gorbunow - Chief Executive Officer
Date of Report:	7 August 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

### Introduction:

The purpose of this report 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:

- [OCM154.1/08/15](#) - Common Seal Register Report – July 2015 (E02/5614)
- [OCM154.2/08/15](#) – Outer Metro Growth Council Meeting Minutes – July 2015 (IN15/16219)

**Voting Requirements:** Simple Majority

**OCM154/08/15 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Wilson, seconded Cr Erren**

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

**CARRIED UNANIMOUSLY**

<b>OCM155/08/15</b>	<b>Confirmation of Payment of Creditors (SJ514-06)</b>
Author:	Vicki Woods - Finance Officer
Senior Officer/s:	Alan Hart - Director Corporate and Community
Date of Report:	3 August 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

### Introduction

The *Local Government (Financial Management) Regulations 1996* requires the local government to prepare a list of accounts paid by the Chief Executive Officer each month.

### 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 July 2015 to 31 July 2015, as per the attachment.

### Attachments

- [OCM155.1/08/15](#) - Creditors List of Account 1 July 2015 to 31 July 2015 (E15/3758)

### 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

### **OCM155/08/15      COUNCIL DECISION / Officer Recommendation**

**Moved Cr Erren, seconded Cr Piipponen**

**That Council accepts the payments authorised under delegated authority and detailed in the list of invoices for period of 1 July 2015 to 31 July 2015, as per attachment OCM155.1/08/15 - Creditor List of Accounts 1 July 2015 to 31 July 2015 including Creditors that have been paid and in accordance with the *Local Government (Financial Management) Regulations 1996*.**

**CARRIED 8/1**

<b>OCM156/08/15 Monthly Financial Report – July 2015 (SJ514-)</b>	
Author:	Kelli Hayward - Contract Financial Accountant
Senior Officer/s:	Alan Hart – Director Corporate and Community
Date of Report:	10 August 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

**Introduction:**

The purpose of this report is to 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:**

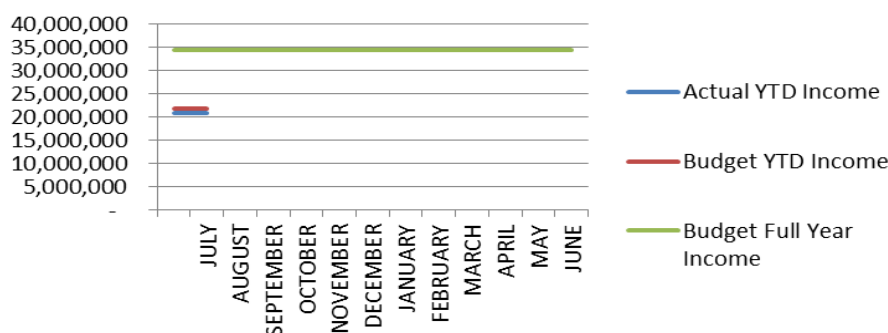
The period of review is July 2015, please note that 2014/15 year actuals are a preliminary result for the year as the Financial Statements for 2015 are still being finalised and as such the result may change.

The municipal surplus for this period is \$21,419,843 compared to a budget position of \$20,124,849. This is considered a satisfactory result for the Shire.

Income for the July 2015 period, year-to-date is \$20,948,672. The budget estimated \$21,771,156, would be received for the same period. The variance to budget is (\$822,484). Details of all significant variances are provided in the notes to the Statement of Financial Activity by Directorate.

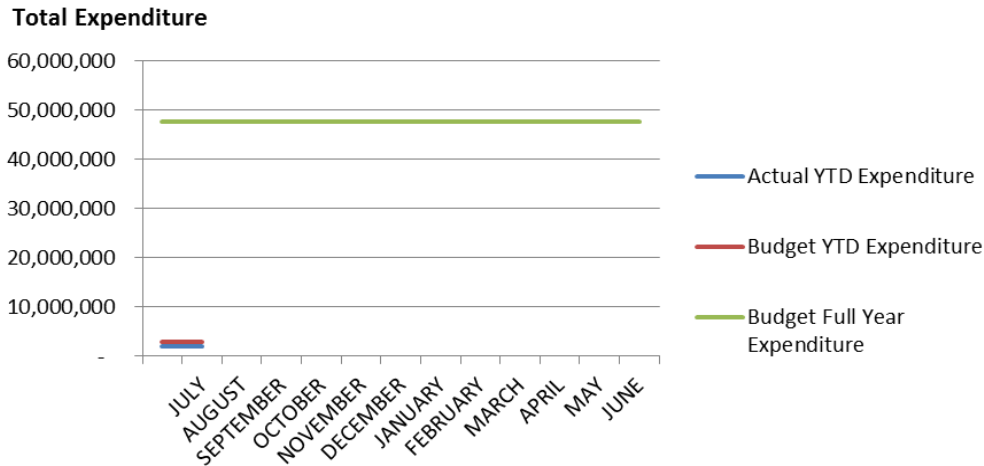
The following graph illustrates actual income to-date compared to the year-to-date budget.

**Total Income**



Expenditure for the July 2015 period, year-to-date is \$2,030,543. The budget estimated \$2,889,183 would be spent for the same period. The variance to budget is \$858,640. 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:**

- [OCM156.1/08/15](#) – Monthly Financial Report July 2015 (E15/3801)

**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

**OCM156/08/15 COUNCIL DECISION / Officer Recommendation:**  
**Moved Cr Wilson, seconded Cr Hawkins**  
**That Council accepts the Monthly Financial Report for July 2015, in accordance with Section 6.4 of the Local Government Act 1995.**  
**CARRIED UNANIMOUSLY**

<b>OCM157/08/15</b>	<b>Corporate and Community Information Report (SJ514-06)</b>
Author:	Elba Strijdom – PA to Director Corporate and Community Services
Senior Officer/s:	Alan Hart – Director Corporate and Community Services
Date of Report:	7 August 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

### Introduction

The purpose of this report 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

- [OCM157.1/08/15](#) – Delegated Authority Creditors Only for 1 July 2015 to 31 July 2015 (E15/3754)
- [OCM157.2/08/15](#) – Minutes of the Mundijong Community Association Inc. Management Group Meeting of 16 July 2015 (IN15/16052)
- [OCM157.3/08/15](#) – Tourism and Small Business Report for the period 10 June 2015 to 8 July 2015 (IN15/16054)
- [OCM157.4/08/15](#) – Minutes of the DDRA General Meeting held on 8 July 2015 (IN15/16057)

**Voting Requirements**                      Simple Majority

### OCM157/08/15                      COUNCIL DECISION / Officer Recommendation

Moved Cr Moore, seconded Cr Rossiter

That Council accept the Corporate and Community Services Information Report.

**CARRIED UNANIMOUSLY**

<b>OCM158/08/15</b>	<b>Planning Information Report (SJ514-04)</b>
Author:	Mary-Ann Toner - Personal Assistant to the Director Planning
Senior Officer:	Deon van der Linde – Acting Director Planning
Date of Report:	6 August 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

### 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

- [OCM158.1/08/15](#) - Planning, Building, Health, Rangers and Development Compliance – Delegated Authority Information Report (E15/3761)
- [OCM158.2/08/15](#) - Scheme Amendment, Local Planning Policies and Local Structure Plans (E12/3985)

**Voting Requirements**      Simple Majority

**OCM158/08/15      COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Wilson, seconded Cr Hawkins**

**That Council accept the Planning Information Report for July 2015.**

**CARRIED UNANIMOUSLY**



<b>OCM159/08/15</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:	7 August 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

**Introduction:**

The purpose of this report 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:**

- [OCM159.1/08/15](#) – Engineering Delegation of Authority Report, July 2015 (E15/3729)
- [OCM159.2/08/15](#) – Local Emergency Management Committee (LEMC) – Minutes, 23 June 2015 (E15/2483)
- [OCM159.3/08/15](#) – SJ Trails Incorporated Meeting – Minutes, 18 May 2015 (OC15/14734)
- [OCM159.4/08/15](#) – Reserves Advisory Group Meeting – Minutes, 20 May 2015 (OC15/14816)

**Voting Requirements:** Simple Majority

**OCM159/08/15 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Kirkpatrick, seconded Cr Rossiter**

**That Council accept the Engineering Services Information Report for August 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 7.48pm.

I certify that these minutes were confirmed at the  
Ordinary Council Meeting held on 14 September 2015

.....  
Presiding Member

.....  
Date