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Minutes of the Ordinary Council Meeting held in the Council Chambers, 6 Paterson Street, Mundijong on Monday 27 June 2016. The Shire President declared the meeting open at 7.00pm and welcomed Councillors, staff and members of the gallery and acknowledged that the meeting was being held on the traditional land of the Gnaala Karla Booja and paid his respects to their Elders past and present.

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

In Attendance:

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

Officers: Mr G Clark Acting Chief Executive Officer
Mr A Hart Director Corporate and Community
Mr A Schonfeldt Director Planning
Ms K Peddie Executive Assistant to the CEO (Minute Taker)

Leave of Absence: Nil

Apologies: Cr K Ellis
Mr G Allan

Observers: Ms K Cornish – Governance Advisor

Members of the Public – 19

Members of the Press – 1

2. Response to previous public questions taken on notice:

No questions were taken on notice at the Ordinary Council Meeting held on 23 May 2016.

3. Public question time:

Public question and statement time commenced at 7.01pm

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

Question 1

Has the Minister for Local Government asked the Shire of Serpentine Jarrahdale Council for an explanation of rate monies used for Liberal party funding for the amounts of \$19,300, \$1,350 and \$750.00.

Response:

No

Question 2

Has the former CEO been paid out, if so how much and why, did he retire, resign or was he sacked?

Response:

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

Question 3

Was the 2.3 million dollars being paid by the Byford and District Country Club to the Shire of Serpentine Jarrahdale Council included in the 2015 Council audit?

Response:

When the 2015/16 Audit is undertaken this matter will form part of the audit.

Mr W J Kirkpatrick, 77 Mead Street, Byford, WA 6122

The copy of the contract between Richard Gorbunow as CEO and the Shire of Serpentine Jarrahdale released under FOI document FOIF0158 Document 1 states in

Clause 4.4.6 The Chief Executive Officer must take all necessary and reasonable steps to prevent confidential information from being disclosed to any unauthorised person

Clause 4.4.7 The Chief Executive Officer indemnifies the local government for any loss, which arises from any breach of the Chief Executive Officer's obligation under this clause.

Clause 4.4.13 The Chief Executive Officer acknowledges that a breach of any of these obligations of confidentiality is a very serious matter and may result in summary dismissal.

Question 1

Part (1)

Why was the CEO not dismissed under Clause 4.4.13 as the breach was serious enough for Rivers Regional Council to claim damages from the Shire?

Part (2)

Why was Clause 4.4.7 not invoked as it is clear that the CEO should indemnify the Council in this Clause?

Part (3)

Has the Council made LGIS aware of the contract conditions as per the employment contract?

Response:

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

Question 2

At the Council meeting 9th May 2016 I asked a question about Councillors having illegal structures on their property.

My question is why the Council is not prepared to answer this matter as I have a document from the Shire supporting my question?

Response:

We stand by the response provided to you on 9 May 2016 and advise that as this relates to the personal affairs or actions of a Councillor and is inappropriate and therefore will not be responded to.

Question 3

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

Response:

The question will be taken on notice and a formal response will be provided in writing.

4. Public statement time:

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

Councillor Rich raised a Point of Order that Mrs Bond's statement was threatening in nature and was offensive to Council members. The Presiding Member upheld the point of order and invoked clause 15.2 Demand for Withdrawal - of the Shire of Serpentine Jarrahdale Standing Orders Local Law 2002 and requested Mrs Bond withdraw her statement. Mrs Bond refused to withdraw her statement. The Presiding Member ordered Mrs Bond to resume her seat and moved on to the next speaker.

Mr T Durward, Megara Fifteen Pty Ltd, PO Box 104, Leederville, WA, 6902

My name is Trent Durward, representing Megara Fifteen Pty Ltd, owners of Lot 9200 Abernethy Road, Byford. To this end I present regarding item 119/06/16 – Village Reserve Amended Local Development Plan.

Firstly I'd like to thank Council Officers and Council's representative Malcolm Mackay for their work and recommendation for approval.

By way of background the first version of this Local Development Plan was approved by Council at its ordinary meeting held on 26 April 2016.

At this time it was approved as a very simple document that only addressed basic provisions including interaction with public open space, open space and setback variations and vehicle access allowances. It did not address measures of aesthetic quality of the streetscape, amount of greenspace and landscaping in front setbacks. Council also voted to remove the open space provisions, meaning open space was required to be compliant with the standard R Code deemed to comply 40% requirement. It is noted that one way we could achieve this was to replace one of the covered car bays as uncovered, which would not be a good development outcome for anyone.

On reflection we understand the reason for your decision, and trust that the extra work undertaken with Malcom Mackay and Council officers, plus the additional information detailed in the amended submission means that you can now follow the positive recommendation. This extra information includes:

- A fully updated LDP that is more like a full Design Guideline document, with detail regarding the Landscaping Plan approved by Council for the estate;
- Plans demonstrating all the housing typologies including 2, 3 and 4 bedroom, single and two storey options.
- Full elevations showing landscaping and fencing as well as a streetscape perspective.

In working with Council and Malcolm Mackay we have provided significant improvements to the approved LDP and Council now has the opportunity tonight to turn those improvements into statutory provisions governing development, meaning a much better built form outcome than allowed under the current LDP:

A small selection of amendments include the following, noting that none of these are required under the current LDP or R Codes:

- Doubling of the front setback from 1.5m to 3m.
- Mandating building materials along the frontage.
- Mandating the need for a verandah or architectural feature and non-colourbond fencing along the frontage.
- Mandating the percentage of landscaping along the frontage.
- Ensure no air con units or roller shutters are visible from street.
- Mandating landscaping for deep rooted plants in the outdoor living areas.

- Glazing to be included in front door.

This has all been achieved through SAT mediation and in order to facilitate the improvements in the Amended LDP we are also requesting Council approve open space at 30% (where we previously proposed 25%). To this end it is noted that Council officers and Malcolm Mackay, one of Perth's leading urban designers, especially within the small cottage lot space, recommend approval and note that this is generally the sweet spot for appropriate development of R60 rear loaded cottage lots.

Therefore we respectfully request that you endorse this recommendation and approve the significantly improved amended Local Development Plan.

Thank you for your time I also welcome any queries if appropriate.

Mr N Hidding, Peter Webb & Associates, PO Box 920, Subiaco, WA, 6904

We represent the applicant and confirm that we support the staff recommendation to endorse the RAR. We thank the Shire for its continued support for this project. The RAR includes a minor condition change, which is the removal of condition 7. This does not change the resultant development in any way.

Presiding Member presented on behalf of:

Mr and Mrs A & M Keane, 100 Veterans Drive, Byford, WA, 6122

We believe that if it is necessary to have a local public toilet block in the part area it should be constructed between the new community garden and the picnic area/playground.

The site proposed on the south side of the bridge is too far from both the garden and the BBQ/play area, for children and wheel chair users it is too far.

It will also be partially hidden from the picnic area, and parents will not always be able to have sight of their children.

From a child's safety point of view this is not acceptable.

If placed in the area we have noted above it will be visible to all, all of the time.

With the traffic on Mead Street it will also be less desirable for any undesirable hang about. The proposed site is not conducive to looking after the welfare of children, elderly and wheelchair bound citizens.

Mr W J Kirkpatrick, 77 Mead Street, Byford, WA 6122

To the ordinary ratepayer or resident of this Shire there appears to be two standards of the need for compliance with Council resolutions or officer decision made under delegation.

It all seems to revolve around a ratepayer's relationship with the Elected Member.

I will give a couple of examples.

The portion of land known as Lot 4 (829) South West Highway owned by a Stephen White controlled company is being used as a car park although it is not zoned for this purpose. The Council is well aware of this situation but chooses to do nothing about it even though the vehicle entrance to this property is across the ramp from the public footpath.

Could this have anything to do with the fact that Mr White contributed to the Shire President's election expenses in the 2013 Shire Elections?

We have the Darling Downs residents clearing vegetation along the Beriga Drain when the removal of vegetation alive or dead is prohibited. It was interesting to see Councillor Ellis on Facebook partaking in this activity. This must be taken in consideration of another resident who was denied permission to remove dead vegetation along the same drain nearby to reduce the fire hazard to their dwelling. It show it is good to have Councillors on your side.

The Council makes the developer LWP fence a small compensating basin in Percies Park as it may be considered dangerous although it is adjacent to a flowing creek. But allows the removal of a safety fence along a considerable drop from the public footpath in Olsen Garden. We are told the drop meets Australia Standards but clearly does not meet the Council responsibility under the Duty of Care legislation as it has created a dangerous situation.

The Council could have made LWP meet the duty of care requirements but chose not to.

This would not be the same LWP that made concert tickets available to a number of certain Councillors?

Councillor Hawkins had the lights in the gazebo at Percies Park turned off at 10.00pm as it is opposite where she lives. This has now created a haven for antisocial behaviour as soon as the lights go out. And it is now no longer safe for residents to walk across the park at night from Mead Street to Veterans Parade.

All these matters may just be a coincidence but it does stretch the imagination.

Public question and statement time concluded at 7.16pm

5. Petitions and deputations:

5.1 Mr and Mrs Rance and Amanda Blackwood presented a deputation relating to Low Pad and FFL and Surrounding Fence.

Need for retaining wall around fence line.

1. Earthworks Level

In an email sent on 3 December 2015 it had an attachment showing original earthworks with a level stated at 32.60, as were the neighbouring lots.

Our surveyor shows the rear of our boundary at close to 32.80 and I believe this is the untouched and real level. Our neighbours on both sides sit on FFL at 32.85 and 32.84 respectively. We sit on FFL of 32.58 even though the builders (Home Group WA) admitted dropping us down 100mm below the proposed FFL and they are still within the tolerance allowed.

The figures don't add up and I believe there are false survey levels being floated around. The only way to rectify this is for the Council to have its own survey done and checked.

2. Lack of Action

The builders are telling us the repose of the land (slope) was okay and they are within the 100mm tolerance and they have no further obligation. They will however be willing to put a retaining wall in place along the fence line of our block 1413 and our neighbour 1414. They have no other plans to help.

The Shire has told us that they cannot help and have no obligation to do so. We must discuss this and deal with the builder ourselves. I believe the Shire's decision may have been made on facts and figures supplied to them by the builder's representative.

On our original building plan it shows our proposed swimming pool site and this needs to sit on a level block. It was our understanding the block was to be flat, level and the sand taken away.

A concrete driveway put down the side of the house, highlighted the issues of our fence line and the sunken lot we found the house in. Our neighbours, visitors and tradies have commented on how low our house is and cannot believe it has not been rectified.

On top of all this, the builder gave us the option to move the house pad back 0.6 meters so they could fix the right elevation/angle for our driveway. We agreed to this, even though it meant we were going to lose 10.8 square meters of valuable backyard space (nice garden shed size). At no time did they explain the ramifications/domino effects and issues that might arise from this.

We have nothing in writing from the builders about possible issues arising from this and what they would do to resolve them.

We have lost backyard space and ended up with heaps of sand and a fence line ready to fall over. I feel that my husband and me are being treated as dumb ratepayers being taken for granted.

3. Major level discrepancies

A difference of almost 300mm between blocks is clearly highlighted in attachment 1. Lot 1412 is 32.84 level, Lot 1413 (mine) is 32.58, Lot 1414 is 32.85. This is a difference of 260mm, which is clearly outside the allowed tolerance of 100mm. My house is clearly in a hole and can be seen by neighbours, visitors and other tradies.

4. Normal practice for FFL or Pad Heights

It is clearly common practice for builders to raise the pad 150mm minimum above the existing sand levels. This ensures rain, water or floods don't run into the house built. I am at a loss to understand why our house was dug down and the pad put in a hole.

Conclusion

I believe level discrepancies/figures stated may be wrongly stated to influence council decisions against me. My figures show fluctuations way outside what should be tolerated under existing Shire Council guidelines. Example 260mm difference between mine and my neighbours FFL.

My block should have been flat and level all the way round and not reposed, as the builders want me to believe. My proposed swimming pool is on the initial plans and everyone knows that swimming pools need a flat level. I am asking the Shire to ensure the builders fix this situation by flat levelling our block and install retaining walls and footings all the way around.

6. President's report:

Firstly I would like to welcome our Acting CEO Mr Gary Clark to his first Ordinary Council Meeting here at Serpentine Jarrahdale. Gary will shoulder the load for the next few months whilst we complete the recruitment process to fill the CEO position permanently. Gary brings extensive experience and skill to the role, and is focused on a strategic process for Council and is deeply committed to community engagement as an organisational focus. Council looks forward to working closely with Gary as he assists Council in forging a new pathway forward.

Vision 2050

The Vision 2050 consultation is well under way where we saw Planners, Urban Designers and Specialists take an extensive look at our community which involved a tour of the Shire with Council, interviews with varying groups such as developer's stake holder's students and members of the community. The feedback so far has been very positive and we look forward to the outcome of this work. Community workshops were held on Wednesday and Thursday last week. They were well-attended by community representatives. The Vision 2050 survey is now available from the Shire's website, and a series of Facebook posts will appear over the coming month to promote community discussion.

Australian Local Government Association - National General Assembly

We attended the Australian Local Government Association - National General Assembly along with some 600 representatives from 100's local governments across Australia. It was a deeply informative event and a great opportunity to learn from the work of other communities that have significant challenges meeting the community service delivery faced by all local governments across the country.

