

TABLE OF CONTENTS

1.	ATTENDANCES & APOLOGIES (including Leave of Absence):	3
2.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE:	3
3.	PUBLIC QUESTION TIME:	5
4.	PUBLIC STATEMENT TIME:	6
5.	PETITIONS & DEPUTATIONS:	10
6.	PRESIDENT’S REPORT:	10
7.	DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:	10
8.	RECEIPTS OF MINUTES OR REPORTS AND CONSIDERATION FOR RECOMMENDATIONS:	10
	REPORTS OF COMMITTEES:	12
	SD053/10/11 PROPOSED MODIFICATION TO THE BYFORD MAIN PRECINCT (INCLUDING THE GLADES) LOCAL STRUCTURE PLAN (A2061)	12
	SD055/10/11 PROPOSED RURAL USE – LOT 843 RAPIDS ROAD, SERPENTINE (P00777/01)	18
	SD057/10/11 PROPOSED SHED - LOT 26 SOUTH WESTERN HIGHWAY, KEYSBROOK (P01557/01)	27
	SD058/10/11 PROPOSED OVERSIZE AND OVERHEIGHT SHED – LOT 41(15) RIGOLL COURT, MUNDIJONG (P03874/06)	35
	SD059/10/11 BUILDING REFORM (A1090)	41
	SD060/10/11 COMMUNITY SPORT AND RECREATION FACILITIES FUND SUBMISSION (A0141-02)	51
	CGAM023/10/11 MEMORANDUM OF UNDERSTANDING - SHIRE OF SERPENTINE JARRAHDAL AND DARLING DOWNS RESIDENTS ASSOCIATION (A0038-02)	55
9.	MOTIONS OF WHICH NOTICE HAS BEEN GIVEN:	59
	OCM017/10/11 WEST AUSTRALIAN CLUBMAN CUP RALLY – PROPOSAL TO USE JARRAHDAL HERITAGE PARK AS A SERVICE PARK (P05576/44)	59
10.	CHIEF EXECUTIVE OFFICERS REPORT:	62
	OCM018/10/11 INFORMATION REPORT	62
11.	URGENT BUSINESS:	63
12.	COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:	63
13.	CLOSURE:	63
14.	INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:	64
	SD054/10/11 PROPOSED DETAILED AREA PLAN – BYFORD BY THE SCARP – DETAILED AREA PLAN 8 (A1689)	64
	SD056/10/11 PROPOSED OVERSIZE AND OVERHEIGHT STABLE / SHED - LOT 1 COOGLY ROAD, MARDELLA (P03200/03)	64
	SD061/10/11 STRATEGIC COMMUNITY PLANNING INFORMATION REPORT	66
	SD062/10/11 DEVELOPMENT SERVICES INFORMATION REPORT	66
	CGAM020/10/11 MONTHLY FINANCIAL REPORT – AUGUST 2011 (A0924/07)	67

CGAM021/10/11	MONTHLY FINANCIAL REPORT – SEPTEMBER 2011 (A0924/07)	67
CGAM022/10/11	CONFIRMATION OF PAYMENT OF CREDITORS (A0917)	68
CGAM024/10/11	CORPORATE SERVICES INFORMATION REPORT	68
CGAM025/10/11	ENGINEERING SERVICES INFORMATION REPORT	69

- NOTE:**
- a) **The Council Committee Minutes Item numbers may be out of sequence. Please refer to Section 10 of the Agenda – Information Report - Committee Decisions Under Delegated Authority for these items.**
 - b) **Declaration of Councillors and Officers Interest is made at the time the item is discussed.**

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, 6 PATERSON STREET, MUNDIJONG ON MONDAY, 24 OCTOBER 2011. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.03PM AND WELCOMED COUNCILLORS, STAFF AND MEMBERS OF THE GALLERY.

1. ATTENDANCES & APOLOGIES (including Leave of Absence):

IN ATTENDANCE:

COUNCILLORS:	B Moore	.....	Presiding Member
	M Harris		
	C Randall		
	J Kirkpatrick		
	M Ricketts		
	D Atwell		
	S Piipponen		
	B Urban		
	G Wilson		
OFFICERS:	Ms J Abbiss	.....	Chief Executive Officer
	Mr A Hart	.....	Director Corporate Services
	Mr B Gleeson	.....	Director Development Services
	Mrs L Fletcher	.....	Minute Secretary
APOLOGIES:	Director Strategic Community Planning		
	Director Engineering		

Members of the Public - 22
Members of the Press - 1

2. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE:

David Houseman - 17 Clifton Street, Byford

Q1 Can the laneways in the east ward of Byford be named?

A1 The Shire has discussed the naming of the laneways in Byford with the Department of Regional Development and Lands (DRDL). The DRDL has advised that they are not supportive of the naming of these laneways in Byford at this time.

The reason they gave is that the laneways will ultimately be widened as adjoining landowners subdivide their land. DRDL do not consider it appropriate to name the laneways now, until all subdivision has occurred in the area and the laneway is fully widened. It is not intended for Council to resume private land to facilitate the widening of laneways and it is dependent upon landowners subdividing their land. If landowners decide not to subdivide their land, the full widening of the laneway would not occur.

The Shire will continue to work with the DRDL to examine possible options to allow the naming to occur, ahead of the future full widening of the laneways.

OCM015/09/11 John Kirkpatrick – 77 Mead Street, Byford

It is noted that point 3 of this confidential item states that this council adopts the performance criteria for 2011/12 as drafted.

Q1 My question is why this Council is considering this when in three weeks time it is possible that only one current sitting Councillor may be on this Council. It is surely a decision for the incoming council to decide if the current criteria is the one they wish to pursue. Surely this issue should be deferred until the new Council is sworn in.

A1 Council was acting within their authority when they adopted the Key Performance Criteria proposed in the confidential item.

Linda Starcevich – 76 Baigup Loop, Cardup

With reference to two items on tonight's agenda SD041/09/11 (page 44) and SD042/09/11 (page 48) in particular to the latter item's Conditions 3, 4 and 14, which state that the property must not interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, odour, dust, light spill or waste products and shall be managed to the satisfaction of the Director Development Services, prior to work commencing on site, and shall thereafter be implemented. Also no environmental degradation of the land is permitted to occur, as determined by maintenance of at least 95% pasture coverage year round.

Q1 Why are equestrian land holders continually subjected to these types of conditions, yet the negative impacts on neighbouring landowners are not taken into consideration for properties being used for motocross activities, such as noise, fumes, contamination of neighbouring drinking water, soil erosion, destruction of vegetation and dust?

A1 There is no State or Local Government statutes that directly control the use of motor bikes on private property.

Indirectly, the Environmental Protection Authorities (Noise) Regulations 1997 do control unreasonable noise from specified equipment. Specified equipment is defined as equipment that may exceed maximum noise levels and that requires the constant presence of an operator for its use. This includes equipment such as lawn mowers, chain saws, grinders etc.

'Specified equipment' may be used on residential premises for up to two hours per day, between the hours of 7am and 7pm Monday to Saturday and 9am to 7pm on Sundays/public holidays.

Where motorbikes/off road vehicles (ORV) are not used in accordance with the EPA's Noise Regulations, the Shire may deem it to be unreasonable noise. The Shire is required to have sufficient evidence that the motor bike/ORV is being repeatedly operated before 7.00am and/or after 7.00pm or for longer than two hours per day. The documenting of the noisy activity in a noise diary is the key evidence for the Shire to determine that noise is unreasonable. There may need to be at least *six to ten weeks* of recordings for there to be sufficient evidence that the Shire may deem the activities to be unreasonable.

To assist landowners, motorbike/ ORV users and the community in dealing with these issues, the Shire's Environmental Health Officers have developed 'Information Notes' on this matter. The Shire will continue to remain proactive on this issue including providing information to the public in the local newspapers in the coming months.

3. PUBLIC QUESTION TIME:

Clayton Oud – 301 Lightbody Road, Mardella

I asked at the 27th June 2011 Council meeting if the Shire could seek funding from the Royalties for Regions programme to seal the recently re-sheeted sections of Lightbody Road, to ensure that the \$88 560 dollars that the shire spent on re-sheeting is not yet again wasted.

The answer I received was that Lightbody Road would need to be in the Forward Capital Works Plan to receive Royalties for Regions funding and the Guidelines for 2011/12 funding would not be released by the Department until September.

The guidelines have now been released and in them it states:
Individual local governments should revise their FCWP. The required documentation must be submitted between 30 October and 30 December 2011 to RDL who will assess projects against the CLGF guidelines.

Failure to meet the 30 December 2011 deadline may result in a local government being excluded from 2011/12 funding and their 2011/12 notional allocation being re-distributed to other eligible recipients.

And that:

Local Government will be expected to review their FCWP each year and identify their priorities for the 2011/12 year.

As we now have a predominately new Council I have two questions:

- Q1 As the cut off for reviewing the Forward Capital Works Program is only 2 months away, can we have our new councillors expeditiously review this program to ensure a more equitable distribution of Royalties for Regions Funding throughout all the wards in the shire.
- Q2 As the ongoing re-sheeting program on Lightbody Road is at risk of blowing away in the wind again, can we include the staged sealing of all or part of Lightbody Road in the Forward Capital Works Plan.

The Presiding Member advised that the Director Engineering would have to investigate this request which involves sealing 3.7km of this road and determine if it meets the guidelines. To date, Council has spent money on a staged program.

Mr Oud stated that the road does meet the guidelines and it was last sealed in 2008.

The Chief Executive Officer advised that Lightbody Road would have to make it into the Forward Capital Works plan to qualify. Given the Asset Management Plan for all roads in the Shire has been finalised, Lightbody Road has not been identified as a priority.

Council will work through the Asset Management Plan and present it to the Department as required by the newly released guidelines.

Sharon Gossage - 247 Thatcher Road, Byford

Would the council consider temporarily closing Thatcher Road at Larsen Road to cut the amount of traffic using the complex and its bridal paths as a short cut with no regard to the horses or residents? Traffic has been a major problem in the area for well over 10 years with the population more than tripling in numbers and nothing has been done for the safety of the residents and their livestock which in most cases is their livelihoods. When will the council take action? There has already been a death of a horse and injuries to trainers due to the ignorance of people using this area as short cut. There are only two houses along this stretch of Thatcher Road and there was a petition lodged to the Shire some 5 or 6 years ago from the residents asking to have this road closed.

When will Council take action on this matter?

The Chief Executive Officer advised that Council has installed traffic calming devices and a warning entry statement on Briggs Road and that closing Thatcher Road would require investigation by our Engineering department.

Ms Gossage advised that people are using the bridle paths as a shortcut due to the traffic calming on Briggs Road. Parents cannot let their children walk to school on this road as it is too dangerous.

The Presiding Member advised that this question would be taken on notice.

Lee Bond – 113 Stockmans Close, Oakford

There are three wives of volunteer fire fighters employed at the Shire - what are the duties of each of these people?

The Chief Executive Officer advised that this question would be taken on notice.

Most of the Shire is a fire hazard, when will the remainder of the Shire be given the same priority as Jarrahdale?

The Presiding Member advised that this question would be taken on notice. He advised that there are seven new Councillors and that he has learnt more in the past week about the Shire than he has in the four years he has lived here. This is a very fast learning curve. He is aware that the fire hazard in the Shire is a great concern.

Mrs Bond toured Serpentine on the weekend and noticed grass that was two feet high opposite the primary school.

4. PUBLIC STATEMENT TIME:

SD057/10/11 - Shane Rowley (Lot 26 South Western Highway, Keysbrook)

We have owned this property for eleven years and live in the scarp at Keysbrook. We operate a contracting business to local farmers and wish to put up a shed on this property to store machinery and hay undercover and securely. Due to the many tasks we undertake and amount of machinery we own, we have the need for a building of this size. The application was lodged on the sixth of July and has taken too long to be processed. We have tried to contact shire staff to answer any questions but have not received much feedback or comment from them. By downloading the agenda for this meeting we can now answer their questions or address their concerns. Basically this could be approved without going to council other than not complying with setback distance. We chose not to comply with this

simply to reduce visual impact from the highway and the removal of trees it was better to put the shed that way on the block for the sake of a few metres of setback.

I am glad to see Council Officers have recommended approval, however do not agree with some of the conditions. They have been given a colour schedule which consists of cottage green walls and cream trim and doors. To request this information again simply reinforces the fact that they are busy. We have submitted it already so don't create more work for everyone. As for screening, trees have been planted and more will be planted once a suitable water supply is found and yes we will be collecting the rain water, however not this year as it has taken far too long to approve what is considered a rural shed on a rural block, the rain will well and truly be finished before the shed is installed.

The property is located next to a reserve and a fire risk area so we are concerned about planting trees and shrubs close to the building and removal of our second driveway as requested by Main Roads. This was installed in 2001 at our expense as it gave us a second exit point in case of fire and created access for the Shire to the reserve. By removing this it will simply just cost to the Shire to put one in themselves.

We have chosen a location for the shed that we feel reduces the visual impact to the highway. Council advertised the development with no local objection. This is simply a rural shed on a rural zoned piece of land. This whole process has taken far too long to approve. Council is always on about keeping a rural part of the Shire, yet all these conditions and extra work make it so hard for people it's no wonder nothing gets done. I urge Council to approve this without the unnecessary conditions and allow us to do what is best for our property and the rural area we live in.

David Houseman – 17 Clifton Street, Byford

My statement from the last council meeting was not recorded in the minutes. I will now restate it.

The picture that you see was taken from Beenyup Road in Byford. A laneway runs behind this property and it is trafficable.

The Byford Structure Plan states that when a property which abuts a laneway is subdivided the newly created lot must then front the laneway. I.e. Cars enter the lot via the laneway and the front garden abuts it and the front door would face it. The area in question was rezoned 10 years ago. The planning department has had 10 years to commence the process of naming them. I first requested this to be done in 2007. No attempt has been made to do so. As a result of this inaction all new lots which front the laneways can only be given an address corresponding to the primary street. The end result is the eyesore that is visible in the pictures before you. The dwelling at the rear of these new lots must have mail delivered to the existing street as opposed to the front of the property which fronts the laneway.

The Byford Structure Plan states that when a property is subdivided the streetscape is not to be altered. The photo demonstrates why this should be the case. The Shire is contravening its own structure plan.

These eyesore entry points are very long and narrow and it will be hard to see someone standing in one from the street. This will make properties an easy target for burglaries and undesirables to hang out. How easy would it be to jump the fence and access a property? There are scores of properties which abut laneways. As more and more subdivisions occur more of these blights will be constructed. If the Planning Department actively works with other agencies to name the laneways, all newly subdivided lots can be given an address corresponding to that name. This will negate the need for these eyesores to be constructed and ensure that the shire complies with its structure plan as opposed to contravening it.

I read with dismay the article in The Examiner relating to the Shire being shortlisted in International Awards for Liveable Communities for its plan as a community focussed project that defines and guides the Shires direction and decision making as well as mentioning community safety and crime prevention. My neighbours and I feel that this ward of Byford will be a crime haven in the making.

I ask that the Shire please provide me with the email address of this organisation prior to the next council meeting. I also request that Councillor Kirkpatrick please contact me so that I can show him firsthand what I am putting across this evening.

Athol Wigg – 36 Old Brickworks Road, Byford

Congratulations to all Councillors on their election or re-election to Council.

Congratulations to Mr Hart and his directorate for your effective financial management thus providing the shire with a healthy surplus.

I am raising an issue which has been progressing since October 2008. The Serpentine Historical Society has occupancy of the Ivan Elliot Pavilion on the Serpentine Sports Reserve. Previously it was used for storage of Polo Club materials.

In conjunction with Karnet Prison and the Section 95 prisoners, refurbishment has progressed slowly to the stage where reconnection to the Biomax has been completed, upgrading of the toilet facilities, cleaning of the interior and the painting of all inside and outside woodwork. The efforts of the Section 95 group as added significantly to the value of the building.

Completion of refurbishment has stalled due to finances previously allocated have been absorbed into overall budgets. The completion of this project will require approximately \$20 000 complemented by the Karnet group at no cost to the Shire.

The upgrade of the Ivan Elliot Pavilion will provide a facility at which the Serpentine Historical Society will exhibit and retain items of great historical value to this community. The recent art work enhancing the brick Niche Wall at the Serpentine Cemetery as a result of the efforts of the Serpentine Historical Society has created much positive comment from local residents and tourists. The Ivan Elliott Pavilion will equally add value to the historical assets of our Shire.

I seek the co-operations and support of both Councillors and staff to provide the funding necessary to complete this project.

