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Minutes of the Ordinary Council Meeting held in the Council Chambers, 6 Paterson Street, Mundijong on Monday 26 October 2015. The Shire President declared the meeting open at 7.01pm and welcomed Councillors, staff and members of the gallery.

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

In Attendance:

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

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

Leave of Absence: Nil

Apologies: Nil

Observers: Nil

Members of the Public – 39

Members of the Press – 1

2. Response to previous public questions taken on notice:

No questions were taken on notice at Ordinary Council Meeting 12 October 2015.

3. Public question time:

Public question and statement time commenced at 7.02pm

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

Question 1

Is the resolution regarding the manner in which questions and statements are asked from the gallery going to be revoked?

Response:

The Council have not resolved to revoke the policy.

Question 2

As the Shire is a corporation where is the written signed contract between me and the Council?

Response:

The Shire is not a corporation, it is a local government authority that was created by an Act of Parliament.

Question 3

Is the Shire of Serpentine Jarrahdale Council financially viable?

Response:

The Shire of Serpentine Jarrahdale's financial position is sound and is financially viable. This is demonstrated by the financial statements that were presented to Audit Committee earlier tonight where the Shire's audited financial reports at the 30th June 2015 reported a large surplus.

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

Question 1

Can the Shire President give an assurance that this new Council will be inclusive and open in its communication with all Councillors? Will the Shire President assure the community that all Councillors are elected to play an equal role without real or implied exclusion, and that past loyalties and allegiances will not govern the manner in which this new Council conducts its business?

Response:

The Shire President can assure the community that every effort will be employed to provide an inclusive, fair and accountable environment for all Councillors. The responsibility lies not only with the President, but with all Councillors to provide an open and accountable Council working together for the community.

Ms C Greenwood, 446 Hopelands Road, Hopelands, WA, 6125

Question 1

I would like to know the progress of the claim to be made for the damage caused by negligence to the above property due to an organised burn off held by Oakford Fire Service?

Response:

The Shire is currently in the process of seeking legal advice and will respond to your question once this is acquired.

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

Question 1

When is the Council going to stop the unauthorised parking on Lot 4 South Western Highway, Byford, along with the unapproved crossover and parking in the buffer zone of the creek on that property as the entry into Pittman Way is traffic hazard?

Response:

Council has been made aware of the parking of vehicles on Lot 4 South-western highway. The necessary compliance action will be initiated.

Question 2

Has the Council made a decision, considering the expected huge increase in large vehicles and loads with the upgrade bridge over Beenup Creek, whether to support the proposed slip road into Pittman Way as proposed by Main Roads to improve safety on the highway? If not, when will the Council decide?

Response:

Council has not formally made a decision regarding the proposed slipway into Pittman Way. This decision will be made when it is required through a formal process.

Question 3

Could I have a total sum of the monies that Councillor Ellis received, that is sitting fees and expenses for the period of two years that he was the Shire President? I do not want a break down, just the total amount.

Response:

Over the period of two years the former Shire President received \$148,558 in sitting fees and expenses.

Mr D Sagers, Lot 101 Kargotich Road, Oakford, WA, 6121

Question 1

With the area being very low lying and prone to flooding over winter months, how is the applicant keeping all storm water from the 125 car bays and buildings within the property boundary and not affecting Cardup Brook levels or adjoining property's in the vicinity?

Response:

Condition L takes care of the above matter: "L. Prior to the commencement of works the landowner shall submit and have approved by the Director Engineering an Urban Water Management Plan prepared by a suitably qualified professional, and thereafter implemented." Floodplain, flood levels, flood storage, fill requirements and freeboard separation between 100-Year Average Recurrence Interval (ARI) Top Water Levels and finished floor levels are just some of the matters requiring consideration in an Urban Water Management Plan in accordance with the Better Urban Water Management Framework.

The proponent will be expected to demonstrate through the Urban Water Management Plan that stormwater from parking and driveways will be treated prior to discharge to the receiving environment. Flood storage will be a relevant consideration of the Draft Lower Serpentine Drainage and Water Management Plan currently being finalised by the Department of Water. The proponent will be expected to further investigate floodplain impact of the proposal using the modelling information from Department of Water's Lower Serpentine Drainage and Water Management Plan. The Proponent will be required to seek further advice from a suitably qualified civil engineer and hydrologist.

Question 2

With no deep sewage in the area how does the applicant plan on removing sewage and wastewater from the property for up to 500 guests without affecting groundwater supplies and adjoining property's

Response:

An application for and approved Effluent Disposal System will be required prior to a building approval being issued. The application will initially be assessed by Shire officers before being forwarded to the Department of Health for approval to construct the onsite effluent disposal system.

Question 3

The applicants submission was put for public comment on an application for a community centre, this has now changed to a place of public worship and single residence. Has the amended application been published for public comment?

Response:

The application was advertised as submitted by the applicant. During the assessment stage the uses proposed were more appropriately categorised as a 'Place of Worship' and a 'caretakers dwelling'. The change to one (1) dwelling (caretakers dwelling) was required due to the proposed development being located within the West Mundijong Industrial Buffer Zone where the only form of residential use that could be considered is a 'caretakers dwelling'. The above changes did not materially change the original proposal as it essentially reduced the development. As such there was no requirement to readvertise.

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

I make it very clear that I did in no way do anything to support those elected to this Council for the elections of 2015 and therefore have no responsibility for the manner in which this Council may continue to operate. I do recognise that Councillor Dave Atwell is the only one I believe in. I have grave concerns that this Council can operate because of the financial situation it now faces. Insolvency is something that comes to

mind and all Councillors should recognise this. Although the Local Government Minister has made claims that you need training, I don't share his view at all, a piece of paper does not make you an expert and I believe some Councillors had the expert piece of paper and how has that helped the ratepayer.

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

My statement refers to the agenda item OCM210/10/15 Lot 7 Kargotich Road, Oldbury - Proposed Place of Worship, which is to be considered for approval at tonight's meeting, and which I believe should be deferred until such time as results of a thorough investigation into the environmental repercussions of this proposed development is available. Although the proposal refers to a visitor rate of some 15 to 20 people, the proposed community centre has a stated capacity of 500 people.

The site is known to be low lying and water logged during winter. It also forms portion of an overflow area for the Oakland Drain which bisects the property. There is no deep sewerage or reticulated water supply to the property.

I have a number of concerns relating to this proposal:

The land is low lying and subject to flooding. Heavy rain in winter causes water logging and may take days to drain away. Underlying a thin topsoil layer is coffee rock, which does not drain readily. Stagnant surface water may create a variety of health risks, given the proposed use of the land.

The land is an overflow area for the Oakland Drain and in heavy rainfall it has been known for the entire of Kargotich Road to be under water along that stretch. (Properties adjoining the Eastern side of the Drain may be flooded for days).

The house on the Southern, neighbouring property, Lot 282, required a pad of 2m in height due to the potential for flood overflow from the Oakland Drain. I am concerned that the degree of development (roads, parking areas, buildings and sewerage treatment) which will all require fill prior to construction, may increase flooding onto the neighbouring Lot 282 and other properties.

On the plans I received in March 2015 the Waste Water treatment is situated within the 20m Drain Buffer – which drains into the Peel System. There is real potential for contamination. Given the suggested 500 person capacity of the Centre, sewerage and waste water disposal must be considered high risk and subject to stringent environmental conditions to the standards required by the Peel Catchment authorities.

Access/ egress to site: Originally 3 driveways with gravel slip roads on at least 2 were proposed. This has been revised down to 2 roads with slip lanes which will be potentially dangerous given high speeds on Kargotich Rd and reduced visibility of traffic travelling North, due to the raised level crossing. Given the proximity to the new Industrial area to the South of the level crossing and resultant increase in traffic, high volumes of traffic entering and leaving this site will present added risk to all road users on Kargotich Road.

3am commencement of operations on Sundays and 9pm cessation may be disturbing to neighbours and not in keeping with the rural character of the area.

All proposed development is on the Eastern side of the Oakland Drain. However, as the majority of the property is on the Western side of the Drain, future proposals may include further development on that majority portion of Lot 7. There is no limitation to further development in the Officers Recommendation. Will future development mean that the entire site may be developed? This would not be in keeping with the rural character of the area.

Although the proposed use is discretionary under the Rural zoning, non-rural land uses are becoming more common and encroaching into rural areas. These set precedents which in time will change the rural character of areas into more intense land use which consequently puts more pressure on ground water quality and quantity as well as the greater Peel system.

Poor compliance checking is of great concern to me, the listed conditions may look good on paper but may never be checked or monitored.

I ask Council to consider the wider implications of this proposal and obtain detailed information on the environmental and other issues the proposal raises before making a decision. I also ask Council to require that standards and management procedures are acceptable to the Peel Catchment authorities.

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

I must compliment the Council on the charade that was the Special Council Meeting. I always enjoy a good charade and has not seen one as good since the old king died in 1952. It was just like an episode of Yes Minister complete with Sir Humphrey.

It was noticeable that when the committees were elected that there was not one Councillor appointed to the horse industry in any form and there are a number of groups representing various aspects of this industry and this was particularly disappointing as we are told this is the biggest industry in the Shire. Or are we just going back to the last Council when the Shire President was going about promising monies without any Council approval.

There was an appointment to the Darling Downs Group but as this group is only there to manage the 70 acres of Public Open Space that falls in that area and I see that the new President of the Darling Downs group is quoted in the minutes of their Annual General Meeting that they want to hand it back to the Shire in any case. What is happening to the \$180,000 that this group got from the Federal Government and are they going to finish off the work they started on the Public Open Space or will it come back to the Shire to pick up the bill to repair the damage they caused?

I notice that the Glades Residents Association did not get a mention, although they have worked hard to improve the area. Also this group are in the process of trying to sign a lease for a community garden but this will be difficult as they now have no avenue to the Council system.

I also notice that Councillor Hawkins is asking the Council to do a health check on the trotting complex to see if they all comply with the health requirements for the management of horse manure in the complex as she is worried about stable fly and odour. I applaud her concern and hope that the Council will be as vigilant in checking all approved stables in the Shire including those in the rural area of Darling Downs. Stable fly and odour are not unique to the trotting complex.

It was also disappointing to note that a large number of residents and ratepayers did not get a vote in the last election so in fact they were disenfranchised so much for democracy.

I notice that some of the parking around the Bendigo Bank and shopping area is taken up by long term parking by tenants of the shops, adding to the difficulties in parking there.

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

Please can the Shire of Serpentine Jarrahdale give all trees a dollar value and start promoting 2020Vision.

City of Bayswater Councillor Chris Cornish says that suburban Perth trees could be valued from \$10,000 up to around \$50,000 to deter attitudes among Councils and developers causing the loss of established trees. If a tree still needs to be knocked down, he believes it should be treated as an asset and paid for by the developer.

"I ran for Council to increase financial responsibility and sustainability, not trees. I became educated along the way and now see trees as a critical issue". Chris Cornish.

This is what we should be doing in Serpentine Jarrahdale, seeing trees as a critical issue. It is such a pity that we didn't start giving our trees a dollar value before all the new intensive development commenced. Presently we are seeing a huge number of trees being bulldozed to make way for housing and other development. This must be controlled, otherwise we are providing our children and grandchildren with a very bleak future in this Shire.

For example.

Recently a large number of mature trees were removed to make way for the new Coles Shopping Centre in Byford. All we have heard from our Council is the excitement of somewhere to shop and the employment opportunities this development will provide. None of you have commented about how sad it is that those mature trees have been destroyed and that they were a food source for Cockatoos and many other birds and insects. Those trees should have been given a dollar value and Coles made to pay for their destruction, or re-design their shopping centre to allow for the trees to remain.

All the banksia trees that are going to be removed for sand mining in King Road should have been given a dollar value. If the sand miners can't afford to pay, then the mining should not go ahead. I suggest that the money raised by developers and others who are prepared to pay for tree destruction goes into a fund that is managed by the Board of Landcare SJ. This Board presently consists of one Serpentine Jarrahdale Councillor, a Shire staff member and members of the community. All collection and use of this money should be very transparent and regularly updated on the Shire's web page. Community groups, schools and individuals who require financial support for environmental improvements that they want to carry out in this Shire should be able to apply.

The Burnley method is widely used across Australia for giving trees a dollar value, particularly for litigation and insurance purposes. All the information on this method can be found on the internet.

I am on the Board of the Nursery Industry of WA and our industry is actively promoting the 2020Vision. The aim is to get 20% more trees and other flora into our environment throughout urban Australia by 2020. I have been reliably informed that two Shire of Serpentine Jarrahdale staff attended a workshop on 2020Vision about 4 months ago. Since then we have heard nothing of 2020Vision from our Shire, yet many other local government areas are very actively getting on board with the concept and getting good publicity from it. Why not us? Giving our trees a dollar value could be an important part of our 2020Vision.

To kick start the process I will provide the dollar value of the trees that have been planted this year down the median strip in Paterson Street - \$0! Jacaranda trees are native to Brazil not Australia, they indicate a very poor environmental statement for our Shire. I request that in future no individual Councillor or senior staff member should be permitted to dictate what is grown, or destroyed, in our Shire's public places. Our Shire

employs a group of well qualified environmental staff and it appears that some senior staff members and Councillors have failed to consult them. With a new Council in place please can our Shire start making some important environmental improvements.

The Shire of Serpentine Jarrahdale and the SJ Community should become actively involved in 2020Vision and we can start by dollar valuing our trees.

Public question and statement time concluded at 7.25pm

5. Petitions and deputations:

5.1 Dr Peter Keating presented a deputation regarding item OCM207/10/15 - Lot 368 (#582) Henderson Road, Hopeland – Proposed Plant Nursery.

My name is Peter Keating. My business, Bioscience provides technical services to the intensive horticulture industries, and many of my clients operate in Serpentine Jarrahdale. Tonight you will be asked to vote on a Development Application by Hope Valley Nursery. The Hall family are a second generation, family owned business which moved from Hope Valley to Oakford 15 years ago. Their 15 acre property is now fully developed, and gainfully employs 26 people.

They are an accredited nursery operating to Industry Best Practice. They have a licence with AQIS, and have never had any complaint from neighbours about their operations or non-conformance with development conditions or water licence issues. The Hall family has purchased a new property on the Corner of Henderson and Hopelands Roads in Hopelands. On their behalf, Bioscience drafted a development application so their business can continue to expand. The application was lodged by Bioscience on the 14th November 2015. The application described a development which was continuing and improving industry best practice, in that it was completely isolated from the external environment. All the growing would be on plastic membranes, only slow release fertilisers would be used. The development would be contingent on obtaining the necessary water licence from the Department of Water, and license application had been lodged.

Because Bioscience is used to the development constraints of intensive horticulture within the Peel Harvey area, where fertiliser is seen as an environmental hazard, considerable emphasis was made on nutrient management. Included in the application was a Nutrient and Irrigation management Plan to Water Quality Protection note 30 standard. Despite making enquiries of the Shire over the next few months, it was not until 4 months later, on the 14th March that we were informed by town planners Allering that they had been delegated to do the planning work. By April, we became aware that the matter had been referred by their conscientious, but junior planner to other agencies who were not relevant in a planning sense to consider the application. Those agencies were the Peel Harvey Catchment Council, who have no statutory authority in planning, and the Department of Agriculture and Food, who have no involvement or experience in the nursery industry.

The Hall family, without any indication from the Shire that their application would be supported, 6 month after lodging their application were now required to provide an extraordinary level of detail. We prepared a high level hydrological report and a fully engineered set of stormwater management plans, drainage and irrigation drawings, we had the site surveyed - all at considerable cost and commercial risk to this family. Now, after 11 months, the Shire planning officers are recommending that the application be approved, but they also recommend that such approval has conditions, and most of those conditions are conditional on further approvals from Shire officers, in particular, the Director Engineering.