John Calvin School Talk

I spoke with the Year 4 students at John Calvin School on Tuesday 14 June about what it's like to be a Councillor and the role of Local Government in our community. The kids were very engaged and asked some great questions.

Citizenship Ceremony

We welcomed 27 new citizens to Serpentine Jarrahdale on Wednesday 15 June, with Mr Andrew Hastie MP in attendance who read the address from Mr Peter Dutton. It was a wonderful event where we welcomed our newest citizens to SJ.

Heritage Society Strategic Planning Workshop

A Heritage Society Strategic Planning Workshop was held at the SJ Community Resource Centre on Thursday 16 June, with attendees working together to develop the foundation of a plan for a unified approach to preserving Serpentine Jarrahdale's heritage.

Emergency Services Volunteer Awards Evening

More than 200 guests attended the Emergency Services Volunteer Awards evening on Friday 24 June. This annual event recognises our community volunteers for their continual commitment to keeping our community prepared and safe. Thank you once again to all our wonderful Emergency Service Volunteers

Condolences

We would like to acknowledge the passing of Mr Alexander Cumming, who served as a Councillor from 1978 – 1983 and Mr Arnold Marsh who served as a Councillor from 1963 – 1966 and 1968-1969. We send our deepest sympathy to their families and loved ones.

7. Declaration of Councillors and officers interest:

Nil

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

8.1 Previous Minutes

8.1.1 Ordinary Council Meeting – 23 May 2016 COUNCIL DECISION

Moved Cr Piipponen, seconded Cr Hawkins

That the minutes of the Ordinary Council Meeting held on 23 May 2016 be confirmed (E16/4173).

CARRIED UNANIMOUSLY

8.1.2 Special Council Meeting – 24 May 2016 (6.00pm) COUNCIL DECISION

Moved Cr Hawkins, seconded Cr Piipponen

That the minutes of the Ordinary Council Meeting held on 24 May 2016 (6.00pm) be confirmed (E16/4176).

CARRIED UNANIMOUSLY

8.1.3 Special Council Meeting – 24 May 2016 (7.15pm) COUNCIL DECISION

Moved Cr Hawkins, seconded Cr See

That the minutes of the Ordinary Council Meeting held on 24 May 2016 (7.15pm) be confirmed (E16/4177).

CARRIED UNANIMOUSLY

8.1.4 Special Council Meeting – 9 June 2016 COUNCIL DECISION

Moved Cr Urban, seconded Cr Hawkins

That the minutes of the Special Council Meeting held on 9 June 2016 be confirmed (E16/4631).

CARRIED UNANIMOUSLY

8.2 Planning Reports

OCM103/06/16	Lot 76 (Reserve 16099) Elliot Road, Keysbrook – proposed food and coffee van and trading in public places licence (RS0001/01)
Author:	Rosalie McDonald - Assistant Planning Officer
Senior Officer:	Andre Schonfeldt - Director Planning
Date of Report:	26 May 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Nourish Food and Coffee
 Owner: Reserve managed by Shire Serpentine Jarrahdale
 Date of Receipt: 16/02/2016
 Lot Area: 197149m² (19.7ha)
 Town Planning Scheme No. 2 Zoning: Public Open Space
 Metropolitan Region Scheme Zoning: 'Rural'

Introduction:

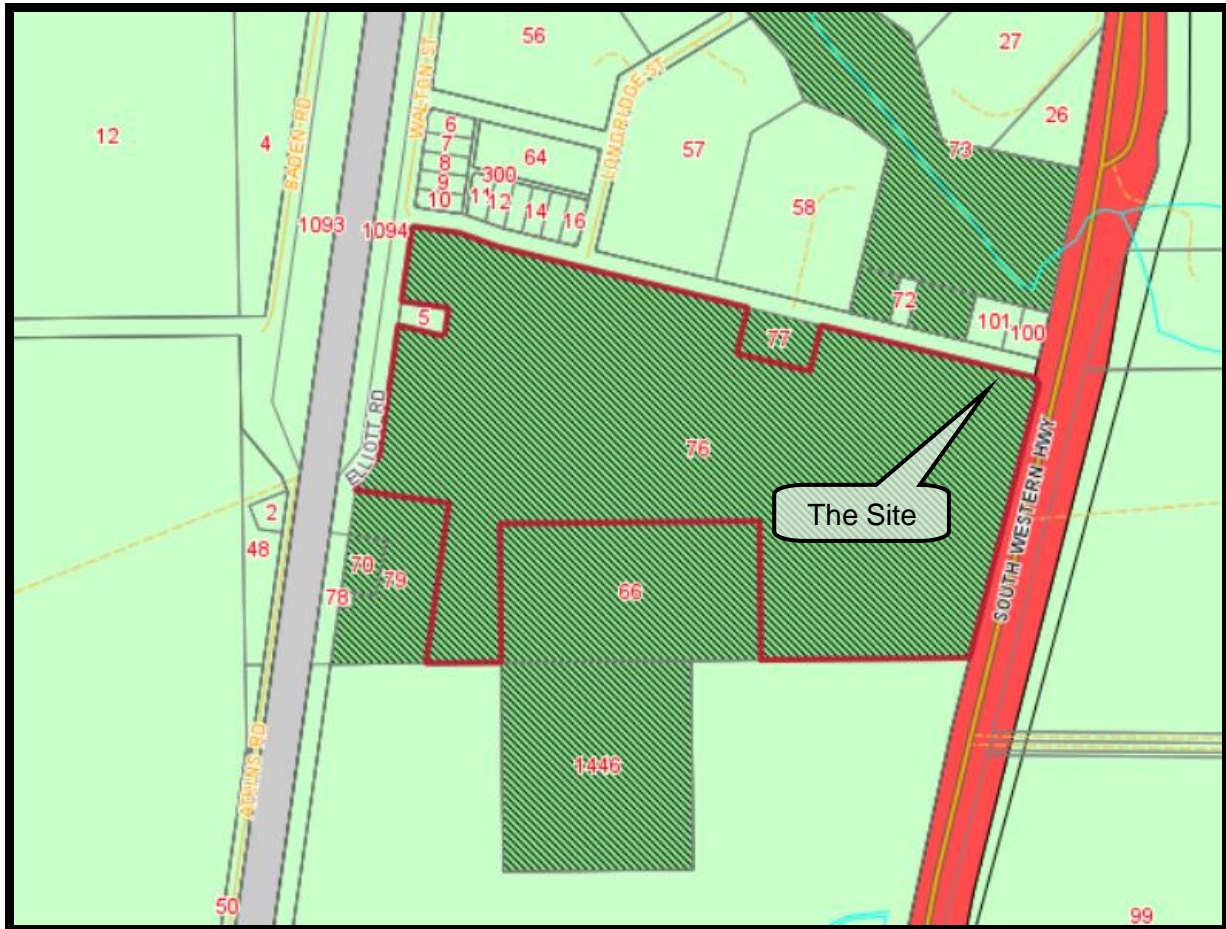
A planning application dated 18 January 2016 and received 27 April 2016 has been received for proposed Food and Coffee Van at L76 (R16099) Elliot Road, Keysbrook.

The subject lot is zoned 'Public Open Space' in accordance with the Shire's Town Planning Scheme No. 2 (TPS 2) and is managed by the Shire of Serpentine Jarrahdale. A food and coffee van is a 'use not listed' within a reserve for public open space in accordance with the Shire's TPS 2.

The purpose of this report is for Council to approve the proposed food and coffee van subject to the following:

1. signing the development application form in accordance with *Planning and Development (Local Planning Schemes) Regulations 2015*, as the owner of the reserve;
2. determining the 'use not listed' development application in accordance with TPS 2;
3. signing the application in terms of the Shire of Serpentine Jarrahdale local laws relating to trading in public places application for a licence; and
4. determine a local license for trading in public places in accordance with *Local Government Act 1995 - Local Laws Relating to Trading in Public Places*

The proposal is presented to Council as Shire officers do not have delegation to sign and determine the above items 1 to 3. The Shire's officers recommend supporting the proposal for a two year planning approval subject to appropriate conditions. It is also recommended a Trading in Public Places Local Licence be approved in accordance with the Shire of Serpentine Jarrahdale Local Laws Relating to Trading in Public Places subject to appropriate conditions.



Locality Plan

Background:Existing Development:

Existing development on Lot 76 Elliot Road consists of minor structures associated with public open space. Minor structures consist of a swing set, covered picnic table, information sign and a gravel area. The area is currently used as a bus stop and general rest area for travellers on the South Western Highway.

Proposed Development:

The proposed development is for a mobile food and coffee van. They will be offering coffee, soft drinks and take-away fresh food such as cakes and wraps.

The van is self-contained with power and water supplies. Waste water will be collected in the on-board storage tank. The operator will provide rubbish bins during trading times and ensure that littering will not take place.

The van is proposed to operate between 6:00am to 5:00pm Monday to Friday and 7:00am to 4:00pm Saturday and Sunday. The number of hours each day will vary. One or two small advertising flags in the shape of a teardrop will be used to advertise the van. The flags will be located outside of the road reserve and weighted to minimise risk in windy weather.

Site Context:

The site is public open space and has a number of tree clusters, it also includes play equipment and a covered picnic table. There is an existing hard stand area used as a bus stop and rest area and the proposed van location is incorporated into this area.

The site is in close proximity to South Western Highway. The hard stand area leads off Elliott Road. It is opposite the Old Keysbrook Store. The surrounding land is Rural with rural uses.



Site Plan

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this application.

Community / Stakeholder Consultation:

Advertising was carried out for a period of 14 days, from 10 May 2016 to 24 May 2016, whereby 3 submissions were received. The submissions include 2 objections and 1 support relating to the proposal. A summary is included as attachment **OCM103.3/06/16**.

Statutory Environment:

- *Planning and Development Act 2005*
- *Food Act 2008*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Shire of Serpentine Jarrahdale Local Laws Relating to Trading in Public Places
- Health Local Laws 1999
- Metropolitan Regional Scheme (MRS). The lot is zoned 'Rural' under the MRS.
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2). The lot is zoned 'Public Open Space' under the TPS 2.
- Local Planning Policy 5 – Advertising Signs (LPP5)

Financial Implications:

There are no direct financial implications regarding this application.

Alignment with our Strategic Community Plan:

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

The proposed food and coffee van with a licence to trade in public places aligns strongly with the Strategic Community Plan. The development will provide a food service in an area that is largely devoid of takeaway options. This will serve the community's needs and the central location encourages resident interaction. Its proximity to the upgraded playground helps to serve the community needs, and its temporary nature will not detract from the rural character.

Planning Assessment:

A comprehensive assessment has been undertaken in accordance with section 67 of the Planning and Development Regulations 2015; the assessment can be viewed as part of the attachments.

Town Planning Scheme No.2 Objectives

The proposed food and coffee van is a 'use not listed' and as such is required to comply with clause 3.2.5 of TPS 2. Under clause 3.2.5 an application for a 'use not listed' can be considered if consistent with the objectives and purpose of the zone. There are no requirements for public open space so the application is assessed against the objectives and purpose of TPS 2 and advertised as required by clause 3.2.5 and clause 6.3 of TPS 2.

The General objectives and purposes of the Scheme are:

a) to secure the amenity, health, safety and convenience of the inhabitants of the District:

The proposed food and coffee van supports this objective as it will increase the convenience of the inhabitants of the District. The van provides access to light refreshments in an area that is largely Rural. The proposed location is within the vicinity of a number of rural based businesses, the Keysbrook Community Hall, and upgraded playground. The temporary nature will not unduly detract from the amenity of the area, and may help to facilitate interaction between residents and increase the sense of community.

b) to zone land for the purposes described in the Scheme so as to promote the orderly development of the land by making suitable provisions for land use;

The proposed food and coffee van aligns with this objective as it is a transient development that will be in position temporarily. The van increases the amenity of the public open space and will not impede orderly development.

c) to reserve land for future and present public use;

The proposed food and coffee van will not go against this objective as it is a transient development and not a permanent use. It will help to facilitate the use of public places and encourage community interaction. Furthermore, a condition has been recommended stating this approval only relates to the operator, which solidifies its temporary nature.

d) to make provisions for the conservation and preservation of places of natural beauty, historic buildings and objects of historic or scientific interest;

The proposed food and coffee van is a transient, temporary development that will operate in a proposed location that is designed for vehicle movement and parking. The proposed van is self-contained and all waste will be taken off-site. The proposed location is not in close proximity to any registered place of natural beauty, historic building or object of historic or scientific interest and as such, will not negatively impact efforts of conservation or preservation of the above.

e) *to create a pedestrian and vehicular circulation system together with landscape environment which compliments the wide range of activities carried on and proposed to be carried in the District;*

The proposed food and coffee van aligns with the objective as it is a transient development. The proposal is not to be located within any road reserve and the proposed location provides sufficient space for parking to ensure the road network is not impacted.

f) *to encourage coordinated development of the District in accordance with the guidelines set out in the planning studies adopted by the Council for particular areas of the District as a whole.*

The proposed food and coffee van supports this objective. It is a temporary development that adds to the amenity of the area and facilitates resident interaction. The proposed location is in an area that is lacking in facilities or services. The closest local centre is Mundijong and the proposal is a simple, low impact solution that will increase the amenity of the residents without impacting the District as a whole.

The proposed food and coffee van is a low impact, transient development that will encourage community interaction, creating village environments and provide a facility that serves the community's needs. The proposal aligns strongly with the objectives and purposes of TPS 2 and the strategic community plan. Accordingly, it is recommended that the Council sign the development application form and approve the proposed food and coffee van limited to a period of 2 years, subject to appropriate conditions. The time limited approval is more appropriate for a transient development and provides the opportunity to re-assess the development and its context within a changing community.

