

TABLE OF CONTENTS

1.	ATTENDANCE & APOLOGIES:	3
2.	PUBLIC QUESTION TIME:	3
2.1	Response To Previous Public Questions Taken On Notice	3
3.	PUBLIC STATEMENT TIME:	3
4.	PETITIONS & DEPUTATIONS:	4
5.	PRESIDENT’S REPORT:	4
6.	DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:	4
7.	RECEIPT OF MINUTES OR REPORTS AND CONSIDERATION OF ADOPTION OF RECOMMENDATIONS FROM COMMITTEE MEETINGS HELD SINCE THE PREVIOUS COUNCIL MEETINGS:	5
SD017/08/08	RENEWAL OF APPROVAL FOR HOME BUSINESS – LOT 14 (121) KING ROAD OAKFORD (P04672/06)	6
SD019/08/08	PROPOSED OVERSIZE OUTBUILDING (STABLES) ON LOT 21 (68) SWAMP GUM ROAD, OAKFORD (P05390/01)	13
SD020/08/08	INITIATION OF SCHEME AMENDMENT NO. 160 - REZONING OF LOT 5 KARNUP ROAD, SERPENTINE FROM ‘RURAL’ TO ‘FARMLET’ (P02140/09)	17
SD021/08/08	PROPOSED CHURCH – LOTS 32-34 CLIFTON STREET BYFORD (P01672/01) 27	
SD022/08/08	PROPOSED OVERSIZED SHED – LOT 12 (#23) DALLEY STREET, BYFORD (P00737/01,02)	47
SD024/08/08	MUNDIJONG CHANGEROOMS UPGRADE (RS0120/04)	54
CGAM011/08/08	JARRAHDAL E HERITAGE PARK MANAGEMENT COMMITTEE (P05576/06) 60	
CGAM012/08/08	PROPOSED LEASE AGREEMENT COMMONWEALTH BUREAU OF METEOROLOGY AND SERPENTINE JARRAHDAL E SHIRE (RS0008)	63
CGAM013/08/08	PERMIT VEHICLE USE ON TRANSIT ROAD, JARRAHDAL E (A0512-03) 65	
8.	MOTIONS OF WHICH NOTICE HAS BEEN GIVEN	67
OCM004/08/08	GRIEVANCE RESOLUTION POLICY (A1048).....	67
OCM005/08/08	APPOINTMENT OF COUNCILLORS TO THE PROPOSED RIVERS REGIONAL COUNCIL (A0283)	69
9.	CHIEF EXECUTIVE OFFICER’S REPORT	70
OCM006/08/08	INFORMATION REPORT	70

10.	URGENT BUSINESS:	72
11.	COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:	72
12.	CLOSURE:	72
13.	INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:	73
SD013/08/08	BUILDING INFORMATION REPORT	73
SD014/08/08	HEALTH INFORMATION REPORT	73
SD015/08/08	RANGERS INFORMATION REPORT	74
SD016/08/08	PROPOSED HOME BUSINESS – METAL SPINNING ON LOT 824 GREENHILL GROVE, CARDUP (P05750/05).....	74
SD018/08/08	PROPOSED SWIMMING POOL OUTSIDE BUILDING ENVELOPE ON LOT 107 KENTUCKY DRIVE DARLING DOWNS (P00192/04)	75
SD023/08/08	PLANNING INFORMATION REPORT.....	75
CGAM007/08/08	MONTHLY FINANCIAL REPORT – JUNE 2008 (A0924/07).....	76
CGAM008/08/08	CONFIRMATION OF PAYMENT OF CREDITORS (A0917)	76
CGAM009/08/08	SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917)	77
CGAM010/08/08	RATE DEBTORS REPORT (A0917)	77
CGAM014/08/08	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION SPECIAL FORUM – SYSTEMIC SUSTAINABILITY STUDY 10 YEAR PLAN (A1164)	78
CGAM015/08/08	INFORMATION REPORT	78

- 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, 25th AUGUST 2008. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.00PM AND WELCOMED COUNCILLORS, STAFF AND MEMBERS OF THE GALLERY.

1. ATTENDANCE & APOLOGIES:

IN ATTENDANCE:

COUNCILLORS: DL Needham Presiding Member
JE Price
MJ Geurds
M Harris
WJ Kirkpatrick
EE Brown
C Randall
S Twine
K Murphy
C Buttfield

OFFICERS: Ms J Abbiss Chief Executive Officer
Mr A Hart Director Corporate Services
Mrs S van Aswegen Director Strategic Community Planning
Mr B Gleeson Director Development Services
Mrs L Fletcher Minute Secretary

APOLOGIES: Nil

GALLERY: 6

2. PUBLIC QUESTION TIME:

Public Question Time commenced at 7.00pm

Nil

2.1 Response To Previous Public Questions Taken On Notice

Nil

Public Question Time concluded at 7.01pm

3. PUBLIC STATEMENT TIME:

Public Statement Time commenced at 7.01pm

SD022/08/08 - Bonnie Robertson (Lot 12 Dalley Street, Byford)

In relation to our shed application, it has been recommended by the Planning Committee that the shed be reduced to 120sqm.

We would like to request an extra 20sqm making a total of 140sqm making our shed size 9m x 15.5m. This will give our shed application a 40% variation which has been applied to other applications in our area. For example 36 Walters Road which connects to our street has the same zoning and structure plan and they were granted a 43% variation.

At a size of 140sqm the rear set back will be increased to 8.7 metres. Being on a large block and the location, the shed will have no impact on the area as it is not visible from the street.

No vegetation will need to be removed or will be affected. We have planted additional vegetation on the northern boundary 1 to 1.5 metres apart and these natives grow up to 3 metres in height. Screening of northern property, the shed location on northern property is located 2m from side boundary and 9m wide will screen our shed, when looking from northern boundary.

In relation to colour, we chose cream as it matches the colour of our home and patios, one neighbour has a cream shed and the other neighbour has a red shed, so I believe this colour is consistent with surrounding properties.

SD021/08/08 - David Bradbury (19 Clifton Street, Byford)

On behalf of the Anglican Parish of Serpentine Jarrahdale I want to thank the Shire Councillors for their willingness to step out in faith and embrace the parishes vision of a Church Community Centre in Byford. It is heart warming to witness the Shire Councillors enacting their responsibility to care for the people of the Shire by supporting our vision to bring desperately needed services into the Shire.

Also on behalf of the Church Council I would like to thank the Shire officers for the help and guidance they have given through the Shires consultation process and in making themselves available when requested.

May God enable us to grow in love together.

Public Question Time concluded at 7.04pm

4. PETITIONS & DEPUTATIONS:

Nil

5. PRESIDENT'S REPORT:

The Shire President advised that Serpentine Jarrahdale Shire was presented with the Milestone 3 Local Planning Policy - Biodiversity Conservation award at the Western Australian Local Government Association Annual General Meeting held on 2 August 2008.

The Shire President requested that her congratulations be passed on to the appropriate staff.

The Shire President also advised that she will be taking Leave of Absence from 17 to 23 September 2008 at which time Councillor John Price will be the Acting Shire President.

6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

Cr Brown declared an interest of impartiality in item SD021/08/08 as she is a member of the Church Council and also the Project Co-ordinator for the proposed redevelopment.

Cr Price declared an interest of impartiality in item SD017/08/08 as he has purchased a service from the applicant in the past 12 months.

Cr Needham declared an interest of impartiality in item SD017/08/08 as she has purchased a service from the applicant in the past 12 months and advised that this will not affect the way in which she votes.

Cr Harris declared an interest of impartiality in item SD020/08/08 as the proponent has been a client and item SD021/08/08 as her mother is actively involved in the church.

7. RECEIPT OF MINUTES OR REPORTS AND CONSIDERATION OF ADOPTION OF RECOMMENDATIONS FROM COMMITTEE MEETINGS HELD SINCE THE PREVIOUS COUNCIL MEETINGS:

7.1 Ordinary Council Meeting – 28 July 2008

COUNCIL DECISION

Moved Cr Brown, seconded Cr Harris

That the minutes of the Ordinary Council Meeting held on 28 July 2008 be confirmed.

CARRIED 10/0

REPORTS OF COMMITTEES:

SD017/08/08 RENEWAL OF APPROVAL FOR HOME BUSINESS – LOT 14 (121) KING ROAD OAKFORD (P04672/06)		
Proponent:	R &K Pengelly	In Brief Application for Home Business – Automotive Repairs (LPG conversion of vehicles). It is recommended that the renewal of approval be granted subject to conditions.
Owner:	As Above	
Officer:	Contract Planning Officer	
Senior Officer:	Director Development Services	
Date of Report	31 July 2008	
Previously	SD117/06/07	
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: 16 June 2008
 Advertised: Yes
 Submissions: Yes
 Lot Area: 4 hectares
 L.A Zoning: Rural Ground Water Protection
 MRS Zoning: Rural Water Protection

Background

The applicant seeks renewal of planning approval for the Home Business (LPG Gas Fitting – Vehicles). The Council resolved to issue temporary (12 months) approval for the business on 25 June 2007. The Council's resolution in this regard was as follows:

“The application for approval to commence development of a Home Business (LPG Conversion of Motor Vehicles) on Lot 14 (121) King Road, Oakford be approved subject to the following conditions:

1. *This approval is only valid for 12 months from the date of issue of the decision notice. Renewal of approval will be subject to no valid complaints (in the opinion of the Shire) being received and all conditions of approval being complied with to the satisfaction of the Shire during the preceding 12 month period.*
2. *The approval is personal to the applicant and cannot be transferred to or assigned to any other person nor does it run with the land in respect of which it was granted.*
3. *The person to whom approval is granted by the Council to carry on a home business shall not carry on that home business at any premises other than the land in respect of which the Council's approval is granted.*
4. *Only the applicant and other family members resident on Lot 14 King Road are permitted to be employed by the business.*
5. *The activities approved are restricted to LPG and CNG installations to vehicles only.*
6. *All work associated with the Home Business is to be carried out inside the shed. Vehicles awaiting collection by customers may be parked on the hardstand adjacent to the shed.*
7. *The hours of operation of the business are restricted to 8.00am to 5.00pm Monday to Friday.*
8. *A maximum of 1 vehicle for conversion is to be carried out on the premise at any one time.*
9. *A maximum of 4 vehicle conversions are to be carried out per week.*

10. *A maximum of 50 square metres of the property is permitted to be used for the operation of the business including installation works, equipment and parts storage and office space.*
11. *The retail sale, display or hire of goods of any nature is prohibited.*
12. *The presence, parking and garaging of a vehicle of more than 3.5 tonne tare weight is not permitted on the property with regard to the operation of the business.*
13. *The site is to be kept in a tidy state at all times and not detract from the residential appearance of the dwelling house or domestic outbuilding to the satisfaction of the Shire.*
14. *A row of dense screening shrubs with a minimum mature height of 2 metres is to be planted adjacent to the hardstand forecourt of the shed to screen it from view of the street to the satisfaction of the Shire. Such planting to be completed by 30 September 2007 and thereafter maintained to the satisfaction of the Shire.*
15. *A maximum of one sign with a maximum area of 0.2m² (20cm x 10cm) is permitted to be displayed on the property in relation to the approved home business.*
16. *Any sea containers on the property must be removed by 31 August 2007.*
17. *A new application for planning approval is required for any expansion or modification of the business outside the conditions of this approval and for extension to use the property as a Home Business beyond the initial 12 moth approval.*

CARRIED 6/2”

Prior to expiry of the temporary approval the applicant submitted a new application for permanent approval of the Home Business.

The business' operating criteria remain the same as follows:

- Only 48m² of the shed will be used for the purpose of conducting the Home Business.
- Business to be operated from 9am to 5pm Monday to Friday
- Only one car will be converted every 2-3 days.
- The applicant will be the sole proprietor
- There will be one delivery to the premises per week by a courier van or utility.
- The equipment to be used in the business includes an electric drill, pipe cutter, welder, a compressor, hoists, a tank lifter and a range of manual hand tools.

A copy of the aerial photo, location plan, site plan and elevation plan is with the attachments marked SD017.1/08/08.

Sustainability Statement

Effect on Environment: LPG Autogas powered vehicles emit significantly fewer greenhouse gases and other pollutants than petrol-powered vehicles. Autogas typically has around 20 per cent less ozone forming potential (a measure of the tendency to generate photochemical smog), between 10 and 15 per cent lower greenhouse gas emissions and only one fifth air toxics emissions.

LPG is widely regarded as clean, safe, economic, environmentally friendly and abundantly available. Therefore the opportunity exists for Western Australia to make the most of this natural resource and for the State to become self-sufficient in terms of energy production and fuel for transport. By utilising our reserves of natural gas we can reduce greenhouse emissions, improve urban air quality and decrease our dependence on imported oil. Until technologies such as renewable energy production and hydrogen fuel cells become economically viable natural gas is the most attractive transition fuel available to meet W.A.'s energy and transportation needs.

Resource Implications: Natural gas is the cleanest fossil fuel available to industry and domestic users. This offers benefits such as reductions in toxic air pollutants and reduced greenhouse gas emissions. LPG offers the opportunity to replace petrol for transport. This will reduce emissions from the tailpipe, thus improving Perth's urban air quality. The widespread use of gas will also make the transition to renewable sources of energy much cheaper and easier since fuel cells can run on natural gas as can hybrid vehicles.

Use of Local, renewable or recycled Resources: LPG is produced at BP's Kwinana refinery as a by-product of the oil refining process.

Economic Benefits: The proposed business will provide a local facility for residents to have their vehicle fuel systems converted. The business will provide for local employment for the landowners without any requirement for commuting.

Social – Quality of Life and Social Diversity: The Federal Government provides a \$2 000 rebate for the conversion of existing motor vehicles to LPG use. LPG fuelled vehicles are approximately 50% cheaper to run than petrol fuelled vehicles.

Statutory Environment: Planning and Development Act 2005
Town Planning Scheme No. 2
Statement of Planning Policy 2.3 Jandakot Groundwater Protection Policy - WAPC

Policy/Work Procedure Implications: Nil

Financial Implications: If the application is refused and that decision is appealed there may be financial implications for the Council related to legal costs and officer time.

Strategic Implications: This proposal relates to the following Key Sustainability Result Areas:-

2. Environment
Objective 1: Protect and repair natural resources and processes throughout the Shire
Strategies:
5. Reduce green house gas emissions.

Objective 2: Strive for sustainable use and management of natural resources
Strategies:
2. Respond to Greenhouse and Climate change.

3. Economic
Objective 1: A vibrant local community
Strategies:
1. Attract and facilitate appropriate industries, commercial activities and employment.

4. Governance
Objective 3: Compliance to necessary legislation
Strategies:
1. Ensure development and use of infrastructure and land complies with required standards.

Community Consultation:

The proposal was advertised for a period of 21 days. The public advertising resulted in one submission in support of the proposal and two submissions against the proposal. The reasons for objections are as follows:

Affected Property	Summary of Submission	Officer's Comment	Action (Condition/ Support/ Dismiss)
A253200	No objection to the renewal	Noted	Noted
A253900	<p>Recently we have had our property on the market for sale which was very unsuccessful even though there has been others sold & subdivided. Our buyers who were not interested once they were told of the commercial industries around our land. We bought our property 25 years ago for the rural lifestyle which was close to Perth and not be near a commercial area. Commercial in this instance is definitely not more profitable for us as sellers. This has been a financial loss to us as landholders, conveyed by property professionals.</p> <p>In respect of neighbours we do not keep an account of people or cars going in and out of their property. It is really hard for anyone to distinguish which Commercial or Private business is being carried out on the premises. The size of the shed extension does make us wonder what is going to be used for as LPG Conversions don't need a lot.</p>	<p>Under The Shire's Town Planning Scheme No.2 a Home Business is an AA(discretionary) use in the Rural Groundwater Protection zone. It means the Council may, at its discretion, permit the use.</p> <p>It is noted that the submitter has an existing poultry farm on the property abutting their northern boundary.</p> <p>Recommendations contains conditions addressing issues relating to restriction of the activities to installation of LPG and the number of conversions allowed to be carried out per week.</p>	Dismiss
A254700	<p>Renewal should not be granted the fact still remains that under S. J. Council approval conditions issued to 121 King Road, Oakford the large sea container was required to be removed by certain dates this never happened.</p> <p>This type of business should not come under the category of Home Business it is a commercial mechanical workshop therefore should be situated in an industrial area.</p> <p>How can we differentiate the vehicles that are driven into 121 King Road Oakford seven days a week day and night whether they are customers or not and also whether the hours they work at nights or weekends is commercial or private work.</p> <p>What type of other work will be carried out on this premises when the Government \$3000.00. Rebate (LPG conversions) is withdrawn around September 2008.</p> <p>Having been ratepayers for 24</p>	<p>A temporary approval has been issued for the sea container for the applicant to store building materials for the shed. The compliance officer will ensure its removal at the expiry period.</p> <p>The use fits all of the criteria for a Home Business contained in Town Planning Scheme No.2.</p> <p>The Officer Recommendation contains conditions addressing issues relating to restriction of the activities to installation of LPG conversion kits only and the number of conversions allowed to be carried out per week.</p>	Dismiss

Affected Property	Summary of Submission	Officer's Comment	Action (Condition/ Support/ Dismiss)
	years, we feel the Shire should support us and not subject us to this type of commercial activity disrupting our rural Lifestyle (Shire should be reminded the category of this business is not rural or horticulture).		

The applicant submitted three letters of unconditional support from customers who were happy with their service.

Comment:

A Home Business is an AA (discretionary) use in the Rural Groundwater Protection zone. Under Town Planning Scheme No. 2 (TPS 2) a Home Business is defined as follows:

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

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

Compliance Audit

The Shire's Development Compliance Officer carried out an audit of the Home Business and determined that, with the exception of condition 16., all conditions of the previous approval had been complied with. The Council was not in receipt of any noise or amenity complaints relating to the operation of the business on that site in the last 12 months.

Condition 16. required the removal of a sea container from the site. The Development Compliance Officer has been negotiating with the landowners with regard to the removal of this container. To set an end date for the removal of the container temporary planning approval was applied for and issued for the sea container to remain on site until 7 January 2009 to allow the landowners to complete some extensions to their shed (approved and in progress) and relocate the contents of the sea container into the shed. The conditions of the temporary approval for the sea container are as follows:

1. This approval is valid for a period of 6 months only and expires on 7 January 2009.
2. The sea container is to be removed from the subject lot by the expiry date of this approval.