The purpose of this deputation to Council is to point out that planning commission guidance, in particular the document published in 2011 entitled Development Assessment Panel, Member Training Notes "Making Good Planning Decisions" in Section 3.4 goes into how and why development conditions should be applied. It's clear that apart from development conditions a and b, the remaining conditions seem to be at odds with this guidance. For those Councillors interested in the details, I have produced a brief document which refers to the development conditions which I feel are unfair or unreasonable and thus constitute poor planning.

I have sought to have this discussion with planning staff and these matters a number of times. They have chosen not to respond other than say the points I have made are noted, and if I have concerns, I should raise them at this deputation. I further point out, that in my role as a consultant, I have had many instances where I have been called as an expert witness before the State Administrative Tribunal. I am thus aware of the time and costs involved for SJ in attending to SAT matters, typically as a result of poor planning decisions.

As a consultant, my role is to serve the best interests of my clients. I seek to resolve matters in dispute in an expeditious and conciliatory way. In my over 20 years of dealing with development applications in SJ, I have found this to be increasingly difficult. I cannot say this about other neighbouring municipal authorities. I understand the problems and issues that have presented themselves, but I cannot comfort my clients with this as a satisfactory reason why planning decision take so long and for them have become arduous and commercially risky. They simply want to get on with business.

I congratulate the newly elected Councillors. I have no wish to rain on your party, and although I am here now to represent the interests of my client the Hall family, I feel I need to advise you that there is a new wave of people in the horticulture industries seeking to establish new business in the Shire. There are two such applications already lodged, and already they are experiencing the same difficulties. It is as if they are denied natural justice by assuming they are environmental vandals who have to go to great lengths to prove they will operate in a proper way - just to get a development approval. I have a number of others pending, with application on hold because of the reputation of SJ in very lengthy delays and unreasonable development conditions. Just today one of my clients expressed his anger at still not having an outcome after many months of waiting, and he compared his experience with those of a colleague in Wanneroo who with essentially the same type of application had approval within a month.

The Hall family showed the development application, NIMP's, drainage and stormwater management plans, Hydrological Surveys, Licensed Surveyors work to a service provider from Victoria who works all over Australia. Mr Carl Van Loon of PowerPlants could not believe it. In his many years working throughout every state in Australia he had never seen a development application which went into so much detail, and at so much cost to the applicant. Councillors, the horticulture industry is an important business in Serpentine Jarrahdale. It generates wealth and employment. It is environmentally benign, and most operators adhere to industry best practice. It is a requirement if they are to sell their goods into ever more quality aware distribution networks.

If the Shire is open for business it must address the difficulties that the Hall family have faced. I urge you to support the planning officers principal recommendation to approve the application. But I also ask you to remove the further impost and uncertainty by removing unfair development conditions which the planning commission guidance say are bad planning outcomes.

6. President's report:

I would like to open my first Presidents report by thanking Councillor Keith Ellis for all his work over the last two years as Shire President.

During his Presidency Councillor Ellis, together with the CEO, Community and officers, had the unenviable task of battling amalgamation and the challenges that arose to reinstate and re-establish the shire after the amalgamation process was abandoned.

I would also like to thank Former Councillors Kirkpatrick, Moore, Rossiter and Wilson for their service to the Council and wish them every success in the future.

I would like to congratulate and welcome newly elected Councillors Atwell, Gossage, Rich and See and newly re-elected Councillor Piipponen.

I would like to reaffirm my commitment to you that I will endeavour to provide an open accountable and inclusive culture within Council and know that my fellow Councillors will all work together for a great SJ.

I would like to thank Minister Tony Simpson for meeting with the CEO and myself late last week. During the meeting we discussed the bright future in front of the Shire and how the Shire wishes to work with the minister for the advancement of SJ.

Minister Simpson echoed the sentiment and we ended the meeting looking forward to a positive working relationship.

Finally I would like to thank the many well-wishers whom I have spoken with in the last week and genuinely ask the community to partner with Council to work toward a bright future.

7. Declaration of Councillors and officers interest:

Councillor Piipponen declared a financial interest in item OCM207/10/15 as the property that is the subject of the report is a direct neighbour and Cr Piipponen will leave the meeting while this item is discussed.

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

8.1 Audit Committee Meeting – 12 October 2015

COUNCIL DECISION

Moved Cr Hawkins, seconded Cr Urban

That the minutes of the Audit Committee Meeting held on 12 October 2015 be confirmed (E15/5280).

CARRIED UNANIMOUSLY

8.2 Ordinary Council Meeting – 12 October 2015

COUNCIL DECISION

Moved Cr Ellis, seconded Cr Hawkins

That the minutes of the Ordinary Council Meeting held on 12 October 2015 be confirmed (E15/5285).

CARRIED UNANIMOUSLY

8.3 Special Council Meeting (Swearing in Ceremony) – 19 October 2015

COUNCIL DECISION

Moved Cr Hawkins, seconded Cr Piipponen

That the minutes of the Special Council Meeting (Swearing in Ceremony) held on 12 October 2015 be confirmed (E15/5285).

CARRIED UNANIMOUSLY

9. Motions of which notice has been given:

Councillor Piipponen declared a proximity interest in item OCM207/1015 and left the meeting at 7.37pm while the item was discussed.

OCM207/10/15	Lot 368 (#582) Henderson Road, Hopeland – Proposed Plant Nursery (P01406/04)
Author:	Leonard Long – Acting Manager Planning
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	26 August 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Bioscience Pty Ltd
 Owner: A & M Hall Properties Pty Ltd
 Date of Receipt: 20 November 2014
 Lot Area: 464,000m² (46.4ha)
 Town Planning Scheme No. 2 Zoning: 'Rural, Drainage Purposes'
 Metropolitan Region Scheme Zoning: 'Rural'

Introduction:

The purpose of this report is to consider the development application for a 'plant nursery' on Lot 368 (#582) Henderson Road, Hopeland which would result in the relocation and expansion of the Hope Valley Nursery which currently operates an existing plant nursery at Lot 26 (#37) Holmes Road, Oakford.

The development application is presented to Council for consideration as it contains a series of dams which have been determined as 'high risk' under draft Local Planning Policy No. 33 Construction of Dams (LPP 33).



Aerial Photo (23 February 2015)

Background:

Existing Development:

The subject site has a total area of 46.4ha and is currently used for agricultural purposes and stock grazing. The subject site contains a Resource Enhancement category wetland which covers the majority of the land. In December 2014 the Department of Parks and

Wildlife (DPaW) resolved to reclassify the wetland on the site to a Multiple Use category damp land.

Proposed Development:

Bioscience Pty Ltd, on behalf of the landowners, is seeking a development approval to establish a plant nursery at the subject site. Details of the proposed plant nursery operation are provided as follows:

Stages and Timing:

- A 24ha portion of the site will be used for the proposed plant nursery, split into four (4) stages of six (6) ha each.
- Remaining land to the north of the nursery will be used for irrigation and grazing pastures.

Hours of Operation:

- 7:00am and 4:30pm in summer and 8:00am and 5:30pm in winter.

Staff

Stage	Stage 1	Stage 2	Stage 3	Stage 4	Total
No. of Staff	5	10	5	5	25

Traffic and Car Parking:

- It has been estimated that a total of 25 vehicles will be parked at the site once fully operational.
- The proponent has indicated that one (1) truck per week will take material out of the site for deliveries. On average, one (1) truck per fortnight will bring compost to the site, comprising composed pine bark delivered by a b-double and bailed compacted peat delivered on pallets by small trucks.
- All new plants and fertilisers will be brought to the site by regular passenger vehicles as part of the daily vehicle movements.

Site Infrastructure:

No new buildings are proposed as part of the development application.

Irrigation and Water Abstraction:

- Irrigation water from bores will be pumped into a series of combined irrigation / storm water dams from where it will be pumped onto production areas.
- The plants will be containerised and placed on blue metal gravel over plastic sheeting.
- Stage 1 will comprise conventional overhead sprinklers.
- Stages 2, 3 and 4 will comprise drip irrigation and overhead sprinklers.
- The proponent has suggested that run-off water will evaporate, keep the blue metal surface cool and improve humidity around plants.

Drainage and Water Recycling:

Site drainage will be via a series of perimeter and internal spoon drains connecting to the four (4) site dams located within the site. The dams are designed to contained 1 in 20 year AFI storm events, with the overflow from 1 in 100 year events occurring into the 5m vegetated buffer area adjacent to the Water Corporation drain. The 5m vegetated buffer area will be designed as a trickle path from each dam to the centre of the property to provide for nutrient stripping before entering the drain.

Dam No.	Capacity	Base Dimension	Top Dimension	Depth
1	1,948m ³	1,200m ²	1,400m ²	1.5m
2	593m ³	300m ²	500m ²	1.5m
3	1,235m ³	750m ²	900m ²	1.5m
4	1,379m ³	750m ²	1,100m ²	1.5m

Water Corporation Drain:

A constructed Water Corporation drain runs through the property which eventually discharges into the Punrak Drain / Dirk Brook outlet, then ultimately the Serpentine River and Peel Harvey Estuary. An existing drain easement of 20m currently is fenced off from stock. As part of the Stormwater Strategy prepared by the proponent, a vegetated buffer will be planted with a width of 5m on each side of the stock fence creating a vegetated corridor on each side of the drain. A 5m asphalt roadway will form a further separation buffer to nursery growing areas.

A total of three crossings will be constructed as part of the operation, which include the existing centrally located crossing and two new crossings adjacent to the east and west property boundaries. It is proposed that all three crossings will be designed as box culvert crossings.

Fertiliser Use:

The proponent advised that Controlled Release Fertilisers (CRFs) will be used on site and will be blended with a soil mix consisting of composted pine bark and peat. Nutrients will be released from coated fertilizer pills through osmosis at a rate that is proportional to plant nutritional demands. The proponent has confirmed that no composting will occur on-site.

The following measures have been provided by the proponent for the safe management and storage of fertilisers:

- Fertilisers will be stored in a cool, dry location.
- Once controlled release fertilisers are blended into the media, the blended soil will be used immediately or the substrate will be stored in a cool location.
- Fertiliser storage structures will comply with local, state, and federal guidelines.
- They will include a concrete pad and curb to contain spills and leaks and be protected from rainfall and irrigation.

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this application.

Community / Stakeholder Consultation:

The application has been advertised as per clause 6.3 of the Town Planning Scheme No. 2 (TPS 2), no objections have been received.

Government Agencies / Departments:

- Department of Environment Regulation (DER)
- Environmental Protection Authority (EPA)
- Department of Water (DoW)
- Department of Agriculture & Food (DAFWA)
- Department of Parks and Wildlife (DPaW)
- Peel-Harvey Catchment Council (PHCC)
- Water Corporation

The submissions received in response to the proposed development have been addressed as follows and where necessary, appropriate conditions imposed.

Nutrient Discharge:

Potential for nutrient pollution of groundwater and drainage water is a significant issue in this district and the Peel-Harvey Coastal Catchment, including this site, and new developments are required to be assessed in accordance with SPP 2.1, Peel-Harvey Catchment Environmental Protection Policy and the Peel-Harvey Water Quality Improvement Plan

(WQIP). Clarification has also been sought as to whether any fertilisers will be used within the pasture area.

Applicant response:

The proposed nursery development will effectively reduce current nutrient discharge from grazing by using slow release fertilisers in highly nutrient absorbent soils, with plant biomass removed to retail outlets, the effective discharge will be zero, thereby exceeding Water Quality Improvement Plan targets.

The pasture irrigation serves to remove excess stormwater and salt from the recirculating irrigation system. It further serves as a back-up should the system deployed to eliminate nutrient leaching from the production areas fail. In such a circumstance, the pasture will be grazed by sheep and any nutrient coincidentally applied through run-off from irrigation will be removed as sheep biomass.

Shire officers comment:

The DoW has noted that under the relevant Environmental Protection Authority policy framework, the allowable nutrient discharge for Total Phosphorous and Total Nitrogen are 0.3kg/ha and 2.4kg/ha per year respectively. The groundwater monitoring program to be established by the proponent at post development stage includes quarterly sample and water analysis to test Total Phosphorous and Total Nitrogen, as well as other nutrients, from four (4) piezometers which will sample water from at least two (2) metres below the minimum water table level.

Should Council resolve to approve the development application, a condition requiring the development of a monitoring program to include both groundwater and surface water monitoring schedule and a contingency plan be implemented to ensure that the operation maintains acceptable levels of exported nutrients in accordance with the Environmental Protection Authority policy framework.

Wastewater and Stormwater Management:

Concern has been raised as to the potential for unmanaged wastewater and stormwater impacting on the local environment. It has been suggested that the recycling and/or reuse of wastewater should be considered as opposed to disposal or transport off-site, with wastewater being directed into a lined storage-pond system.

Applicant response:

Excess drainage water from plastic bed liners will be used to irrigate pasture areas to the north of the property. Because of the slow release fertilisers and computer controlled irrigation systems, it is unlikely such water will contain adequate nutrients to sustain pasture. If necessary, additional fertiliser will be applied to pasture according to Department of Agriculture and Food WA guidelines.

Monitoring of drainage water quality will be undertaken as part of the Irrigation Operating Strategy. Drainage of non-operational stormwater from the site will use the existing drainage regime.

Shire officers comment:

As part of the additional information submitted by the proponent, a Stormwater Strategy has been prepared to outline the specific stormwater management details based on the hydrology of the site.

The Stormwater Strategy has been reviewed by Shire officers and has been found to be generally acceptable.

Design and Capacity of Storage Dams:

Further information has been sought in relation to the purpose of the dams as a means of storing stormwater from rainfall events rather than providing for a filtration function for the slow release of captured water. The effectiveness of the proposed dam liner membrane has also been raised as a potential design issue due to the excavation of the dams below the maximum groundwater level.

Applicant response:

The proponent has indicated that the design, function and purpose of the storage dams are to capture runoff from a 1 in 20 stormwater event. Due to the potential for stormwater from nursery production areas to be contaminated with elevated levels of nutrient, the dams are constructed with high retention capacity. The captured water can then be recirculated around the site by a pump system as a means of cyclical irrigation of the nursery area.

The Better Urban Water Management Planning practices which support the slow release of captured water into the groundwater catchment is not proposed as part of this application due to the potential for nutrient contamination.

Dam liners will be constructed in accordance with Water Quality Protection Note 26: Liners for containing pollutants, using synthetic membranes (WQPN 26) and Water Quality Protection Note 27: Liners for containing pollutants, using engineered soils (WQPN 27).

Shire officers comment:

Officers of the DoW have confirmed that the storage dam proposal is acceptable, having regard to the peak flow rates as determined by the Water Corporation.

In addition, under Schedule 2 – Impact Significant Guidelines of Local Planning Policy 33 (LPP 33) the proposed dams fall within a ‘high impact’ category, and requires applications to address inter alia the following:

- Comprehensive hydro-geological and / or geotechnical report addressing:
 - Impact Assessment; and
 - Management Tasks, Roles and Responsibilities.
- Report certified by Professional Engineer.

Should Council resolve to support the proposal, a condition requiring a geotechnical report and engineering drawings for the proposed storage dams and drainage network being provided to the satisfaction of the Shire in consultation with the Water Corporation demonstrating that the runoff from the development is restricted to a level acceptable to the Water Corporation.

A further condition is also recommended requiring that dam liners will be constructed in accordance with Water Quality Protection Note 26: Liners for containing pollutants, using synthetic membranes (WQPN 26) and Water Quality Protection Note 27: Liners for containing pollutants, using engineered soils (WQPN 27).

Site Levels and Separation from Groundwater

It has been noted in submissions that nurseries should not be located on land subject to seasonal flooding and should be located at least two metres above the maximum groundwater table. It appears that the proposed area of the nursery is located within an area that has maximum groundwater level at or above ground level. Therefore, it is recommended that fill is used to offer a greater distance to groundwater and/or surface water caused by potential flooding.

Applicant response:

H2 studies on the site have confirmed depth to groundwater of between 1.18m and 3.26m below ground level. The proponent has indicated in the Stormwater Strategy that “the

natural site elevations will be mechanically modified with earth moving machinery. The natural sand layers will be graded (1 in 200) towards drains and compacted”.

The NIMP further notes that:

“Earthworks are proposed to laser level the production areas as necessary to create a 1:200 gradient prior to installation of plastic membranes and drains. Where necessary, soil will be sourced from the northern half of the property to fill minor depressions.”

Shire officers comment:

The proponent has indicated that the nursery growing areas one (1) and (2) to the south of the Water Corporation drain will have sufficient sand resource for the levelling of those areas due to a sandy rise in the south east of the site. Areas three (3) and four (4) to the north will utilise sand from the northern portion of the site. It is therefore unlikely that additional fill will be required to be brought onto the site.

Waste Management:

Advice has been received which indicates that reject soil, discarded green waste, sediment from silt traps and spilt media should be contained in a purpose-built, weather-proof storage container, skip or on an impermeable sheltered surface and be disposed of regularly at an authorised disposal facility.

Applicant response:

Hope Valley Nursery use skip bins with lids which are removed regularly by contractors for such disposal.

Shire officers comment:

The Shire’s *Health Local Law 1999* provides guidance on the depositing on rubbish or refuse in a container other than a receptacle.

On-Site Effluent Disposal:

In accordance with Provision 6.2.1 of State Planning Policy 2.1 – Peel Harvey Coastal Plain Catchment (SPP2.1), the use of conventional on-site effluent disposal systems will only supported where it can be demonstrated that there is at least a two (2) metre vertical separation between the base of the leach drain and the highest known groundwater level and a 100m horizontal separation between the disposal system and the nearest water body. It is recommended that the existing remnant vegetation is retained.

Applicant response:

As and when a requirement for additional sewage management is identified, an ATU system approved by the Department of Health will be installed, with effluent discharge into a garden area away from production facilities.

Shire officers comment:

It is understood that the existing dwelling is currently connected to an on-site effluent disposal system. Should additional capacity be required, the landowner will be required to submit an effluent disposal application to the satisfaction of the Director Planning in consultation with the Department of Health.

Removal of Vegetation and Weed Management:

No details of vegetation clearing are included and it is assumed that no trees or other perennial vegetation will be cleared as a result of the development.

No details of landscaping, species to be grown or plant propagation methods are provided. The proponent needs to make some enforceable commitment that weeds on the site will be controlled and eradicated should they be introduced to the site. This is especially important given that the production area occurs on both sides of the Water Corporation drain.

Applicant response:

No vegetation is proposed to be cleared. Hope Valley Nursery operations will not introduce any new weeds, as all their planting stock is inspected by Australian Quarantine and Inspection Service (AQIS) under quarantine for disease and weeds, and to assure they are allowed plants. All the production areas will be earth worked and covered with plastic sheeting. Coincidental weed infestation from neighbouring properties will be removed by hand. The outcome of nursery operations will be a significant reduction in existing weeds (being pasture grasses and introduced eucalypts), and replacement with highly controlled exotic weeds, being production stock.

Shire officers comment:

The site is predominantly cleared of vegetation due to the historic use of the site for agricultural purposes. However, there appears to be remnant vegetation within the southern and south-western portion of the site which will require clearing to establish the nursery growing areas. It is therefore recommended that should Council resolve to support the proposal, a condition requiring a Landscape and Vegetation Management Plan being implemented.

Traffic and Car Parking:

Shire officers have reviewed the existing access arrangement to the site and have noted that the existing access is via Henderson Road which is a narrow sealed road. No information has been provided in terms of truck movements for deliveries, however due to the low levels of existing traffic in the area a traffic management plan can address road usage and traffic safety.

Applicant response:

Further information has been provided by the proponent as follows:

- *A total of 25 vehicles will be parked at the site once fully operational.*
- *Sufficient existing hardstand is provided on-site to accommodate the ultimate number of vehicles parked at the site.*
- *One truck per week will take material out of the site for deliveries.*
- *One truck per fortnight will bring compost to the site, comprising composed pine bark delivered by a b-double and bailed compacted peat delivered on pallets by small trucks.*
- *All new plants and fertilisers will be brought to the site by regular passenger vehicles.*

Shire officers comment:

The nature of the use results in low levels of traffic generation to and from the site. The majority of vehicle movements will be a result of staff accessing the site which will reach a total number of 25 once the site is fully operational. In the first stage of planting a total of five (5) staff will be employed which will represent a negligible traffic impact.

Should Council resolve to support the proposal, a condition requiring a traffic management plan is recommended to assess the impact of the proposal on the existing road network.

Statutory Environment:

- Metropolitan Regional Scheme
The site is zoned 'Rural' under the Metropolitan Regional Scheme.
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2
The site is zoned 'Rural' and 'Drainage Purposes' under the Town Planning Scheme.
- Shire of Serpentine Jarrahdale Rural Strategy 1994 (and 2013 Review)
This site is identified within the Rural Policy Area.
- Draft Local Planning Policy 33 – Construction of Dams
LPP33 is applicable to this application as a series of dams are proposed as part of the drainage network.
- Local Planning Policy No. 34 – Placement of Fill in Non-Urban Areas

LPP34 is applicable to this application as the nursery growing area will require fill to increase the separation from groundwater level and ensure that the 1 in 200 gradient is achieved.

- **State Planning Policy 2.1 Peel Harvey Coastal Plain Catchment**
The site is located within the Peel Harvey Coastal Plain Catchment and specific policy provisions will apply to applications for intensive agriculture (which include plant nurseries) including management measures to reduce or eliminate nutrient export from the land.

Financial Implications:

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

Alignment with our Strategic Community Plan:

Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.1	Maintain the area's distinct rural character, create village environments and provide facilities that serve the community's needs and encourage social interaction
Objective 5.2	Excellence in Environmental Management
Key Action 5.2.1	Protect, restore and manage our landscapes and biodiversity.

Planning Assessment:

A 'plant nursery' is an "AA" use in the 'Rural' zone under TPS 2 (Council, may at its discretion, permit the use).

The proposed 'plant nursery' aligns with the intent of the 'Rural' zone and the objectives of the Rural Strategy by introducing an agricultural use that can be operated on the site with minimal environmental impact. The proposal will facilitate the ongoing expanding operation of an existing plant nursery currently operating within the Shire and will progressively generate additional employment opportunity at each subsequent stage of operation. The location of the plant nursery is appropriate as it will have no amenity impacts on surrounding rural landholdings due to the low intensity of its operations which include the growing of plants in pots with automated fertiliser release and controlled watering.

It has been demonstrated by the applicant through the submission of additional information, the proposed use can adequately address the impact of the operation with regard to nutrient retention and discharge rates and stormwater and wastewater management in proximity to the Water Corporation drain to the satisfaction of the DoW, the DAFWA and the PHCC.

Options and Implications:

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

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

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

Option 2: Council may resolve to refuse the application.

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

Option 1 is recommended.

Conclusion:

Shire officers consider that, approval of the proposed plant nursery is appropriate for this location being within the 'Rural' zone under TPS 2 and the Rural Policy Area under the Rural Strategy as a form of alternative agricultural land use, which will result in low levels of land degradation and positive commercial viability.

It is considered that rural character and amenity will be preserved as a result of the land use which is in keeping with the scale of agricultural production in the locality. It is recommended that the development application be approved subject to conditions.

Attachments:

- [OCM207.1/10/15](#) – Summary of Submissions (E15/4365)
- [OCM207.2/10/15](#) – Site Plans (IN15/18617)

Voting Requirements: Simple Majority

Officer Recommendation:

That Council approves the application submitted by Bioscience Pty Ltd on behalf of the landowner(s) A & M Hall Properties Pty Ltd for a 'Plant Nursery' as indicated on the approved plans and does not relate to any other development on Lot 368 (#582) Henderson Road, Hopeland, subject to the following conditions:

- a. If the development is not substantially commenced within a period of two (2) years from the date of this approval, the approval shall lapse and be of no further effect.**
- b. Hours of operation shall be restricted to 7:00am and 5:30pm seven (7) days a week.**
- c. Prior to the commencement of works, a Nutrient and Irrigation Management Plan shall be approved by the Director Engineering in consultation with Department of Water and thereafter implemented.**
- d. Prior to the commencement of works, the Stormwater Strategy shall be approved by the Director Engineering and thereafter implemented.**
- e. Prior to the commencement of works, engineering drawings of the drain crossings shall be submitted to and approved by the Director Engineering in consultation with Water Corporation.**
- f. Prior to the commencement of operations / use, a monitoring program including both groundwater and surface water monitoring and a contingency plan shall be submitted to and approved by the Director Engineering in consultation with Department of Water and thereafter implemented.**
- g. Prior to the commencement of operations / use, a geotechnical report and engineering drawings for the proposed storage dams and drainage network shall be submitted to and approved by the Director Engineering in consultation with the Water Corporation.**
- h. Prior to the commencement of operations / use, a Landscape and Vegetation Management Plan shall be submitted to and approved by the Director Engineering and thereafter implemented.**
- i. Prior to the commencement of operations / use, a traffic management plan shall be submitted to and approved by the Director Engineering and thereafter implemented.**

- j. Prior to the commencement of operations / use, all internal roadway surfaces shall be constructed of a suitable material such as paving, road base, limestone or coarse gravel and compacted to limit the generation of dust to the satisfaction of Director Engineering.**
- k. Prior to the commencement of operation / use, the landowner shall make a substantial or complete contribution to the costs associated with the required upgrading of Henderson Road and the Henderson Road and Hopland Road intersection to the satisfaction of the Director Engineering.**

Advice Notes:

- a. The landowner is advised this is a planning approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements.**
- b. The landowner is advised that the property is not located within a Restricted Articulated Vehicle (RAV) network, and the use of such vehicles will not be permitted.**

OCM207/10/15 COUNCIL DECISION / Amended Recommendation:

Moved Cr Gossage, seconded Cr Ellis

That Council approves the application submitted by Bioscience Pty Ltd on behalf of the landowner(s) A & M Hall Properties Pty Ltd for a 'Plant Nursery' as indicated on the approved plans and does not relate to any other development on Lot 368 (#582) Henderson Road, Hopeland, subject to the following conditions:

- a. If the development is not substantially commenced within a period of two (2) years from the date of this approval, the approval shall lapse and be of no further effect.**
- b. Hours of operation shall be restricted to 7:00am and 5:30pm seven (7) days a week.**
- c. Prior to the commencement of works, a Nutrient and Irrigation Management Plan shall be approved by the Director Engineering in consultation with Department of Water and thereafter implemented.**
- d. Prior to the commencement of works, the Stormwater Strategy shall be approved by the Director Engineering and thereafter implemented.**
- e. Prior to the commencement of works, engineering drawings of the drain crossings shall be submitted to and approved by the Director Engineering in consultation with Water Corporation.**
- f. Prior to the commencement of operations / use, a monitoring program including both groundwater and surface water monitoring and a contingency plan shall be submitted to and approved by the Director Engineering in consultation with Department of Water and thereafter implemented.**
- g. Prior to the commencement of operations / use, a geotechnical report and engineering drawings for the proposed storage dams and drainage network shall be submitted to and approved by the Director Engineering in consultation with the Water Corporation.**
- h. Prior to the commencement of operations / use, a Landscape and Vegetation Management Plan shall be submitted to and approved by the Director Engineering and thereafter implemented.**

- i. Prior to the commencement of operations / use, a traffic management plan shall be submitted to and approved by the Director Engineering and thereafter implemented.**
- j. Prior to the commencement of operations / use, all internal roadway surfaces shall be constructed of a suitable material such as paving, road base, limestone or coarse gravel and compacted to limit the generation of dust to the satisfaction of Director Engineering.**
- k. Prior to the commencement of operation/use, the landowner shall make a full contribution to the costs associated with the required upgrading of Henderson Road from the intersection of Henderson Road and Hopeland Road to the access of Lot 368 to a standard of 6m wide sealed road with shoulders, to the satisfaction of the Director Engineering.**
- l. Prior to the commencement of operations / use, the landowner shall submit and have approved by the Director Engineering a Fire and Emergency Management Plan and thereafter implemented to the satisfaction of the Director Engineering.**

Advice Notes:

- a. The landowner is advised this is a planning approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements.**
- b. The landowner is advised that the property is not located within a Restricted Articulated Vehicle (RAV) network, and the use of such vehicles will not be permitted.**

CARRIED UNANIMOUSLY

Council Note: Condition k of the officers recommendation was changed to show a full contribution of costs in the upgrading of the intersection. In addition condition l was added to the recommendation to include a Fire and Emergency Management Plan.

Councillor Piipponen returned to the meeting at 7.39pm

OCM208/10/15	Lot 709 (#34) Eurythmic Road, Byford – Ancillary Accommodation (P08343/06)
Author:	Heather Carline – Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	6 October 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Element Construction WA Pty Ltd
 Owner: M Raad and S Raad
 Date of Receipt: 31 August 2015
 Lot Area: 4097m² (0.4ha)
 Town Planning Scheme No 2 Zoning: 'Rural Living A'
 Metropolitan Region Scheme Zoning: 'Urban Deferred'

Introduction

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

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



Aerial Reference

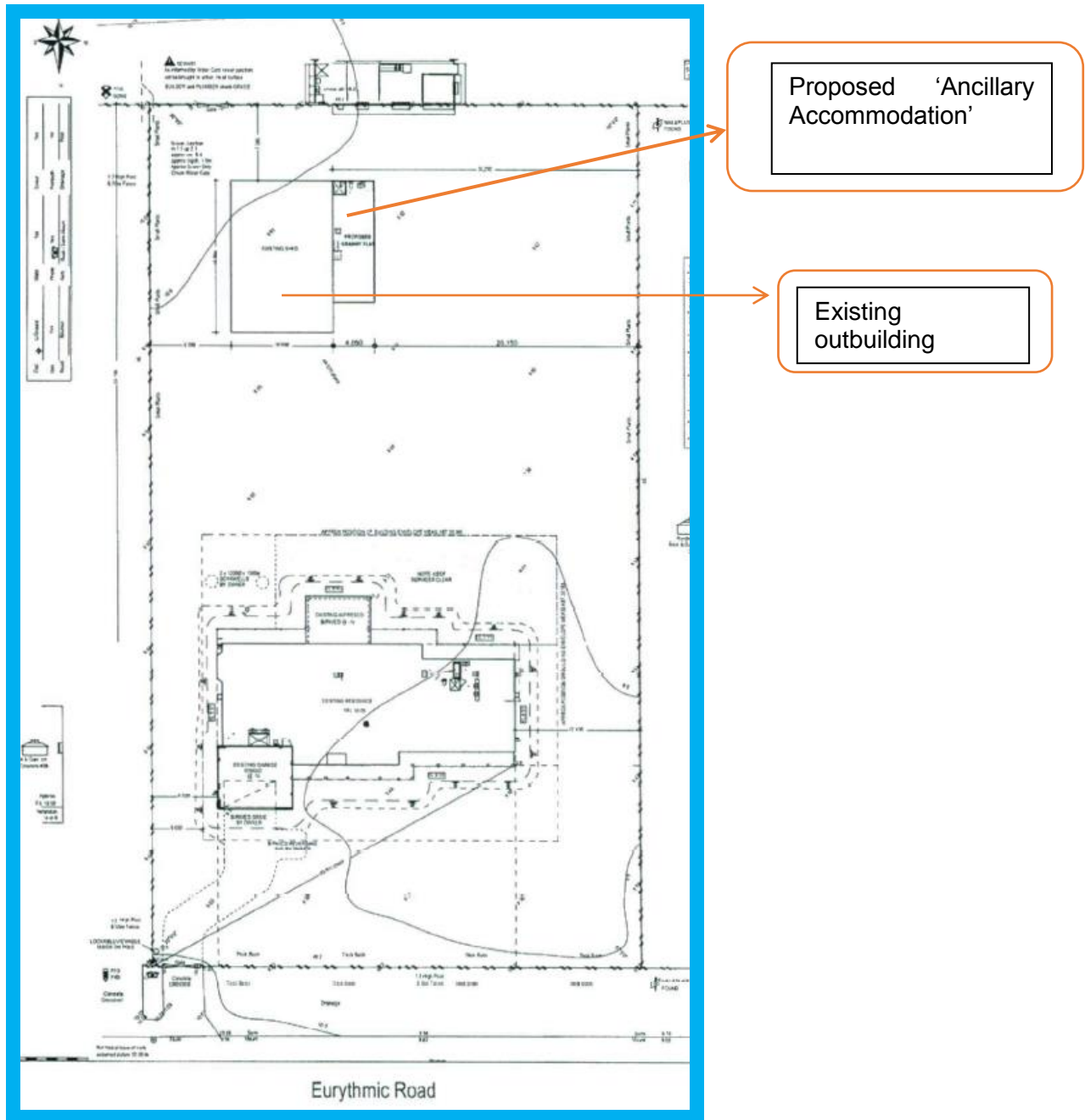
Background:

Existing Development:

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

Proposed Development:

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



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

Relevant Previous Decisions of Council:

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

Community / Stakeholder Consultation:

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

- The small size of the proposal with the allowance of two bedrooms;
- The proposal is more like a mining type accommodation and not a single dwelling;
- There is almost no living space which would mean the occupier/s would be living more outside which would be an intrusion in the objector's back yard.
- A single bedroom granny flat would be more appropriate which would limit the disruption to their property.

- The existing properties have rural type fencing and the proposal would have uninterrupted views of the objectors entire backyard and alfresco area due to its location at the back of the property.
- If the proposal were to have some form of patio area off the sliding door for ‘entertaining’ this will just compound the privacy issues.
- The objector states that the intended use of the proposed granny flat should be made clear as a dwelling and not used for other purposes such as the operation of a business which would cause additional concerns.

Shire officers response:

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

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

Statutory Environment:

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

Financial Implications:

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

Alignment with our Strategic Community Plan:

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

Planning Assessment:

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

Size:

LPP17 states that ‘ancillary accommodation’ in the ‘Rural Living A’ zone where a lot size is under 2ha should have a maximum floor area of 60m². The proposal seeks approval for ‘ancillary accommodation’ with a floor area of 48m², in line with this policy requirement.

Location and visual appearance:

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

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

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

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

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

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

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

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

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

Options and Implications:

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

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

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

Option 2: Council may resolve to refuse the application.

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

Option 1 is recommended.

Conclusion:

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

Attachments:

- [OCM208.1/10/15](#) – Floor Plan and Elevations (E15/5081)

Voting Requirements: Simple Majority

OCM208/10/15 COUNCIL DECISION / Officer Recommendation:**Moved Cr Ellis, seconded Cr Hawkins**

That Council approves the application submitted by Stekon Pty Ltd T/A Famlonga Building Contractors for an 'ancillary accommodation' as indicated on the approved plans and does not relate to any other development on Lot 114 (#22) Lorenz Way, Oakford, subject to the following conditions:

- a. If the development is not substantially commenced within a period of two (2) years from the date of this approval, the approval shall lapse and be of no further effect.
- b. All existing native trees and / or revegetated areas on the subject lot shall be retained and shall be protected from damage prior to and during construction unless part of this or a separate planning approval.
- c. The landowner shall ensure all activities related to the construction of the development (such as but not limited to, storage of building materials and contractor vehicles) shall be contained wholly within the lot boundaries.
- d. Hot water systems, plumbing pipes, air conditioners and the like shall be installed to prevent loss of amenity to any neighbouring property by their appearance, noise, emission or otherwise, to the satisfaction of the Director Planning.
- e. All storm water shall be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is not permitted.
- f. The development shall be in accordance with Australian Standards AS3959 and the Bushfire Attack Level Assessment prepared by Western Australia Building Certifiers and Assessors which specifies construction to BAL19.

Advice Note:

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

LOST 1/8

Council Note: This is a shed and does not fall into the category of Planning Policy 17 for Ancillary Dwellings.

OCM209/10/15	Byford Traditional Infrastructure Development Contribution Report No. 3 (SJ1842)
Author:	Peter Varelis – Project Coordinator: Development Contributions
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	September 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i> .

Introduction:

The purpose of this report is to adopt the Byford Traditional Infrastructure Contribution Plan (DCP) Report No. 3 for the purposes of public advertising.

Background:

Initiation of an amendment to include the DCP within the Town Planning Scheme No. 2 (TPS 2) occurred in 2005. This initiation allowed the Western Australian Planning Commission (WAPC) to place on subdivision approvals, the obligation to pay a DCP contribution.

Following the gazettal of the DCP, Council was required to adopt a DCP Report and cost apportionment schedule within 90 days (State Planning Policy 3.6 s.6.3.10). In anticipation of the gazettal of the DCP, Council adopted the DCP Report No.1 on 9 December 2013 (OCM09/12/13). The DCP Report No.1 had previously been adopted for advertising in August 2013 (OCM021/08/13).

The DCP Report and the associated cost apportionment schedule sets out in detail the calculation of cost contributions for development and subdivision in accordance with the methodology shown in the DCP. The DCP Report needs to be a dynamic document to maintain the currency of the cost of infrastructure, land and other DCP items. The DCP Report does not form part of the TPS 2, but once adopted by Council, is required to be reviewed at least annually.

DCP Report No.1 enabled the contribution liability for each development to be calculated as at 21 January 2014.

DCP Report No.2 enabled the contribution liability for each development to be calculated as at 30 June 2014.

Relevant Previous Decisions of Council:

OCM021/08/13 - Approval to Advertise - Byford Traditional Infrastructure DCP Report No.1
 OCM020/08/13 - Final Approval - LPP 75 - Interim Development Deeds - Byford Traditional Infrastructure DCP
 OCM094/12/13 - Final Approval - Byford Traditional Infrastructure DCP Report No.1
 OCM095/12/14 - Approval to Advertise - Byford Traditional Infrastructure DCP Report No.2
 OCM044/04/15 - Final Approval - Byford Traditional Infrastructure DCP Report No.2

Context for Review of DCP Report No.3

DCP Report No.3 is necessary to bring to account the development of 3,923 lots created since the Byford DCP became operable. Although DCP Report No. 2 was approved on 13 April 2015, this report provided development information up to 30 June 2014. Therefore it is necessary to complete DCP Report No.3 to bring development information up to 30 June 2015.

At each DCP Report review, all factors contributing to the calculation of the per lot contribution amount must be reviewed.

The significant factors reviewed are:

1. Remaining estimated lot yield;
2. Land yet to be acquired;
3. Total land valuation;
4. Land valuation methodology;
5. Works outstanding;
6. Works cost variance;
7. Water Monitoring;
8. Future administration costs;
9. Net surplus / deficit of the DCP account; and
10. Works priorities.

In the case of the current review, the following outcomes are relevant:

1. Remaining Lot Yield:

DCA1 Precinct	Lots Created (as at 30 June 2015)	Future Lots	Estimated Lot/Dwelling Yield
A	3,630	5,852	9,482
B	96	697	793
C	52	578	630
D	145	221	366
Total	3,923	7,348	11,271

The future lots are expected to provide the contributions necessary to clear all the Byford DCP costs over the life of the DCP. As at 30 June 2015, 34.80% of the estimated lot yield has been developed. The overall lot yield has reduced from 11,977 lots in DCP Report No.2 to 11,271 lots in DCP Report No.3, a 6.26% decrease due to a lot reduction in the Byford Town Centre.

2. Land to be Acquired:

DCP Land	To Be Acquired	Acquired	Total	Total Value \$
Roads	6.7570 ha	4.9988 ha	11.7558 ha	6,516,845
POS / Drainage	67.0341 ha	56.6003 ha	123.6344 ha	67,491,223
DOS	3.0363 ha	7.0497 ha	10.086 ha	4,516,460
Total	76.8274 ha	68.6488 ha	145.4762 ha	78,524,528

Up to 30 June 2015, 47.20% of all DCP land has been acquired.

3. Total Land Cost Variance:

DCP Land	DCP No.2 Value \$	DCP No.3 Revised Value \$	Variance \$
Thomas Road – Residential	670,155	990,385	320,230
Thomas Road – Non Residential	-	209,540	209,540
Abernethy Road - Residential	1,240,101	1,280,125	40,024
Abernethy Road – Non Residential	-	379,000	379,000
Orton Road	1,215,500	1,248,650	33,150
Kardan Boulevard	170,725	405,500	234,775
San Simeon Boulevard	1,188,435	1,045,830	(142,605)
Doley Road	1,060,840	957,815	(103,025)
Total Roads	5,545,756	6,516,845	971,089
POS/Drainage - Residential	60,637,839	60,521,623	(116,216)
POS/Drainage – Non Residential	-	6,969,600	6,969,600
DOS	4,320,705	4,516,460	195,755
Total	70,504,300	78,524,528	8,020,228

The total land valuation has increased by 11.38% from \$70,504,300 to \$78,524,528.

4. Land Valuation Methodology:

Land to be acquired has been identified as both residential and non-residential areas. To complete the valuation process an independent valuer provided two valuations for both residential and non-residential land. This approach is considered to be the simplest, most effective and equitable method of providing land valuations and developer compensation.

By providing set valuation rates this will ensure the future sustainability of the scheme and enable developers to budget land credits in advance within each review period.

The rate for DCP Report No.3 is Residential \$56.50 per m² and Non-Residential \$120 per m².

5. Works Outstanding:

Item	Completed \$	Future \$	DCP Total Cost \$
Thomas Road	932,832	7,187,246*	8,120,078
Abernethy Road	1,607,755	13,400,845*	15,008,600
Orton Road	-	14,739,829	14,739,829
Kardan Boulevard	4,958,683	33,538	4,992,221
San Simeon Boulevard	2,419,747	16,099,642	18,519,389
Doley Road	2,873,283	5,712,508	8,585,791
Warrington Road	761,367	4,197,131	4,958,498
Total Roads	13,553,667	61,370,739	74,924,406
DOS	1,473,931	1,333,529	2,807,460
Total Works	15,027,598	62,704,268	77,731,866

Around 19.33% of DCP works have been completed.

*A grant from Main Roads WA (MRWA) for Thomas Road has been estimated at \$14,000,000, of which \$396,000 has been received towards design works. Abernethy Road has received a grant of \$725,250 from MRWA, plus the Shire will be making a contribution of \$5,330,852.

There are no further MRWA grants budgeted at present.

6. Works Cost Variance:

Item	DCP No. 2 Value \$	DCP No. 3 Revised Value \$	Variance \$
Thomas Road	6,179,566	8,120,078	1,940,512
Abernethy Road	14,788,867	15,008,600	219,733
Orton Road	12,435,160	14,739,829	2,304,669
Kardan Boulevard	4,874,761	4,992,221	117,460
San Simeon Boulevard	16,146,572	18,519,389	2,372,817
Doley Road	7,458,443	8,585,791	1,127,348
Warrington Road	4,274,949	4,958,498	683,549
Total Roads	66,158,318	74,924,406	8,766,088
DOS	2,384,665	2,807,460	422,795
Total Works	68,542,983	77,731,866	9,188,883

Road infrastructure has increased by 13.25% from \$66,158,318 to \$74,924,406.

District open space has increased by 17.73% from \$2,384,665 to \$2,807,460 due to the increased construction costs required for Byford South/The Glades.

7. Water Monitoring:

Water monitoring costs have increased by 10.65% from \$944,547 to \$1,045,139 due to increases in the cost of sample analysis at the National Measurement Institute (NMI).

8. Future Administration Costs:

Administration costs have been updated to reflect current expenditure of \$210,439 pa. The annual figures have been reflected over the remaining 19 years showing an estimated total budget value of \$3.998 million. This cost break-up, shown in the DCP Report No.3 appendices represents 1.40 full time staff equivalents plus an allowance for specialist consultant activity.

9. Net Surplus/Deficit Contributions:

The following table sets out the elements that determine the net contributions for each review period. The period is for one year's activity from 1 July 2014 to 30 June 2015.

Lots Cleared	687
<u>Gross Contributions Due</u>	\$9,643,715
Costs Incurred:	
Land settled	\$8,917,570
Works settled	\$611,152
Administration Costs incurred	\$180,795
<u>Total Costs</u>	\$9,709,517
Net Contributions	-\$65,802

The net contribution deficit will be included within the estimated DCP future costs to arrive at the cost to be covered by DCP contributions from the 7,348 lots yet to be developed.

10. Work Priorities:

The Shire has reviewed priorities and the focus is on the full construction of Abernethy Road and the design of Thomas Road.

Impact of Review:

Contribution Cost per Lot:

Accounting for the response to submissions and other issues addressed in finalising DCP Report No. 3, the contribution cost per lot is revised as shown below:-

Precinct	A	B	C	D
Contribution Cost per lot Report No. 2	\$12,874	\$ 9,266	\$4,083	\$ 9,266
Contribution Cost per lot Report No. 3	\$17,300	\$12,424	\$6,285	\$12,424
Percentage Increase	34.38%	34.08%	53.93%	34.08%

DCP Report No: 3 has identified a contribution per lot increase for each of the four precincts. This is due to the following contributing factors: -

- infrastructure costs have increased by 13.25% for roads and 17.73% for district open space;

- land valuation rates have increased by 11.38%;
- water monitoring costs have increased by 10.65%;
- lot yield has decreased by 6.26%.

Once this Report is finally adopted, the above contribution costs will hold until the next review. Contribution costs are, however, subject to daily escalation.

Community / Stakeholder Consultation:

There is no statutory obligation for the Shire to seek comment on the review of a DCP report. However, given the supportive role played by the Byford Industry Reference Group (BIRG) in the framing of the Byford Traditional Infrastructure DCP, it is proposed to provide a 30 day comment period for the BIRG. BIRG comprises the major landowners and representatives from the Department of Planning.

Attachments:

- [OCM209.1/10/15](#) – Byford Traditional Infrastructure DCP Report No.3 (E15/4838)

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:

- *Planning and Development Act 2005*
- *Town Planning Regulations 1967*
- SPP 3.6 – Development Contributions for Infrastructure
- Amendment 168 –introduce Appendix 16A into TPS 2
- LPP 75 – Interim Development Deeds

Financial Implications:

The operation of the DCP presents a major administrative responsibility for the Shire. While the DCP is self-funded, the Shire has an implicit obligation to efficiently and effectively manage the revenues and works.

The remaining 7,958 lots to be developed are reliant on the DCP to provide the necessary hard infrastructure to facilitate development. In particular, the timely provision of roads, drainage and open space is critical as most developments rely on these district level improvements.

Voting Requirements: Simple Majority

OCM209/10/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Urban, seconded Cr Piipponen

That Council endorse the Byford Traditional Infrastructure Development Contribution Plan Report as contained in attachment OCM209.1/10/15 for public advertising in accordance with the advertising procedures set out in Part 6.3 of Town Planning Scheme No. 2.

CARRIED UNANIMOUSLY

OCM210/10/15	Lot 7 Kargotich Road, Oldbury – Proposed Place of Public Worship and Single Dwelling (P03500/01)
Author:	Allerding & Associates Planning Consultants
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	3 July 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Owner: Sahibzada Fateh Singh Jee Inc.
 Date of Receipt: 27 February 2015
 Lot Area: 3.55ha (portion of Lot 7)
 Town Planning Scheme No 2 Zoning: 'Rural'
 Metropolitan Region Scheme Zoning: 'Rural'

Introduction:

The purpose of this report is to consider a development application for a place of public worship at Lot 7 Kargotich Road, Oldbury to permit the development of a Sikh Temple.

The proposal is presented to Council as objections have been received against the application.

Background:

Existing Development:

The site is vacant and has a total area of 19.25ha which is split into two separate land parcels by an open Water Corporation drain. There is no direct access from Kargotich Road to the portion of Lot 7 to the west of the drain and therefore the proposed development is currently restricted to the eastern portion. The site has a frontage to Kargotich Road 207.51m.

Proposed Development:

The proposal includes a series of single storey buildings which form the temple compound, including a meditation hall (approximately 460m²), lunch hall (approximately 180m²), kitchen, toilet block, library room and caretakers dwelling. Generally the temple will be used for meditation sessions, religious/spiritual congregation and celebrations, educational sessions.

The temple will have the capacity to accommodate up to 500 people and the proponent has indicated that this maximum capacity is only likely to occur after 10 to 15 years as the Sikh community grows. The proponent has also indicated that the maximum capacity will be on an occasional basis only (during main Sikh historical events).

However, on average the facility will accommodate 10 to 15 people during the morning period and 15 to 25 people during the evening period on weekdays. On Saturdays the facility will accommodate on average 15 to 25 people in the morning period and 25 to 30 people in the evening period and on Sundays the facility will accommodate on average 60 to 80 people in the morning period and 25 to 30 people in the evening period.

The proponent has not provided a full schedule of colours and materials for the temple, but has indicated within the development application report that:

- The buildings will be constructed generally of brick walls and partitioning.
- Roofing will be consistent throughout with colorbond sheeting.

Other key elements of the proposal are listed below:

- Car parking – A sealed car parking area comprising 125 bays is located to the north of the temple compound and set back in excess of 40m from Kargotich Road.
- Site access – Access to the site is provided via a centrally located ingress point from Kargotich Road. This connects to the internal access arrangement which provides for direct vehicle access to the meditation hall and kitchen, as well as to the car parking area. Vehicle egress from the parking area is located separately to the northern end of the Kargotich Road frontage. The proponent has also committed to the upgrading of Kargotich Road to provide for slip lanes and localised widening for the purposes of maintaining safe vehicle movements along this section of road.
- Clearing and landscaping – An area of existing vegetation in the north-east corner of the site will be cleared to facilitate the construction of the egress driveway. Under clause 7.13.4(c) (vii) of Town Planning Scheme No. 2 (TPS 2), vehicle access to a property falls within the exemptions of tree preservation. The clearing will however be off-set by landscaping which is proposed along the site frontage to Kargotich Road.

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this application.

Community / Stakeholder Consultation:

The application has been advertised as per clause 6.3 of TPS 2, four (4) objections have been received, with the following concerns being raised:

- Negative impact on rural character.
- Suitability of the use in a rural setting.
- High groundwater levels and proximity to Oakland Drain.
- Traffic conflict with Kargotich Road.
- Detail of slip lane construction.
- Car parking supply.
- Hours of operation and associated amenity impacts.
- Proposed number of dwellings.

Negative impact on rural character and suitability of use within the rural setting:

A number of objections were received in relation to the suitability of a place of public worship in this location and the associated impacts on the rural character of the area in relation to the intensity of the land use and the architectural style of buildings proposed.

Applicant response:

The proponent has provided the following response to this issue:

'The proposal of Sikh Gurdwara will never exploit the rural profile of the area around the subject land due to following reasons:

- 1. We have planned for very simple structure for the building which will be no different to other existing structures in the vicinity of subject land;*
- 2. Proposed building plans can be viewed (submitted to Shire) to verify the shape of building and we have no future planning to change the simple design.'*

Shire officers comment:

The proposal involves the development of a meditation hall, lunch hall, kitchen, toilet block, library room, caretakers dwelling and the construction of hard stand access-ways and a car parking area. It is proposed that the facility will be constructed on a 3.55ha portion of the lot. The proponent has indicated that the temple will eventually cater for up to 500 people, however during the peak times (Sunday mornings) it is expected that the temple will accommodate up to 80 people. This form of development is relatively intense in comparison to surrounding Rural zoned land which is largely used for agricultural purposes.

The subject site is located within the Rural Enterprise Policy Area of the Shire's Rural Strategy 2013 Review. The following is an extract from the Strategy providing an overview of the Rural Enterprise Policy Area:

"... The purpose of the policy area is to attract, encourage and provide an opportunity for commercial and light industrial uses to support residential development. ..."

It is noted that a place of public worship is less likely to be negatively impacted by the externalities associated with nearby industrial land uses when compared to other sensitive land uses, such as educational establishments, due to the higher frequency of use on weekends and outside of weekday business hours. The proponent has also indicated that it would accept a notification on title identifying the proximity of the land to the future West Mundijong Industrial Area to ensure that any future general industrial development in that area is not unduly prejudiced by the operations of the temple.

However, the need to protect the current rural lifestyle and character should also be considered. To this extent, the development application plans for the temple indicate that:

- The buildings will be single storey and constructed generally of brick walls and partitioning.
- Roofing will be consistent throughout with colorbond sheeting.
- The buildings will contain no adornments which would otherwise differentiate the buildings from other rural buildings in the locality.

It is also noted that additional perimeter plantings are proposed which will assist in screening the site from the public realm as well as assisting in the preservation of rural character.

Given the specific locational context of the site in proximity to the future West Mundijong Industrial Area and the built form elements of the proposal which are intended to maintain rural character, it is considered that the scale and nature of the development proposed on the site is acceptable.

High groundwater levels and proximity to Oakland Drain:

Concern has been raised by submitters that development of the site will result in disruptions to the flow path of the overflow area of the Oakland Drain and that any fill as a requirement of development will have the potential to divert drainage into neighbouring properties.

Applicant response:

The proponent has indicated that stormwater and drainage management will be addressed as part of the detailed engineering work in association with building and geotechnical investigations.

Shire officers comment:

Limited information has been supplied by the proponent with regard to drainage, stormwater management and the amount and location of fill required to accommodate the proposed structures.

Should Council resolve to approve the planning application, it is recommended that a condition requiring the preparation of an Urban Water Management Plan to the satisfaction of the Shire be included.

A comprehensive geotechnical investigation is also recommended as a condition should Council resolve to approve the planning application to verify fill levels, sand pad design and associated drainage outcomes.

Traffic conflict with Kargotich Road:

Submitters raised concerns in relation to the impact of the proposal on the functionality of Kargotich Road, particularly due to the proposal to construct three (3) new crossovers at the site's frontage. Submitters also indicated that the 90km/hr speed limit along Kargotich Road would create a dangerous environment for both the users of the facility and Kargotich Road. The railway crossing on Kargotich Road to the south of the subject site was also identified as having potential to obscure views to the site entrance for northbound vehicles.

Applicant response:

Following consultation with Shire officers, the proponent has revised the site plan by reorientating the internal vehicle circulation direction so that the vehicle entry point from Kargotich Road is south of the exit point. The revised plans also remove the third crossover to the service road which is now accessed from an internal driveway.

Shire officers comment:

Shire officers have requested further information from the proponent to demonstrate the detailed layout of the ingress and egress arrangements for the site. This information will include deceleration and acceleration slip lane designs for the western side of Kargotich Road and the widening requirements and traffic island details for entry to the site from the eastern side of the road for southbound traffic. It is expected that the proponent is to fund the construction of the traffic improvements to Kargotich Road as part of development works.

It is considered that with the implementation of appropriate deceleration and acceleration lanes, the vehicle movements to and from the site can be undertaken safely given the existing speed limit of Kargotich Road and the daily vehicle movements. However, it is recommended that specific traffic management for the larger less frequent events should be implemented in accordance with a Traffic Management Plan prepared by a suitably qualified consultant.

Details of slip lane construction:

Concern was raised by submitters as to the limited detail provided as part of the application documents with regard to the slip lane construction. The gravel material was considered by submitters to be inadequate for the functional operation of the temple due to its location on Kargotich Road with a 90km/hr speed limit.

Applicant response:

The proponent has commissioned a traffic engineer to develop set of preliminary concept design drawings for road widening, traffic islands and turning lanes to facilitate access to the site. The final plans will be prepared to indicate required widening, lengths of deceleration and acceleration lanes and turning movements and any preliminary line marking and signage required.

Shire officers comment:

The Shire's technical officers have consulted with the proponent with respect to the detailed engineering information required to appropriately assess the application.

Updated preliminary concept designs have been received from the proponent to address these matters and reviewed by technical officers of the Shire and have been found to be acceptable. The implementation of the road widening of Kargotich Road by the proponent in accordance with the final plans will be required prior to the commencement of operations should Council resolve to support the proposed development.

Car parking supply

Submitters raised concern at the stated total number of planned parking spaces at 200 and the appropriateness of this number of vehicles parked in a rural environment.

Applicant response:

The proponent has indicated that the 200 parking spaces was an indicative figure only. The proponent has provided other examples of existing Sikh Gurdwaras (Bennet Springs and Canning Vale) which contain around 100 parking spaces which provide for sufficient parking supply. The proponent has provided an updated site plan which includes a total of 125 parking spaces which is considered by the proponent to be sufficient to service the facility for the next 5 to 10 years. The proponent has indicated that the parking areas may only be fully occupied during the opening ceremony.

Shire officers comment:

Table V – Parking Requirements of TPS 2 indicates that the minimum number of parking spaces for a Place of Public Worship is 1 space per 4 persons accommodated. With a capacity of 500 people, the facility would require up to 125 parking spaces under Table V. As noted, a total of 125 parking are shown on the updated site plan which complies with the TPS 2 requirements.

Shire officers comment:

Shire technical officers have confirmed that the parking area and driveways are required to be sealed, kerbed and drained to minimise dust and erosion at the site.

In addition, TPS 2 requires that the parking area is to be landscaped in accordance with clause 7.7.5 and 7.10.2(a). Should Council resolve to approve the proposed development, standard conditions for parking design and landscaping will be required to be complied with.

Hours of operation and associated amenity impacts:

Concerns were raised in relation to the hours of operation, particularly regarding the commencement of operations (4am weekdays and Saturdays and 3am Sundays) and the cessation of operations (8pm Sundays and weekdays and 9pm Saturdays) and amenity impacts associated with noise, light and traffic. In addition, the unlimited access to the Sikh Priest through the night was also raised as a concern.

Applicant response:

The proponent has provided the following response:

‘Regarding early hours of Worship during weekdays or weekends, we have confirmed to the Shire that even though the temple is open for all, practically we won’t have more than 2-3 people during weekdays and 5-10 people during weekend. Early hours of worship is completely silent and self-concentrating meditation and there is no chance of noise. Even in urban areas, neighbours are never affected by any such congregation happening at any individual’s own house.

Further, we have moved the entry driveway to the centre of the property and there are ample setbacks for any other pathways in the subject land with respect to neighbouring properties. Also after consultation with Shire’s environmental department, we have plans for landscaping all along the boundary of the subject lot in order to minimise any affects to neighbours.

As explained earlier, we won’t develop anything which will spoil the rural profile of the area. It’s expected to be community centre with low number of attendance and expect growth to nominal levels in next 10-15 years.

Shire officers comment:

One dwelling is located in close proximity to the site, situated approximately 70m from the southern boundary. The remainder of the neighbouring dwellings are separated from the site by a distance of approximately 1km or greater. Due to the proximity of the neighbouring dwelling to the south, adverse amenity impacts arising from the site operations such as noise and light may result. The proponent has indicated that the peak period for traffic will occur on weekends, mainly Sundays between the hours of 9am and 12pm.

A Noise Management Plan will be required to consider the daily operations as well as the larger infrequent events which will result in potentially more significant amenity impacts as a result of larger congregations of members and associated traffic. The recommendations of the Noise Management Plan will be required to be implemented as part of any approval granted for the operation.

With regard to light impacts from the facility and vehicles, design elements to reduce light spill to neighbouring properties can be incorporated including dense landscaping treatments along southern boundary to address headlights from vehicles entering and exiting the site, hood light fixtures on buildings and in parking areas and low ambient lighting.

In addition, should the development progress, approval will be conditional on a single caretaker's residence with a cap on floor area. The Sikh Priest will therefore only be available at the site during the approved hours of operation.

Proposed number of dwellings:

Submitters have queried whether two dwellings are permitted on a lot within the Rural zone.

Applicant response:

No response has been provided by the proponent in relation to this issue, however a revised site plan has been provided which removes one of the proposed dwellings.

Shire officers comment:

It is noted that the revised site plan provided by the proponent has removed the second dwelling from the proposal. The dwelling shown on the site plan will be classified as a 'Caretakers Dwelling'. A Caretaker's Dwelling is an "IP" use in the Rural zone, meaning that it is not permitted unless it is incidental to the predominant use as decided and approved by Council. Shire officers consider that the Caretaker's Dwelling is appropriate as an incidental use to the predominant use of the site as a Place of Public Worship.

Should Council resolve to approve the application, conditions are recommended requiring the Caretaker's Dwelling to be used and occupied in accordance with the provisions of the Scheme and the floor area of the dwelling to be no greater than 100m². The limitation of floor area will also ensure that the dwelling will retain its function as the light industrial and commercial land uses are introduced to the area in the future as part of the development of the West Mundijong Industrial Area. The proponent will be required to provide a detailed set of floor plans and elevations for approval to reflect the 100m² floor area limitation.

Statutory Environment:

- Metropolitan Regional Scheme (MRS)
The site is zoned Rural under the Metropolitan Regional Scheme
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2)
The site is zoned Rural under the Town Planning Scheme
- Shire of Serpentine Jarrahdale Rural Strategy 2013 Review
The site is within the within the Rural Enterprise Policy Area under the Shire's Rural Strategy

Financial Implications:

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

Alignment with our Strategic Community Plan:

Objective 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

Planning Assessment:

As previously noted, a place of public worship is not a rural pursuit as such, and due to its scale, would not represent an associated activity to a rural pursuit. However, Shire officers have considered that the proposed development is capable of operating within this rural context under a set of management conditions to address any potential impact on the environment and the general amenity of the locality. In order to protect the rural lifestyle character, the proponent has incorporated a modest architecture that reflects the residential form as found within the surrounding area, which includes simple single storey brick buildings with colorbond roofing.

It is also noted that additional perimeter plantings are proposed and further landscaping treatments within the parking areas will be sought as a condition of approval to further screen the site from the public realm. The combined landscaping and planting will assist in the preservation of rural character whilst also providing a buffer to the adjoining properties.

The site is located approximately 400m to the north-west of the future West Mundijong Industrial Area and is contained within the industrial buffer area. The site is also approximately 2km north-west from the western boundary of the future Mundijong-Whitby Urban Cell development area, which is proposed for significant residential and commercial expansion on a scale similar to that of Byford. The proposed Sikh Temple, whilst currently within the Rural zone, is not in a remote or isolated rural location, but rather is on the immediate outskirts of a future urban centre. From a settlement planning perspective, the proposed location is considered appropriate, and there are other examples of places of public worship, both within the Shire and elsewhere, located in rural areas close to the urban development front. It is also not uncommon within the Perth Metropolitan Region for places of public worship to locate in light industrial areas.

Options and Implications:

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

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

The approval of the application will result in the establishment of a community facility in proximity to the future Mundijong-Whitby Urban Cell which will complement the future desired commercial and light industrial uses of the Rural Enterprise Policy Area as identified within the Shire's Rural Strategy 2013 Review.

Option 2: Council may resolve to refuse the application.

Refusal of the application may result in an application for review being submitted to the SAT, which may not be able to be successfully argued by the Shire.

Option 1 is recommended.

Conclusion:

Shire officers consider that the proposed Sikh Temple is appropriate for this location within the Rural zone under TPS 2 and the Rural Enterprise Policy Area under the Rural Strategy given the proximity to the future Mundijong-Whitby Urban Cell development area. It is considered that rural character and amenity will be preserved through appropriate building construction and through the use of perimeter landscaping. It is recommended that the development application be approved subject to conditions.

Attachments:

- [OCM210.1/10/15](#) – Revised Site Plan (IN15/17749)
- [OCM210.2/10/15](#) – Floor Plans and Elevations (IN15/17748)
- [OCM210.3/10/15](#) – Road Widening Concept Plan (IN15/17746)
- [OCM210.4/10/15](#) – Summary of Submissions (IN15/17745)

Voting Requirements: Simple Majority

Officer Recommendation:

That Council approves the application submitted by Sahibzada Fateh Singh Jee Inc. for a Place of Public Worship 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:

- a. If the development is not substantially commenced within a period of two (2) years from the date of this approval, the approval shall lapse and be of no further effect.
- b. No signs are to be displayed in the road reserve adjacent to the site at any time.
- c. All storm water shall be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourse and drainage lines is not permitted.
- d. All existing native trees and / or revegetated areas on the subject lot shall be retained and shall be protected from damage prior to and during construction unless part of this or a separate planning approval.
- e. Prior to the commencement of works the landowner shall submit and have approved by the Director Planning a detailed schedule of colours and finishes for all buildings.
- f. 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:
 - i. 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.
 - ii. The Caretaker's 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.
- g. Prior to the commencement of works the landowner shall submit and have approved by the Director Planning a set of floor plans and elevation plans for the Caretaker's dwelling.
- h. Prior to the commencement of works the landowner shall submit and have approved by the Director Engineering a Lighting Plan.
- i. Prior to the commencement of works the landowner shall submit and have approved by the Director Engineering a geotechnical report prepared by a suitably qualified professional.

- j. Prior to the commencement of works the landowner shall submit and have approved by the Director Engineering a Landscape and Vegetation Management Plan.**
- k. Prior to the commencement of works the landowner shall submit and have approved by the Director Planning a Bushfire and Emergency Management Plan, and thereafter implemented.**
- l. Prior to the commencement of works the landowner shall submit and have approved by the Director Engineering an Urban Water Management Plan prepared by a suitably qualified professional, and thereafter implemented.**
- m. Prior to the occupation of any part of the development, the landowner shall provide 125 car parking bays in accordance with the approved plans.**
- n. Prior to occupation of any part of the development, the landowner shall design and construct (at his own cost) to the satisfaction of the Director Engineering a left turn deceleration lane and left turn acceleration lane on Kargotich Road.**
- o. Prior to the occupation of any part of the development, the landowner shall widen the southbound carriageway of Kargotich Road to the satisfaction of the Director Engineering.**
- p. 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 to the satisfaction of the Director Engineering.**
- q. Prior to the occupation of any part of the development, the landowner shall submit and have approved by the Director Engineering a Traffic Management Plan prepared by a suitably qualified professional, and thereafter implemented.**
- r. Prior to the occupation of any part of the development, the landowner shall install an approved effluent disposal system.**
- s. Prior to the occupation of any part of the development, the landowner shall submit and have approved by the Director Planning a Noise Management Plan prepared by a suitably qualified professional, and thereafter implemented.**
- t. 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 Director Planning.**

Advice Notes:

- a. The landowner is advised this is a planning approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements.**
- b. With regard to condition (t) the water supply shall be fitted with a minimum 50mm or 75mm Ball Valve and a 50mm female Camlock fitting with a blanking cap. Access to this outlet must be within 6 metres on hardstand to facilitate fire appliance use. This coupling and valve shall be installed and maintained in a correct operating condition at all times at the landowner's expense.**

OCM210/10/15 COUNCIL DECISION / New Motion:**Moved Cr Gossage, seconded Cr Hawkins**

That Item OCM210/10/15 be deferred to the Ordinary Council Meeting scheduled to be held on Monday 7 December 2015 in order for the Chief Executive to allow traffic management matters and recent information received from the Department of Water regarding the flooding risks and drainage matters to be investigated fully.

CARRIED UNANIMOUSLY

OCM211/10/15 Lot 508 (#10) Woodstock Place, Darling Downs – Proposed Ancillary Accommodation and Patio (P05793/11)	
Author:	Marcel Bridge – Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	19 August 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Concept Carpentry WA Pty Ltd
 Owner: Bevan Daddow & Leighah Carney
 Date of Receipt: 15 July 2015
 Lot Area: 5632m²
 Town Planning Scheme No 2 Zoning: 'Rural Living A'
 Metropolitan Region Scheme Zoning: 'Rural'

Introduction:

The purpose of this report is to consider the development application for an 'ancillary accommodation' and 'patio' on Lot 508 (#10) Woodstock Place, Darling Downs.

The matter is being presented to Council as Shire officers do not have delegation to determine applications that exceed Local Planning Policy 17 – Residential and Incidental Development (LPP 17) provisions. In addition, two (2) objections have been received against the proposal.



Aerial Reference

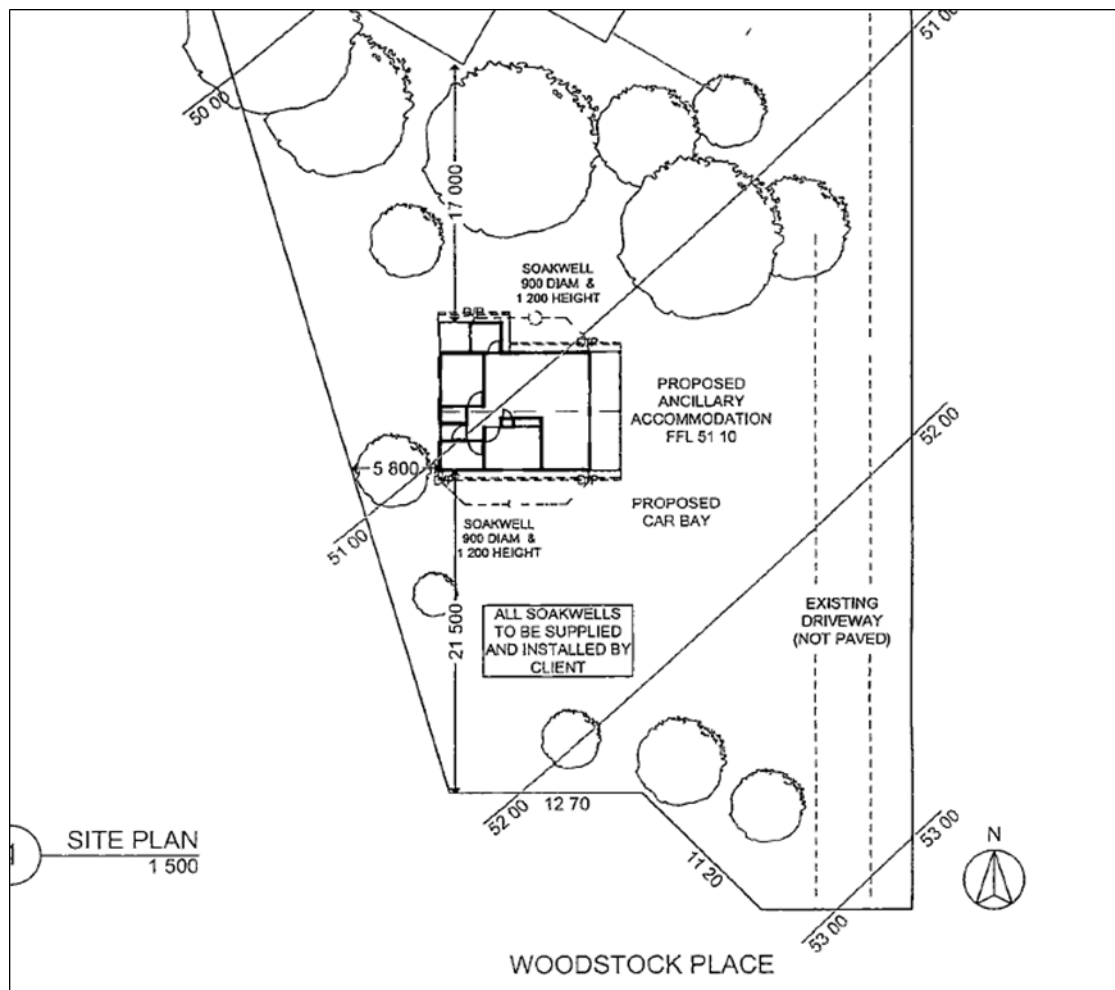
Background:Existing Development:

The subject property is zoned 'Rural Living A' and measures 5632 m² in size. The lot is located within a cul-de-sac (Bruns Drive) off Woodstock Place, Darling Downs.

Proposed Development:

The proposal is for the construction of an 'ancillary accommodation' and 'patio' to be located outside the building envelope

The proposed 'ancillary accommodation' is anticipated to be located 17 metres in front of the 'single dwelling' and has a habitable floor space of 84.30m².



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 LPP 17, two (2) objections have been received and are summarised as follows:

- *The Building would be directly in front of my front door and Master Bedroom Window. This would deny us privacy, and have an overview of our entrance and Master Bedroom.'*

- *'The Building would also block our view of the hills and devalue our property – it would exacerbate the existing problem of water flow into our front yard during heavy rains by concentrating run-off through the down pipes and into our property.'*
- *'It appears there will be pergola immediately in front of our master bedroom potentially leading to a noise situation for any-one sleeping in our main room.'*

Applicants Response:

'The 'ancillary accommodation' is for an elderly person, therefore the likelihood of a noise situation would be rare at this location, the block is approx 5000m².

How would the proposed accommodation block a view of the hills and create a devaluation of a property, the roof height is no different to the existing dwelling. The height of the building is 4.25m. Which is a lot less than some of the trees on the property.

The point made about denying privacy – on the back wall of the property the lounge room has no window facing the front of the property, as the accommodation is for a single person, bed 2 would be extra accommodation, and the bathroom has obscured glass. The lounge window and kitchen sliding door are covered by a pergola and the proposed accommodation on this side is 23m away from the front boundary.

The ancillary accommodation has 2 soakwells, which are connected to all downpipes one at the front of the dwelling, one at the rear of the dwelling, one side of the building is 5.8m from the fenceline the other side is 20m from the fenceline where the driveway is.

The pergola at the side of the building is 2m wide by 10m long, it is there to put shade over the lounge window and kitchen slider.

Shire Officer Comment:

Shire officers believe that the proposed development can be appropriately managed with regard to noise, storm water and impact on privacy. Shire officers are of the opinion that 'views' is not a valid planning concern and in addition the proposed 'Ancillary Accommodation' is single storey and not likely to result in the loss of views.

'Does not respect nor reflect preferred neighbourhood character for the area.'

Applicants Response:

I've looked on google earth, moved around the street on the map, I'm unsure about what "character" means. The houses that I saw were different colours and different designs. Could the person making this comment be more specific about what type of character they are describing. The granny flat is a small unobtrusive dwelling that will have a rendered finish to suit the existing house on the block as I understand it and as mentioned previously its 5.8m away from one fence and 20m away from the other side of the block. I've attached some images from Sept 2014 on google maps, as you can see each house is different, the styles, the colours etc and one has a large shed out the front. Please let me know if I can provide any further information.

Shire Officer Comment:

Shire officers acknowledge that the character of the area is a valid planning concern and are of the opinion that the proposed 'Ancillary Accommodation' does not give due consideration to the current streetscape and overall amenity of the area.

Statutory Environment:

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

The site is zoned 'Rural Living A' under the Town Planning Scheme.

- State Planning Policy 3.1 – Residential Design Codes (R-Codes).
- Local Planning Policy 17 – Residential and Incidental Development.

Financial Implications:

Should Council resolve to refuse the application, the applicant will have the ability to appeal the decision with the State Administrative Tribunal (SAT). This will have a financial impact on the Shire as it may require the appointment of planning consultants and potential legal counsel to represent Council throughout the SAT proceedings.

Alignment with our Strategic Community Plan:

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

Planning Assessment:

With regards to the objections received, Shire officers cannot concur that the proposed development would result in any negative impact on privacy, views, storm water or noise.

Notwithstanding the above, the application has been assessed in accordance with the relevant statutory documents. The existing zoning of the site is 'Rural Living A' permitting an 'ancillary accommodation' unit as an 'AA' use. Council may, at its discretion permit the use.

Floor area:

The maximum floor area for a lot zoned 'Rural Living A' (under 2ha) is to be no more than 60m². The proposed floor area measures 84.30m² and therefore does not comply with either LPP 17 or the R-Codes (2013)

Connection to the main dwelling / Location:

The 'ancillary accommodation' is to either be constructed under the same roof as the 'single dwelling' or be located a minimum of 10m from the existing 'single dwelling'. In this regard, the 'ancillary accommodation' is not proposed under the same roof and is located 17m from the existing 'single dwelling'.

Location:

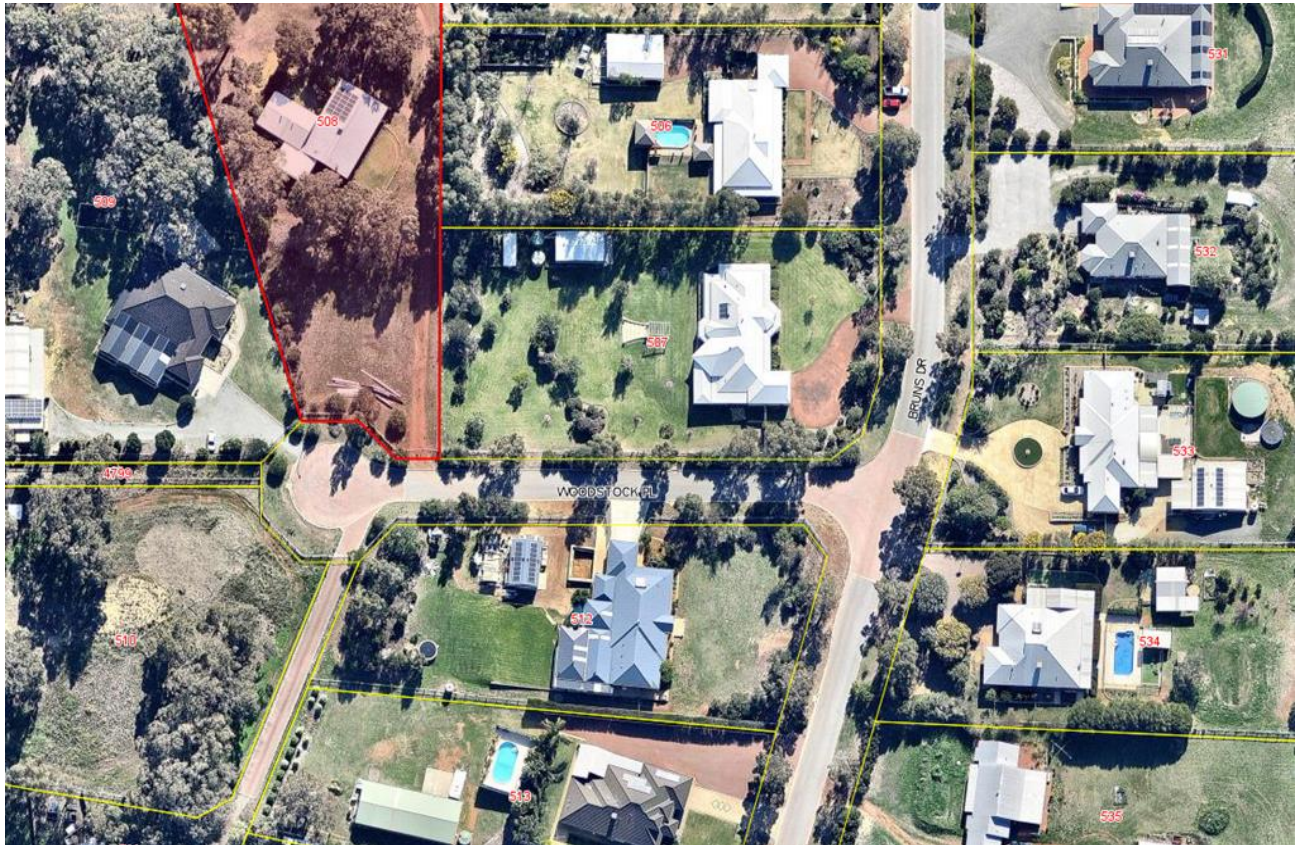
It is evident from the aerial photograph that the area is a well-developed estate with large family homes orientated towards the primary street, creating its own unique character / amenity.

In terms of the 'design principles' of the R-Codes an 'ancillary accommodation' should not compromise the amenity of the surrounding properties. It would appear from the aerial photographs that the proposed development could be located to the rear of the existing dwelling thereby resolving the impact on the character / amenity.

Streetscape:

An aerial survey of the surrounding properties developments indicates that the average street frontage of the existing dwellings averages between 20 and 30 meters.

The subject lot has a street frontage of approximately 30m and the proposed 'ancillary accommodation' a street frontage of 12m (including the patio) and is likely to dominate the streetscape.



Aerial View (Character & Amenity)

Options and Implications:

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

Option1: Council may resolve to refuse the application.

Refusal of the application will result in the policy requirements for 'ancillary accommodation' of LPP 17 being met and ensure the protection of the character / amenity of the area. Refusal of the application may result in an appeal to the SAT.

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

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

Option 1 is recommended.

Conclusion:

It is considered that the building location and scale are inconsistent with buildings within the surrounding area. For these reasons the proposal is deemed to be inconsistent with the policy provisions of LPP 17 and the R-Codes.

Attachments:

- [OCM211.1/10/15](#) – Locality Plan, Floor Plan and Side Elevations (IN15/14548)
- [OCM211.2/10/15](#) – Summary of Submissions (E15/5079)

Voting Requirements: Simple Majority

OCM211/10/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Piipponen

That Council refuses the application submitted by Concept Carpentry on behalf of the landowner(s) Bevan Daddow & Leighah Carney for an ‘ancillary accommodation’ and ‘patio’ on Lot 508 (#10) Woodstock Place, Darling Downs, for the following reasons:

- a. The proposal is contrary to the Local Planning Policy 17 – Residential and Incidental Development requirements for Ancillary Accommodation.**
- b. The proposal is contrary to the ‘Design Principles’ of State Planning Policy 3.1 – Residential Design Codes.**
- c. The proposal would have a detrimental impact on the streetscape / amenity / character of the surrounding properties.**

CARRIED UNANIMOUSLY

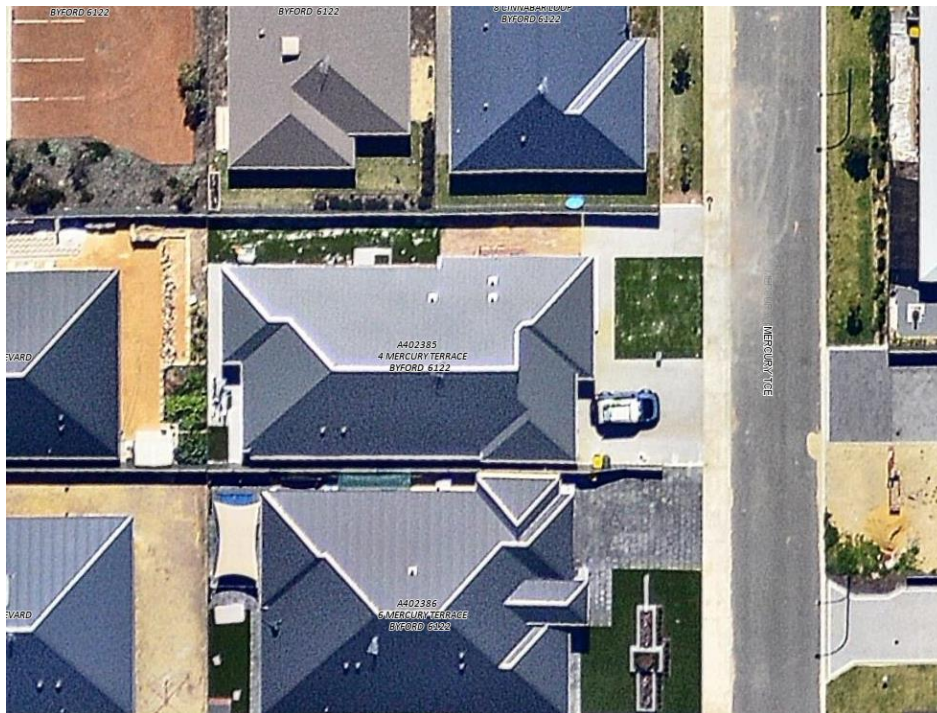
OCM212/10/15	Lot 216 (#4) Mercury Terrace, Byford – Patio (P10071/03)
Author:	Regan Travers – Senior Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	16 September 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Owner: Wei Hao Shannon Chin & Xiang Ying Lim
 Date of Receipt: 4 August 2015
 Lot Area: 508m² (0.05ha)
 Town Planning Scheme No 2 Zoning: 'Urban Development' (Residential R20)
 Metropolitan Region Scheme Zoning: 'Urban'

Introduction:

The purpose of this report is to consider the development application for a patio which exceeds the maximum length permitted in the Residential Design Codes for a nil setback boundary wall on Lot 216 (#4) Mercury Terrace, Byford (the site).

The proposal is presented to Council as a submission objecting to the proposal, was received as part of the community consultation process.



Aerial Reference

Background:

Existing Development:

The site features a 'single dwelling'.

Proposed Development:

The applicant proposes to construct a 9.5 metre long patio along the northern boundary of the site. The Patio roof will be setback 0.5 metres from the property boundary, however the posts of the Patio are proposed on the boundary line. The Patio roof is proposed to be 3 metres high.

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this application.

Community / Stakeholder Consultation:

The application has been advertised in accordance with clause 6.3 of Town Planning Scheme No. 2 (TPS 2), one (1) objection from an adjoining property owner was received, and raising concerns regarding visual privacy of the proposed development, as the subject lot is approximately 0.46 metres higher than the adjoining lot where the patio is proposed.

Shire officer comment:

Shire officers acknowledge the difference in height of the lots, however, as the levels are not proposed to be changed as part of the development application, the concerns raised are not considered to fairly relate to the proposed development.

Statutory Environment:

- Metropolitan Regional Scheme (MRS).
The site is zoned 'Urban' under the Metropolitan Regional Scheme.
- Shire of Serpentine Jarrahdale TPS 2.
The site is zoned 'Urban Development' (Residential R20) under the Town Planning Scheme.

Financial Implications:

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

Alignment with our Strategic Community Plan:

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

Planning Assessment:

The proposed development is generally consistent with the TPS 2 and the objectives for residential development.

The proposal does not raise any planning concerns.

Options and Implications:

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

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

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

Option 2: Council may resolve to refuse the application.

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

Option 1 is recommended.

Conclusion:

The proposed development is generally consistent with the TPS 2 and objectives for residential development. The proposed development does not raise any planning concerns.

Attachments:

- [OCM212.1/10/15](#) – Development Plans and Information (E15/4566)
- [OCM212.2/10/15](#) – Neighbour Submission (IN15/19283)

Voting Requirements: Simple Majority

OCM212/10/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Urban, seconded Cr Ellis

That Council approves the application submitted by All Complete Outdoor Building and Maintenance for a Patio, as indicated on the approved plans on Lot 216 (#4) Mercury Terrace, Byford, subject to the following conditions and advice notes:

- a. If the development referred to above is not substantially commenced within a period of two (2) years from the date of this approval, the approval shall lapse and be of no further effect.**
- b. The landowner shall ensure all activities related to the construction of the development (such as but not limited to, storage of building materials and contractor vehicles) shall be contained wholly within the lot boundaries.**
- c. All storm water shall be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is not permitted.**

Advice Notes:

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

CARRIED UNANIMOUSLY

OCM213/10/15	Scheme Amendment No. 192 – Text Amendment to Reflect the Deemed Provisions Contained within the Planning and Development (Local Planning Schemes) Regulations 2015 (SJ1872)
Author:	Rob Casella – Senior Strategic Planner
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	2 November 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

The purpose of the report is for Council to consider a number of textual changes made to Town Planning Scheme No. 2 (TPS 2) as a result of the recently gazette *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 – Deemed Provisions.

Section 75 of the *Planning and Development Act 2005* provides for local governments to amend a Town Planning Scheme as set out in the *Planning and Development (Local Planning Schemes) Regulations 2015*. Under Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015* Council must resolve to adopt or refuse to adopt a Scheme Amendment in accordance with the Act, and notify the Western Australian Planning Commission (WAPC) in writing of the resolution.

Background:

As part of the Western Australia's planning reform, the Department of Planning have released the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) which were gazette on the 25 August and take effect as of the 19 October 2015, replacing the *Town Planning Regulations 1967*.

Contained within the Regulations under Schedule 2 is the Deemed Provisions. The Deemed Provisions now form part of the Shire's Town Planning Scheme (the Scheme) with any inconsistencies between the Scheme and the Deemed Provisions, the Deemed Provisions prevail.

Subsequently, the Shire has undertaken a review of TPS 2, to remove or modify provisions, that have been addressed by the provisions contained within the 'deemed provisions'. Therefore, it is considered that this Scheme Amendment is classed as a 'basic amendment' as determined under clause 34 of the regulations.

Relevant Previous Decisions of Council:

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

Community / Stakeholder Consultation:

Under the new regulations, a scheme amendment that is to delete provisions that have been superseded by the deemed provisions in Schedule 2 or an amendment to correct an administrative error, does not require advertisement to the public or servicing authorities.

Statutory Environment:

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015

Financial Implications:

The financial implication of the proposed scheme amendment will be minor, as there is no need for advertising of the administrative changes.

Alignment with our Strategic Community Plan:

Objective 1.2	Progressive Organisation
Key Action 1.2.6	Comply with all legislative and statutory requirements.

Planning Assessment:

The changes made to the Shire's scheme are to remove or amend any provisions that are addressed in the recently introduced deemed provisions of the gazetted regulations.

As a result of the new regulations, the changes made to the process for scheme amendments has reduced the time and resources required to undertake a basic scheme amendment, meaning a less onerous and time consuming process is achieved.

Subsequently, as a result of the Scheme a review, the majority of changes made are a result of the deemed provision, however a number minor amendments have been made to correct existing administrative errors.

A copy of the Scheme Amendment document can be found in the attachments, along with a table of explanations for the proposed changes.

Options and Implications:

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

Option1: Council may resolve to adopt the Scheme Amendment, without modification.

Council Acknowledge the need to modify the Scheme as a matter of priority to reflect the deemed provisions of the *Regulations* to prevent any inconsistencies and confusions between the Shire's Scheme provisions and the *Regulations*.

Option 2: Council may resolve to adopt the Scheme Amendment, with modifications.

If Council determine that further modifications are required, it may delay the process to amend the Scheme to reflect the recently gazetted *Regulations* and subsequently may result in the amendment falling within a standard amendment, which will be required to undertake community consultation.

Option 1 is recommended.

Conclusion:

The proposal to adopt the list of modified textual changes to the Scheme is to reflect the recently introduced deemed provisions contained within the regulations. This is to ensure there is no inconsistencies or confusions when referring to planning documents in the local context of the Shire.

Additionally, a number of additional changes have been made to ensure consistency with the state planning legislation.

Attachments:

- [OCM213.1/10/15](#) – Scheme Amendment Document (OC15/19264)
- [OCM213.2/10/15](#) - List of major textual changes (E15/5074)

Voting Requirements: Simple Majority

OCM213/10/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr See, seconded Cr Ellis

That Council pursuant to Section 75 of the *Planning and Development Act (2005) (as amended)* and Regulation 58 of the Planning and Development (Local Planning Schemes) Regulations 2015 adopt Amendment No. 192 to the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 as contained in attachment OCM213.1/10/15;

- a. Authorise the Shire President and the Chief Executive Officer to execute the Amended No. 192 documentation pursuant to Regulation 31(3) of the Planning and Development (Local Planning Schemes) Regulations 2015.**
- b. Request the Western Australian Planning Commission and the Honourable Minister for Planning to grant approval to Amendment No. 192 to the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.**

CARRIED 6/3

OCM214/10/15	Mundijong Oval Lighting Upgrade – Funding Arrangements (SJ802)
Author:	Gordon Allan – Director Engineering
Senior Officer:	Richard Gorbunow – Chief Executive Officer
Date:	9 October 2015
Disclosure of Officers Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

At the OCM on 29 September 2015, Council resolved to take on notice the following question received from Cr Kirkpatrick.

“When is the Council going to upgrade the lights at the Mundijong Oval as described in the document circulated with the rate notice. This clearly shows that the monies will come from municipal funding without any other funding required? This document was copied in the Examiner newspaper on the 17 September 2015.”

The purpose of this report is to provide Council with a response to this question.

Background:

The Mundijong Oval Lighting Upgrade project essentially covers the replacement and upgrade of four (4) existing lights around the Mundijong football oval to provide the minimum required lighting quality for sporting facilities of this use.

When this project was included in the 2015-16 budget, an amount of \$320,000 was set against the works. This amount was made up as follows:

- \$225,000 from external grants and/or other contributions (Football Club).
- \$95,000 from Municipal Funds.

Unfortunately, since the adoption of the budget, the Shire has been unable to obtain written confirmation of the \$225,000 external contribution.

Comment:

If the external contribution of \$225,000 cannot be confirmed, the project cannot proceed as this is a primary requirement to proceed with the project.

In order to move the project forward and once external funding contributions have been confirmed, it is essential to establish the Scope of Works.

This process will involve confirming the level of service and expectation of the community/stakeholders which is a crucial step in determining pursuable cost effective options. Once the desired option has been identified, subject to funding, the work can be scoped, measured and priced to establish the estimated cost of the project. At this stage, the extent of funding required will be known.

Relevant Previous Decisions of Council:

There are no previous decisions in relation to this item

Community/ Stakeholder Consultation:

In preparation for including into the 2015/16 budget, the Mundijong Football Club were involved in preparing the costings for the proposed project.

Conclusion:

For the project to proceed, the external funding has to be confirmed. Failure to secure the external funding as detailed in the budget will mean the project will not proceed.

Alignment with our Strategic Community Plan:

Objective 2.3	Financial Diversity
Key Action 2.3.1	Prioritise and pursue new income streams that are financially sound and equitable, such as establishing business enterprises or asset acquisition.
Objective 2.4	Business Efficiency
Key Action 2.4.1	Ensure projects and goals are realistic and resourced, and that full costs are known before decisions are made.

Statutory Environment:

Local Government Act 1995

Financial Implications:

This project was subject to external funding of \$225,000. If all of the funding sources cannot be confirmed, the project will not proceed.

Attachments:

- [OCM214.1/10/15](#) – Letter from Cr Kirkpatrick dated 21 September 2015 (E15/19684)

Voting Requirements: Simple Majority

COUNCIL DECISION

Moved Cr Rich, seconded Cr Piipponen

That Standing Orders 9.5, 9.6, 10.7 and 10.13 be suspended at 7.52pm in order to further discuss item OCM214/10/15.

CARRIED 9/0

COUNCIL DECISION

Moved Cr Piipponen, seconded Cr Rich

That Standing Orders be reinstated at 7.59pm

CARRIED 9/0

OCM214/10/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Piipponen

That Council be advised that as per the 2015/2016 Annual Budget, the proposed upgrade of the Mundijong Oval Lighting is subject to external funding of \$225,000 and works will only proceed once the Shire has written confirmation of this external funding source.

CARRIED UNANIMOUSLY

OCM215/10/15	Request for Tender RFT03/2015 Tree Management Services
Author:	Stephen Thomson – Manager Operations and Parks
Senior Officer/s:	Gordon Allan - Director Engineering
Date of Report:	9 October 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

The purpose of this report is to engage the services of a suitably qualified contractor to undertake tree management services.

Background:

As part of the Shire's ongoing requirement for the management of trees, a Tender was prepared and advertised seeking suitable tree lopping contractors to undertake tree pruning, tree removal and associated works for the Shire.

The previous Tree Management Contract RFT006/12 has expired and a replacement supplier arrangement is required for Council to be able to continue with efficient delivery of its tree management services.

Four (4) submissions were received for the Tender. These Tenders were reviewed through a predetermined Tender Submission and Assessment process. This process has now been completed with a recommendation provided to Council to enable engagement of the preferred contractor in line with the summarised assessment and recommendation made below.

Tender:

Tender RFT03/2015 for Tree Management Services was advertised in the West Australian on Saturday 6 June 2015. The Tender closed at 2.00pm on Friday 21 August 2015.

The Tender has been made for a two (2) year period for planned commencement 1 November 2015 and ending 31 October 2017. The Tender includes a one (1) year extension option that can be applied fully at the discretion of the Shire.

Relevant Previous Decisions of Council:

Nil

Community/Stakeholder Consultation:

The Tender, once awarded, will provide a continuation of previously provided tree management services and once introduced will meet the service provision requirements for management of street trees, road envelope clearing and the Shire clearing for power lines requirements.

Proposal

The Tender is a Schedule of Rates Contract for tree pruning, tree removal, environmental works, stump removal, root grinding, emergency call out and clean ups works and mulching. All Contractors provided conforming Tenders, meeting shortlisting criteria and were accordingly assessed in full.

Submissions

Four (4) Tenders were received from the following tenderers:

1. WA Tree Works Pty Ltd
2. Beaver Tree Services Pty Ltd
3. Tree Care WA Pty Ltd
4. Kennedys Tree Services Pty Ltd

Compliance Criteria

All four (4) Tenders received were considered compliant Tenders.

Qualitative Evaluation Criteria

Assessment of this non-priced criteria was conducted in line with the pre-determined approach nominated in the Tender document.

All four (4) Tenders provided compliant high standard Tenders in this area.

All four (4) Contractors' scores were relatively close in this area with deviation between all the scores being less than 8%.

Pricing

Pricing for all schedule items were placed through a weighting system that proportionally gave weighting to the schedule based on their anticipated usage.

The lowest priced Tender was provided by Kennedys Tree Services with their weighted Tender price representing a 1% saving.

Summation

Kennedys Tree Services has provided a conforming submission and has satisfactorily addressed all the criteria.

Conclusion

Kennedys Tree Services has been assessed as being able to meet the requirements of the contract and it is recommended that they be awarded the Contract.

Attachments:

- [OCM215.1/10/15](#) – Request for Tender (IN15/15580)
- **Confidential – OCM215.2/10/15** - Tender Evaluation Report (E15/5159)
- **Confidential – OCM215.3/10/15** - Tender Evaluation Panel Guide (E15/5160)

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 5.2	Excellence in Environmental Management
Key Action 5.2.1	Protect, restore and manage our landscapes and biodiversity

Statutory Environment:

In accordance with the *Local Government Act 1995*, Sections 3.57 (1) (2) and *Local Government (Functions and General) Regulations 1996, Part 4*.

Financial Implications:

The proposed Contract is a Schedule of Rates Contract with costs to be managed through the control of issuing of works so as to stay within the financial constraints of the Shire's tree management related maintenance budgets.

Voting Requirements: Absolute Majority

OCM215/10/15 COUNCIL DECISION / Officer Recommendation

Moved Cr Hawkins, seconded Cr Ellis

That Council:

- 1 Award the Tender submitted by Kennedy's Tree Services for the provision of Tree Management Services for the period 1 November 2015 to 31 October 2017.**
- 2 Authorise the Chief Executive Officer to approve a one year extension in accordance with the Tender.**

CARRIED ABSOLUTE MAJORITY UNANIMOUSLY

OCM216/10/15	Request for Tender RFT06/2015 Supply, Spraying and Covering of Hot Bitumen Seals and Prime Seals
Author:	Stephen Thomson – Manager Operations and Parks
Senior Officer/s:	Gordon Allan - Director Engineering
Date of Report:	9 October 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

The purpose of this report is to engage the services of a suitably qualified contractor to undertake supply, spraying and covering of hot bitumen seals and prime seals.

Background:

As part of the Shire's ongoing requirement for sealing and prime sealing of roads a Tender was prepared and advertised seeking suitable contractors to undertake the supply, spraying and covering of hot bitumen seals and prime seals.

The Sealing and Prime Sealing Contract RFT001/11 has expired and a replacement supplier arrangement is required for Council to be able to continue with spraying and covering of hot bitumen seals and prime seals.

Four submissions were received for the Tender. These Tenders were reviewed through a predetermined Tender Submission and Assessment process. This process has now been completed with a recommendation provided to Council to enable engagement of the preferred Contractor in line with the summarised assessment and recommendation made below.

Tender:

Tender RFT06/2015 for Supply, Spraying and Covering of Hot Bitumen Seals and Prime Seals was advertised in the West Australian on Wednesday 3 September 2015. The Tender closed at 2.00pm on Friday 18 September 2015.

The Tender has been made for a two (2) year period for planned commencement 1 November 2015 and ending 31 October 2017. The Tender includes a one (1) year extension option that can be applied fully at the discretion of the Shire.

Relevant Previous Decisions of Council:

Nil

Community/Stakeholder Consultation:

The Tender, once awarded, will provide a continuation of previously provided supply, spraying and covering of hot bitumen seals and prime seal services. This service provision will include design, supply and application of unmodified bituminous primer seals and seals (including application of aggregate).

Proposal

The Tender is a Schedule of Rates Contract for full service provision of 10mm reseal, 10mm prime seal, 14mm reseal and for 14mm prime seal. All Contractors provided conforming Tenders, meeting shortlisting criteria and were accordingly assessed in full.

Submissions

Four (4) Tenders were received from the following tenderers:

1. Colas West Australia Pty Ltd
2. Downer EDI Works Pty Ltd
3. Boral Resources (WA) Pty Ltd
4. Fulton Hogan Industries Pty Ltd

Compliance Criteria

All four (4) Tenders received were considered compliant Tenders.

Qualitative Evaluation Criteria

Assessment of this non-priced criteria was conducted in line with the pre-determined approach nominated in the Tender document.

All four (4) Tenders provided compliant high standard Tenders in this area.

Pricing

Pricing for all schedule items were placed through a weighting system that proportionally gave weighting to the scheduled items based on their anticipated usage.

At the request of the Tenderers an Addendum was issued to the Contractor that allowed for the submissions to come in with prices for different work volume bands for each of the services nominated. All Contractors chose to submit prices using this approach permitted in the Addendum.

The recommended Tender was provided by Downer EDI Works Pty Ltd with their weighted price representing an 8.8% saving.

As is normally the case with Bitumen Supply Tenders, a rise and fall provision is included in the Contract. This primarily caters for price fluctuations for bitumen. The rise and fall approach nominated by Downer EDI Works Pty Ltd has been assessed as fair to both parties.

Summation

Downer EDI Works Pty Ltd has provided a conforming submission that has satisfactorily addressed all the criteria.

Conclusion

Downer EDI Works Pty Ltd has been assessed as being able to meet the requirements of the Contract and it is recommended that they be awarded the Contract.

Attachments:

- [OCM216.1/10/15](#) – Request for Tender (E15/4225)
- **Confidential** – **OCM216.2/10/15** – Tender Evaluation Report (E15/5147)
- **Confidential** – **OCM216.3/10/15** – Tender Evaluation Panel Guide (E15/5158)

Alignment with our Strategic Community Plan:

Objective 3.2	Appropriate Connecting Infrastructure
Key Action 3.2.2	Ensure that planning for the bridge and road network incorporates community safety and emergency management

Statutory Environment:

In accordance with the *Local Government Act 1995*, Sections 3.57 (1) (2) and *Local Government (Functions and General) Regulations 1996, Part 4*.

Financial Implications:

The proposed Contract is a Schedule of Rates Contract with costs to be managed through the control of issuing of works so as to stay within the financial constraints of the Shire's sealing budgets.

Voting Requirements: Absolute Majority

OCM216/10/15 COUNCIL DECISION / Officer Recommendation

Moved Cr Hawkins, seconded Cr Atwell

That Council:

- 1 Award the Tender submitted by Downer EDI Works Pty Ltd for the provision of Supply, Spraying and Covering of Hot Bitumen Seals and Prime Seals for the period 1 November 2015 to 31 October 2017.**
- 2 Authorise the Chief Executive Officer to approve a one year extension in accordance with the Tender.**

CARRIED ABSOLUTE MAJORITY UNANIMOUSLY

10. Information Reports:

OCM217/10/15	Chief Executive Officer Information Report (SJ1508)
Author:	Kirsty Peddie – Executive Assistant
Senior Officer:	Richard Gorbunow - Chief Executive Officer
Date of Report:	8 October 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

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

Attachments:

- [OCM217.1/10/15](#) - Common Seal Register Report – September 2015 (E02/5614)

Voting Requirements: Simple Majority

OCM217/10/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Piipponen

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

CARRIED UNANIMOUSLY

OCM218/10/15	Corporate and Community Information Report (SJ514-06)
Author:	Elba Strijdom – PA to Director Corporate and Community
Senior Officer/s:	Alan Hart – Director Corporate and Community
Date of Report:	8 October 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction

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

Attachments

- [OCM218.1/10/15](#) – Delegated Authority – Financial Services 1-31 August 2015 (E15/5155)
- [OCM218.2/10/15](#) – 2014-2015 Annual Report for Funding of Community Tourism & Small Business Development (IN15/21133)
- [OCM218.3/10/15](#) – 2014-2015 High Level Cashflow (IN15/21134)
- [OCM218.4/10/15](#) – Minutes of the Keysbrook CCG Meeting held on 5 August 2015 (IN15/17668)

Voting Requirements Simple Majority

OCM218/10/15 COUNCIL DECISION / Officer Recommendation

Moved Cr Ellis, seconded Cr Hawkins

That Council accept the Corporate and Community Information Report.

CARRIED UNANIMOUSLY

OCM219/10/15	Confirmation Of Payment Of Creditors (SJ514-06)
Author:	Vicki Woods - Finance Officer
Senior Officer:	Alan Hart - Director Corporate and Community
Date of Report:	1 October 2015
Disclosure of Officers Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

Introduction

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

Relevant Previous Decisions of Council

There is no previous Council decision relating to this issue.

Community / Stakeholder Consultation

No community consultation was required.

Comment

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

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

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

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

Attachments:

- [OCM219.1/10/15](#) - Creditors List of Account 1 September 2015 to 31 September 2015. (E15/5154)

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

OCM219/10/15 COUNCIL DECISION / Officer Recommendation

Moved Cr Ellis, seconded Cr Hawkins

That Council accepts the payments authorised under delegated authority and detailed in the list of invoices for period of 1 September 2015 to 31 September 2015, as per attachment OCM219.1/10/15 - Creditor List of Accounts 1 September 2015 to 31 September 2015 including Creditors that have been paid and in accordance with the *Local Government (Financial Management) Regulations 1996*.

CARRIED UNANIMOUSLY

OCM220/10/15 Monthly Financial Report – September 2015 (SJ514-06)	
Author:	Kelli Hayward - Contract Financial Accountant
Senior Officer/s:	Alan Hart – Director Corporate and Community
Date of Report:	6 October 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

Introduction:

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

Background:

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

Relevant Previous Decisions of Council:

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

Community / Stakeholder Consultation:

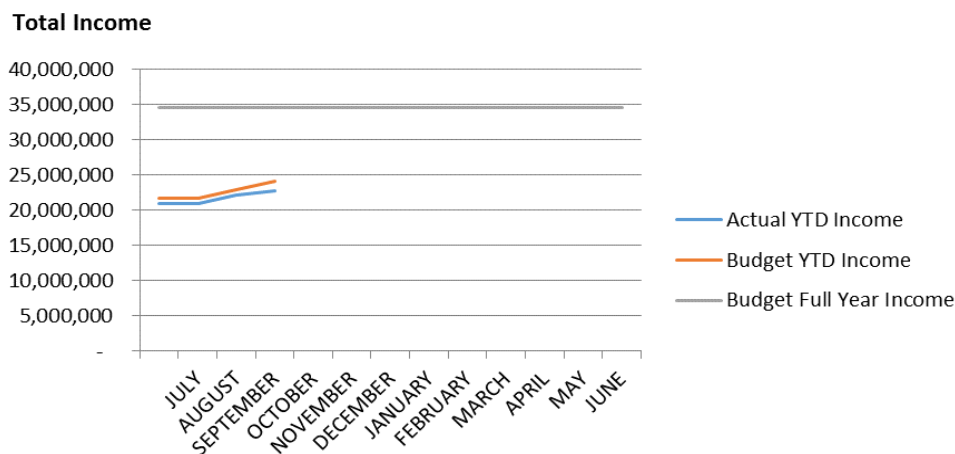
No community consultation was undertaken / required.

Comment:

The period of review is September 2015. The municipal surplus for this period is \$18,032,471 compared to a budget position of \$16,087,157. This is considered a satisfactory result for the Shire.

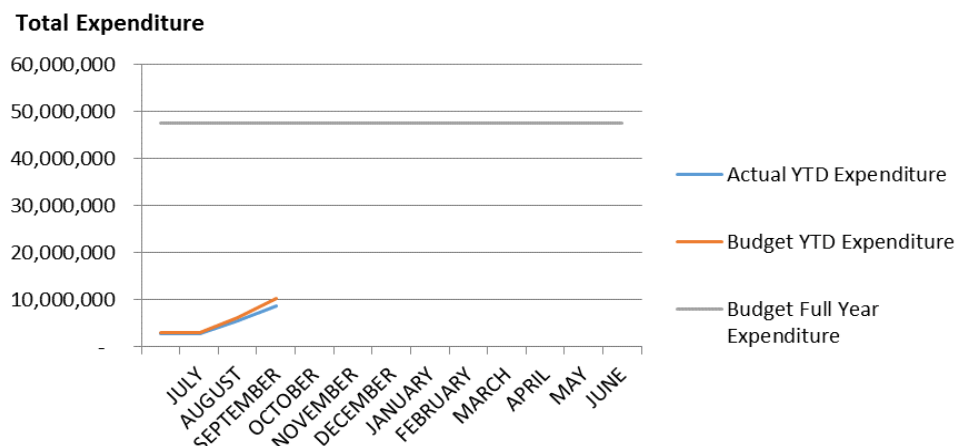
Income for the September 2015 period, year-to-date is \$22,827,210. The budget estimated \$24,100,534, would be received for the same period. The variance to budget is (\$1,273,324). Details of all significant variances are provided in the notes to the Statement of Financial Activity by Directorate.

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



Expenditure for the September 2015 period, year-to-date is \$8,722,400. The budget estimated \$10,302,227 would be spent for the same period. The variance to budget is \$1,579,827. Details of all significant variances are provided in the notes to the Statement of Financial Activity by Directorate.

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



Attachments:

- [OCM220.1/10/15](#) – Monthly Financial Report September 2015 (E15/5070)

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

OCM220/10/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr See, seconded Cr Hawkins

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

CARRIED UNANIMOUSLY

OCM221/10/15	Planning Information Report (SJ514-06)
Author:	Mary-Ann Toner - Personal Assistant to the Director Planning
Senior Officer:	Deon van der Linde – Acting Director Planning
Date of Report:	6 September 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction

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

Attachments

- [OCM221.1/10/15](#) - Planning, Building, Health, Rangers and Development Compliance – Delegated Authority Information Report (E15/5141)
- [OCM221.2/10/15](#) - Scheme Amendment, Local Planning Policies and Local Structure Plans (E12/3985)

Voting Requirements Simple Majority

OCM221/10/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Piipponen, seconded Cr Ellis

That Council accept the Planning Information Report for September 2015.

CARRIED UNANIMOUSLY

OCM222/10/15	Engineering Services Information Report (SJ514)
Author:	Jill Jennings – Personal Assistant to Director Engineering
Senior Officer:	Gordon Allan – Director Engineering
Date of Report:	9 October 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

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

Attachments:

- [OCM222.1/10/15](#) – Engineering Delegation of Authority Report, September 2015 (E15/5051)

Voting Requirements: Simple Majority

OCM222/10/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Piipponen, seconded Cr Hawkins

That Council accept the Engineering Services Information Report for September 2015.

CARRIED UNANIMOUSLY

11. Urgent Business:

Nil

12. Councillors' questions of which notice has been given:

Nil

13. Closure:

There being no further business the Presiding Member declared the meeting closed at 8.04pm.

I certify that these minutes were confirmed at the Ordinary Council Meeting held on 9 November 2015.

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Presiding Member

.....
Date