Signage

The food and coffee van proposes the installation of one or two tear drop flags. Further details of the proposed advertising signs were not provided.

The proposed flags would fall within the definition of a Ground based sign as per (LPP5) which '*Means a sign which is not attached to a building*'. A ground based sign is 'X' in a Reserve as per Table 1 of LPP5. As such, a separate application for the proposed advertising signs is required and to be determined by Council.

Licence to Trade in Public Places

An application to trade in public places was submitted to the Shire with the development application. Shire officers have assessed the application in accordance with the Shire of Serpentine Jarrahdale Local Laws relating to trading in public places. The local laws require that when considering an application for a licence the Council shall have regard to the certain aspects that are listed below.

- a) Any relevant policies
- b) The desirability of the proposed trading activity
- c) The location of the proposed trading activity
- d) The circumstances of the case

The proposal does not contravene any council policy and the desirability and location is considered suitable in this circumstance. A licence is valid for the period between the date of issue and the 30th day of June next or until its revocation pursuant to the Shire of Serpentine Jarrahdale Licence to Trade in Public Places Local Laws, whichever is the earlier. The date of issue for the licence will be 1st July 2016 providing a twelve month approval.

The food business is registered with the Shire under the *Food Act 2008* as "Nourish Food and Coffee". The van itself has been fitted out to a high standard and meets the provisions of the Food Standards Code.

It is recommended to grant the applicant a trading in public places licence.

Options and Implications:

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

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

The approval of the application will result in a positive impact on the community by providing a facility that serves the community needs and encourages resident interaction. The concerns of the submitters can also be addressed.

Option 2: Council may resolve to refuse the applications.

Refusal of the applications will result in a potential loss to the local economy, the activation of space in Keysbrook and social interaction.

Option 1 is recommended.

Conclusion:

The proposed food and coffee van will operate at Lot 76 (Reserve 169009) Elliot Road, Keysbrook which is zoned 'public open space' and currently used as a rest stop and bus stop. The surrounding area has limited services and has a strong rural character.

The proposed development aligns with the objectives of TPS2 as it is a transient development that will provide a positive community service. It will encourage social interaction and improve the amenity of the area.

The application for trading in public places is compliant to the requirements. The proposed development will improve the services in the area and aligns with objective 3.1 of the Strategic community plan. It is considered the development will have a positive outcome within the District.

The recommendation is to resolve to:

1. sign the development application form in accordance with *Planning and Development (Local Planning Schemes) Regulations 2015*,
2. determine the development application in accordance with TPS 2;
3. sign the Shire of Serpentine Jarrahdale local laws relating to trading in public places application for a licence; and
4. determine a local license for trading in public places in accordance with *Local Government Act 1995 - Local Laws Relating to Trading in Public Places*.

Attachments:

- [OCM103.1/06/16](#) – Development Application and Site Plan (E16/4225)
- [OCM103.2/06/16](#) – Section 67 of the Planning and Development Regulations 2015 (E16/4226)
- [OCM103.3/06/16](#) – Summary of submissions and applicant and officer response (E16/4634)
- [OCM103.4/06/16](#) – Shire of Serpentine Jarrahdale local laws relating to trading in public places application for a licence (IN16/10705)

Voting Requirements: Simple Majority

OCM103/06/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Rich, seconded Cr Gossage

That Council:

- 1. Authorise the Chief Executive Officer to sign the development application form for the proposed ‘use not listed’ (food and coffee van) on Lot 76 (reserve 16099) Elliot Road, Keysbrook.**
- 2. Approves the application submitted by Nourish Food and Coffee for an ‘unlisted use’ as indicated on the attached *OCM103.1/06/16* plans and does not relate to any other development on Lot 76 (Reserve 16099) Elliot Road, Keysbrook, subject to the following conditions:**
 - a. This approval relates to the operator Nourish Food and Coffee only.**
 - b. This approval is valid for a period of 2 years commencing on 1 July 2016.**
 - c. The food and coffee van is permitted to operate between the hours of 6:00am to 5:00pm Monday to Friday and 7:00am to 4:00pm Saturdays and Sundays only.**
 - d. Advertising signs are not permitted within the Reserve.**
 - e. The development and use shall not operate within the Western Australian Main Roads road reserve.**
- 3. Authorise the Chief Executive Officer to sign the application for a licence to trade in public places at Lot 76 (Reserve 16099) Elliot Road, Keysbrook.**
- 4. Approves the licence to trade in public places, and authorises the Chief Executive Officer to determine applications for renewal in accordance with Shire of Serpentine Jarrahdale Local Laws Relating to Trading in Public Places for the proposed food and coffee van at Lot 76 (Reserve 16099) Elliot Road, Keysbrook subject to the following conditions:**
 - a. This approval is valid until 30 June 2017;**
 - b. Compliance with the provisions of Council’s Local Law relating to Trading in Public Places;**
 - c. Activities to comply with the *Food Act 2008*, Food Standards Code at all times;**
 - d. Food business to be registered with a local government (currently Shire of Serpentine Jarrahdale) at all times. Changes in activities or variation in the approval, the applicant must notify the Shire of Serpentine Jarrahdale;**
 - e. Adequate waste receptacles are to be provided for customers and removed at the end of each trading period.**

CARRIED UNANIMOUSLY

OCM104/06/16 Lot 9502 Briggs Road, Byford – Proposed Local Development Plan	
Author:	Haydn Ruse - Planning Officer
Senior Officer:	Andre Schonfeldt - Director Planning
Date of Report:	31 May 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Rowe Group
 Owner: Pino Gangemi
 Date of Receipt: 22 March 2016
 Lot Area: 252,706m² (25.27ha)
 Town Planning Scheme No. 2 Zoning: 'Urban Development'
 Metropolitan Region Scheme Zoning: 'Urban'

Introduction:

The purpose of this report is for Council to consider a proposed Local Development Plan (LDP) for Lot 9502 Briggs, Byford.

The LDP proposes land use and design for a future neighbourhood centre site. The overarching Local Structure Plan (LSP) requires that a LDP be prepared to inform subdivision and development. As such, the applicant has prepared the LDP in preparation for the future subdivision and development of the site.

The purpose of this report is for Council to consider a LDP for Lot 9502 Thomas Road, Byford as Shire Officers do not have delegation to determine LDPs in accordance with P033D and P033S – Local Development Plans.

The report recommends that the Local Development Plan submitted be approved subject to modification as discussed within the report.



Locality Plan

Background:

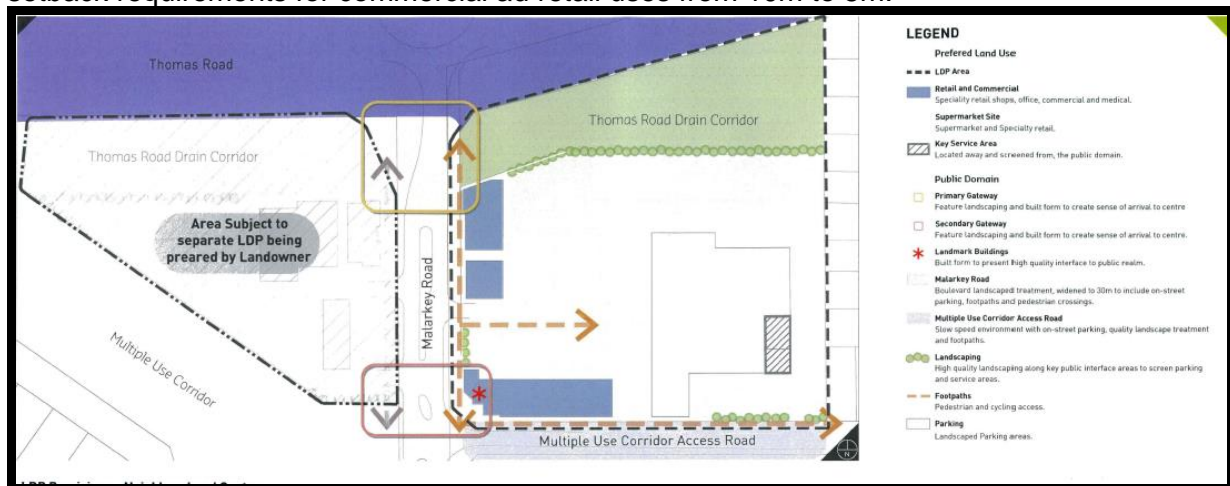
The subject site falls within the Lot 9500 Thomas Road LSP. The North Western corner of the LSP identifies a future neighbourhood centre, which is the subject of this report. The LSP requires a more detailed plan to be prepared for the neighbourhood centre to guide future development, which is the intent and purposed of the proposed LDP.

The Southern portion of the lot is currently being subdivided for residential development as part of the Byford Meadows Estate.

Proposal:

The proposed LDP has been prepared in accordance with the Lot 9500 Thomas Road LSP, which requires a LDP to inform and guide future subdivision and development for the neighbourhood centre site.

As a neighbourhood centre site the LDP has a focus on integrating design features to achieve a good built form outcome. In terms of land use the LDP specifies retail and commercial development addressing the primary and secondary street and a supermarket and specialty retail across the remainder of the site. The LDP only proposes to vary TPS2 setback requirements for commercial and retail uses from 10m to 5m.



Site Plan

Relevant Previous Decisions of Council:

OCM092/06/15 – An application for a Local Structure Plan was recommended for approval by Council.

Community / Stakeholder Consultation:

The application has been advertised as per clause 50 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, objections have been received and are summarized in attachment OCM104.1/06/16. The submissions have been considered as part of the planning assessment.

Statutory Environment:

- Metropolitan Regional Scheme (MRS)
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2)
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Local Planning Policy 70 – Activity Centres
- State Planning Policy 4.2- Activity Centres for Perth and Peel

Financial Implications:

There are no direct financial implications regarding this application.

Alignment with our Strategic Community Plan:

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

The neighbourhood centre development will provide a place for the public to access facilities and services locally. Retail and commercial development on a neighbourhood centre scale provides opportunity for prospective local small businesses and promotes social interaction between members of the local community.

Planning Assessment:

The Shire's officers have assessed the proposal in accordance with the *Planning and Development Regulations (Local Planning Schemes) 2015*, the Western Australian Planning Commission (WAPC) Framework for Local Development Plans, Local Planning policy 70 – Activity Centres (LPP70) and State Planning Policy 4.2 – Activity Centres for Perth and Peel (SPP4.2).

The WAPC Framework for LDPs provides guidance as to how LDPs should be formatted and designed. The proposal is considered to comply with the design and layout requirements of the framework with modifications required for considerations made under the LDP that do not apply to the development site and should not form part of the LDP.

The LDP makes reference to land uses on a neighbouring site and surrounding road layout and intersection designs. The LDP also includes reference to residential development but does not identify any residential development on the LDP Map or in the map legend. As such it will be recommended that these inconsistencies be removed from the LDP as part of the officers recommendation.

Table 3 of the TPS2 sets site requirements for commercial and retail development within the Shire. As the LDP proposes retail and commercial land uses it should be assessed against this provision in the TPS2. At this stage the only provision that is proposed to be varied is the primary setback requirement of 9m. The LDP varies this setback to a minimum of 5m, this reduced setback will allow future development to integrate more closely with pedestrian activity on the street while providing ample space for the creation of a high standard of public realm. The variation is consistent with LPP 70 and SPP 4.2 which require retail and commercial development that address the street. Clause 5.2.1 of the TPS2 states:

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

The proposed LDP seeks to vary setbacks standards in the scheme, which will bring the activity generated by retail and commercial development closer to the street consistent with relevant local and state policy provisions.

The following assessment covers the requirements of both LPP 70 and SPP 4.2 in relation to Activity Centres and elements for consideration by a LDP to comply with these policies.

Activity Centre Hierarchy:

LPP 70 and SPP 4.2 require planning instruments that relate to Activity Centres to consider the hierarchy of activity centres and where the proposal fits within the hierarchy. In terms of the neighbourhood centre, it has already been approved in the current location under the Lot 9500 Thomas Road LSP. A neighbourhood centre should be a focal point for the local

community for daily shopping needs. The proposed land uses for retail commercial and a supermarket would allow the neighbourhood centre to service this requirement and meet to daily needs of the local community. A submission was received objecting to the location of the neighbourhood centre, however the location has previously been determined and is not the subject of this application.

Activity:

A wide range of retail and commercial uses are required for activity centres to provide a diversity to promote a competitive retail and commercial market. The proposed LDP has not varied any of the land use permissibilities of TPS2 and have identified the site for retail and commercial use, including a supermarket. The retail and commercial area identifies specialty retail shops, office, commercial and medical uses, while the supermarket site identifies both a supermarket and specialty retail. This will allow the provision of a range of services supported by a supermarket. These uses are consistent with those outlined in both LPP 70 and SPP 4.2 for neighbourhood centre sites.

Movement:

Public transport and transport modes other than the private car should be prioritised for activity centre development. The site is located close to Thomas Road, which has been identified as a major East – West transport route through the Shire area. This proximity will allow access to passing bus routes and pedestrian and cyclist access is proposed for the in. Parking facilities have been allocated on site and positioned towards to rear of the lot, on-street parking is also proposed as part of the LDP.