Conclusion

No valid complaints have been received by the Shire in the 12 months the business has been operating from the property. All conditions, with the exception of condition 16., of the

previous approval have been complied with and alternative arrangements have been put in place to ensure the removal of the sea container by 7 January 2009. Accordingly, it is recommended that the application be approved without a time limit.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

The application for approval to commence development of a Home Business (LPG Conversion of Motor Vehicles) on Lot 14 (121) King Road, Oakford be approved subject to the following conditions:

1. The approval is personal to the applicant and cannot be transferred to or assigned to any other person nor does it run with the land in respect of which it was granted.
2. The person to whom approval is granted by the Council to carry on a home business shall not carry on that home business at any premises other than the land in respect of which the Council's approval is granted.
3. Only the applicant and other family members resident on Lot 14 King Road are permitted to be employed by the business.
4. The activities approved are restricted to LPG and CNG installations to vehicles only.
5. All work associated with the Home Business is to be carried out inside the shed. Vehicles awaiting collection by customers may be parked on the hardstand adjacent to the shed.
6. The hours of operation of the business are restricted to 8.00am to 5.00pm Monday to Friday.
7. A maximum of 1 vehicle for conversion is to be kept on the premises at any one time.
8. A maximum of 4 vehicle conversions are to be carried out per week.
9. A maximum of 50 square metres of the property is permitted to be used for the operation of the business including installation works, equipment and parts storage and office space.
10. The retail sale, display or hire of goods of any nature is prohibited
11. The presence, parking and garaging of a vehicle of more than 3.5 tonne tare weight is not permitted on the property with regard to the operation of the business.
12. The site is to be kept in a tidy state at all times and not detract from the residential appearance of the dwelling house or domestic outbuilding to the satisfaction of the Shire.
13. A maximum of one sign with a maximum area of 0.2m² (20cm x 10cm) is permitted to be displayed on the property in relation to the approved home business.

Committee Recommended Resolution:

The application for approval to commence development of a Home Business (LPG Conversion of Motor Vehicles) on Lot 14 (121) King Road, Oakford be deferred so that the matter can again be put before the Council or Committee for consideration of:

1. The Shire's Compliance Officer accompanied by a relevant Officer carry out an inspection of the land the subject of the application, the report is to detail the items found on the land, inside the shed or sheds on the land and detail the contents of the sea container(s) located on the land.
2. A report on each of the conditions placed on the granting of the temporary approval to commence development as follows.
3. Specific reference to conditions 1, 2, 3, 5, 7, 8, 9, 13, 14 and 16.
4. The report should pay particular attention to condition 10 (the amount of space in the shed(s) devoted to the home business) and report if satisfactory arrangements have been made to ensure compliance with this condition.
5. The applicants have been granted separate approval to extend the shed(s), the officers should determine and report on whether all the material from which the approved extensions are built or is being built, is new material.

Should the applicants refuse to allow the sea container to be opened or the interior of the shed(s) be inspected the officers are to report this action to the Council for appropriate action, legal or otherwise, to be taken.

With reference to condition 2 and the note following the conditions of the original resolution of 17 August 2008 that the applicant will be the sole proprietor, enquires are to be made of the relevant Commonwealth and State Government Authorities as to the ownership and registration of the businesses known as Rick's Auto Gas and Liberty Gas and any other relevant business as to whether that business or a successor is registered to operate at the subject premises and if the applicant is in fact the sole proprietor of the business operating at Lot 14 King Road.

Committee Note: The Committee is of the opinion that further check of the property is justified before permanent approval is granted to ensure that no precedents are set.

SD017/08/08 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Price, seconded Cr Buttfield

The application for approval to commence development of a Home Business (LPG Conversion of Motor Vehicles) on Lot 14 (121) King Road, Oakford be approved subject to the following conditions:

1. The approval is personal to the applicant and cannot be transferred to or assigned to any other person nor does it run with the land in respect of which it was granted.
2. The person to whom approval is granted by the Council to carry on a home business shall not carry on that home business at any premises other than the land in respect of which the Council's approval is granted.
3. Only the applicant and other family members resident on Lot 14 King Road are permitted to be employed by the business.
4. The activities approved are restricted to LPG and CNG installations to vehicles only.
5. All work associated with the Home Business is to be carried out inside the shed. Vehicles awaiting collection by customers may be parked on the hardstand adjacent to the shed.
6. The hours of operation of the business are restricted to 8.00am to 5.00pm Monday to Friday.
7. A maximum of 1 vehicle for conversion is to be kept on the premises at any one time.
8. A maximum of 4 vehicle conversions are to be carried out per week.
9. A maximum of 50 square metres of the property is permitted to be used for the operation of the business including installation works, equipment and parts storage and office space.
10. The retail sale, display or hire of goods of any nature is prohibited.
11. The presence, parking and garaging of a vehicle of more than 3.5 tonne tare weight is not permitted on the property with regard to the operation of the business.
12. The site is to be kept in a tidy state at all times and not detract from the residential appearance of the dwelling house or domestic outbuilding to the satisfaction of the Shire.
13. A maximum of one sign with a maximum area of 0.2m² (20cm x 10cm) is permitted to be displayed on the property in relation to the approved home business.

CARRIED 8/2

Cr Murphy voted against the motion.

Council Note: That Council be advised of the removal of the sea container at the Ordinary Council Meeting in January 2009 to confirm that the sea container has been removed to satisfy all requirements of this resolution.

During debate Cr Murphy foreshadowed that he would move the Committee Recommended Resolution if the motion under debate was defeated.

During debate Cr Harris foreshadowed that she would move to add a part B to the Officer Recommended Resolution stating that Council be advised of the removal of the sea container at the Ordinary Council Meeting in January 2009 to confirm that the sea container has been removed to satisfy all requirements of this resolution if the motion under debate was defeated.

SD019/08/08 PROPOSED OVERSIZE OUTBUILDING (STABLES) ON LOT 21 (68) SWAMP GUM ROAD, OAKFORD (P05390/01)		
Proponent:	T A Anderson	In Brief Application for the construction of oversized outbuilding. Objections received from neighbours. Approval subject to conditions is recommended.
Owner:	As Above	
Officer:	Planning Assistant	
Senior Officer:	Director Development Services	
Date of Report	5 August 2008	
Previously	None	
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: 11 June 2008
 Lot Area: 2 hectares
 MRS Zoning: Rural
 TPS Zoning: Special Rural
 Use Class & Permissibility: Single Residence – incidental development
 Stables – SA
 Rural Strategy Policy Area: Rural Living B

Proposal

An application was received for the construction of stables with a floor area of 144m². The stables are to replace 36m² of horse shelters already constructed prior to the property being purchased by this applicant in 2003. The proposed new stables will replace the smaller horse shelters with a modern barn style outbuilding similar to those in the surrounding area. The stable building will be contained within the approved building envelope.

Other existing outbuildings on the site include a general purpose shed of 84m² and an open front shed measuring 108m² which currently houses the applicant's horse float and private vehicles. An archive search lodged with Council in June 2008 by the owner identified only one of the three existing outbuildings appeared to have approval.

The site, floor and elevation plans and an aerial photo are contained in the attachments to the agenda marked SD019.1/08/08.

Variations requested

The addition of the new stables would result in a total combined floor area of outbuildings measuring 336 metres square, being a 68% variation to the maximum allowable 200 metres square in the Special Rural zone as per Local Planning Policy 17.

Sustainability Statement – Outbuildings

Sustainable Element

Is there remnant native vegetation on site or adjoining verge?

Comment

No remnant vegetation. There is dense plantings of blue gums around the boundaries of the property that was planted at the time of development of the Mary Ellen estate

Is remnant native vegetation to be retained or removed as a result of this proposal?

No vegetation is proposed to be removed.

Is additional vegetation required to screen or ameliorate the bulk of the proposed development?

Existing mature vegetation on the adjoining boundary enables adequate screening.

Will the requested variation have an adverse effect on streetscape or the character and amenity of the locality?

No. The proposal will not be highly visible 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 proposal is a replacement of existing structures with a small increase to existing total combined floor area and will be constructed in the same location as current structures.

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?

An existing rainwater tank will be used to capture stormwater runoff from the roof of the new stable building.

Statutory Environment:

Planning and Development Act 2005
Serpentine Jarrahdale Town Planning Scheme No. 2

Policy/Work Procedure Implications:

Local Planning Policy LPP17 Residential and Incidental Development

Financial Implications:

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

Strategic Implications:

This proposal relates to the following Key Sustainability Result Areas:-

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

5. Value and enhance the heritage character, arts and culture of the Shire.

2. Environment

Objective 1: Protect and repair natural resources and processes throughout the Shire

Strategies:

3. Encourage protection and rehabilitation of natural resources.

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

1. Ensure development and use of infrastructure and land complies with required standards.

Community Consultation:

Required: Yes
Objections: 1

Affected Property (Assess No.)	Summary of Submission	Officer's Comment
A320119	The proposed 144m ² stables in addition to existing 192m ² is well in excess of the 200m ² for Special Rural	Dismiss. The size of the stables is typical of similar barn style buildings throughout the Shire and the extra room allows for storage of stockfeed and equipment associated with horsekeeping in a tidy manner. It is becoming increasingly common on horse properties for the addition of stables to result in a significant increase in the combined floor area of outbuildings due to the additional animal housing and storage needs the keeping of horses entails.
	The proposed location is outside of the building envelope	Dismiss. The proposed stables will replace and existing structure which falls inside the building envelope therefore minimal extrusion from the building envelope will occur. The proposed location is suitable in order for the applicant to achieve the minimum setback of 15 metres from the dwelling as required by Council's Health Local Laws. The applicant has clustered all outbuildings in one location rather than scattering them throughout the lot.
	The proposed stables have been designed for capacity of up to 6 horses and as the applicants already have two horses we don't believe a 5 acre lot can support additional horses without increasing dust and fly problems.	Condition. The applicant only has two horses and does not wish to increase numbers. The property is irrigated by a licensed bore and therefore two horses is below the allowable stocking rate. The proposed stables has room for six horses as that was the minimum number of bays available for that style of barn.
	The proposed stable location will visually impact our entertainment areas from the rear of the house and will likely affect our property value.	Dismiss. There are several rows of existing trees along the property therefore a screen of mature vegetation is already established. The proposed new stables will match the existing structures therefore will compliment the overall outbuildings. There is no evidence to support valuation of a property is based on visible outbuildings.
	Would start to look more like living next to a commercial or industrial zone	Dismiss. The size of the proposed stables is consistent with other variations sought by Special Rural properties in the Shire and the location is well screened from view. The ratio of 336m ² of outbuilding to a 20000m ² lot (2 hectares) is equal to only 1.68% of the site area.

Planning Assessment:

Town Planning Scheme Requirements

	Required	Proposed	Comments (Complies/Variation Supported/Condition Required)
Special Rural 16 Minimum Setbacks	Side 15 metres	15 metres	Complies with Scheme requirements

Policy Requirements

Policy: Local Planning Policy LPP17 Residential and Incidental Development

Policy Requirement	Required	Proposed	Comments (Complies/Variation Supported/Condition Required)
Setbacks Primary Street Rear Side	20 metres 20 metres 10 metres	70 metres 100 metres 15 metres	Complies Complies Complies
Floor Area (combined total floor area of all outbuildings)	Max. 200 metres square	336 metres square	Variation – supported as the combined floor area only equals 1.68% of the lot area and the proposed new building is necessary to support the horse oriented lifestyle for which this estate was developed.
Wall Height	Max. 4 metres	4.2 metres	Variation – supported as the 200 millimetre height variation is very minor in nature.
Roof Height	Max. 6 metres	5 metres	Complies

Conclusion

The proposed stable building is intended to replace an existing older structure and will enable the applicant to stable the horses for longer periods of time during inclement weather which will therefore have less impact on the pasture. The applicant's property is well established with mature trees that will adequately break up the visual intrusion of the proposed stables on the adjoining property and the street. The proposed stable building is characteristic of many other barn style stables within the district.

Voting Requirements: Simple Majority

SD019/08/08 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Brown, seconded Cr Geurds

A. That the Application for Approval to Commence Development for an oversized stables on Lot 21 (68) Swamp Gum Road, Oakford be approved subject to the following conditions:

1. Horses are to be kept and the land managed in accordance with the management plan attached to and forming part of this approval.
2. The stables are to be constructed of new materials.
3. The stables are 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.
4. All stormwater runoff from roofs and hardstand areas to be disposed of on-site.
5. A maximum of two (2) horses are to be permitted to be kept on the property on a permanent basis unless otherwise approved in writing by the Shire.
6. Stock are to be stabled a minimum of twelve (12) hours out of each twenty four (24) hour period.

7. **Manure from paddocks is to be collected weekly and either taken off site or composted in a fly proof container with an impermeable base and covered to prevent rainwater access.**
8. **The paddocks are to be irrigated as required to maintain a pasture coverage of at least 95 percent year round.**
9. **Stock are to be kept out of any paddock that is partially or completely inundated with water at any time.**
All chemicals associated with the care of the land and stock are to be stored so as to eliminate the possibility of spillage onto permeable surfaces.
10. **All existing drainage lines and areas are to be fenced off from stock.**
All fencing shall be of post and rail or post and wire unless otherwise approved by the Shire.
11. **Flooring of the shelter and yards are to consist of an impermeable base to prevent nutrients leaching into the soil.**
12. **Any trees that exhibit signs of ringbarking or root compaction are to be fenced off from stock.**
13. **Only materials identified in the schedule of colours, materials and finishes submitted on 11 July 2008 are to be used in the construction of the stables unless the prior written approval of the Director Development Services is obtained for alternatives.**

B. The applicant is required to submit an application for retrospective acknowledgement to the Shire’s Building Services for any unauthorised structures existing on the site by 30 September 2008. Such application is to be accompanied by certification from a practicing structural engineer as to the structural soundness of the unauthorized buildings, 2 copies of site, floor and elevation drawings and fee.

C. The submitter be advised of the Council’s decision.

Advice Note:

1. **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 9/1

SD020/08/08 INITIATION OF SCHEME AMENDMENT NO. 160 - REZONING OF LOT 5 KARNUP ROAD, SERPENTINE FROM ‘RURAL’ TO ‘FARMLET’ (P02140/09)		
Proponent:	Gray & Lewis	In Brief That Council resolves to initiate Scheme Amendment No.160 subject to modifications to the subdivision guide plan and text.
Owner:	JWG Stokman & M Van Hage	
Officer:	Senior Planner	
Senior Officer:	Director Development Services	
Date of Report	1 August 2008	
Previously	P238/03/03; SD043/03/05	
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: 22 April 2008
 Lot Area: 12.28 hectares
 L.A Zoning: Rural
 MRS Zoning: Rural
 Rural Strategy Policy Area: Farmlet
 Rural Strategy Overlay: Future Structure Planning Area

Background

Previous rezoning proposal

At its meeting held on 24 March 2003 Council resolved (P238/03/03) to initiate an amendment to the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 (TPS2) to rezone the property from 'Rural' to 'Farmlet' (Amendment 133). In 2005 the proponents advised that they did not wish to proceed with the Amendment. Accordingly, on 29 March 2005 the Council resolved not to proceed with Amendment 133.

Site Description

The subject site abuts the western boundary of the Serpentine Golf Course and has frontage to both Karnup Road and Beacham Crescent. Two heritage cottages (one of which has been converted into a restaurant), outbuildings and a single residence are located adjacent to the Karnup Road frontage of the property.

The land is predominantly cleared and has been mainly used for grazing. There are two dams/soaks located on the property.

Current Proposal

Site Description

The site has been substantially cleared of vegetation, with a small number of trees remaining in the southern quarter of the property along the Karnup Road frontage. There are two old dwellings and associated outbuildings on the property, with the eastern two buildings having some historical significance as they are listed in the Shire's Municipal Heritage Inventory.

Future Subdivision

The proposed rezoning will facilitate the subdivision of the subject land into three (3) lots of approximately 4.0 hectares each. The proposed Subdivision Guide Plan shows the creation of one lot with frontage to Karnup Road, a second lot with access via a new cul-de-sac head at the end of Beacham Road and a third lot with access via a battleaxe leg of Beacham Road.

Services

Power, gas, telephone and reticulated water services are located adjacent to the site in Karnup Road and Beacham Road. As no reticulated sewer is available, the newly created lots will utilise alternative effluent disposal systems.

The landowner has engaged consultants to submit a new request to rezone the land from "Rural" to "Farmlet in accordance with the recommendation of the Shire's Rural Strategy. The subdivision guide plan for the development depicts the creation of 3 lots with the northern most lots having frontage to Beacham Crescent and the southern lot retaining frontage to Karnup Road.

A copy of the draft Subdivision Guide Plan and location plan is with attachments marked SD020.1/08/08.

Sustainability Statement

Effect on Environment: Rezoning of the property to Farmlet will enable the preservation, rehabilitation and enhancement of the property. The limited areas of remnant vegetation can be protected and additional revegetation can be undertaken on the property. This will assist in biodiversity and enable the protection of existing animal habitats and provision of additional habitats.

The proposal will also enable controls to be placed on land uses able to be carried out on the land which will provide additional protection for groundwater and the Peel Harvey Coastal Plain Catchment.

The site contains two heritage buildings, which will not be affected by the proposal. A provision has been included in the scheme amendment text to protect these buildings from demolition.

Resource Implications: The subdivision will enable connection of the new lots to reticulated scheme water thereby reducing the local demand for groundwater. Reticulated water is available from Beacham Crescent and Karnup Road.

Economic Viability/Benefits: The proposal will preserve and enhance biodiversity (through revegetation and weed management), reduction of land and waterway pollution (through better drainage management, the use of ATU's for effluent disposal and the implementation of land use controls).

Statutory Environment:

Planning and Development Act 2005
Town Planning Regulations 1967
Shire of Serpentine Jarrahdale Town Planning Scheme
No. 2
Shire of Serpentine Jarrahdale Rural Strategy

The procedural requirements for initiating Scheme Amendments are provided within the Planning and Development Act 2005. At this stage of the amendment it is the provisions relating to referral to the Environmental Protection Authority (EPA) for assessment and advertising of the Scheme Amendment that must be adhered to, as stipulated under sections 81 and 83 of the Act.

“81. Referral of scheme or Amendment to EPA

When a local government resolves to prepare or adopt a local planning scheme, or an amendment to a local planning scheme, the local government is to forthwith refer the proposed local planning scheme or amendment to the EPA by giving to the EPA –

- a) *written notice of that resolution; and*
- b) *such written information about the local planning scheme or amendment as is sufficient to enable the EPA to comply with section 48A of the EPA Act in relation to the local planning scheme or amendment.*

83. Consultation of persons likely to be affected.

A local government, before submitting a local planning scheme or amendment to the Minister under section 87, is to make reasonable endeavours to consult in respect of the local planning scheme or amendment such public authorities and persons as appear to the local government to be likely to be affected by the local planning scheme or amendment.”

Policy/Work Procedure Implications:

Local Planning Policy LPP 4 - Revegetation
Local Planning Policy LPP 6 - Water Sensitive Design
Local Planning Policy LPP 9 - Multiple Use Trails
State Planning Policy SPP 2.1 - Peel-Harvey Coastal
Plain Catchment

Financial Implications:

The applicant will be required to pay all costs associated with the rezoning. A fee estimate has been prepared in accordance with the criteria set by the Planning and Development (Local Government Planning Fee) Regulations 2000 and at this stage it is estimated that the total fee will be in the order of \$2833.86

Strategic Implications:

This proposal relates to the following Key Sustainability Result Areas:-

2. Environment

Objective 1: Protect and repair natural resources and processes throughout the Shire

Strategies:

1. Increase awareness of the value of environmental requirements towards sustainability.
3. Encourage protection and rehabilitation of natural resources.
6. Value, protect and develop biodiversity.

Objective 2: Strive for sustainable use and management of natural resources

Strategy:

1. Implement known best practice sustainable natural resource management.

3. Economic

Objective 1: A vibrant local community

Strategy:

3. Integrate and balance town planning and rural planning to maximise economic potential.

Objective 3: Effective management of Shire growth

Strategy:

3. Integrate and balance town and rural planning to maximise economic potential.

4. Governance

Objective 3: Compliance to necessary legislation

Strategy:

1. Ensure development and use of infrastructure and land complies with required standards.

Community Consultation:

If initiated, the scheme amendment will require advertising for a period of not less than 42 days.

Technical Officer Comment

The proposal was presented to the Shire's internal Statutory Assessment Unit for comment. The Engineering, Strategic Community Planning and Health Service team advised that they have no objection to the proposal.

Emergency Services Comment:

Having studied the application it would seem possible that progress towards accomplishing a multiple use trail could be made if lots of slightly less than 4.0 hectares were accepted. Given that lots of slightly less than 4.0 hectares is allowed, the following conditions would apply.

- *Prior to the clearance of the subdivision, the developer shall prepare and implement a Fire Management Plan that identifies the hazard assessment risk, the need for and the construction requirements relative to strategic firebreaks, firebreaks, access gates,*

hardstands, water hydrant supplies (Karnup Road & Beacham Road), equipment and any other fire management requirements that may be deemed necessary to the specification and satisfaction of the local authority and the Fire and Emergency Service Authority.

- *Provision for a 10.0 metre Public Open Space (POS) reserve along the full length of the western and northern boundaries of the current Lot 5 Karnup Road, together with restricted access gates to allow access to pedestrians, horses and emergency service/maintenance vehicles only in the south, north west and north east.*
- *Provision for a 10.0 metre POS reserve to give access to the northern section of reserve R27453 to the north west of Lot 5 Karnup Road from the cul-de-sac of Beacham Road.*

Note:

The requirement for the preparation of a Fire Management Plan has been included within the draft Special Provisions applicable to this rezoning. The suggestion for an access way to be included along the western, northern and eastern boundary (between the northern boundary and Beacham Road) is supported. However, a 6.0 metre width is supported in lieu of a 10.0 metre width as a 10.0 metre width will reduce the proposed lot sizes substantially below the 4.0 hectare minimum. With a 6.0 metre width, lot sizes will be reduced to 3.97 hectares, 3.96 hectares and 3.73 hectares respectively. It is recommended that this access way be included as a Multiple Use Trail. The draft Subdivision Guide Plan will need to be modified to reflect this requirement.

Planning Context

The subject land is identified as 'Farmlet' under the Shire's Rural Strategy, which limits future subdivision to minimum lot sizes of 4.0 hectares.

The applicant has stated that the rezoning of the subject land to 'Farmlet' is justified for the following reasons:

- *The proposed Amendment will enable a subdivision of Lot 5 into Farmlet lots which is in keeping with the provisions and requirements of the Serpentine Jarrahdale Shire's Town Planning Scheme No.2 and Rural Strategy.*
- *It will provide a unique environment for Farmlet living whilst being within proximity to the Serpentine town site and the services it provides.*
- *The Subdivision Guide Plan highlights that access to the proposed lots will utilise the existing road system, with the provision of a cul-de-sac head at Beacham Road which will provide ease of movement for the Shire's rubbish collection trucks.*
- *It is considered that the amenity of adjoining landowners will not be affected by the proposed Amendment and subdivision of the site.*
- *The proposed Amendment will help satisfy the growing demand for Farmlet size lots within the Shire.*

Comment

Subdivision Guide Plan (SGP)

The proposed lot sizes, as indicated in the SGP are 4.12 hectares, 4.09 hectares and 4.0 hectares. The lot sizes conform to the minimum lot size of four hectares as stipulated in the Rural Strategy and Town Planning Scheme No. 2. The lots have been designed to accommodate existing vegetation, both protected and that considered significant by the property owners, as well as other existing features including dams and drainage lines

Peel-Harvey Catchment – Nutrient Management

The subject lot is situated within the Peel-Harvey Catchment and as such any proposed intensification of agricultural activities requires consultation with the Department of

Environment and Conservation (DEC) and Agriculture WA to ensure that the use of the land does not involve excessive nutrient application. An appropriate provision in this regard has been included in the amendment text.

Heritage Buildings

There are two existing dwellings on Lot 5 which are listed on the Shire's Municipal Inventory. However, these buildings are not included within Appendix 13 'Schedule of Places of Natural Beauty, Historic Buildings and Objects of Historical or Scientific Interest' of the Scheme.

The proposed rezoning will not to impact on the integrity of the heritage buildings and that future subdivision on the site can ensure that these buildings are contained within one of the lots, protecting the integrity of the buildings. To help further protect these existing buildings, a provision is included within the amendment text advising that the existing heritage cottages are to be retained and protected from damage at all times.

Multiple Use Trail

It is recommended that a 6.0 metre wide multiple use trail be included on the SGP. The purpose of the trail is to provide a strategic link from Lot 5 Karnup Road though to the Reserve 27453 to the north. The trail will double as a strategic firebreak network and will be placed into public ownership via dedication as a reserve.

The SGP needs to be amended to reflect the required trail along the western and northern boundary of the property and along a portion of the eastern boundary between Beacham Road and the northern property boundary. An additional Special Provision is also required to advise that the multiple use trail is to be constructed by the subdivider prior to subdivision clearance.

A copy of the Subdivision Guide Plan showing the Section of the trail is with attachments marked SD020.2/08/08.

It is acknowledged that the inclusion of the trail within the property will reduce the proposed lot sizes below the 4.0 hectare minimum as required within the Farmlet zone. However, It is considered that the reduced lot sizes of 3.97 hectares, 3.96 hectares and 3.73 hectares can be supported by Council given the merits of the proposal and is likely to be supported by the Western Australian Planning Commission (WAPC).

Building Envelopes

In relation to the Farmlet zone, clause 5.13.7(c) of the scheme states:

“a building envelope with an area not exceeding 4,000 square metres in area shall be defined in a portion to be agreed by the Council and no building envelope shall be closer than 20 metres to the primary street boundary or closer than 10 metres to any other lot boundary or SECWA easement”.

As building envelopes have not been shown on the SGP, it is recommended that the plan be amended to show locations of the envelopes prior to the plan being advertised. In addition, an additional Special Provision is recommended that advises that all buildings and effluent disposal systems are to be located within these building envelopes.

Conclusion

The rezoning of Lot 5 Karnup Road, Serpentine from 'Rural' to 'Farmlet' is in keeping with the intention of the Rural Strategy. Lot 5 is located within the 'Farmlet' policy area under the Strategy.

The SGP indicates the creation of three future 'Farmlet' lots, ranging in area from 4 hectares to 6 hectares. The lot boundaries reflect existing vegetation and the existing dam on the property. Future development of the subject site will be required to conform with the requirements of TPS2 and the Rural Strategy, as well as the requirements of regulatory agencies such as the Department of Health, Department of Environment and Conservation, and the WAPC. Rezoning of the subject site will enable future subdivision to occur in a manner that will satisfy the requirements of these agencies.

It is therefore recommended that the Council initiate an amendment to TPS2 to change the zoning of Lot 5 Karnup Road, Serpentine from 'Rural' to 'Farmlet'.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

A. The applicant be advised that they are required to:

1. Include the texture provisions within the Scheme amendment documents as adopted by Council.
2. Modify the Subdivision Guide Plan to show a Multiple Use Trail with a minimum width of 6.0 metres along the entire western and northern property boundary;
3. Modify the Subdivision Guide Plan to show a Multiple Use Trail with a minimum width of 6.0 metres along the eastern property boundary between the northern property boundary and Beacham Road;
4. Modify the Subdivision Guide Plan to show the location of building envelopes including internal dimensions and setbacks to boundaries;
5. Including additional provision 14 as follows:

All buildings and effluent disposal systems to be located within the building envelopes defined on the Subdivision Guide Plan unless otherwise approved in writing by the Council; and

6. Including an additional provision 15 as follows:

Multiple Use Trails within the property shall be constructed by the subdivider prior to subdivision clearance in accordance with the endorsed Subdivision Guide Plan to the satisfaction of Director Development Services.

B. The Amendment documentation be prepared in accordance with the standard format prescribed by the *Town Planning Regulations 1967*.

C. The applicant be required to pay the initial fee of \$2833.66 (the amount estimated using the Local Government (Fees) Regulations as the estimated cost to Council in progressing with the scheme amendment).

D. Subject to A, B and C above, Council pursuant to Section 72 of the Planning and Development Act 2005 that the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 be amended as described below:

1. Inserting in Appendix 4C Farmlet Zone the following:
 - a) Rezoning Lot 5 Karnup Road, Serpentine from "Rural" to "Farmlet".
 - b) Amending the Scheme Map by delineating Lot 5 Karnup Road, Serpentine within the Farmlet Zone and identifying it as F13.
 - c) Including Lot 5 Karnup Road, Serpentine in Appendix 4C – Farmlet Zone and including the appropriate details in Appendix 4C of the Scheme as follows:

	(a) SPECIFIED AREA OF LOCALITY	(b) SPECIAL PROVISIONS TO REFER TO (a)
13.	Lot 5 Karnup Road, Serpentine	<p>1. Within the Farmlet zone the following land uses are permitted, or are permitted at the discretion of the Council.</p> <p>Use classes permitted (P) Single House Public Recreation Public Utility</p> <p>Discretionary Uses (AA) Ancillary Accommodation Home Occupation Rural Use Stables Restaurant (existing heritage cottage adjacent to Karnup Road only)</p> <p>All other uses are prohibited.</p> <p>2. In exercising its discretion in respect to AA uses, the Council having regard to the Planning Guidelines for Nutrient Management shall only permit such uses when it is satisfied following consultation with government agencies that the land use does not involve excessive nutrient application or clearing of land.</p> <p>3. No dwelling shall be approved by the Council unless it is connected to an alternative domestic waste water treatment system as approved by the Department of Health with an adequate phosphorus retention capacity, as determined by the Department of Environment and Conservation and with the base of the system or the modified irrigation area being the required distance above the highest known water table.</p> <p>4. No indigenous vegetation and trees shall be destroyed or cleared except, but subject to the subdivider or landowner obtaining the prior written consent of the Council, where such vegetation is identified as structurally unsound by an accredited arboriculturalist or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence, drainage systems and/or driveways or to accommodate an approved use.</p> <p>5. The subdivider shall prepare and implement a Landscape and Vegetation Management Plan to the satisfaction of Council, in accordance with the Subdivision Guide Plan to plant a minimum of 20% of the land with indigenous trees, shrubs, ground cover and aquatic plants at a density of 1700 stems per hectare in areas for visual screening and not less than 1800 stems per hectare within and along</p>

	(a) SPECIFIED AREA OF LOCALITY	(b) SPECIAL PROVISIONS TO REFER TO (a)
		<p>water courses and drainage lines, to the satisfaction of Council prior to the transfer of a lot(s) to a new owner.</p> <p>6. The subdivider shall either maintain the trees and shrubs planted until the land is sold or shall plant sufficient numbers of trees and shrubs to allow for natural loss. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and replacement (if and where necessary) of those trees and shrubs planted by the subdivider to the satisfaction of the Council.</p> <p>7. The subdivider shall erect internal fencing adjacent to revegetation areas to the satisfaction of Council. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and replacement (if and where necessary) of the fencing and shall prevent entry of stock into deep rooted vegetation areas.</p> <p>8. Prior to the clearance of the subdivision, the subdivider shall prepare and implement a Fire Management Plan that identifies the need for and the construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary to the specification and satisfaction of the local authority and the Fire and Emergency Service Authority.</p> <p>9. The keeping of horses, sheep, goats, cattle or other grazing animals, where permitted shall be subject to the prior written approval of Council. Approval to keep animals shall not exceed the stocking rates recommended by Agriculture WA for the applicable pasture types. Vegetation planted by the developer, and remnant vegetation must be fenced from grazing livestock in order to protect vegetation</p> <p>10. At the time of submitting a building application for each lot, a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shows site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained and proposals for tree planting and maintenance.</p> <p>11. Notwithstanding the controls specified by Provision 1, development and use of the land is subject to the provisions of the Water Corporation By-Laws applying to underground water supply and pollution control.</p> <p>12. Notwithstanding the obligations of the subdivider</p>

	(a) SPECIFIED AREA OF LOCALITY	(b) SPECIAL PROVISIONS TO REFER TO (a)
		<p>under Clause 5.13.7e of the Scheme the subdivider shall drain the land and provide detention areas in accordance with the Drainage Concept Plan provided prior to the commencement of on-the-ground-works. The easements and reserves shall be provided to the Council free of cost at the time of subdivision to provide for the ongoing maintenance of drains and sumps.</p> <p>13. The existing heritage cottages adjacent to the Karnup Road frontage are to be retained and protected from damage at all times.</p> <p>14. All buildings and effluent disposal systems to be located within the building envelopes defined on the Subdivision Guide Plan unless otherwise approved in writing by the Council.</p> <p>15. Multiple Use Trails within property shall be constructed by the subdivider prior to subdivision clearance in accordance with the endorsed Subdivision Guide Plan.</p>

- E. The Amendment is, in the opinion of the Council, consistent with Regulation 25(2) of the *Town Planning Regulations 1967*, and upon receipt of the necessary amendment documentation, the Amendment be referred to the Environmental Protection Authority as required by Section 81 of the Act.
- F. Subject to the advice of the Environmental Protection Authority under Section 48A of the Environmental Protection Act, that the amendment is not subject to formal environmental assessment, advertise the amendment in accordance with the requirements of the *Town Planning Regulations 1967* (as amended) for a period of 42 days.

SD020/08/08 COUNCIL DECISION/Committee Recommended Resolution

Moved Cr Kirkpatrick, seconded Cr Buttfield
That this item be deferred to enable further discussions with the applicant.
CARRIED 10/0
Committee Note: The item was deferred as a result of the request from the land owner to withdraw the item from the agenda. Council officers will now discuss this matter with the land owner and their Planning Consultant.

SD021/08/08 PROPOSED CHURCH – LOTS 32-34 CLIFTON STREET BYFORD (P01672/01)		
Proponent:	Cornerstone ID	In Brief Application for planning approval for construction of new church complex for the Anglican Church and demolition of existing church building. It is recommended that the application be approved with conditions.
Owner:	Anglican Church of Australia	
Author:	Co-ordinator Planning Services	
Senior Officer:	Director Development Services	
Date of Report	3 August 2008	
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: 27 May 2008
 Advertised: Yes
 Submissions: Yes -1
 Lot Area: 3681 combined
 L.A Zoning: Urban Development
 MRS Zoning: Urban
 Use & Classification: Place of Public Worship AA (Discretionary)
 Byford Structure Plan: Residential
 Byford Townsite Detailed Area Plan: Residential R20
 Municipal Inventory: Management Category 4 Conservation Desirable – retain if possible; photographically record the place prior to any major redevelopment or demolition.

Background

The subject site contains a small wood framed and asbestos clad church building, some outbuildings and a brick and tile residence. The current church was a former World War 2 mess hall moved from a Defence Force base in Crawley in the 1960's. The current site does not have a formal parking area with parishioners using the grassed areas of the site for this purpose. During the week some cars associated with the adjacent child care centre park on the church site.

Proposed Development

Demolition of existing church building and construction of new church complex comprising church, hall, meeting rooms, op shop, kitchen, coffee lounge, counselling rooms and offices. The three lots comprising the site will be amalgamated and the dwelling (rectory) and associated private yard will be subdivided off. The walls of the church building will be constructed of rammed earth and limestone and the roof will be colourbond.

The majority of carparking will be provided on site accessed via the rear laneway. Some additional parking will be provided at the front of the church building and some bays in the road reserve on Mary Street.

The church complex will be constructed in three stages.

An aerial photo, location plan site and floor plans, elevation drawings are with attachments marked SD021.1/08/08.

Sustainability Statement

Effect on Environment: The majority of the existing trees on site are proposed to be removed as their location is impacted by the building or they have been identified as not being suitable species for the uses occurring on site (ie in the children's play area) due to safety reasons. However, it is proposed to extensively landscape the site with locally indigenous, waterwise plants and shrubs.

Multiple rainwater tanks are to be installed to capture stormwater run off from the building for reuse within the building and garden. The remaining stormwater will be disposed of via diversion to garden areas. Disposal of stormwater is aimed at using water sensitive design principles including where possible the re-use of captured stormwater in toilet facilities and the planting of low water usage plants.

The materials used will be earthy tones.

Resource Implications: The building design is aimed at allowing maximum natural light penetration into the building. In particular the high windows around the entire circumference of the main worship area located just below the roof line will allow good penetration of natural light.

Use of Local, Renewable or Recycled Resources: The materials used in the construction of the rammed earth walls is available locally.

Economic Benefits: The proposal could provide economic benefits to the community through the provision of local resources otherwise not available in Byford. In particular the meeting room facilities and welfare and counseling services proposed to operate from the building (ie Anglicare). In addition, as the highest use of the church occurs on weekends when other surrounding non-residential uses (school and child care are closed there is an opportunity for shared use of parking facilities.

Social – Quality of Life: The abovementioned services could improve the quality of life for the community as there are not any similar welfare and Counselling services currently available in Byford.

Social and Environmental Responsibility: The proposed church provides the opportunity for a community centre to be provided and also reinforces the location (with school, child care centre and church) as a community hub. This goes towards providing a sense of place. This part of Clifton Street also contains other community uses such as the Uniting Church, Shire Hall and park and medical centre that reinforce the community hub sense of place of Clifton Street.

Social Diversity: The proposed development will not disadvantage any social groups and does provide for social diversity in the community. The vastly improved church facilities will enable them to provide a broader range of social services including worship, youth groups, mothers groups, welfare and pastoral services. The building is designed to provide full disabled access.

Statutory Environment:

Planning & Development Act 2005
Town Planning Scheme No. 2
Byford Structure Plan
Byford Townsite Detailed Area Plan (DAP)

Policy/Work Procedure Implications:

Local Planning Policy LPP6 - Water Sensitive Design
Local Planning Policy LPP19 – Byford Structure Plan
Area Development Requirements

Financial Implications:

At their Ordinary Meeting held on 17 December 2007 the Council carried the following motion with regard to the church application:

CGAM042/12/07 COUNCIL DECISION:

Moved Cr Price, seconded Cr Harris

That Council:

1. *Waive the demolition, and building licence fees on the site of St Aidan's Church, Byford.*
2. *Charge the Planning Application fees.*
3. *Note the BCITF and BRB levy remain payable by the Church as it is a charge imposed by an external agency.*
4. *Notify the applicant accordingly.*

CARRIED 7/2

Financial Implication \$2959 Building & demolition fees waived.

The church proposes to construct pedestrian footpaths along the frontage of Mary Street and Clifton Street. This will result in a considerable saving for the Shire.

Strategic Implications:

This proposal relates to the following Key Sustainability Result Areas:-

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

2. Develop good services for health and well being.
4. Respect diversity within the community.
5. Value and enhance the heritage character, arts and culture of the Shire.
6. Ensure a safe and secure community.

Objective 2: Plan and develop towns and communities based on principles of sustainability

Strategies:

2. Develop compatible mixed uses and local employment opportunities in neighbourhoods.
3. Design and develop clustered neighbourhoods in order to minimise car dependency.
4. Foster a strong sense of community, place and belonging.
5. Protect built and natural heritage for economic and cultural benefits.

2. Environment

Objective 1: Protect and repair natural resources and processes throughout the Shire

Strategies:

1. Increase awareness of the value of environmental requirements towards sustainability.
4. Reduce water consumption.

Objective 2: Strive for sustainable use and management of natural resources

Strategies:

1. Implement known best practice sustainable natural resource management.
2. Respond to Greenhouse and Climate change.
3. Reduce waste and improve recycling processes

3. Economic

Objective 1: A vibrant local community

Strategies:

1. Attract and facilitate appropriate industries, commercial activities and employment.

4. Governance

Objective 1: An effective continuous improvement program

5. Harness community resources to build social capital within the Shire.

Objective 3: Compliance to necessary legislation

Strategies:

1. Ensure development and use of infrastructure and land complies with required standards.

Community Consultation:

Required: Yes. The proposal was referred in writing to 22 surrounding landowners adjacent to the development site, the principal of the Byford Primary School, the Byford Progress Association and the Byford Community Development Link. 1 letter of support and 1 letter with conditional support was received.

Affected Property	Summary of Submission	Officer's Comment
Byford Progress Association	The proposal was circulated to all 36 members of the Association and no adverse comments were received. The Association advised that a resolution stating that the association supports the plan for a church and community centre in Clifton Street was passed unanimously at their meeting.	Noted
Property Planning and Appeals Consultants on behalf of owner of Assessment No. A210100	<p>There is, in principle, no objection to the proposal on the basis of the following issues.</p> <p><i>Rear Laneway</i> The development proposes extensive use of the existing rear laneway. The laneway should be widened in accordance with the Byford DAP. There should also be a relevant condition on any determination for approval for this portion of laneway to be sealed and drained accordingly.</p> <p><i>Car parking</i> It is difficult to assess from viewing the floor plans, the frequency and the capacity of activities proposed. We would be opposed to any significant parking shortfall. In considering applicable car parking requirements for the proposal. Council should be mindful of the fact that there has been very little take of residential development in the immediate locality at the R30 code. In addition, there is currently congestion in the area during peak periods of operation of the existing Byford Child Care and the Byford Primary School and hence the</p>	<p>The laneway is required to be widened and upgraded by the developer in accordance with the Byford Townsite DAP. This widening is provided on the plans and a requirement will be reinforced with conditions of approval.</p> <p>Peak usage of the church will occur on weekends and evenings when the school and child care centre are closed. Accordingly, it is not considered that the development will contribute to or worsen the parking congestion occurring in the area. There will be opportunities for people dropping off and picking up from the child care centre to use the parking in the rear laneway and child care centre as church activities are minimal during these times. This is an improvement on the current situation where people park all over the adjacent road verges in an uncontrolled manner.</p> <p>Some parking concessions have been considered and</p>

Affected Property	Summary of Submission	Officer's Comment
	<p>proposal should not exacerbate these existing parking problems and should also be assessed with cognisance of the development potential of the surrounding residential area.</p> <p>My client would be opposed to any aspect of the proposal that would prejudice her ability' to develop at the R30 code or more specifically, anything that will negatively impact on the amenity of the area, eg, significant parking shortfalls.</p> <p>Any condition for "no parking" signs on verges abutting this site that do not have constructed parking in the road reserve is supported.</p> <p>Council should only grant parking concessions to Town Planning Scheme requirements that are reasonably justified. Cash-in-lieu payment for any significant shortfall of required parking bays is not supported unless there is currently a specific intention for a public parking facility in close proximity to the site which I believe there is not.</p>	<p>recommended on the basis of the differing peak operation times of the church, child care centre and school. In addition, the Department of Education and Training has recently lodged an application for alterations and additions to the school including the construction of a larger formal car park on the school site. This will help to ease the congestion problems that currently occur around the school at school start and finish times.</p> <p>It is not expected that the church development could have any impact on the ability of adjacent properties to be redeveloped to their full residential potential.</p> <p>There are no plans to put no parking signs on road verges in the area.</p>

Comment:

Municipal Inventory

St Aidan's Church opened in 1960. The building currently used as the church was originally the mess hall for the Catalina (flying boats) base at Crawley during World War 2. The building is constructed of asbestos walls and corrugated iron roof. The building is dilapidated and too small to service the needs of the church.

Under the Shire's Municipal Inventory the church is classified as:

CATEGORY 4: Conservation Desirable

Of some significance on an individual level or significant in contributing to local character or streetscape value. Not essential to an understanding of the history of the district.

Retain if possible;

Photographically record the place prior to any major redevelopment or demolition.

Recommendations:

Incorporate in Heritage Precincts within Town Planning Scheme and cover with development guidelines and incentives (i.e. protection of façade or retain scale and setback in the event of demolition and redevelopment)

The "Significance" of the site as stated in the Municipal Inventory is that it has some historic and social merit as the meeting place of the Anglican Community of Byford.

It is considered that the building has no particular architectural merit and that the new complex proposed on the site will serve to reinforce the cultural heritage significance of the site as the meeting place of the Anglican Community in Byford. Accordingly, it is considered appropriate to allow the demolition of the building subject to a photographic record being made of the church in its current spatial setting and all of its external and internal fabric. A condition has been included in the recommendation in this regard.

TPS 2 - Development Requirements Church in the Residential Zone

Development Requirement	Required	Proposed	Comments
Minimum lot frontage	20m	40m Clifton St 61m Mary St	Complies
Setbacks Front Side Rear	7.5m 3m 7.5m	Generally exceeds 7.5m Generally exceeds 3m 7.5m	One part of the building facing Clifton Street will only be set back 6 metres and one part facing Mary street will be setback 3.5 metres. However, these are very minor incursions into the street setback area and the majority of the building is set back well in excess of the 7.5m minimum. One portion of the building will be only 2.5 metres from the side boundary but this abuts the future boundary to the lot containing the Rectory dwelling.
Maximum Plot Ratio	0.5:1	Site area 3231m ² . Church building 937.50m ² = 0.29:1	Complies
Maximum Site Coverage	0.3 or 969.3m ²	937.5m ²	Complies and leaves a balance of 302m ² for the proposed future storage building in the children's play area.
Landscaping	50% of site or 1615.50m ²	Approx. 1680m ² plus verge	Complies
Car Parking	1 per 4 persons Worship space 207.36m ² = 52 bays required	34 bays	The applicants are seeking a parking concession of approximately 18 bays. They have an agreement with the child care centre for joint use of parking facilities at times when either the Church is closed or the child care centre is closed. In addition there are on-street parking embayments on Clifton and Mary Streets abutting the primary school that can be used by Church visitors as the main services of

Development Requirement	Required	Proposed	Comments
			the Church operate on weekends when the school is closed. Additionally, the church currently only has a membership of approximately 120 persons. On the basis of the abovementioned additional parking facilities in the immediate area and the current below capacity membership of the church it is recommended that the requested concession for car parking be approved.

The table above identifies that the applicant is requesting variations to the setback and parking requirements contained in the TPS2 and the reasons why the granting of these concessions is recommended. Clause 5.2 of TPS 2 provides for the Council to approve variations to the development standards for non-residential development as follows:

5.2 DISCRETION TO MODIFY DEVELOPMENT STANDARDS

5.2.1 If a development, other than a residential development, the subject of an application for planning consent, does not comply with a standard or requirement prescribed by the Scheme with respect to that development the Council, may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.

5.2.2 The power conferred by this Clause may only be exercised if the Council is satisfied that:

- a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenity of the locality;*
- b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality; and*
- c) the spirit and purpose of the requirement or standard will not be unreasonably departed from thereby.*

For the reasons stated above it is considered that the criteria for approving variations contained in clause 5.2 above are met and the Council can exercise the power conferred in clause 5.2.

With regard to the requested parking concession it is open to the Council to apply the requirements of clause 7.8 of TPS 2 (as set out below) or to require cash-in lieu for the parking shortfall. However, it is considered that the imposition of clause 7.8 or the payment of cash-in lieu is not warranted for the following reasons:

1. There is adequate on-street parking available in Clifton and Mary Streets abutting the school and in close proximity to the church site that can be used by the church on weekends and evenings when the school is closed.
2. The church and the child care centre already have an agreement for reciprocal use of each others parking areas. This was entered into when the child care centre expanded in 2003.

3. Even if the Council took cash-in-lieu for the parking shortfall there are no current plans for the construction of additional car parking in proximity to the church and the Council does not own any land in proximity to the church that could be used for the construction of a car park.

7.8 JOINT USE OF PARKING FACILITIES

In the case of land uses operating at different times the Council may permit land uses to share parking facilities provided:

- (a) *the Council is satisfied that no conflict will occur in the operation of land uses for which the joint use of parking facilities is proposed; and*
- (b) *land owners requesting sharing of parking facilities enter into a legal agreement with each other land owner for reciprocal rights to parking facilities.*

Byford Townsite DAP – Development Requirements

Development Requirement	Required	Proposed	Comments
Laneway Laneway shall be widened to 10m total width with the widening being shared by lots on both sides of the laneway.	Laneway to be widened by 2.485 metres	Widening shown on site plan	Condition included re widening and upgrade of laneway.
Setbacks New buildings constructed fronting the existing streets shall be set back to achieve consistency within the streetscape. This means that a new dwelling shall be set back from the street the same distance as the dwelling being replaced, or generally consistent with its neighbours less than those prescribed within the R Codes for R20	Surrounding residential properties are generally setback between 6 metres & 7.5 metres	The setback of the church is generally consistent with adjacent development	Complies
Building Design	<ul style="list-style-type: none"> • Verandah of porch • Materials – masonry, weather-board, brick, tile or metal roofs • Earthy colours 	Verandah proposed to street frontages of building, walls are rammed earth with weatherboard features, roof is colourbond. Walls are rammed earth so are earthy colour.	Complies
Corner Sites	Building must provide frontage to both street including features such as wrap-	Building has active frontage to both streets, wrap-around verandahs and design is considerably	Complies

Development Requirement	Required	Proposed	Comments
	around verandahs, architectural detailing, no blank walls.	detailed and of “landmark” significance appropriate to the location of the site.	
Fences New front fencing is not encouraged. Open character to the street should be maintained.	No fences over 1.2m high in front of the building setback	1.7 m high rammed earth wall is proposed on approximately 50% of the Mary Street frontage	This wall is partially proposed to screen a Memorial Garden to be used by parishioners wanting to meditate, retreat and a solid screen wall along this small 8 metre section of the frontage is supported. However, it is not considered necessary for this wall to extend outside the area of the Memorial Garden and a condition in the recommendation requires the restriction of solid fencing on the street boundaries to the area of the Memorial Garden only.
Servicing (bin storage, clothes drying areas, air conditioning units etc)	Screened from public view	Located at rear of church adjacent to the laneway. Bin area screened.	Complies
Environmentally Sensitive Design	Buildings to incorporate environmental sensitive design	The development incorporates environmentally sensitive design features including solar passive building design, water sensitive design including capture and reuse of stormwater and the use of low water usage landscaping.	Complies
Street Trees	Provision of street trees of locally indigenous species that	New street tree planting is proposed by the church	A condition of approval requires the submission of a comprehensive landscape and

Development Requirement	Required	Proposed	Comments
	are suitable for location within road reserve.		vegetation management plan.

Development Contribution

As is required of every developers and subdividers in Byford, the landowner is liable for the payment of a Contribution to the Byford Developer Contribution Plan.

Restriction on use of building

It is important that restrictions be placed on the use of the building, particularly with regard to the Op Shop space, to prevent parts being leased out to businesses, organisation or individuals not associated with the Anglican Church. A condition has been included in the recommendation in this regard.

Mary Street frontage

The necessity of providing a ramp abutting the Mary Street frontage of the site and the wall to the Memorial Garden leave limited opportunities for landscaping on this street frontage. It is recommended that parking bay 31 be deleted for this reason and because its proximity to the boundary will make vehicle access into it difficult. The resulting space can be landscaped.

Conclusion

The proposed development will provide an attractive addition to the community hub at the intersection of Clifton and Mary Streets. This will provide a significant improvement to the currently degraded appearance of the site and will tie in well with the adjacent school and child care centre in reinforcing a sense of community and place at this important intersection. It is recommended that the application be approved subject to conditions.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

That the application for approval to commence development of a Place of Public Worship on Lots 32-34 (19-25) Clifton Street, Byford be approved subject to the following conditions:

Heritage

1. A photographic record is to be made of the existing church's external and internal fabric prior to demolition and digital copies of the photographs to be provided to the Shire.

Legal

2. Lots 32, 33 and 34 are to be amalgamated to form a single lot containing the church prior to issue of a Building Licence. A separate lot may be subdivided for the Rectory but must meet the minimum lot size for the R20 density coding applicable to the land (440m²).
3. The right of way abutting the southern boundary of the development site is to be widened by a minimum width of 2.485 metres with the land being ceded free of cost to the Shire at the time of amalgamation of Lots 32, 33 and 34.
4. An 8.5 metre truncation (6 metres x 6 metres) is to be provided at the intersection of Mary and Clifton Street and a 4.24 metre (3 metres x 3 metres) truncation is to be

provided at the intersection of the right-of way and Mary Street, with such truncations being ceded from Lots 32-34 Clifton Street at the time of amalgamation of the land.

5. The developer is required to pay pursuant to the Byford Structure Plan, gazetted in the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, a cost contribution towards the cost of common infrastructure. Until the Developer Contribution Plan for the Byford Structure Plan is inserted into the Serpentine Jarrahdale Town Planning Scheme No. 2 by scheme amendment, the developer must make satisfactory arrangements with the Shire of Serpentine-Jarrahdale for the payment of the developer's cost contribution. Such arrangements will include the developer entering into a legal agreement with the Shire of Serpentine Jarrahdale and the payment of an estimated cost contribution sum prior to clearance.

Vehicle parking areas, access ways and crossovers

6. The vehicle parking area, accessway(s), right of way and crossover shall be designed, constructed, sealed, kerbed, drained, linemarked and thereafter maintained in accordance with the approved plan and specification to the satisfaction of the Director Engineering prior to the occupation of the development for the use hereby permitted.
7. Parking bay 30. being deleted and the area landscaped.
8. A minimum of 33 parking bays are required to be provided on site.
9. 1 car parking bay to be provided and marked for the exclusive use of vehicles displaying ACROD issued disabled parking permits. Such bay shall be located conveniently to the principal building entrance and with a minimum width of 3.2 metres.
10. The crossover shall be designed and constructed to the specification and satisfaction of Council's Director Engineering.
11. Any required "No parking signage" and vehicular guide signs to the parking facility to be installed at the applicant's cost to the specification and satisfaction of Council's Director Engineering.

External Lighting

12. Lighting to be provided to all carparking areas and the exterior entrances to all buildings in accordance with Australian Standard AS 1158.3.1 (Cat. P). All external lighting to be hooded and oriented so that the light source is not directly visible to the travelling public or adjacent residences.

Drainage

13. A stormwater drainage management plan and detailed technical drawings and specifications for the car park area are to be submitted for approval by the Council's Director Engineering prior to the issue of a Building Licence.
14. Stormwater from roofed and paved areas being disposed of to the specification and satisfaction of Council's Director Engineering. Stormwater to be detained on-site and connected to the existing drainage system at pre-development hydraulic flow rates and water quality regimes. Should on-site disposal of stormwater be considered, a geotechnical report is to be submitted detailing site conditions, particularly in respect to soil and groundwater and stormwater disposal by soakage (clearance, quantity, soil permeability and location and size of soak wells). If on-site disposal of stormwater is proposed then where possible, water sensitive urban design methods are encouraged including the grading of hardstand areas to allow stormwater to be disposed of within garden beds and rainwater tanks (above or below ground) being

provided to store runoff from the roof of the building. Such captured water to be used for the watering of garden beds subject to suitable treatment to remove any oils, fuels and other contaminants.

Bins

15. The development is to be provided with a suitable enclosure for the storage and cleaning of rubbish receptacles in accordance with the Shire of Serpentine-Jarrahdale Health Local Laws 1999. The location of the enclosure is to be to the satisfaction of the Manager Health and Ranger Services.

External plant and pipes

16. The location of external fans, air conditioners and the like shall be to the satisfaction of the Director Development Services and installed to prevent loss of amenity to the area by its appearance, noise, emission or otherwise. All sewerage wastes and water pipes to be concealed within the building.

Landscaping

17. Plants used to landscape the site shall comprise species indigenous to the area. Landscaping and timed reticulation is to be established in accordance with the approved plans prior to occupation of the development and thereafter maintained to the satisfaction of the Shire.
18. No wall, fence or landscaping greater than 0.75 metres in height measured from the natural ground level at the boundary, shall be constructed within 3 metres of a vehicular access way unless such wall or fence is constructed with a 3 metre truncation.

Disabled Access and Facilities

19. The development being designed and constructed to allow access and facilities for people with disabilities in accordance with the Building Code of Australia 2008 Part D3 and AS 1428.1.

Signs

20. A separate application for planning approval including a plan or description of all signs for the proposed development (including signs painted on the building) shall be submitted and approved by the Council prior to the erection of any signage on the site.

Fencing

21. Fencing on street frontages of the property is to be limited to a maximum of 1.2 metres high except for the Memorial Garden screen wall of approximately 8 metres length. Fencing materials on street frontages is to comprise metal grille, brick, rammed earth or timber. Fibro cement sheeting and colourbond sheeting is not permitted.

Uses

22. No part of the building is to be leased out to any organization or individual not associated with the Anglican Church.

Advice Notes:

Health

1. This development has been defined as a public building and shall comply with the provision in the Health Act 1911 (as amended) relating to public building, the Health

(Public Building) Regulations 1992 and Shire guidelines for establishment of public buildings. An application to construct, extend or alter a public building is to be submitted with the building licence application.

2. The Health Act and Health (Food Hygiene) Regulations 1993 provide specific conditions relating to the handling and storage of food and operation of food premises in general. Council's Environmental Health Services Section should be consulted to determine any requirements relevant to this consent. In particular, you are required to obtain any necessary licences and complete an application form for Classification of Food Premises.
3. Plans showing the interior layout of the premises, location and method of installing all fittings etc, wall, floor and ceiling finishes, equipment, lighting and ventilation details being submitted for approval by Council's Environmental Health Service prior to the occupation of the development for the use hereby permitted.
4. A detailed plan of all food preparation, storage and refuse areas must be submitted with an application for approval to establish a food premises in conjunction with the building licence application. Plans are to be in accordance with the Health (Food Hygiene) Regulations 1993 to the satisfaction of the Manager Health Ranger Services and Director Development Services.

Bins

5. A "suitable enclosure" an enclosure:
 - a) of sufficient size for the number of receptacles to be used;
 - b) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material approved by the Manager Health and Ranger Services;
 - c) fitted with a tap connected to an adequate supply of water;
 - d) having smooth impervious walls constructed of approved material not less than 1.5m in height and an access way not less than 1 metre in width, fitted with a self-closing gate;
 - e) containing a smooth impervious floor of not less than 75mm thickness, evenly graded and adequately drained to an approved liquid refuse disposal system; and;
 - f) which is easily accessible to allow for the removal of the receptacles.

Stormwater

6. The applicant is requested to contact Council's Engineering Services regarding disposal of stormwater. The applicant is advised that stormwater outflow is to achieve pre-development hydraulic flow regimes up to the 1 in 100 year storm event. The system is to be designed by a suitably qualified hydraulic consulting engineer.

Building

7. The building is not to be occupied until a Certificate of Classification has been issued by the Shire. A person who uses or occupies, or permits the use or occupation, of a building without a Certificate of Classification in contravention of Building Regulation 20(4) or 22 is guilty of an offence.
8. The applicant shall submit, at the time of application for a building licence, documentation in compliance with the Building Regulations 1989 and the Building Code of Australia, including in particular detailed plans and specifications for site works, including finished ground and floor levels, storm water and roof runoff disposal, existing easements, parking areas including pavement type, lighting, loading bays, and refuse bulk bin areas, if applicable, to the satisfaction of Council.

9. A landscape plan and vegetation management plan for the site and adjoining verges must be submitted and approved by Director Strategic Community Planning prior to the issue of a building licence. For the purpose of this condition a detailed landscaped plan shall be drawn to a scale of 1:100 and shall show the following:
 - a) The location, name and mature heights of proposed trees and shrubs;
 - b) Any lawns, paved areas, decks, water features, shade structures and the like to be established; and
 - c) Those areas to be reticulated or irrigated or demonstrated to be designed using water sensitive principles.

Cr Brown left the meeting at 7.31pm.

Committee Recommended Resolution:

That the application for approval to commence development of a Place of Public Worship on Lots 32-34 (19-25) Clifton Street, Byford be approved subject to the following conditions:

Heritage

1. A photographic record is to be made of the existing church's external and internal fabric prior to demolition and digital copies of the photographs to be provided to the Shire.

Legal

2. Lots 32, 33 and 34 are to be amalgamated to form a single lot containing the church prior to issue of a Building Licence. A separate lot may be subdivided for the Rectory but must meet the minimum lot size for the R20 density coding applicable to the land (440m²).
3. The right of way abutting the southern boundary of the development site is to be widened by a minimum width of 2.485 metres with the land being ceded free of cost to the Shire at the time of amalgamation of Lots 32, 33 and 34.
4. An 8.5 metre truncation (6 metres x 6 metres) is to be provided at the intersection of Mary and Clifton Street and a 4.24 metre (3 metres x 3 metres) truncation is to be provided at the intersection of the right-of way and Mary Street, with such truncations being ceded from Lots 32-34 Clifton Street at the time of amalgamation of the land.

Vehicle parking areas, access ways and crossovers

5. The vehicle parking area, accessway(s), right of way and crossover shall be designed, constructed, sealed, kerbed, drained, linemarked and thereafter maintained in accordance with the approved plan and specification to the satisfaction of the Director Engineering prior to the occupation of the development for the use hereby permitted.
6. Parking bay 30. being deleted and the area landscaped.
7. A minimum of 33 parking bays are required to be provided on site.
8. 1 car parking bay to be provided and marked for the exclusive use of vehicles displaying ACROD issued disabled parking permits. Such bay shall be located conveniently to the principal building entrance and with a minimum width of 3.2 metres.
9. The crossover shall be designed and constructed to the specification and satisfaction of Council's Director Engineering.

10. Any required "No parking signage" and vehicular guide signs to the parking facility to be installed at the applicant's cost to the specification and satisfaction of Council's Director Engineering.

External Lighting

11. Lighting to be provided to all carparking areas and the exterior entrances to all buildings in accordance with Australian Standard AS 1158.3.1 (Cat. P). All external lighting to be hooded and oriented so that the light source is not directly visible to the travelling public or adjacent residences.

Drainage

12. A stormwater drainage management plan and detailed technical drawings and specifications for the car park area are to be submitted for approval by the Council's Director Engineering prior to the issue of a Building Licence.
13. Stormwater from roofed and paved areas being disposed of to the specification and satisfaction of Council's Director Engineering. Stormwater to be detained on-site and connected to the existing drainage system at pre-development hydraulic flow rates and water quality regimes. Should on-site disposal of stormwater be considered, a geotechnical report is to be submitted detailing site conditions, particularly in respect to soil and groundwater and stormwater disposal by soakage (clearance, quantity, soil permeability and location and size of soak wells). If on-site disposal of stormwater is proposed then where possible, water sensitive urban design methods are encouraged including the grading of hardstand areas to allow stormwater to be disposed of within garden beds and rainwater tanks (above or below ground) being provided to store runoff from the roof of the building. Such captured water to be used for the watering of garden beds subject to suitable treatment to remove any oils, fuels and other contaminants.

Bins

14. The development is to be provided with a suitable enclosure for the storage and cleaning of rubbish receptacles in accordance with the Shire of Serpentine-Jarrahdale Health Local Laws 1999. The location of the enclosure is to be to the satisfaction of the Manager Health and Ranger Services.

External plant and pipes

15. The location of external fans, air conditioners and the like shall be to the satisfaction of the Director Development Services and installed to prevent loss of amenity to the area by its appearance, noise, emission or otherwise. All sewerage wastes and water pipes to be concealed within the building.

Landscaping

16. Plants used to landscape the site shall comprise species indigenous to the area. Landscaping and timed reticulation is to be established in accordance with the approved plans prior to occupation of the development and thereafter maintained to the satisfaction of the Shire.
17. No wall, fence or landscaping greater than 0.75 metres in height measured from the natural ground level at the boundary, shall be constructed within 3 metres of a vehicular access way unless such wall or fence is constructed with a 3 metre truncation.

Disabled Access and Facilities

18. The development being designed and constructed to allow access and facilities for people with disabilities in accordance with the Building Code of Australia 2008 Part D3 and AS 1428.1.

Signs

19. A separate application for planning approval including a plan or description of all signs for the proposed development (including signs painted on the building) shall be submitted and approved by the Council prior to the erection of any signage on the site.

Fencing

20. Fencing on street frontages of the property is to be limited to a maximum of 1.2 metres high except for the Memorial Garden screen wall of approximately 8 metres length. Fencing materials on street frontages is to comprise metal grille, brick, rammed earth or timber. Fibro cement sheeting and colourbond sheeting is not permitted.

Advice Notes:

Health

1. This development has been defined as a public building and shall comply with the provision in the Health Act 1911 (as amended) relating to public building, the Health (Public Building) Regulations 1992 and Shire guidelines for establishment of public buildings. An application to construct, extend or alter a public building is to be submitted with the building licence application.
2. The Health Act and Health (Food Hygiene) Regulations 1993 provide specific conditions relating to the handling and storage of food and operation of food premises in general. Council's Environmental Health Services Section should be consulted to determine any requirements relevant to this consent. In particular, you are required to obtain any necessary licences and complete an application form for Classification of Food Premises.
3. Plans showing the interior layout of the premises, location and method of installing all fittings etc, wall, floor and ceiling finishes, equipment, lighting and ventilation details being submitted for approval by Council's Environmental Health Service prior to the occupation of the development for the use hereby permitted.
4. A detailed plan of all food preparation, storage and refuse areas must be submitted with an application for approval to establish a food premises in conjunction with the building licence application. Plans are to be in accordance with the Health (Food Hygiene) Regulations 1993 to the satisfaction of the Manager Health Ranger Services and Director Development Services.

Bins

5. A "suitable enclosure" an enclosure:
 - a) of sufficient size for the number of receptacles to be used;
 - b) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material approved by the Manager Health and Ranger Services;
 - c) fitted with a tap connected to an adequate supply of water;
 - d) having smooth impervious walls constructed of approved material not less than 1.5m in height and an access way not less than 1 metre in width, fitted with a self-closing gate;
 - e) containing a smooth impervious floor of not less than 75mm thickness, evenly graded and adequately drained to an approved liquid refuse disposal system; and;
 - f) which is easily accessible to allow for the removal of the receptacles.

Stormwater

6. The applicant is requested to contact Council's Engineering Services regarding disposal of stormwater. The applicant is advised that stormwater outflow is to achieve pre-development hydraulic flow regimes up to the 1 in 100 year storm event. The system is to be designed by a suitably qualified hydraulic consulting engineer.

Building

7. The building is not to be occupied until a Certificate of Classification has been issued by the Shire. A person who uses or occupies, or permits the use or occupation, of a building without a Certificate of Classification in contravention of Building Regulation 20(4) or 22 is guilty of an offence.
8. The applicant shall submit, at the time of application for a building licence, documentation in compliance with the Building Regulations 1989 and the Building Code of Australia, including in particular detailed plans and specifications for site works, including finished ground and floor levels, storm water and roof runoff disposal, existing easements, parking areas including pavement type, lighting, loading bays, and refuse bulk bin areas, if applicable, to the satisfaction of Council.
9. A landscape plan and vegetation management plan for the site and adjoining verges must be submitted and approved by Director Strategic Community Planning prior to the issue of a building licence. For the purpose of this condition a detailed landscaped plan shall be drawn to a scale of 1:100 and shall show the following:
 - a) The location, name and mature heights of proposed trees and shrubs;
 - b) Any lawns, paved areas, decks, water features, shade structures and the like to be established; and
 - c) Those areas to be reticulated or irrigated or demonstrated to be designed using water sensitive principles.

Committee Note: The Officer Recommended Resolution was changed by deleting conditions 5 and 22. The committee deemed that condition 5 be deleted as the landowner was not a developer and should be liable for payment of developer contributions. The landowner will also be providing community facilities and activities in the building. Condition 22 was deleted as it was considered to be too restrictive of the church and its activities.

SD021/08/08 COUNCIL DECISION/Committee Recommended Resolution:

Moved Cr Murphy, seconded Cr Kirkpatrick

That the application for approval to commence development of a Place of Public Worship on Lots 32-34 (19-25) Clifton Street, Byford be approved subject to the following conditions:

Heritage

1. **A photographic record is to be made of the existing church's external and internal fabric prior to demolition and digital copies of the photographs to be provided to the Shire.**

Legal

2. **Lots 32, 33 and 34 are to be amalgamated to form a single lot containing the church prior to issue of a Building Licence. A separate lot may be subdivided for the Rectory but must meet the minimum lot size for the R20 density coding applicable to the land (440m²).**

3. The right of way abutting the southern boundary of the development site is to be widened by a minimum width of 2.485 metres with the land being ceded free of cost to the Shire at the time of amalgamation of Lots 32, 33 and 34.
4. An 8.5 metre truncation (6 metres x 6 metres) is to be provided at the intersection of Mary and Clifton Street and a 4.24 metre (3 metres x 3 metres) truncation is to be provided at the intersection of the right-of way and Mary Street, with such truncations being ceded from Lots 32-34 Clifton Street at the time of amalgamation of the land.

Vehicle parking areas, access ways and crossovers

5. The vehicle parking area, accessway(s), right of way and crossover shall be designed, constructed, sealed, kerbed, drained, linemarked and thereafter maintained in accordance with the approved plan and specification to the satisfaction of the Director Engineering prior to the occupation of the development for the use hereby permitted.
6. Parking bay 30. being deleted and the area landscaped.
7. A minimum of 33 parking bays are required to be provided on site.
8. 1 car parking bay to be provided and marked for the exclusive use of vehicles displaying ACROD issued disabled parking permits. Such bay shall be located conveniently to the principal building entrance and with a minimum width of 3.2 metres.
9. The crossover shall be designed and constructed to the specification and satisfaction of Council's Director Engineering.
10. Any required "No parking signage" and vehicular guide signs to the parking facility to be installed at the applicant's cost to the specification and satisfaction of Council's Director Engineering.

External Lighting

11. Lighting to be provided to all carparking areas and the exterior entrances to all buildings in accordance with Australian Standard AS 1158.3.1 (Cat. P). All external lighting to be hooded and oriented so that the light source is not directly visible to the travelling public or adjacent residences.

Drainage

12. A stormwater drainage management plan and detailed technical drawings and specifications for the car park area are to be submitted for approval by the Council's Director Engineering prior to the issue of a Building Licence.
13. Stormwater from roofed and paved areas being disposed of to the specification and satisfaction of Council's Director Engineering. Stormwater to be detained on-site and connected to the existing drainage system at pre-development hydraulic flow rates and water quality regimes. Should on-site disposal of stormwater be considered, a geotechnical report is to be submitted detailing site conditions, particularly in respect to soil and groundwater and stormwater disposal by soakage (clearance, quantity, soil permeability and location and size of soak wells). If on-site disposal of stormwater is proposed then where possible, water sensitive urban design methods are encouraged including the grading of hardstand areas to allow stormwater to be disposed of within garden beds and rainwater tanks (above or below ground) being provided to store runoff from the roof of the building. Such captured water to be used for

the watering of garden beds subject to suitable treatment to remove any oils, fuels and other contaminants.

Bins

14. The development is to be provided with a suitable enclosure for the storage and cleaning of rubbish receptacles in accordance with the Shire of Serpentine-Jarrahdale Health Local Laws 1999. The location of the enclosure is to be to the satisfaction of the Manager Health and Ranger Services.

External plant and pipes

15. The location of external fans, air conditioners and the like shall be to the satisfaction of the Director Development Services and installed to prevent loss of amenity to the area by its appearance, noise, emission or otherwise. All sewerage wastes and water pipes to be concealed within the building.

Landscaping

16. Plants used to landscape the site shall comprise species indigenous to the area. Landscaping and timed reticulation is to be established in accordance with the approved plans prior to occupation of the development and thereafter maintained to the satisfaction of the Shire.
17. No wall, fence or landscaping greater than 0.75 metres in height measured from the natural ground level at the boundary, shall be constructed within 3 metres of a vehicular access way unless such wall or fence is constructed with a 3 metre truncation.

Disabled Access and Facilities

18. The development being designed and constructed to allow access and facilities for people with disabilities in accordance with the Building Code of Australia 2008 Part D3 and AS 1428.1.

Signs

19. A separate application for planning approval including a plan or description of signs for the proposed development (including signs painted on the building) shall be submitted and approved by the Council prior to the erection of any signage on the site.

Fencing

20. Fencing on street frontages of the property is to be limited to a maximum of 1.2 metres high except for the Memorial Garden screen wall of approximately 8 metres length. Fencing materials on street frontages is to comprise metal grille, brick, rammed earth or timber. Fibro cement sheeting and colourbond sheeting is not permitted.

Advice Notes

Health

1. This development has been defined as a public building and shall comply with the provision in the Health Act 1911 (as amended) relating to public building, the Health (Public Building) Regulations 1992 and Shire guidelines for establishment of public buildings. An application to construct, extend or alter a public building is to be submitted with the building licence application.

2. The Health Act and Health (Food Hygiene) Regulations 1993 provide specific conditions relating to the handling and storage of food and operation of food premises in general. Council's Environmental Health Services Section should be consulted to determine any requirements relevant to this consent. In particular, you are required to obtain any necessary licences and complete an application form for Classification of Food Premises.
3. Plans showing the interior layout of the premises, location and method of installing all fittings etc, wall, floor and ceiling finishes, equipment, lighting and ventilation details being submitted for approval by Council's Environmental Health Service prior to the occupation of the development for the use hereby permitted.
4. A detailed plan of all food preparation, storage and refuse areas must be submitted with an application for approval to establish a food premises in conjunction with the building licence application. Plans are to be in accordance with the Health (Food Hygiene) Regulations 1993 to the satisfaction of the Manager Health Ranger Services and Director Development Services.

Bins

5. A "suitable enclosure" an enclosure:
 - a) of sufficient size for the number of receptacles to be used;
 - b) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material approved by the Manager Health and Ranger Services;
 - c) fitted with a tap connected to an adequate supply of water;
 - d) having smooth impervious walls constructed of approved material not less than 1.5m in height and an access way not less than 1 metre in width, fitted with a self-closing gate;
 - e) containing a smooth impervious floor of not less than 75mm thickness, evenly graded and adequately drained to an approved liquid refuse disposal system; and;
 - f) which is easily accessible to allow for the removal of the receptacles.

Stormwater

6. The applicant is requested to contact Council's Engineering Services regarding disposal of stormwater. The applicant is advised that stormwater outflow is to achieve pre-development hydraulic flow regimes up to the 1 in 100 year storm event. The system is to be designed by a suitably qualified hydraulic consulting engineer.

Building

7. The building is not to be occupied until a Certificate of Classification has been issued by the Shire. A person who uses or occupies, or permits the use or occupation, of a building without a Certificate of Classification in contravention of Building Regulation 20(4) or 22 is guilty of an offence.
8. The applicant shall submit, at the time of application for a building licence, documentation in compliance with the Building Regulations 1989 and the Building Code of Australia, including in particular detailed plans and specifications for site works, including finished ground and floor levels, storm water and roof runoff disposal, existing easements, parking areas including pavement type, lighting, loading bays, and refuse bulk bin areas, if applicable, to the satisfaction of Council.

9. A landscape plan and vegetation management plan for the site and adjoining verges must be submitted and approved by Director Strategic Community Planning prior to the issue of a building licence. For the purpose of this condition a detailed landscaped plan shall be drawn to a scale of 1:100 and shall show the following:
- a) The location, name and mature heights of proposed trees and shrubs;
 - b) Any lawns, paved areas, decks, water features, shade structures and the like to be established; and
 - c) Those areas to be reticulated or irrigated or demonstrated to be designed using water sensitive principles.

CARRIED 7/2

Cr Brown was not present and did not vote.

Committee Note: The Officer Recommended Resolution was changed by deleting conditions 5 and 22. The Committee deemed that condition 5 be deleted as the landowner was not a developer and should not be liable for payment of developer contributions. Condition 22 was deleted as it was considered to be too restrictive on the church and its activities.

Council Note: The Council deems that as the landowner is a not for profit organisation and will be providing needed community facilities and activities in the building, they will not be liable for payment of developer contributions.

During debate Cr Price foreshadowed that he would move to reword condition 5 relating to a cost contribution by adding the words 'a cost agreed to by the Shire prior to clearance' if the motion under debate was defeated.

SD022/08/08 PROPOSED OVERSIZED SHED – LOT 12 (#23) DALLEY STREET, BYFORD (P00737/01,02)		
Proponent:	TJ Peterson & BM Robertson	In Brief Application is for an oversized and overheight shed. Planning and Building Applications need to be referred to the Council for determination in accordance with Council Policy relating to development on land owned by staff member. Approval is recommended subject to conditions including requirement that the shed be reduced in size.
Owner:	TJ Peterson & BM Robertson	
Officer:	Contract Building Surveyor	
Signatures Author		
Senior Officer	Director Development Services	
Date of Report	8 July 2008	
Previously	Nil	
Disclosure of Interest	BM Robertson – Co-ordinator Financial Services	
Delegation	Council	

Date of Receipt: 13 June 2008
 Advertised: Required
 Submissions: One
 Lot Area: 3178m²
 TPS Zoning: Urban Development
 MRS Zoning: Urban
 Byford Structure Plan: Residential R20
 Byford Townsite Detailed Area Plan: Residential R20

Background

Applications have been received for both planning approval and a Building Licence for the construction of a 180m² shed on the above property. The wall height of the shed will be 3

metres and the overall height 3.6 metres. The shed will be constructed of Colorbond metal sheeting in the shade of Cream.

The floor area and wall height of the shed exceed that permitted as of right in areas with a density coding of R20.

As the proponent is a member of staff of the Shire, the application is required to be referred to Council for determination and must be assessed by a private enterprise contractor. The planning application and building application has been assessed by the Shire's Contract Building Surveyor.

A copy of the aerial photo, location plan, planning and building applications is with the attachments marked SD022.1/08/08.

Sustainability Statement

Sustainable Element	Comment
Is there remnant native vegetation on site or adjoining verge?	There is scattered vegetation on the lot, particularly in the rear yard. Predominantly the existing vegetation comprises native plants that was planted at the time of subdivision of the Dalley Road lots.
Is remnant native vegetation to be retained?	Some of the existing vegetation will be impacted upon by the shed and clearing of some of this vegetation was commenced by the landowner. However, the landowner was advised by Shire's Compliance Office to cease all works until the necessary approvals were in place.
Are living areas and outdoor living area oriented and designed to allow passive solar access and/or protect against summer sun? Conditions required?	N/A
Is dwelling designed to allow breezes to flow through house in summer?	N/A
Are any water retention and reuse measures proposed? Conditions required?	The applicant has not advised on any intention to harvest runoff from the roof of the shed. There is the opportunity for the installation of a rainwater tank for this purpose. Conditions of approval will require all stormwater runoff to be disposed of on site and should restrict runoff from the shed from being disposed of directly into the drainage easement that runs along the rear of the lot.
Will the requested variation cause overshadowing of windows or outdoor living areas on neighbouring properties?	No
Will the requested variation have an adverse effect on streetscape?	No
Will the requested variation have an adverse effect on visual amenity of neighbouring properties due to bulk and scale, appearance or materials?	At three times the size normally permitted in the Residential R20 density code (60m ²) the 180m ² shed will be considerably larger and bulkier than sheds on properties in Dalley Street. A review of the street shows that the average size of sheds on every property in Dalley Street is between 50m ² to 60m ² . Accordingly, it is considered that an

Sustainable Element	Comment
	undesirable precedent may be set if a shed three times larger than 60m ² is approved.

Statutory Environment:

Planning and Development Act 2005
Town Planning Scheme No. 2
Residential Design Codes 2008

Policy/Work Procedure Implications:

Local Planning Policy LPP17 Residential and Incidental Development
Corporate Services Policy CSP34 - Council Control Over Employees Dealing in Land and other Business Activity within the Serpentine Jarrahdale Shire

Any Council approval issued under the provisions of CSP34 must be made by a majority decision of those Councillors in attendance and be subject to specific conditions including audit, review, reporting and disclosure conditions.

Financial Implications:

It is recommended that a condition of approval be imposed requiring the size of the shed to be reduced to 120m². Accordingly, there may be financial implications to Council related to this application if the landowner chooses to appeal this or any other condition at the State Administrative Tribunal.

Strategic Implications:

This proposal relates to the following Key Sustainability Result Areas:-

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

- 6. Ensure a safe and secure community.

2. Environment

Objective 1: Protect and repair natural resources and processes throughout the Shire

Strategies:

- 1. Increase awareness of the value of environmental requirements towards sustainability.

Objective 2: Strive for sustainable use and management of natural resources

Strategies:

- 1. Implement known best practice sustainable natural resource management.
- 2. Respond to Greenhouse and Climate change.
- 3. Reduce waste and improve recycling processes

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

- 1. Ensure development and use of infrastructure and land complies with required standards.

Community Consultation:

Applications that include variations to Residential Design Codes requirements require referral to abutting neighbours for comment. One written submission was received.

Summary of Submission	Officer's Comment	Action
-----------------------	-------------------	--------

Summary of Submission	Officer's Comment	Action
<p>Requests that the structure does not come past the front of their existing shed nor be constructed of second-hand materials.</p> <p>Requests that the shed not be used for any purpose which will create excessive noise</p>	<p>If the shed is reduced in size it will be able to be located such that it does not come any further forward than the front of the neighbours shed (refer aerial photograph). There is some vegetation on the neighbouring lot to the north that may help to screen the view of the shed but on the subject lot some of the vegetation adjacent to the boundary that would have screened the shed has been removed by the proponent.</p> <p>The applicants' have stated in their application that the shed is for the purpose of domestic storage only.</p>	<p>Include condition requiring the shed to be reduced in size to a maximum of 120m² and setback a minimum of 4 metres from the northern side boundary and the intervening space replanted with vegetation to help screen the long (20 metres) side wall of the shed.</p> <p>A condition is always imposed on domestic sheds that prohibits the use of them for Home Business/Occupation or parking of Commercial Vehicles without the prior written approval of the Council.</p>

Comment:

Policy, Residential Design Codes & Byford Townsite Detailed Area Plan Requirements

Policy Requirement	Required	Proposed	Comments
<p>Setbacks</p> <p>Primary Street</p> <p>Rear</p> <p>Side</p> <p>Side</p>	<p>6 metres</p> <p>1.5 metres</p> <p>1.5 metres</p> <p>1.5 metres</p>	<p>N/A</p> <p>4.2 metres</p> <p>4 metres</p> <p>26 metres</p>	<p>All setbacks comply</p>
<p>Floor Area (combined total floor area of all outbuildings)</p>	<p>Max. 60m²</p>	<p>180m²</p>	<p>The shed will be three times the allowable floor area under the R20 density coding applicable to the land. The largest shed existing on any property in Dalley Street at the moment is 70 m². Given the current lot size of 3178 m² it is considered that a shed larger than 60 m² could be approved. A maximum size of 120 m² is recommended based on the size of the lot. Under LPP17 an area with a density code of R5 or R2.5 (2000-4000 m² lots) a floor area of 100 m² is allowed. The policy also allows for a 20% variation to be considered hence the recommended 120 m² limit.</p>
<p>Wall Height</p>	<p>Max. 2.4 metres</p>	<p>3 metres</p>	<p>The extra 600 millimetres of wall height is not considered to be excessive given that the overall height of the shed (ie to ridgeline of roof) is well below the maximum allowed.</p>
<p>Roof Height</p>	<p>Max. 4.2 metres</p>	<p>3.5 metres</p>	<p>Complies</p>

Corporate Services Policy No. 34

Corporate Services Policy No. 34 (CSP34) contains the following restrictions with regard to any application for development where the applicant is a staff member:

“Delegations for approval of any developments will not apply in any cases where staff are involved as an applicant; in these instances each employee’s development application should go to Council for approval. This will apply to both the employee’s place of residence (including Chief Executive Office’s and Directors) and other developments. Applications of this kind should be dealt with by a private sector contractor or an appropriate qualified officer from another local government at Council’s cost. This will diminish the perception of the application being given favourable treatment by a fellow officer of the local government. Selection of the contractor or officer of another local government would need to be done carefully to remove the possibility of allegation.”

Accordingly, the applications for planning approval and a building licence for the shed were referred to the Shire’s Contract Building Surveyor for assessment.

The applicant submitted an Applicant’s Assessment Form as required under CSP 34 which has been signed by the Director Corporate Services and Chief Executive Officer.

Building Licence Application

The details provided with the plans submitted comply with all the required Australian Standard Requirements referenced in the Building Code of Australia. There are no impediments to the issue of a building licence.

Voting Requirements: **ABSOLUTE MAJORITY**

Officer Recommended Resolution:

- A. The Application for Approval to Commence Development for the construction of a shed on Lot 12 (23) Dalley Street, Byford be approved subject to the following conditions:
1. The floor area of the shed being reduced to a maximum of 120m².
 2. The shed being setback a minimum of 4 metres from the northern side boundary of the lot.
 3. The intervening space between the northern side of the shed and the northern boundary of the lot being planted with screening shrubs at a separation distance of 3 metres between each plant and is to comprise locally indigenous species. The required planting to be established by 30 September 2009.
 4. The proposed 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. Please contact Council’s Health Services for setbacks and requirements for other systems.
 5. All stormwater to be disposed of within the property. This shall be achieved by either soakwells or spoon drains or the use of stormwater retention/re-use methods such as rainwater tanks or the grading of hardstand areas to lawns and garden beds. Direct disposal of stormwater onto the road, neighbouring properties, watercourses or drainage lines is not permitted.
 6. 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.
 7. The shed is not to be used for any commercial or industrial purpose (including home occupation) or the parking of a commercial vehicle unless the written approval of the Shire has first been obtained.
- B. Council delegates authority for a Building Licence to be issued for the proposed shed by the Shire’s Contract Building Surveyor subject to the plans submitted for the purpose of

obtaining a Building Licence complying with the conditions of Planning Approval as above.

- C. The submitter be advised of the Council's decision.

Committee Recommended Resolution:

- A. That the application for Approval to Commence Development for the construction of a shed on Lot 12 (23) Dalley Street, Byford be refused for the following reasons:
1. The shed is not consistent with Local Planning Policy LPP 17 Residential and Incidental development which specifies a maximum floor area of 60 m² in a residential zone.
 2. The colours of the proposed shed are considered not in keeping with the amenity of the area.
- B. The submitter be advised of the Council's decision.

Committee Note: The Committee considered that the application should be refused as it is not in keeping with the Shire's Local Planning Policy in relation to its size and height. The colour of the shed was also considered to be not in keeping with the amenity of the area.

Cr Brown returned to the meeting at 7.56pm.

New Motion

Moved Cr Randall, seconded Cr Twine

- A. The Application for Approval to Commence Development for the construction of a shed on Lot 12 (23) Dalley Street, Byford be approved subject to the following conditions:
1. The floor area of the shed being reduced to a maximum of 72m².
 2. The external colours of the shed shall be of an earthy tone to blend in with the environment to the satisfaction of the Director Development Services. White, off white and cream colours are not permitted.
 3. The shed being setback a minimum of 4 metres from the northern side boundary of the lot.
 4. The intervening space between the northern side of the shed and the northern boundary of the lot being planted with screening shrubs at a separation distance of 3 metres between each plant and is to comprise locally indigenous species. The required planting to be established by 30 September 2009.
 5. The proposed 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. Please contact Council's Health Services for setbacks and requirements for other systems.
 6. All stormwater to be disposed of within the property. This shall be achieved by either soakwells or spoon drains or the use of stormwater retention/re-use methods such as rainwater tanks or the grading of hardstand areas to lawns and garden beds. Direct disposal of stormwater onto the road, neighbouring properties, watercourses or drainage lines is not permitted.
 7. 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.
 8. The shed is not to be used for any commercial or industrial purpose (including home occupation) or the parking of a commercial vehicle unless the written approval of the Shire has first been obtained.
- B. Council delegates authority for a Building Licence to be issued for the proposed shed by the Shire's Contract Building Surveyor subject to the plans submitted for the purpose of obtaining a Building Licence complying with the conditions of Planning Approval as above.

C. The submitter be advised of the Council's decision.
LOST 3/7

Director Corporate Services left the meeting at 8.19pm and returned at 8.20pm.

During debate Cr Brown foreshadowed that she would move the Officer Recommended Resolution if the motion under debate was defeated.

SD022/08/08 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Brown, seconded Cr Murphy

A. The Application for Approval to Commence Development for the construction of a shed on Lot 12 (23) Dalley Street, Byford be approved subject to the following conditions:

- 1. The floor area of the shed being reduced to a maximum of 120m².**
- 2. The shed being setback a minimum of 4 metres from the northern side boundary of the lot.**
- 3. The intervening space between the northern side of the shed and the northern boundary of the lot being planted with screening shrubs at a separation distance of 3 metres between each plant and is to comprise locally indigenous species. The required planting to be established by 30 September 2009.**
- 4. The proposed 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. Please contact Council's Health Services for setbacks and requirements for other systems.**
- 5. All stormwater to be disposed of within the property. This shall be achieved by either soakwells or spoon drains or the use of stormwater retention/re-use methods such as rainwater tanks or the grading of hardstand areas to lawns and garden beds. Direct disposal of stormwater onto the road, neighbouring properties, watercourses or drainage lines is not permitted.**
- 6. 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.**
- 7. The shed is not to be used for any commercial or industrial purpose (including home occupation) or the parking of a commercial vehicle unless the written approval of the Shire has first been obtained.**

B. Council delegates authority for a Building Licence to be issued for the proposed shed by the Shire's Contract Building Surveyor subject to the plans submitted for the purpose of obtaining a Building Licence complying with the conditions of Planning Approval as above.

C. The submitter be advised of the Council's decision.

CARRIED 8/2

Cr Randall voted against the motion

Amendment

Moved Cr Price, seconded Cr

A. The Application for Approval to Commence Development for the construction of a shed on Lot 12 (23) Dalley Street, Byford be approved subject to the following conditions:

- 1. The floor area of the shed being reduced to a maximum of 100m².**

2. The shed being setback a minimum of 4 metres from the northern side boundary of the lot.
3. The intervening space between the northern side of the shed and the northern boundary of the lot being planted with screening shrubs at a separation distance of 3 metres between each plant and is to comprise locally indigenous species. The required planting to be established by 30 September 2009.
4. The proposed 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. Please contact Council's Health Services for setbacks and requirements for other systems.
5. All stormwater to be disposed of within the property. This shall be achieved by either soakwells or spoon drains or the use of stormwater retention/re-use methods such as rainwater tanks or the grading of hardstand areas to lawns and garden beds. Direct disposal of stormwater onto the road, neighbouring properties, watercourses or drainage lines is not permitted.
6. 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.
7. The shed is not to be used for any commercial or industrial purpose (including home occupation) or the parking of a commercial vehicle unless the written approval of the Shire has first been obtained.

B. Council delegates authority for a Building Licence to be issued for the proposed shed by the Shire's Contract Building Surveyor subject to the plans submitted for the purpose of obtaining a Building Licence complying with the conditions of Planning Approval as above.

C. The submitter be advised of the Council's decision.

LAPSED FOR WANT OF A SECONDER

During debate Cr Randall foreshadowed that she would move to defer the item if the motion under debate was defeated.

SD024/08/08 MUNDIJONG CHANGEROOMS UPGRADE (RS0120/04)		
Proponent:	Serpentine Jarrahdale Shire and Centrals Football Club	In Brief
Owner:	Not Applicable	To receive the recommendations of the Mundijong Change Rooms Upgrade Working Group (MCU Working Group) whose role was to undertake a feasibility study and to consider facility funding and partnership options
Officer:	Manager Community Development	
Senior Officer	Director Strategic Community Planning	
Date of Report	6 November 2007	
Previously	CGAM062/11/05; SD032/10/07; SD042/11/07	
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	To endorse the recommended Option and the signing of a funding application to the Regional Infrastructure Funding Program (RIFP) and other State and Federal funding programs.
Delegation	Council	

Background

At the Ordinary Council Meeting of 22 October 2007 it was resolved as follows:

“SD032/10/07 COUNCIL DECISION/Revised Officer Recommended Resolution

*Moved Cr Price seconded Cr Kirkpatrick
That Council*

1. *Not submit a CSRFF application in October 2007;*
2. *Identify \$15,000 (as per Option 2) at the half yearly budget review to fund a paint/patch/repair maintenance program, focusing particularly on the visitors facilities, prior to the 2008 football season ;*
3. *Identify \$10,000 at the half yearly budget review to make good the external toilet block;*
4. *Establish the proposed working group in order to bring officers, councillors, user group representatives and other stakeholders together to conduct a more thorough feasibility study and consider facility, funding and partnership options; and*
5. *Inform Central Football Club and Department of Sport and Recreation of this decision.*

CARRIED 8/1 ABSOLUTE MAJORITY”

During the feasibility study process an opportunity arose to apply for funding through the Department of Local Government and Regional Development Regional Infrastructure Funding Program (RIFP). This initially took the form of an Expression of Interest in March 2008. The project has now been shortlisted, and the Shire has been invited to submit a full application by 22 August 2008.

The feasibility study process firstly needed to establish that the need for the proposed additional floor space and renovated existing facilities was justified. This justification was endorsed by the MCU Working Group, and is based on:

- Need for improved condition of current facilities;
- Need for adequate number of toilets/showers & disabled facilities for male and female, better configuration and a more appropriate environment;
- Need for additional area to double as junior change room (and sports development area) and to cater for the number of teams on site at one time (juniors currently have nowhere for second or third visiting teams to change;
- Need for sports development room (which doubles as junior change room) for coaching/player/officials development; wet weather training; warm up;
- Already experiencing rise in participation – which links to need to cater for projected population increase, and subsequent back to back training and match needs

With the project's need justified to the MCU Working Group, quotes were then sought for three construction options, with a view to presenting to Council the preferred option, seeking Council endorsement of an option, and if endorsed, developing detailed plans and costings. Only one quote was received in April 2008.

As a result of difficulty experienced in acquiring quotes, Council has appointed a Quantity Surveyor to provide the costings for the 3 options.

The aim of this report is to put the 3 options to Council for consideration.

Sustainability Statement

Effect on Environment: The project will be environmentally sensitive in terms of the development of the change room upgrade as defined by related building codes.

Economic Viability: Prior to the establishment of the MCU Working Group, Centrals Football Club received a detailed estimate for building costs in October 2007 projected to be built in October 2008. The working group then received updated costings in April 2008 through a quote which projected to be built in October 2009. While these costings indicate

an increase, both the quote and the estimate were based on the cost of the building, without fully considering the total cost of the project, including additional site costs and an appropriate level of project management.

- Estimate in October 2007 for 2008 build : \$450,000 (ex GST)
- Quote in April 2008 for 2009 build: \$500,000 (ex GST)

The above costings were both based on the original proposal (Option 1) for renovations and additions. The following costings cover the three options being deliberated by the working group.

Project Costs for the following options (provided by Quantity Surveyor in August 2008 - projected to build in October 2009) are GST exclusive and include: construction, construction project management (builder), and coordinator project construction (architect).

Project costs do not include maintenance, lifecycle (future refurbishment and replacement), furniture and equipment. Existing furniture and equipment will need to be used, or donations acquired, until such times as funds can be raised and grants sought.

Additional costs for all options include auditing costs for RIFP acquittal, and administrative “in kind costs” for Centrals volunteers and Shire officers.

Option 1

Original Plans – Major renovation of existing football change rooms and construction of additional changing/ablutions/sports development and covered viewing areas as per attached plans.

Project Cost: \$969,000 (ex GST)

Option 2

Demolish entire building (including netball/basketball clubrooms) and rebuild to achieve required floor space and best configuration for user groups. Plans would not be restricted by existing infrastructure.

Project Cost: \$1,769,000 (ex GST)

Option 3

Lesser renovation (than option 1) to existing football change rooms, and construction of adjacent additional building to provide additional changing/ablutions/sports development and covered viewing areas required to achieve similar outcomes to options 1 & 2.

Project Cost: Accurate costs are not available at this time, but Consultant advises that they are likely to be similar to option 1 costs.

All Options:

Auditing for RIFP: \$1,000
(In kind administrative - Centrals representatives and Shire teams \$5,400)

The plans for Option 1 and the plans for the current facilities are with attachments marked SD024.1/08/08.

Economic Benefits: The preferred option is anticipated to generate benefits in terms of more appropriate facilities that will result in more efficient running costs and in potentially increasing Serpentine Jarrahdale Shire’s revenue capacity through extended facility hire and attracting more visitors to the Shire.

Social – Quality of Life: This project aims to increase the participation of current and future user groups in physical and recreational activity.

Social and Environmental Responsibility: Through the working group, stakeholder groups have had the opportunity to participate in and establish partnerships, which have the potential to benefit current and future user groups.

Social Diversity: The proposal will not disadvantage any social groups and will foster the opportunity for diverse groups within the community to benefit from the facility.

Statutory Environment: Planning and Building approvals are required for the project.

Policy/Work Procedure Implications: There are no work procedures/policy implications directly related to this issue.

Financial Implications: Council will be asked to consider \$100,000 in the Forward Financial Plan for 2009/10.

Council could be asked, in future operational budgets, to consider contributing towards furniture and equipment funding applications in order for the facility to be hired as a multi purpose facility.

Council will also need to budget (as for all buildings) for:

- ongoing annual maintenance and
- lifecycle costs

Strategic Implications: This proposal relates to the following Key Sustainability Result Areas:-

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

1. Provide recreational opportunities.
2. Develop good services for health and well being.

Objective 3: High level of social commitment

Strategies:

1. Encourage social commitment and self determination by the SJ community.
2. Build key community partnerships.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

2. Promote best practice through demonstration and innovation.
5. Harness community resources to build social capital within the Shire.

Objective 2: Formation of Active Partnerships to progress key programs and projects

Strategies

1. Improve coordination between Shire, community and other partners.
3. Develop specific partnerships to effectively use and leverage additional resources.

Objective 3: Compliance to necessary legislation

Strategies:

1. Ensure development and use of infrastructure and land complies with required standards.

Community Consultation:

The MCU Working Group has incorporated, and liaised with, community representatives from user groups - as part of the feasibility process.

The Serpentine Jarrahdale Shire Community Facilities and Services Plan to 2020 (CFSP) consultation sessions and surveys also informed this process, suggesting better use be made of the existing shell of the building and shared use by all user groups. The CFSP also stated that the recommendations of the CFSP were subject to subsequent and more in depth feasibility studies.

The terms of reference of the MCU Working Group is to:

- Conduct a feasibility study to determine options and accurate costings
- Consider facility funding and partnership options

The feasibility and consultation process carried out by the working group revealed that while better shared use of the existing shell was a logical starting point for consideration, there were seasonal barriers which would prevent this from being a possible option. Whilst the Netball club could make use of part of the building at the same time as another group, the Football Club's expanding needs would require them to access to all areas (including the netball/basketball clubrooms area) while the Netball club were using it. The Football and Netball clubs need to use the facility at the same times during the winter season.

Comment:

Risks:

1. Risk of submitting an RIFP funding application at this stage in the feasibility process:

- a. As this item needs to go to full Council through the Ordinary Council Meeting on Monday 25, 2008, a Council decision will not be made with regard to the recommendation, until after the extended RIFP submission date of 22 August 2008. If full Council does not endorse the signing of the RIFP funding application, then the application submitted on Friday 22 August 2008 will need to be withdrawn.
- b. Ongoing feasibility work – including further details on Option 3 may bring forward an alternative approach which would require new concept plans to be drawn up.

Opportunity to minimise this risk:

- A further opportunity may be possible for Council to update the application to RIFP in early October, prior to the panel considering the application and making recommendations to the Minister. This opportunity will only be possible if a funding application is submitted by 22 August 2008.
- c. Potential of increased or unforeseen costs, or reduced funding offered - may mean we cannot sign a financial agreement and accept the funding.

Opportunity to minimise this risk:

- Negotiations with funding bodies will attempt to minimise this risk. RIFP have indicated that the program may be able to accommodate extensions of time to find alternative funds and/or an increased grant request close to time of project commencement. Financial agreements are not signed until all the funding required is in place.

2. Risk of not submitting an RIFP funding application at this stage in the process:

- a. Future alternative funding opportunities are unknown – with a State election currently being called and with Federal Funding programs still in the process of change.

- b. Potential opportunity would be lost to update the RIFP funding submission in October should further feasibility work suggest an alternative approach.
- c. Further costs increases are likely to occur if construction is delayed beyond the October 2009 proposed construction date due. This delay could be caused by funding opportunities not being realised in time.

Conclusion

Council is requested to endorse the Working Group's recommendation and to authorise the Chief Executive Officer to sign the RIFP funding application which proposes the following funding arrangement:

Working Group Recommendation:

Option 1 (original proposal - renovation and extend) **\$969,000 (ex GST)**

Working Group Proposed Funding Breakdown for Option 1 (ex GST):

Shire	\$100,000
Centrals Football Club	\$ 10,000
RIFP funding request	\$340,000
CSRFF funding request (one third of total project)	\$323,000
Combination of other Federal/State funding	<u>\$196,000</u>
TOTAL:	<u>\$969,000</u>

GST will be added to the overall project cost and to all contributions.

Centrals Football Club have confirmed that they cannot afford the risk of trying to raise any more than \$10,000 (plus GST). Any CSRFF or future funding application would require additional funding from corporate sponsors and/or federal grants.

Voting Requirements: ABSOLUTE MAJORITY

SD024/08/08 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Kirkpatrick, seconded Cr Price

That

1. **Option 1, to renovate and extend the Mundijong Changerooms to the value of \$969,000 (ex GST), be endorsed as the preferred option, as recommended by the Mundijong Changerooms Upgrade Working Group.**
2. **Council considers an allocation of \$100,000 in the Forward Financial Plan and 2009/10 Budget deliberations towards this project.**
3. **Council acknowledges Centrals Football Club pledge of \$10,000 (plus \$1,000 GST) towards the project.**
4. **Council states in the funding applications that neither Council nor Centrals Football Club will be able to contribute additional funds to the project should there be a funding shortfall, and that the project will only go ahead if all funds are confirmed.**
5. **The Chief Executive Officer be delegated authority to sign the funding applications for the Regional Infrastructure Funding Program and other State and Federal funding programs, to raise the combined balance of \$859,000 required to fund the project.**
6. **The Regional Infrastructure Funding Program application be submitted on 22 August 2008 to meet the funding deadline, on the proviso that if Council do not endorse this submission at the Ordinary Council Meeting on 25 August 2008, then the application be withdrawn.**
7. **The Chief Executive Officer is authorised to sign the planning application on behalf of Council, for Option 1.**

8. The Director Development Services is authorised to approve the planning application based on Option 1.

CARRIED 10/0

Committee Note: Committee expressed thanks to Council Officers and the Mundijong Football Club for the work involved in this report. Special thanks are provided to the Manager Community Development on the work in compiling this report and co-ordinating all parties at very short notice.

Council note: Council acknowledged the work of staff to bring this report together in a short timeframe.

CGAM011/08/08		JARRAHDAL E HERITAGE PARK MANAGEMENT COMMITTEE (P05576/06)
Proponent:	Not Applicable	In Brief Council is requested to form a Management Committee to oversee the implementation of the recommendations of the Jarrahdale Heritage Park and Precincts Business and Marketing Plan.
Officer:	Director Corporate Services	
Senior Officer:		
Date of Report	12 August 2008	
Previously	SCM007/09/07	
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

In 2007, Council adopted the Jarrahdale Heritage Park and Precincts Business and Marketing Plan. This plan consolidated many years of work in the development of the Jarrahdale Heritage Park and introduced the broader concept of 'Brand Jarrahdale' as a tourist destination. One key recommendation from this plan was to form a Board, which would be a Committee of Council, formed in accordance with the provisions of the Local Government Act 1995. This committee would oversee the implementation of the recommendations from the business and marketing plan.

A copy of the Draft Terms Of Reference for the committee is with attachments marked CGAM011.1/08/08 (E08/4194).

A copy of the Draft Delegation for the committee is with attachments marked CGAM011.2/08/08 (E08/4279).

Sustainability Statement

Resource Implications: The proposal aims to ensure best practice service delivery is maintained in the development of the Heritage Park and the 'Brand Jarrahdale' as a tourist destination. The project elements in the Park will require a significant amount of human and financial resources to deliver the required outcomes.

Economic Benefits: As 'Brand Jarrahdale' is marketed as a tourist destination, opportunities exist for all stakeholders to benefit increased economic activity.

Statutory Environment: Section 5.8 of the Local Government Act (1995) states;

Establishment of Committees

A local government may establish* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

Section 5.10 of the Local Government Act (1995) states;

Appointment of Committee Members

- (1) A committee is to have as its members —
- (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
 - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

** Absolute majority required.*

Policy/Work Procedure Implications:

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

Financial Implications:

Significant financial implications are highlighted in the Business and Marketing Plan. A project of this scale requires careful planning and the correct governance structure in place to manage the planning, implementation and management of the project.

It is acknowledged in the Business and Marketing plan that the project will be staged over several years and it is proposed that one of the first tasks will be to finalise a landscape plan, budgets for the project and the development of a staged approach to the implementation of large construction elements within the Park and funding options to finance the works.

Strategic Implications:

This proposal relates to the following Key Sustainability Result Areas:-

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

- 1. Provide recreational opportunities.
- 5. Value and enhance the heritage character, arts and culture of the Shire.
- 6. Ensure a safe and secure community.

Objective 2: Plan and develop towns and communities based on principles of sustainability

Strategies:

- 5. Protect built and natural heritage for economic and cultural benefits.

Objective 3: High level of social commitment

Strategies:

- 1. Encourage social commitment and self determination by the SJ community.
- 2. Build key community partnerships.

2. Environment

Objective 1: Protect and repair natural resources and processes throughout the Shire

Strategies:

2. Develop partnerships with community, academia and other management agencies to implement projects in line with Shire objectives.
3. Encourage protection and rehabilitation of natural resources.

3. Economic

Objective 1: A vibrant local community

Strategies:

3. Develop tourism potential.

Objective 3: Effective management of Shire growth

Strategies:

3. Integrate and balance town and rural planning to maximise economic potential.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

1. Identify and implement best practice in all areas of operation.
4. Balance resource allocation to support sustainable outcomes.
5. Harness community resources to build social capital within the Shire.

Objective 2: Formation of Active Partnerships to progress key programs and projects

Strategies

1. Improve coordination between Shire, community and other partners.
3. Develop specific partnerships to effectively use and leverage additional resources.

Objective 3: Compliance to necessary legislation

Strategies:

1. Ensure development and use of infrastructure and land complies with required standards.
3. Comply with State and Federal policies and Legislation and the Local Government Act in the most cost-effective way.

Community Consultation:

Relevant stakeholders have been consulted regarding the formation of a Committee of Council and representatives from the Jarrahdale Community Association and Jarrahdale Heritage Society have been nominated as community representatives for the proposed committee.

Comment:

A draft Terms of Reference has been developed for the committee outlining the key roles and responsibilities of the committee. It is proposed that membership of the committee consist of Councillors, Community Representatives and Executive Staff. Council will be requested to endorse the Terms of Reference, recommend Councillor, Community Representatives and Executive memberships to the committee.

The term of membership recommended is 2 years with expiration of Community and Councillor positions on 30 September 2009 to align with Local Government elections.

Voting Requirements:

ABSOLUTE MAJORITY

CGAM011/08/08 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Kirkpatrick, seconded Cr Twine

Council:

1. **Agrees to the formation of the Jarrahdale Heritage Park Committee;**
2. **Endorses the Terms of Reference included in attachment CGAM012.1/08/08 of this agenda;**
3. **Appoints Cr Twine and Cr Kirkpatrick as Council Representatives on the Jarrahdale Heritage Park Committee;**
4. **That in accordance with Section 5.16 of the Local Government Act 1995, Council authorises and grants the delegations of authority, powers and duties as listed and detailed in the schedule in attachment CGAM012.2/08/08 of this agenda.**

CARRIED 10/0

CGAM012/08/08		PROPOSED LEASE AGREEMENT COMMONWEALTH BUREAU OF METEOROLOGY AND SERPENTINE JARRAHDAL SHIRE (RS0008)
Proponent:	Commonwealth Bureau of Meteorology	In Brief Council to approve a lease with the Commonwealth Bureau of Meteorology and the Shire for a portion of Reserve 25911 (Yangedi Airstrip) for the purposes of installing a weather radar tower.
Owner:	Serpentine Jarrahdale Shire	
Officer:	Director Corporate Services	
Senior Officer:		
Date of Report	25 June 2008	
Previously	CGAM 05/11/06	
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

In November 2006, Council endorsed in principle the proposal by the Commonwealth Bureau of Meteorology to install a weather radar tower subject to conditions. These conditions were in summary;

- A formal development and building application be submitted prior to any works commencing;
- An application to clear native vegetation be lodged;
- A comprehensive flora survey of the area be completed;
- Liaison occur with the Bush Forever Office at the Department of Planning and Infrastructure in relation to the site being a Bush Forever site.

All of the above, with the exception of the issuing of a Development Application has now occurred and before anything can proceed, it is necessary for Council to endorse the Draft Lease agreement. The Development Application was approved at Concept Forum on 7 August 2007, subject to a Lease agreement being in place prior to formally issuing the Development Approval.

A copy of the Draft Lease Agreement and area map is with attachments marked CGAM012.1/08/08 (E08/4243).

A copies of the area maps are with attachments marked CGAM012.2/08/08 (E08/4244) & CGAM012.3/08/08 (E08/4245).

Sustainability Statement

Effect on Environment:

Biodiversity:

- The proposal involves clearing of vegetation on a site that has a high conservation value. Access to the site will be via an existing firebreak down the western boundary of the site. The total site proposed to be leased by the Bureau of Meteorology is 135 m².
- Site disturbance from a cut and fill perspective will be minimal, as the site is relatively flat.

Resource Implications: Land: The proposed radar tower is located in an area that will have a minimal impact on the Bush Forever site.

Social – Quality of Life: The proposed radar tower will provide the Bureau of Meteorology with better facilities to monitor the weather. The current facilities in the city are no longer suitable and this new facility will provide the Bureau with better quality information, especially in relation to severe weather events, which are prevalent in the Mandurah /Rockingham area.

Statutory Environment:

Section 3.54 of the Local Government Act 1995 applies.

Section 3.58 – Disposal of Property by way of Selling, leasing or otherwise applies and Council will need to advertise the proposed disposition (other than by tender or public auction) in accordance with the provisions of this section of the Act.

Policy/Work Procedure Implications

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

Financial Implications:

The lease will generate \$1,600 per annum in additional revenue to Council

Strategic Implications:

This proposal relates to the following Key Sustainability Result Areas:-

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

6. Ensure a safe and secure community.

2. Environment

Objective 1: Protect and repair natural resources and processes throughout the Shire

Strategies:

3. Encourage protection and rehabilitation of natural resources.

4. Governance

Objective 2: Formation of Active Partnerships to progress key programs and projects

Strategies

3. Develop specific partnerships to effectively use and leverage additional resources.

Community Consultation:

The Sports Aircraft Builders Club has been consulted in relation to this proposal from the Bureau of Meteorology. They have advised Council that there are no objections to the proposed Radar Tower. From a safety aspect, all of their concerns have been addressed through the development approval process.

The Sports Aircraft Builders Club have agreed to have a portion of the land excised out of their lease over the reserve.

Comment:

The proposed lease will provide the Bureau of Meteorology with a facility for the next 20 years in total (10 years with a 10 year option). The facility will service the majority of the Perth Metropolitan area, and will particularly service the southern part of Perth. The benefits to Serpentine Jarrahdale will be more accurate weather forecasting than is currently available for the region.

The building has been designed to minimise the impact on the local vegetation and the Bush Forever site and no significant vegetation will be removed during construction. Strict environmental standards have been imposed on the development through the development approval process.

In accordance with the Local Government Act (1995), in June 2008, Council advertised its intention to lease this property to the Bureau of Meteorology; no written comments were received in relation to the proposed lease.

It is recommended that Council approve the proposed lease and authorise the Chief Executive Officer to sign the document.

Voting Requirements: ABSOLUTE MAJORITY

CGAM012/08/08 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Price, seconded Cr Harris

That;

- 1. Council endorse the lease agreement between Serpentine Jarrahdale Shire and the Bureau of Meteorology, portion of Reserve 25911 for a period of 10 years, with an option to extend the lease for a further period of 10 years.**
- 2. Council authorise the Chief Executive Officer to sign the lease agreement.**

CARRIED 10/0

CGAM013/08/08 PERMIT VEHICLE USE ON TRANSIT ROAD, JARRAHDAL (A0512-03)		
Proponent:	Log West	In Brief An application has been made by Log West for Council consent to use multi combination vehicles to cart timber product from Lots 4, 5, 6 and 7 Transit Road, Jarrahdale.
Owner:	Not Applicable	
Officer:	Engineering Support Officer	
Senior Officer:	Manager Subdivisions	
Date of Report	6 August 2008	
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

Log West has submitted an application for their contractor Plantation Logging Company, to use multi combination vehicles to cart 120 tonne per day (which equals 3 trips) of timber from Transit Road, Jarrahdale.

The haulage contract is anticipated to be in place for a period of 6 months, commencing on 20 August 2008. A total of 6,000 tonnes is expected to be harvested.

In order to reduce large truck movements and to contain the amount of fuel used in the transport of the timber, Plantation Logging Company has requested permission to operate a 27.5 metre truck, trailer combination and pocket road trains in length for this haulage operation. Due to the mass and length of the truck and trailer combinations, Plantation Logging Company requires a permit to operate these vehicles on Transit Road, carting the timber to Bunbury.

Sustainability Statement

Effect on Environment: The use of larger combination vehicles reduces the number of truck movements on a road resulting in reduced congestion and reduced fuel use per unit of transported material.

Resource Implications: The use of truck combinations reduces the burning of fossil fuels by increasing the efficiency of material haulage per unit of material.

Social – Quality of Life: The use of larger combination vehicles reduces the total number of trucks on the road, reducing congestion and truck noise and reducing the frequency aspect of truck conflict risk.

Statutory Environment:

The operation of permit vehicles is controlled by Main Roads Western Australia on the basis of recommendations provided by Council.

Policy/Work Procedure Implications:

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

Financial Implications:

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

Strategic Implications:

This proposal relates to the following Key Sustainability Result Areas:-

2. Environment

Objective 1: Protect and repair natural resources and processes throughout the Shire

Strategies:

5. Reduce green house gas emissions.

3. Economic

Objective 1: A vibrant local community

Strategies:

1. Attract and facilitate appropriate industries, commercial activities and employment.

Objective 2: Well developed and maintained infrastructure to support economic growth

Strategies:

1. Improved freight, private and public transport networks.

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

1. Ensure development and use of infrastructure and land complies with required standards.

Community Consultation:

There has been no community consultation for this proposal.

Comment:

Transit Road is currently not in a condition to support the use of such vehicles, the road seal is approximately 3.3 metres wide with 1.8 metre shoulder on the northern side, with no shoulder on the southern side at all. The bitumen seal length is approximately 440 metres then continues unsealed for another 398 metres. The road seal and gravel surface will be further damaged if this permit is granted.

Shire officers who have inspected the site have raised concerns regarding the ability of the intersection to cope with the proposed vehicles.

The applicant has provided a list of trucking contractors to whom this permit would apply. This list indicates some vehicles that are both larger and smaller than those in the application. The list also includes transport companies not named in the application.

A copy of the Trucking Contractors is included with the attachments and marked CGAM013.1/08/08 (E08/4144)

It is recommended that Council refuse permission for the use of pocket road trains or B-doubles along these roads to protect the road surface from degradation.

Voting Requirements: Simple Majority

CGAM013/08/08 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Kirkpatrick, seconded Cr Price

- 1. Council does not endorse the use of oversize vehicles (B-doubles or Pocket Road Trains up to 27.5m in length) by Log West to cart approximately 6000 tonnes of timber product from the Redire Pty Ltd plantation on Transit Road, Jarrahdale to South West Highway via Transit Road.**
- 2. This decision applies to all companies included in the list of the trucking contractors provided by the applicant.**
- 3. Main Roads WA to be advised in writing of the Council’s decision to refuse the use of oversize vehicles (B-Doubles and Pocket Road Trains up to 27.5m in length) by the applicant.**

CARRIED 10/0

8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

OCM004/08/08		GRIEVANCE RESOLUTION POLICY (A1048)	
Proponent:	Serpentine Jarrahdale Shire	In Brief: Council is requested to adopt a policy statement in relation to grievance resolution. The policy provides a framework in which Shire staff, contractors and consultants can address matters of grievance.	
Officer:	Chief Executive Officer		
Signatures Author:			
Senior Officer:			
Date of Report	19 August 2008		
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		

Background

A grievance is a real or perceived wrong causing resentment or a feeling of injustice at having been unfairly treated and regarded as grounds for complaint.

A grievance can include any real or perceived wrong relating to any or all of the following - bullying, harassment, sexual harassment, discrimination and victimisation.

This policy provides the Shire with the principles for an effective, efficient, accountable, equitable and transparent grievance resolution process. Shire employees have a right and expectation at law to seek redress of complaints via internal grievance processes. If a party or parties are of the view that the internal process has failed, they are entitled to seek redress through an appropriate external agency.

A copy of the Grievance Policy Statement is with the attachments marked OCM004.1/08/08 (IN08/10069).

Statutory Environment:

This policy has been based on grievance handling principles and guidelines as prescribed in the Local Government Officers (Western Australia) Award 1999, the Shire of Serpentine Jarrahdale Outdoor Staff Collective Workplace Agreement 2007 and the Grievance Resolution Standards as suggested by the Office of Public Sector Standards WA.

Financial Implications:

There are no direct financial implications to Council related to the adoption of this policy.

Community Consultation:

Not required.

Comment:

The proposed policy statement recognises the right of staff to express their grievances and to seek resolution concerning disagreements arising from work place relationships, working conditions, employment practices or differences of interpretation of policies which may arise between the Shire and its staff.

The policy indicates that the Shire is committed to timely, accountable and transparent decision making processes by providing access to fair and objective procedures for the review and resolution of work-related grievances.

It also makes it clear that it is the responsibility of all staff to conduct themselves in a professional manner within the workplace at all times.

The intent of the policy is that grievances are to be addressed within a framework of co-operation that emphasises the prevention of future complaints as well as seeking redress to the immediate issue.

It is recommended that the policy is adopted.

Voting Requirements: **ABSOLUTE MAJORITY**

OCM004/08/08 COUNCIL DECISION/Officer Recommended Resolution:

**Moved Cr Brown, seconded Cr Twine
That Council adopts the Grievance Policy Statement as detailed in the *Attachment OCM004.1/08/08.*
CARRIED 10/0**

OCM005/08/08		APPOINTMENT OF COUNCILLORS TO THE PROPOSED RIVERS REGIONAL COUNCIL (A0283)
Proponent:	Serpentine Jarrahdale Shire	In Brief: Council is requested to approve delegation of power to the Chief Executive Officer for the appointment of Deputy Regional Councillors to the Rivers Regional Council.
Officer:	Joanne Abbiss Chief Executive Officer	
Signatures Author:		
Senior Officer:		
Date of Report	15 August 2008	
Previously	CGAM080/05/08	
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

Council has requested Councillor Murphy and Councillor Kirkpatrick as Regional Councillors to represent the Shire of Serpentine Jarrahdale on the Rivers Regional Council.

It has been usual practice (by most local governments) to appoint a Councillor or Councillors to be the deputy for the appointed Regional Councillors to act in their place should they be unable to attend a meeting or for some other reason be unable to act.

Legal advice obtained by the Regional Council has clarified that there is no power in the *Local Government Act 1995* to allow the appointment of a Deputy to take the place of a Regional Councillor when required. An alternative is that a replacement delegate be appointed for each specific occasion required.

A copy of the delegation is with the attachments marked OCM005.1/08/08.

Statutory Environment:

The Rivers Regional Council has been established under Section 3.61 of the *Local Government Act 1995* (the Act). The Establishment Agreement for the Rivers Regional Council provides that this Shire has two members as Regional Councillors.

Council may delegate powers and duties to the Chief Executive Officer pursuant to Section 5.42 of the Act.

Policy/Work Procedure

Implications:

Not applicable

Financial Implications:

Minor costs may be incurred for Councillor travel to meetings.

Strategic Implications:

Not applicable

Community Consultation:

Not required.

Comment:

Councillor Murphy and Councillor Kirkpatrick are the currently appointed Regional Councillors representing this Shire. It is considered that it is important that the Shire be represented at all meetings of the Regional Council. Legal advice has clarified that the

traditional approach of appointing a Councillor to be deputy to act if or when required is not permitted. An option is to appoint an alternative Regional Councillor on each occasion the need occurs. If the appointed Regional Councillors are aware sufficiently in advance that they will not be able to attend or cannot act for another reason, for example because they have a conflict of interest, the Council could make an appointment of a replacement Councillor for the particular meeting.

In practice, it is unlikely that there will always be sufficient time for the Council to make an appointment. It seems likely that the Regional Council may need to meet frequently during 2008 and may require special meetings at relatively short notice. During the early establishment period for the Regional Council it is very important that the Shire of Serpentine Jarrahdale be represented. It is similarly important that the absence of some Regional Councillors does not result in a lack of quorum and subsequent disruption to its progress.

The situation regarding a lack of power to appoint deputy members has been drawn to the attention of the Department of Local Government and Regional Development. The Department has advised that a power has been included in an Amendment Bill for the *Local Government Act 1995* and this Bill is now before the Parliament. Assuming that the Bill is passed by the Parliament, a power will be created in the foreseeable future.

As an interim arrangement it is proposed that the Chief Executive Officer be delegated the power to appoint a (temporary) Regional Councillor to act in the place of a (Serpentine Jarrahdale Shire) Regional Councillor for meetings when the appointed Regional Councillor cannot act.

Voting Requirements: ABSOLUTE MAJORITY

OCM005/08/08 COUNCIL DECISION/Officer Recommended Resolution

Moved Cr Kirkpatrick, seconded Cr Harris

- 1. Council delegate to the Chief Executive Officer the power to appoint a Regional Councillor or Regional Councillors to the Rivers Regional Council in circumstances where one or both of the Council's appointed Regional Councillors cannot attend a meeting of the Regional Council. Such appointment to be limited to the period for which the Council's appointed Regional Councillor is unable to act.**
- 2. This delegation is indefinite and lapses at such a time that the *Local Government Act 1995* is amended to permit Council to make an appointment of a Deputy Regional Councillor and Council resolves to make such an appointment.**

CARRIED 10/0

9. CHIEF EXECUTIVE OFFICER'S REPORT

OCM006/08/08		INFORMATION REPORT
Proponent	Joanne Abbiss - Chief Executive Officer	In Brief Information Report.
Officer	Lisa Fletcher – Personal Assistant to the Chief Executive Officer	
Signatures - Author:		
Senior Officer:	Joanne Abbiss - Chief Executive Officer	
Date of Report	14 August 2008	
Previously		
Disclosure of Interest		
Delegation	Council	

OCM006.1/08/08 COMMON SEAL REGISTER REPORT – JULY 2008

The Common Seal Register Report for the month of May 2008 as per Council Policy CSP30 Use of Shire of Serpentine Jarrahdale Common Seal is with the **attachments marked OCM006.1/08/08.**

OCM006.2/08/08 POLICY FORUM – AUGUST 2008

The following items were discussed at the 5 August 2008 Policy Forum:

Topic / Subject
Council Actions Report
Report on progress of Council and Committee resolutions
Report on Councillor correspondence
Hot Topics
Percy's Place
Issues Clearing House
Continuation of Councillor Issues resolution
Deputation
Jennifer Mathews - new Director General, Department of Local Government and Regional Development
Strategic Planning
CFSP
Australian Business Excellence Framework for Strategic Planning Workshop with Councillors
Discovery Forest Scoping Paper
Draft Local Biodiversity Strategy
Policy Development
Election Strategy
Farmland Concession
Draft Council Policy on Management Plans
Feedback
Report on 2008 National Local Government Environment Conference
Development Concepts
New business proposal - Chocolate Factory, Jarrahdale

OCM006.3/08/08 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION SOUTH EAST METROPOLITAN ZONE MEETING MINUTES - 23 JULY 2008 (A1164)

In the attachments marked OCM006.3/08/08 (IN08/9454) is the minutes of the WALGA South East Metropolitan Zone Meeting held on 23 July 2008.

OCM006.4/08/08 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION PEEL ZONE MEETING MINUTES – 29 JULY 2008 (A1164)

In the attachments marked OCM006.4/08/08 (IN08/10267) is the minutes of the WALGA Peel Zone Meeting held on 29 July 2008.

OCM006.5/08/08 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION STATE COUNCIL MINUTES – 3 AUGUST 2008 (A1164)

In the attachments marked OCM006.5/08/08 (IN08/10262) is the minutes of the State Council Meeting held on 3 August 2008.

OCM006.6/08/08 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION
ANNUAL GENERAL MEETING – 5 AUGUST 2008 (A1164)

In the attachments marked OCM006.6/08/08 is the minutes of the Annual General Meeting held on 5 August 2008.

OCM006/08/08 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Brown, seconded Cr Buttfield
The Information Report to 22 August 2008 is received.
CARRIED 10/0

10. URGENT BUSINESS:

Nil

11. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:

Nil

12. CLOSURE:

There being no further business the meeting closed at 8.51pm.

I certify that these minutes were confirmed at the
Ordinary Council meeting held on 22 September 2008.

.....
Presiding Member

.....
Date

13. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:

SD013/08/08 BUILDING INFORMATION REPORT		
Proponent:	N/A	In Brief
Owner:	N/A	
Officer:	Manager Building Services	Information report
Senior Officer:	Director Development Services	
Date of Report	4 August 2008	
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	Committee – in accordance with resolution CGAM064/02/08	

SD013/08/08 Committee Decision/Officer Recommended Resolution

**That Council accepts the July 2008 Building Information Report.
CARRIED 7/0**

SD014/08/08 HEALTH INFORMATION REPORT		
Proponent:	N/A	In Brief
Owner:	N/A	
Officer:	Manager Health & Ranger Services	Information report
Senior Officer:	Director Development Services	
Date of Report	5 August 2008	
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	Committee – in accordance with resolution CGAM064/02/08	

SD014/08/08 Committee Decision/Officer Recommended Resolution

**That Council accepts the Health Information Report.
CARRIED 7/0**

SD015/08/08 RANGERS INFORMATION REPORT		
Proponent:	Senior Ranger	In Brief Update on the SJ Shire Cat Sterilization program
Owner:	N/A	
Officer:	Senior Ranger	
Senior Officer:	Manager Health & Ranger Services	
Date of Report	5 August 2008	
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	Committee – in accordance with resolution CGAM064/02/08	

SD015/08/08 Committee Decision/Officer Recommended Resolution

That Council accepts the Rangers Information Report.

CARRIED 7/0

Committee Note: Committee requested further information regarding the possibility of utilising cat traps and the requirements for cat registration in the Shire.

SD016/08/08 PROPOSED HOME BUSINESS – METAL SPINNING ON LOT 824 GREENHILL GROVE, CARDUP (P05750/05)		
Proponent:	Shane Fallow	In Brief The applicant seeks planning approval for a Home Business relating to Metal Spinning. It is recommended that the application be refused.
Owner:	As Above	
Officer:	Contract Planning Officer	
Senior Officer:	Director Development Services	
Date of Report	5 August 2008	
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	

SD016/08/08 Committee Decision/Officer Recommended Resolution:

1. That the Application for Approval to Commence Development for a Home Business on Lot 824 Greenhill Grove, Cardup be refused for the following reasons:

- a) **The use of Home Business is prohibited in Rural Living A Zone A8 and therefore, the Council does not have the discretion to approve the use.**
- b) **The processes carried out and the noise generated by the equipment used in those processes will adversely affect the amenity of the surrounding neighborhood, which is a rural-residential lifestyle area.**

2. The submitters be advised of the Council's decision in this regard.

CARRIED 7/0

SD018/08/08 PROPOSED SWIMMING POOL OUTSIDE BUILDING ENVELOPE ON LOT 107 KENTUCKY DRIVE DARLING DOWNS (P00192/04)		
Proponent:	Aqua Technics	In Brief Application for the construction of swimming pool outside building envelope. Objections received from neighbours. Approval subject to conditions is recommended
Owner:	D D'Agnone	
Officer:	Planning Assistant	
Senior Officer:	Director Development Services	
Date of Report		
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	

SD018/08/08 Committee Decision/Officer Recommended Resolution:

A. That the Application for Approval to Commence Development for a Swimming Pool outside the approved building envelope on Lot 107 Kentucky Drive Darling Downs be approved subject to the following conditions:

1. Pool fencing shall comply with Australian Standard 1926.1 – 1993 Swimming Pool Safety – Security Fencing for Swimming Pools. Fencing around pools in Special Rural zone is required to be open style metal grille or similar. Solid fencing is not permitted.
2. The pool being screened adjacent to the property boundary along Kentucky Drive by 30 June 2009 to the satisfaction of the Director Development Services.
3. No lighting being placed around the pool.

B. The submitter be advised of the Council decision.

Advice Note:

1. The pool 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.

CARRIED 7/0

SD023/08/08 PLANNING INFORMATION REPORT		
Proponent	Director Development Services	In Brief Information Report.
Officer	Development Services Support Officer	
Senior Officer:	Director Development Services	
Date of Report	6 August 2008	
Previously		
Disclosure of Interest		
Delegation	Committee – in accordance with resolution CGAM064/02/08	

SD023/08/08 Committee Decision/Officer Recommended Resolution

**That Council accepts the Planning Information Report.
CARRIED 7/0**

CGAM007/08/08 MONTHLY FINANCIAL REPORT – JUNE 2008 (A0924/07)		
Proponent:	Local Government Act 1995	In Brief To receive the Monthly Financial Report as at 30 June 2008
Owner:	Not Applicable	
Officer:	Manager Finance Services	
Senior Officer:	Director Corporate Services	
Date of Report	27 July 2008	
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 1995	
Delegation	Committee in accordance with resolution CGAM064/02/08	

CGAM007/08/08 Committee Decision / Officer Recommended Resolution:

**Council receives the Monthly Financial Report, as at 30 June 2008, in accordance with Section 6.4 of the Local Government Act 1995.
CARRIED 7/0**

CGAM008/08/08 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)		
Proponent:	Director Corporate Services	In Brief To confirm the creditor payments made during July 2008.
Owner:	Not Applicable	
Author:	Finance Officer	
Senior Officer:	Director Corporate Services	
Date of Report	4 August 2008	
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	

CGAM008/08/08 Committee Decision / Officer Recommended Resolution:

**That Council notes the payments authorised under delegated authority and detailed in the list of invoices for the month of July 2008, presented per the summaries set out above include Creditors yet to be paid and in accordance with the Local Government (Financial Management) Regulations 1996.
CARRIED 7/0**

CGAM009/08/08 SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917)		
Proponent:	Director Corporate Services	In Brief To receive the sundry debtor balances as at 31 July 2008.
Owner:	Not Applicable	
Author:	Finance Officer (Debtors)	
Senior Officer:	Director Corporate Services	
Date of Report	4 August 2008	
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	

CGAM009/08/08 Committee Decision / Officer Recommended Resolution:

That Council receive and note the report on Sundry Debtor Outstanding Accounts as at 31 July 2008.

CARRIED 7/0

CGAM010/08/08 RATE DEBTORS REPORT (A0917)		
Proponent:	Director Corporate Services	In Brief To receive the rates report as at 31 July 2008.
Owner:	Not Applicable	
Author:	Rates Officer	
Senior Officer:	Director Corporate Services	
Date of Report	4 August 2008	
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	

CGAM010/08/08 Committee Decision / Officer Recommended Resolution:

That Council receive and note the report on the Rate Debtors accounts as at 31 July 2008.

CARRIED 7/0

CGAM014/08/08		WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION SPECIAL FORUM – SYSTEMIC SUSTAINABILITY STUDY 10 YEAR PLAN (A1164)	
Proponent:	Western Australian Local Government Association	In Brief Council determines voting delegates for the Western Australian Local Government Association Special Forum to be held on 15 September 2008.	
Owner:	As above		
Officer:	Chief Executive Officer		
Senior Officer:			
Date of Report	11 August 2008		
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		

CGAM014/08/08 Committee Decision / Officer Recommended Resolution:

**Council nominates Shire President, Councillor Denyse Needham and Deputy Shire President, Councillor John Price as voting delegates at the Western Australian Local Government Association Special Forum to be held on 15 September 2008.
CARRIED 7/0**

CGAM015/08/08		INFORMATION REPORT	
Proponent:	Director Corporate Services	In Brief To receive the information report to 31 July 2008.	
Owner:	Not Applicable		
Author:	Various		
Senior Officer:	Director Corporate Services		
Date of Report	6 August 2008		
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		

CGAM015/08/08 Committee Decision / Officer Recommended Resolution:

**The Information Report to 31 July 2008 be received.
CARRIED 7/0**