Colleen Rankin – obo Byford Progress Association

The Byford Progress Association has been working for Byford residents with many achievements over almost 100 years. Recent achievements are the Macora Falls Walk Trail, Peace Memorial Wall and the sculpture/seat in the town square, traffic lights at Beenyup/SW Highway and opening of the median for access to Pitman Way, starting the Byford Country Markets and the Byford Fine Arts exhibition with \$12 000 prize money and overseas entries this year. We also have a weekly roadside litter pick up totalling about 1600 bags each year.

As part of our ongoing commitment to Byford, we have recently re-formed our joint committee with Shire staff and Main Roads WA to continue to improve the safety and aesthetics on SW highway through town as a result of ratepayer's disgust at this important entry statement to the Shire (the plan we presented to the Minister for Transport and a few

samples of the negative publicity council has copped over the last 6 months are in your folders). Council has been successful in obtaining substantial funds and started work on Thomas Road/SW Highway intersection. We are currently waiting to hear if their application to Royalties for Regions will fund the next stage. It is important that this project continues, largely without funding from resident's rates. We are currently building on the \$90 000 we have to install street art/seating on the highway and our Public Street Art Plan is also in your folder.

It is vital that George Street which runs from Abernethy Road behind the two shopping centres is extended to Larsen Road. Over 700 people recently signed a petition that had very limited exposure – I am one of many who didn't get the opportunity to sign it. With a high percentage of Byford's residents living in the northwest corner of town, and parents of Marri Grove students driving to the shops after school, George Street must be extended to provide direct access. Without this extension, Main Roads will install traffic lights on the Larsen Road/SW Highway intersection.

Interesting figures:

11 000 electors in the shire, 3 600 in north ward growing at 7.5% - fastest growing rate base in the state and in the shire.

Two of the sitting councillors in the North Ward were voted back in with a good majority.

SD055/10/11 - David Lindsay (432 Gull Road, Serpentine)

This application involves many horses and a lot of water. This is difficult for the planning officers and residents in the area as the Department of Water oversee the water licence however they will not grant the licence until the Shire has approved the development application.

The Planning Officer has put a recommendation to Council, reducing the number of horses that would be permitted from 96 to 39 based on the fact that the Department of Water would grant a water licence for 1.2 gegalitres of water.

One point as made in the submission to the Shire, the 39 proposed horses recommended to Council tonight is based on 1.2 gegalitres of water being approved to water 16ha of land.

Mr Lindsay does not think the contents of his submission have been included in the recommendation. He has calculated how much land 1.2 gegalitres of water can sustain in this area based on evaporation and rainfall in the nearby Medina area. These calculations fall short of being able to sustain 16ha in an ordinary summer.

Mr Lindsay believes that Council should be looking at reducing the number of horses and should look at the calculations again based on the area that 1.2 gegalitres can irrigate. His calculations suggest that the water will run out by the end of January/early February and the horses will create a mess if this happens.

Council should have an independent person calculate how much 1.2 gegalitres can reticulate, and then revise the maximum number of horses that can be sustained on the property.

SD055/10/11 - Trevor Linsday (843 Rapids Road, Serpentine)

Mr Linsday advised that professionals from the Department of Agriculture, Department of Water and Council Environmental officers all concur that the calculations relating to the number of horses and amount of water to be used on this property is correct and can be sustained – this is three professional opinions.

5. PETITIONS & DEPUTATIONS:

Nil

6. PRESIDENT'S REPORT:

Members of the gallery, we have seven new elected members. Firstly I would like to welcome back to the chambers Merri Harris and Christine Randall who bring with them a wealth of experience and as the presiding members of our 2 committees namely Sustainable Development and Corporate Governance and Asset Management will help guide us new very keen but inexperienced councillors in the future. John Kirkpatrick an experienced councillor previously of some 15 plus years is a welcome asset and new councillors Michael Ricketts who will represent North ward, David Atwell and Sam Piipponen North West Ward and myself, Barry Urban and Gary Wilson will be representing the Southern Ward. Welcome to you all. In the short term of only 7 days working together I believe we have demonstrated an enthusiastic body of members looking forward to the future and having constructive input in governance of the Shire of Serpentine Jarrahdale.

Since all being elected on Saturday 15th, we have all hit the road running having met both days Monday and Tuesday and then having one on one meetings individually as requested with Executive and other staff. I was fortunate enough to have the time given to me of Joanne Abbiss and Richard Gorbunow giving me a number of hours last Wednesday highlighting many achievements, potential areas of concern and the mammoth undertaking facing this council.

To the gallery may I say that much work has already been done on these items at Committee level, (a forum also open to the public) so elected members have had the benefit of officer explanations and answers to questions relating to the topics to be decided this evening.

I think we are all of the same mind and have a determined outlook to make this an even better municipality than what it is now.

7. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

Cr Kirkpatrick declared an interest in common in item SD053/10/11 and advised that this will not affect the way in which he votes on this matter.

Cr Wilson declared an interest of proximity in item SD055/10/11 and will vacate the Chamber when this matter is discussed.

8. RECEIPTS OF MINUTES OR REPORTS AND CONSIDERATION FOR RECOMMENDATIONS:

8.1 Ordinary Council Meeting – 26 September 2011

The *attached (E11/5568)* minutes of the Ordinary Council Meeting held on 26 September 2011 be confirmed.

8.2 Special Council Meeting – 29 September 2011

The *attached (E11/5446)* minutes of the Special Council Meeting held on 29 September 2011 be confirmed.

8.3 Special Council Meeting – 6 October 2011

The *attached (E11/5855)* minutes of the Special Council Meeting held on 6 October 2011 be confirmed.

8.4 Special Council Meeting – 17 October 2011

The *attached (E11/5824)* minutes of the Special Council Meeting held on 17 October 2011 be confirmed.

COUNCIL DECISION

Moved Cr Harris, seconded Cr Randall

That the minutes of the:

- Ordinary Council Meeting held on 26 September 2011;
- Special Council Meeting held on 29 September 2011;
- Special Council Meeting held on 6 October 2011; and
- Special Council Meeting held on 17 October 2011

be carried en bloc.

CARRIED 9/0

REPORTS OF COMMITTEES:

SD053/10/11 PROPOSED MODIFICATION TO THE BYFORD MAIN PRECINCT (INCLUDING THE GLADES) LOCAL STRUCTURE PLAN (A2061)		
Proponent:	Taylor Burrell Barnett	In Brief A proposed modification to the adopted Glades Local Structure Plan is presented to increase residential densities around some areas of the proposed Village Centre. The application is supported.
Owner:	LWP Property Group Pty Ltd	
Author:	Michael Daymond – Senior Planner	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	28 September 2011	
Previously	SD093/04/11 SD056/12/10 SCM25/03/10 OCM26/10/09 SCM02/09/06 OCM05/08/06	
Disclosure of 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	
Delegation	Council	

Background

Following the advertising of the Byford Main Precinct Local Structure Plan (LSP) in late 2009, Council adopted the LSP subject to modifications on 9th June 2010, and then referred the modified LSP to the Western Australian Planning Commission (WAPC) for its consideration. The WAPC reviewed the LSP with a view to make a determination as to whether to approve the LSP with or without modifications. The WAPC referred the LSP with modifications to the Shire for consultation with a formal position being adopted by the Council at the Ordinary Council Meeting held 12th December 2010.

Following this, the LSP, along with Council's recommendation, was presented to the Statutory Planning Committee Meeting of the WAPC on 22nd February 2011 with the WAPC giving notice of its decision to approve the LSP on 28th February 2011.

At the Ordinary Council Meeting held 27th April 2011, Council resolved to finally adopt the LSP.

A copy of the approved Glades LSP is with attachments marked [SD053.1/10/11](#).

The applicant is now seeking Council approval for a proposed minor amendment to the LSP.

A copy of the Glades LSP amendment plan is with attachments marked [SD053.2/10/11](#).

Sustainability Statement

Effect on Environment: The multiple use corridors as shown on the adopted LSP will provide for increased water quality outcomes and provide recreational opportunities for the local community. Higher residential densities in close proximity to the Village Centre and Neighbourhood Nodes will provide accommodation for more people in walking distance of services and facilities, thus encouraging a more sustainable community. The proposed modification to the LSP, to increase densities around the Village Centre, will further encourage a sustainable community.

Resource Implications: A large portion of the LSP area has already been set aside for multiple use corridors. These corridors will address a drainage and recreation function to the benefit of the community.

Use of Local, Renewable or Recycled Resources: Where possible the developer is engaging local workers to complete works on site.

Economic Benefits: The proposed modification to the LSP to increase densities around the Village Centre may result in economic benefits for the developer through the creation of additional lots.

Social – Quality of Life: The LSP has previously set aside a significant portion of the developable area to public open space (POS). The community will benefit from the POS through increased recreational opportunities. The required DAPs will provide good design outcomes that will be established based on crime prevention principles. The developer has proposed a range of commercial and retail nodes that will provide a range of services and facilities to the community. In addition the developer is keen to establish a community purpose site and is working collaboratively with the Shire to identify the Shire’s needs.

Social and Environmental Responsibility: The Glades development will incorporate principles of water sensitive urban design through the Local Water Management Strategy (LWMS). This approach to urban development establishes better water quality outcomes which will have a long term benefit to the environment.

Social Diversity: The LSP provides for a range of community purpose sites and already provides for a diverse range of housing stock that will provide for a diverse community. The proposed modification to the LSP, to increase densities, will further contribute to a diverse housing stock.

Statutory Environment: Town Planning Scheme No. 2 (TPS 2)

In accordance with Clause 5.18.4.1 of TPS 2 the local government may adopt a minor change to or departure from a Structure Plan if, in the opinion of the local government, the change or departure does not materially alter the intent of the Structure Plan.

Policy/Work Procedure Implications: The proposed modification to the LSP is consistent with the Shire’s current local planning policy suite.

Financial Implications: There are no financial implications relating to this application.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Summary	Objective
NATURAL ENVIRONMENT	Landscape	Safeguard	Restore and preserve the visual amenity of our landscapes.
			Maximise the preservation of existing trees and vegetation.
			Incorporate environmental protection in land use planning.
BUILT	Land Use	Urban Villages	Press for the provision of public transport and the

Vision Category	Focus Area	Objective Summary	Objective	
ENVIRONMENT	Planning		density of development needed to give effect to transit orientated design. Ensure local structure plans have a range of attractions within a walkable distance of residential areas.	
		Landscape	Provide a variety of affordable passive and active public open spaces that are well connected with a high level of amenity. Continue the development of low maintenance multiple use corridors to accommodate water quality and quantity outcomes and a diversity of community uses.	
		Transport	Ensure future public transport needs and infrastructure is incorporated into the land use planning process within the Shire and region.	
		General	Facilitate the development of a variety of well planned and connected activity centres and corridors.	
			Ensure land use planning accommodates a diverse range of lifestyle and employment opportunities and activities.	
		OUR COUNCIL AT WORK	Leadership throughout the organisation		Elected members and staff have ownership and are accountable for decisions that are made. All decisions by staff and elected members are evidence based, open and transparent.
Leadership through organisational culture	Elected members and staff live our values and lead by example. The organisational culture of elected members and staff is one of inspiration, inclusion and innovation. Elected members and staff operate in an environment of trust, respect, openness and transparency. The elected members and staff have a relationship of unity and work together to achieve goals. The conduct of elected members and staff will be professional and reflect positively on the Shire at all times.			
	Society, community and environmental responsibility			The Shire is focussed on building relationships of respect with stakeholders.
	Strategy and Planning		Strategic Direction	Prepare effectively for future development.

Community Consultation:

The LSP has previously been advertised pursuant to Clause 5.18.3.5 of TPS 2. Further advertising of this proposed modification is not required.

COMMENT

The applicant has submitted the following information to the Shire:

“A Subdivision Application covering the subject land was lodged and received by the WAPC on 12th January 2011. Following referral to the Shire and other agencies, the application was determined by the WAPC on 30th March 2011. Since this time, LWP has been in discussions with various project homebuilders regarding the development of the subject land, who have expressed a desire to develop smaller dwellings on smaller lots. There has been a growing acceptance in the housing market of this different product following the successful launch of the narrow-lot "Primo Collection" at Ellenbrook in the City of Swan. As such, we have undertaken a review of the approved subdivision layout

to consider the inclusion of an additional laneway and narrower lots in response to trends in the currently highly dynamic housing market.

The Revised Plan of Subdivision was prepared identifying the inclusion of a north-south laneway (Laneway C) between Roads A and C and the inclusion of an additional six lots (three either side of the laneway). This Revised Plan of Subdivision proposes 6m and 7.5m wide lots, which have been located in pairs in order to facilitate an optimal built form outcome. However, the proposed lot sizes (from 177m²) of the revised design do not accord with the minimum lot size for the R30 (270m²) coding that is identified on the approved Glades LSP in this area.

Following meetings and discussions with officers of both the Department of Planning and the Shire of Serpentine-Jarrahdale regarding this matter, in-principle support was given to the proposed layout shown on the Revised Plan of Subdivision. However, it was agreed that any formal support for the Revised Plan of Subdivision would require an amendment to the approved Glades LSP so that the layout would be consistent with the Residential Density Coding of the LSP. This Minor Amendment has therefore been prepared to comply with this requirement.

A copy of the Revised Plan of Subdivision is with attachments marked [SD053.3/10/11](#).

Proposed Modification to the LSP

The proposed modification to the approved Glades LSP seeks to increase the Residential Density Codings for two areas well within the 400m walkable catchment of the future Glades Village Centre. Specifically, this modification proposes the following changes (with applicable rationale):

1. *The upcoding from R30 to R50 of a single street block to accommodate smaller lot product as depicted on the attached Revised Plan of Subdivision.*

This seeks to facilitate the provision of smaller lots and the development of more diverse housing product across the Glades estate. The R50 Residential Density Coding has a minimum lot size of 160m² and the proposed increase in the density coding will enable the development of 6m wide lots, with a lot area of 177m².

This upcoding will facilitate the development of additional housing typologies and therefore contribute to the diversity of housing options available to future residents of the Byford community. This diversity provides the opportunity for a variety of housing choices designed to accommodate people at different stages in life. For example, young singles and couples may choose to live in one of these smaller dwellings before upgrading to a larger block elsewhere in Byford when having a family and then potentially downsizing back to a smaller block when their children leave home. In this way, the proposed lot product and resultant diversity will further assist in enabling members of the Byford community to "age in place".

These lots are located in very close proximity to the future Glades Village Centre and landscaped Multiple Use Corridors. In addition, the area is approximately 40m from the extension of Mead Street, which will accommodate the future bus route through the Glades estate. For these reasons, these proposed smaller lots benefit considerably from their proximity to functional and natural amenity.

Finally, the provision of these smaller lots will also facilitate the development of affordable and high quality "turn-key" house and land packages in the vicinity of \$250,000. This responds to a current price point in the housing market and seeks to address the issues regarding a lack of affordable housing across the whole of the Perth metropolitan area.

2. *The upcoding from R30 to R40 of a portion of a street block to reflect the lot sizes of the approved Plan of Subdivision for Application 143529.*

Item 2 above seeks to effectively 'tidy up' the LSP to reflect the approved subdivision layout in subdivision application 143529. Lots 33-35 on the attached Revised Plan of Subdivision were approved by the WAPC at sizes below the minimum lot size for R30 (270m²). The WAPC sometimes applies its discretion in approving lots below the minimum lot size where the proposed lot size is within an approximate 5% variation. In addition, the coding of these lots as R40 will assist in the preparation of a DAP, as R40 R-Code variations will be more applicable to the lots than R30, given their size. As such, this part of the proposed modification simply represents an administrative 'tidy up' to the approved Glades LSP to reflect the approved subdivision layout and facilitate DAP preparation.

Statutory Context

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

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

A key consideration for Council is whether the modifications proposed to the LSP are deemed to be minor or major in nature. The WAPC's 'Draft Structure Plan Preparation Guidelines' (the draft guidelines) provides guidance in this matter.

Draft Structure Plan Guidelines

In terms of what constitutes a minor or major modification, the draft guidelines state:

“A ‘minor’ modification to a structure plan is a change or departure that does not materially alter the intent of the structure plan.

A major modification to a structure plan is any change or departure not defined as a minor modification.

A modification designated ‘major’ or ‘minor’ depends on:

- 1. Whether there is an existing community and/or adjoining residential area(s) or development; and*
- 2. Whether the proposed modification impacts upon the existing community and/or adjoining residential area(s) or development”.*

The draft guidelines provide examples as to what may be considered to be a minor modification. One of the examples provided is as follows:

“An increase in residential density that retains residential banding (ie. ‘low’, ‘medium’ or ‘high’ density)”.

The modification to the LSP as proposed by the applicant includes an increase in residential density from R30 to R50 and an increase in density from R30 to R40. Under the Residential Design Codes of WA, R30, R40 and R50 are all included within the same residential banding. These densities are all identified as 'medium density' codes.

In accordance with the above example, the proposed modification to the LSP is deemed to be a 'minor' modification and therefore can be adopted by Council.

Local Planning Policy 57 - Housing Diversity

The Shire has recently released draft Local Planning Policy 57 - Housing Diversity (draft LPP57) for public comment. In respect to the proposed amendment to the LSP, the following objectives of draft LPP 57 are relevant:

- Promote and facilitate increased housing diversity and choice to meet the changing housing needs of the Shire community;
- Provide a diverse range of housing types to meet the needs of residents which vary based on income, family types and stages of life, to support the growth of sustainable communities; and
- Provide equitable access and lifestyle opportunities for residents.

The proposed lot sizes will provide for a greater diversity of lot types across the Glades estate and consequently, provide for a broader range of housing products generating more choice for future residents of the Byford community. It is considered that these outcomes strongly align with the Shire's objectives with regard to housing diversity, as outlined in draft LPP57.

CONCLUSION

The proposed changes to the adopted Glades LSP represent a minor modification and therefore can be adopted by Council. The proposed increase in residential densities will facilitate a greater diversity of housing stock surrounding the Village Centre. It is recommended that the proposed modification to the Glades LSP be adopted by Council.

Voting Requirements: Simple Majority

SD053/10/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Randall, seconded Cr Harris

- 1. The proposed modification to the Byford Main Precinct (including the Glades) Local Structure Plan, as shown on plan 06/014/G058, be adopted by Council in accordance with clause 5.18.4.1 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.**
- 2. The proposed modification be forwarded to the Western Australian Planning Commission for consideration in accordance with clause 5.18.4.2 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.**

CARRIED 8/1

Cr Wilson declared an interest of proximity and left the meeting at 7.37pm.

SD055/10/11 PROPOSED RURAL USE – LOT 843 RAPIDS ROAD, SERPENTINE (P00777/01)		
Proponent:	Trevor Lindsay	In Brief The applicant seeks planning approval for a Rural use - keeping of horses. The application is to be considered by Committee as a submission from a neighbouring landowner has been received. It is recommended that the application be approved subject to conditions.
Owner:	As above	
Author:	Louise Hughes – Senior Planner	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	27 September 2011	
Previously	N/A	
Disclosure of 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	
Delegation	Council	

Date of Receipt:	27 September 2011
Advertised:	Yes
Submissions:	Yes
Lot Area:	33.35 hectares
L.A Zoning:	Rural
MRS Zoning:	Rural
Date of Inspection:	25 August 2011
Use Class & Permissibility	Rural Use - P
Rural Strategy Policy Area:	Rural

Background

An application has been submitted to the Shire for a small horse stud and agistment at Lot 843 Rapids Road, Serpentine. The applicant is seeking permission for the keeping of a maximum of 96 horses and has submitted a management plan in support of the application.

The subject property is situated between Gull Road (to the north), Rapids Road (to the East) and Rowe Road (to the south). There are two accesses to the property, from Gull Road and from Rowe Road. There are no buildings on the property at present; the applicant proposes paddock shelters to the irrigated paddocks as part of the current application and a stable building is likely to be required at some point in the future; the current application is for the use of the land and paddock shelters only.

The subject land appears level, although the highest point is located almost at the centre of the site. The land is intersected by two water courses to the north east corner and the south west corner. Both have been fully fenced to prevent access by any livestock. The low lying nature of the land means the water table is relatively near the surface and nutrient leaching is a major consideration as a result of this and the proximity of a Conservation Category Wetland.

The applicant is not proposing the removal of any vegetation to facilitate the development and is in fact excluding approximately 6.4ha from the site which has remnant vegetation or requires the exclusion of livestock to prevent damage to watercourses and vegetation.

A location plan is included with the attachments marked [SD055.1/10/11](#).

Proposal

The proposed development has the following elements:

- Keeping of up to 96 horses on the land;
- The creation of paddocks of ¼ acre, ¾ acre, 1.5 acre and 3-4 acres in size; and
- The construction of day yards and shelters in the irrigated paddocks and the planting of trees at the intersections of the irrigated paddocks.

The proposed development is the use of the land for the keeping of horses in connection with a horse stud. The applicant intends for the majority of the horses to be his own, however there will be occasions where some of the horses brought to the site are owned by third parties for agistment purposes whilst at stud. The applicant has an established equine veterinary practice and the development of the stud is intended to be a long term project.

The application is presented to Council to determine as a submission has been received from a nearby landowner during the consultation process.

A horse management plan (dated April 2011) is with the attachments marked [SD055.2/10/11 \(IN11/5753\)](#).

Sustainability Statement

Effect on Environment: the applicant is not proposing the removal of any vegetation and does propose the planting of additional trees both of which are deemed to be beneficial. The land has two drainage channels running through it, is within 200m of a waterway, is within 50m of a Conservation Category Wetland and abuts a Bush Forever site (number 371). The potential for nutrient leaching to impact upon these resources is a matter which needs to be addressed and carefully managed. The applicant has identified some of the issues in the Management Plan and it is considered that if approved, appropriate conditions can be imposed to ensure the correct management of the land to minimise the potential for negative impacts on the environment.

Economic Benefits: it is likely that the business will create some employment in addition to the landowners, which is of particular importance given the significance of the horse industry within the Shire.

Social – Quality of Life: Equestrian related activities are very significant within the Shire, providing both leisure and professional interests for many. However it should be noted that the keeping of horses can potentially have a negative impact on the amenity of neighbouring landowners if the site is not correctly managed. It is considered that appropriate conditions can be imposed on approval to ensure the interests of adjoining landowners are protected.

Statutory Environment:

Planning and Development Act 2005
Town Planning Scheme No. 2 (TPS 2)
Serpentine Jarrahdale Rural Strategy
Rural Strategy (Drainage and Nutrient Management Guidelines).

Policy/Work Procedure

Implications:

State Planning Policy 2.1 - Peel Harvey Coastal Plain Catchment Area

Financial Implications:

If the application is refused or the landowner is aggrieved by any of the conditions imposed on an approval, an application for review may be lodged with the State

Administration Tribunal; there may be financial implications for Council.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
NATURAL ENVIRONMENT				
	Landscape			
		1	Safeguard	Restore and preserve the visual amenity of our landscapes.
BUILT ENVIRONMENT				
	Land Use Planning			
		1	Rural Villages	Preserve the distinct character and lifestyle of our rural villages and sensitively plan for their growth.
		13	Buildings	Ensure the Shire's rural character is sensitively integrated into urban and rural villages.
		16		Enable built form that accommodates a range of business and family circumstances and needs.
		9	Rural Land	Ensure the built form complements and enhances the rural environment.
		10		Plan for the preservation of rural land and its integration with urban and rural villages.

Community Consultation

The application was referred to adjoining landowners for a period of 21 days in accordance with the requirements set out in TPS 2. At the end of the advertising period one submission had been received

The main concern raised in the submission is in relation to the extraction of water to irrigate the land. The submitter is concerned that the applicant is relying on rainfall data which is historical and not reflecting climate change and that taking water from a bore hole will reduce the amount of water available to other land owners in the area. This issue has been discussed by staff with the Department of Water (DoW) who have advised that the bore in question is very deep and can sustain the amount of water required. However, it should be noted that the application for the bore license cannot be issued prior to planning permission having been granted. The submitter also questioned stocking rates resulting in a recommendation for approval but subject to a lower numbers of horses.

Statutory Environment

TPS 2

The subject site is zoned 'Rural' under TPS 2, which allows for a number of different uses to be considered by Council. The intent of the 'Rural' zone as set out in TPS 2 is as follows:

"5.10.1 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".

It is considered that the proposed development is consistent with the stated purpose and intent of the zone.

Rural Strategy

The Rural Strategy identifies the property as being within the Rural policy area. Included in the main objectives of the policy area is the provision of opportunities for rural enterprises including (amongst others) stabling which is listed as one of the desirable land uses. The proposed activity is therefore considered to comply with these policy objectives.

The Rural Strategy includes provision for the protection of the landscape in terms of minimising nutrient export, protecting and managing vegetation and habitat and identifies well designed and managed land as a means of achieving this.

Use Class & Permissibility

The proposed development is deemed to fall under the definition of 'Rural Use' under TPS 2 which is defined as:

Rural Use - means the use of land for any of the purposes set out hereunder and shall include such buildings normally associated therewith:

- (i) *the growing of vegetables, fruit, cereals, or food crops except for domestic purposes;*
- (ii) *the rearing or agistment of goats, sheep, cattle, or beasts of burden;*
- (iii) *the stabling, agistment or training of horses, or other ungulates;*
- (iv) *the growing of trees, plants, shrubs, or flowers for replanting in domestic, commercial or industrial gardens;*
- (v) *the sale of produce grown solely on the lot.*

The proposed development to use the land for the keeping of horses is considered to be generally consistent with the definition described above. A 'Rural Use' is identified as a 'P' use within the 'Rural Zone' which means that the use is permitted.

Statement of Planning Policy No.2 – The Peel Harvey Coastal Plain Catchment

The subject lot falls within the Peel-Harvey Coastal Plain Catchment as identified in Statement of Planning Policy No.2. General Policy Provisions relating to the proposal include assessing the suitability of the stocking rates taking into account the proposed management practices and proximity of watercourses.

COMMENT

Proposed keeping of horses

The applicant is seeking permission for the keeping of a maximum of 96 horses. The applicant advises that he considers it unlikely that this number will ever be reached and that 80 is a more realistic requirement in the long term. The submitted Management Plan has been assessed and is considered to be acceptable.

Through the consultation and assessment process the key issues which have been identified are as follows:

- the number of horses to be kept on the land (stocking rates);
- the proximity of a number of environmentally sensitive features including the ground water level and the potential impact of nutrient leaching;
- the availability of water for irrigation purposes; and
- the species of trees to be planted.

Stocking rates

The total area of land owned by the applicant is stated to be 33.35ha. However this total has to be reduced to reflect the areas which are excluded from the grazing areas due to the applicant's desire not to remove existing vegetation and the protection of the two drainage channels across the site. Having done this the remaining area is approximately 27ha. Based on the stocking rate guidelines obtained from the Department of Agriculture, this reduces the number of horses which the land can sustain to 39 if grazed 100% of the time. The applicant is proposing that paddock shelters will be provided in the irrigated paddocks, however these will only be sufficient to confine one horse at a time and some of the paddocks will be large enough to accommodate multiple horses. Whilst the applicant intends to provide a stable block at some point in the future enabling horses to be stabled and paddocks to be rested, the building does not form part of this application and can not therefore be taken into consideration.

In view of the above it is recommended that at present the land is capable of sustaining a maximum of 39 horses and the number can be reviewed in future when an application for a stable building is submitted.

Proximity of environmentally sensitive features

There are two drainage channels situated within the subject site and the applicant has already fenced these off with post and wire and the additional security of electrified wiring to ensure stock cannot gain access. In terms of direct access and degradation of the drainage channel structure it is considered that sufficient work has been carried out to protect them.

Concern has been expressed in relation to the proximity of a Conservation Category Wetland, a high water table level and the drainage of water into the Serpentine River and the Peel Harvey Estuary. The potential for nutrient leaching and erosion of the ground are major considerations which have been addressed by the applicant in the Management Plan through the establishment of suitable grasses, removal of manure and urine patches (in paddock shelters) and correct stocking levels. It is considered that the imposition of appropriate conditions and revision of the number of horses to 39 will be sufficient to address the concerns raised and ensure minimal adverse impact on the identified environmental features.

Irrigation

The applicant has sought permission from the Department of Water to irrigate the land through the extraction of water from a bore which accesses the Cattamara Call Aquifer. The licence is not yet granted but irrigation of the paddocks as described will facilitate the keeping of horses and is a condition of approval.

Tree Species

The applicant has proposed a number of tree varieties including eucalypts and peppermint trees. In view of the environmentally sensitive nature of the site it is considered that native species would be more appropriate. This can be addressed through the imposition of a condition requiring a landscape plan to be submitted for approval and implementation.

Conclusion

The application for the keeping of up to 96 horses and the construction of paddock shelters has been assessed against the requirements of the relevant State Planning Policies, TPS2, Local Planning Policies and the Rural Strategy. The assessment of the application has identified that the number of horses proposed can not be supported and it is therefore recommended that the number should be reduced to 39. This can be revised on the

submission of an application for the construction of a stable building in due course. The applicant has significant experience in the management of land and keeping of horses and it is clear from the management plan that an understanding of the potential adverse impacts is well understood and an appreciation of the importance of mitigating them is clearly illustrated. Whilst there are issues which have been identified in terms of protecting the environment and amenity of neighbouring land owners, it is considered that on balance the management plan addresses the matters raised and conditions can be imposed to ensure the plan is implemented and adhered to.

It is considered that the application can be recommended for approval subject to conditions.

Options

There are a number of options available to Council in determining the application, namely:

1. to approve the application, subject to conditions;
2. to defer consideration of the application; and
3. to refuse the application

Option 1 is recommended.

Should the applicant be aggrieved by a determination by Council, including a refusal determination or approval conditions, the applicant could lodge an application for review with the State Administrative Tribunal.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

The application for approval to commence development for the rural use – keeping of 39 horses and construction of paddock shelters at Lot 843 Rapids Road, Serpentine, be approved subject to the following conditions:

PLANNING

1. A maximum of thirty nine (39) horses are permitted to be kept on the property at any one time.
2. Management of the property is to be in accordance with the approved management plan dated April 2011.
3. The use/development is not to interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, odour, dust, light spill or waste products and shall be managed to the satisfaction of the Director Development Services.
4. Prior to commencement of the use or development of the land details of the design and location of the paddock shelters shall be submitted and approved to the satisfaction of the Director Development Services.

ENGINEERING

5. All storm water to be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is prohibited.

ENVIRONMENT

6. All trees within the paddocks are to be fenced off from stock to prevent ring barking and root compaction prior to the commencement of use.
7. All paddocks to be irrigated as required to maintain pasture coverage of at least 95 percent year round.

8. Stock is to be kept out of any paddock that is partially or completely inundated with water.
9. Manure from paddocks is to be collected daily and either taken off site or composted in a fly proof container with an impermeable base and covered to prevent rainwater access.
10. Flooring of the shelters and yards are to consist of an impermeable base to prevent nutrients leaching into the soil, with an absorbent topping to collect urine which shall be removed weekly and treated in a similar manner to manure.
11. All chemicals associated with the care of the land and stock is to be stored as to eliminate the possibility of spillage onto permeable surfaces.
12. No overgrazing of the paddocks or environmental degradation of the land is permitted to occur, as determined by maintenance of at least 95% pasture coverage year round.
13. The proponent shall prepare and implement a Nutrient and Irrigation Management Plan (NIMP) to the satisfaction of the Shire prior to the commencement of development on the land. The plan shall include annual monitoring of nutrient levels in soil and surface and ground-water, with results to be provided to the Shire, and include appropriate maximum trigger values, the exceeding of which shall lead to adjustment of the property's management to the satisfaction of the Shire.

LANDSCAPING

14. A landscape and vegetation management plan, prepared in accordance with the Shire of Serpentine Jarrahdale's Local Planning Policy No. 4 Revegetation shall be submitted and approved by the Director Strategic Community Planning, prior to the commencement of site works.
15. The implementation of the approved landscape and vegetation management plan shall commence within 12 months and is to be completed within two years of the development approval being granted. Vegetation on site is to be maintained in accordance with the approved landscape and vegetation management plan thereafter to the satisfaction of the Director of Strategic Community Planning.

Advice Notes:

1. With respect to Condition 13, this document will need to focus on the management of nutrient and irrigation applications and detail the design of the proposed development with regard to the retention and treatment or reuse of wastewater generated by the proposal and shall be prepared in accordance with the Department of Water's Water Quality Protection Note 33 (July 2006) Nutrient and Irrigation Management Plans.
2. This approval does not relate to the erection of a stable structure and shall be the subject of a separate planning application.

Councillor Recommended Resolution:

To defer item SD055/10/11 to the October Ordinary Council Meeting due to further information being provided to officers.

Committee Note: The officers advised of new information pertaining to this item that the Committee should fully consider before hearing the item at the October Ordinary Council Meeting.

Supplementary information

Due to an administrative error the date of receipt on the previous report to Committee was incorrectly noted as 27 September 2011, the application was received on 27 April 2011.

The report presented to the Sustainable Development Committee on 18 October 2011, was deferred in order that the submission below could be considered and comments included by virtue of this supplementary information.

A copy of the submission is with attachments marked [SD055.3/10/11](#).

Submission

The submitters concerns relate to the following matters:

- the ability of the proponent to irrigate the land;
- the proximity of the Serpentine River and two major drains which cross the property;
- the access from Gull Road; and
- stocking rates.

The submitter concludes that the application should not be rejected, but that any approval should be for greatly reduced stocking rates and associated use of water.

Comment

Irrigation

The application was referred to the Department of Water (DoW) and as a result of their initial submission, the applicant was approached to request a site visit be undertaken. The site visit was attended by two representatives of the DoW, the Planning officer and the proponent. During the site visit, the proponent took officers across the entire site and a full inspection was undertaken of the land. The applicant has commissioned a survey in connection with the application to extract water which is a matter for consideration by the DoW and does not fall within the Shire's jurisdiction. The proposed use of the land for the keeping of horses will require the land to be irrigated and this is a condition of approval. It is therefore considered that the relevant planning issues in relation to irrigation have been addressed.

Proximity of the Serpentine River and major drains

The proponent has identified the potential impacts of the use on the above natural resources and has included necessary measures to ensure their protection in the submitted management plan. The comments of DoW and the Shire's Environmental officers have been taken into consideration and appropriate conditions have been imposed in the recommendation to ensure that the Management Plan is adhered to and that all necessary steps are undertaken to minimize the risk of significant adverse impacts as a result of the development. It is considered therefore that these issues have been addressed in the report and recommendation.

Access from Gull Road

The submitter has expressed concern in relation to the location of this access and the need for signage and modification of the road. Having discussed the proposal at length with the applicant, it is not intended that there will be regular movements of horses to and from the property, nor that there will be large numbers of visitors to the property. The proposed use is predominantly for the proponent's own horses and does not involve large numbers of vehicle movements or the movement of horses on a daily or frequent basis. The nature of the proposal is considered to be such that it will not have a significant impact on the amount of traffic movements.

Stocking rates

The submitter has raised concerns about the proposed stocking rates. This matter has been further identified by both the DoW and the Shire's Environmental officers. The recommendation has reduced the number of horses from ninety six to thirty nine and the proponent is agreeable to this change.

Conclusion

The issues identified by the submitter have been taken into consideration during the assessment process and where appropriate conditions have been imposed or amendments made to the proposal. It is considered that the recommendation is in line with the conclusion made by the submitter and that there are no outstanding issues.

SD055/10/11 COUNCIL DECISION/Revised Officer Recommended Resolution:

Moved Cr Urban, seconded Cr Atwell

The application for approval to commence development for the rural use – keeping of 39 horses and construction of paddock shelters at Lot 843 Rapids Road, Serpentine, be approved subject to the following conditions:

PLANNING

- 1. A maximum of thirty nine (39) horses are permitted to be kept on the property at any one time.**
- 2. Management of the property is to be in accordance with the approved management plan dated April 2011.**
- 3. The use/development is not to interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, odour, dust, light spill or waste products and shall be managed to the satisfaction of the Director Development Services.**
- 4. Prior to commencement of the use or development of the land details of the design and location of the paddock shelters shall be submitted and approved to the satisfaction of the Director Development Services.**

ENGINEERING

- 5. All storm water to be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is prohibited.**

ENVIRONMENT

- 6. All trees within the paddocks are to be fenced off from stock to prevent ring barking and root compaction prior to the commencement of use.**
- 7. All paddocks to be irrigated as required to maintain pasture coverage of at least 95 percent year round.**
- 8. Stock is to be kept out of any paddock that is partially or completely inundated with water.**
- 9. Manure from paddocks is to be collected daily and either taken off site or composted in a fly proof container with an impermeable base and covered to prevent rainwater access.**
- 10. Flooring of the shelters and yards are to consist of an impermeable base to prevent nutrients leaching into the soil, with an absorbent topping to collect urine which shall be removed weekly and treated in a similar manner to manure.**
- 11. All chemicals associated with the care of the land and stock is to be stored as to eliminate the possibility of spillage onto permeable surfaces.**

12. No overgrazing of the paddocks or environmental degradation of the land is permitted to occur, as determined by maintenance of at least 95% pasture coverage year round.
13. The proponent shall prepare and implement a Nutrient and Irrigation Management Plan (NIMP) to the satisfaction of the Shire prior to the commencement of development on the land. The plan shall include annual monitoring of nutrient levels in soil and surface and ground-water, with results to be provided to the Shire, and include appropriate maximum trigger values, the exceeding of which shall lead to adjustment of the property's management to the satisfaction of the Shire.

LANDSCAPING

14. A landscape and vegetation management plan, prepared in accordance with the Shire of Serpentine Jarrahdale's Local Planning Policy No. 4 Revegetation shall be submitted and approved by the Director Strategic Community Planning, prior to the commencement of site works.
15. The implementation of the approved landscape and vegetation management plan shall commence within 12 months and is to be completed within two years of the development approval being granted. Vegetation on site is to be maintained in accordance with the approved landscape and vegetation management plan thereafter to the satisfaction of the Director of Strategic Community Planning.

Advice Notes:

1. With respect to Condition 13, this document will need to focus on the management of nutrient and irrigation applications and detail the design of the proposed development with regard to the retention and treatment or reuse of wastewater generated by the proposal and shall be prepared in accordance with the Department of Water's Water Quality Protection Note 33 (July 2006) Nutrient and Irrigation Management Plans.
2. This approval does not relate to the erection of a stable structure and shall be the subject of a separate planning application.

CARRIED 7/1

Cr Wilson was not present and did not vote

Cr Wilson returned to the meeting at 7.43pm.

SD057/10/11 PROPOSED SHED - LOT 26 SOUTH WESTERN HIGHWAY, KEYSBROOK (P01557/01)		
Proponent:	D Rowley	In Brief Application for a shed on a small lot in Keysbrook. It is recommended the application be approved.
Owner:	As Above	
Author:	Casey Rose – Planning Assistant	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	21 September 2011	
Previously	Nil	
Disclosure of 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	
Delegation	Council	

Date of Receipt:	6 July 2011
Advertised:	Yes
Submissions:	Yes
Lot Area:	7510m ²
L.A Zoning:	Rural
MRS Zoning:	Rural
Use Class & Permissibility:	Transport Depot (SA use)
Rural Strategy Policy Area:	Rural
Date of site visit:	31 August 2011

Background

An application was received for a large shed on Lot 26 South Western Highway Keysbrook. Whilst zoned rural, the property is small in size and with an area of only 7510m². The small rural lot has frontage to the South Western Highway Keysbrook and also falls within Council's Landscape Protection Policy Area (LPP8).

An aerial photo, site and elevation plan are with attachments marked [SD057.1/10/11](#).

Variations requested

A development application was lodged as the proposal falls within the Landscape Protection Policy area and seeks a variation to the LPP 17 setback requirements to the front boundary. The proposed reduction in setback is 16m front in lieu of 20m as required under LPP17. Due to the size and irregular shape of the small rural property the applicant has sought a reduction in front setback in order to position the shed amongst several existing trees for screening and retention of vegetation.

Sustainability Statement – Outbuildings

Sustainable Element	Comment
Is there remnant native vegetation on site or adjoining verge?	The subject lot contains some remnant native vegetation.
Is remnant native vegetation to be retained or removed as a result of this proposal?	There is a likelihood that two trees may require pruning to allow for equipment and machinery to enter through the northern gate.
Is additional vegetation required to screen or ameliorate the bulk of the proposed development?	Yes. The subject site is elevated approximately one metre higher than the adjoining main road.
Will the requested variation have an adverse effect on streetscape or the character and amenity of the locality?	The proposal will be highly visible from South Western Highway and it is anticipated that vegetation screening or a bund wall would reasonably ameliorate its bulk and scale including reducing the adverse visual impacts.
Will the requested variation have an adverse effect on visual amenity of neighbouring properties due to bulk and scale, appearance or materials?	The proposal may be dominant in its appearance due to its prominence on the elevated parcel of land which has Highway frontage.
Does the proposal include the capture and re-use of stormwater from the roof of the proposed building and/or diversion of stormwater from hardstand areas to landscaped areas?	No. The current application is not suggesting the inclusion of water tanks. This would be necessary to capture the stormwater.

Statutory Environment: Planning and Development Act 2005
Town Planning Scheme No. 2 (TPS 2)
Serpentine Jarrahdale Rural Strategy 1994

Policy/Work Procedure Implications: LPP17 Residential and Incidental Development
LPP8 Landscape Protection Policy Area
Draft LPP36 Non-Urban Outbuildings

Financial Implications: There are no financial implications to Council related to this application.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
NATURAL ENVIRONMENT				
	Landscape			
		1	Safeguard	Restore and preserve the visual amenity of our landscapes.
		3		Maximise the preservation of existing trees and vegetation.
		4		Incorporate environmental protection in land use planning.
		6		Establish increased levels of natural vegetation in urban and rural environments.
		7	Manage	Facilitate sustainable agricultural practices.
	Integrated Water Cycle Management			
		16	Quantity	Promote and implement water conservation and reuse.
		18		Identify and implement opportunities for detention and storage of stormwater.
BUILT ENVIRONMENT				
	Land Use Planning			
		1	Rural Villages	Preserve the distinct character and lifestyle of our rural villages and sensitively plan for their growth.
		13	Buildings	Ensure the Shire's rural character is sensitively integrated into urban and rural villages.
		14		Encourage built form that positively contributes to streetscape amenity.
		15		Ensure that all buildings incorporate principles of environmentally sustainable design, suitable for our specific climate and location.
		16		Enable built form that accommodates a range of business and family circumstances and needs.

Community Consultation:

The application was referred to adjoining landowners and two other Government agencies as the subject property abuts South Western Highway and a Bush Forever site. Two submissions from these Government agencies were received and included recommended conditions.

Agency	Summary of submission
Main Roads WA	<p><i>Supports subject to the following conditions being imposed:</i></p> <ol style="list-style-type: none"> 1. No earthworks shall encroach onto the proposed South Western Highway reserve. 2. No stormwater drainage shall be discharged onto the proposed South Western Highway reserve. 3. The applicant shall make good any damage to the existing verge vegetation within the proposed South Western Highway reservation. 4. The ground levels on the South Western Highway reserve are to be maintained as existing. 5. All vehicle access shall be restricted to the existing driveway located towards the northern end of the property. This is as per the policies outlined in the Western Australian Planning Commission Policy No. DC 5.1 Regional Roads (Vehicular Access). 6. Redundant driveways shall be removed and the verge and its vegetation made good at the applicant's cost.
Department of Planning (Bush Forever office)	<p>The subject site abuts Bush Forever Site 426 – Myra Brook Bushland, Keysbrook with Guildford Complex Vegetation in which 6% is remaining and 3% is proposed for protection within the Perth Metropolitan Region of the Swan Coastal Plain.</p> <p>The proposed development entails the construction of the shed and as such is unlikely to have any direct or indirect impacts on the abutting Bush Forever area. To ensure protection of the regionally significant values of this Bush Forever area, the following conditions are recommended:</p> <ol style="list-style-type: none"> 1. The development, including construction, access and drainage shall not result in the clearing or disturbance of existing bushland within the Bush Forever area No 426; and 2. No building materials, rubbish or other matter shall be deposited in Bush Forever area No. 426 during or after construction of the development.

Planning Assessment:

Town Planning Scheme Requirements

Extract from TPS 2 objectives for Rural zones

5.10 Rural Zone

5.10.1 *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.*

In normal circumstances the proposed shed would serve an appropriate function for typical rural activity in the Keysbrook agricultural area. However the subject lot is a small rural holding and at only approximately 2 acres, the parcel of land itself can serve little function for a full fledged rural activity. In this situation the landowners possess larger tracts of existing agricultural land in the nearby scarp locality and therefore seek to utilise this additional piece of their accumulative landholdings for storage of farming machinery which would then provide a shorter distance when contracting their services to other nearby farming properties.

The owner provides the following information:

“Machinery includes but is not limited to tractors, hay mowers, rakes, balers, chaff cutters, truck, loader, fertiliser spreader, bobcat, excavator, hay rolls & squares and other farm equipment” To maintain machinery and for insurance reasons this needs to be stored under cover”

Policy Requirements

Policy: LPP17 Residential and Incidental Development

Policy Requirement	Required	Proposed	Comments (Complies/Variation Supported/Condition Required)
Setbacks Primary Street Rear Side	Minimum 20 metres 20 metres 10 metres	16 metres 17.2 metres 19 metres	Does not comply Does not comply Complies
Floor Area (combined total floor area of all outbuildings)	Max. 500m ²	495.6m ²	Complies however at 7510m ² size of subject lot is under 2 acres and would be equivalent to a Rural Living A lot on average of 4000m ² to 2ha
Wall Height	Max. 5.0 metres	4.9 metres	Complies
Roof Height	Max. 6.0 metres	6 metres	Complies

LPP36

LPP 36 provides guidance for the construction of outbuildings within the Rural zone area. It outlines the acceptable and unacceptable criteria as well as a performance based criteria that apply to these zones.

The draft policy as adopted for advertising did not specifically refer to small size Rural zoned land. It would be considered such land to be an anomaly when assessing rural land use and activity. By comparison, a property with similar size to the subject lot would typically be considered rural residential and historically allow a shed size of approximately 150m².

LPP8

The properties immediately abutting the brook in this Keysbrook locality are included in the Landscape Protection Policy area.

Four of the objectives of this policy are:

1. To preserve the amenity deriving from the scenic value of the Darling Scarp;
2. To maintain the integrity of landscapes within the Landscape Protection Area;
3. To protect and enhance the landscape, scenic and townscape values through control over design, building materials and siting of development and land uses rather than prohibition of development and land use as such;
4. To maintain the integrity of landscapes in the line of sight view corridor along identified scenic routes in the Shire, including but not limited to South West Highway, Nettleton Road, Jarrahdale Road, Admiral Road, Kingsbury Drive and both the North-South and East-West Railway lines and natural water courses;

Comment

A large parcel of rural grazing land located within 1km to the north of Lot 26 South Western Highway, has a 191m² open farm style shed to store hay rolls under cover. The property has historically been used for grazing purposes and the portion of the land containing the older farm building falls outside of the LPP8 policy area however the faded zincalume hay shed stands prominently in the field with no vegetation screening and is setback approximately 40m from the highway. It is the older style of a tin farm building, and the presence of cattle and stock watering dams on this grazing land that typifies rural character.

By comparison, this application is a 495m² fully enclosed Cottage Green Colorbond shed setback 16m from South Western Highway road reserve on elevated land, approximately 2 acres in size.

The applicant has a nearby property currently used for other agricultural use however with their involvement in the provision of agricultural services to other landowners in the locality, the proposed shed will serve to be access for equipment used in agricultural contracting services.

Should it be considered the proposal is likely to need additional screening vegetation, this would need to be carefully planned so as not to cause a potential fire hazard in creating an outbuilding surrounded by vegetation, particularly with limited land area and minimal access to and from the property. The proximity to the Bush Forever site must also be considered to ensure additional screening is then not creating a corridor of heavy vegetation to which a fire could quickly spread.

Conclusion

Council needs to have regard to the merits of the particular proposal, the provisions of LPP8, LPP 17 and draft LPP36 and the potential impact on the amenity and character of the area.

On balance, it is recommended that the associated activity intended for the proposed shed is appropriate for rural and agricultural areas. The overall size of the outbuilding would be considered typical of other agricultural properties however the scale of the building in relation to the small elevated parcel of land with prominent highway frontage, must be given due regard. On these considerations, it is therefore recommended that the application be approved subject to conditions.

Voting Requirements: Simple Majority

Committee/Officer Recommended Resolution:

That Council approve the application subject to the following conditions:

1. A revised schedule of colours and materials is submitted for approval by the Director Development Services prior to the issue of a building licence.
2. A Landscape and Vegetation Management Plan shall be submitted for Shire approval prior to the issue of a building licence. Once approved, the Landscape and Vegetation Management Plan is to be implemented in its entirety by 30 September 2012 and thereafter maintained to the satisfaction of the Director Strategic Community Planning.
3. All storm water to be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is prohibited.

Committee Note: Committee requests further information before the October Ordinary Council Meeting regarding the second access way to the lot on South Western Highway in relation to fire protection of the neighbouring reserve.

Supplementary information

The Shire is generally delegated authority to determine applications under the provisions of the Metropolitan Region Scheme (MRS) by virtue of determining an application under the provisions of the Shire's Town Planning Scheme No.2. The delegation, however, has some limitations and imposes various statutory requirements on the Shire. One example is the limitations on the Shire in determining applications next to land reserved under the MRS for a purpose, such as a regional road.

The subject land abuts South Western Highway, which is identified as a 'Primary Regional Road' under the MRS. Under the MRS 'notice of delegation', the Shire is required to refer any applications abutting a Primary Regional Road to the responsible state authority for comment, i.e. Main Roads WA. As outlined earlier in the report, the current proposal was referred to Main Roads WA as part of the normal assessment process.

The notice of delegation states the following:

'(b) where the recommendation provided by the public authority specified in the delegation notice is not acceptable to the local government the application, together with the recommendations provided by all public authorities consulted and the reasons why the recommendation is not acceptable to the local government, shall be referred immediately to the WAPC [Western Australian Planning Commission] for determination'

Main Roads in their referral response stated that their requirement was for one access point onto South Western Highway only. Should Council be in agreement with the Main Roads recommendation, it is open to Council to determine the application and grant approval, with or without conditions. It is not, however, open to Council to grant approval to the development proposal with two access points onto South Western Highway, as this would be contrary to the recommendation of Main Roads. Should Council wish to support the proposal with two access points, the Shire would need to refer the proposal to the Western Australian Planning Commission for a determination, along with a recommendation. It is potentially relevant to note that there would be timeframe implications for the determination of the application by the Western Australian Planning Commission.

Should Council be of a view to support the development proposal with two access points, Council would need to provide a recommendation and relevant information outlining the rationale for Council's position. A review of the subject proposal has been undertaken with respect to emergency access requirements for both the subject property and the surrounding lands. At present, there is no formal access arrangement for emergency purposes, such as a strategic fire break. Based on the Guidelines for Planning for Bush Fire Protection' (WAPC), there does not appear to be sufficient justification for a strategic firebreak to be established. Should a landowner wish, however to see such a strategic firebreak established, access would need to be controlled through the use of a standard key and padlock to the specifications of the Fire and Emergency Services of Western Australia. Such an arrangement does not allow for general access by a landowner or other member of the public.

With respect to the potential requirements for the landowner, with respect to landscaping, additional information is provided below for Council's consideration. The officer recommendation includes a suggested condition, requiring the preparation of a landscape plan to the satisfaction of the Director Strategic Community Planning. It has been the Shire's consistent approach to impose such a condition, with the assessment of landscaping plans being handled by the Shire's administration.

The Shire's standard specifications for landscape drawings are provided below:

- *“Landscape drawings illustrating all landscaped areas and areas for revegetation must be prepared preferably by a landscape architect, professional landscape designer or qualified horticulturalist and submitted for Council's approval. Plans must focus on the use of local species and are to be prepared to a scale appropriate to the size of the subject land and should show as a minimum:*
 - *Location/address/name of development*
 - *North point and scale*
 - *Existing and proposed contours – both within the site and for the adjoining lots*
 - *Existing vegetation and vegetation to be retained and removed including significant trees*
 - *Street names, street frontages, existing buildings and fence lines*
- *Details of ground treatment for all common areas including soft landscape (trees, shrubs, ground covers, grass, mulch etc) and hard areas (including paving, pathways, parking, rocks, pitching, spillways etc)*
- *Plant legend, including the generic plant names, species names, sizes, numbers, density of planting/spacing at the time of planting*
- *Irrigation details (type and method of operation, bore location and connections, controllers, sprinkler type, valves etc), demonstrating water use efficiency through hydro-zoning and innovative smart technologies*
- *Completion criteria including anticipated height of each plant at maturity and other aspects which are relevant to the objective of the landscaping for example, number of plants per square meter*
- *A Schedule indicating annual costs for the purposes of ongoing management and maintenance of the landscaped area”*

In addition to the standard drawings, the Shire ordinarily requires the submission of a Landscape and vegetation management report, the addresses the following matters:

- *“Demonstrate how the development proposal satisfies requirements previously established in the detailed area plan; at the time of subdivision; and/or scheme amendment.*
- *Categorisation of vegetation into high/medium/low value and demonstration of how the design responds to vegetation assets and categorisation including justification for where vegetation is not retained/protected*
- *Identify measures to offset vegetation removal including reinstatement wherever possible*
- *Undertake a tree survey and provide an aboricultural report where significant native vegetation is present*
- *Describe the impact of the proposed buildings and works on the landscape due to height, bulk, colour, general appearance or the need to remove vegetation and outline the extent to which the buildings and works are designed to enhance or promote the landscape character objectives of the area.*
- *Consider the impact of buildings and works on significant views.*
- *Describe linkages with urban water management measures (for larger sites)”*

In this instance, the requirement for a landscape condition is considered to be relevant and reasonable, due to the inclusion of the subject land within the 'landscape protection policy area' (by virtue of Local Planning Policy 8) and the proximity of the subject land to South Western Highway, which is identified as a major road.

SD057/10/11 COUNCIL DECISION/Officer Recommended Resolution:**Moved Cr Harris, seconded Cr Kirkpatrick****That Council approve the application subject to the following conditions:**

- 1. A revised schedule of colours and materials is submitted for approval by the Director Development Services prior to the issue of a building licence.**
- 2. A Landscape and Vegetation Management Plan shall be submitted for Shire approval prior to the issue of a building licence. Once approved, the Landscape and Vegetation Management Plan is to be implemented in its entirety by 30 September 2012 and thereafter maintained to the satisfaction of the Director Strategic Community Planning.**
- 3. All storm water to be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is prohibited.**

CARRIED 9/0

SD058/10/11 PROPOSED OVERSIZE AND OVERHEIGHT SHED – LOT 41(15) RIGOLL COURT, MUNDIJONG (P03874/06)		
Proponent:	Avalon Sheds & Stables	In Brief Application for the construction of an oversize and overheight outbuilding. Approval subject to conditions is recommended.
Owner:	Mick & Pippa Rumbolo	
Author:	Helen Maruta - Planning Officer	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	21 September 2011	
Previously	Nil	
Disclosure of 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	
Delegation	Council	

Date of Receipt: 5 August 2011
 Advertised: Yes
 Submissions: Yes
 Lot Area: 1,247m²
 MRS Zoning: Urban
 TPS Zoning: Urban Development
 Use classification: Single House - Incidental development (P use)
 Date of Inspection: September 2011

Proposal

An application was lodged for the construction of an oversize and overheight shed. The proposed shed has a floor area of 98.4m² being 12m by 8.2m, wall height of 3.6m and roof height of 4.45m. The shed is proposed to be constructed out of zincalume materials.

The proposed shed with a floor area of 98.4m², will be 38.4m² greater than the as of right 60m² acceptable combined total floor area, and 26.4m² greater than the 20% variation (72m²) to the 60m² acceptable outbuilding size for the Urban Development zone, prescribed in Local Planning Policy (LPP 17).

The wall height of the proposed shed being 3.6m is greater than the as of right 2.4m acceptable outbuilding roof height, and outside the 20% variation (2.88) prescribed in LPP 17. The roof height of the proposed shed being 4.45m is greater than the as of right of 4.2m acceptable outbuilding roof height prescribed under LPP 17.

The proposal is presented to Council for consideration as officers have no delegation to determine the variations.

A location plan, aerial photograph, site and elevation plan are with attachments marked [SD058.1/10/11](#).

Variations requested

Construction of an oversize and oversize outbuilding, (with reduced side setback) exceeding the acceptable limits for outbuilding size for the Urban Development Zone, prescribed in Council's LPP17.

Sustainability Statement – Outbuildings

Sustainable Element	Comment
Is there remnant native vegetation on site or adjoining verge?	The subject lot does not contain any remnant native vegetation.
Is remnant native vegetation to be retained or removed as a result of this proposal?	No.
Is additional vegetation required to screen or ameliorate the bulk of the proposed development?	No. Officers are of the opinion that additional vegetation would not be considered at this stage.
Will the requested variation have an adverse effect on streetscape or the character and amenity of the locality?	No. The proposal is considered not detracting from the streetscape as it is setback approximately 20 metres from the street.
Will the requested variation have an adverse effect on visual amenity of neighbouring properties due to bulk and scale, appearance or materials?	The overall height of the outbuilding and the reduced setback is likely to impact on the adjoining neighbouring property. Officers have considered minimising these adverse effects by recommending appropriate conditions.
Does the proposal include the capture and re-use of stormwater from the roof of the proposed building and/or diversion of stormwater from hardstand areas to landscaped areas?	The outbuilding can provide an opportunity for water capture and reuse onto the outdoor lawn and garden areas.

Statutory Environment:

Planning and Development Act 2005
Town Planning Scheme No. 2 (TPS 2)

Policy/Work Procedure

Implications:

LPP17 - Residential and Incidental Development
Draft LPP 35 – Residential Development

Financial Implications:

There are no financial implications to Council related to this application.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
NATURAL ENVIRONMENT				
	Integrated Water Cycle Management			
		16	Quantity	Promote and implement water conservation and reuse.
		18		Identify and implement opportunities for detention and storage of stormwater.
		16		Enable built form that accommodates a range of business and family circumstances and needs.
BUILT ENVIRONMENT				
	Land Use Planning			
		13	Buildings	Ensure the Shire's rural character is sensitively integrated into urban and rural villages.
		14		Encourage built form that positively contributes to streetscape amenity.

Consultation:

The application was referred to adjoining landowners for a period of 21 days in accordance with the requirements set out in TPS 2. During the advertising period one letter of concern detailed below was received from adjacent neighbours.

Affected Property	Summary of submission	Officer's Comment
A181600	<p><i>The applicant raised concerns discussed below:</i></p> <ul style="list-style-type: none"> • <i>Size and height of the shed in a residential area.</i> • <i>Materials of the shed being zincalume could possibly impact negatively from the neighbouring property's view.</i> • <i>Closeness of the shed to the boundary.</i> 	The concerns raised by the submitter are considered valid and will be discussed in the report.

Planning Assessment:**LPP17 Residential and Incidental Development**

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

Policy Requirement	Required	20% Discretion as per LPP17	Proposed	Comments (Complies/Variation Supported/Condition Required)
Setbacks Primary Street Rear Side	6m 1.5m 1.5m	n/a n/a n/a	20m 13m 1.2m	Complies Complies Variation – Not supported
Floor Area (combined total floor area of all outbuildings)	Max. 60m ²	72m ²	98.4m ²	Variation - Supported. The proposal is considered to have sufficient merit, having had regard to the size of the lot being 1247m ² . It is reasonable to allow larger blocks to have a larger floor area for outbuildings without impacting on adjoining neighbouring properties. Council have consistently considered bigger shed on relatively larger blocks in a residential zone.
Wall Height	Max. 2.4m	2.88m ²	3.6	Variation – not supported
Roof Height	Max. 4.2m	n/a	4.45	Variation – not supported

LPP 17 is currently under review. Draft LPP 35 has been prepared and is relevant in assessing this application.

Draft Policy – LPP 35 Residential Development

Part 6.10 – Incidental Development Requirements

Objective: To ensure that (a) outbuildings and fixtures attached to buildings do not detract from the streetscape, or the amenity of the development or that of adjoining residents; and (b) adequate provision is made for incidental facilities serving residents' needs.

Policy Requirement	Comments
i) Compliance with Clause 6.10.1 A1 i) to iv) of the R-Codes regarding outbuildings;	Acceptable Development provisions including: <i>(iii) Collectively do not exceed 60m² or 10% of site area whichever is lesser.</i> The proposed shed is larger than the 60m ² , however, Council has consistently found it reasonable to allow larger blocks to have a larger floor area for outbuildings without impacting on adjoining neighbouring properties.
ii) Compliance with Clause 6.8.1 A1 of the R-Codes relating to privacy (i.e. no detrimental privacy impacts to abutting properties)	This provision of the R-Codes relates to dwellings and will not be affected by the placement of the proposed outbuilding
iii) Compliance with Clause 6.9.1 A1 of the R-Codes relating to solar access (i.e. no detrimental overshadowing impacts to abutting properties)	This provision of the R-Codes relates to dwellings and will not be affected by the placement of the proposed outbuilding.
iv) Compliance with Clause 6.9.2 A2 of the R-Codes relating to stormwater disposal (i.e. accommodating stormwater disposal onsite)	This provision of the R-Codes relates to stormwater disposal. A storm water disposal method such as directing to garden areas, sumps or rainwater tank would require an appropriate condition as such.

The Shire has previously found it reasonable to allow larger blocks to have a larger floor area for outbuildings without impacting on adjoining neighbouring properties among other factors. The proposed overheight and oversize outbuilding of 84.2m² in lieu of 72m² is considered to have sufficient merit, having had regard to the size of the property, the peculiar need included in the justification provided by the applicant.

Comment:

The applicant provided the following information regarding the justification for the oversize and over height shed:

I enjoy re-furbishing my classic cars and I have a 4 post hoist to do so. The necessity for the hoist is so I can work on the under carriage of the vehicle. This also includes storage of:

- *two cars; and a*
- *pleasure craft cruiser boat*

Due to a motorcycle accident I had in 2001, I have limited range of use in both of my legs and back which make it very hard to get down on the floor. This can be verified by my doctors and x-rays if needed.

Options

There are two primary options available to Council, as follows:

- (1) approve the application, with or without conditions
- (2) refuse the application and provide reasons for refusal.

In the instance that an applicant is aggrieved by a determination of Council, an application for review could be lodged with the State Administrative Tribunal.

Conclusion

Officers considered that the original wall height was too high and recommended a slightly reduced height. It is noted that the reduced wall height of 3.5m was only a minor reduction in height.

It is anticipated that construction of the outbuilding will not cause an adverse visual effect to the amenity of the locality if the conditions recommended below were considered. The proposed shed is similar development to other existing properties within the locality and will not detrimentally affect the amenity of the area. It is recommended the proposal be conditionally approved.

Voting Requirements: Simple Majority

Committee/Officer Recommended Resolution:

That the proposed overheight and oversize outbuilding shed at Lot 41 (15) Rigoll Court, Mundijong be approved subject to the following conditions:

1. The wall height of the shed to be reduced to a maximum of 3.5 metres.
2. The roof height of the shed to be reduced to a maximum of 4.2 metres
3. The side setback of the shed to be increased to a minimum of 1.5 metres
4. All storm water to be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is prohibited.

5. The shed is not to be used for any commercial or industrial purpose (including home occupation), the parking of a commercial vehicle unless the written approval of the Shire has first been obtained.

Advice Notes:

1. A building license is required to be issued prior to the commencement of development including earthworks.

Committee Note: Further information is requested before the October Ordinary Council Meeting regarding the exact dimension of the shed and the reasons why such height of the shed is sought.

Supplementary Information

The applicant advises that they require the shed with overheight walls and ridge, to accommodate the height of the hoist with a car on top. This height needs to be at least 4 metres (from the centre of the shed). The shed will be constructed with colourbond materials (a green colour), with the exact colour yet to be determined. The original Officer Recommendation remains.

Officer Recommended Resolution:

Moved Cr Harris, seconded Cr Randall

That the proposed overheight and oversize outbuilding shed at Lot 41 (15) Rigoll Court, Mundijong be approved subject to the following conditions:

1. The wall height of the shed to be reduced to a maximum of 3.5 metres.
2. The roof height of the shed to be reduced to a maximum of 4.2 metres.
3. The side setback of the shed to be increased to a minimum of 1.5 metres.
4. All storm water to be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is prohibited.
5. The shed is not to be used for any commercial or industrial purpose (including home occupation), the parking of a commercial vehicle unless the written approval of the Shire has first been obtained.

Advice Note:

1. A building license is required to be issued prior to the commencement of development including earthworks.

AMENDMENT TO MOTION:

Moved Cr Kirkpatrick, seconded Cr Wilson

That condition 1 be altered from 3.5 metres to 3.6 metres.

CARRIED 6/3

The amended motion then became the substantive motion.

SD058/10/11 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Harris, seconded Cr Randall

That the proposed overheight and oversize outbuilding shed at Lot 41 (15) Rigoll Court, Mundijong be approved subject to the following conditions:

1. The wall height of the shed to be reduced to a maximum of 3.6 metres.
2. The roof height of the shed to be reduced to a maximum of 4.2 metres.
3. The side setback of the shed to be increased to a minimum of 1.5 metres.

4. All storm water to be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is prohibited.
5. The shed is not to be used for any commercial or industrial purpose (including home occupation), the parking of a commercial vehicle unless the written approval of the Shire has first been obtained.

Advice Note:

1. A building license is required to be issued prior to the commencement of development including earthworks.

CARRIED 6/3

SD059/10/11 BUILDING REFORM (A1090)		
Proponent:	Serpentine Jarrahdale Shire	<p>In Brief</p> <p>The new Building Act has been developed to replace the <i>Building Regulations 1989</i> and parts of the <i>Local Government (Miscellaneous Provisions) Act 1960</i>.</p> <p>This report outlines:</p> <ol style="list-style-type: none"> 1. The changes that are proposed in the Act. 2. Seeks approval for a number of actions that the Shire needs to implement in order to ensure that the Building Department may continue to operate under the provisions of the Building Act 2011 legislation. 3. Amendments to the schedule of fees and charges. 4. New Delegations of Authority.
Owner:	Not Applicable	
Author:	Jason Robertson – Manager Building Services	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	27 September 2011	
Previously	Nil	
Disclosure of 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	
Delegation	Council	

Background

The Government has undertaken a Building Regulation Reform package that is planned to deliver the most significant transformation to Western Australian building legislation in over 50 years. The existing building approvals process was established by the Local Government (Miscellaneous Provisions) Act of 1960, and reflects the way buildings were designed in the 1950's, relying on builders registered under the Builders' Registration Act 1939. Building policy and legislation has been fragmented between local and state government departments since then, with practitioner registration managed by individual boards. Reviews of building regulations recommended that the legislation be updated to reflect modern building practices in Western Australia. Reviews also suggested that the legislation be managed in one place, by a single entity, and as a result the Building Commission was established.

The Building Commission was established as a division of the Department of Commerce in July 2009 and brings together building practitioner registration, building standards, complaints processes and building policy and is leading the implementation of the Government's Building Regulation Reform package which comprises the following bills:

- The Building Services (Complaint Resolution and Administration) Act
- The Building Services (Registration) Act
- The Building Services Levy Act, and
- The Building Act

This new legislation abolishes the Builders' Registration Board, the Painters' Registration Board, the Building Surveyors Qualifications Committee and the Building Disputes Tribunal and replaces them with a more streamlined and integrated system.

The Building Act, which has the most significant impact for Local Government was given royal assent on 11 July 2011 and is planned to come into operation from 1 January 2012.

The new Building Act has been developed to replace the *Building Regulations 1989* and parts of the *Local Government (Miscellaneous Provisions) Act 1960*. The *Building Act 2011* covers all building matters and the whole State of Western Australia. It introduces permit issuing authorities, enables private certification of design compliance and is designed to streamline and clarify the building process, including:

- Whole of state coverage;
- All buildings to be covered, including those owned by the Crown;
- Giving a clearer definition of what constitutes a building and clear exemptions from the building permit process;
- Nominating Permit Authorities - confirms local government's role in issuing building permits, also enables State Government or Special Permit Authorities to issue building and occupancy permits and to enforce building control;
- Enables private registered Building Surveyors to certify design compliance;
- Introducing separate and streamlined processes for approving domestic and commercial buildings;
- Retaining the option for owners to use the current local government combined certification and permit issuing function for residential construction houses and minor building work (class 1 and 10);
- Taking a risk-based approach to inspection requirements so that registered building professionals require less independent checking than lay designers and owner-builders;
- Providing through notices of completion, a clear end-point to the construction process, and certification that the building complies with the building permit issued;
- Registering a wider range of industry practitioners to certify compliance;
- Implementing a nationally agreed accreditation framework for Building Surveyors; and
- Implementing a process for the assessment and approval of building works carried out without a building permit.

The desired outcome of these reforms is intended to be a more responsive and modern building regulatory system that meets the changing needs and aspirations of all building industry participants and consumers.

These reforms are likely to have a significant impact on the operation of the Shires Building Department and will impact other business units within the Shire into the future.

Sustainability Statement

Economic Benefits: The legislation will allow for private enterprise to compete with Council for certain services, potentially creating a reduction in income to Council, but allow for new business opportunities for private industry.

Statutory Environment: Building Act 2011

Local Government Act 1995
Local Government (Miscellaneous Provisions) Act 1960

Policy/Work Procedure Implications:

All existing Building Department work procedures will be amended to reflect scope of new legislation and statutory provisions.

Financial Implications:

It is impossible at this stage to accurately predict the financial implications the new legislation will have on Council.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Summary	Objective
BUILT ENVIRONMENT			
		Buildings	Ensure that all buildings incorporate principles of environmentally sustainable design, suitable for our specific climate and location.
SUSTAINABLE ECONOMIC GROWTH			
	Industry Assistance	Strategy	Maintain an awareness of economic trends and forecasts that have the potential to impact on the sustainable economic growth of the Shire.
			Enter into partnership and joint venture projects that are mutually beneficial.
OUR COUNCIL AT WORK			
	Leadership	Leadership throughout the organisation	Elected members and staff have ownership and are accountable for decisions that are made.
	Success and Sustainability	Measuring and Communicating Organisational Performance	Identify and measure key performance indicators and project milestones.
			The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council.
			Understand current and future costs of service delivery.
	Customer and Market Focus	Gaining and using knowledge of customers and markets	Align systems and processes to meet customer needs.
			Strive to continually improve customer satisfaction and stakeholder relationships.
	People		Individual skills and contributions are acknowledged.
			The Shire values corporate knowledge and stability and is focused on staff retention.
			Staff are equipped to fulfil their role.

Comment

The building approval process in Western Australia is about to undergo unprecedented change.

The Manager of Building Services was invited by the Building Commission to sit on a working group panel, comprising 4 Building Surveyors and Building Commission personnel to begin working on preparing manuals for guidance for the whole of local government on the new legislation. The primary goal was to put in place measures for dealing effectively with the transition and provide some clarity for local government as to how they need to adapt holistically to this monumental change. Through the small working group, the Building Surveyors have been able to proactively influence, to a degree, matters which were causing considerable concern to the industry through uncertainty of timelines and interpretations on legislation.

At the present time, the Regulations supporting this Act, have not been released and are expected to be introduced at the beginning of October 2011.

While the Act has been discussed for a number of years, the current version of the Act and supplementary guidance information has been introduced within a very short period of time. This short period of time and the lack of supporting information such as the Regulations have made it difficult to prepare the report in a timely manner as officers are still endeavouring to fully understand the full implications that the Building Act will have for Local Government. This includes the new terms and processes that will affect Local Government from the very first day the Act is enabled.

The Building Commission has release a paper with the common terms used in the Act.

A copy of the Building Act 2011 Handbook is with attachments marked [SD059.1/10/11](#).

Private Certification

One of the key factors of the new Building Act that will affect local governments is that it enables privatisation of the building surveying function that was previously provided solely by local government. It is now open to competition from private industry, through registered Building Surveyors who are not employed direct by local government. This is new in WA, though it has been established in other states for some time. The professional status of Building Surveyors as key parties within industry is fully enabled through their registration, and this is necessary to support the new Building Act. It is expected however, that in a short period of time this industry will grow rapidly and will have a considerable impact on local government's ability to attract and retain suitably qualified Building Surveyors to undertake its statutory responsibilities.

Building Surveyors must be registered under the *Building Services (Registration) Act 2011* to be able to provide certification services under the Building Act. If a local authority does not employ or cannot retain a registered Building Surveyor it will impact severely on its ability to perform statutory functions and will have significant impact to income generated by its building department. Last financial year the income generated from building fees and charges was approximately \$514,900.82.

It has also been difficult to establish whether or not local governments will be able to compete in the open market place or whether their role would be confined to Building Permit issuance and Compliance, this is discussed later in this report.

The Manager of Building Services has held over a lengthy period of time discussions with builders on their intentions as to what level of service they will engage with the Shire. As a

result of the Shire's Building Department being held in very high regard by industry, most have stated they will continue to operate with the Shire as is current practice.

Other significant changes with the introduction of the new Act include:

- The Crown now bound by the Act;
- Special Permit Authorities able to be established;
- New statutory timeframes for Building Approvals; and
- Matters surrounding consent for works affecting other land.

The Building Act establishes a different framework to the approvals process for building work than what was previously provided in the Local Government (Miscellaneous Provisions) Act. The Building Commission has produced a "Guide for Local Government Permit Authorities in Western Australia" which outlines the extensive changes to the approvals process as well as many other changes.

A copy of the New Building Approvals System is with attachments marked [SD059.2/10/11](#).

Functions

The primary functions that Local Governments are required to perform under the Building Act 2011 include:

- Issuing of Permits and Certificates;
- Certification Services ;and
- Enforcement.

The major change to the building approvals system is that there is no longer a requirement for a proposal within a local government district to be assessed for building compliance (Building Code of Australia (BCA) and relevant Australian Standards) by the local government in which the development is situated. It separates now the process of certifying compliance with building standards from the administrative process of issuing permits.

Currently if building work is undertaken within the Shire the applicant must obtain an approval by submitting a building licence application to the Shire. This includes a full assessment by the Building Surveyor for compliance with the building standards. Once this compliance is achieved, the building approval (building licence) is issued to the builder nominated. Under the proposed system, an applicant may seek the services of any qualified and registered Building Surveyor (who may be employed by the Shire of Serpentine-Jarrahdale, a private (independent) Building Surveyor or another local government or other agency) to undertake the assessment for design compliance. The Building Surveyor would then issue a "Certificate of Design Compliance", (CDC). This is the certifying that the design complies with all relevant building standards.

The new Building Act treats separately the process of certifying compliance with building standards from the process of dealing with an application and issuing a building permit. Local authorities can now continue to offer the same service that they currently do (provided they have suitably qualified and registered Building Surveyors under their employ) and can offer enhanced services in competition with the private sector and other local authorities if they wish.

Local Government Permit Authorities as they will be known will deal with controlling the construction, occupation and demolition of buildings and incidental structures through the issue of Permits and Certificates, and the enforcement of compliance with Permits. In

respect to Building Permits, there are 2 types of applications that can be submitted to the Permit Authority (Local Authority in most cases), being:

- Certified Application
- Uncertified Application

Certified Application

This is the new model for applications for building permits as well as demolition and occupancy permits. A Certified Application is accompanied by a Certificate of Design Compliance (CDC). It can be made for any class of building and is designed to give certainty of approval and reduced approval times. A Permit Authority has 14 days to issue a Building Permit after a Certified Application is received.

The timeframes specified are very tight and will require the Permit Authority to operate at the highest level in respect to efficiencies. The timeframes include weekends and public holidays.

It should be noted this will require the Shire to give due consideration to ensuring the Building Department is adequately resourced to allow for meeting its statutory obligations. Failure to achieve the specified timeframes will result in the application being deemed refused and the full application fee will be refunded to the applicant. Notwithstanding the refund and refusal, the application will still be required to be determined for no fee and the determination is appealable through the State Administrative Tribunal (SAT).

During the initial 14 day assessment, if there is any additional information required the Permit Authority may “stop the clock” and request the additional information be provided within 21 days. Upon receipt of the additional information within the specified timeframe the “clock” is reset and the Permit Authority has an additional 14 days to issue the Permit.

Application	Initial timeframe	Further information	Timeframe after further information due	Total (maximum)
Building Permit, Demolition & Occupancy Permit (Certified)	14 days	Up to 21 days	14 days	49 days

If the additional information is not received within the prescribed timeframe, or if the Permit Authority is not satisfied with the additional information submitted, the Shire may decide to refuse the application, retain the fees paid and force the applicant to resubmit a new application including fees.

Uncertified Application

This application is similar to an application under the current system. The Permit Authority arranges for a Registered Building Surveyor to assess the proposal and issue a Certificate of Design Compliance (CDC). The local authority in its function as a Permit Authority is required to provide the certification service as they do now.

The Permit Authority has 35 days to issue a Building Permit after an uncertified application is received.

Application	Initial timeframe	Further information	Timeframe after further information due	Total (maximum)
Building Permit (Uncertified)	35 days	Up to 21 days	35 days	91 days

Unless an applicant presents a complete application as either a Certified or an Uncertified Application, the local authority is entitled to consider (but not obligated to) the lodgement of plans, specifications and technical documentation for approval as a request for certifying services. The local authority can detail its policy regarding fees and charges for the certification service and the applicant having the right to use this service or that of an independent Registered Building Surveyor, or where appropriate, the right to lodge an Uncertified Application.

An applicant can obtain a certificate of Design Compliance without going through the Certified or Uncertified Application path. If the Local Authority provides this service, the first stage is the issuance of the Certificate of Design Compliance (CDC). The second stage is the applicant submitting an application for a Building Permit.

Other services that local authorities may undertake might include:

- Providing Certificate of Construction Compliance, (inspection and certification of various portions of a building during construction work that is within the scope of skills and qualifications available);and
- Provide Certificate of Building Compliance, (coordinate, inspect and certify that a completed building is compliant).

Before providing such a service, local governments will need to ensure they do not breach the provisions of the Local Government Act and other legislation such as the National Competition Policy.

Officers consider that initially, the Shire should endeavour to maintain its building services to, at a minimum, an equivalent level to that currently provided, while positioning itself to be able to either extend or contract that business over time (likely over a 2 year period) as the building and construction industry comes to understand the systems provided by the Building Act. The Manager of Building Services is currently working very closely with the Building Commission and State Solicitors Office to ensure the Shire has accurate information in regard to potential legal issues with the Local Government Act.

At this stage, and given the short timeframe within which the Act is due to come into force, it is recommended that that Shire proceeds with the 'amended service model' as detailed below:

Amended Building Service Model

This model requires no significant changes to the existing operational environment other than an assessment of actual costs associated with the operation of the team. The *certifying charge* will need to very accurately reflect all costs associated with providing that service including accurately costed operating overheads. Fees for *permit issue* will be set by statute; however the fee for certification will need to be set by Council and a proposal for this has been included in this report.

It is considered that there will be some change in the first 12-24 months as local government and the building industry gains an understanding of the new system. At some point beyond 12 months it is considered that competition will increase as new businesses (private

enterprise) claim their position in the market place. Councils building team will review its current team structure and Service Team Plan during this time.

Initially, it is considered that large projects (commercial/industrial) will be sought after by private industry in order to be profitable, and with time, a portion of residential buildings will be assessed by the private sector. Residential buildings are currently the Shire's primary business, with around 80% of income currently derived from this source, and any reduction in this area will have a significant impact on the income generated. It must be noted however, due to efficiencies with having limited staff numbers, the Shire's Building Department has kept operating costs low to the Shire

The Building Act now covers all work and provides that the Certificate of Design Compliance must be issued by a person who is not associated with the building owner. State Buildings must therefore now be certified by a Building Surveyor who is not employed by the state. This also means that a building development proposed by a local government will no longer be able to be certified by the local government Building Surveyor; the Shire will now need to seek this certification externally from a private certifier or other Permit Authority however, local governments will still need to issue a permit.

Delegations

Under Section 127 of the Building Act a Special Permit Authority or local government will be able to delegate any of its powers or duties as a Permit Authority to an employee of the Special Permit Authority or a local government (under the Local Government Act 1995-Section 5.36). The powers and duties of the Permit Authority in relation to approval or enforcement roles cannot be delegated to the private sector. The delegation must be in writing, executed by, or behalf of, the Special Permit Authority or local government.

The Shire currently has the following delegations under the provisions of the Local Government (Miscellaneous Provisions) Act 1960:

- DS14 - Orders for breach of building requirements
- DS16 - Building Applications and Licences
- DS18 - Verandahs in local road reserves
- DS19 - Classification of buildings
- DS20 - Demolition Licences

With the introduction of the Building Act, the above delegations will become redundant in that the head of power will move from the Local Government (Miscellaneous Provisions) Act 1960 to the Building Act 2011.

Council's approval is now required for new delegations under the Building Act 2011. Given the relevant provisions relating to delegations under the Building Act 2011 have not yet come into operation, the functions of the new delegations cannot be performed by officers until such time as the relevant provisions are proclaimed. It is therefore proposed that officers continue to perform such functions in accordance with existing delegations with Council adopting the new delegations to be implemented at such future time as these provisions are proclaimed. The ability to do this is referred to under section 25 of the Interpretations Act 1984. Section 127 of the Building Act enables local governments to delegate any powers or duties to an employee through authorization.

Council is requested to approve the following new delegations as provided under the following sections of the Building Act:

- Approve or refuse a Building Permit
- Approve or refuse a Demolition Permit
- Grant of Occupancy Permit, Building Approval Certificate

- Consider extending the period of duration of an Occupancy Permit or a Building Approval Certificate.
- Building Orders
- Revoke Building Orders

The proposed Delegations have been based on the Shire's expectations of skills and qualifications in order to be able to perform the required duties.

A copy of the Proposed Delegations is with attachments marked [SD059.3/10/11](#).

Authorisations

Existing authorisations will not be affected. Additional authorisations are needed for building officers to carry out the relevant provisions under the Building Act 2011. Given these relevant provisions have not yet come into operation; the new authorisations cannot be undertaken by officers until such time as this occurs. It is therefore proposed that Council appoint authorised officers and adopt the new authorisations to be implemented at such future time as the relevant provisions of the Building Act are proclaimed.

Under section 96 of the Building Act, Permit Authorities (local governments) may also designate employees as authorised persons. The following new authorisations are therefore proposed under different sections of the Building Act.

- Entry Powers
- Powers after entry for compliance
- Obtaining information and documents
- Use of force and assistance
- Apply for an entry warrant

A copy of the Authorisations is with attachments marked [SD059.4/10/11](#).

Revisions to Schedule of Fees and charges (including non-statutory)

The proposed fees have been published in advance by the Building Commission to assist the building industry in preparing for the implementation of the Building Act. It is possible that the final regulations may change the fee structure and in that event further revisions to the fee schedule may be necessary. The Building Act statutory fees have been set for applications for building, demolition and occupancy permits. The Act also introduces a number of other applications which fees can now be charged for.

Fees for other services have been designed to allow the Shire to continue to provide a full range of services and provide the building industry with certainty of service in the event that private Registered Building Surveyors are not immediately available.

These other proposed fees have been calculated on one or other of the following bases:

- Where the method of charging the fee is consistent with the way in which statutory fees have been set. This applies where fees charged are based on a percentage of the construction value with a set minimum.

Using this method can mean that fees charged do not reflect the cost of providing the service as required by the Local Government Act 1995. Although local governments are permitted to take into account the price which could be obtained from an alternative provider, in the short term that presents difficulties until private providers start to promote their services. It is recommended that a delegated authority be put in

place to allow fees for more expensive buildings to be varied to better reflect the cost of the services provided.

- Full cost recovery which takes into account not only the direct costs associated with the provision of building licensing services, but also the costs of other organisational support such as building maintenance and information technology.

The following sections of the Local Government Act have been considered;

- Section 3.18 - Performing executive functions. A local government must satisfy itself that its services do not duplicate, to an extent which is considered inappropriate, services provided by another government agency or a private provider
- Section 6.12 - Power to defer, grant discounts, waive or write off debts. A local government may waive or grant a concession in relation to any amount of money
- Section 6.16 - Imposition of fees and charges. A local government can impose fees and charges during the year
- Section 6.17 - Setting the level of fees and charges. A local government is required to consider the cost of providing the service, its importance to the community, and the price at which the service can be obtained from an alternative supplier
- Section 6.19 - Local government to notice of fees and charges. If fees and charges are adopted at a time other than the adoption of the annual budget, local public notice of the intention to charge fees must be given

A copy of the Revised Fees and Charges is with attachments marked [SD059.5/10/11](#).

Community Consultation:

Not required.

Conclusion:

The implications of the new Building Act are far reaching and some aspects remain unclear. However, Council support is sought to implement the 'Amended Services Model' approach ensuring business continuity and a seamless transition as of 1 January 2012.

In addition, Council are requested to approve the new delegations to staff and authorisations needed to ensure that business can operate in the same manner that it currently does under the current Local Government (Miscellaneous Provisions) Act. New fees and changes to the Schedule of Fees and Charges are also recommended for adoption.

Voting Requirements: Absolute Majority

SD059/10/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Harris, seconded Cr Kirkpatrick

- 1 That Council notes the report, including supporting the “Amended Services Model” in relation to the Building Act 2011.
- 2 Adopt the new delegations as per *Attachment SD059.3/10/11* which are to take effect when the relevant provisions of the Building Act 2011 are proclaimed.
- 3 Note the Schedule of Fees and Charges will be amended to incorporate the new statutory building fees when the Building Act is implemented.
- 4 Adopts the new authorisations and appoints the relevant positions to the authorisations as “Authorised Officers” in accordance with Section 96 of the Building Act as per *Attachment SD059.4/10/11*.
- 5 Authorise the Shire to advertise the non statutory fees as per *Attachment SD059.5/10/11* pursuant to Section 6.19 of the Local Government Act 1995.

CARRIED 9/0

SD060/10/11 COMMUNITY SPORT AND RECREATION FACILITIES FUND SUBMISSION (A0141-02)		
Proponent:	Serpentine Jarrahdale Shire	In Brief To endorse two Community Sport and Recreation Facilities Fund (CSRFF) Annual Grants applications to be submitted to the Department of Sport and Recreation (DSR) by 31 October 2011.
Author:	Luke Tressler Community Planning Officer	
Senior Officer:	Suzette van Aswegen, Director Strategic Community Planning	
Date of Report	28 September 2011	
Previously	Not applicable as this is a new round of the CSRFF Annual Grant Program.	
Disclosure of 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	
Delegation	Council	

Background

The Department of Sport and Recreation’s (DSR) Community Sport and Recreation Facilities Fund (CSRFF) aims to increase participation in sport and recreation with an emphasis on physical activity, through rational development of sustainable, high quality, well-designed and well-utilised facilities.

There are a variety of grants available as part of the program to suit different scales of projects. These are:

- Small Grants, given out bi-annually, with the grant rounds opening in February and July, for projects costing between \$7,500 and \$150,000;
- Annual Grants for projects between \$150,001 and \$500,000 (which is an increase from \$300,000);
- Forward Planning Grants for projects worth \$500,001 or more.

The CSRFF program operates on a reimbursement system. Strict funding conditions apply and applicants need to ensure they are able to carry the full cost of the project for the period between project completion and CSRFF grant payment.

Officers have identified the CSRFF Annual Grants round which closes on 31 October 2011, as an opportunity to seek a funding contribution towards two projects: Byford Central Ablution/Storage facilities and new Storage Facilities at Briggs Park in Byford.

CSRFF Guidelines require Councils to endorse and prioritise applications. Two applications have been received for submission in this funding round.

In order for this project to comply with the guidelines for CSRFF two thirds of the project must be funded from other sources.

Sustainability Statement

Resource Implications: The design and construction of both these facilities will be conducted in a manner which reflects the highest possible level of sustainable design/construction to minimize the impact on resources.

Use of Local, Renewable or Recycled Resources: The local community and sporting clubs will have input into the design and function of these facilities and where possible local resources will be used in their design/construction.

Effect on Environment: We are acutely aware of the community's desire for the environment (built and natural) to reflect its surroundings.

As stated previously, both these facilities will be conducted in a manner which reflects the highest possible level of sustainable design/construction.

Economic Viability: External grants have already been received to go towards the two projects and will make up the two thirds required by the CSRFF grant's conditions for project funding. Municipal funds have also been identified as part of the Shire's Forward Financial Plan.

Without these new facilities, sport within the area will suffer as they will not have the facilities they need to be able to operate effectively. All clubs within the Shire are experiencing rapid growth and new sports are looking to start up but at present they are unable to due to lack of facilities.

Economic Benefits: These facilities will enable the various clubs to operate effectively and also reduce their costs as providing them with adequate storage for their equipment will mean that they will be able to properly store their equipment which will prolong its life. A number of clubs are storing equipment at member's property as there is inadequate storage space on site. The exact location of the Briggs Park Storage Facility will be confirmed through the Master Plan for Briggs Park.

Social – Quality of Life: By providing quality sporting facilities for the community the clubs will be able to operate effectively which will then encourage more people to participate in physical activity and social interaction which has shown to increase a person's quality of life and the social cohesion within the community.

Social Diversity: By providing these facilities we will be allowing a variety of different sports and recreation activities to operate. This will then lead to an increase in the level of physical activity within the community and a higher quality of life. These facilities will specifically target youth sporting activities.

Social and Environmental Responsibility: Both these projects will have input from a variety of sporting clubs as to their form and function. They will also be designed/constructed to the highest level of sustainability possible.

**Statutory Environment:
Policy/Work Procedure
Implications:**

Not applicable as report relates to two grant applications.

There are no work procedures/policy implications directly related to this application.

Financial Implications:

The Shire's Forward Capital Works Plan lists both these items for immediate consideration. It suggests that both these items be funded primarily by grants and also Municipal funding (Briggs Park Storage \$120,000 is part of the 2011/12 Budget).

Royalties for Regions Funding has already been granted for these projects as follows: Briggs Park Storage - \$120,000; Byford Central Ablution Storage - \$250,000. An action Agenda Funding Application is still pending (October 2011) which includes Briggs Park Storage Facility, and if successful will see the withdrawal of the CSRFF application for that item.

A detailed financial breakdown of the costings for both projects has been included in the resolution.

Should the either of the CSRFF applications fail, alternative means of funding will need to be obtained for the projects to proceed.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Summary	Objective
BUILT ENVIRONMENT	Land Use Planning	Buildings	Ensure that all buildings incorporate principles of environmentally sustainable design, suitable for our specific climate and location.
		Infrastructure	
		Asset management	Ensure all decisions are consistent with the long term financial Plan for the Future.
		Partnerships	Develop partnerships with the community, business, government agencies and politicians to facilitate the achievement of the Shire's vision and innovative concepts.
			Continue to work with funding agencies to secure grants for projects.
	OUR COUNCIL AT WORK	Success and Sustainability	
		Achieving Sustainability	Projects and goals are realistic and resourced.
Knowledge and Information			

Vision Category	Focus Area	Objective Summary	Objective
		Generating, collecting and analysing the right data to inform decision making	Understand the needs of stakeholders.
PEOPLE AND COMMUNITY			
	Wellbeing		
		Healthy	Enable the provision of a range of facilities and services for families and children.
	Relationships		
		Celebrate	Actively engage, and value the contribution of all stakeholders in better decision making.
	Places		
		Vibrant	Plan and facilitate the provision of a range of facilities and services that meet community needs
		Innovative	Enable and develop sustainable, multipurpose facilities where duplication is minimised.

Community Consultation:

Through the Community Facilities and Services Plan (CFSP) and ongoing conversations since, clubs have requested that the Shire address the condition of sporting facilities, particularly in regards to storage space which is at a premium for all the clubs. A Master Plan for Briggs Park will aid in assessing the exact location for the storage space needed in Briggs Park. An urgent need has also been identified for the use of Byford Central Oval due to the over use of a number of Shire ovals and in order to be able to operate effectively clubs and codes have asked for storage and ablution facilities to be available.

Comment:

The Shire has limited capacity to fund major infrastructure projects without grants. This was highlighted through the findings of the CFSP which recognizes the need to obtain other sources of funding to be able to meet the need of the community. The Shire is increasingly under pressure to provide quality facilities for the community to promote physical activity, social inclusion and a higher quality of life. The costings for both of these projects have been derived from Rawlinsons Australian Construction Handbook and also the AFL Preferred Facilities Requirements

Both of these items will greatly improve the ability of a variety of clubs to operate and attract new members to their clubs.

It is a DSR requirement for Council to prioritise these applications. Both applications are of high importance, however the Byford Central Ablution/Storage Facility has been prioritised first due to its alignment with DSR assessment advice which considers how readily any facility will activate physical activity.

Voting Requirements: Absolute Majority**SD060/10/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

Moved Cr Harris, seconded Cr Randall
That Council:

1. Acknowledges that two submissions for Community Sport and Recreation Facilities Fund (CSRFF) for Annual Grants October 2011 round were received, and endorses these applications as follows:

Project	Estimated Project Cost	CSRFF Amount	Applicant (Shire)	Other funding sources	Level of Support	Priority
Byford Central Ablutions/ Storage Facility	\$365,000	\$115,000		\$250,000 (Royalties for Regions)	High (well planned & needed by municipality)	1st
Briggs Park Storage Facility	\$360,000	\$120,000	\$120,000	\$120,000 (Royalties for Regions)	High (well planned & needed by municipality)	2nd

2. Recognises that, should the Community Sport and Recreation Facilities Fund grant be unsuccessful, the Shire will need to identify an alternative source of funding to cover the balance required to enable both projects to be completed.

CARRIED 9/0

CGAM023/10/11		MEMORANDUM OF UNDERSTANDING - SHIRE OF SERPENTINE JARRAHDAL AND DARLING DOWNS RESIDENTS ASSOCIATION (A0038-02)	
Proponent:	Darling Downs Residents Association (Inc)	In Brief Council is requested to endorse the Memorandum of Understanding between the Shire and the Darling Downs Residents Association for the use and maintenance of reserves, 35603, 42696, 35706, 35701, 35702, 38830, 35601 and 46631 for bridle trails, horse arena and track.	
Owner:	Shire of Serpentine Jarrahdale		
Author:	Alan Hart - Director Corporate Services		
Senior Officer:	Joanne Abbiss - Chief Executive Officer		
Date of Report	23 September 2011		
Previously	CGAM031/10/08 27 October 2008		
Disclosure of 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		
Delegation	Council		

Background

The Darling Downs Residents Association (Inc.) ("DDRA") was formed as a result of a public meeting held by Council at the Byford Hall in February 1987. The public meeting was called due to a developer not completing the development. Instead the developer paid a contribution per lot to the Shire in lieu of completing the development. Council called a meeting, weekly input and direction from the local community on how the Darling Downs

area should be further developed. It was agreed at that public meeting that a committee should be formed to assist the Shire with the development of the area.

Since then, the DDRA has been formed and this association has been pro-actively working with the Shire to maintain and develop the Darling Downs area utilising funds that the developer paid to the Shire in lieu of completing the development.

In 2008, the Shire entered into a license agreement for a period of 1 year which formalised the co-operative working arrangement that the Shire and the DDRA and at the end of this period, the Shire and the DDRA reviewed the license agreement for its effectiveness and it was agreed that a formal arrangement did not suit both the Shire's and DDRA's need as it was not flexible enough to enable the Shire and the DDRA to undertake maintenance work that crossed over responsibilities that we outlined in the agreement.

Representatives of the DDRA and the Shire, therefore started to explore alternatives to this and while it was agreed that a written agreement needs to be in place to formalise the arrangement between the Shire and the DDRA, it does not need to be in the form of a license, but rather a Memorandum of Understanding ("MOU") between the two parties.

A copy of the expired licence agreement is with attachments marked [CGAM023.1/10/11](#) (IN09/458).

A copy of the draft Memorandum of Understanding is with attachments marked [CGAM023.2/10/11](#) (E11/5334).

Sustainability Statement

Effect on Environment: The proposed MOU gives the residents of the area management of the bridle trails, horse training area and track as the DDRA have agreed to maintain the area in conjunction with the shire to the Shire's specifications. This will ensure that the area is developed with proper consultation with all stakeholders and it will be sympathetic with the natural environment.

Biodiversity: The proposed MOU allows the Shire to set the minimum standard in relation to the maintenance of the general area. Rehabilitation of the landscape, including protection of indigenous flora and fauna will form part of the standards that are set in consultation with the DDRA.

Economic Viability: The scope of the proposed MOU will value add to the ongoing maintenance of the darling downs area. The maintenance work that will be undertaken by the DDRA is completed on a voluntary basis, therefore maximising the ability of the residents and the Shire combined to improving the maintenance levels of the area.

Social – Quality of Life: the proposed MOU allows the local Darling Downs community to be involved in the provision of the maintenance of the public open space that adjoins their properties and it provides that formal link between the DDRA and the Shire.

Statutory Environment: Not Applicable

Policy/Work Procedure Implications:

There are no work procedures/policy implications directly related to this issue.

Financial Implications:

There is an annual allocation of \$8,000 for the general maintenance of the horse training arena track. This is funded through the developer contribution which was paid by the developer in lieu of completing the POS in the

Darling Downs development. This expenditure has no impact on the Municipal Surplus of the Shire as the payment in Lieu is retained in a trust account setup specifically for this purpose. At the 30 June 2011, the balance of this restricted cash account was \$35,664. There are no other financial implications to the Shire as a result of Council entering into the MOU.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Summary	Objective
BUILT ENVIRONMENT			
	Land Use Planning		
		Rural Villages	Preserve the distinct character and lifestyle of our rural villages and sensitively plan for their growth.
	Infrastructure		
		Trails and linkages	Plan and develop well connected, distinctive, multiple use pathways that contribute to the individuality and sense of place of each neighbourhood.
		Partnerships	Develop partnerships with the community, business, government agencies and politicians to facilitate the achievement of the Shire's vision and innovative concepts.
			Empower residents to advocate for their community of interest and endeavour to create Shire policy and strategy that is respectful of their vision.
NATURAL ENVIRONMENT	Landscape		
		Manage	Control and manage weeds and plant diseases.
		Manage	Protect and manage a portion of each basic type of vegetation and ecosystem typical to the Shire.
OUR COUNCIL AT WORK			
		Society, community and environmental responsibility	The Shire is focussed on building relationships of respect with stakeholders.
PEOPLE AND COMMUNITY	Wellbeing		
		Healthy	Enable the provision of a range of facilities and services for families and children.
		Happy	Encourage, support and celebrate volunteerism.
	Relationships		
		Encourage	Foster positive working relationships with and between volunteers.
		Empower	Grow and sustain our strong community spirit.
			Develop a skilled, self determining community who participate in shaping the future and own and drive the changes that occur.
		Celebrate	Engage existing and new residents in sharing neighbourly and community values.
	Places		
		Vibrant	Create vibrant urban and rural villages.
		Build the community's capacity to create vibrant places	

Vision Category	Focus Area	Objective Summary	Objective
			through activities and events.
		Distinctive	Recognise, preserve and enhance the distinct characteristics of each locality.
			Foster the sense of belonging and pride of place in our community.

Community Consultation:

The DDRA have been actively involved in the development of the MOU and the wider Darling Downs community has been consulted through this group.

Comment:

The proposed MOU has been prepared by the Shire's Solicitors in partnership with the DDRA and addresses specific issues in relation to the maintenance of the arena and trails within the Darling Downs Estate. The proposed MOU provides a mechanism for the shire and the DDRA to work together to maintain the POS to the standards of the Shire.

It is recommended that this MOU operate for a period of 2 years after which it will be reviewed and refined if necessary. It is also an opportunity for the Shire to assess the funds available in the Darling Downs Developer Contribution Reserve Fund and ensure that neither Council nor the DDRA are bound to fund the implementation of the MOU if there are no funds in the trust account.

If Council endorse this MOU, it will be used as a template for future agreements with community groups to provide a formal mechanism where the Shire can work with the community groups to develop/maintain community infrastructure in the future.

It is therefore recommended that the Shire President and the Chief Executive Officer sign this MOU on behalf of Council.

Voting Requirements:

ABSOLUTE MAJORITY

CGAM023/10/11 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Urban, seconded Cr Wilson

That Council endorse the Memorandum of Understanding between the Shire of Serpentine Jarrahdale and the Darling Downs Residents Association for the maintenance of reserves 35603, 42696, 35706, 35701, 35702, 38830, 35601, 35701 and 46631 for a period of 2 years, as per attachment CGAM023.2/10/11 (E11/5334).

CARRIED 9/0

9. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN:

OCM017/10/11	WEST AUSTRALIAN CLUBMAN CUP RALLY – PROPOSAL TO USE JARRAHDALÉ HERITAGE PARK AS A SERVICE PARK (P05576/44)	
Proponent:	Light Car Club of WA (Inc)	In Brief Council is requested to give consent to Light Car Club of WA for use of part of Jarrahdale Heritage Park for a service park for the final round of the West Australian Clubman Cup Rally.
Owner:	Shire of Serpentine Jarrahdale	
Officer:	Louisa Loder – PA to Director Corporate Services	
Signatures Author:	Not applicable	
Senior Officer:	Alan Hart – Director Corporate Services	
Date of Report	19 October 2011	
Previously	Not applicable	
Disclosure of 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	
Delegation	Council	

Background

Light Car Club of WA (Inc) seeks Council consent to utilise a section of the Jarrahdale Heritage Park as a service park for one day over the period of the West Australian Clubman Cup Rally.

The Light Car Club of WA is proposing to conduct a car rally in the area to the east of Jarrahdale on Saturday 12th November 2011 as the final round of the West Australian Clubman Cup Rally Championship (Darling 200 Rally). They held the same event at the Jarrahdale Heritage Park last year and the event was a success with no negative feedback from the community and no incidents recorded.

Given the geographic location and the resources available for the race, the event organisers have identified an area of Jarrahdale Heritage Park as being suitable for a service park. The service park would entail a headquarters management centre at Bruno Gianatti hall (separate hire agreement), servicing of vehicles, and a refuelling station.

Last year the license fee of \$200 was given to the Serpentine Jarrahdale Landcare Centre for their verge tree planting program to offset carbon emissions. The West Australian Clubman Cup Rally organisers have requested that last year's bond of \$2,000 to remain at this amount as a result of their good record from past events.

Sustainability Statement

Effect on Environment: Servicing of any of the vehicles will be carried out on tarpaulins within the Jarrahdale Heritage Park.

Resource Implications: Infrastructure such as roads under the care and control of the Shire being made to be reinstated satisfactorily following the event.

Use of Local, renewable or recycled Resources: The proposal would provide the use of local stores by event organisers, participants and spectators.

Economic Viability: There will not be ongoing costs or funding required for the Shire in the future.

Economic Benefits: The proposal will provide economic benefits to the community such as employment creation and tourism, where event organisers, participants and spectators would utilise businesses such as the general store.

Social – Quality of Life: All servicing and refuelling of vehicles will be in a central controlled area. The quality of life would not be hindered from this proposal.

Social and Environmental Responsibility: The applicant is required to obtain necessary approvals from relevant state government agencies including the WA Police service, Department of Conservation and Land Management, Department of Water and Water Corporation of WA.

Social Diversity: The proposal does not disadvantage any social groups within the community. It aims to cater for all sectors of the community.

Statutory Environment: Town Planning and Development Act 1928 (as amended)
Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2.
Metropolitan Region Scheme

Policy/Work Procedure Implications: N/A

Financial Implications: The proposal does not have an impact on budgeted income or expenditure in the current year. The event will have indirect benefits to the Shire through tourism and media exposure.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
BUILT ENVIRONMENT				
	Infrastructure			
		52	Partnerships	Develop partnerships with the community, business, government agencies and politicians to facilitate the achievement of the Shire's vision and innovative concepts.
		57		Develop and support key sponsorship programs for community and Council projects.
SUSTAINABLE ECONOMIC GROWTH				
	Industry Development			
		1	General	Attract and facilitate appropriate industrial, commercial and retail developments.
		3		Encourage value adding opportunities for local industries and resources.
		16	Small Business	Nurture and support small business, cultural and

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
			and Cottage Industries	cottage industries
	Industry Assistance			
		17	Promotion	Maximise promotion, marketing and networking opportunities for local businesses.

Community Consultation:

The applicant will be required to notify effected land property owners.

Comment:

Applications for road closures will be undertaken by the Chief Executive Officer under delegated authority ENG07.

A copy of the License is included with the attachments and marked [OCM017.1/10/11 \(E11/5921\)](#).

Voting Requirements: ABSOLUTE MAJORITY

OCM017/10/11 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Harris, seconded Cr Urban

- 1. Council gives its consent to enter into a license agreement for the use of Lot 814 Jarrahdale Road (Jarrahdale Heritage Park) as a service park on the 12th November 2011 for the final round of the West Australian Clubman Cup Rally.**
- 2. A license fee of \$220 (GST inclusive) be charged and provided to Serpentine Jarrahdale Landcare to use in the verge tree planting program to offset carbon emissions.**
- 3. A bond of \$2,000 to be lodged by the organisers of the West Australian Clubman Cup Rally.**
- 4. The Chief Executive Officer and Shire President be authorised to sign the license as per attachment OCM017.1/10/11 (E11/5921).**

CARRIED 9/0

10. CHIEF EXECUTIVE OFFICERS REPORT:

OCM018/10/11		INFORMATION REPORT
Proponent	Not applicable	In Brief Information Report.
Officer	Trish Kursar - Personal Assistant to the Chief Executive Officer	
Signatures - Author:		
Senior Officer:	Joanne Abbiss – Chief Executive Officer	
Date of Report	21 October 2011	
Previously		
Disclosure of 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	
Delegation	Council	

OCM018.1/10/11 COMMON SEAL REGISTER REPORT – SEPTEMBER 2011

The Common Seal Register Reports for the month of September 2011 as per Council Policy G905 - Use of Shire of Serpentine Jarrahdale Common Seal is with the **attachments marked [OCM018.1/10/11](#)**.

OCM018.2/10/11 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) PEEL ZONE AGENDA – 28 SEPTEMBER 2011 (A1164-02)

In the attachments marked [OCM018.2/10/11](#) (IN11/14036) is the agenda of the WALGA peel Zone Meeting held on 28 September 2011.

OCM018.3/10/11 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) STATE COUNCIL AGENDA –2011 (A1164-02)

In the attachments marked [OCM018.3/10/11](#) (IN11/14488) is the minutes of the WALGA South East Metropolitan Zone Meeting held on 28 September 2011.

OCM018.4/10/11 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) STATE COUNCIL AGENDA –2011 (A1164-02)

In the attachments marked [OCM018.4/10/11](#) (IN11/14798) is the minutes of the WALGA State Council meeting (Keelty Report) held on 5th October 2011.

OCM018/10/11 COUNCIL DECISION/Officer Recommended Resolution:

**Moved Cr Harris, seconded Cr Urban
That Council receive the Information Report to 21 October 2011.
CARRIED 9/0**

11. URGENT BUSINESS:

Nil

12. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:

Nil

13. CLOSURE:

The Presiding Member wished the Chief Executive Officer the best of luck while she is representing the Shire in Seoul at the International Awards for Liveable Communities. There are only two other local governments in Western Australia attending this conference.

There being no further business, the meeting closed at 8.01pm.

I certify that these minutes were confirmed at the
Ordinary Council Meeting held on 28 November 2011.

.....
Presiding Member

.....
Date

14. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:

SD054/10/11 PROPOSED DETAILED AREA PLAN – BYFORD BY THE SCARP – DETAILED AREA PLAN 8 (A1689)		
Proponent:	Taylor Burrell Barnett	In Brief To approve a Detailed Area Plan setting out design requirements for the future development of the subject site.
Owner:	Aspen Group	
Author:	Gillian Leopold – Planning Support Officer	
Senior Officer	Brad Gleeson - Director Development Services	
Date of Report	19 September 2011	
Previously	Nil	
Disclosure of 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	
Delegation	Committee – in accordance with resolution CGAM064/02/08	

SD054/10/11 Committee Decision/Officer Recommended Resolution:**That Council:**

A. Approve the Detailed Area Plan 8 for the Byford by the Scarp estate as per Attachment [SD054.1/10/11](#) in accordance with clause 5.18.5.1(c)(i) of Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.

B. Advise the Western Australian Planning Commission accordingly.

CARRIED 7/0

SD056/10/11 PROPOSED OVERSIZE AND OVERHEIGHT STABLE / SHED - LOT 1 COOGLY ROAD, MARDELLA (P03200/03)		
Proponent:	Peter Robinson Designer	In Brief Application for the construction of an oversize and over height stable / shed / office / keeping of horses. Approval subject to conditions is recommended.
Owner:	John Cranston / D Phipps	
Officer:	Gillian Leopold - Planning Support Officer	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	19 September 2011	
Previously	Nil	
Disclosure of 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	
Delegation	Committee – in accordance with resolution CGAM064/02/08	

SD056/10/11 Committee Decision/Officer Recommended Resolution:

Application for approval to commence development for a stable and shed on Lot 1 Coogly Road, Mardella be approved subject to the following conditions:

1. All existing native trees on the subject lot and adjacent road verge shall be retained and shall be protected from damage prior to and during construction unless subject to an exemption provided within Town Planning Scheme No. 2 or the specific written approval of the Shire has been obtained for tree removal either through this planning approval or separately.
2. Horses are to be kept and land managed in accordance with the management plan attached to and forming part of this approval.
3. A maximum of eight (8) horses are permitted to be kept on the subject property unless further written approval is granted by Council.
4. Stock are to be kept out of any paddock that is partially or completely inundated with water.
5. All chemicals associated with the care of the land and stock are to be stored as to eliminate the possibility of spillage onto permeable surfaces.
6. All existing drainage lines and areas are to be fenced off from stock.
7. Horses shall not be kept in paddocks where there is less than 95% of pasture cover.
8. All fencing shall be of post and rail or post and wire unless otherwise approved by the Shire.
9. Flooring of the stables and holding yards to consist of an impermeable base to prevent nutrients leaching into the soil.
10. Any trees that exhibit signs of ringbarking or root compaction are to be fenced off from stock.
11. All declared and environmental weeds are to be eliminated from the lot.
12. Any revegetation works are to be fenced to prevent access by stock.
13. No direct discharge of stormwater into watercourses or drainage lines.
14. All stormwater runoff from roofs and hardstand areas to be disposed of on-site.

Advice Notes:

1. A building licence is required to be obtained prior to the commencement of any development (including earthworks).
2. The shed is not to be used for any commercial or industrial purpose (including home occupation), the parking of a commercial vehicle or the stabling of horses or other livestock unless the written approval of the Shire has first been obtained.
3. The shed is not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant Legislation for other types of effluent disposal systems.
4. Disposal of hard and liquid wastes is to be in accordance with Health Local Law 1999 – Part 6, Division 2 – ‘Keeping of Large Animals’.

CARRIED 7/0

SD061/10/11 STRATEGIC COMMUNITY PLANNING INFORMATION REPORT		
Proponent:	N/A	In Brief To receive the Information Report for July 2011.
Owner:	N/A	
Author:	Various	
Senior Officer:	Suzette van Aswegen – Director Strategic Community Planning	
Previously	Not Applicable	
Disclosure of 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	
Delegation	Committee – in accordance with resolution CGAM064/02/08	

SD061/10/11 Committee Decision/Officer Recommended Resolution:

That Council accept the Strategic Community Planning Information Report as per attachment [SD061.1/10/11](#) for September 2011.
CARRIED 7/0

SD062/10/11 DEVELOPMENT SERVICES INFORMATION REPORT		
Proponent:	N/A	In Brief To receive the Information Report for September 2011.
Owner:	N/A	
Author:	Various	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	23 September 2011	
Previously	Not Applicable	
Disclosure of 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	
Delegation	Committee – in accordance with resolution CGAM064/02/08	

SD062/10/11 Committee Decision/Officer Recommended Resolution:

That Council accept the Information Report for September 2011.
CARRIED 7/0

CGAM020/10/11		MONTHLY FINANCIAL REPORT – AUGUST 2011 (A0924/07)
Proponent:	Serpentine Jarrahdale Shire	In Brief To receive the August 2011 Monthly Financial Report.
Owner:	Not Applicable	
Author:	Kelli Hayward - Financial Accountant	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	21 September 2011	
Previously	Not Applicable	
Disclosure of 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	
Delegation	Committee – in accordance with resolution CGAM064/02/08	

CGAM020/10/11 Committee Decision/Officer Recommended Resolution:

That Council receives the Monthly Financial Report for August 2011, in accordance with Section 6.4 of the Local Government Act 1995.
CARRIED 7/0

CGAM021/10/11		MONTHLY FINANCIAL REPORT – SEPTEMBER 2011 (A0924/07)
Proponent:	Serpentine Jarrahdale Shire	In Brief To receive the September 2011 Monthly Financial Report.
Owner:	Not Applicable	
Author:	Kelli Hayward - Financial Accountant	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	26 September 2011	
Previously	Not Applicable	
Disclosure of 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	
Delegation	Committee – in accordance with resolution CGAM064/02/08	

CGAM021/10/11 Committee Decision/Officer Recommended Resolution:

That Council receives the Monthly Financial Report for September 2011, in accordance with Section 6.4 of the Local Government Act 1995.
CARRIED 7/0

CGAM022/10/11		CONFIRMATION OF PAYMENT OF CREDITORS (A0917)
Proponent:	Serpentine Jarrahdale Shire	In Brief To confirm the creditor payments made during the period 24 August to 21 September 2011.
Owner:	Not Applicable	
Author:	Amber White - Finance Officer	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	21 September 2011	
Previously	Not Applicable	
Disclosure of 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	
Delegation	Committee in accordance with resolution CGAM064/02/08	

CGAM022/10/11 Committee Decision/Officer Recommended Resolution:

That Council receives the payments authorised under delegated authority and detailed in the list of invoices for period of 24 August to 21 September 2011, as per attachment [CGAM022.1/10/11](#) including Creditors that have been paid and in accordance with the Local Government (Financial Management) Regulations 1996.
CARRIED 7/0

CGAM024/10/11		CORPORATE SERVICES INFORMATION REPORT
Proponent:	Not Applicable	In Brief To receive the information report for September 2011.
Owner:	Not Applicable	
Author:	Various	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	21 September 2011	
Previously	Not Applicable	
Disclosure of 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	
Delegation	Committee in accordance with resolution CGAM064/02/08	

CGAM024/10/11 Committee Decision/Officer Recommended Resolution:

That the Information Report for September 2011 be received.
CARRIED 7/0

CGAM025/10/11		ENGINEERING SERVICES INFORMATION REPORT
Proponent:	Not Applicable	In Brief To receive the information report for September 2011.
Owner:	Not Applicable	
Author:	Various	
Senior Officer:	Richard Gorbunow – Director Engineering	
Date of Report	21 September 2011	
Previously	Not Applicable	
Disclosure of 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	
Delegation	Committee in accordance with resolution CGAM064/02/08	

CGAM025/10/11 Committee Decision/Officer Recommended Resolution:

**That the Information Report for September 2011 be received.
CARRIED 7/0**

- NOTE:**
- a) **The Council Committee Minutes Item numbers may be out of sequence. Please refer to Section 10 of the Agenda – Information Report - Committee Decisions Under Delegated Authority for these items.**
 - b) **Declaration of Councillors and Officers Interest is made at the time the item is discussed.**