Urban Form:

The LDP proposes retail and commercial development addressing both the primary and secondary streets. Sleeved development and minimal blank walls have been proposed in line with SPP 4.2. Natural surveillance and interface between development and the street are other considerations that have been addressed in the LDP through design features such as having tenancies at the same level as the street and using architectural features to create an attractive street environment. Furthermore the LDP proposes to have two gateway landscape and built form entry statements to distinguish the site from its surroundings and create a sense of place for the public realm.

Out of Centre Development:

Development that attracts high numbers of trips should not be assigned to neighbourhood centres, but rather concentrate in town centres and other higher order activity centres. The proposed LDP does not propose any uses that would be considered to attract a high number of trips such that it should be concentrated to a higher order activity centre. The LDP does propose a supermarket however this is considered appropriate development for a neighbourhood centre under Table 3: Activity Centre Functions, Typical Characteristics and Performance Targets of SPP 4.2.

The proposed LDP satisfies the objectives of both LPP 70 and SPP 4.2 and is consistent with the requirements of the Lot 9500 Thomas Road LSP.

Submissions:

During advertising the proposed LDP received 4 submissions 3 of which were objections. Of the 3 objections 2 raised concerns in relation to the construction of Thomas and Malarkey roads and the future intersection treatments and the location of the neighbourhood centre. The intersection of Thomas road and Malarkey road is not related to this application which only relates to development within the lot and access to the site. The location of the neighbourhood centre has been previously approved by the WAPC as a neighbourhood centre to support the town centre development on Abernethy Road rather than compete with it. This approval has already been granted and is not the subject of the current application.

The final objection was raised in relation to the road design featured on the LDP and the process of submitting a LDP before receiving subdivision approval the WAPC. Generally

subdivision approval is sought prior to submitting a LDP for approval however as the LSP requires a LDP be approved to inform and guide subdivision it is considered appropriate to approve the LDP before a subdivision approval has been granted. In terms of the road design the LDP shows a medium strip which is broken to allow access to the subject site and the neighbouring site to the West. The objection relates to this road design and another road design proposed by the developer on the other side of the Malarkey road which identifies a roundabout intersection. In terms of the LDP the road design should not form part of the LDP and is indicative only. The final road design will be determined at subdivision stage and does not directly relate to the proposed LDP at this stage. If the final road design is required to be a roundabout at subdivision stage the LDP can be amended to include this detail.

Options and Implications:

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

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

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 will require Council to provide reasoning for the refusal and may result in an appeal to SAT which may not be able to be successfully argued.

Option 1 is recommended.

Conclusion:

The proposed LDP is consistent with the Shires and State policies. There are some provisions that do not directly relate to the subject site and should be removed from the LDP in accordance with the WAPC framework for LDP's. There were some concerns from the community in relation to the Thomas and Malarkey road intersections, however this is not associated with the current proposal. The road design depicted in the LDP for Malarkey road has also been objected to. This road design is only indicative and will be determined at subdivision stage. If a roundabout is required for the final road design the LDP will need to be amended to show this detail, however it does not apply to the LDP at this stage. This issue is a result of the requirement of the Lot 9500 Thomas Road LSP requiring an LDP for the neighbourhood centre site prior to subdivision, where subdivision approval is generally sought prior to an LDP.

Shire officers support the proposed LDP and recommend approval subject to modifications as discussed in the planning assessment.

Attachments:

- [OCM104.1/06/16](#) – Application (IN16/5510)
- [OCM104.2/06/16](#) – Summary of Submissions (E16/4050)
- [OCM104.3/06/16](#) – Applicant Response to Summary of Submissions (IN16/10535)
- [OCM104.4/06/16](#) – Schedule of Modifications (E16/4495)

Voting Requirements: Simple Majority

OCM104/06/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Urban, seconded Cr Piipponen

That Council approves the Local Development Plan submitted by Rowe Group on Lot 9502 Briggs Road, Byford in accordance with Clause 52(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, subject to modifications as per attachment [OCM104.4/06/16](#).

CARRIED UNANIMOUSLY

OCM105/06/16	Lot 9021 Clondyke Drive, Byford – Road Name Proposal (SJ500-03)
Author:	Haydn Ruse - Planning Officer
Senior Officer:	Andre Schonfeldt -Director Planning
Date of Report:	31 May 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Taylor Burrell Barnett
 Owner: Cedar Woods
 Date of Receipt: 4 April 2016
 Lot Area: 285,100m² (28.51ha)
 Town Planning Scheme No. 2 Zoning: Residential

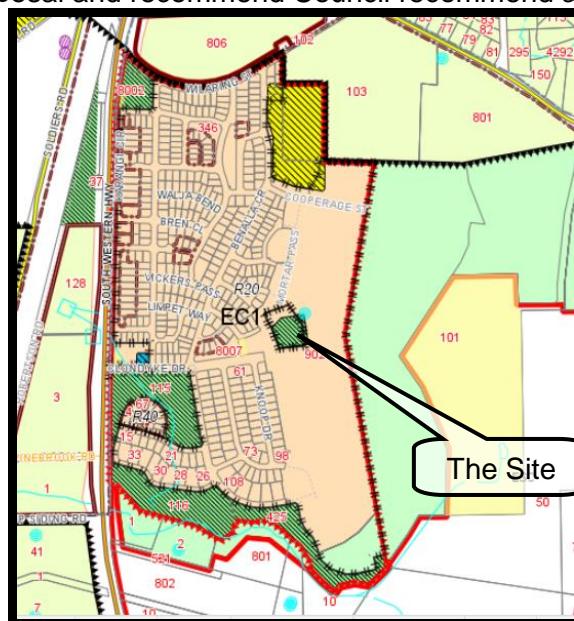
Introduction:

The purpose of this report is for Council to consider 27 proposed new road names and 4 extension of existing road names for Lot 9021 Clondyke Drive, Byford. The applicant has proposed such an extensive list of new road names to cover future stages of the development.

The proposed road names are in line with an existing naval terms themes, which reflects the historic use of the site as a naval depot.

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

Shire officers have assessed the application in accordance with the Shires Local Planning Policy 38 – Road Naming (LPP 38) and the GNC Policies and Standards for Geographical Naming in Western Australia (GNC policy) and finds the application to be compliant. Shire officers support the proposal and recommend Council recommend approval to the GNC.



Locality Plan

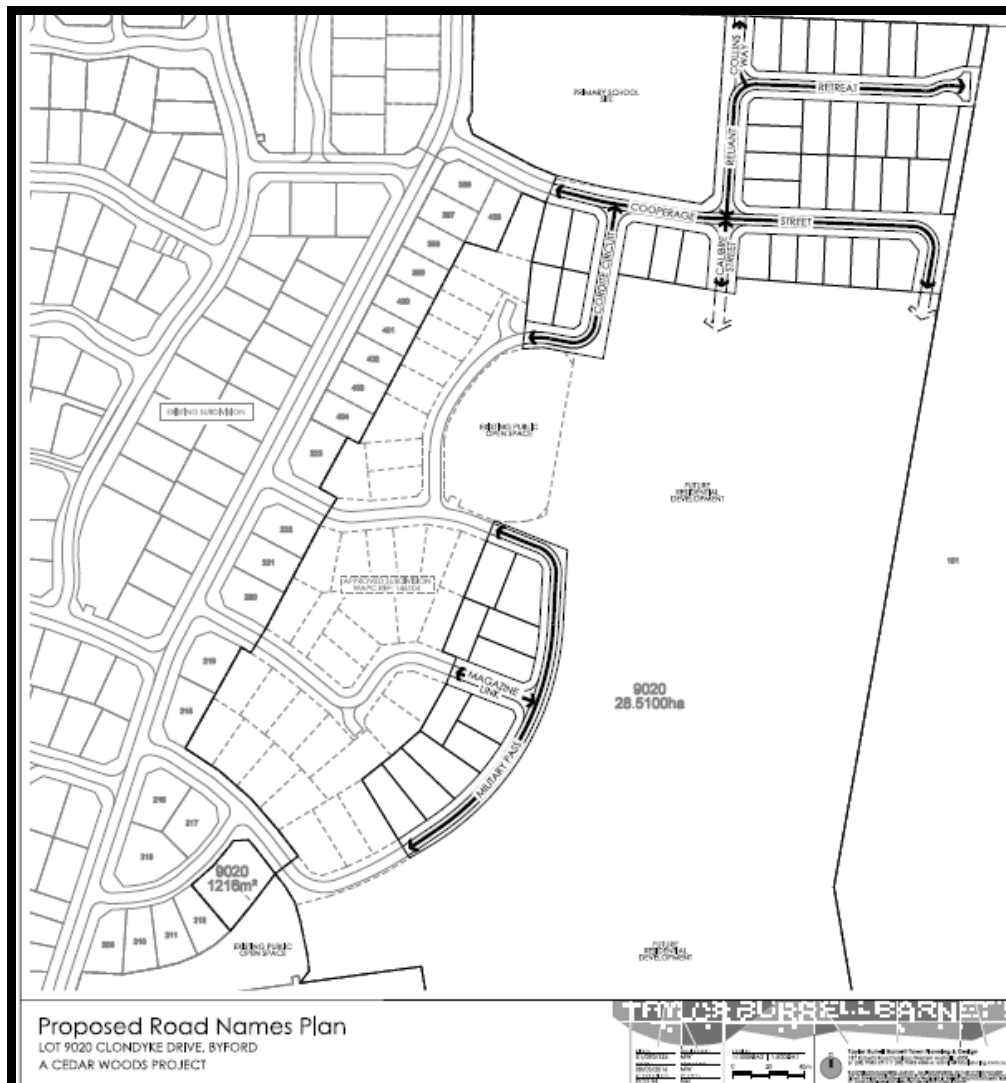
Background:

Proposal:

The proposal relates to the Byford by the Scarp Stage 8A development. The site is zoned ‘Residential’ under the Shire’s Town Planning Scheme No.2 (TPS 2). The proposal seeks road name approval for the immediate and future stages of development as well as for the extension of some roads as part of the next stage of development.

In order for the applicant to receive titles for lots created in accordance with a subdivision approval any constructed road are required to have a name allocated. The GNC have delegation from the Minister for Lands under the *Land administration Act 1997* to approve road names, however their policy requires local government support for all road naming applications. As a result the Shire has assessed the application against the GNC policy and LPP 38 and finds the proposal to be complaint. The proposal is presented to Council prior to issuing

The site was historically used as a naval depot which has resulted in a naval term based road naming theme. The current proposal seeks to maintain this theme in recognition of the sites’ history.



Site Plan

Relevant Previous Decisions of Council:

There are no relevant previous decisions of Council.

Community / Stakeholder Consultation:

The application was not advertised to adjoining landowners. Road naming applications for new names within a subdivision are not required to be advertised in accordance with Geographic Names Committee (GNC) and the Shire's LPP 38.

Statutory Environment:

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

Financial Implications:

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

Alignment with our Strategic Community Plan:

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

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

Planning Assessment:

The proposed new names and names to be extended are detailed below:

Proposed Name Extension	History
Cordite	A smokeless explosive made from nitrocellulose, nitroglycerine, and petroleum jelly, used in ammunition.
Cooperage	The making of barrels and casks.
Magazine	A container or detachable receptacle for holding a supply of cartridges to be fed automatically to the breech of a gun.
Military	The armed forces of a country.
Proposed New Names	
Calibre	The diameter of a bullet, shell, or rocket. Related to armaments associated with the Byford Depot.
Collins	Reference to the Collins Class Submarine, all of which are stationed at Garden Island.
Reliant	Royal Fleet auxiliary vessel which was supplied by the depot
Bosun	The phonetic spelling of Boatswain, which is the senior crewman responsible for components of a ship's hull.
Chargeman	A worker placed in charge of other workers. Position held by workers at the Byford Depot.
Dalgleish	A Depot officer in charge, 1960.
Dowall	A foreman of stores at the Naval Depot.
Foreman	A person, often experienced, who supervises other workers.
Godden	The officer in charge of the Inspection section at the Depot.

Guncotton	Magazine for storage of guncotton, typically a smaller version of a Cordite Magazine.
Lulu	A lockable 40-ton steel ammunition lighter.
Oerlikon	Type of weapon handled at the Naval Armament Depot during the war.
Resurgent	Royal Fleet auxiliary vessel which was supplied by this depot
Shallon	A type of special coarse wool, twilled on both sides, used in making propellant bags.
Snowling	A foreman of the Naval laboratories on the site, from England to take up the position.
Stokesbury	Senior Sergeant Stokesbury was a member of the Naval Dockyard Police who were responsible for the security of the depot.
Wadmiltilt	A strong woollen cloth covering used to shield gunpowder barrels during transport or handling, to prevent ignition.
Alternative/Reserve Names	
Albion	Schooner wrecked at the northern end of Garden Island, WA, 8 April 1849.
Amur	This 236-ton composite barque drifted ashore at Rockingham in 1887. This wreck can be visited by beach-goers.
Cambria	This was a small coastal steamer built in Tasmania in 1885. The wreck site has not been located; however it is believed to be along the Collie Ledge.
Camilla	Camilla was a 20-ton barquentine. In 1903 it was scuttled in an area south of Jervoise Bay which was used as a ship's graveyard until 1910.
Chalmers	British barque, 606 tons. Built 1851. Struck on Murray Reef south of Garden Island, WA, and became a total wreck, 19 March 1874.
Ellen	Cutter. Wrecked on Garden Island, WA, January 1890. One life lost.
Fitzgerald	Schooner, 24 tons. Struck rocks and foundered when sailing from Garden Island to Fremantle. Crew of four, and three passengers reached safety.
Harrison	This three-masted wooden schooner of 384 tons was sunk in 1877. Loaded with timber and in a sinking condition, it came into Fremantle on May 22, 1877 and is believed to be either the wreck uncovered in Careening Bay in 1973 or one of the unidentified ships in Jervoise Bay.
Orizaba	Owned by the Pacific Steam Navigation Company, sister ship to the Oroya. Wrecked on Five Fathom Bank near Garden Island on the approach to Fremantle, 17 February, 1905.
Sepia	A 715-ton iron barque sank off the south west of Carnac Island after hitting Challenger Rock in 1898.

Compliance with Relevant Legislation:

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

- *Consideration of current and future street names.*
- *Consideration shall be given to current and Future Street numbering to ensure numbering is sequential, easy to follow and considers future density increases.*
- *The origin of each name shall be clearly stated and subsequently recorded.*
- *Names shall not be offensive or likely to give offence, incongruous or commercial in nature.*
- *Names shall be easy to read, spell and pronounce in order to assist emergency services, service providers and the travelling public.*
- *Unduly long names and names comprised of two or more words should generally be avoided.*
- *Proposals for road names shall include an appropriate road type suffix.*
- *Practical application of road names to maps and plans shall be considered such as the long street names should not be allocated to short roads.*
- *The proposed names are considered to be consistent with provisions of the policy and the GNC standards and should be supported.*

The proposed names are considered to be consistent with the guidelines listed above with regards their origin and meaning. The names have a naval theme consistent with the historical naval activities of the locality.

Options and Implications:

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

Option 1: Council may resolve to approve the 4 proposed road extensions and 27 new road names as detailed in the planning assessment for Lot 9021 Clondyke Drive, Byford.

Option 2: Council may resolve to refuse the 4 proposed road extensions and 27 new road names as detailed in the planning assessment for Lot 9021 Clondyke Drive, Byford.

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

Option 1 is recommended.

Conclusion:

The names are considered consistent with the Shire's Local Planning Policy 38 and the GNC policy in relation to road naming. It is recommended that the proposal be approved.

Attachments:

- [OCM105.1/06/16](#) – Road Naming Proposal (IN16/4520)

Voting Requirements: Simple Majority

OCM105/06/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Piipponen

That Council

- 1. approves the application for road naming submitted by Taylor Burrell Barnett for Lot 9021 Clondyke Drive, Byford:**

2. **Forwards the following approved road name extensions to the Geographic Names Committee for final approval:**
 - a. Cordite
 - b. Cooperage
 - c. Magazine
 - d. Military

3. **Forwards the following approved future names to the Geographic Names Committee for final approval:**
 - a. Calibre
 - b. Collins
 - c. Reliant
 - d. Bosun
 - e. Chargeman
 - f. Dagleish
 - g. Dowall
 - h. Foreman
 - i. Godden
 - j. Guncotton
 - k. Lulu
 - l. Oerlikon
 - m. Resurgent
 - n. Shallon
 - o. Snowling
 - p. Stokesbury
 - q. Wadmiltilt
 - r. Albion
 - s. Amur
 - t. Cambria
 - u. Camilla
 - v. Chalmers
 - w. Ellen
 - x. Fitzgerald
 - y. Harrison
 - z. Orizaba
 - aa. Sepia

CARRIED UNANIMOUSLY

OCM106/06/16	Lot 5 (#34) Abernethy Road, Byford - Proposed Shop, Medical Centre and Fast Food/Takeaway (P01686/04) – Section 31 Consideration.
Author:	Regan Travers – Senior Planner
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	1 June 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Peter Webb and Associates
 Owner: Baywillow Holdings Pty Ltd
 Date of Receipt: 23 December 2014
 Lot Area: 1.8 ha
 Town Planning Scheme No. 2 Zoning: Urban Development
 Metropolitan Region Scheme Zoning: Urban

Introduction:

The purpose of this report is for Council to endorse a recommendation to the Metropolitan East Joint Development Panel (JDAP) for a proposed Town Centre Development at Lot 5 (#34) Abernethy Road, Byford.

Pursuant to section 31 of the *State Administrative Act 2004*, JDAP has been invited to reconsider its decision of 18 March 2016. The applicant is seeking review of condition 7 of the JDAP approval issued on the 18 March 2016.



Aerial Reference

Background:

Refer to attached Responsible Authority Report.

Relevant Previous Decisions of Council:

- OCM026/03/15 – Council resolved to endorse the Responsible Authority Report which recommended refusal.
- OCM074/05/15 – Council resolved to endorse the Responsible Authority Report which recommended approval.
- OCM256/11/15 - Council resolved to endorse the Responsible Authority Report which recommended approval.
- OCM035/03/16 - Council resolved to endorse the Responsible Authority Report which recommended approval.

Community / Stakeholder Consultation:

Refer to attached Responsible Authority Report.

Comment:

Refer to attached Responsible Authority Report.

Statutory Environment:

- Metropolitan Regional Scheme (MRS)
- Planning and Development Act 2005
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2)
- Byford Town Centre Local Structure Plan
- Planning and Development (Development Assessment Panels) Regulations 2011
- Planning and Development (Local Planning Schemes) Regulations 2015

Financial Implications:

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

Alignment with our Strategic Community Plan:

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

Planning Assessment:

Refer to attached Responsible Authority Report.

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 endorse the RAR.

Endorsing the RAR will enable the JDAP Panel to consider the matter with a positive resolution of Council.

Option 2: Council may resolve to not endorse the RAR.

Should Council resolve not to endorse the Shire officers report, the report is still required to be submitted to the JDAP as Council's non-endorsement does not preclude the JDAP from determining the application.

Option 1 is recommended.

Conclusion:

The removal of Condition No.7 does not negatively impact the planning controls applied to the development. The removal of Condition No.7 is consistent with the principles of orderly and proper planning.

Attachments:

- [OCM106.1/06/16](#) – Responsible Authority Report (E16/4347)
- [OCM106.1/06/16](#) – Previous Responsible Authority Report (E16/4474)

Voting Requirements: Simple Majority

OCM106/06/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Rich, seconded Cr Urban

That Council endorses the attached Responsible Authority Report, which recommends that the Metropolitan East Joint Development Assessment Panel approve the application seeking planning approval for a Town Centre Development at Lot 5 (#34) Abernethy Road, Byford.

CARRIED UNANIMOUSLY

OCM107/06/16 Draft Local Planning Policy No. 20 – Sea Containers (SJ1101)	
Author:	Rob Casella – Senior Strategic Planner
Senior Officer/s:	Andre Schonfeldt - Director Planning
Date of Report:	25 May 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

The purpose of this report is for Council to consider the submissions received on the revised draft Local Planning Policy No.20 – Sea Containers (LPP20) following public advertising and subsequently determine whether to adopt LPP20.

Officers recommend that the draft LPP20 be adopted, as advertised.

Background:

A Local Planning Policy (LPP) pertaining to Containers was adopted by Council on 18 December 2006. The reason for the drafting of the policy was due to a State Administrative Tribunal decision that refused the placing of the container on the property.

This policy provided guidance for a number of years but recently, mainly due to availability of containers and their popularity, a revision of the policy was required. Officers prepared a revised draft LPP that attempted to provide more contemporary guidance in this regard.

A draft review of LPP20 was presented to Council at its meeting held on 14 September 2015. Council resolved to defer the adoption of draft LPP20 for the purpose of advertising to allow officers to further workshop the draft review with Elected Members.

Subsequently, at its meeting held on the 29 March 2016, Council resolved to adopt the revised draft LPP20 for the purpose of advertising, which took place in April 2016.

A Schedule of the submissions is tabled in the attachments for Council to consider.

Relevant Previous Decisions of Council:

OCM169.09.15 – Council deferred item to allow Shire Officers to further workshop the Draft Local Planning Policy No.20 with the Elected Members.

OCM040.03.16 – Council resolved to adopt the revised draft LPP20 for the purpose of advertising.

Community / Stakeholder Consultation:

Local Planning Policy No.20 – Sea Containers was advertised for two consecutive weeks in a local newspaper circulating the Shire, inviting comment for period of 21 days between 8 April 2016 and 29 April 2016.

Two (2) submissions were received which suggested provisions be included to protect the visual amenity of adjoining neighbouring properties via screening and setback controls.

Discussion:

The draft revision of Local Planning Policy No.20 - Sea Containers is presented to Council, as advertised, for endorsement following public comment.

The submissions received during the advertising period, make note of requiring sea containers to be completely screened with mature vegetation and ensuring increased setbacks are achieved to protect the amenity of surrounding property owners.

Given the nature of sea containers being used primarily for a secure storage structure and their relatively inexpensive cost, a requirement to implement mature trees would be counter-productive. However alternative immediate screening options are available for interim measures, including shade cloth. This will be determined at the discretion of Shire Officers through the development assessment process and applied as a condition of approval.

Another concern raised as part of the community engagement was for the application of increased setbacks from property boundaries, other than the primary street, for the siting of sea containers. It is considered that this approach may be more detrimental than positive when applied generally across the whole Shire. Shire planning officers generally encourage for the siting of infrastructure to be clustered together with existing structures on the property. If a setback greater than the minimum setbacks permissible for the relevant zone, could see sea containers being located in isolation away from existing infrastructure, resulting in greater volumes of development applications seeking to vary the provisions of LPP20. Another argument is that if the approach to increase the minimum setback for the siting of sea containers is that it would be difficult to apply in a general sense given the various dimensions of properties throughout the Shire.

As part of the technical assessment, when determining development applications proposing to locate sea container/s on land within the Shire, Officers are to have due regard to the potential amenity impacts on surrounding property owners and sitelines of the surrounding local road network to ensure the sea container is not a dominant feature of the landscape in all zones other than those associated with commercial and industry zones.

Statutory Environment:

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

Financial Implications:

There are no direct financial implications regarding this application.

Alignment with our Strategic Community Plan:

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

Options and Implications:

Council has the following options:

Option 1: Resolve to proceed with Local Planning Policy No.20 – Sea Containers without modification;

By proceeding with the revised draft LPP20 without modification, Council support the application of greater development controls over the use and siting of sea containers.

Option 2: Resolve to proceed with Local Planning Policy No.20 – Sea Containers with modification;

If Council resolves to proceed with LPP20 with modifications, there is a risk that the Policy may have provisions included that have the ability to complicate the enforcement and application of the policy provisions.

Option 3: Resolve to not proceed with the draft review Local Planning Policy No.20

If Council resolves to not proceed with the draft review policy, applications for sea containers will be assessed against the current policy, which is quite restrictive in its application.

Option 1 is recommended.

Conclusion:

The revised Policy is considered to apply suitable planning controls over the siting and use of sea containers within the Shire, whilst also establishing clear objectives that emphasise the importance of protecting the character, amenity and environment of the predominantly rural landscape.

Officers recommend that Council proceed with the revised draft Local Planning Policy No.20 – Sea Containers (LPP20) without modification.

Attachments:

- [OCM107.1/06/16](#) – Draft Local Planning Policy No. 20 – Sea Containers (E15/3198)
- [OCM107.2/06/16](#) – Schedule of Submissions (E16/4201)

Voting Requirements: Simple Majority

OCM107/06/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Urban, seconded Cr Rich

That Council Pursuant to Clause 5 Part 2 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* proceed with the revised draft Local Planning Policy No. 20 – Sea Containers, without modification, as contained in attachment *OCM107.1/06/16*

CARRIED UNANIMOUSLY

OCM108/06/16	Local Planning Policy No. 81 – Minor Development (SJ2008)
Author:	Rob Casella – Senior Strategic Planner
Senior Officer:	Andre Schonfeldt – Director Planning
Date of Report:	28 April 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

The purpose of this report is for Council to adopt Local Planning Policy No. 81 – Minor Development (LPP 81) as satisfactory for advertising in terms of Schedule 2 Part 2 Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015.

Minor development is development to be considered as having nil to minor impact on the surrounding locality. Given their incidental nature and minor impact on the surrounding locality, the Shire is seeking to reduce the ‘red tape’ associated with the planning assessment process for development that is less likely to cause conflict with surrounding land uses.

The objectives of this Policy are to:

- Provide certainty about what is considered a minor development. and exempt from the need for development approval;
- Streamline the land use planning regulatory process; and
- Ensure acceptable development outcomes are maintained.

Background:

In light of the Planning and Development (Local Planning Schemes) Regulations 2015, the Deemed Provisions sets out a range of development works or use’s where development approval is not required by the local government.

Subsequently, the Shire has developed a draft Local Planning Policy identifying development works that are deemed to be exempt from the need to obtain development approval. Their developments can be exempted due to their low impact on surrounding amenity issues.

The reason for exempting minor development from requiring development approval is to reduce the waiting time and costs associated with the development assessment process. The items identified are generally associated with a permitted use in the corresponding zone. The following is a list of uses considered in the minor development policy and exempted from development approval, subject to satisfying conditions:

- Extensive Agriculture - Any building, structures, fences or land use associated with a pastoral activity;
- Arbor, archway or gateway or similar type of decorative structure that defines the pedestrian;
- Boundary wall (a wall, on or less than 1m from any lot boundary, other than a street boundary);
- Boundary fences;
- Feature wall;
- Front fence;
- Garage sale, fairs, fetes, circus, charity goods sales and the like;
- Garden shed;
- Horse shelter;
- Outbuildings (includes stables for lots greater than 4,000m²);
- Outdoor cooking facilities – pizza oven, BBQ;

- Patios (Except on northern elevation);
- Public art;
- Rainwater tank;
- Reserve signage;
- Retaining walls in the residential zone;
- Sand pads outside building envelope;
- Satellite Dishes, Masts and Antennas;
- Sea container;
- Solar panels;
- Sail and shade structures;
- Trading or events;
- Trellis, lattice or similar perforated material attached to common or dividing fence;
- Water feature;
- Windmills;
- Wind turbines; and
- Works to a building in a dangerous state or state of an emergency.

Relevant Previous Decisions of Council:

There are no previous Council decision relating to this issue.

Community / Stakeholder Consultation:

The recommendation, if approved, will require the advertising of LPP81 in accordance with Schedule 2 Part 2 Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015 Deemed provisions for local planning schemes for a period of 21 days, where the item will be presented back to Council for consideration with any modifications.

Statutory Environment:

- Local Government Act 1995
- Planning and Development (Local Planning Schemes) Regulations 2015 Deemed provisions for local planning schemes.
- Serpentine Jarrahdale Town Planning Scheme No. 2.

Financial Implications:

There are no direct financial implications regarding this matter.

Alignment with our Strategic Community Plan:

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

Discussion: /Comment:

Clause 61 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 identifies a range of works and land uses for which development approval is not required.

Local Planning Policy No. 81 seeks to identify a number of land uses / development works for which development approval is not required, provided the development satisfies provisions applicable to the proposed development, to ensure a streamlined approach in dealing with development proposals that are deemed to have a low impact on the amenity of directly affected neighbouring properties.

The following table identifies the types of developments contained within the minor development policy. The associated column requires appropriate conditions to be complied with for development not to require planning approval, subsequently being exempt from development approval if Council support the proposal:

Development Type Description	Conditions that apply in addition to the prerequisites listed above
Extensive Agriculture - any buildings/structures/fences or land use associated with a pastoral activity.	<ul style="list-style-type: none"> • Located within either the ‘Rural’ or ‘Farmlet’ zone; • Lot size is greater than 20ha; • Complies with Scheme Provisions for setbacks; • Complies with the outbuilding size permissibility’s further detailed in this table; • Does not involve the clearing of vegetation unless exempt as per the provisions contained within the Scheme (confirmation should be made with the Shire’s Environmental Services); • Building/s are designed and located to achieve any visual management objectives which apply to the area; • Does not have an adverse impact on or detract from the amenity of neighbouring properties and are of a scale consistent with the size of the lot on which it is proposed; and • Stocking rates comply with the Department of Agriculture and Food’s Stocking Rate Guidelines.
Arbor, archway or gateway - or similar type of decorative structure that defines the pedestrian.	<ul style="list-style-type: none"> • Maximum height 3 metres; and • Maximum width 2.5 metres.
Boundary wall (a wall, on or less than 1m from any lot boundary, other than a street boundary)	<ul style="list-style-type: none"> • Applies to any building and structure within the Residential zone; • Is not greater than 9m in length; • Does not abut a neighbour’s outdoor living space (alfresco); and • Does not obstruct privacy and overshadowing concerns on adjoining property/s as detailed in the Residential Design Codes.
Boundary Fences	<ul style="list-style-type: none"> • Residential Zone: <ul style="list-style-type: none"> ○ Max 1.8m for a boundary behind the building line; and ○ Max 1m for a boundary forward of the building line. • ‘General Industry’ ‘Light Industry’ & ‘Commercial’ zones: <ul style="list-style-type: none"> ○ Constructed of 50mm steel mesh; ○ Height of 1.8m on top of which are to be three strands of barbed wire (overall height of 2.1m); ○ Supported by steel galvanised pipe posts: <ul style="list-style-type: none"> ▪ 2.7m in length ▪ Nominal bore of 40mm and outside

	<ul style="list-style-type: none"> <ul style="list-style-type: none"> diameter of 48mm ▪ Spaced at 4m centres ▪ Sunk 0.6m into the ground, encased in concrete having diameter of 150mm; and ▪ Terminal posts are braced in line of the fence with diagonal pipe braces having nominal bore of 50mm and outside diameter of 60mm ○ Centre and bottom high tensile galvanised steel wire 3.15mm in diameter, double twisted. <ul style="list-style-type: none"> • Special Residential, Special Rural, Rural Living A, Rural Living B and Rural Residential zones: <ul style="list-style-type: none"> ○ Post and rail or post and wire; and ○ Erected and maintained to securely confine all cattle or livestock within boundaries of property. • Farmlet, Agricultural Protection or Rural zones: <ul style="list-style-type: none"> ○ Erected from suitable material to retain cattle: <ul style="list-style-type: none"> ▪ Set not less than 450mm into the ground and not less than 1.2m out of the ground; and ▪ Each fence post shall carry the equivalent of not less than five plain galvanised wires; ○ Erected and maintained so as to securely confine all cattle within boundaries of the property.
<p>Feature walls (Landscape Walls)</p>	<ul style="list-style-type: none"> • Maximum 3m width at a max height of 2.1m from natural ground level; and • Setback behind the primary street setback
<p>Front fence</p>	<ul style="list-style-type: none"> • Located within the 'Residential Zone' under the Scheme or associated approved Structure Plan; • Is not greater than 1.2m in height, measured from the primary street side of the fence; • Piers are no greater than 1.8m in height; and • Contains visually permeable treatments by incorporating: <ul style="list-style-type: none"> ○ Continuous vertical or horizontal gaps of 50mm or greater width occupying not less than one third of the total surface area; or ○ Continuous vertical or horizontal gaps less than 50mm in width, occupying at least one half of the total surface area in aggregate; or ○ A surface offering equal or lesser obstruction to view, as viewed directly from the street. <p>For Corner properties:</p> <ul style="list-style-type: none"> • Walls, fences and other structures truncated or reduced to no higher than 0.75m within 1.5m of where walls, fences, other structure adjoin vehicle

	access points where a driveway meets a public street and where two streets intersect.																																				
Garage sales, fairs, fetes, circus, charity goods sales and the like	<ul style="list-style-type: none"> • Is a one off event within any 12 month period; and • Is between the hours of 7am and 7pm Mon – Sat or 9am – 5pm Sun 																																				
Garden Shed	<ul style="list-style-type: none"> • Maximum of 16m²; and • Wall height of 2.4m and roof ridge of 3m 																																				
Horse Shelter	<ul style="list-style-type: none"> • Does not require the clearing of any trees or shrubs; • No greater than 16sqm in area; • Height is not greater than: <ul style="list-style-type: none"> ○ Front: 3m ○ Rear: 2.4m • Enclosed on not more than 3 sides; • Setback in accordance with the Scheme provisions specific to the applicable zone; and • One shelter per paddock. 																																				
Outbuildings (includes stables for lots greater than 4,000m²)	<ul style="list-style-type: none"> • Is incidental to the approved primary use of the land; • Complies with the minimum setback / building envelope requirements for the applicable zone and built behind the building setback line; • Does not involve the clearing or vegetation unless exempt as per the provisions contained within the Scheme (confirmation should be made with the Shire’s Environmental Services); • Stables are to be compliant with the Shire’s Health Local Laws; • Stables shall be incidental and associated with a development approval to keep horses on the property; and • Complies with following size requirements: <table border="1" data-bbox="671 1317 1396 2110"> <thead> <tr> <th>Zone / Lot size</th> <th>Floor Area</th> <th>Wall Height</th> <th>Roof Ridge</th> </tr> </thead> <tbody> <tr> <td>Rural (≥ 40ha)</td> <td>≤ 500m²</td> <td>5m</td> <td>6m</td> </tr> <tr> <td>Rural (4ha – 40ha) and Farmlet</td> <td>≤ 300m²</td> <td>5m</td> <td>6m</td> </tr> <tr> <td>Rural Living B/Special Rural and Rural Groundwater Protection (2ha – 4ha)</td> <td>≤ 200m²</td> <td>4.5m</td> <td>5m</td> </tr> <tr> <td>Rural Living A (1ha – 2ha)</td> <td>≤ 150m²</td> <td>4.2m</td> <td>5m</td> </tr> <tr> <td>Rural Living A (4000m² – 1ha)</td> <td>≤ 120m²</td> <td>4.2m</td> <td>5m</td> </tr> <tr> <td>Special Use Zone – Conservation Living</td> <td>≤ 200m²</td> <td>4.2m</td> <td>5m</td> </tr> <tr> <td>Special Use Zone – Darling Views Estate</td> <td>≤ 150m²</td> <td>3.5m</td> <td>5m</td> </tr> <tr> <td>Residential/Urban Development /</td> <td>≤ 100m²</td> <td>3.2</td> <td>4.5</td> </tr> </tbody> </table>	Zone / Lot size	Floor Area	Wall Height	Roof Ridge	Rural (≥ 40ha)	≤ 500m ²	5m	6m	Rural (4ha – 40ha) and Farmlet	≤ 300m ²	5m	6m	Rural Living B/Special Rural and Rural Groundwater Protection (2ha – 4ha)	≤ 200m ²	4.5m	5m	Rural Living A (1ha – 2ha)	≤ 150m ²	4.2m	5m	Rural Living A (4000m ² – 1ha)	≤ 120m ²	4.2m	5m	Special Use Zone – Conservation Living	≤ 200m ²	4.2m	5m	Special Use Zone – Darling Views Estate	≤ 150m ²	3.5m	5m	Residential/Urban Development /	≤ 100m ²	3.2	4.5
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Outdoor Cooking facilities - Pizza Oven, BBQ	<ul style="list-style-type: none"> • Maximum height 1.8 metres excluding chimney or flue; and • Structures above 1.8m need to be setback as required by the R- Codes. 										
Patios (except on northern elevation)	<p>Residential Zone:</p> <ul style="list-style-type: none"> • Setback 500mm from boundary fence; • 2/3 of outdoor area remains permanently uncovered: <ul style="list-style-type: none"> ○ R20-R25 = 20m² ○ R30-R35 = 16m² ○ R40 = 13m² ○ R50-R80 = 10.6m²; and • All stormwater is retained onsite. Note: posts are permitted with a nil setback. <p>All other zones:</p> <ul style="list-style-type: none"> • If a building envelope is applicable, located within the building envelope; • Where no building envelope is applicable, setback in accordance minimum setback provisions as per the Scheme; • Positioned behind the building line; and • No higher than that of the attached approved dwelling on the property. 										
Public Art	<ul style="list-style-type: none"> • Is not offensive; • Does not cause obstruction to clear vehicle sightlines. 										
Rainwater Tank	<ul style="list-style-type: none"> • Located behind the primary street setback area; • Maximum height 2.4 metres above ground level; • Maximum capacity of 6000 litres; • Rainwater tanks and associated structures need to be setback as required in terms of the R Codes or Development Controls specific to the zone; and • Tanks must be incidental to the residential use. 										
Reserve Signage	<ul style="list-style-type: none"> • Where advertising for a single, one-off event; • The sign is removed within 3 days following the event date; • Is not located on a Main Road WA reserve without the consent of Main Roads; and • Complies with the 'Standards' contained within <i>Local Planning Policy 05 – Advertising Signs</i>. 										
Retaining walls in the	<ul style="list-style-type: none"> • Retaining walls are permitted to a maximum height 										

residential zone	of 650mm above the natural ground level and located along the boundary of the subject lot.
Sand Pads outside building envelope	<ul style="list-style-type: none"> • Located within Rural Living A, Rural Living B, Special Rural and Farmlet Zones; • The sand pad doesn't exceed greater than 2m from the building envelope boundary; and • The sand pad is graded towards natural ground level for no greater than 2m outside of the building envelope boundary.
Satellite Dishes, Masts and Antennas	<p>All Zones;</p> <ul style="list-style-type: none"> • Is not visible from the primary street; • Maximum diameter of 1.8m; • Is not sited on a building or land included in the Heritage List; and • Maximum projection of 3m from the highest point of the building to which it is attached.
Sea Container	<ul style="list-style-type: none"> • Where compliant with Local Planning Policy No. 20, planning approval will not be required; and • If the sea container is existing prior to the adoption of revised LPP20.
Solar Panels.	<ul style="list-style-type: none"> • Solar panels are positioned on the roof of an existing building; • Is not sited on a building or land included in the Shires Municipal Heritage Inventory; and • Incidental to an approved land use.
Sail and Shade Structures	<ul style="list-style-type: none"> • Is associated with a residential development; • No part of the fabric is closer than 750mm to any boundary; and • Setback behind the primary street setback area.
Trading or Events - The use of any land which is approved through a license or permit issued under a local law	<ul style="list-style-type: none"> • The activity does not involve alterations to the land or construction of permanent structure(s); and • Is only in existence for less than 48 hours, or longer period agreed by the Shire, in any 12 month period; and • Does not require a greater period of 5 days setup and breakdown of event infrastructure.
Trellis - Lattice or similar perforated material attached to Common or Dividing Fence	<ul style="list-style-type: none"> • If located adjacent to a side or rear (not secondary street) dividing fence, <ul style="list-style-type: none"> • The combined height of the fence and trellis does not exceed 2.4 metres; and • Setback 6 metres from primary street boundary. <p style="text-align: center;">OR</p> • If located on a primary street dividing fence. <ul style="list-style-type: none"> • The combined height of the fence and trellis does not exceed 1.5 metres.
Water Feature	<ul style="list-style-type: none"> • Maximum height of 2.4 metres above natural ground level if located behind the primary street setback; • Maximum height of 1.2 metres above natural ground level if located within the primary street setback; and • Permitted with a nil boundary setback, apart from the primary street setback.
Windmills	<ul style="list-style-type: none"> • If proposed to be constructed in the 'Special

	Residential’, ‘Special Rural’, ‘Rural Living A’, ‘Rural Living B’, ‘Farmlet’, ‘Agricultural Protection’, ‘Rural’ or ‘Rural Residential’ zone.
Wind Turbines (to generate power) associated with a residential or agricultural use.	<ul style="list-style-type: none"> • Maximum height to not exceed 7.5 metres; • There are no noise emissions that would impact on the amenity of adjoining properties; • Complies with applicable setback provisions associated with the specified zone, as specified within the Scheme; and • Does not involve the removal of vegetation not otherwise exempt under the Scheme.
Works to a building in a dangerous state or state of an emergency.	<ul style="list-style-type: none"> • The repairs will replicate the external appearance of the structure in its original state; and • No additions are applied or implemented to the structure as part of the works.

Options and Implications:

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

Option 1: Council may resolve to deem the Local Planning Policy satisfactory for advertising and request the Director Planning to advertise the policy.

This would allow the Shire to engage with the community to determine the appropriate level of development controls to meet exemptions from development approvals. Subsequently, the policy will reduce waiting times as well as development costs by exempting minor impact developments.

Option 2: Council may resolve to send the Local Planning Policy back to officers for further modifications.

By not supporting draft LPP81 for advertising, Council will prevent the policy from gauging public input into the suitability of development controls imposed, subsequently increasing the lengthy timeframe and costs of development that is generally of a minor nature.

Option 1 is recommended.

Conclusion:

Draft LPP 81 – Minor Development has been developed to set out which developments are considered minor and therefore are to be exempt from the need to obtain planning approval. These developments will not need a planning assessment or be considered against Clause 67 – matters to be considered under Schedule 2, Part 9, Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015. This will streamline approval processes.

Attachments:

- [OCM108.1/05/16](#)– Local Planning Policy No.81 – Minor Development Policy (E16/2154)

Voting Requirements: Simple Majority

Officer Recommendation:

That Council pursuant to Clause 4 of Part 2 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* adopt draft Local Planning Policy No.81 – Minor Development as contained in Attachment OCM108/06/16.

OCM108/06/16 COUNCIL DECISION / New Motion

Moved Cr Gossage, seconded Cr Rich

That Council pursuant to Clause 4 of Part 2 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 adopt draft Local Planning Policy No.81 – Minor Development as contained in Attachment OCM108/06/16 with the following amendments:

The provisions for rainwater tanks be amended as follows:

Rainwater Tank	<ul style="list-style-type: none"> • Located behind the primary street setback area; • Maximum height 2.4 metres above ground level; • Rainwater tanks and associated structures need to be setback as required in terms of the R Codes or Development Controls specific to the zone; and • Tanks must be incidental to the residential use. <p>Permitted sizes by lot area:</p> <p>≥4,000sqm = 8.74m in diameter <4,000sqm but ≥ 2,000sqm = 3.88m <2,000sm = 6,000 litre tank</p> <p>(note: a 8.74m diameter x 2.2m high (200mm sand pad / footing) holds 131,941L. a 3.88m diameter x 2.2m high holds 26,062L)</p>
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CARRIED UNANIMOUSLY

OCM109/06/16	Local Planning Policy 01 - Development Assessment Unit Operative Policy (SJ234)
Author:	Rob Casella – Senior Strategic Planner
Senior Officer:	Andre Schonfeldt - Director Planning
Date of Report:	30 May 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

The purpose of this report is for Council to consider the submissions received on the revised draft Local Planning Policy No.01 – Development Assessment Unit Operative Policy (LPP01) following public advertising and subsequently determine whether to adopt LPP01, as amended.

The objectives of this Policy are to ensure development applications are determined in a transparent, consistent and appropriate manner; ensure development applications are determined in a timely and efficient manner; and ensure that other permits, licences and approvals issued by other operational areas at the Shire are discussed and/or referred to appropriate operational areas at the Shire prior to approval.

The policy provides for the establishment of a ‘Development Assessment Unit’ which is a committee of technical officers tasked with ensuring that development applications are determined in a timely and efficient manner in accordance with the assigned delegations. It also provides guidance in terms of the process planning applications will follow when they are assessed.

Background:

The delegated powers and duties of Council to the Chief Executive Officer are listed in the Instrument of Delegation Register. Delegations are exercised in accordance with delegation granted in terms of Section 5.42 of the Local Government Act 1995 as amended or other statutes as applicable to specified officers.

The determination of development applications are sub delegated to the Director of Planning, Manager of Planning, Coordinator Statutory Planning and Senior Statutory Planners (as conditioned). To ensure that such development applications are determined in a timely and efficient manner in accordance with the assigned delegations this policy details the operation and functions of the Development Assessment Unit (DAU).

A number of other approvals, licences and/or permits are issued by other operational areas at the Shire under relevant local laws and Regulations. Such matters, while not determined at DAU, are listed for discussion to ensure that appropriate comments across the Shire’s operational areas are taken into account before determination of such matters.

It needs to be noted that the DAU does not make determinations on applications but does make a recommendation to the delegated officer, or Council in assessing the application. Determination is made in accordance with delegated powers listed in the Instrument of Delegation Register or by Council if required.

Relevant Previous Decisions of Council:

There is no previous Council decision directly relating to this issue.

Community / Stakeholder Consultation:

If Council deems LPP01 resolves to proceed with the policy it will be advertised as prescribed in Schedule 2 Part 2 Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015 Deemed Provisions for local planning schemes.

Statutory Environment:

- Local Government Act 1995
- Planning and Development (Local Planning Schemes) Regulations 2015 Deemed provisions for local planning schemes.
- Serpentine Jarrahdale Town Planning Scheme No. 2.

Financial Implications:

There are no direct financial implications regarding this matter.

Alignment with our Strategic Community Plan:

Objective 1.2	Governance and Leadership
Key Action 1.2.4	Provide robust reporting that is relevant, transparent and easily accessible by staff and the community.
Key Action 1.2.6	Comply with all legislative and statutory requirements

Discussion:

The Policy establishes the DAU and various operational aspects of the DAU that will ensure good governance and decision making at various levels regarding planning matters. These include:

1. Membership – Technical officers from Planning, Health, Compliance & Emergency, Statutory Planning and the Engineering are required to attend the DAU;
2. Meeting times – Meetings will take place weekly on a Wednesday unless otherwise determined by the Director Planning;
3. Process to assess a Development Application when no advertising is required;
4. Process to assess a Development Application when advertising is required;
5. Process for the referral of applications to Council; and
6. Procedures for the production and publishing of Agendas and Minutes of the Development Assessment Unit.

Schedule 2 Part 2 Clause 4 of the Deemed Provisions provide the process whereby Local Planning policies are prepared and advertised. It also provides the process whereby Council may resolve to proceed with LPP01.

“4. Procedure for making local planning policy

(1) If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows - publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of -

- (i) the subject and nature of the proposed policy; and*
- (ii) the objectives of the proposed policy; and*
- (iii) where the proposed policy may be inspected; and*

(iv) to whom, in what form and during what period submissions in relation to the proposed policy may be made;”

(b) if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;

(c) give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.

(2) The period for making submissions in relation to a local planning policy must not be less than a period of 21 days commencing on the day on which the notice of the policy is published under subclause (1)(a).

(3) After the expiry of the period within which submissions may be made, the local government must —

(a) review the proposed policy in the light of any submissions made; and

(b) resolve to —

(i) proceed with the policy without modification; or

(ii) proceed with the policy with modification; or

(iii) not to proceed with the policy.

(4) If the local government resolves to proceed with the policy, the local government must publish notice of the policy in a newspaper circulating in the Scheme area.

(5) A policy has effect on publication of a notice under subclause (4).

(6) The local government —

(a) must ensure that an up-to-date copy of each local planning policy made under this Scheme is kept and made available for public inspection during business hours at the offices of the local government; and

(b) may publish a copy of each of those local planning policies on the website of the local government.”

Council will resolve to proceed with LPP01 in terms of the above provisions.

Options and Implications:

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

Option 1: Council may resolve to proceed with the policy.

Option 2: Council may resolve to send the Local Planning Policy back to officers for further modifications.

Option 1 is recommended.

Conclusion:

The objectives of LPP01 are to ensure development applications are determined in a transparent, consistent and appropriate manner; ensure development applications are

determined in a timely and efficient manner; and ensure that other permits, licences and approvals issued by other operational areas at the Shire are discussed and/or referred to appropriate operational areas at the Shire prior to approval.

The policy provides for the establishment of a Development Assessment Unit which is a committee of technical officers tasked with ensuring that development applications are determined in a timely and efficient manner in accordance with the assigned delegations. It also provides guidance in terms of the process planning applications will follow when they are assessed.

Officers recommend that that Council resolves to proceed with Local Planning Policy 01 - Development Assessment Unit Operative Policy in terms of Schedule 2 Part 2 Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015 Deemed provisions for local planning schemes.

Attachments:

- [OCM109.1/06/16](#) – Local Planning Policy 01 - Development Assessment Unit Operative Policy , as advertised (E16/2154)
- [OCM109.2/06/16](#) – Local Planning Policy 01 - Schedule of Submissions (E16/4185)

Voting Requirements: Simple Majority

OCM109/06/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Rich, seconded Cr Gossage

That Council pursuant to Clause 5 Part 2 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* proceed with the revised draft Local Planning Policy No 01 – Development Assessment Unit, without modification, as contained in attachment *OCM109.1/06/16*

CARRIED UNANIMOUSLY

8.3 Engineering Report

OCM111/06/16	Paths Asset Management Plan (SJ490)
Author:	Martin Lugod – Manager Infrastructure and Design
Senior Officer:	Gordon Allan – Director Engineering
Date:	8 June 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act 1995</i>

Introduction:

This report provides Council with an update of the status of the Shire's Paths Asset Management Plan including the financial aspects associated with maintaining the Shire's Path network.

Background:

In 2012/2013, as part of the Integrated Planning Framework, a requirement of the Department of Local Government stated that the Shire produce an Asset Management Plan in the 2012/2013 financial year. Core Business Consultants were engaged to look at all six major asset categories. This exercise produced a Summary Asset Management Plan. This summary Asset Management Plan identified issues with completeness of data and outlined a way forward for the Shire to progressively improve its asset management information and practices.

Comment:

A fundamental problem identified in the Summary Asset Management Plan was the completeness and accuracy of condition data and also the completeness of the asset information. In response to this, asset management consultants Talis were engaged to carry out an exercise where they both verified the asset data for completeness, incorporating and adding data as required, and then undertook condition ratings for all the assets.

Talis Scope of Works included the following:

1. Development of Paths Asset Management Plan;
2. Prepare Asset Management Plan utilising the NAMS PLUS template;
3. On site sessions to facilitate service level performance measures, demand drivers, risks and consequences;
4. Prepare a Parks 10- year forward works program for all path Assets;
5. Compile a list of renewal and upgrade programs underpinned by a documented prioritisation methodology for detailed project ranking;
6. A scenario approach to be developed one of which will to be balanced to the Long Term Financial Plan

Scenario 1 Not to standard width along distributor roads with Condition 1-3

Scenario 2 Not to standard width along distributor roads with Condition 4-5

Scenario 3 All slab material with all conditions

Scenario 4 All slab material Condition 4-5

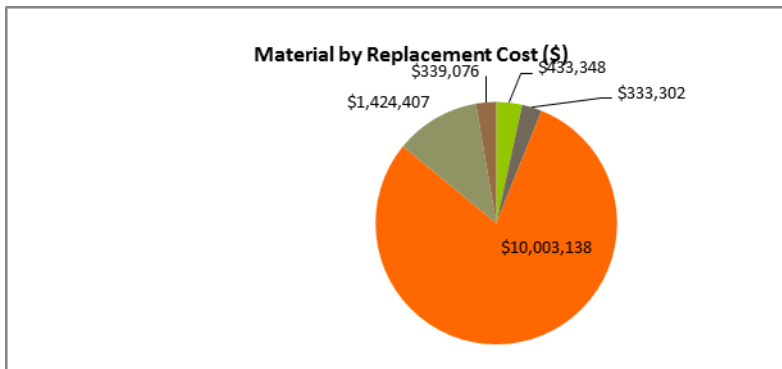
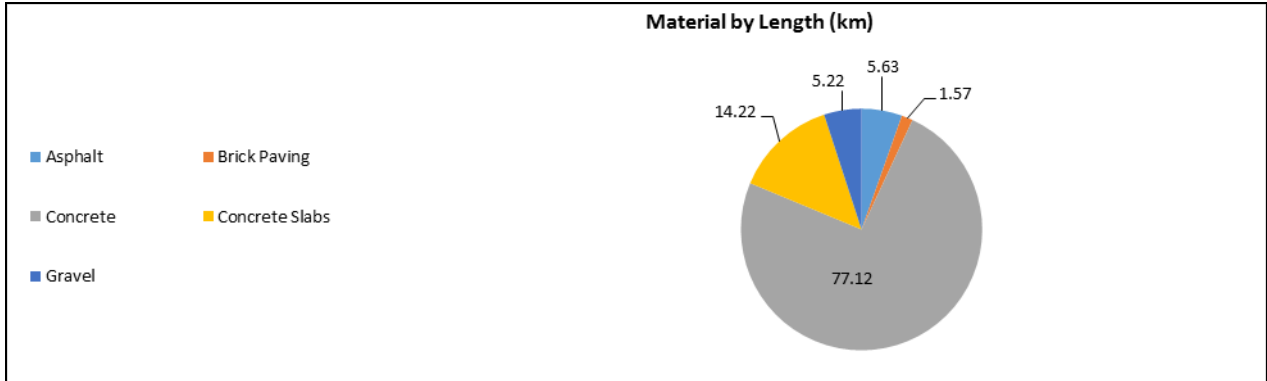
Scenario 5 All materials except slab Condition 4-5

Scenario 6 High Risk Condition 4-5

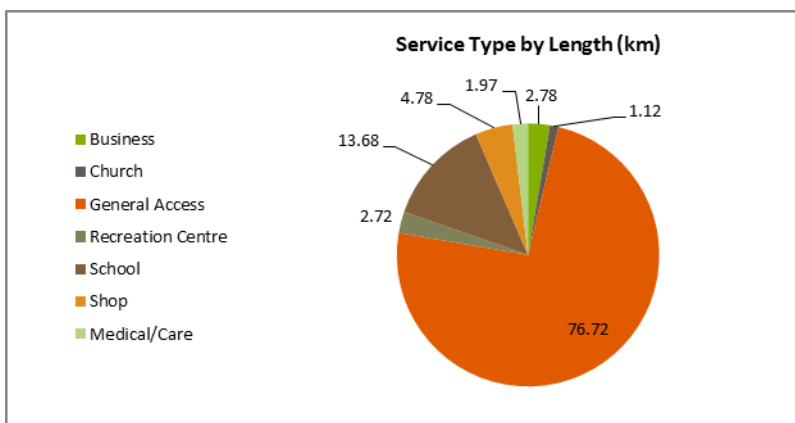
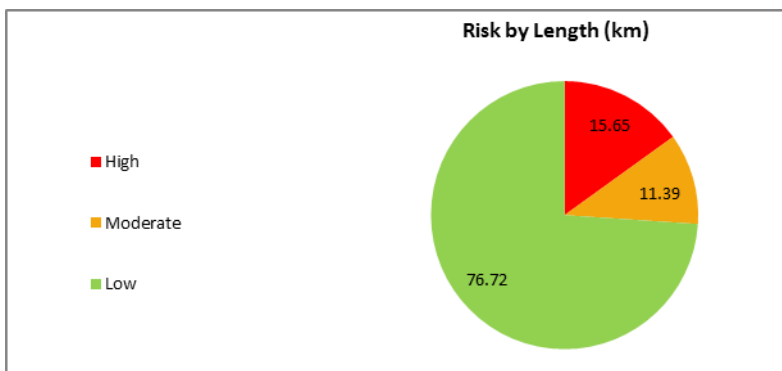
Scenario 7 Low Risk Condition 4-5

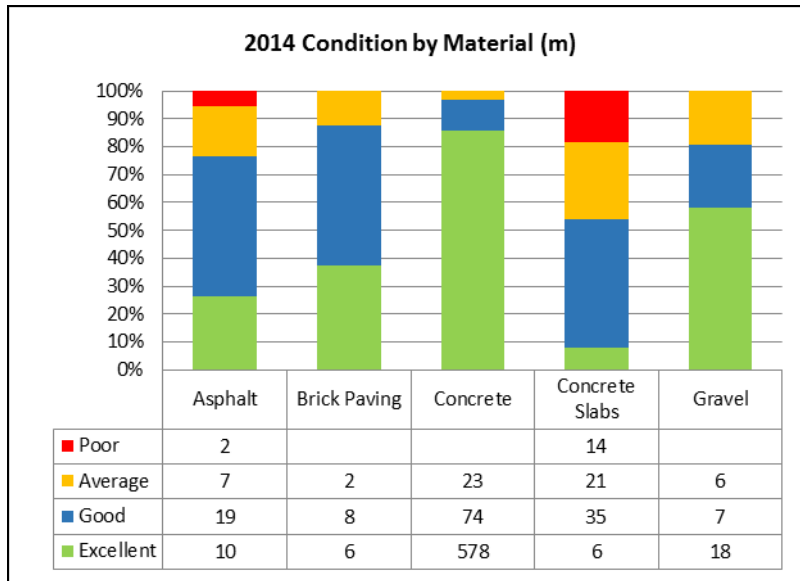
- The most used material, concrete, is in excellent condition – with a significant proportion recently constructed; Poor performers include obsolete concrete slabs which will be replaced with an alternative material; and 1.29km (1.25%) of paths classified as Moderate to High risk with ‘Poor’ Condition.

Footpaths – Inventory Overview



MATERIAL	REPLACEMENT COST
Asphalt	\$433,348
Brick Paving	\$333,302
Concrete	\$10,003,138
Concrete Slabs	\$1,424,407
Gravel	\$339,076
Grand Total	\$12,533,272





Relevant Previous Decisions of Council:

- SCM011/06/13 – The Summary Asset Management Plan

Community/Stakeholder Consultation:

No community consultation was required.

Attachments:

- [OCM111.1/06/16](#) – Paths Asset Management Plan (IN16/10904)
- [OCM111.2/06/16](#) – State of the Assets (E15/6673)

Alignment with our Strategic Community Plan:

Objective 2.1	Responsible Management.
Key Action 2.1.1	Undertake best practice financial and asset management.
Key Action 2.1.2	Manage assets and prioritise major capital projects to ensure long term financial sustainability.

Financial Implications:

The attached report identifies funds to be allocated for Paths maintenance, renewal and capital works. This is to maintain the level of service provided to users and avoid costly future major rehabilitation works.

Voting Requirements: Simple Majority

OCM111/06/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr See, seconded Cr Piipponen

That Council:

1. Adopt the revised Paths Asset Management Plan as per attachments *OCM111.1/06/16* and *OCM111.2/06/16*
2. Consider the shortfall in funding as part of the future financial budgetary consideration.

CARRIED UNANIMOUSLY

8.4 Corporate and Community Services Reports

OCM112/06/16	Proposed Deed of Lease Renewal between the Shire of Serpentine Jarrahdale and Telstra Corporation(SJ975-04)
Author:	Kristen Cooper – Leasing and Property Officer
Senior Officer/s:	Alan Hart – Director Corporate and Community
Date of Report:	10 May 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

Introduction

The purpose of this report is to seek Council's endorsement of this Deed of Lease Renewal. Once Council's approval is obtained the Shire will publically advertise the disposition of property as required under legislation. The report will come back to Council for consideration if submissions have been received. In the event that the Shire does not receive any submissions the Lease will be executed by the Chief Executive Officer and Shire President.

Background:



(Site Image: Tower & Infrastructure)

Telstra Corporation (Telstra) has exercised their option to renew their sub lease agreement with the Shire for space on the communications tower in Jarrahdale for a further five year term. The Department of Parks and Wildlife (DPAW) control the land and the Shire leases the land on which the communications tower stands.

The site is located south east of Jarrahdale townsite between Serpentine Dam and to the east of Kingsbury Drive. The tower is 120 metres tall and includes a secure fenced compound at the base of the tower where equipment is housed. The Shire owns the tower and manages the compound. Under the provisions of the Head Lease, the Shire has the

power to permit up to twelve carriers/service providers the right to use the land, without obtaining the consent of the Head Lessor.

Before Council can enter into a lease agreement the Shire must advertise, called a disposition of property, the lease in the local paper.

The lease document is a standard Lease used by Telstra Corporation for leasing communications sites throughout Australia.

An independent valuation to obtain a rental figure has been obtained and it is recommended that an annual rent be set at \$25,000. The Deed of Lease Extension must have a term of five years or less as the Head Lease with DPAW expires on the 31 October 2020.

Relevant Previous Decisions of Council:

OCMB05/08/00 - Delegated authority to the Chief Executive Officer and Shire President to sign, on behalf of Council, lease documents associated with Telstra Corporation. The original sub-lease was signed on 13 September 2001 for a period of ten years, with an option to extend for a further two five years terms.

OCM127/04/12 - Endorsed the extension of the lease between the Shire of Serpentine Jarrahdale and Telstra Corporation for a five year period from 1 November 2010 expiring on 31 October 2015.

Community / Stakeholder Consultation:

In accordance with the *Local Government Act 1995*, there will be a 2 week public consultation period where members of the public can make submissions to Council regarding this proposed sub-lease. The Council must consider all submissions made before disposing of the property.

Attachments:

- [OCM112.1/06/16](#) – Proposed Deed of Lease Renewal between the Shire of Serpentine Jarrahdale and Telstra Corporation (IN16/9720)
- [OCM112.2/06/16](#) – Ground Rental Valuation of Telstra (IN16/9821)

Alignment with our Strategic Community Plan:

This proposal is aligned with promoting investment in the region.

Objective 2.3	Financial Diversity
Key Action 2.3.2	2.3.2 Encourage commercial investment in the Shire that positively impacts on the natural environment.

Statutory Environment:

Section 3.54 – of the *Local Government Act 1995* applies.

Section 3.58 – Disposition of Property. This is a disposition of property in accordance with the *Local Government Act 1995* as amended. Disposal of Property by way of selling, leasing or otherwise applies and Council is required to advertise the proposed disposition in accordance with the provisions of this section of the Act. Further a valuation must be carried out not more than six months before the proposed disposition.

Financial Implications:

There is an annual lease fee of \$25,000 plus GST payable by the lessee for the use of the property. All costs in relation to the preparation of Deed of Lease Renewal will be paid by the lessee.

Voting Requirements: Absolute Majority

OCM112/06/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Rich, seconded Cr See

That Council:

- 1. Proceed to advertise the disposition of property in accordance with Section 3.58 of the *Local Government Act 1995* in the local press for a period of two weeks inviting submissions from the public.**
- 2. Endorse the terms and conditions in the Deed of Lease Renewal between the Shire of Serpentine Jarrahdale and Telstra for a period of five years for the purpose of maintaining radio equipment as per attachment OCM112.1/06/16.**
- 3. Endorse an annual lease fee of \$25,000 per annum plus GST.**
- 4. Authorise the Chief Executive Officer and Shire President to sign the Deed of Lease Renewal as per attachment OCM112.1/06/16 subject to there being nil submissions received.**

CARRIED BY ABSOLUTE MAJORITY (8/0)

OCM113/06/16	Proposed Deed of Licence Extension between the Shire of Serpentine Jarrahdale and the Western Australian Police Department (SJ975-04)
Author:	Kristen Cooper – Leasing and Property Officer
Senior Officer/s:	Alan Hart – Director Corporate and Community
Date of Report:	17 March 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

Introduction

The purpose of this report is to seek Council's endorsement for this Deed of Licence Extension. Once Council's approval is obtained the Deed of Licence Extension will be executed by the Chief Executive Officer and Shire President.

Background:

The Western Australian Police Department (WAPOL) has exercised their option to renew their licence agreement with the Shire for space on the communications tower in Jarrahdale for a further five year term. The Department of Parks and Wildlife (DPAW) control the land and the Shire leases the land on which the communications tower stands.

The site is located south east of Jarrahdale townsite between Serpentine Dam and to the east of Kingsbury Drive. The tower is 120 metres tall and includes a secure fenced compound at the base of the tower where equipment is housed. The Shire of Serpentine Jarrahdale owns the tower and manages the compound. Under the provisions of the Head Lease, the Shire has the power to permit up to twelve carriers/service providers the right to use the land, without obtaining the consent of the Head Lessor.



(Site Image: Tower & Infrastructure)

The telecommunications network is an essential resource of the West Australian Police Force. It is vital that they have the infrastructure in place to be able to offer the high quality service to the Jarrahdale community and surrounds.

In accordance with the terms of the original licence, an annual licence fee of \$3,000 plus CPI per annum is payable.

Relevant Previous Decisions of Council:

CGAM107/05/09 - Delegated authority to the Chief Executive Officer and Shire President to sign, on behalf of Council, licence documents associated with the Western Australian Police Department. The original licence was signed on 1 June 2009 for a five year period, with an option to extend for a further five years.

Community / Stakeholder Consultation:

Not required

Attachments:

- [OCM113.1/06/16](#) – Proposed Deed of Licence Extension between the Shire of Serpentine Jarrahdale and the Western Australian Police Department (IN16/5787)

Alignment with our Strategic Community Plan:

This proposal is aligned with promoting investment in the region.

Objective 2.3	Financial Diversity
Key Action 2.3.2	2.3.2 Encourage commercial investment in the Shire that positively impacts on the natural environment.

Statutory Environment:

Section 3.58 – Disposition of Property. This is a disposition of property in accordance with the *Local Government Act (1995)* as amended. This was advertised prior to Council entering into the original agreement with the Western Australian Police in 2009. As this is a Deed of Licence Extension and the original licence still applies, including no change to the licence fee, the advertising requirements have been met.

Financial Implications:

There is an annual licence fee of \$3,000 plus CPI payable by the licensee for the use of the property. All costs in relation to the preparation of the Deed of Licence Extension will be paid by the licensee.

Voting Requirements: Absolute Majority

OCM113/06/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr See, seconded Cr Hawkins

That Council:

1. Endorse the terms and conditions in the Deed of Licence Extension as per attachment OCM113.1/06/16.
2. Endorse an annual licence fee of \$3,000 plus CPI per annum.
3. