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Minutes of the Ordinary Council Meeting held in the Council Chambers, 6 Paterson Street, Mundijong on Monday 25 July 2016. The Shire President declared the meeting open at 7.01pm and welcomed Councillors, staff and members of the gallery and acknowledged that the meeting was being held on the traditional land of the Gnaala Karla Booja and paid his respects to their Elders past and present.

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

In Attendance:

Councillors: J ErrenPresiding Member
S Piipponen
D Atwell
K Ellis
D Gossage
S Hawkins
J See
M Rich
B Urban

Officers: Mr G ClarkActing Chief Executive Officer
Mr A Schonfeldt Director Planning
Mr D ForsterActing Director Engineering
Ms K PeddieExecutive Assistant to the CEO (Minute Taker)

Leave of Absence: Nil

Apologies: Mr A Hart – Director Corporate and Community

Observers: Ms K Cornish – Governance Advisor

Members of the Public – 42

Members of the Press – 1

At this point in proceedings, the Acting Chief Executive Officer Mr Gary Clark addressed attendees in the Council Chambers:

For the safety, comfort and security of all persons in the Council Chambers, we have set in place an Attendance Register and also detailed some conditions of entry that apply to all members of the public attending or intending to address the Council at Council meetings.

The general conduct of a council meeting, particularly during public question time depends upon mutual respect and good faith between elected members and the public.

Disruptive behaviour makes the conduct of council business more difficult and stressful, thereby reducing the efficiency and effectiveness of council meetings. Disruptive behaviour also denies other members of the public the opportunity to participate in and observe council proceedings. The purpose of the attendance register and the conditions of entry is to ensure the efficiency and effectiveness of our council meetings. For this reason we seek the public's cooperation in the implementation of these procedures.

2. Response to previous public questions taken on notice:

The following question was taken on notice at the Ordinary Council Meeting 27 June 2016:

Question 3

How is a ratepayer supposed to present hard copies of documents to support their position? As we no longer have Council Committees and the right to present documents as part of a deputations has been removed?

Response:

Members of the public wishing to make a deputation at a Council meeting are required to apply in writing to the CEO. If you have printed material relating to your deputation that you wish to have distributed to Councillors, this should be lodged along with your letter of request for deputation. Information relating to Deputations can be found on the Shire's website at: <http://www.sjshire.wa.gov.au/meeting-information/>

3. Public question time:

Public question and statement time commenced at 7.03pm

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

Question 1

In reply to question 1 of my questions at the OCM on 27 June 2016, the reply is not to the questions I asked. It would appear the Presiding Member either did not read the question or did not understand it as it has nothing to do with the personal matters of the ex-CEO but to question the action or lack of by the Council.

My question is will the Presiding Member please answer the question as asked at the OCM of the 27th of June 2016.

Response:

Your questions relates to the personal affairs of an employee and is inappropriate and therefore will not be responded to.

Question 2

The President of the Darling Downs Residents Association had a busy bee and working group to clear vegetation from the POS and Beriga Drain Reserve in the Darling Downs area. It was widely advertised on social media and a video clearly shows the Association President clearly controlling the operation.

When was the application approved and the permit issued for the work and what was the scope of the work applied for?

Response:

The officer who is familiar with the operation in the area is not available today to answer the question. On their return a written reply will be sent to Mr Kirkpatrick and a copy to Councillors.

Question 3

The original structure plan for the Glades development showed a POS in Orton Road, this was appealed and the WAPC removed it to allow urban development. The reason given was that there was to be shared use at the Secondary School of the sporting facilities. In item OCM189 CEOs Information Report attachment marked Priority Projects (E15/4465) in item 10 Briggs Park it talks of a SUA with the secondary school as being a priority project.

What action has the Council taken to progress either a MOU/CUA at the Secondary School since the last election in October 2015 to facilitate the use of the sporting facilities at the secondary school by the ratepayers and residents of the Shire not just

the pupils of the school. As these were matters clearly identified by WAPC and in item OCM189?

Response:

This is a detailed question which we will take on notice in order to provide an appropriate response.

Mr D and Mrs L Pascoe, Dalley Street, Byford, WA, 6122

Questions in relation to item OCM124/07/16

Question 1

With the additional housing, and by extension, and additional vehicles attempting to enter South West Highway from Walters Road, what plans are in place to ease the congestion, and make highway entry easier? The current situation is very difficult at various times of the day, and the expectation is for it to become worse.

Response:

A recommendation has gone forward to Western Australian Planning Commission to upgrade the intersection of South Western Highway and Walters Road.

The intersection will be fully channelized with the existing left turn lane to remain and the introduction of a right turn pocket for north-bound vehicles turning right from South Western Highway into Walters Road.

Similar queue lanes will be constructed for other traffic movements to ease congestion and make highway entrance easier.

Question 2

Again, with the additional housing and increase in population, what is being done to ensure that crime levels remain at or below the current levels? The current response is from either Armadale or Mundijong, neither of which is immediate because of the distance.

Response:

This is primarily a police matter however the shire follows the principles of Crime Prevention through environmental design for all new housing developments.

Mrs C Rankin, 33 South Crescent, Byford, WA, 6122

Question 1

Will the Shire of Serpentine Jarrahdale Council support the City of South Perth's motion to WALGA's Annual General Meeting as follows:

1. *Request the Western Australian Local Government Association to advocate for an independent review of decision making in the Western Australian Planning System, including the roles of local government, delegated authorities, Joint Development Assessment Panels and State Administrative Tribunal appeal processes that gives consideration to:*
 - 1.1 *How the aspirations or values of the community are incorporated into the decision making framework;*
 - 1.2 *Improvements to the statutory framework, including Local Planning Schemes, that would improve the transparency, certainty and consistency of the decision making process;*
 - 1.3 *Ensure that decision making occurs at appropriate levels that promotes good and efficient decisions for the community;*
 - 1.4 *Ensure that Local Governments have a third party right to present local community views to the State Administrative Tribunal;*
 - 1.5 *The erosion of the roles of Local Government in planning for their communities.*
2. *In the event that the State Government is unwilling to pursue an independent review of the decision-making process, request the Western Australian Local Government*

Association to engage with members and advocate for practical reforms that will ensure greater accountability, transparency and procedural fairness for ratepayers through the Joint Development Panel's decision making processes.

Response:

It is likely the Shire will support the motion, Council will discuss in detail at our next Policy Concept Forum before the WALGA convention.

Shire President presented on behalf of

Ms E Tan, on behalf of Byford Glades Residents Association Inc and Community Garden, PO Box 51, Byford, WA, 6122.

I have been asked to write to Council by the committee to raise the concerns expressed by the residents and ratepayers of the Glades Estate. The drop from the footpath into the compensating basin in Olsen Gardens on the north side between No 1 Olsen Gardens and Woolandra Drive is causing great concern.

Question 1

When is the Council going to ensure that a suitable barrier is placed along the side of the footpath to prevent people from falling into the compensating basin?

Response:

The actual height difference at this location at Olsen Gardens is noted as being less than 1m. The Shire would like to highlight that the barrier/balustrade is not mandatory at this location as outlined below;

- 1. The Building Code of Australia only requires balustrades for drops in excess of one metre.*
- 2. The path along Olsen Gardens is a low speed environment not intended specifically for bicycle use but rather for pedestrian access.*
- 3. The provision of a balustrade in this location may prove to be detrimental to cyclists' safety.*
- 4. Given the width of the path is about 4 to 5 meters with unobstructed sightlines along this section and the clearly defined boundary (contrast between green vegetation and salmon-coloured masonry)*
- 5. The adjacent basin is not a permanent body of water. The earthworks are designed such that, for events in excess of the 5yr ARI, the basin discharges directly to the creek line to the north which ensures that stormwater does not build up at the base of the retaining wall.*

Question 2

When will the Council install handrails and lightings on the bridge in Percy's Park?

Response:

The footbridge was designed and constructed by the glades' developer LWP. The Shire's approved drawings show the trafficable surface of the bridge to no higher than the Building code allows that is 1.0m, the height is currently 1.04m.

Arrangements are in hand to undertake minor re-grading of the creek bed to ensure compliance. Lighting is not required for footbridges in this category under BCA

Mr K Whibley, on behalf of Byford Glades Residents Association Inc and Community Garden, PO Box 51, Byford, WA, 6122..

Question 1

In the 2015/16 Shire budget there was an amount of monies put aside for a toilet in Percy's Park. This was to be a single disabled, self-cleaning, multi-sex toilet to cater for families using the park. This was chosen to minimise the maintenance costs. The Shire community staff met with members of the BGRAI and selected a suitable site close to the BBQ and Gazebo area so that children could be supervised when using the toilet. It would also be closer to the community garden and our group has made allowances for

disable parking to suit this requirement, as there is none provided by the Council in the park.

We have been informed that the toilet will be relocated to the other side of the creek near Veteran Drive, this is unacceptable. This will possibly endanger young children using the toilet. This location also has raised concerns with our local MLA Tony Simpson.

Where is the location of the toilet going to be, also when will it be constructed as it was in last years budget?

Response:

The Acting Chief Executive Officer has requested this project be reviewed to ensure adequate community consultation and justification about scope, location and budget have been addressed and it is to be referred back to Council in due course if required.

Question 2

Why did the Council not take advantage of the opportunity to put the reticulated sewerage in when the developer was constructing the adjacent sub-division? I refer to question 1 submitted at OCM 14 March 2016, this could have saved the Council thousands.

Response:

The Acting Chief Executive Officer has requested this project be reviewed to ensure adequate community consultation and justification about scope, location and budget have been addressed and it is to be referred back to Council in due course if required.

4. Public statement time:

Ms L Brazier, on behalf of Wellstrand, PO Box 80, Mundijong, WA, 6123

Integrity – it's a strong value and one that it seems to be absent around this table. The way you conduct yourselves as leaders of this community sets the bar for your Shire officers and staff.

Around 10-12 years ago I identified and met with the late Don Randall and the then Minister of Transport Simon O'Brien on the need to realign the freight railway line to the west side of Tonkin Highway in order for the Mundijong Town to grown and become a connected community.

Since that time MIRG has been formed, which we own 15% of land, I have sat on the Tonkin Highway working group and we hold around 20% of land in the West Mundijong Industrial Area.

Through each of the project and committees the issue of the freight railway line has been discussed but always within isolation of each other. It would be fair to say that the realignment is not an easy project and the Shire's current solution to the issue of dumping it firstly onto the Urban Developers to foot the bill and now more recently the West Mundijong Industrial land owner is not acceptable.

Councillors on the 23 November 2015 you passed a DCP for West Mundijong that was not discussed with landowners and only address road widening. However, in the currently advertised Scheme Amendment report in Section 13 – Developer Contribution Plan there is a new section – 13.2 Freight rail realignment which has all the future costs put against the industrial area. The document then concludes in Section 14 advising that preliminary consultation has been undertaken with affected land owners and that the larger land parcels generally support it.

As a larger land owner we have has discussions on the realignment and we do not support fully paying for the realignment.

Individual land owner meetings were held in May, we were invited on our urban land and the funding of the realignment by the urban developers was presented to us, never was out West Mundijong land discussed, our lawyer who also attended will be happy to verify that.

This is a complex and involved project and as such it requires input in funding and expertise from a variety of sources. The Shire needs to cease taking the easy road and dedicate some resources to deal with the issue fully rather than bouncing it from group to group.

As I have previously stated, I have sat on all groups associated with the Mundijong development in recent years, as have some of your office staff, it concerns me that a document of such significance can be put out for publication with little integrity attached to it in regards to the freight railway line.

You as Councillors set the bar and standards for those below you, can you please bring integrity to the table. You sit there as our elected representatives.

Mrs M Cala, 49 Phillips Road, Karrakup, WA, 6122

In relation to OCM140/07/16

May I say that making a statement or asking a question on a confidential item is like working in the dark. Is it the original proposal we are discussing? My main concerns relate to the low lying nature of the land; the likelihood of flooding and possible impact on ground water quality.

This (or a similar) proposal has already been considered by Council twice and valid concerns were raised; all concerning the low lying nature of the land and the propensity for flooding which is well known locally. The site is large with the choice of elevated ground on the Western side of the Oakland Drain which would be free of any risk of flooding and the associated environmental concerns and possibly more conducive to a tranquil atmosphere for worship, further away from a busy road and the impacts of the West Mundijong Industrial Area.

It appears that rather than heed the concerns raised by community members and Councillors – based on local knowledge of the area; the proponents have chosen to argue their case in the SAT and pursue their plans regardless. The land is low lying; prone to flooding and an overflow for the Oakland Drain. The amount of fill required to raise buildings and hardstand above flood levels will most surely cause additional runoff onto my property and other neighbouring ones.

The projected 500 people using the site will add to traffic on Kargotich Road; and there will be an exponential increase when coupled with the proposed West Mundijong Industrial Area. This will add to the risk involved in entering & leaving my property at Lot 282. The prospect of heavily laden trucks either braking or overtaking vehicles on this stretch is horrific.

An approved effluent system catering for 500 people will be challenging – in an area which is regularly water logged and in close proximity to a Drain which flows into the Peel Harvey Estuary. Are Council; the proponents and the SAT Officials confident that there will be no spill of nutrients into this very vulnerable system? Does anyone care?

Condition 21 requires that all stormwater is disposed of within the property. How will this be achieved? The concept of disposing of storm water on site might sound good; but where will it go on an already flooded site? What will stop it flowing through fences onto other properties?

As this development now appears to be a fait accompli; I implore Council to do all they can to reduce the impact of this development and to ensure that all conditions are complied with – not just during the construction phase, but ongoing.

I ask that prior to any development ground water testing is carried out on the site and on nearby properties to obtain base level readings in order to monitor possible impacts from the 500 person effluent system.

M Harris, 24 Maxwell Street, Serpentine, WA, 6125

The legislation that created DAPs was deliberately and carefully created to minimise input from communities, hamstringing Local Government's with limited resources and to favour the development industry. The DAP process is:

- a. inherently un-democratic because of the disproportionate number of un-elected "expert" members who by their very level of expertise work in the development industry.
- b. It patently excludes community consultation by creating such short time lines that is almost impossible to do the due diligence at a community level.
- c. It predicates the backdoor use of the SAT which by legislation excludes third party appeals by Council, citizens and community groups.

The historical abuse of the DAP system so far has been appalling and I have attempted to keep Councillors up to date on these issues but the info sent has not been all inclusive but rather examples of the use and abuse of the combination of the DAP and the SAT to achieve developer goals.

It could be argued that the DAP system is legislated and is therefore unchangeable except by a political process.

I would like to remind Council that the LG Act is also a piece of legislation that was going to be used and abused by the current state government in an attempt to eliminate institutions such as this Council. That was a political manipulation in a very similar vein.....to exclude community input.

Council is about to be asked at the WALGA convention in early August to vote on a motion which is specifically directed at the DAP process. The majority of metro Council have seen fit to take a position on the subject. I think it is important that Council go to that meeting with a clear consensus of their position. Sometimes Councils need to be political in the best interests of their communities and I believe that this is one of those occasions.

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

I have been trying to get clarity on the procedure for delivering documents to the Council publicly.

On reading an item on the agenda of a recent meeting I realised that there were a number of facets in the item that were incorrect.

I wished to draw this to the attention of the Councillors dealing with the issue.

I looked on the Shire website as advised and followed the instructions.

I applied for a deputation and was granted one for the matter in question, but when I went to present the documents as per the instructions on the website the Presiding member would not accept them stating that it was only a guide.

The following week the guidelines were changed.

I recently asked in public question time what the policy was and the question was taken on notice. In the reply once again the guidelines were changed.

I wrote to the CEO for clarification if this was in fact Council policy or was it again only a guideline to be changed at the whim of an officer or the Presiding member. I asked when this became Council Policy and what was the item number that covered it.

The CEO has still not clarified if this last letter is in fact Council policy and in further correspondence has declined to make the situation clear.

He also stated that I could contact the office if I had any further queries on the matter but what is the point when he has stated that he will not make any further responses on the matter.

It still does not clarify how the Presiding member makes a decision on whether the deputation should be allowed when that person may have a conflict of interest in the matter in question.

Mr R Underwood, on behalf of Planning Solutions, PO Box 8701, Perth BC, WA, 6849

In relation to item OCM129/07/16

I represent the applicant for this item and seek the Councils support to adopt the officer's recommendation. The site is well-located, and shares its boundary with a proposed service station. Our client has identified a shortage of child-care and medical facilities in the area, and is in discussions with providers for this site. This proposal will improve the level of service available to local residents.

So that we can finalise negotiations and go ahead with the project, we seek Councils assistance to approve this Local Development Plan and give us confidence to proceed.

Public question and statement time concluded at 7.30pm

5. Petitions and deputations:

5.1 Mr Joe Algeri from Altus Planning presented a deputation relating to OCM139/07/16 CONFIDENTIAL - Lot 61 (#6) Gloaming Way, Darling Downs – Section 31 Reconsideration for Retrospective Commercial Vehicle Parking

I believe we have come full circle with what started as a simple commercial vehicle parking application that should have been approved last year. There have been some interesting questions with regard to definitions and the planning framework, none of which I'm going to go into because they've either been addressed or given direction on by the Tribunal.

Looking back the only reason this matter became contentious at the very first Council meeting back in December last year was due to a concern about how specific the approval should be to a certain type of vehicle. At the eleventh hour we've almost had another hiccup over this because the Isuzu truck that was first mentioned back in the original application is different to the one they've had since late last year.

As I said to planning staff on Friday, this is the same truck that everyone has seen and has been dealing with for the last 6 months and it doesn't look physically any bigger than the previous one.

Having considered everything, there is a discretion within both the Shire's TPS2 and the Rural Strategy to approve the application. Given this, I can't see why or how you would refuse a commercial vehicle parking application and proceed to a hearing under the circumstances where no adjoining neighbour objects and vegetation on-site barely allows the truck to be seen from any angle.

Accordingly, we therefore kindly request that the officers recommendation be endorsed with a modification so that park 1(a) of OCM139/07/16 be amended to refer to a 13.5 tonne Isuzu truck and not a 6 tonne Isuzu truck.

5.2 Mr Joe Algeri from Altus Planning to present a deputation relating to OCM140/07/16 CONFIDENTIAL - Section 31- Reconsideration for Development Application for Place of Public Worship and Caretaker's Dwelling Lot 7 Kargotich Road, Oldbury.

As per our submission, concerns with flooding of the subject land have been addressed and verified by Council's own appointed consultant. I respectfully ask that Council's decision on this application be based on fact and science and not fear and speculation. Please do not let this roll-over to an unnecessary hearing at the SAT.

It's probably hard to condense in a few minutes or even a report what various technical experts discuss at mediations which often last 2-3 hours. As was the case in the 80s, there is no risk that people will be swept away in an extreme flooding situation. The worst case scenario is that they might temporarily cut-off but still be safe in the buildings with the floor levels proposed. That being the case, there is no point putting them supposedly on the drier side of the drain where they are further away from Kargotich Road and potentially more isolated. Any potential alternative access escape routes from there can't be conditioned on third parties to this application.

The most prudent thing to do in an extreme flooding event is to tell people what they should or shouldn't do. That is why your concerns can be addressed by flood emergency guidelines that can be prepared and implemented as a condition of planning approval. This would not necessarily follow from any planning or any other legislative requirement but merely as a matter of practical precaution which the Applicant is happy to adhere to.

In response to the position of the driveways and whether they will impact on any existing vegetation, particularly at the northern perimeter of the site, as I said to the planning staff during the week there is plenty of scope to slide the driveways down along the 207 metre frontage. Kargotich Road itself is straight all the way along so this would have no bearing on the traffic impact statement and the fine tuning of the driveway locations should more properly been done post-approval at development stage when a proper audit of the trees can be undertaken.

In response to the position of the driveways and whether they will impact on any existing vegetation, particularly at the northern perimeter of the site, as I said to the planning staff during the week there is plenty of scope to slide the driveways down along the 207 metre frontage. Kargotich Road itself is straight all the way along so this would have no bearing on the traffic impact statement and the fine tuning of the driveway locations should more properly been done post-approval at development stage when a proper audit of the trees can be undertaken.

Finally, if there is a broader concern about places of worship then perhaps Council needs to look at a policy or some sort of scheme amendment to provide more detailed criteria as to where these sorts of proposal should or shouldn't be put.

Accordingly, it is my view that such a development is consistent with the Shire's TPS2 and that any concerns in relation to the potential risks associated with flooding can be appropriately managed through conditions of approval.

At 7.40pm the Presiding Member cautioned Ms Anne Hansson for disrupting proceedings. Ms Anne Hansson was advised that she had breached clause 8.6 of the Shire's Standing Orders Local Law – Prevention of disturbance by members of the public. The Presiding Member directed Ms Anne Hansson to cease the disruptive behaviour.

At 7.41pm the Presiding Member again cautioned Ms Anne Hansson for disrupting proceedings. Ms Anne Hansson was advised that she had again breached clause 8.6 of the Shire's Standing Orders Local Law – Prevention of disturbance by members of the public and the Presiding Member directed Ms Anne Hansson to cease the disruptive behaviour or she may be requested to leave the Chambers.

Due to continuing interjections by Ms Anne Hansson the Presiding Member invoked clause 15.9 of the Shire's Standing Orders Local Law 2002 – Right of the Person Presiding to Adjourn without Explanation to Regain Order.

The meeting was adjourned and the Presiding Member and Councillors Piipponen, Gossage, Hawkins and See left the Chambers at 7.43pm. The Chief Executive Officer, Acting Director Engineering, Director Planning, Councillors Urban, Atwell and Rich and Executive Assistant to Chief Executive Officer remained in the chambers.

The Chief Executive Officer approached Ms Anne Hansson and advised her that she had been cautioned on two occasions and had failed to cease the disruptive behaviour. In accordance with section 70A of the Criminal Code Ms Anne Hansson was directed to leave the meeting and if she did not cooperate the police would be called.

The Presiding Member and Councillors Piipponen, Gossage, Hawkins and See returned to the Chambers and the Presiding Member reconvened the Ordinary Council Meeting at 7.51pm.

At 7.52pm the Presiding Member cautioned Ms Anne Hansson for disrupting proceedings. Ms Anne Hansson was advised that she had breached clause 8.6 of the Shire's Standing Orders Local Law – Prevention of disturbance by members of the public. The Presiding Member directed Ms Anne Hansson to cease the disruptive behaviour.

At 7.53pm the Presiding Member again cautioned Ms Anne Hansson for disrupting proceedings. Ms Anne Hansson was advised that she had again breached clause 8.6 of the Shire's Standing Orders Local Law – Prevention of disturbance by members of the public and the Presiding Member directed Ms Anne Hansson to cease the disruptive behaviour or she may be requested to leave the Chambers. At this point Ms Anne Hansson left the Chambers.

6. President's report:

Thank you to all those who have contributed to the Vision 2050 survey so far. If you haven't already given us your feedback, please go onto the Shire's website to fill out the survey online before 31 July.

Take a stand for community safety and tell us your key concerns in regards to safety across Serpentine Jarrahdale. Go to the Shire's website and fill out the survey before 15 August. The information gathered will be used to develop the Shire's Community Safety and Crime Prevention, delivering unique strategies for crime prevention and safer living.

The Mundijong Public Library is holding a Reading Olympics from 5-20 August in conjunction with Children's Book Week. Join in the fun by reading a book, having a book read to you or reading a book to somebody else and you could win books for your school.

Our volunteers are very important to our community. Last week we celebrated Pat and Helen's 17 years of service to the Mundijong Police Station community support program.

Hon Tony Simpson MLA launched the Country Local Government Fund Community Development Program to encourage more innovative and collaborative approaches to community development.

7. Declaration of Councillors and officers interest:

In accordance with section 5.62(e) of the Local Government Act, Councillor Gossage declared a closely associated person interest in item OCM132/07/16 as his son is an employee of the owner of the land. Councillor Gossage will leave the meeting while this item is discussed.

Councillor Ellis declared an impartiality interest in item OCM139/07/16 as he is the President of the Darling Downs Residents Association. Councillor Ellis declared this will not affect the way in which he votes and will remain in the Chambers while this item is discussed.

8. Receipt of minutes or reports and consideration for recommendations:

8.1. Minutes from Previous Meetings:

8.1.1 Ordinary Council Meeting – 27 June 2016

COUNCIL DECISION

Moved Cr Ellis, seconded Cr See

That the minutes of the Ordinary Council Meeting held on 27 June 2016 be confirmed (E16/5104).

CARRIED UNANIMOUSLY

8.2. Planning Reports:

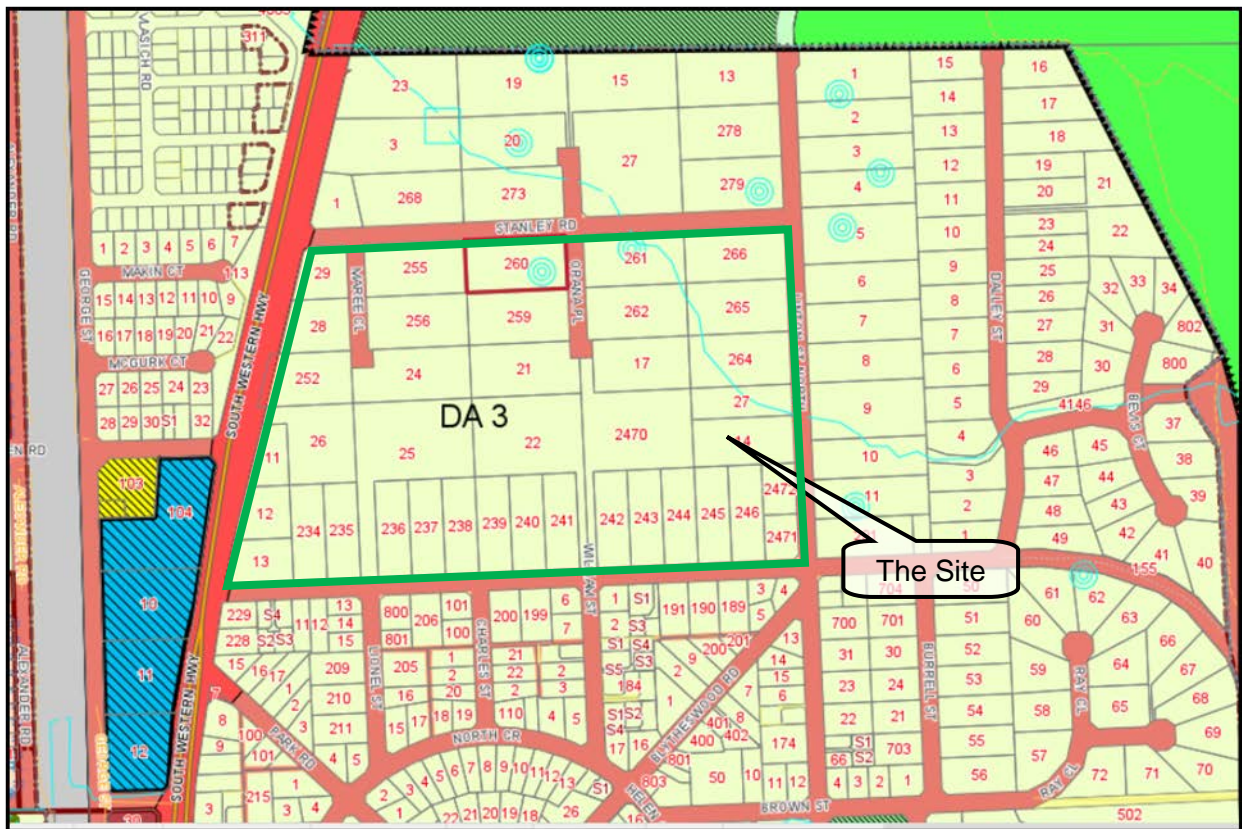
OCM124/07/16	Proposed Local Structure Plan – Old Byford Townsite – Stanley Road Precinct, Byford (SJ2049)
Author:	Rob Casella – Senior Strategic Planner
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	15 June 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Gray & Lewis
 Owner: Various Owners
 Date of Receipt: 9 September 2015
 Lot Area: 23.23 ha
 Town Planning Scheme No 2 Zoning: Urban Development
 Metropolitan Region Scheme Zoning: Urban

Introduction:

The purpose of this report is to present the submissions received on the submitted Stanley Road Precinct Local Structure Plan (LSP) and for Council to endorse the Shire’s technical assessment, Schedule of Modifications and recommendation to the Western Australian Planning Commission (WAPC)

Officers recommend that Council request the WAPC require amendments to the current LSP for reasons details in the attached report.



Locality Plan

Background:

The subject LSP was first submitted in September 2015 and formally accepted by the Shire on the 22 February 2016. Reasons for the delay relate to the timing the new *Planning and Development (Local Planning Schemes) Regulations 2015* were gazetted in October, which caused some confusion as to the processing of LSP's, as Shire Officers sought to prepare a Council report for Council to endorse prior to advertising.

History:

The Old Byford Townsite was first established in the 1920's when it moved from the western side of South Western Highway, to the East.

In 2004, the Shire engaged a number of consultants to produce the *Byford Townsite Detailed Area Plan* (DAP). The purpose of the DAP is to establish guidelines for subdivision, as well as development of residential, commercial and light industrial zones, within the historical establishment of Byford (everything east of the railway line). The Byford Townsite DAP provides general design layout for the road network, public open space (POS) and drainage. The DAP goes further to support the application of R20 density in the area to ensure retention of the historical character of the precinct.

In 2008, the Shire carried out an amendment to its Town Planning Scheme No.2 by including the subject land within the 'Urban Development' zone to foster new growth and improved housing stock in the historic precinct. This is supported through the Byford Structure Plan, which was first adopted in 2005 and subsequently updated in 2007 & 2009, which also identifies the subject site to be developed in accordance with the R20 density (Avg 450m²).

Given the fragmented nature of the subject LSP, the Shire produced a Local Planning Policy that helped guide the future design and development of the precinct, which included the preferred alignment of the Multiple Use Corridor (MUC) and preferred local road network.

Current Context:

The subject LSP is proposed over a sub precinct of the Stanley Road Precinct, containing an area of 23.23 hectares, which includes 38 private landholdings and one (1) Shire Reserve for Drainage and Public Recreation. The proposed LSP identifies the introduction of an increased density of R25 and R40 lots (Avg 350m² to Min 180m²).

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this application.

Community / Stakeholder Consultation:

The subject LSP was publicly advertised between 19 February 2016 – 4 March 2016, inclusive, as required under Part 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

A schedule of the submissions received is contained within the attachments.

Comment:

The proposed LSP is generally consistent with the road network and MUC identified in the Byford Structure Plan, Local Planning Policy No. 74 – Stanley Road Precinct and Byford DAP apart from two road connections. However, as detailed in the Technical Assessment Report, Shire officers are not supportive of the LSP in its current format. The Shire's officers require additional supporting information to carry out a satisfactory assessment of the subject LSP. These include, but are not limited to:

- Justification and rationale on the location and application of proposed density, including the Grouped Housing sites.
- Absence of any constraints mapping to justify the appropriateness, use and location of the proposed public open space (POS) sites and general LSP design.

- Absence of an appropriate plan illustrating a concept of the surrounding context and how it can be developed without any conflicts.

A range of modifications is required to support the LSP from the Shire's perspective, however it will be for the Western Australian Planning Commission to make the final determination.

Attachments:

- [OCM124.1/07/16](#) – Stanley Road Precinct – Local Structure Plan (IN15/18917)
- [OCM124.2/07/16](#) – Technical Assessment Report (OC16/11323)
- [OCM124.3/07/16](#) – Schedule of Submissions (E16/1640)
- [OCM124.4/07/16](#) – Schedule of Modifications (OC16/11326)

Alignment with our Strategic Community Plan:

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

Statutory Environment:

Legislation:

- Metropolitan Region Scheme
- Environmental Protection (Noise) Regulations 1997
- Town Planning Scheme No. 2
- Byford Structure Plan
- Various Local Planning Policies

Financial Implications:

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

Voting Requirements: Simple Majority

OCM124/07/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Urban, seconded Cr Gossage

That Council:

1. Pursuant to *Clause 19 Part 4 Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015*, Council endorse the Schedule of Submissions and comments contained within attachment *OCM124.3/07/16*.
2. Pursuant to *Clause 20 Part 4 Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015*, recommends that the Western Australian Planning Commission refuse the Stanley Road Precinct Local Structure Plan as detailed in the Shire's report contained within attachment *OCM124.02/07/16*.
3. Pursuant to *Clause 20 Part 4 Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015*, recommends that the Western Australian Planning Commission, if it approves the Stanley Road Precinct Local Structure Plan, requires amendments to the Local Structure Plan as outlined in the Schedule of Modifications contained within attachment *OCM124.4/07/16*.

CARRIED UNANIMOUSLY

OCM125/07/16	Lot 315 Bournbrook Avenue, Cardup – Proposed Single Dwelling, (Outbuilding) Shed and Water Tank (PO6819/01RM)
Author:	TPG Town Planning, Urban Design and Heritage (TPG)
Senior Officer:	Andre Schonfeldt -Director Planning
Date of Report:	4 July 2016
Disclosure of Officers Interest:	The proponent of this application is an employee of the Shire. However the employee was not involved in the preparation of this report. Consultant were appointed to undertake the assessment and to prepare this report for Council. No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

Proponent: Wayne Hesford and Lisa Hesford
 Date of Receipt: 16 May 2016
 Lot Area: 20,000sqm (2ha)
 Town Planning Scheme No. 2 'Rural Living A'
 Zoning:
 Metropolitan Region Scheme Zoning: 'Rural'

Introduction:

The purpose of this report is to consider a development application proposing a single dwelling, an outbuilding (shed) and a water tank at Lot 315 Bournbrook Avenue, Cardup. The single dwelling component of this application is exempt from the requirement to obtain development approval as per clause 61(c) of the deemed provisions for local planning schemes contained within the *Planning and Development (Local Planning Schemes) Regulations 2015*, while the outbuilding (shed) and water tank are still required to obtain development approval as they are located outside the nominated building envelope.

The proposal is presented to Council in accordance with 'Council Policy G703 - Control over employees dealing in land and other business activity within the Shire of Serpentine Jarrahdale', as the proponent is an employee of the Shire. In addition, the application was required to be advertised pursuant to clause 64 of the deemed provisions and Shire officers do not have delegation to determine applications where concerns raised during consultation are relevant planning considerations that cannot be addressed or mitigated through conditions.



Figure 1: Locality Plan

Background:

Existing Development:

The site is currently vacant. A building envelope exists on the lot. It is located in the eastern portion of the lot and is setback 24m from the front lot boundary and 15m from the eastern boundary. The envelope measure 30m by 40m.

Related Applications:

A subdivision application is currently before the Western Australian Planning Commission (WAPC Ref: 153714) to subdivide the site to create three (3) lots, being proposed Lot 1, 2 and 3. The proposed development is located on proposed Lot 1, which occupies the eastern portion of the site. The resulting lot has a width of 59.1 metres, a depth of 160.7 metres and a total land area of 9,500 square metres.

Proposed Development:

As detailed in the introduction above, the aspects of the proposal that require planning approval and are therefore to be considered by Council are the outbuilding (shed) and water tank. The outbuilding and shed are located outside building envelope abutting the southern edge.

The outbuilding (shed) is to be located to the rear of the main dwelling, completely outside of the nominated building envelope and is 12 metres long and 16.5 metres wide, with an open bay area at the entrance measuring 6 metres long and 16.5 metres wide. The aggregated floor area of the shed is 297 square metres, comprising 198 square metres of internal floor area and a lean-to of 99 square metres. The outbuilding has a height of 4.4 metres to the eaves and an overall height of 5.5 metres to the top the roof ridge.

The water tank is also to be located to the rear of the main dwelling, outside of the nominated building envelope and adjacent to the outbuilding (shed). The tank has a capacity of 220,000 litres, a diameter of 11 metres, a wall height of 2.3 metres and an overall height of 2.67 metres.

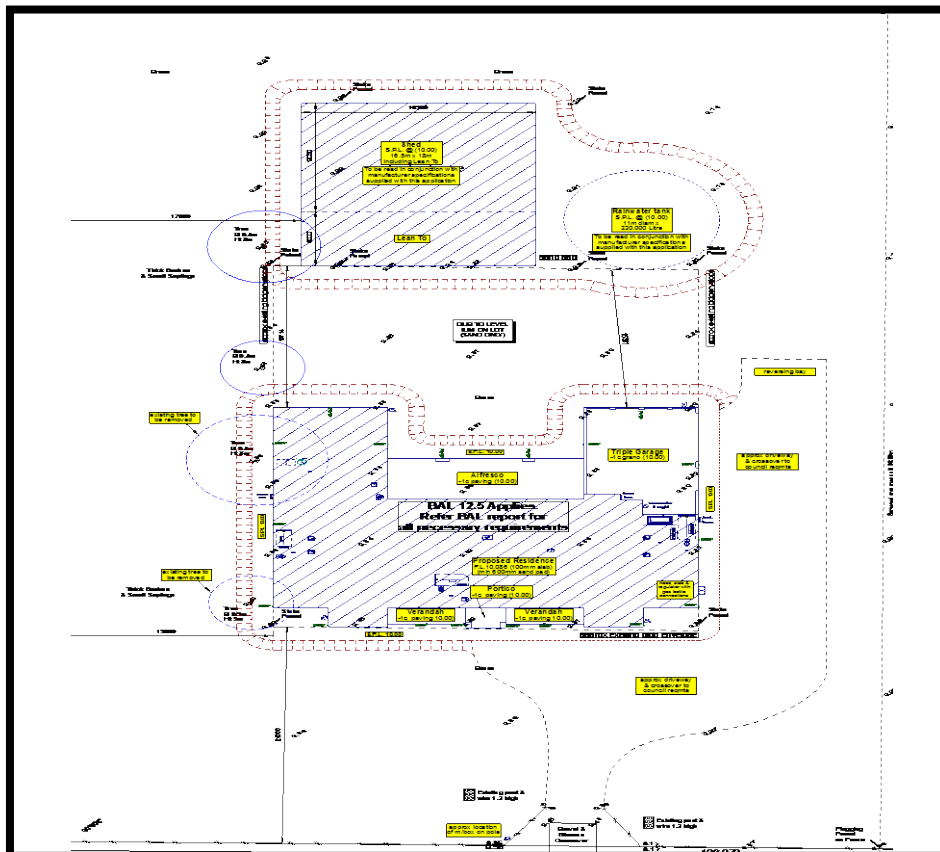


Figure 2: Site Plan

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this application.

Community / Stakeholder Consultation:

The application has been advertised as per clause 64 of the deemed provisions. One (1) submission was received from a neighbouring property objecting to the proposed development due to the height, floor area and overall bulk of the outbuilding (shed), as well as its location outside of the nominated building envelope. A copy of this submission is included as attachment OCM125.2/07/16.

Applicant Response:

The applicant has provided justification for the proposed outbuilding (shed) and water tank, stating that given the orientation of the dwelling within the building envelope and their intention to have a grassed area, a children's play area, a swimming pool and filtrex system within close proximity of the dwelling, the outbuilding (shed) and water tank were unable to be accommodated within the envelope.

The applicant also provided justification as to the size of the outbuilding (shed) stating that it is required to provide for storage and is in keeping with the current rural theme of the area as the majority of sheds in the surrounding locality are of a similar size.

Shire Officers Comment:

The height, floor area and overall bulk of the outbuilding (shed) are considered to be commensurate with that existing in the locality, while the existing vegetation running along the southern and eastern boundary will provide adequate screening to the neighbouring property concerned.

Statutory Environment:

- Metropolitan Regional Scheme (MRS)
The lot is zoned 'Rural' under the MRS.
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2)
The lot is zoned 'Rural Living A' under TPS2.
- State Planning Policy 3.1 – Residential Design Codes (R- Codes).

Financial Implications:

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

Alignment with our Strategic Community Plan:

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

Planning Assessment:Requirement for Development Approval:

The single dwelling component of this application is exempt from the requirement to obtain planning approval pursuant to clause 61(1)(c) of the deemed provisions for local planning schemes under the *Planning and Development (Local Planning Schemes) Regulations 2015*, which states that development approval of the local government is not required for the erection or extension of a single house on a lot if the R-Codes apply to the development and

the development satisfies the deemed-to-comply requirements of the R-Codes, provided the development is not subject to any heritage considerations.

The outbuilding (shed) and water tank component of the proposal are located outside the nominated building envelope and therefore require the written approval of the Council in accordance with clause 5.12.9(d) of TPS2.

Outbuilding (Shed):

Pursuant to clause 5.4.2(a) of TPS2, residential development within the 'Rural Living A' zone is to be in accordance with the R2 density coding of the R-Codes. An assessment of the proposed outbuilding (shed) against the deemed-to-comply requirements of clause 5.4.3 of the R-Codes is provided below.

Requirement	Provided	Compliance
Is not attached to a dwelling.	Is a free standing structure, setback approximately 15.7m from the main dwelling.	Complies.
Is non-habitable.	Is not intended for human habitation.	Complies.
Collectively do not exceed 60sqm in area or 10 per cent in aggregate of the site area, whichever is the lesser.	297sqm.	Variation sought.
Does not exceed a wall height of 2.4m.	4.4m to eaves.	Variation sought.
Does not exceed ridge height of 4.2m.	5.56m to ridge.	Variation sought.
Is not within the primary or secondary street setback area.	Is located to the rear of the main dwelling and not located within the primary or secondary street setback area.	Complies.
Does not reduce the amount of open space required in Table 1 (80%).	95.32%.	Complies.
Is set back in accordance with Tables 2a and 2b.	<u>Primary Street</u> 64m <u>Eastern Boundary</u> 17m <u>Western Boundary</u> ~90m <u>Southern Boundary</u> ~79m	Complies.

As shown in the table above, the outbuilding (shed) does not comply with the deemed-to-comply requirements of the R-Codes in relation to floor area, wall height and building height. As a result, the outbuilding is required to be assessed under Design Principle P3 of clause 5.4.3 of the R-Codes, which states the following:

'Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.'

In this regard, the proposed outbuilding is considered to have a minimal impact on the streetscape as it will be set back in excess of 64 metres from the street alignment and will be situated to the rear of the main dwelling, which will effectively screen it from view given the house has a ridge height of 6 metres. The surrounding locality also has a number of

outbuildings of similar proportions to the proposed development and it is therefore considered to be in conformity with existing development in the area.

Water Tank

The proposed water tank is also required to be assessed against the provisions of Part 5 of the R-Codes, under which it is considered to be an external fixture which is defined as follows:

‘...Utilities, equipment, plant or other structures which are necessary for a dwelling to achieve efficient, comfortable and environmentally sustainable operating outcomes and may include; solar collectors, rainwater storage tanks, clothes drying structures, communications and power and water infrastructure, letterboxes, or other fixtures as necessary for the residential use of the buildings on-site.’

The relevant requirements of clause 5.4.4 of the R-Codes state that an external fixture satisfies the deemed-to-comply requirements if it is:

- Not visible from the primary street;
- Are designed to integrate with the building; or
- Are located so as not to be visually obtrusive.

In respect of the above, the proposed water tank is situated to the rear of the main dwelling such that it will not be readily visible from the primary street and so as to not be visually obtrusive, and therefore meets the deemed-to-comply requirements of the R-Codes.

Building Envelope

Both the outbuilding (shed) and water tank are proposed to be situated outside of the nominated building envelope as shown on the building envelope sketch for the site prepared as part of Scheme Amendment No. 85. This sketch shows a 30 metre wide by 40 metre long building envelope that is set back 24 metres from the street alignment and 15 metres from the eastern boundary. In this regard, clause 5.12.9(d) of TPS2 states that no building shall be constructed on a lot other than within the approved building envelope without the written approval of the Council.

The applicant has provided written justification stating that it is their intention to locate the outbuilding (shed) and water tank outside of the nominated building envelope so as to maximise the outdoor living area within close proximity to the dwelling and provide space for a grassed area, a children’s play area, a swimming pool and filtrex system.

Given the 160 metre depth of the Lot and the orientation of the building envelope within the forward third of the site, it is considered that the encroachment of these structures outside the building envelope can be accommodated without significant degradation of the rural characteristics of the locality, loss of vegetation or the amenity of surrounding properties.

Preservation of Amenity

In terms of adjoining properties, both the outbuilding (shed) and water tank will be adequately screened by existing mature vegetation which runs along the southern and eastern periphery of the site, which will soften the visual impact of the structures and will help to prevent the loss of amenity for neighbouring properties. It is further noted that this vegetation is required to be maintained within in accordance with Appendix 4A of TPS2, thereby providing surety that screening will be retained into the future.

Options and Implications:

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

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

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

Option 2: Council may resolve to refuse the application.

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

Option 1 is recommended.

Conclusion:

It is considered that the proposed development will not result in a negative impact on the amenity or character of the area. The variations sought for floor area, wall height and building height of the outbuilding (shed) will have a minimal impact on neighbouring properties and are considered to be appropriate in the context of the sites rural setting and the proportions of similar structures in the locality. The proposed encroachment of development outside of the nominated building envelope is also considered to be appropriate given the significant depth of the site, the boundary setbacks proposed, and that no significant vegetation is impacted.

Attachments:

- [OCM125.1/07/16](#) – Development Plans (E16/5203)
- [OCM125.2/07/16](#) – Neighbour Submission (E16/5204)

Voting Requirements: Simple Majority

OCM125/07/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Gossage, seconded Cr Hawkins

That Council approves the application submitted by Wayne Hesford and Lisa Hesford for an Outbuilding (Shed) and Water Tank as indicated on the approved plans and does not relate to any other development on Lot 315 Bournbrook Avenue, Cardup, subject to the following conditions:

- 1. All existing native trees and / or revegetated areas on the subject lot shall be retained and shall be protected from damage prior to and during construction.**
- 2. All storm water shall be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is not permitted.**

CARRIED UNANIMOUSLY

OCM126/07/16	Unit 2 (#13) Park Road, Byford – Retrospective Patio (P07118/01)
Author:	Heather Coles-Bayes – Planning Officer
Senior Officer:	Andre Schonfeldt – Director Planning
Date of Report:	29 June 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: D Leipold
 Date of Receipt: 4 April 2016
 Lot Area: 1045m² (0.1ha)
 Town Planning Scheme No.2 Zoning: ‘Urban Development’
 Metropolitan Region Scheme Zoning: ‘Urban’

Introduction:

The purpose of this report is for Council to consider the development application for a retrospective patio at Unit 2 (#13) Park Road, Byford.

The proposal is being presented to Council as the application has received an objection during the advertising period which cannot be addressed by Officers in accordance with delegation P035S.

Officers recommend Councillors conditionally approve the application.



Locality Plan

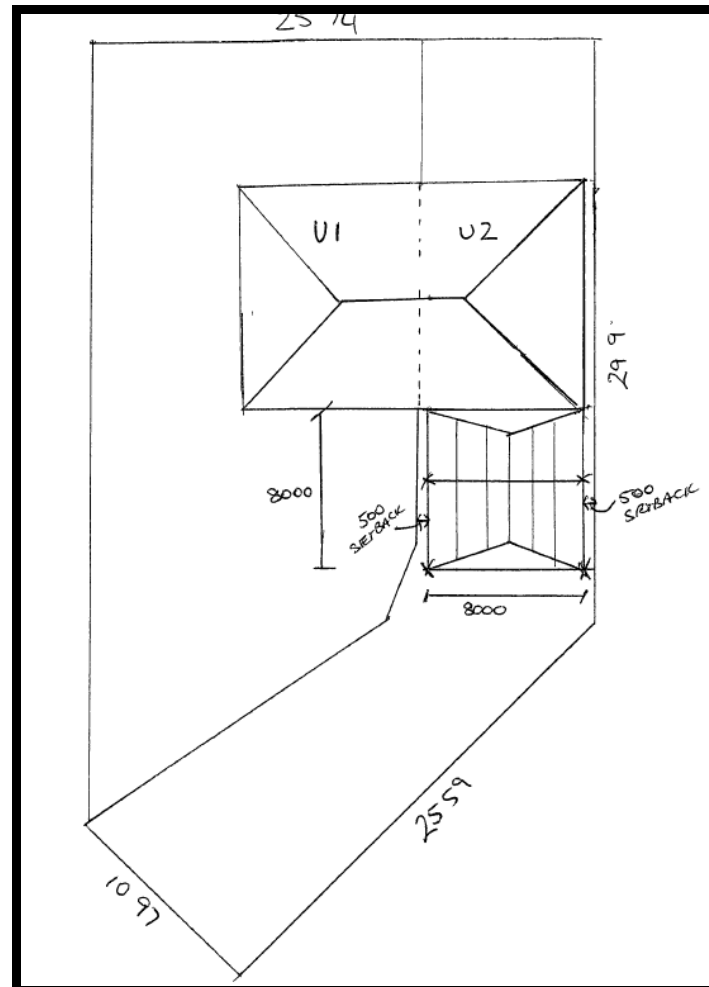
Background:

Existing Development:

The lot is currently developed with two grouped dwellings and a patio to the rear of 13 Park Road to which the application relates.

Proposed Development:

The patio is located to the rear of the dwelling and extends a majority of the width of the boundary with a setback 0.5m from each side boundary. It measures 8m x 8m with a wall height of 2.4m and a ridge height of 3.9m. The floor level of the patio is raised 0.4m above natural ground level.



Site Plan

Relevant Previous Decisions of Council:

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

Community / Stakeholder Consultation:

The application has been advertised as per clause 6.3 of the TPS 2, one (1) objection has been received from a neighbouring resident. Concerns have been raised in relation to the roof pitch and the high gloss colorbond roof finish restricting outdoor activities. The objections states that the height of the patio dwarfs the adjacent property especially as it extends nearly the full length of the neighbour's side boundary. The concerns of the neighbouring resident will be addressed in the Impact on Character and Amenity section of the report.

Statutory Environment:

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Metropolitan Regional Scheme (MRS), The lot is zoned 'Urban' under the MRS.
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2). The lot is zoned 'Urban Development' under the TPS 2.

- Byford District Structure Plan
- Byford Townsite Detailed Area Plan
- State Planning Policy 3.1 – Residential Design Codes (R-Codes).

Financial Implications:

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

Alignment with our Strategic Community Plan:

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

The application seeks approval for an addition to a dwelling within the urban development zone of Byford. It is considered that the patio does not unduly impact the rural charm of the Shire as it is located within an urban area.

Planning Assessment:

Locality:

The lot is located within the older quarter of Byford, to the east of the town centre and has a total area of 1045m².

Compliance with Relevant Legislation:

The application site is zoned 'Urban Development' under the Shire's Town Planning Scheme No. 2 (TPS2). Clause 5.18.7.2 of TPS2 states that "*development of a single house on a lot within the "Urban Development" zone prior to the approval of a Structure Plan is permitted subject to the Council being satisfied that such development will not have an adverse effect on:- a) the preparation of a Structure Plan for; or b) the orderly and proper planning of the area intended for the preparation of a Structure Plan*". The patio is incidental to the existing use of the dwelling and it is considered that it would not have an adverse impact on the preparation of a structure plan or the orderly and proper planning of the area.

The site falls within Character Area A – The Old Quarter of the Byford Townsite Detailed Area Plan with the objective of facilitating development that retains and enhances the existing character of the locality and streetscape. The patio is located to the rear of the dwelling and is not visible from the primary street. It is therefore considered that the patio does not adversely impact on the character of the old quarter or the visual appearance of the streetscape.

The application site lies within the Byford District Structure Plan where it has an indicative R-Code of R20. The patio is fully compliant with State Planning Policy 3.1 – Residential Design Codes (R-Codes) except for the setbacks to the side boundaries where a variation is sought to allow for the patio to be sited 0.5m from each side boundary in lieu of 1m.

Impact on Character and Amenity:

Clause 5.1.3 P3.1 of the R-Codes state that buildings should be set back from lot boundaries so as to reduce impacts of building bulk on adjoining properties; provide adequate direct sun and ventilation and minimise the extent of overlooking over adjoining properties.

The neighbouring resident has particular concerns in relation to the impact of the building bulk and the use of reflective material for the roof of the patio. It is acknowledged that the

patio extends nearly the full length of the neighbour's property and impacts on the residential amenity by way of building bulk. It is also noted that the colour and use of material on the roof of the patio may be reflective.

A site visit was carried out from both the application site and the neighbouring property, as per the photos below.



The Shire's Officer has relayed the objections to the applicant who has chosen to not make any amendments to the structure to satisfy these concerns. However, with regard to building bulk, the R-Codes would allow for a patio of this size to be located 1m from the boundary without the requirement for a planning application. It is considered that if the patio were set back a further 0.5m from the lot boundary it comply with the R-Codes. The patios compliance would not result in significantly less of an impact on the residential amenity of this adjacent property.

The patio is to the north west of the neighbouring property where there is existing well established vegetation and the existing dwelling already overshadows the garden of the objector. Due to the orientation of the structure, it is not considered that the patio unduly harms the amenity of the neighbouring dwelling by way of overshadowing.



The patio is raised 0.4m from the natural ground level with the floor level the same as the existing house. The R-Codes sets out design principles for outdoor living areas that have a

floor level above 0.5m therefore the floor level of the patio is compliant with the R-Codes and would not result in an undue level of overlooking over the neighbouring properties.

It is acknowledged that the patio may have an impact on the neighbouring property however would not unduly harm the level of residential amenity currently afforded to this neighbouring resident.

Options and Implications:

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

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

The approval of the application will not result in negative impact on the amenity of character of the area or unduly harm the level of residential amenity currently afforded to the neighbouring residents.

Option 2: Council may resolve to refuse the application.

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

Option 1 is recommended.

Conclusion:

The application seeks retrospective planning approval for a patio. It is considered that although the proposal has an impact on the residential amenity of neighbouring residents, the level of harm is not so significant as to warrant refusal of the application and the patio demonstrates compliance with the design principles of the R-Codes.

Attachments:

- [OCM126.1/07/16](#) – Submission (IN16/8205)

Voting Requirements: Simple Majority

OCM126/07/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Ellis, seconded Cr Hawkins

That Council approves the application submitted by D Leipold for a patio as indicated on the approved plans and does not relate to any other development on Lot 2 Unit 2 (#13) Park Road, Byford, subject to the following conditions:

- 1. All storm water shall be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is not permitted.**

CARRIED UNANIMOUSLY

OCM127/07/16	Proposed Display Home Sign on Lot 765 (#13) Lindt Crescent, Byford (P12267/02)
Author:	Haydn Ruse – Planning Officer
Senior Officer:	Andre Schonfeldt - Director Planning
Date of Report:	27 June 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Celebration Nominees Pty Ltd
 Owner: Celebration Nominees Pty Ltd
 Date of Receipt: 15 February 2016
 Lot Area: 544m² (0.0544ha)
 Town Planning Scheme No. 2 Zoning: 'Urban Development'
 Metropolitan Region Scheme Zoning: 'Urban'

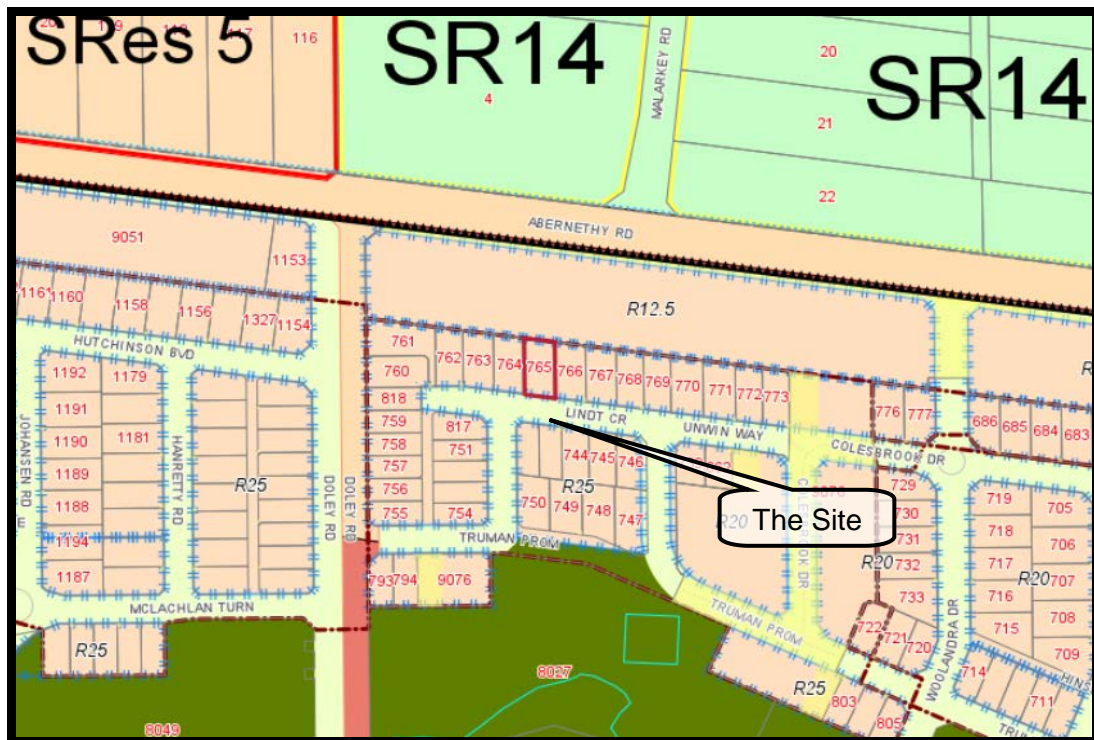
Introduction:

The purpose of this report is for Council to consider the development application for a Display Home Sign at Lot 765 (#13) Lindt Crescent, Byford.

The proposal involves two (2) flag poles, one (1) pylon sign and one (1) ground based sign. The lot is within an area that has been approved as a display village which entails a group of display homes. As a result the proposed signage seeks to exceed the policy limit set out under Local Planning Policy 5 – Advertising Signs (LPP5).

The proposal is presented to Council as Shire officers do not have delegation to determine applications that seek to vary Council policy provisions in accordance with Local Planning Policy 5 - Control of Advertisements.

Officers recommend Council approve the application as it is considered consistent with the expected streetscape of a display village and the signage will only be temporary.



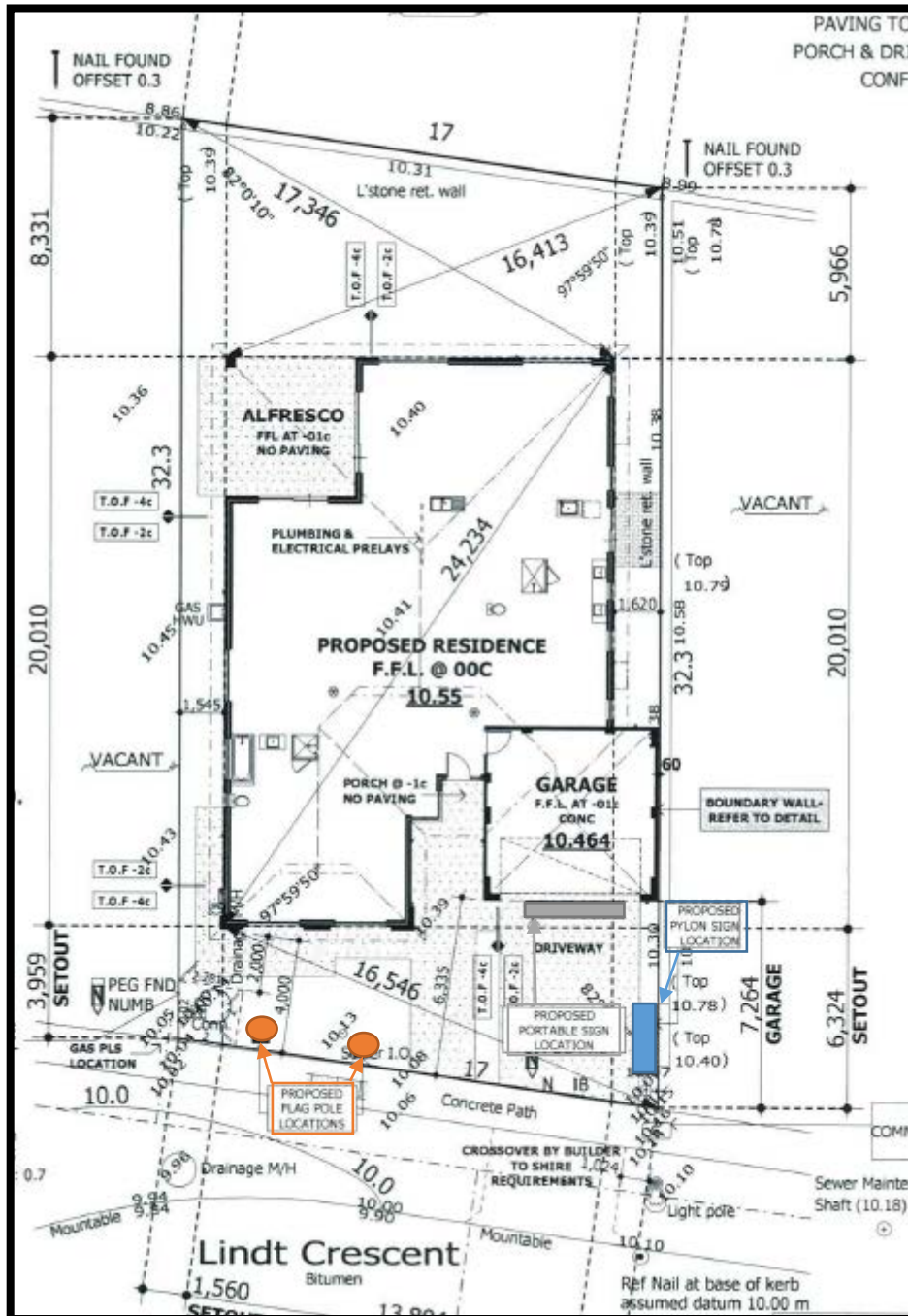
Locality Plan

Background:

The proposal relates to a lot within an approved display village, approved under delegated authority on 18 December 2014. The proposal seeks an additional 3 signs to what is permitted under LPP5 which will exceed the maximum 3m² signage area allowed by 9.42m².

Proposed Development:

The proposal seeks to have 2 flagpoles, a pylon sign and a ground based sign. The flagpoles measure 4.34m in height with a signage area of 3.6m² each, the pylon sign is 3m in height with a 3.6m² signage area and the ground based sign is 1.8m in height with an area of 1.62m².



Site Plan

Relevant Previous Decisions of Council:

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

Statutory Environment:

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Metropolitan Regional Scheme (MRS): zoned urban
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2): zoned urban development
- Local Planning Policy 5 – Advertising Signs

Financial Implications:

There are no direct financial implications regarding the application.

Alignment with our Strategic Community Plan:

Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.2	Provide appropriate amenities and accommodation for the Shire's growing population of youth and seniors.

The intent of the proposed signage is to showcase a particular housing design to prospective new residents. The signage identifies the site as a display home and provides future residents with an idea of the accommodation offered by home builders operating in the area.

In addition the proposal is within an urban area and will not unduly impact the rural charm of the area.

Planning Assessment:

The application has been assessed against the requirements of LPP5 and found to exceed the limits prescribed for advertising signs for a display home. LPP5 allows up to one (1) sign of no greater than 3m² for a display home. The four (4) proposed signs consist of 2 flags, 1 pylon sign and 1 ground based sign totalling an aggregate area of 12.42m² of signage area.

Given that a ground based sign is discretionary in the residential zone up to 1.5m² consideration should be given to the fact that this type of sign could be approved outside of the display sign classification. The proposed ground based sign does however exceed the 1.5m² limit by 0.12m². It is considered the 0.12m² is a minor variation and the proposed location of the sign directly in front of the garage the variation will have no greater impact from a visual perspective than if it was reduced to 1.5m².

The proposed pylon sign exceeds the policy requirement for signage area by 0.6m². This is also considered to be a minor variation and is a result of standard sign fabrication as the applicant uses the same sign across multiple display villages in other areas to identify the brand.

The two flagpoles add an additional 7.2m² to the aggregate signage area and push the variation well outside of the maximum 3m². Unlike the pylon and ground based sign the signage area of the flagpoles are fluid and will not have the same visual impact of a sign that covers 3.6m². The below image shows one of the applicants display homes in a different display village. While the flagpole has the same signage area as the pylon sign there is a lower visual impact on the street. The image also shows that while the flagpoles exceed the 1 sign allowed under LPP5 the additional signage does not cause unnecessary clutter or visual impact on the street. As the site is within a display village the streetscape is expected to feature signage and the proposal is not considered to be excessive in this instance.

A condition will be recommended to ensure the signage is temporary so as not to impact the future streetscape and for signage to be maintained and free of dilapidation to protect the current streetscape.

Considering the current approval for a display village and expected streetscape officers recommend that Council approves the application subject to conditions.



Example of Display Village Featuring Proposed Signs

Options and Implications:

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

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

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

Option 2: Council may resolve to refuse the application.

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

Option 1 is recommended.

Conclusion:

The proposal is presented to Council as a variation to LPP5 due to an additional number of signs and signage area exceeding the requirement of the policy.

The proposed variations are minor in nature and will improve the landscape of display villages in the Shire.

Attachments:

- [OCM127.1/07/16](#) – Signage details (IN16/12870)

Voting Requirements: Simple Majority

OCM127/07/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr See, seconded Cr Gossage

That Council approves the application submitted by Celebration Homes Pty Ltd for four (4) Display Home Signs as indicated on the approved plans and does not relate to any other development on Lot 61 (#35) Windrow Grove, Whitby, subject to the following conditions:

- 1. Signage is to be removed upon sale of the Display Home.**
- 2. The signage shall be kept clean and free from unsightly matter and graffiti and shall be maintained by the landowner in good order free of dilapidation at all times.**

CARRIED UNANIMOUSLY

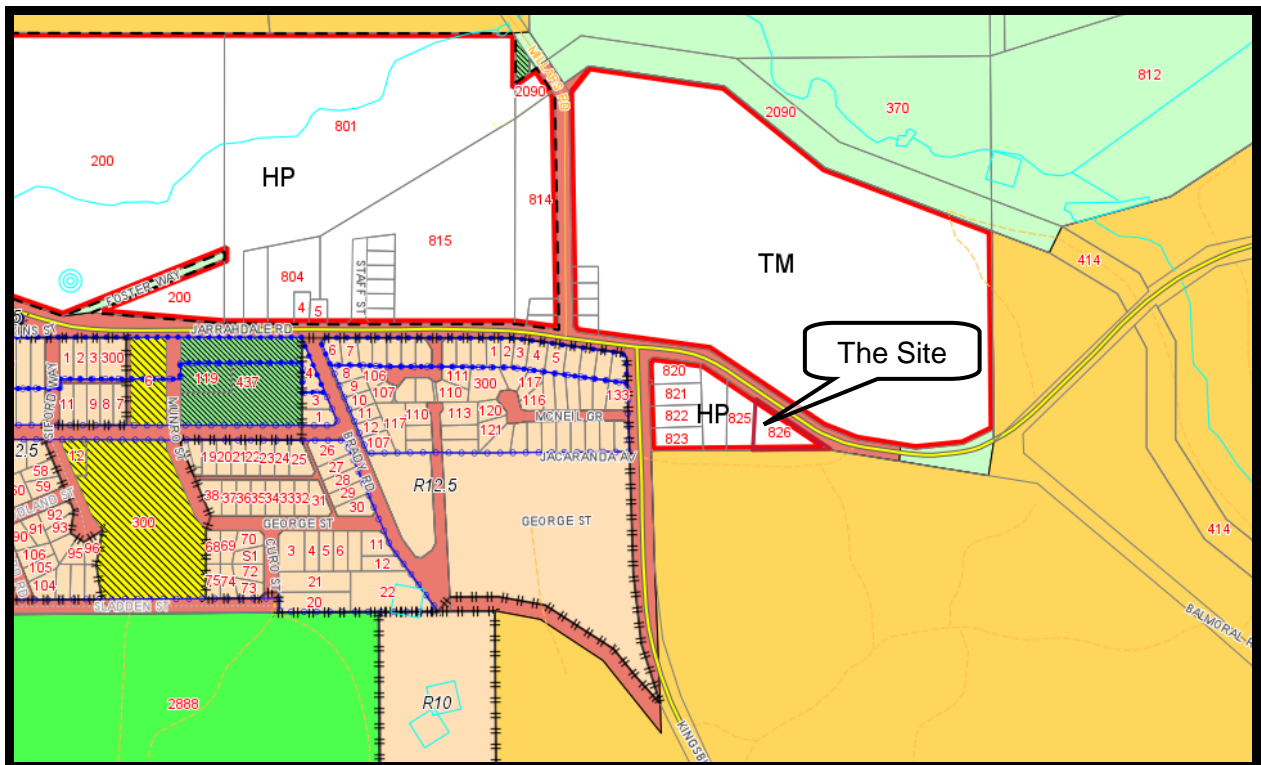
OCM128/07/16	Proposed Boundary Fence on Lot 826 Jarrahdale Road, Jarrahdale (P05942/04)
Author:	Haydn Ruse – Planning Officer
Senior Officer:	Andre Schonfeldt – Director Planning
Date of Report:	23 June 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Steven Burton
 Owner: Steven Burton
 Date of Receipt: 14 March 2016
 Lot Area: 3,834m² (0.3834ha)
 Town Planning Scheme No. 2 Zoning: ‘Special Use’
 Metropolitan Region Scheme Zoning: ‘Urban’

Introduction:

The purpose of this report is for Council to consider a proposed boundary fence at Lot 826 Jarrahdale Road, Jarrahdale. The proposed fence does not comply with the requirements of Local Planning Policy 13 – Woodlot Subdivision Jarrahdale Design Guidelines (LPP13) as it proposes a dividing fence on the lot boundary which is prohibited under the policy.

The proposal is presented to Council as Shire officers do not have delegation to determine applications that propose variations to Council policy under delegation P035D and P035S. The application was advertised to the affected neighbour and no objection received, accordingly officers are recommending approval.



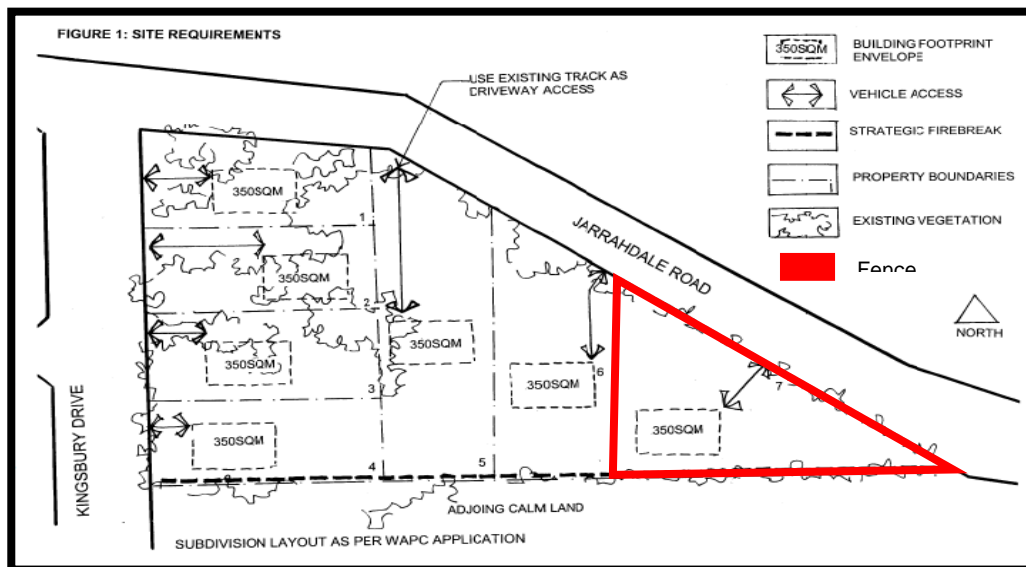
Locality Plan

Background:

Proposed Development:

The subject lot is one of a group of lots that form part of the ‘Historic Precinct’ Special Use zone 4. These lots form (1) one part of a larger ‘Historic Precinct’ area which is covered by the Jarrahdale Heritage Park Masterplan. The Masterplan does not cover the subject lot but provides context for the future development of the surrounding area. Under the Masterplan the lot opposite the subject site is earmarked for residential development. A copy of the Masterplan has been included as an attachment to this report.

The proposal seeks a 1m high post and wire fence along the front, rear and side boundaries of Lot 826 Jarrahdale Road, Jarrahdale. Due to the irregular shape of the lot there are only 3 lot boundaries. The northern boundary is the street boundary, the southern boundary is the rear boundary and interface to the State Forest and the western boundary separates the subject lot from the adjoining privately owned lot. The proposal is a variation to LPP13 for (2) reasons, firstly due the style of fencing for the front fence and secondly due to the location of the side fence on the boundary.



Site Plan



Example Elevation

Relevant Previous Decisions of Council:

P221/02/03 – Local Planning Policy 13 – Woodlot subdivision design guidelines was adopted by Council.

SD115/03/06 – Final approval of modification to Scheme Amendment No. 140 – Special Use zones 3 and 4 Jarrahdale Road, Jarrahdale.

SD126/04/06 - An application for a 'Single House' was approved by Council as a variation to LPP13.

Community / Stakeholder Consultation:

The application has been advertised to the adjoining landowner for a period of 14 days, no objections were received.

Statutory Environment:

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Metropolitan Regional Scheme (MRS)
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS2)
- Local Planning Policy 13 – Woodlot Subdivision Guidelines (LPP13)

Financial Implications:

There are no direct financial implications as a result of this proposal.

Alignment with our Strategic Community Plan:

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

The proposed fencing will be of post and wire, a common fencing type used in rural areas across the Shire. The fencing is characteristic of a rural settlement and will add to the character of the streetscape.

Planning Assessment:

The subject site falls within the Special Use – Historic Precinct zone under the Shire's Town Planning Scheme 2 (TPS2).

Generally boundary fences will be exempt under clause 61 (d) of the *Planning and Development (Local Planning Schemes) Regulations 2015* however as R-codes do not apply to the Special Use zone the exemption under clause 61 (d) does not apply. As a result a planning application is required.

The Shires officers have assessed the proposal in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* clause 67. Please see Attachment 3 for details regarding the relevant considerations.

Fencing Boundaries

Fencing under LPP13 is required to be erected around the 'cleared area' for the house and associated facilities, on the state forest boundary and on the street boundary however fencing between properties is not permitted. The subject lot is an irregular shape in comparison to other lots within the Woodlot Subdivision area. As a result LPP13 allows (2) two of the (3) three boundaries of this lot to be fenced off as well as around the house and associated facilities. The clearing area permitted for the construction of a house and

associated facility was varied from 650m² to 832m² by Council as a variation to LPP13 on 24 April 2006. As a result this would allow 122m worth of fencing around the house and associated facilities. A fence on the adjoining boundary would only require 71.07m of fencing and is therefore considered to be more appropriate.

Fencing Materials

A 1.2m high post and rail fence is permitted the street boundary and a 1.2m high post and wire fence is permitted on the state forest boundary. The proposal seeks a post and wire fence on all surrounding boundaries. A post and wire street fence would not require any tree removal while a post and rail street fence would result in the clearing of (2) two trees.

Clearing of trees outside of the building envelope and for the purpose of fencing is prohibited under LPP13. This restriction is inconsistent with clause 7.13.4 (c) (vii) of TPS2 which exempts the clearing of trees from requiring approval if for the purpose of erecting a fence. Clause 9.1.2 of TPS2 states: *“Any Local Planning Policy prepared under this Part shall be consistent with the Scheme and where any inconsistency arises the Scheme shall prevail”*. Therefore the clearing of trees for fencing is exempt as per TPS2.

While the post and wire fence would require less tree removal it requires a variation to LPP13 in terms of fencing material. Section 4 of LPP13 relates to variations in the prescribed standards and requires an assessment against the objectives and principles of the policy to support any variations. The primary objective of LPP13 is:

“Recognising the site’s ecological significance and relationship to the Jarrahdale Heritage Park site and adjoining State Forest, is to ensure retention of the character of the site as a whole and set a new standard in building design and construction that incorporates sustainable building principles and practices.”

The intent of the development is to provide sustainable development that integrated well with surrounding environmental and heritage features. The variation from post and rail fencing to post and wire fencing is considered to be consistent with the objective of LPP13 as post and wire fencing is less intrusive and will allow trees to be retained. The policy objective mentions retaining the character of the site. The character of the site is considered to be ‘low footprint’ residential development that appears to be part of the state forest and designed with heritage features as stated in the policy objective. Within the woodlot subdivision area there is only (1) one existing front fence, which is post and wire and appears to predate LPP13.



Existing Fencing

Adjoining residential developments fall within the 'residential' zone where fencing type is not restricted. The variation to allow post and wire fencing is considered to be more consistent with the policy objective and does not adversely impact the existing streetscape, therefore officers support the variation.

Options and Implications:

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

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

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

Option 2: Council may resolve to refuse the application.

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

Option 1 is recommended.

Conclusion:

The proposal is for a front, rear and boundary fence in the Special Use – Historic Precinct zone. The application is not exempt under the *Planning and Development (Local Planning Schemes) Regulations 2015* and is required by LPP13. The proposal does not meet the requirements of LPP13 in relation to the style of street boundary fencing and location of fencing on the side boundary. The variations benefit the intent of LPP13 and are consistent with its objectives. Officers recommend that Council approves the application.

Attachments:

- [OCM128.1/07/16](#) – Development Application (IN16/4886)
- [OCM128.2/07/16](#) – Jarrahdale Heritage Park Masterplan (IN02/5202)
- [OCM128.3/07/16](#) – Clause 67 assessment (E16/5344)

Voting Requirements: Simple Majority

OCM128/07/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Urban, seconded Cr Ellis

That Council approves the application submitted by Steven Burton for a 'fence' as indicated on the approved plans and does not relate to any other development on Lot 826 (#60) Jarrahdale Road, Jarrahdale.

CARRIED UNANIMOUSLY

OCM129/07/16 Proposed Amendment to Existing Local Development Plan on Lot 856 (No.125) Kalyang Loop, Byford (SJ1434-02)	
Author:	Haydn Ruse - Planning Officer
Senior Officer:	Andre Schonfeldt - Director Planning
Date of Report:	7 June 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Planning Solutions
 Owners: Ian and Norma Ferguson
 Date of Receipt: 23 March 2016
 Lot Area: 1 906m² (0.1906ha)
 Town Planning Scheme No. 2 Zoning: 'Urban Development'
 Metropolitan Region Scheme Zoning: 'Urban'

Introduction:

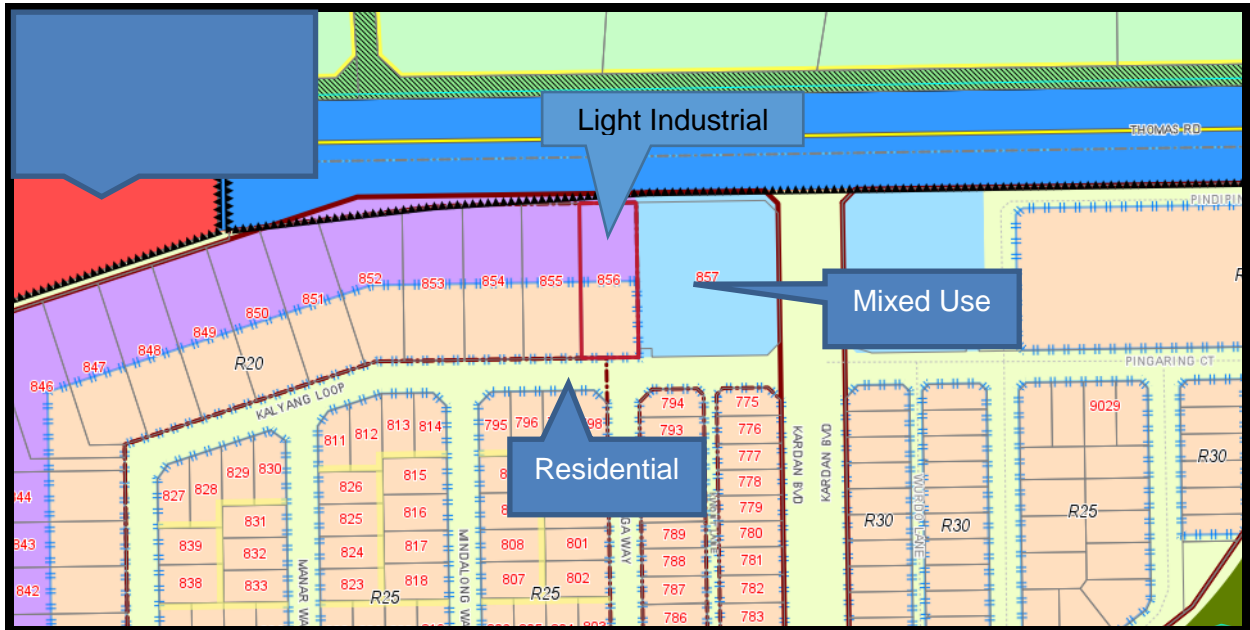
The purpose of the report is for Council to consider the modification of the existing approved Local Development Plan (LDP) for Lot 856 (No.125) Kalyang Loop, Byford.

The proponent is seeking to amend the existing approved LDP to replace the 'light industry' envelope from Lot 856 (No.125) Kalyang Loop with a 'special use' envelope. The intent of this modification is to facilitate the potential establishment of a 'child minding centre' and / or 'medical centre' on the lot.

This report is presented to Council as officers do not have delegation to determine LDPs in accordance with P033D and P033S – Local Development Plans. Officers recommend that Council approves the amendment to the LDP subject to modifications as discussed in the report.



Locality Plan



Structure Plan Zones

Background:

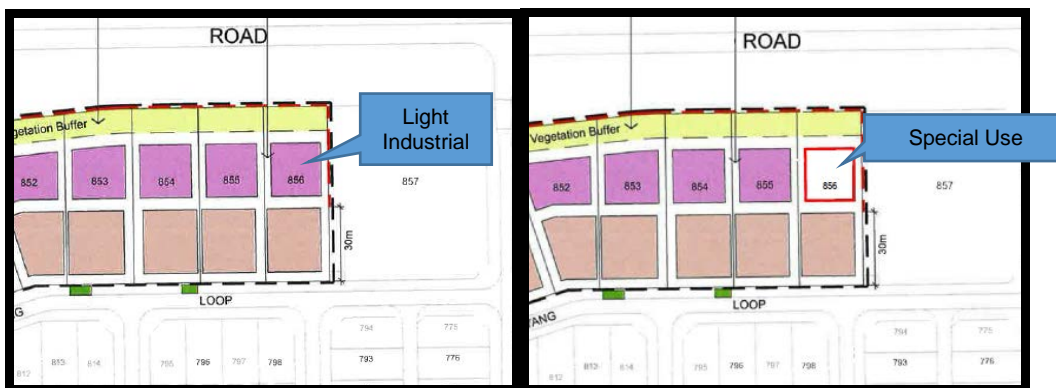
Existing Development:

The lot is currently vacant. On 7 December 2015, Council resolved to approve a Fast Food and Service Station development at Lot 857 Kardan Boulevard, Byford to the east of the subject site which is zoned ‘mixed use’. On 23 December 2015, Shire officers approved a ‘health studio’ on the same site under delegated authority.

Proposed Local Development Plan

The applicant proposes to amend the LDP in order to facilitate the potential approval of a ‘child minding centre’ and ‘medical centre’ on the subject lot. The existing LDP and Local Structure Plan (LSP) show the subject lot as being a composite lot, with the southern part of the lot being designated in the LSP as ‘residential’ and the northern part as ‘light industrial’.

The proposed amendment seeks to delete the ‘light industrial’ building envelope from the lot, and replace it with a ‘special use’ building envelope which would specifically allow ‘child minding centre’ and ‘medical centre’ as permissible uses. The proposal originally sought to extend the ‘residential’ building envelope into the ‘light industrial’ envelope, however a submission was received with concerns relating to noise impacts given that there would be potential for a residence to be constructed within the ‘light industrial’ buffer area. To address this concern the ‘light industrial’ building envelope was replaced with a ‘special use’ building envelope which would restrict uses in the buffer area to ‘child minding centre’ and ‘medical centre’.



Existing Local Development Plan

Proposed Local Development Plan

Lot Layout

The lot layout and design of the subdivision is not proposed to be altered, as the lots are individually titled and have already been created. Many lots are under private ownership and are no longer under control of the original developer, as illustrated below.



Land Ownership Plan

Relevant Previous Decisions of Council:

SD092/04/11 – Adoption of Draft Local Structure Plan – Redgum Brook Estate North

SD063/11/11 - final adoption of Local Structure Plan and Proposed Modifications – Redgum Brook Estate North

OCM104/12/12 – Proposed Modification to Local Structure Plan – Redgum Brook Estate (North), Byford

OCM200/06/14 - Proposed Modification to Redgum North Local Structure Plan

Community / Stakeholder Consultation:

The LDP has been advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* clause 50 (2) by giving notice of the proposed plan to owners and occupiers who, in the opinion of the local government, are likely to be affected by the approval of the plan. The application has been advertised to all land owners covered by the LDP as required by Local Planning Policy 40 – Detailed Area Plans (LPP40).

The initial application only sought the inclusion of ‘child minding centre’ as a use in the ‘special use’ envelope. A change of plans to include ‘medical centre’ required the application to be re-advertised.

Nearby Landowners and Occupiers

Two objections were received from nearby landowners with concerns regarding the potential increase in traffic at the Kardan Boulevard and Kalyang Loop intersection. A further objection was received upon re-advertising with concerns about noise impacts as a result of a ‘child minding centre’.

The Applicant and Shire Officers response to the submissions is discussed in the Schedule of Submissions attached to this report.

Government and Servicing Authorities

The proposed amended LDP was referred to Main Roads Western Australia due to the proximity of the development to the Main Roads controlled section of Thomas Road which abuts the future Tonkin Highway reserve.

Main Roads raised concerns that future development on the subject site could result in a noise sensitive premises being located in close proximity to the Thomas Road and Tonkin Highway reserves.

The Applicant and Shire Officers response to Main Roads submission is discussed in the Schedule of Submissions attached to this report.

Statutory Environment:

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Metropolitan Region Scheme (MRS)
- Shire of Serpentine Jarrahdale Town Planning Scheme 2 (TPS2)
- Western Australian Planning Commission Framework for Local Development Plans 2015
- State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning (SPP5.4)
- Local Planning Policy 40 – Detailed Area Plans (LPP40)

Financial Implications:

There are no direct financial implications regarding this matter.

Alignment with our Strategic Community Plan:

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

The Shire's Strategic Community Plan defines rural charm by maintaining the localities rural character and providing facilities that serve the community's needs.

The proposed LDP is not in conflict with the Shire's Strategic Community Plan. The proposal will benefit the community by facilitating the provision of a 'child minding centre' and 'medical centre' which is a valuable service for the local community. Child minding centres and medical centres are suited to locations with a specific catchment, rather than being centralised. It is a land use which has strong links to the residential land uses which surround the site.

The proposed LDP will not impact the rural charm of the Shire area as the proposal is within an urban context and abuts a 'mixed use' site.

Planning Assessment:

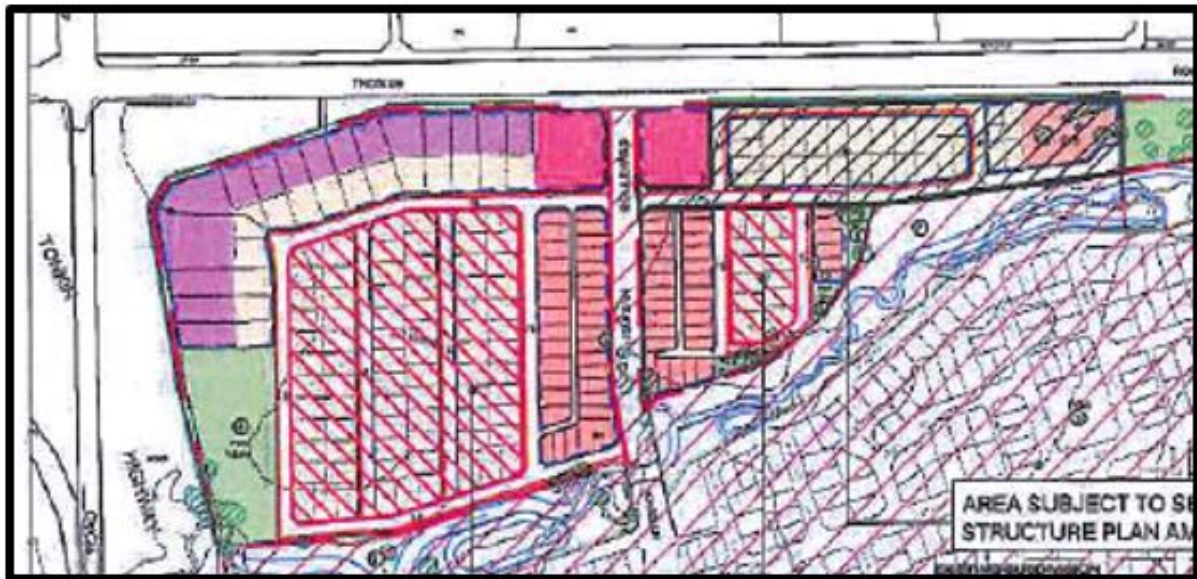
The Shire's officers have assessed the proposal in accordance with the *Planning and Development Regulations (Local Planning Schemes) 2015*, the WAPC Framework for Local Development Plans, LPP40 and the Redgum Brook Local Structure Plan.

The WAPC Framework for LDPs provides guidance as to how LDPs should be formatted and designed. The proposed modified LDP is considered to comply with the design and layout requirements of the framework. It is noted that there is no specific reference to land use changes on local development plans within the WAPC Framework.

Existing Local Development Plan

The existing LDP was approved under delegated authority on 21 October 2015. The existing LDP and Local Structure Plan (LSP) show the subject lot as being a composite lot, with the southern part of the lot being designated in the LSP as ‘residential’ and the northern part as ‘light industrial’.

The only proposed modification is the replacing of the ‘light industrial’ building envelope with a ‘special use’ building envelope. This will allow a ‘child minding centre’ and / or ‘medical centre’ to be considered across the whole site as they are prohibited uses within the current ‘light industrial’ building envelope. The amendment is not consistent with the LSP which specifically splits the lot as half ‘residential’ and half ‘light industrial’.



LOCAL STRUCTURE PLAN LEGEND	
LOCAL SCHEME RESERVES	Mixed Use
Local Roads	OTHER
Public Open Space and Drainage	Local Structure Plan Boundary
ZONES	Area requiring a Detailed Area Plan
Residential R20	Footpath/ Dual Use Path Network
Residential R25	Denotes existing trees to be retained where possible
Residential R30	Noise wall or earth bund
Local Centre	
Composite Residential / Light Industrial	

Redgum Brook Local Structure Plan Extract

Local Structure Plan:

The replacing of the ‘light industrial’ building envelope with a ‘special use’ envelope creates an inconsistency with the existing approved Redgum Brook LSP. The composite lots were created due to consideration of appropriate uses for land abutting two major road connections being Thomas Road to the north and future Tonkin Highway to the east of the subject site. The portion of the light industrial at the rear creates a buffer between the sensitive land uses (residential) and potential adverse amenity impacts of noise and vibration which can be experienced when development occurs in close proximity to major roads and highways.

The proposal is considered to be a minor variation of the approved Redgum North LSP, the intent of the LSP is not unreasonably altered by this proposal which is complementary to the adjoining ‘residential’ and ‘mixed use’ area. The *Planning and Development (Local Planning*

Schemes) Regulations 2015 require due regard be given to the structure plan, rather than being a strict statutory document.

While the proposal would allow a noise sensitive land use to intrude into the buffer area created by the 'light industrial' building envelope these impacts can be mitigated through construction and design at development application stage.

Land Use:

'Child minding centre' is an 'SA' use (discretionary subject to mandatory advertising) and 'medical centre' is an 'AA' use (discretionary but does not require mandatory advertising) within the 'residential' zone. Both uses are prohibited in the 'light industry' zone which would prevent the development of a 'child minding centre' or 'medical centre' anywhere except for in the 'residential' building envelope to the front of the lot.

The position of these uses within the 'residential' envelope may cause an impact on the streetscape. The built form and signage expected from a 'child minding centre' or 'medical centre' is greater in terms of building bulk and scale than what would be expected from residential development. The 'special use' building envelope would allow a future 'child minding centre' or 'medical centre' to be located to the rear of the property, increasing the separation distance to residential development on the street and preserving the streetscape.

The proposed 'child minding centre' and 'medical centre' uses are stated to be 'permissible' uses in the LDP amendment. This is not consistent with the permissibility of these uses under the 'residential' zone in TPS2 and undermines the intent of TPS2 for such uses in a primarily residential estate. As there are no other uses permissible in the 'special use' envelope the approval of the proposed amendment would only allow 'child minding centre' and 'medical centre' at the rear of Lot 856 Kalyang Loop, Byford. Specifying these two uses will mean that they are the only uses appropriate for the site in accordance with the intent for 'special use' zones under clause 5.11.1 of TPS2 which states:

'The purpose and intent of the Special Use Zone is to permit the use of land for any specific use not considered appropriate or desirable in any other zone and being a use which Council considers may satisfy a specific need in the locality where the use is proposed'

As consideration for potential off-site impacts such as traffic have not been considered as part of this LDP, the 'child minding centre' and 'medical centre' uses should not be considered appropriate without further assessment at development application stage.

The location, close to major transport links, adjoining a 'mixed use' development and within a growing residential area provides a feasible location for a 'child minding centre' or 'medical centre'. As consideration has not been made for potential off-site impacts of the proposed use the approach to allowing a 'child minding centre' and / or 'medical centre' is not considered appropriate. Officers recommend the 'light industrial' building envelope be removed and the 'residential' building envelope be extended, with a provision added stating: *'On lot 856 a dwelling will only be permitted within 30m of the primary street'*. The extension of the 'residential' building envelope will facilitate a 'child minding centre' and / or 'medical centre' without approving the land uses prior to consideration of off-site impacts. As the original LDP showed the 'residential' building envelope extending 30m into the lot, a provision preventing a dwelling further than 30m from the street will protect the intent of the original LDP.

Local Planning Policy 40 – Detailed Area Plans

LPP40 sets out matters to be covered in LDP's and provides model provisions. The amendment and proposed modifications relate directly to building envelopes and noise-buffering.

LPP40 encourages the use of building envelopes to illustrate minimum setback distances for development. The objective of LPP40 for building envelopes is:

'To provide setbacks that appropriately respond to a site's locational and geographical context, assist in contributing to a quality streetscape and ensure day lighting and visual and acoustic privacy'

The amendment and proposed modification by officers have not changed in dimension from the original building envelopes and are considered to be consistent with this objective.

Additional noise-attenuation measures have not been considered as part of the proposed amendment. The uses proposed in the 'special use' building envelope are considered noise sensitive land uses under State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning (SPP5.4). Officers recommend the current LDP provision relating to noise attenuation be modified to cover noise sensitive land uses by replacing the term 'residence' with 'noise sensitive premises'.

A provision is recommended relating solely to Lot 856, to prevent the erection of a dwelling further than 30m from the primary street. This provision also relates to noise-buffering and has been included to satisfy submissions raised by Main Roads Western Australia as detailed in the attached Schedule of Submissions.

Options and Implications:

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

Option 1: Council may resolve to approve the LDP.

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

Option 2: Council may resolve to refuse the LDP.

Refusal of the application may be contemplated by Council if consideration is given that the LDP does not comply with the principles of orderly and proper planning.

Option 1 is recommended.

Conclusion

The proposed LDP has been assessed with regards to the WAPC Framework for Local Development Plans 2015, the Redgum Brook LSP and LPP40.

As discussed within the report, there is the ability to apply for development approval for a 'child minding centre' or 'medical centre' within the 'residential' building envelope under the current LDP. A 'child minding centre' or 'medical centre' within the current 'residential' envelope does not provide enough space to design a facility that can address potential streetscape impacts and the 'light industrial' building envelope does not permit either proposed use. The extension of the 'residential' envelope into the 'light industrial' envelope is recommended to ensure off-site impacts are assessed prior to any land use approvals. Recommended modifications maintain the intent of the amendment to allow 'child minding centre' and / or 'medical centre' to the rear of the lot, whilst addressing noise attenuation concerns relating to the extension of the 'residential' building envelope.

Accordingly, the proposed LDP amendment is recommended to be approved subject to modifications.

Attachments:

- [OCM129.1/07/16](#) – Amended Local Development Plan (IN16/12922)
- [OCM129.2/07/16](#) – Schedule of Submissions (E16/4258)
- [OCM129.3/07/16](#) – Schedule of Modifications (E16/5117)

Voting Requirements: Simple Majority

OCM129/07/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr See, seconded Cr Ellis

That Council approves the amended LDP submitted by Planning Solutions on behalf of Ian and Norma Ferguson for Lot 856 (#125) Kalyang Loop, Byford in accordance with Clause 52(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, subject to modifications as per attachment OCM129.3/07/16.

CARRIED 5/4
Councillor Urban requested his
vote against the motion be recorded

OCM130/07/16	Road Name Proposal for Lot 9200 Abernethy Road, Byford (SJ500-3)
Author:	Haydn Ruse - Planning Officer
Senior Officer:	Andre Schonfeldt - Director Planning
Date of Report:	31 May 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: McMullen Nolan Group
 Owner: Megara Fifteen Pty Ltd
 Date of Receipt: 26 May 2016
 Lot Area: 37,928m² (3.79ha)
 Town Planning Scheme No. 2 Zoning: 'Urban Development'
 Metropolitan Region Scheme Zoning: 'Urban'

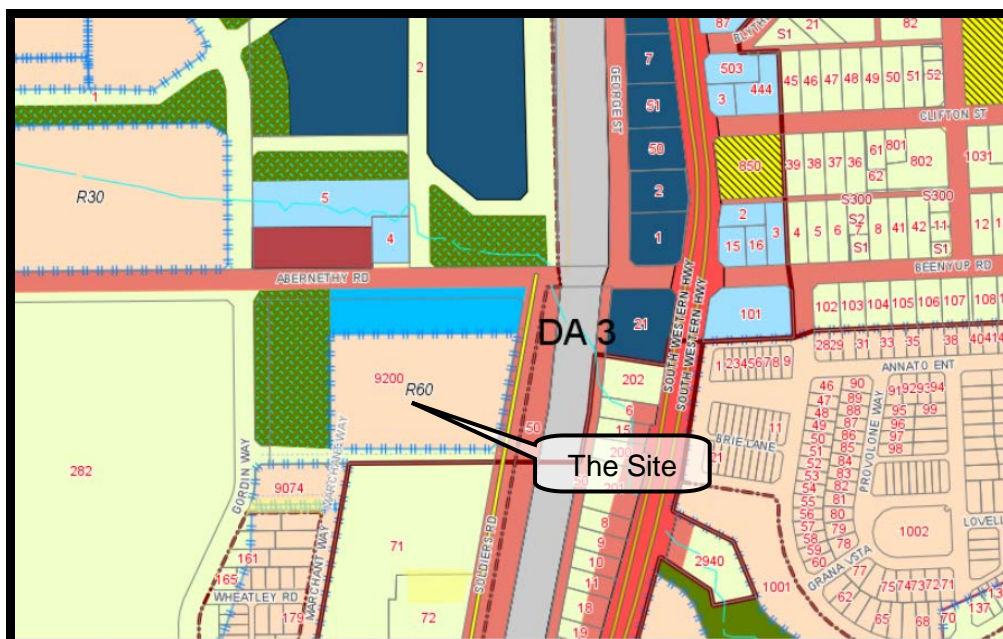
Introduction:

The purpose of this report is for Council to consider the proposed new road names for Lot 9200 Abernethy Road, Byford.

The proposed road names follow a turf/grass species theme as this ties in with the estate name 'Village Green'. Road naming themes are required by the Shire's Local Planning Policy 38 – Road Naming (LPP38) for proposals with (5) five or more road names.

Under the *Land Administration Act 1997* the Minister for Lands has delegated the responsibility for road name approval to Landgate. The Geographic Names Committee (GNC) is the branch of Landgate that determines naming applications for geographic features. GNC policy requires the support of the relevant Local Government. The proposal is presented to Council as Shire officers do not have delegation to determine road names.

Officers have assessed the application in accordance with LPP 38 and the GNC Policies and Standards for Geographical Naming in Western Australia and considers the application to be compliant. Officers therefore recommend that Council approves the naming theme, supports the application and recommends approval to the GNC.



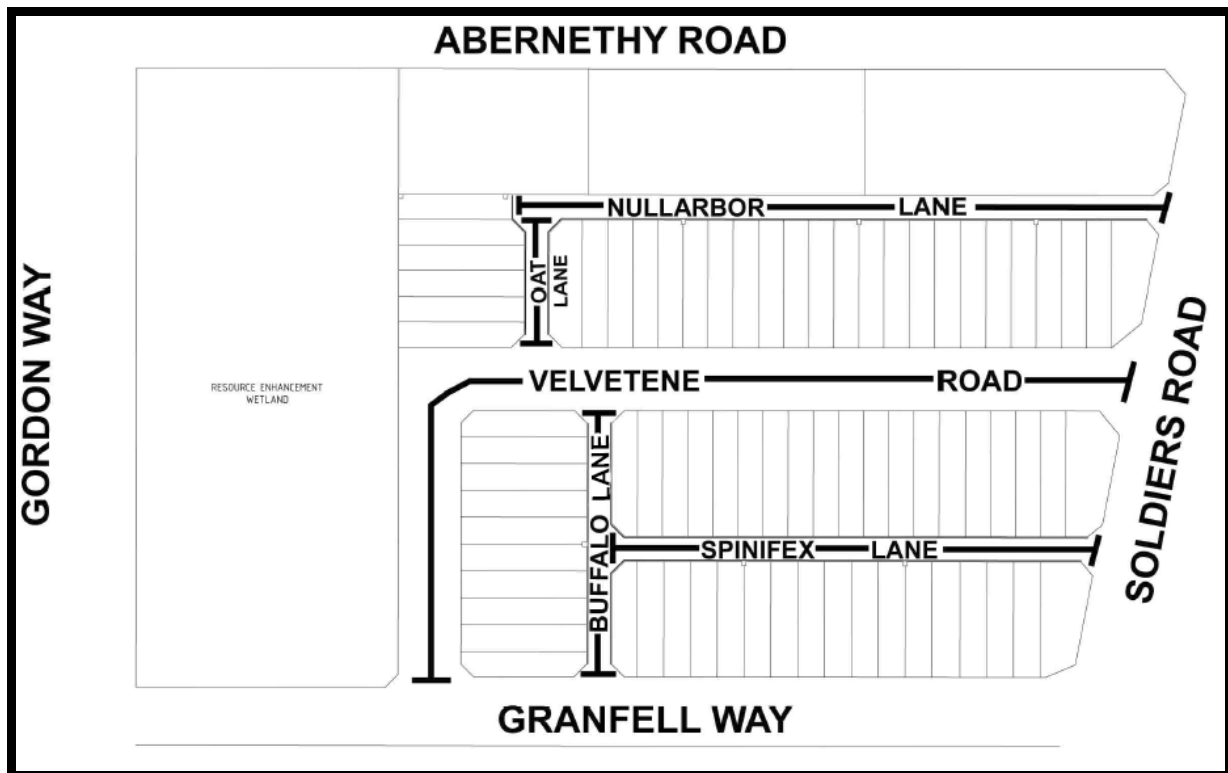
Locality Plan

Background:**Proposal:**

The proposal relates to the subdivision for Lot 9200 Abernethy Road, Byford. The site has an approval for subdivision and is currently undergoing works to comply with the conditions of subdivision. In order for the applicant to receive titles for lots created in accordance with a subdivision approval any constructed road are required to have a name allocated.

The proponent is proposing names that are aligned with a turf/grass species theme to compliment the estate name of 'Village Green'. The proposed theme also ties into the historic use of the area as farmland used for pasture and grazing. The names proposed include:

- a) Velvetene
- b) Spinifex
- c) Oat
- d) Nullarbor
- e) Buffalo
- f) Speargrass
- g) Wiregrass
- h) Woollybutt
- i) Mulga
- j) Silky



Site Plan

Relevant Previous Decisions of Council:

OCM123/02/14 - Byford Town Centre Local Structure Plan – Final Adoption

OCM064/04/16 - Lot 9200 Abernethy Road, Byford – Proposed Local Development Plan

OCM119/06/16 – Lot 9200 Abernethy Road, Byford – Proposed Local Development Plan – Section 31 Reconsideration

Community / Stakeholder Consultation:

The application was not advertised to adjoining landowners. Road naming applications for new names within a subdivision are not required to be advertised under GNC policy or LPP 38.

Statutory Environment:

- *Land Administration Act 1997*
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2)
- Geographic Names Committee – Policy and Standards for Geographical Naming in Western Australia
- Local Planning Policy No. 38 (LPP 38) – Road Naming

Financial Implications:

Should Council choose to approve the proposed road names there is no financial cost associated with the erection of road name signs as this is done by the developer.

Alignment with our Strategic Community Plan:

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

As per LPP38 it is recognised that road naming is an essential feature for creating new suburban development. Approving road names that fit within a consistent theme over an area can create a sense of place and identity. Sense of place and identity means community members feel associated with the area they live in which can create a positive social environment.

Planning Assessment:

Section 6.3 of LPP38 requires a road naming theme be approved by Council where (5) five or more roads are being created as part of a new estate. As the proposal consists of (5) five new roads a theme is required in accordance with LPP38.

The proposed turf/grass species theme is considered to be consistent with the expectation for road naming themes under LPP38. The term 'theme' is defined in LPP38 as:

'Theme refers to a consistent or unifying subject that may be and not limited to physical, historical, cultural or other character or characteristics'

The turf/grass species theme relates to historical physical characteristics of the site which was used for pasture and grazing. Whilst many of the names relate to species that would not have been found on the site they do fit the overarching theme. Officers therefore consider the theme to be consistent with the requirements of LPP38 and recommend approval.

The proposed new names are detailed below:

Proposed names	Name Background
Velvetene	Velvetene is a luxuriously textured soft, dense leaf lawn, a stunning bright pea green colour, with an attractive shiny leaf to give that 'Wow factor'. Developed as a superior soft leaf lawn for Australia's harsh climate and varied soil conditions.
Spinifex	Perennial hummock forming grass, thin rigid leaves with a very sharp point. Hummocks may be up to 50cm high and 2 metres in diameter sometimes with a dead centre. Seed head goes 30-50cm above leaves. Grows on sandy red soils and bases of sand dunes.

Oat	15-30cm annual or short lived perennial, best developed on calcareous and alluvial soils in the form of grasslands or in association with gidgee, witchetty, ironwood, coolibah, bluebush and saltbush.
Nullarbor	Nullarbor Couch is a proven and popular couch grass in Perth and WA with extensive use in home gardens, on golf courses, sporting fields and community parks.
Buffalo	Anthoxanthum odoratum, also known as sweet vernal grass, holy grass, vanilla grass, or buffalo grass, is a short-lived perennial grass found wild in acidic grassland in Eurasia. It is also grown as a lawn grass and a house plant, due to its sweet scent, and can also be found on unimproved pastures and meadows. 'Odoratum' is Latin for 'odorous'.
Proposed Reserve Names	Name Background
Speargrass	Robust long-lived perennial 45-90cm high. Associated with short annual grasses on alluvial soils, with mulga on red earths and with hard spinifex on sandy soils. Also under coolibah and corkwood on floodplains, under ghost gums and bloodwood on river frontages and levees.
Wiregrass	Fairly coarse perennial 45-90cm high. Usually common on low rocky hills and plateaux. Grows on shallow soils, often in erosion gullies and similar habitats, sometimes densely enough to be locally dominant.
Woollybutt	Tussock forming perennial 30-60cm high, 15-22cm wide. Occurring most extensively as a local dominant of spinifex sand plains on red clayey sands. Also occurs under mulga on course to medium textured red earths: on river floodplains, ironwood, corkwood, and on limestone slopes and rises on shallow, sandy soils under witchetty bush and gidgee.
Mulga	Up to 30cm Semi-erect drooping annual or short-lived perennial. Predominant on alluvial, red-earth and sandy soils. Dominates grasslands and parklands, particularly extensive on floodplains, river frontages and sandplains. Associated with mulga, ironwood, corkwood, witchetty, gidgee and coolibah.
Silky	Silky Browntop - 60-90cm Perennial: Grows on medium-textured red-earth and calcareous soils and clayey sands. In floodplains, drainage lines, shallow depressions and valley floors. Associated with mulga, coolibah, bloodwood and red river gums.

Compliance with Relevant Legislation:

The proposal has been assessed against the GNC policy and the Shire's LPP 38. Section 6.6 of LPP 38 provides guidance on preparation of road names consistent with the requirements of the GNC. The guidelines are listed below as:

- Consideration of current and future street names.
Officer Comment: The names are not currently being used elsewhere in the Shire area and there are no approvals for a similar theme.
- Consideration shall be given to current and Future Street numbering to ensure numbering is sequential, easy to follow and considers future density increases.
Officer Comment: The proposed subdivision layout does not identify any future road extensions that may cause numbering issues.
- The origin of each name shall be clearly stated and subsequently recorded.
Officer Comment: The table above provides the origin of each name. The name origins have been confirmed by checking the names against the Department of Parks and Wildlife flora database.

- Names shall not be offensive or likely to give offence, incongruous or commercial in nature.
Officer Comment: The proposed names are not considered to be offensive or likely to give offence or be incongruous or commercial in nature.
- Names shall be easy to read, spell and pronounce in order to assist emergency services, service providers and the travelling public.
Officer Comment: The proposed names are considered to be easy to read, spell and pronounce.
- Unduly long names and names comprised of two or more words should generally be avoided.
Officer Comment: All names are single word and are not considered to be unduly long.
- Proposals for road names shall include an appropriate road type suffix.
Officer Comment: Proposed suffixes are considered to be appropriate as they are consistent with suffix definitions under the GNC policy.
- Practical application of road names to maps and plans shall be considered such as the long street names should not be allocated to short roads.
Officer Comment: Allocation of names as per the road layout plan are considered to be appropriate in terms of the length of each name.

The proposed names are considered to be consistent with the guidelines listed above. Therefore officers recommend that Council supports the proposed names and forwards the application to the GNC for final approval.

Options and Implications:

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

Option 1: Council may resolve to approve the 5 proposed road names and 5 reserve names as detailed in the planning assessment for Lot 9200 Abernethy Road, Byford.

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

Option 2: Council may resolve to refuse the 5 proposed road names and 5 reserve names as detailed in the planning assessment for Lot 9200 Abernethy Road, Byford.

Should Council resolve to refuse of the application, Council will be required to provide justification and provide alternative road names to what have been proposed.

Option 1 is recommended.

Conclusion:

The proposed road naming theme is in line with the requirements of LPP38 for new estates with more than (5) five roads. The turf/grass theme is considered to be appropriate as a historic physical characteristic of the site and the proposed names are consistent with this theme, the Shire's Local Planning Policy 38 and the GNC policy. It is therefore recommended that the theme is approved and the proposed names supported and forwarded to the GNC for final approval.

Attachments:

- [OCM130.1/07/16](#) – Application for Road Name Approval (IN16/10239)

Voting Requirements: Simple Majority

OCM130/07/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr See, seconded Cr Hawkins

That Council:

- 1. Approves the Turf / Grass species theme proposed by McMullen Nolan Group for Lot 9200 Abernethy Road, Byford and;**
- 2. Supports and forwards the following road names to the Geographic Names Committee for final approval:**
 - a. Velvetene**
 - b. Spinifex**
 - c. Oat**
 - d. Nullarbor**
 - e. Buffalo**
 - f. Speargrass**
 - g. Wiregrass**
 - h. Woollybutt**
 - i. Mulga**
 - j. Silky**

CARRIED UNANIMOUSLY

OCM131/07/16	Proposed Display Home Sign on Lot 61 (#35) Windrow Grove, Whitby (P12165/02)
Author:	Haydn Ruse – Planning Officer
Senior Officer:	Andre Schonfeldt - Director Planning
Date of Report:	27 June 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Celebration Nominees Pty Ltd
 Owner: Celebration Nominees Pty Ltd
 Date of Receipt: 15 February 2016
 Lot Area: 510m² (0.0510ha)
 Town Planning Scheme No. 2 Zoning: 'Urban Development'
 Metropolitan Region Scheme Zoning: 'Urban'

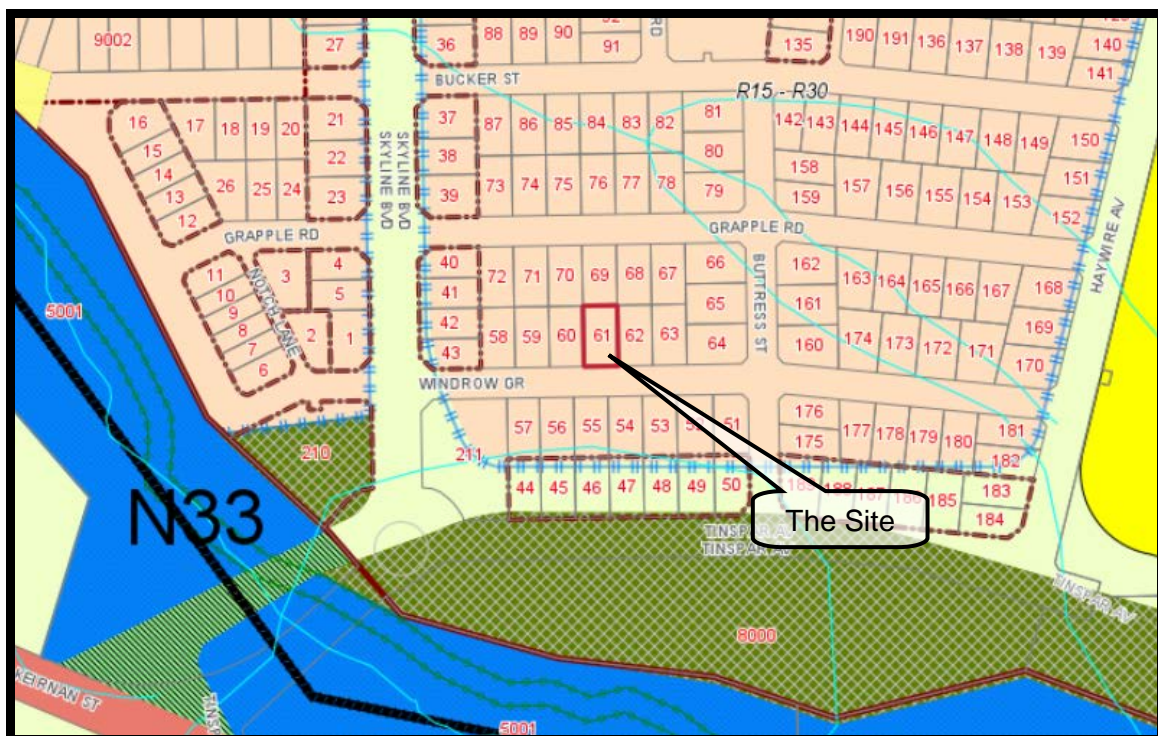
Introduction:

The purpose of this report is for Council to consider the development application for a Display Home Sign at Lot 61 (#35) Windrow Grove, Whitby.

The proposal involves two (2) flag poles, one (1) pylon sign and one (1) ground based sign. The lot is within an area that has been approved as a display village which entails a group of display homes. As a result the proposed signage seeks to exceed the policy limit set out under Local Planning Policy 5 – Advertising Signs (LPP5).

The proposal is presented to Council as Shire officers do not have delegation to determine applications that seek to vary Council policy provisions in accordance with Local Planning Policy 5 - Control of Advertisements.

Officers recommend Council approve the application as it is considered consistent with the expected streetscape of a display village and the signage will only be temporary.



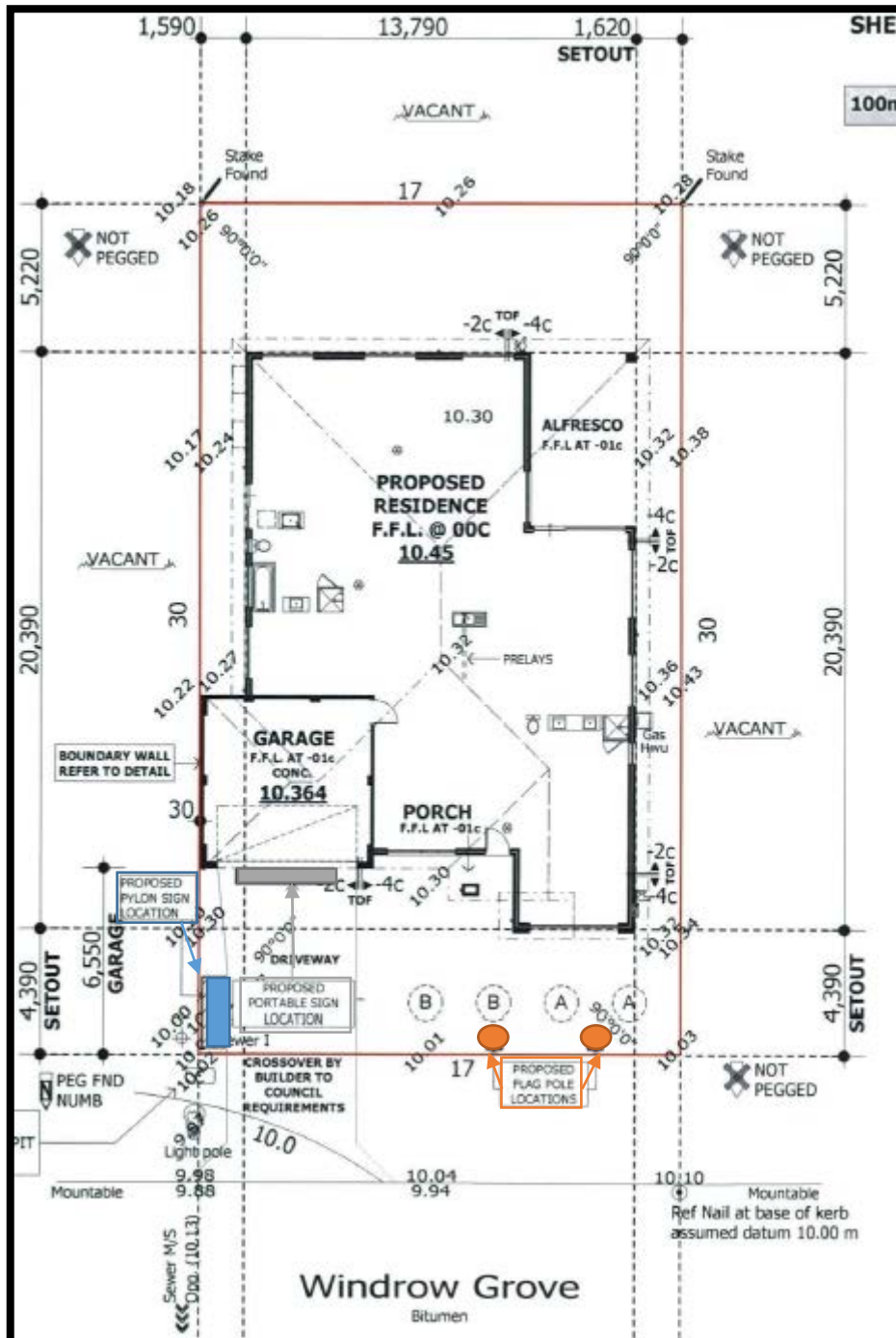
Locality Plan

Background:

The proposal relates to a lot within an approved display village, approved under delegated authority on 14 January 2015. The proposal seeks an additional 3 signs to what is permitted under LPP5 which will exceed the maximum 3m² signage area allowed by 9.42m².

Proposed Development:

The proposal seeks to have 2 flagpoles, a pylon sign and a ground based sign. The flagpoles measure 4.34m in height with a signage area of 3.6m² each, the pylon sign is 3m in height with a 3.6m² signage area and the ground based sign is 1.8m in height with an area of 1.62m².



Site Plan

Relevant Previous Decisions of Council:

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

Statutory Environment:

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Metropolitan Regional Scheme (MRS): zoned urban
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2): zoned urban development
- Local Planning Policy 5 – Advertising Signs

Financial Implications:

There are no direct financial implications regarding the application.

Alignment with our Strategic Community Plan:

Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.2	Provide appropriate amenities and accommodation for the Shire's growing population of youth and seniors.

The intent of the proposed signage is to showcase a particular housing design to prospective new residents. The signage identifies the site as a display home and provides future residents with an idea of the accommodation offered by home builders operating in the area.

In addition the proposal is within an urban area and will not unduly impact the rural charm of the area.

Planning Assessment:

The application has been assessed against the requirements of LPP5 and found to exceed the limits prescribed for advertising signs for a display home. LPP5 allows up to one (1) sign of no greater than 3m² for a display home. The four (4) proposed signs consist of 2 flags, 1 pylon sign and 1 ground based sign totalling an aggregate area of 12.42m² of signage area.

Given that a ground based sign is discretionary in the residential zone up to 1.5m² consideration should be given to the fact that this type of sign could be approved outside of the display sign classification. The proposed ground based sign does however exceed the 1.5m² limit by 0.12m². It is considered the 0.12m² is a minor variation and the proposed location of the sign directly in front of the garage the variation will have no greater impact from a visual perspective than if it was reduced to 1.5m².

The proposed pylon sign exceeds the policy requirement for signage area by 0.6m². This is also considered to be a minor variation and is a result of standard sign fabrication as the applicant uses the same sign across multiple display villages in other areas to identify the brand.

The two flagpoles add an additional 7.2m² to the aggregate signage area and push the variation well outside of the maximum 3m². Unlike the pylon and ground based sign the signage area of the flagpoles are fluid and will not have the same visual impact of a sign that covers 3.6m². The below image shows one of the applicants display homes in a different display village. While the flagpole has the same signage area as the pylon sign there is a lower visual impact on the street. The image also shows that while the flagpoles exceed the 1 sign allowed under LPP5 the additional signage does not cause unnecessary clutter or visual impact on the street. As the site is within a display village the streetscape is expected to feature signage and the proposal is not considered to be excessive in this instance.

A condition will be recommended to ensure the signage is temporary so as not to impact the future streetscape and for signage to be maintained and free of dilapidation to protect the current streetscape.

Considering the current approval for a display village and expected streetscape officers recommend that Council approves the application subject to conditions.



Example of Display Village Featuring Proposed Signs

Options and Implications:

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

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

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

Option 2: Council may resolve to refuse the application.

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

Option 1 is recommended.

Conclusion:

The proposal is presented to Council as a variation to LPP5 due to an additional number of signs and signage area exceeding the requirement of the policy.

The proposed variations are minor in nature and will improve the landscape of display villages in the Shire.

Attachments:

- [OCM131.1/07/16](#) – Signage Details (IN16/12870)

Voting Requirements: Simple Majority

OCM131/07/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Gossage, seconded Cr Hawkins

That Council approves the application submitted by Celebration Homes Pty Ltd for four (4) Display Home Signs as indicated on the approved plans and does not relate to any other development on Lot 61 (#35) Windrow Grove, Whitby, subject to the following conditions:

- 1. Signage is to be removed upon sale of the Display Home.**
- 2. The signage shall be kept clean and free from unsightly matter and graffiti and shall be maintained by the landowner in good order free of dilapidation at all times.**

CARRIED UNANIMOUSLY

Councillor Gossage declared a closely associated person interest in item OCM132/07/16 and left the meeting at 8.02pm while the item was discussed.

OCM132/07/16	Proposed Local Structure Plan – Cardup Business Park – Lot 41 Cardup Siding Road, Lots 1, 6 and 7 South Western Highway, Lots 10 and 60 Robertson Road and Lot 21 Norman Road, Cardup (SJ1655 - 02)
Author:	Helen Maruta - Senior Planning Officer
Senior Officer:	Andre Schonfeldt - Director Planning
Date of Report:	8 June 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: RPS Australia East Pty Ltd
 Owner : Cardup Landowner Group
 Date of Receipt: June 2014
 Lot Area: 194.71 Hectares
 Town Planning Scheme No. 2 Zoning: Urban Development, Special Use (Manufacture Distribution Timber), Rural.
 Metropolitan Region Scheme Zoning: Industry, Rural, Bush Forever, Primary Regional Roads

Introduction:

The report present the proposed Local Structure Plan (LSP) to Council for consideration. Initially a draft LSP was considered by Council on 22 September 2014, and the proposal was advertised in January 2015.

Modifications have been made to the draft LSP and it is worth noting that the approval process for Local Structure Plans has since changed. The application is presented to Council as delegations and Policy require.

Officers recommend Council support the LSP subject to amendments.



Locality Plan

Background:

The Local Structure Plan (LSP) for the Cardup Business Park within Development Area 5 (DA 5) of Town Planning Scheme No. 2 (TPS 2). The LSP proposes an Industry- General zone throughout the development area, includes reserves for drainage and public open space and a conservation and Bush Forever zone.

Relevant Previous Decisions of Council:

- OCM051/09/14 – Council resolved not to advertise the LSP until modifications were undertaken to the satisfaction of the Shire.
- OCM145/03/14 – Final adoption of Amendment No. 183 to TPS 2
- OCM006/02/15 - Council resolved to adopt the LSP subject to various modifications and finalisation of the Local Water Management Strategy.

Community / Stakeholder Consultation:

The application was advertised for public comment in accordance with clause 5.18.3.5 of TPS 2 in January 2015.

Statutory Environment:

- *Planning and Development Act 2005*
- Metropolitan region Scheme (MRS)
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2)
- *Planning and Development (Local Planning Schemes) Regulations 2011*
- Rural Strategy Review 2013
- EPA Guidance Statement No.3

Financial Implications:

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

Alignment with our Strategic Community Plan:

Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.1	Maintain the area's distinct rural character, create village environments and provide facilities that serve the community's needs and encourage social interaction
Objective 4.1	Sustainable Industries
Key Action 4.1.1	Target and engage sustainable, environmentally and socially responsible industries and businesses.

Planning Assessment:

The report has been prepared in accordance with Clause 20 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Refer to the attached Local Structure Plan Technical Report for details of the modifications.

Options and Implications:

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

Option 1: Council may resolve to endorse the proposed modifications relating the LSP.

Option 2: Council may resolve not to endorse the proposed modifications relating to the LSP.

Option 1 is recommended.

Conclusion:

The LSP provides a planning framework to guide development of the subject land for the Cardup Business Park. The landowners through the applicant are keen to continually engage with the Shire and all relevant parties to finalise on the LSP. The LSP was adopted by Council in February 2015, it is recommend that Council endorses the modifications.

Attachments:

- [OCM132.1/07/16](#) - Local Structure Plan Technical Report(E16/4637)

Voting Requirements: Simple Majority

OCM132/07/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Rich, seconded Cr Ellis

That Council pursuant to Clause 19 Part 4 Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, endorses the Local Structure Plan technical report and associated attachments.

CARRIED 7/1

Councillor Gossage returned to Chambers at 8.06pm

OCM133/07/16 Lot 315 Bournbrook Avenue, Cardup – Proposed Subdivision	
Author:	TPG Town Planning, Urban Design and Heritage (TPG)
Senior Officer:	Andre Schonfeldt - Director Planning
Date of Report:	4 July 2016
Disclosure of Officers Interest:	The proponent of this application is an employee of the Shire. However the employee was not involved in the preparation of this report. Consultant were appointed to undertake the assessment and to prepare this report for Council. No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

Proponent: Altus Planning & Appeals
 Owner: Wayne Hesford and Lisa Hesford
 Date of Receipt: 24 May 2016
 Lot Area: 20,000sqm (2ha)
 Town Planning Scheme No. 2 'Rural Living A'
 Zoning:
 Metropolitan Region Scheme Zoning: 'Rural'

Introduction:

The purpose of this report is for Council to provide a recommendation to the Western Australian Planning Commission (WAPC) regarding a subdivision application on Lot 315 Bournbrook Avenue, Cardup (WAPC Ref: 153714). The application seeks to create three (3) freehold 'Rural Living A' zoned lots of 9,500sqm, 5,518sqm and 4,982sqm respectively.

The proposal is presented to Council in accordance with 'Council Policy G703 - Control over employees dealing in land and other business activity within the Shire of Serpentine Jarrahdale', as the proponent is an employee of the Shire.

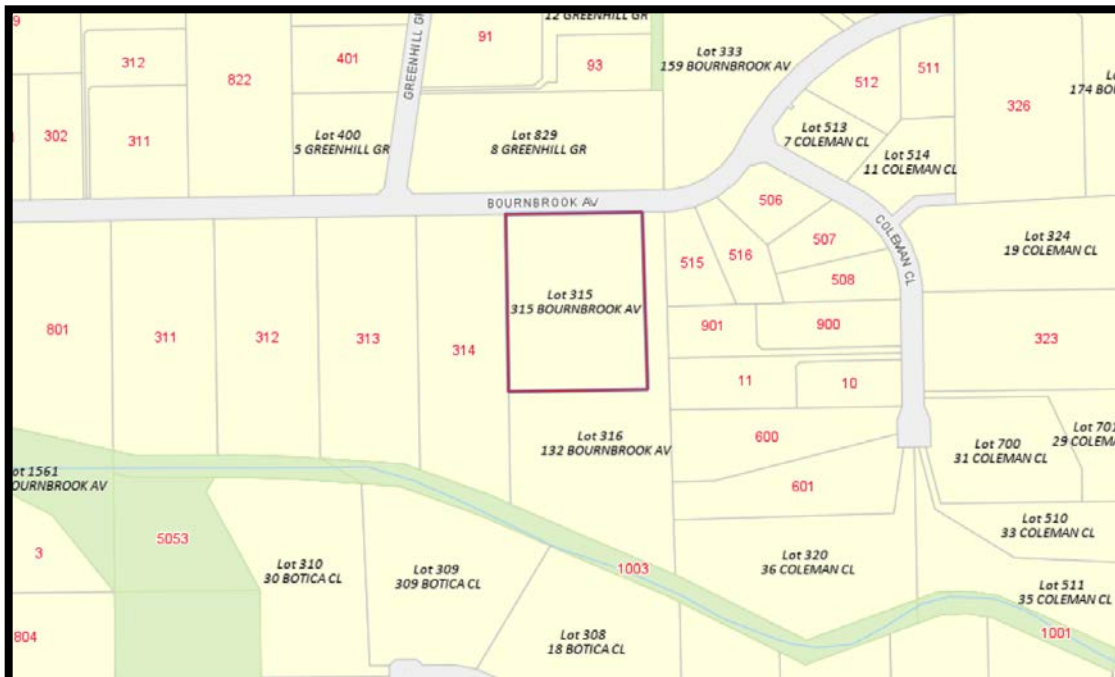


Figure 1: Locality Plan

Background:

Existing Development:

The site is currently vacant.

Proposal:

The proposed subdivision seeks to create three (3) lots, being proposed Lot 1, 2 and 3. Proposed Lot 1 occupies the eastern portion of the site and has a width of 59.1m, a depth of 160.7m and a total land area of 9,500sqm. Proposed Lot 2 is located in the south-western portion of the site in a battle-axe configuration with a width of 66.4m and a depth of 76m (excluding the access leg) and a total land area of 5,518sqm. Proposed Lot 3 is located in the north-western portion of the site and has a width of 58.1m, a depth of 84.7m and a total land area of 4,982sqm. Proposed Lot 1 and 3 will gain access directly from Bournbrook Avenue, while Proposed Lot 2 will be accessed via an access leg measuring 6m in width.

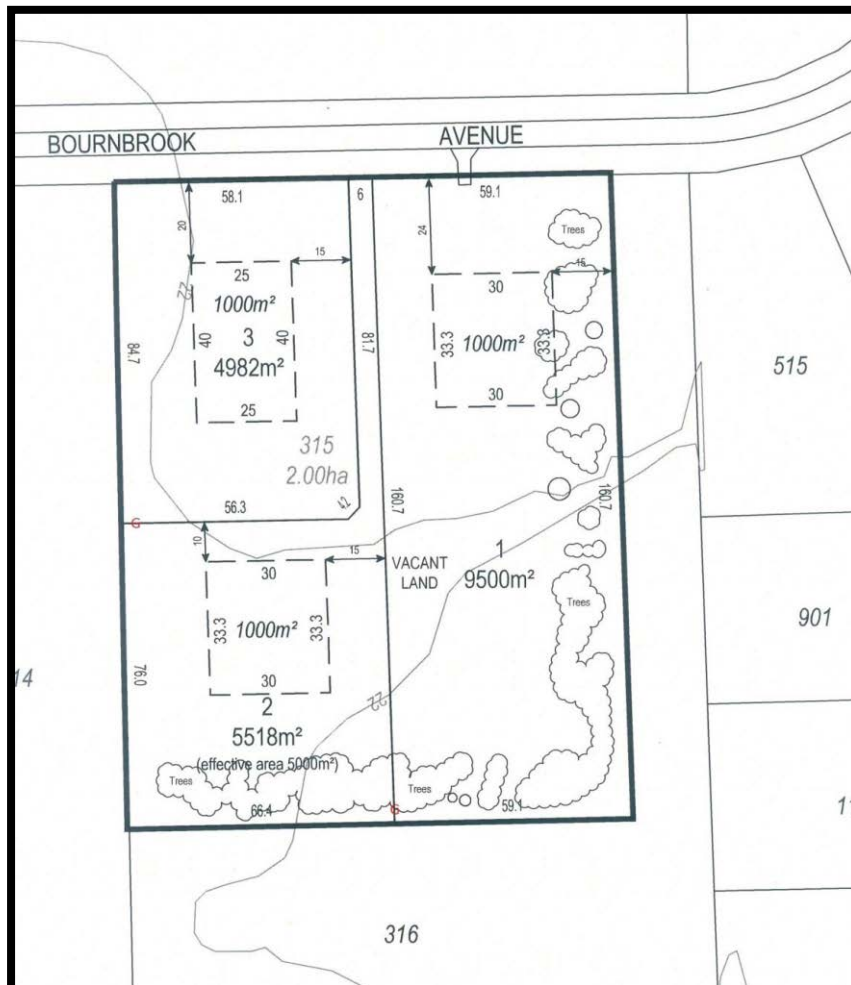


Figure 2: Subdivision Plan

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this application.

Community / Stakeholder Consultation:

No community consultation is required.

Statutory Environment:

- Metropolitan Regional Scheme (MRS)
- The lot is zoned 'Rural' under the MRS.
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2)
- The lot is zoned 'Rural Living A' under TPS2.
- Shire of Serpentine Jarrahdale Rural Strategy.
- State Planning Policy 2.1 - Peel-Harvey Coastal Plain Catchment.
- State Planning Policy 2.5 - Land Use Planning in Rural Areas.
- WAPC Development Control Policy 3.4 – Subdivision of Rural Land.

Financial Implications:

In accordance with 'Council Policy G703 - Control over employees dealing in land and other business activity within the Shire of Serpentine Jarrahdale' an external consultant. The consultant provided a quotation for the assessment and reporting of this proposal for an approximate fee of \$4000.

There are no further financial implications associated with this application as the Western Australian Planning Commission is the determining authority for all subdivision applications and the Shire is a referral agency only.

Alignment with our Strategic Community Plan:

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

Comment:Lot Size:

The subject site is located within the 'Rural Living A' zone which is specified in clause 5.12.2 of TPS2 as being intended to cater for rural residential development on a range of lots between 4,000sqm to 1ha in accordance with the objectives and guidelines of the Rural Strategy.

The application proposes lots ranging from 4,982sqm to 9,500sqm and therefore is compliant with the lot size requirements of TPS2 and the Shire's Rural Strategy.

Lot Configuration:

The subject site is designated as being within 'Rural Living Area No. 8' (RLA8) which is provided for under Appendix 4A of TPS2 and provides the following requirement:

'The Council shall not support any application for subdivision of the land into Rural Living A lot sizes unless the subdivision is consistent with a Subdivision Guide Plan endorsed by Council and the Commission for whole or part of the area.'

In this regard, the approved subdivision guide plan for the site shows a 2ha parent lot, with a subdivision overlay comprising a rectangular shaped lot occupying the southern half of the site and two smaller lots occupying the north-western and north-eastern portions of the site. The proposed subdivision plan seeks to modify this arrangement by providing a larger rectangular lot that occupies the eastern portion of the site, and two lots occupying the western portion of the site in a battle-axe arrangement.

Clause 5.12.9(a) of TPS2 provides Council with the ability to permit minor amendments to the subdivision guide plan, provided lot sizes are not reduced. It is considered that in this instance this reconfiguration is appropriate as the lot yield remains the same at a total of three lots, with one larger lot and two smaller sized lots of corresponding sizes.

It is further noted that whilst the subdivision guide plan does not indicate a battle-axe configuration, it does not identify an access arrangement for the southern lot, meaning an access point to service this lot would need to be provided at the application stage. The applicant has also provided justification for the lot arrangement stating the subdivision guide plan does not necessarily synchronise with the resultant pattern of subdivision that has been approved in the locality and therefore a minor modification is appropriate in accordance with clause 5.12.9(a) of TPS2.

Building Envelopes

Clause 5.12.19(c) states that a building envelope with an area not exceeding 1,000sqm in area shall be defined in a position 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.

The application proposes building envelopes of 1,000sqm for all lots, with the setbacks proposed being consistent with the requirements specified by TPS2 which require 20m primary street setbacks and 10m boundary setbacks. It is also noted that Proposed Lot 1 retains the 24m primary street and 15m eastern boundary setback as detailed on the building envelope sketch prepared for the site as part of Scheme Amendment No. 85 in 2006.

Reticulated Water Supply

Clause 5.12.6 of TPS2 states a reticulated water supply shall be required for development on new lots under 2ha unless approved otherwise by the Council and the State Planning Commission.

The applicant has provided justification that a number of similar applications have been approved by the WAPC where the applicants have verified the capability of the lots being able to provide an alternative on-site water supply and that the owners are willing to accept a Section 70A notification on the proposed titles advising that no reticulated water supply can be provided to the land by a licensed water supplier and as a consequence, owners will be required to make their own arrangements to provide an adequate water supply of potable water.

Options and Implications:

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

Option 1: Council may resolve to recommend approval of the application subject to conditions.

Option 2: Council may resolve to recommend refusal of the application.

Option 1 is recommended.

Conclusion:

It is recommended that the proposed subdivision be recommended for approval as it proposes lot sizes that are compliant with those contained in TPS2 and the Shire's Rural Strategy. While there are minor modifications proposed in relation to lot configuration, the lot yield is commensurate with that depicted on the endorsed subdivision guide plan and is therefore considered to be appropriate in the context of orderly and proper planning.

Attachments:

- [OCM133.1/07/16](#) – Plan of Subdivision (IN16/13437)
- [OCM133.2/07/16](#) – Fire Management Plan (IN16/13438)

Voting Requirements: Simple Majority

OCM133/07/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Urban, seconded Cr See

That Council recommends to the Western Australian Planning Commission that the proposed subdivision of Lot 315 Bournbrook Avenue, Cardup, be approved subject to the following conditions:

1. Measures being taken to ensure the identification and protection of any vegetation on the site worthy of retention that is not impacted by subdivisional works, prior to commencement of subdivisional works.

2. A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

'A mains potable water supply is not available to the lot/s.'

3. A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

'A reticulated sewerage service is not available to the lot/s.'

4. Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision.

5. A notification, pursuant to Section 165 of the *Planning and Development Act 2005*, is to be placed on the certificate(s) of title of the proposed lot(s) with a Bush Fire Attack Level (BAL) rating of 12.5 or above, advising of the existence of a hazard or other factor.

Notice of this notification is to be included on the diagram or plan of survey (deposited plan).

The notification is to state as follows:

'This land is within a bush fire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and may be subject to a Bush Fire Management Plan. Additional planning and building requirements may apply to development on this land.'

6. Information is to be provided to demonstrate that the measures contained in the bush fire management plan dated May 2016 that address the following:

- a. Implement fire protection measures as detailed in Sections 4.2;
- b. Compliance with Firebreak Notice as detailed in Section 4.4.2;
- c. Install Battle axe access and gates as detailed in Section 4.4;
- d. Maintain whole of each Lot to Asset Protection Zone standard until a Lot is sold, responsibility is then transferred to the Lot owner in perpetuity; and
- e. Provide a copy of following documents following a sale of a Lot:
 - i. Bushfire Management Plan
 - ii. Home Owners Survival Manual
 - iii. Prepare Act Survive
 - iv. Fire Control Notice

have been implemented during subdivisional works.

7. The land being filled, stabilised, drained and/or graded as required to ensure that:

- a. lots can accommodate their intended development; and

- b. finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing finished ground levels of the land abutting; and
- c. stormwater is contained on-site, or appropriately treated and connected to the local drainage system.
8. The proposed access way(s) being constructed and drained at the landowner/applicant's cost to the specifications of the local government.
9. All lots to comply with the Shire of Serpentine Jarrahdale Firebreaks Notice (as published).

and/or propos

CARRIED UNANIMOUSLY

OCM134/07/16	Proposal to Upgrade Wheeler Airfield (SJ514-07)
Author:	Jim Johnson – Manager Compliance and Emergency Services
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	15 June 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government

Introduction

The purpose of this report is for Council to consider a proposal from the Executive Officer of Peel Regional Leaders Forum (PRLF) to support a regional approach to upgrading the Wheeler Airfield.

Officers recommend that Council request further information from the Shire of Murray in regards to the detailed project planning prior to considering an allocation of \$20,000 towards these upgrades.

Background:

During the recent devastating Waroona fires, the Wheeler Airstrip was pivotal in fighting this massive fire. To illustrate how important the Wheeler Airfield is to fighting fires, there were over 440 aircraft movements with 1,209,600 litres of water which equates to 41 x 30,000 litre tankers of water.

At a recent Peel Leadership Forum meeting the Shire of Serpentine Jarrahdale was requested to provide support and funding of up to \$20,000 for upgrades proposed by the Shire of Murray to be made to the airport. Other Shires within the Peel region has already contributed the following amounts to the project:

Comment:

Strategic Infrastructure

Within the southern parts of the Peel region there are three airfields that could be considered for firefighting purposes, being:

- Wheeler
- Dwellingup
- Murrayfield

The following section considers each of them and its capabilities in light of considering the firefighting air support that may be required within this part of our region.

Wheeler Airfield

Wheeler Field is located on private land being Lot 7 (270) Mounsey Road, West Coolup. The land is zoned rural under the Shire of Murray Town Planning Scheme No 4 and the closest town site is Coolup 10km to the north east. The airfield has been used for firefighting air operations by fixed wing aircraft since 1998 due to its central location, 65km north of Bunbury, 44km south of the Serpentine Airfield, 76km south of Jandakot and 28 km south west of Dwellingup.

The airstrip has three interconnected runways. The main runway is 1,300 metres long of compacted gravel, orientated in an ENE/WSW alignment. The other two interconnected runways (one N/S and 450 metres) and the other E/W (780 metres) are constructed of compacted dirt and mowed grass. This layout of the interconnected runways makes for a virtually uninterrupted flow of fire-bombing aircraft arriving, loading and departing during sustained firefighting operations.

There is an all year soak/dam on the property of significant capacity, which is spring fed. The Department of Fire and Emergency Services, the Shire of Murray, Southern Districts Volunteer Fire Brigade and the Coolup Volunteer Bush Brigade jointly funded the purchase of a portable pump and emergency trailer to support fixed wing fire support air operations by the Department of Conservation and Land Management (now the Department of Parks and Wildfire) and the Department of Fire and Emergency Service from Wheeler Field. The Shire of Murray Volunteer Bush Fire Brigade members and staff have completed water bomber refill training in Bunbury and at Wheeler Field to ensure support air operations at fire operations.

Dwellingup Airfield

Dwellingup has a smaller airstrip than the Wheeler Airstrip. The significant height above sea level and wind direction and intensity factors during the fire season can limit fixed wing air operations or limit carrying capacity of aircraft from this airfield. The town of Dwellingup is located 1.6 Km to the south and noise from aircraft operations can impact the town. Issues that prevent Dwellingup being effective include:

- 865 feet above sea level meaning less water can be picked up and dropped onto the fire;
- 800 metre runway as opposed to the 1300 metre Wheeler Airfield;
- Significant trees making the runway dangerous for firefighting purposes;
- Limited water supply.

Murrayfield Airfield

Murrayfield is another airfield within the Peel region. This facility is privately owned and it is located on Lakes Road, Nambeelup. This airfield has two runways orientated SW/NW and the other E/W. The all-weather, SW/NW runway at 1,159m is shorter than Wheeler Field, the other runway is significantly shorter and is of gravel construction. In summary, limiting factors to use Murrayfield in an emergency include:

- Runway is shorter;
- Noise issues due to its locality near residential development;
- Nearby powerlines;
- Difficult cross-wind factors;
- Limited water supply;
- Other aircraft traffic, therefore limitations of airspace can exist;
- Trainee pilots operating in the airfield circuit.
- Landing fees are applicable.

Conclusion

Wheeler Field, given its central location in this part of the region and its semi isolated location combined with the availability of water, the orientation of the airstrip, given the prevailing summer wind patterns of either a south west sea breezes or diurnal easterly winds over the Darling Scarp makes this facility an important link for fire operations within the district, the greater Peel and adjoining regions.

Apart from the comments outlined above Officers have not been able to establish at this point in time whether the development or improvement of Wheeler Airfield is considered by DFES as a strategic infrastructure upgrade, or where this will leave the Shire's own Yangedi Airfield future operations.

Proposed Upgrades at Wheeler Airfield

If the Wheeler Airfield is considered to be a strategic site and given the increasing challenges of managing and fighting bush fires there will be a need to upgrade the facilities currently available. Below is a list of the priorities for upgrades at the airfield, identified by the Shire of Murray, in order to increase protection for the region and beyond.

Priority 1 - Runways

The Wheeler Airfield, forward fire base, has three runways deliberately interconnected to provide efficient traffic management for the arrival and departures of fixed wing aircraft, under different wind conditions.

Basically this runway configuration means that the Fire Bombers can arrive in circuit, land, taxi to the water/fuel loading bays, load water/fuel, taxi to the holding point and take-off in a constant stream of aircraft in the most efficient way possible. Meaning that water arrives on the fire ground in the shortest time possible. Wheeler Field now is capable of loading three fire bombers on the ground at once and to get them all in the air as soon as possible requires that all three active runways are always operational.

The weak link during sustained firefighting operations, is the fact that the two interconnecting runways are compacted dirt and mowed grass. These grass/sand runways can stand a few movements but under a sustained operation are quickly blown out and degrade from mowed grass into a dirt track that can make them unserviceable for further aircraft operations. This means that all aircraft are slowed down because each one then has to land on the main gravel runway and backtrack to the holding point, on the very same runway before the next aircraft, can taxi with a full load of water or land to refill with water. This results in water taking much longer to arrive at the fire.

To solve this problem both dirt runways 36 and 08 need to be surfaced with gravel. The main runway 24 also needs to have five metres of gravel added to its width.

First Priority

• Widen the main runway	\$100,000
• Runway 08/26 to gravel surface (676m)	\$ 80,000
• Extend runway 08/26 (95m x 16m x 100mm)	\$ 12,000
• Runway 18/36 to gravel surface (453m)	\$ 60,000
• Enlarge dam water supply to double volume	<u>\$ 7,000</u>
TOTAL	\$259,000

Second Priority

• Concrete Pump bases for Bomber Loader Pumps	\$ 1,000
• Gravel Car Park Area	\$ 8,000
• Tables and Chairs for Loader and Air Crews	<u>\$ 1,000</u>
TOTAL	\$10,000

Third Priority

• Drive way & two Pull Off Bays for traffic safety	\$ 8,000
• Helicopter Landing Pad Gravel	\$ 3,000
• Bore and Stationary Diesel Pump Water Supply therefore, no reliance external water or power supply	\$ 45,000
• Mobile/removable caravan type Crew Room for Fire Bomber Loader crews during operations, relief from heat, noise and dust.	\$ 50,000
• Installation and connections	<u>\$ 20,000</u>
TOTAL	\$126,000

Fourth Priority

• Crew Room skid mounted Donga air-	\$100,000
-------------------------------------	-----------

conditioned Pilot sleeping accommodation. Toilet, shower, basic kitchen and eating area. Vehicle access and parking to allow Pilots and Aircraft to overnight or for extended periods at Wheeler Field to maintain fire-fighting capabilities in the Murray and surrounding districts.

• Installation and connections	<u>\$ 20,000</u>
TOTAL	\$120,000
ESTIMATED TOTAL COST	\$515,000

Note that the un-costed items are being sought from external parties and may be provided at little or no cost.

Officer Comment

Officers received limited information in regards to the proposed project. To date officers have not yet received a business case or an assessment of the risks around building leasehold improvements on a private property. If the landowner support could be secured through a longer term lease or similar legal agreement these risks may be reduced. However at the time of writing this report officers were not aware that this has been secured.

Further the information received does not provide a detailed business plan, risk plan or operational management plan in regards to how the lifecycle costs of the propose upgrades and facilities will be maintained. As outlined above the strategic considerations in regards to other locations / airfields have only been taken into consideration at a desktop level and it would be prudent that DFES be involved in considering the overall State-wide benefit of these upgrades and the potential impacts it may have on other existing facilities.

Nevertheless all of the above risks and issues are matters for the Shire of Murray. In this regard supporting the proposed upgrades through a contribution of no greater than \$20,000 could be seen as a temporary solution, while the region continue to press DFES for a longer term solution.

As such officers recommend that Council supports contributing \$20,000 to this as a regional project subject to a business case including risk management plan and a more detailed strategic assessment being received from the Shire of Murray.

Attachments:

- [OCM134.1/03/16](#) – Locality Plan (E16/5300)

Statutory Environment:

Nil

Financial Implications:

If Council supports the proposal a total cost of \$20,000.00 will be incurred in the 2016/17 financial year and the proposed budget will reflect this.

Voting Requirements: Absolute Majority

OCM134/07/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr See, seconded Cr Urban

That Council:

- 1. Allocates \$20,000 for the proposed upgrades to the Wheeler Airfield as detailed in this report subject to a Shire of Murray providing advice to the satisfaction of the Shire of Serpentine Jarrahdale Chief Executive Officer that:
 - a. the risks of creating such a facility on private property have been addressed;**
 - b. support for the proposal from the Department of Fire and Emergency Services (DFES);**
 - c. operational management provisions and consideration towards the lifecycle costs related to maintaining such infrastructure have been considered; and**
 - d. this project will not preclude the development of another airfield that has potential for a longer term solution.****

LOST 2/7

8.3. Corporate and Community Services Reports:

OCM135/07/16	Proposed Lease Agreement and Surrender of Lease – Serpentine Jarrahdale Men’s Shed Incorporated (SJ975-05)
Author:	Kristen Cooper – Leasing and Property Officer
Senior Officer/s:	Alan Hart - Director Corporate and Community
Date of Report:	3 June 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction

The purpose of this report is to seek Council’s endorsement of the standard No-cost to the Shire Lease Agreement. Once Council’s approval is obtained the Shire will seek support from the Minister for Lands as required under legislation and once approved the Lease will be executed by the Acting Chief Executive Officer and Shire President.

Background:



(Site Image: Reserve North West of Mundijong Townsite)

The proposed lease site is located north west of the Mundijong townsite. The reserve is currently vested in the Shire of Serpentine Jarrahdale for public recreation.

The Serpentine Jarrahdale Men’s Shed have a ground lease at L815 Staff Road Jarrahdale. The association had planned to secure grants from the State and Federal Governments to build and establish a men’s shed. The costs of associated site works in Jarrahdale proved too costly for the group compelling the Men’s Shed to seek an alternative site. The Shire worked with the Serpentine Jarrahdale Men’s Shed to find a suitable location. The Association will need to surrender it’s lease at L815 Staff Street and enter into new lease at L213 Baskerville Road, Mundijong. The Serpentine Jarrahdale Men’s Shed envisages a long and productive existence in the support of Men and the greater community.

In accordance with the Shire’s Lease and Licence Policy a standard lease with a rental term of ten years and an option to renew for a further ten years will be offered to the Men’s Shed Association. A \$1.00 peppercorn rental is payable yearly on this lease consistent with the Shire’s Lease and Licence Policy.

The proposed lease agreement is a standard No Cost to the Shire Lease Agreement. In accordance with the Shire’s Lease and Licence Management Policy a rental term of ten years with an option to renew for a further ten years has been offered to the association.

The Shire will not maintain the reserve or building during the lease period. The majority of maintenance and works are completed by volunteers to minimise costs.

Relevant Previous Decisions of Council:

OCM102/12/13 - authorised the Chief Executive Officer and Shire President to sign the lease with the Serpentine Jarrahdale Men's Shed (Inc) for a period of ten years with an option to renew for a further ten years.

Community / Stakeholder Consultation:

There has been considerable community consultation with both the Serpentine Men's Shed Association and the Mundijong Girl Guides who both fully support the relocation of the Men's shed to the Mundijong site.

Attachments:

- [OCM135.1/07/16](#) – Surrender of Lease between the Shire of Serpentine Jarrahdale and Serpentine Jarrahdale Mens Shed Incorporated (IN16/12135)
- [OCM135.2/07/16](#) – Proposed Lease Agreement between the Shire of Serpentine Jarrahdale and Serpentine Jarrahdale Men's Shed Incorporated (IN16/12133)

Alignment with our Strategic Community Plan:

Sporting clubs and various types of community groups play a vital role in the community's wellbeing. The activities of this group do not adversely affect or impact on the adjoining property owner's quality of life.

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

Statutory Environment:

The Serpentine Jarrahdale Mens Shed is exempt from the requirements of S3.58 of the Act by Regulation 30(2) of the *Local Government (Functions and General) Regulations 1996*. A valuation of the premises and public advertising of the disposition of land is not required as it is a lease that is being offered under the Shire's Lease and Licence Management Policy, Policy number G007.

Financial Implications:

As this is a 'no cost to the Shire' standard lease, a peppercorn rent will be payable. All costs in relation to the preparation of the lease will be paid by the lessee. The Association will fund all maintenance, payment of outgoings, utilities and government rates and charges of the lease area.

Voting Requirements: Absolute Majority

OCM135/07/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr See, seconded Cr Urban

That Council:

1. Seek approval from the Minister for Lands to lease Reserve 36369 to the Serpentine Jarrahdale Men's Shed for the purpose of recreation for a ten year period with an option to extend for a further ten years.
2. Endorse the terms and conditions in the lease as per attachment OCM135.2/07/16.

- 3. Endorse an annual lease fee of \$1 per annum payable on demand.**
- 4. Authorise the Acting Chief Executive Officer and Shire President to sign the lease as per attachment OCM135.2/07/16 with the Serpentine Jarrahdale Mens Shed for the purpose of recreation for a period of ten years with an option to extend for a further ten years.**
- 5. Authorise the Acting Chief Executive Officer and Shire President to sign the Surrender of Lease as per attachment OCM135.2/07/16 with the Serpentine Jarrahdale Men's Shed for the site at L815 Staff Street Mundijong.**

CARRIED BY ABSOLUTE MAJORITY (9/0)

OCM136/07/16	Monthly Financial Report - June 2016 (SJ514-07)
Author:	Stacey Hobbins – Management Accountant
Senior Officer/s:	Alan Hart – Director Corporate and Community
Date of Report:	6 July 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

The purpose of this report is to provide an interim monthly financial report which includes rating, investment, reserve, debtor, and general financial information to Councillors in accordance with Section 6.4 of the *Local Government Act 1995*.

Background:

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

Relevant Previous Decisions of Council:

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

Community / Stakeholder Consultation:

No community consultation was undertaken / required.

Comment:

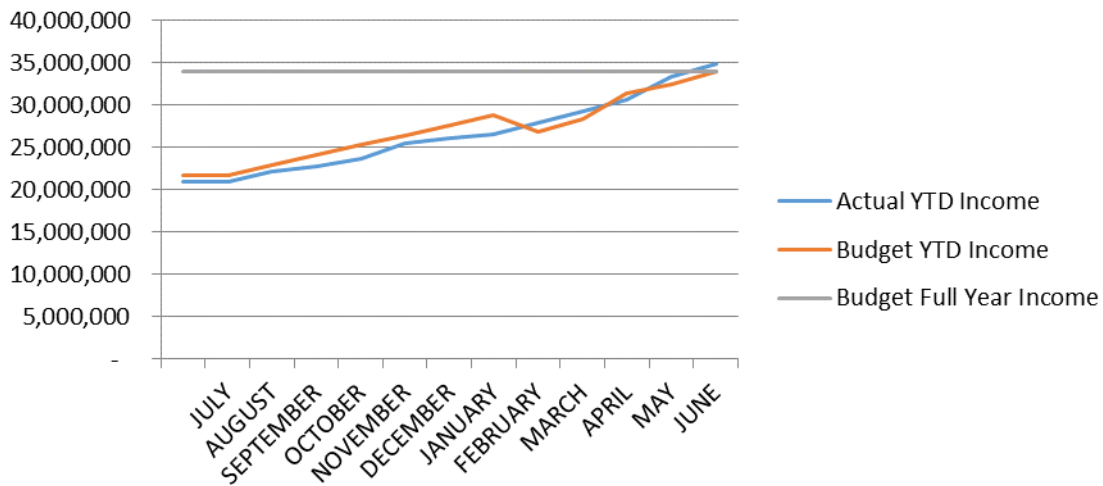
The period of review is June 2016, please note that this is a preliminary result for the year as the Financial Statements for the 2015/2016 financial year are still being finalised and as such the result will change as the financial statements are finalised for the year. The final result for the 2015/2016 financial year will not be known until the annual Audit is completed, which is expected to be in October 2016.

The municipal surplus for this period is currently \$3,263,533 compared to a budget position of \$54,200. The municipal surplus is higher than budget, this amount will reduce as outstanding invoices are processed for the 2015/2016 financial year, end of year adjustments and accruals are made. Also included in the municipal surplus are budgets for projects that will need to be carried forward into the 2016/2017 year because they have been either partially finished or not started. In the draft 2016/2017 Budget, Council is estimating the value of these projects to be approximately \$1m, however this will change as the accounts are finalised and all projects are identified and carried forward into 2016/2017.

Income for the June 2016 period, year-to-date is \$34,933,172. The budget estimated \$33,936,562, would be received for the same period. The variance to budget is \$996,610. Details of all significant variances are provided in the notes to the Statement of Financial Activity by Directorate.

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

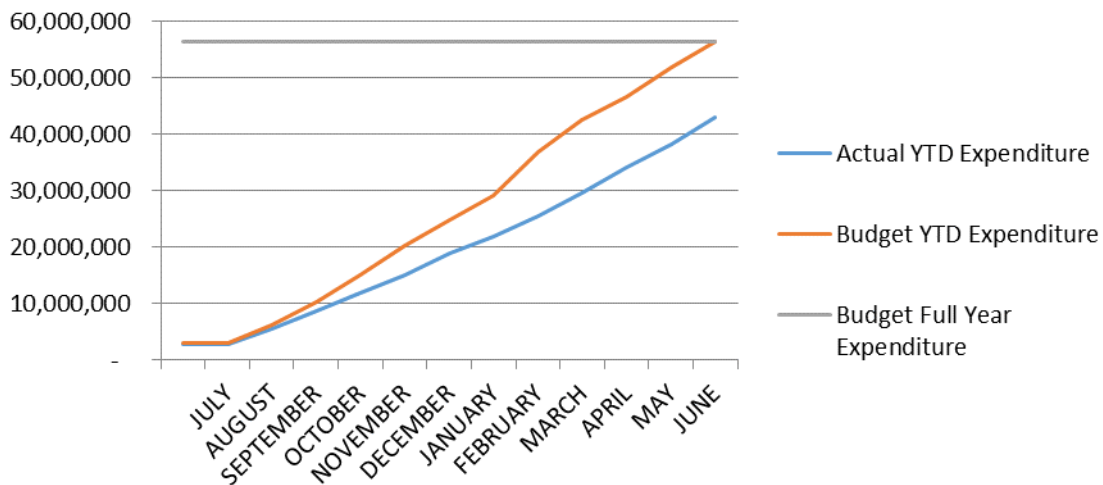
Total Income



Expenditure for the June 2016 period, year-to-date is \$43,013,040. The budget estimated \$56,353,985 would be spent for the same period. The variance to budget is \$13,340,945. Details of all significant variances are provided in the notes to the Statement of Financial Activity by Directorate. Most of the variance relates to capital expenditure, see page 16.

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

Total Expenditure



- [OCM136.1/07/16](#) – Monthly Financial Report June 2016 (E16/5267)

Alignment with our Strategic Community Plan:

Financial Sustainability

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

Statutory Environment:

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

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

Financial Implications:

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

Voting Requirements: Simple Majority

OCM136/07/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Ellis, seconded Cr Piipponen

That Council accepts the Monthly Financial Report for June 2016, in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996*.

CARRIED UNANIMOUSLY

OCM137/07/16	Accounts for Payment – June 2016 (SJ514-07)
Author:	Vicki Woods - Finance Officer
Senior Officer:	Alan Hart - Director Corporate and Community
Date of Report:	1 July 2016
Disclosure of Officers Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

Introduction

The purpose of this report is to endorse the list of payments made under delegated authority for the month of June, as required by The Local Government (Financial Management) Regulations 1996.

Background

The Acting Chief Executive Officer has delegated authority to make payments from the Municipal and Trust accounts in accordance with budget allocations.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this issue.

Community / Stakeholder Consultation

No community consultation was required.

Comment

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

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

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

It is recommended that Council receives the payments authorised under delegated authority and detailed in the list of invoices for period of 1 June 2016 to 30 June 2016, as per attachment

OCM137.1/07/16 and the Purchasing Card Report 6 May 2016 to 5 June 2016 as per attachment OCM137.2/07/16.

Attachments:

- [OCM137.1/07/16](#) - Creditors Schedule of Accounts 1 June 2016 to 30 June 2016. (E16/5214)
- [OCM137.2/07/16](#) – Purchasing Card Report 6 May 2016 to 5 June 2016. (E16/5238)

Alignment with our Strategic Community Plan:

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

Financial Sustainability

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

Statutory Environment

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

Financial Implications

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

Voting Requirements Simple Majority

OCM137/07/16 COUNCIL DECISION / Officer Recommendation

Moved Cr Urban, seconded Cr Hawkins

That Council accepts:

1. The payments authorised under delegated authority and detailed in the list of invoices for period of 1 June 2016 to 30 June 2016, as per attachment OCM137.1/07/16 - Creditor List of Accounts 1 June 2016 to 30 June 2016 including Creditors that have been paid in accordance with the Local Government (Financial Management) Regulations 1996.
2. The payments authorised under delegated authority and detailed in the Purchasing Card Report 6 May 2016 to 5 June 2016, as per attachment OCM137.2/07/16 that have been paid in accordance with the Local Government (Financial Management) Regulations 1996.

CARRIED UNANIMOUSLY

8.4. Engineering Reports:

Nil

8.5. Chief Executive Officer Reports:

OCM138/07/16	Appointment of Acting Director Engineering (SJ409)
Author:	Karen Cornish – Governance Advisor
Senior Officer/s:	Gary Clark – Acting Chief Executive Officer
Date of Report:	30 June 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act

Introduction

The purpose of this report is to inform Council of the temporary appointment of an Acting Director Engineering whilst the recruitment process is undertaken for this position.

Background:

The contract for the former Director Engineering expired on the 30 June 2016. The recruitment process is underway to select the best possible successor who meets the criteria. In the interim, it is important that the Engineering Directorate continue to be well guided and supported and this is achieved by having an Acting Director in place whilst recruitment is undertaken.

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this matter.

Community / Stakeholder Consultation:

There is no requirement for community or stakeholder consultation on this matter.

Comment:

Proposal

Section 5.37 of the *Local Government Act* requires the CEO to inform the Council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a).

Section 5.39 (1a) (b) of the *Local Government Act* states:

a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.

The appointment of the Acting Director Engineering is a temporary appointment, not expected to exceed three months in duration and has been engaged without a written contract. It is prudent that the CEO informs Council of this temporary, short term appointment.

Conclusion

The purpose of this report is to inform Council of this temporary appointment in accordance with section 5.37(2) of the *Local Government Act*. Council are not required to make a decision merely that the CEO needs to inform Council of any proposal to dismiss or employ a senior employee. Council may accept or reject the CEO's recommendation, however if the Council rejects the recommendation, it is to inform the CEO of the reasons for its doing so.

Attachments:

There are no attachments for this item.

Alignment with our Strategic Community Plan:

Objective 1.2	Progressive Organisation
Key Action 1.2.1	Attract, develop and retain the best people to work in the Shire
Key Action 1.2.6	Comply with all legislative and statutory requirements

Statutory Environment:

Section 5.37 and 5.39 of the *Local Government Act 1995*.

Financial Implications:

There are no direct financial implications regarding this matter.

Voting Requirements: Simple Majority

OCM138/07/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Ellis, seconded Cr Hawkins

That Council, in accordance with section 5.37(2) of the Local Government Act, accept the recommendation from the Chief Executive Officer that an Acting Director be employed on a temporary basis whilst the recruitment for the position of Director Engineering is undertaken.

CARRIED UNANIMOUSLY

8.6. Confidential Reports:

COUNCIL DECISION

Moved Cr Piipponen, seconded Cr Gossage

That the meeting be closed to members of the public at 8.16pm to allow Council to Discuss Confidential Items OCM139/07/16 Lot 61 (#6) Gloaming Way, Darling Downs – Section 31 Reconsideration for Retrospective Commercial Vehicle Parking, OCM140/07/16 Section 31- Reconsideration for Development Application for Place of Public Worship and Caretaker's Dwelling Lot 7 Kargotich Road, Oldbury and OCM141/07/16 Acting Chief Executive Officer Key Objectives, in accordance with section 5.23(2) of the Local Government Act 1995.

CARRIED UNANIMOUSLY

Members of the public were asked to leave the meeting while Confidential Items OCM139/07/16, OCM140/07/16 and OCM141/07/16 were discussed. The doors were closed at 8.17pm.

Councillor Ellis declared an impartiality interest in item OCM139/07/16 as the President of the Darling Downs Residents Association. Cr Ellis stated this will not affect the way in which he votes and will partake in the debate and vote on this agenda item.

OCM139/07/16	CONFIDENTIAL - Lot 61 (#6) Gloaming Way, Darling Downs – Section 31 Reconsideration for Retrospective Commercial Vehicle Parking (P00657/03)
Author:	Heather Coles-Bayes – Planning Officer
Senior Officer:	Andre Schonfeldt – Director Planning
Date of Report:	23 June 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Voting Requirements: Simple Majority

OCM139/07/16 COUNCIL DECISION / Amended Officers Recommendation:

Moved Cr Piipponen, seconded Cr Ellis

That Council approves the application submitted by S and K Treble for 'commercial vehicle parking' as indicated on the approved plans and does not relate to any other development on Lot 61 (#6) Gloaming Way, Darling Downs, subject to the following conditions:

1. Approval is for the parking of one (1) 13.5 tonne medium rigid truck together with its load of one (1) skid loader and two (2) excavators with a width of less than 2.5m, total length of no more than 12.5m and a height not exceeding 3m.
2. The parking of the commercial vehicles shall be restricted to the area coloured red on the approved site plan.
3. Approval is specific to the applicant only and does not run with the land.
4. The owner of the commercial vehicles must reside on the property.
5. No mechanical servicing of the commercial vehicles, panel repairs, painting, wash-down or degreasing, shall occur on site.

- 6. The commercial vehicles shall not be started / operated before 6:30am or after 4:00pm Monday to Friday and shall not be started / operated on Saturdays, Sundays and / or Public Holidays.**

CARRIED UNANIMOUSLY

OCM140/07/16	CONFIDENTIAL - Section 31- Reconsideration for Development Application for Place of Public Worship and Caretaker's Dwelling Lot 7 Kargotich Road, Oldbury (P03500/01).
Author:	Helen Maruta - Senior Planning Officer
Senior Officer:	Andre Schonfeldt - Director Planning
Date of Report:	30 June 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

COUNCIL DECISION

Moved Cr Gossage, seconded Cr Urban

That Standing Orders 9.5, 9.6, 10.7 and 10.13 be suspended at 8.29pm to further discuss item OCM140/07/16.

CARRIED UNANIMOUSLY

COUNCIL DECISION

Moved Cr Hawkins, seconded Cr See

That Standing Orders be re-instated at 8.49pm

CARRIED UNANIMOUSLY

Voting Requirements: Simple Majority

Officers Recommendation

That Council reconsiders its decision of 26 April 2016 and approves the application submitted by Sahibzada Fateh Singh Jee Inc. for a Place of Public Worship and a Caretakers dwelling as indicated on the approved plans and does not relate to any other development on Lot 7 Kargotich Road, Oldbury, subject to the following conditions:

1. The extent of development is to be consistent with that shown on the approved plans attached to and forming part of this approval.
2. Prior to the submission of a building permit the applicant/owner shall submit a revised plan illustrating retention of trees located within the north eastern corner of the site and relocation of the vehicle access way to the satisfaction of the Shire of Serpentine Jarrahdale.
3. Prior to the commencement a detailed schedule of colours and finishes for all buildings shall be submitted and approved by the Shire and thereafter implemented.
4. Prior to the commencement of works an Urban Water Management Plan shall be submitted and approved by the Shire and thereafter implemented.
5. Prior to the occupation of the development a Landscape and Vegetation Management Plan shall be submitted and approved by the Shire and thereafter implemented.
6. Prior to the commencement of works a notification pursuant to section 70A of the Transfer of Land Act 1893 is to be placed on the certificate of title and included on the diagram or plan of survey. The notification is to state as follows:

- a. **The land is located within the 1000 metre buffer area to the future West Mundijong Industrial Area and as such may be subject to associated off-site impacts from industrial land uses including noise, smoke, dust, odour, vibration and light.**
 - b. **The Caretakers Dwelling is to be used in accordance with the definition contained within Town Planning Scheme No. 2 (as amended) which is a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office or recreation area carried on or existing on the same site. The Caretaker's Dwelling is to be constructed with an internal floor area not exceeding 100m².**
7. **Prior to the commencement of works a set of floor plans and elevation plans for the Caretaker's dwelling shall be submitted and have been approved by the Shire and thereafter implemented.**
 8. **Prior to the commencement a geotechnical report prepared by a suitably qualified professional shall be submitted and approved by the Shire and thereafter implemented,**
 9. **Prior to the commencement of a Bushfire and Emergency Management Plan shall be submitted and approved by the Shire and thereafter implemented.**
 10. **Prior to the commencement of works a Dust Management Plan shall be submitted and approved by the Shire and thereafter implemented.**
 11. **Prior to the commencement of works a Flood Management Plan shall be submitted and approved by the Shire and thereafter implemented.**
 12. **Prior to the occupation of any part of the development, the landowner shall provide 125 car parking bays in accordance with the approved plans.**
 13. **Prior to occupation of any part of the development, the landowner shall design and construct (at his own cost) a left turn deceleration lane and left turn acceleration lane on Kargotich Road in accordance with the approved Road Widening Concept Plan to the satisfaction of the Shire.**
 14. **Prior to the occupation of any part of the development, the landowner shall widen the southbound carriageway of Kargotich Road in accordance with the approved Road Widening Concept Plan to the satisfaction of the Shire**
 15. **Prior to the occupation of any part of the development, the vehicle parking area, access ways, crossover, turning lanes and road widening shall be designed, constructed, sealed, kerbed, drained, line marked in accordance with the approved Road Widening Concept Plan to the satisfaction of the Shire.**
 16. **Prior to the occupation of any part of the development, a Traffic Management Plan prepared by a suitably qualified professional the landowner shall be submitted and approved by the Shire and thereafter implemented.**
 17. **Prior to the occupation of any part of the development, the landowner shall install an approved effluent disposal system.**
 18. **Prior to the occupation of any part of the development, a Noise Management Plan prepared by a suitably qualified professional shall be submitted and approved by the Shire, and thereafter implemented.**
 19. **Prior to the occupation of any part of the development, the landowner shall provide a water supply of minimum capacity of 120,000 litres to the satisfaction of the Shire.**

20. No signs are to be displayed in the road reserve adjacent to the site at any time.
21. All storm water shall be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, and watercourse and drainage lines is not permitted.
22. All existing native trees and / or revegetated areas on the subject lot shall be retained and shall be protected from damage prior to and during construction.

OCM140/07/16 COUNCIL DECISION / New Motion:

Moved Cr Gossage, seconded Cr Urban

That Council reconsiders its decision of 26 April 2016 and approves the application submitted by Sahibzada Fateh Singh Jee Inc. for a Place of Public Worship and a Caretakers dwelling as indicated on the approved plans and does not relate to any other development on Lot 7 Kargotich Road, Oldbury, subject to the following conditions:

1. The extent of development is to be consistent with that shown on the approved plans attached to and forming part of this approval.
2. Prior to the submission of a building permit the applicant/owner shall submit a revised plan illustrating retention of trees located within the north eastern corner of the site and relocation of the vehicle access way to the satisfaction of the Shire of Serpentine Jarrahdale.
3. Prior to the commencement a detailed schedule of colours and finishes for all buildings shall be submitted and approved by the Shire and thereafter implemented.
4. Prior to the commencement of works an Urban Water Management Plan shall be submitted and approved by the Shire and thereafter implemented.
5. Prior to the occupation of the development a Landscape and Vegetation Management Plan shall be submitted and approved by the Shire and thereafter implemented.
6. Prior to the commencement of works a notification pursuant to section 70A of the Transfer of Land Act 1893 is to be placed on the certificate of title and included on the diagram or plan of survey. The notification is to state as follows:
 - a. The land is located within the 1000 metre buffer area to the future West Mundijong Industrial Area and as such may be subject to associated off-site impacts from industrial land uses including noise, smoke, dust, odour, vibration and light.
 - b. The Caretakers Dwelling is to be used in accordance with the definition contained within Town Planning Scheme No. 2 (as amended) which is a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office or recreation area carried on or existing on the same site. The Caretaker's Dwelling is to be constructed with an internal floor area not exceeding 100m².
7. Prior to the commencement of works a set of floor plans and elevation plans for the Caretaker's dwelling shall be submitted and have approved by the Shire and thereafter implemented.

8. Prior to the commencement a geotechnical report prepared by a suitably qualified professional shall be submitted and approved by the Shire and thereafter implemented,
9. Prior to the commencement of a Bushfire and Emergency Management Plan shall be submitted and approved by the Shire and thereafter implemented.
10. Prior to the commencement of works a Dust Management Plan shall be submitted and approved by the Shire and thereafter implemented.
11. Prior to the commencement of works a Flood Management Plan shall be submitted and approved by the Shire and thereafter implemented.
12. Prior to the occupation of any part of the development, the landowner shall provide 125 car parking bays in accordance with the approved plans.
13. Prior to occupation of any part of the development, the landowner shall design and construct (at his own cost) a left turn deceleration lane and left turn acceleration lane on Kargotich Road in accordance with the approved Road Widening Concept Plan to the satisfaction of the Shire.
14. Prior to the occupation of any part of the development, the landowner shall widen the southbound carriageway of Kargotich Road accordance with the approved Road Widening Concept Plan to the satisfaction of the Shire
15. Prior to the occupation of any part of the development, the vehicle parking area, access ways, crossover, turning lanes and road widening shall be designed, constructed, sealed, kerbed, drained, line marked accordance with the approved Road Widening Concept Plan to the satisfaction of the Shire.
16. Prior to the occupation of any part of the development, a Traffic Management Plan prepared by a suitably qualified professional the landowner shall be submitted and approved by the Shire and thereafter implemented.
17. Prior to the occupation of any part of the development, the landowner shall install an approved effluent disposal system.
18. Prior to the occupation of any part of the development, a Noise Management Plan prepared by a suitably qualified shall be submitted and approved by the Shire, and thereafter implemented.
19. Prior to the occupation of any part of the development, the landowner shall provide a water supply of minimum capacity of 120,000 litres to the satisfaction of the Shire.
20. No signs are to be displayed in the road reserve adjacent to the site at any time.
21. All storm water shall be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, and watercourse and drainage lines is not permitted.
22. All existing native trees and / or revegetated areas on the subject lot shall be retained and shall be protected from damage prior to and during construction.
23. The owner shall execute and provide to the Shire of Serpentine Jarrahdale, a notification pursuant to section 70A of the *Transfer of Land Act* to be registered on the title of the property as notification to proprietors and/or (prospective) purchasers of the property of the following:
 - a. the land is located within the 1 in 100 year flood plain which is subject to flooding and may be susceptible to inundation. A Deed of Indemnity is

required to indemnify the Shire of Serpentine Jarrahdale in relation to any possible claims for damage should a flood event occur.

The Section 70A Notification shall be prepared by the Shire’s solicitors to the satisfaction of the Shire of Serpentine Jarrahdale. All costs of, and incidental to, the preparation of and registration of the Section 70A Notification, including the Shire’s solicitor’s costs, shall be met by the applicant/owner of the land. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the place of public worship.

CARRIED 6/3

OCM141/07/16	CONFIDENTIAL - Acting Chief Executive Officer Key Objectives (H0477)
Senior Officer:	Gary Clark – Acting Chief Executive Officer
Date of Report:	11 July 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Voting Requirements: Simple Majority

OCM141/07/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Ellis, seconded Cr Urban

That Council approve the following actions to be pursued by the Acting Chief Executive Officer;

Our People

Primary Issues	Corporate Business Plan	Specific Actions
<ul style="list-style-type: none"> Organisational Development The leadership group and their role within organisational culture Culture Skills and training with a specific focus on implementation and embedding the knowledge into the workplace 	<ul style="list-style-type: none"> (1.1.1.1 – Review cultural values) (1.1.1.2) – Implement workforce plan, communicate and inform staff (1.2.1.1) – Invest and coordinate training and personal development (1.2.1.3) Ensure working environment is vibrant, safe, progressive and innovative 	<ul style="list-style-type: none"> Conduct a comprehensive Staff Survey Develop a plan to respond to the Staff Survey findings in consultation with staff Commence implementation of the plan Embed the Shire's values into the organisation
<ul style="list-style-type: none"> Internal Communications Ensure that staff are informed about Council decisions and strategic objectives Ensure all relevant staff are aware of projects that are being planned 	<ul style="list-style-type: none"> (1.2.3.1) – Develop and implement a communications strategy 	<ul style="list-style-type: none"> Add internal communications strategies to the communications strategy Provide feedback to Staff group following Council Meetings Hold regular meetings with the Leadership and Management teams to clarify Project managers engage with internal stakeholders during project planning.
<ul style="list-style-type: none"> Improved Customer Service 	<ul style="list-style-type: none"> The Shire's Vision and the Values are reinforced with staff 	<ul style="list-style-type: none"> Embed the Shire's values into the organisation

Community

Primary Issues	Corporate Business Plan	Specific Actions
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<ul style="list-style-type: none"> Community Engagement Managing Expectations External Communications 	<ul style="list-style-type: none"> (1.2.3.1) Develop and implement a Communications Strategy (1.4.1.1) Develop and review a Community Engagement Strategy 	<ul style="list-style-type: none"> Develop a Community Engagement Strategy Commence implementation of the Community Engagement Strategy Use IPR to manage expectations Conduct a community perceptions survey
<ul style="list-style-type: none"> Project and Service Delivery Stakeholder Management Service Delivery 	<ul style="list-style-type: none"> (2.1.1.3) Project Planning (1.1.1.1) Update annual work plans 	<ul style="list-style-type: none"> Embed project planning principles throughout the Shire operations Organisational wide project planning workshops

Council

Primary Issues	Corporate Business Plan	Specific Actions
<ul style="list-style-type: none"> Improved Meetings Improve decision making Focus on strategic priorities Structure and conduct of meetings Review Working Groups 	<ul style="list-style-type: none"> (1.2.3.1) Develop and implement a Communications Strategy (1.2.3.2) Organisation to establish a framework for the development and implementation for policies and strategies (1.3.2.1) Provide a Councillor information pack and induction training for any new Councillors (1.3.3.1) Invest in training for Councillors (1.3.3.2) Identify a Councillor development plan 	<ul style="list-style-type: none"> Manage public conduct at Council meetings Ensure that all Council decisions are based on comprehensive advice and evidence. Conduct a review of Councillor Working Groups and align with strategic priorities Improve structure of Policy Concept Forums and align with Strategic Plan
<ul style="list-style-type: none"> Integrated Planning & Reporting (IPR) Major Review of the Strategic Community Plan Major Review of the Corporate Business Plan Review of informing strategies Review of the Long Term Financial Plan 	<ul style="list-style-type: none"> There are multiple references to developing various informing strategies in the CBP however there is no reference to reviewing the SCP. (2.1.1.1) Update the Shire's asset management plans. 	<ul style="list-style-type: none"> Plan and commence the IPR processes to review the Strategic Community Plan Commence a review of all informing strategies to ensure that there has been adequate community engagement Explore options to include participatory budgeting in the community engagement strategy
<ul style="list-style-type: none"> Improve regular communication between staff and elected members Minimise negative 	<ul style="list-style-type: none"> (1.2.3.1) Develop and implement a Communications Strategy (1.2.4.1) Ensure Directorate Information 	<ul style="list-style-type: none"> Develop a communications plan for approval by Council to ensure regular updates on strategic objectives and

media reports	reports are presented to Council	projects. <ul style="list-style-type: none"> Regular positive media releases
<ul style="list-style-type: none"> Information Sessions & Workshops 	<ul style="list-style-type: none"> Improve understanding of strategic issues and projects Build mutual understanding and teamwork amongst elected members and staff 	<ul style="list-style-type: none"> Hold monthly Information Sessions & Workshops on specific issues to improve mutual understanding and build teamwork

CARRIED UNANIMOUSLY

COUNCIL DECISION:

Moved Cr Urban, seconded Cr Hawkins

That the meeting be reopened to the public at 8.53pm.

CARRIED UNANIMOUSLY

Members of the public returned to the Chambers and the Presiding Members advised that an amended motion was carried for item OCM139/07/16 with a unanimous vote. The officers recommendation was carried for item OCM140/07/16 with a vote of 6/3 and the officers recommendation was carried for item OCM141/07/16 with a unanimous vote.

9. Motions of which notice has been given:

OCM146/07/16	Policy for Chief Executive Officer Reporting
Author	Councillor Barry Urban
Date of Report:	25 July 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

OCM146/07/16 COUNCIL DECISION / Councillor Recommendation

Moved Cr Urban, seconded Cr Rich

That the council provides a policy that outlines the monthly activity and events of the Chief Executive Officer, who he is meeting with, the subject of the meeting and the outcome of the meeting in accordance with the Strategic plan for the shire.

The policy is to extend to the attendance of conferences and professional training the Chief Executive Officer attends as part of his position as Chief Executive Officer. This should be aligned to the Chief Executive Officer's Contract of Employment and the Shire's Strategic plan and the annual budget.

The policy will explain when the Chief Executive Officer is on annual leave (that is signed by the Shire President), personal leave and any other days of absence. This will be reported to all council when the days are booked, or as soon as the Chief Executive Officer is aware he will not be attending work.

The Chief Executive Officer is to be removed from the Shire staff entitlements policy G915 and a policy to be created to reflect the employment of the Chief Executive Officer.

This is to provide open, transparent and accountable governance.

The policy to be reported to Council in September 2016 meeting.

CARRIED 5/4

OCM147/07/16	Policy for Shire President Reporting
Author	Councillor Barry Urban
Date of Report:	25 July 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

OCM147/07/16 COUNCIL DECISION / Councillor Recommendation:

Moved Cr Urban, seconded Cr Piipponen

A policy is created and provided to council, that reports each month outlining the events the Shire President attends, who he is meeting with, what the subject of the meeting is and what the outcome of the meeting in accordance with the Strategic plan for the shire.

The policy is to include if the Shire President is not available for meetings, the Shire Deputy President is to be notified and if unavailable a Councillor is to be arranged in order that a shire representative is in attendance at the event.

This is to provide open, transparent and accountable governance.

The policy to be created and reported to Council on the September 2016 meeting.

CARRIED 5/4

10. Information Reports:

OCM142/07/16	Chief Executive Officer Information Report (SJ1508)
Author:	Kirsty Peddie – Executive Assistant
Senior Officer:	Gary Clark – Acting Chief Executive Officer
Date of Report:	8 July 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

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

Attachments:

- [OCM142.1/07/16](#) - Common Seal Register Report – May 2016 (E02/5614)
- [OCM142.2/07/16](#) – Peel Zone Meeting Minutes – June 2016
- [OCM142.3/07/16](#) – Growth Alliance Perth and Peel Minutes – June 2016

Voting Requirements: Simple Majority

OCM142/07/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Urban, seconded Cr Piipponen

That Council accept the Chief Executive Officer Information for June 2016.

CARRIED UNANIMOUSLY

OCM143/07/16	Corporate and Community Information Report (SJ514-07)
Author:	Elba Strijdom – PA to Director Corporate and Community
Senior Officer/s:	Alan Hart – Director Corporate and Community
Date of Report:	8 June 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction

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

Attachments

- [OCM143.1/07/16](#) – Delegated Authority – Financial Services 1-30 June 2016 (E16/5216)
- [OCM143.2/07/16](#) – Minutes of the SJ CRC Board Meeting – 8 June 2016 (IN16/13307)

Voting Requirements Simple Majority

OCM143/07/16 COUNCIL DECISION / Officer Recommendation

Moved Cr Piipponen, seconded Cr Gossage

That Council accept the Corporate and Community Information Report.

CARRIED UNANIMOUSLY

OCM144/07/16	Planning Information Report (SJ514-07)
Author:	Mary-Ann Toner - Personal Assistant to the Director Planning
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	2 July 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

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

- [OCM144.1/07/16](#) Planning, Building, Health, Rangers and Development Compliance – Delegated Authority Information Report (E16/5198)
- [OCM144.2/07/16](#) Scheme Amendment, Local Planning Policies and Local Structure Plans (E12/3985)

Voting Requirements Simple Majority

OCM144/07/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Piipponen, seconded Cr Urban

That Council accept the Planning Information Report for June 2016.

CARRIED UNANIMOUSLY

OCM145/07/16	Engineering Services Information Report (SJ514)
Author:	Courtney Owston – Engineering Support Officer
Senior Officer:	Doug Forster – Director Engineering
Date of Report:	08 July 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

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

Attachments:

- [OCM145.1/06/16](#) – Engineering Delegation of Authority Report, June2016 (E16/5339)

Voting Requirements: Simple Majority

OCM154/07/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Urban, seconded Cr Piipponen

That Council accept the Engineering Services Information Report.

CARRIED UNANIMOUSLY

11. Urgent Business:

Councillor Rich provided the following motion by way of Urgent Business in relation to the abolition of the Development Assessment Panels:

Councillor Hawkins foreshadowed a motion to defer the item if the motion under debate is lost, stating that more information is required.

COUNCIL DECISION

Moved Cr Ellis, seconded Cr Hawkins

That Standing Orders 9.5, 9.6, 10.7 and 10.13 be suspended at 9.14pm to further discuss the Urgent Business item.

CARRIED 5/4

COUNCIL DECISION

Moved Cr Urban, seconded Cr Gossage

That Standing Orders be re-instated at 9.17pm

CARRIED UNANIMOUSLY

COUNCIL DECISION

Moved Cr Rich, seconded Cr Urban

That:

- A. The Minister for Planning and the Shadow Minister for Planning be advised that the Shire of Serpentine Jarrahdale:**
- 1. Advocates for the abolition of Development Assessment Panels (DAPs) on the basis that:**
 - 1.1 DAPs by means of their majority unelected membership are not democratic bodies representing the ratepayers and accordingly do not reflect the aspirations or values of the community;**
 - 1.2 DAPS represent a significant erosion of planning powers by elected representatives who have been given a mandate by ratepayers to make these decisions; and**
 - 1.3 Previous decisions made by the Metropolitan East Development Assessment Panel have gone well beyond the purpose, intent and application of relevant Local Planning Scheme and Policies adopted by the Shire of Serpentine Jarrahdale; and**
 - 2. Advocates for consideration of the following reforms, in the event that DAPs remain in place, to ensure greater accountability, transparency and procedural fairness for ratepayers through the Panel's assessment and decision making processes:**
 - 2.1 Abolishing the current opt in mechanism which allows applicants to choose either elected Councils or the DAP as the decision maker in favour of a Ministerial call in power for projects of state or regionals significance, with a minimal value of \$20 million, as has been adopted in the eastern states;**

- 2.2 Requiring equal membership on the DAP between Local Government and Appointed Specialist members;**
 - 2.3 Requiring the DAP to set the meeting date for consideration of the development applications no later than five working days after the application being received to enable inclusion within the community consultation process;**
 - 2.4 Requiring the DAP agenda and local government report and recommendation to be published no less than ten business days prior to the scheduled meeting date;**
 - 2.5 Requiring a minimum of five business days between publishing the DAP agenda and the date by which ratepayers can make public presentations to the DAP, to provide more time to prepare a formal response;**
 - 2.6 Mandating that respondents to the development application can nominate e-mail or Australia Post as their preferred contact method for information and requiring the local government to contact registered respondents throughout the process as deadlines are reached;**
 - 2.7 Providing a public template for ratepayers to assist with the preparation of feedback as part of the Community consultation process;**
 - 2.8 Requiring any changes to a development application between the community consultation period and final proposal for decision by the DAP to be published on the local government’s website and to notify all respondents to the original community consultation of those changes; and**
 - 2.9 Removing the need for the local government to obtain the applicant’s consent for further consultation or an extension of time to report the applicant’s development proposal to a DAP meeting for determination.**
- B. The Western Australian Local Government Association (WALGA) be advised of the Shire’s concerns with the actions and decisions of the Development Assessment Panels.**
- CARRIED 6/3**

12. Councillor questions of which notice has been given:

Nil

13. Closure:

There being no further business the Presiding Member declared the meeting closed at 9.23pm.

I certify that these minutes were confirmed at the Ordinary Council Meeting held on 22 August 2016

.....
Presiding Member

.....
Date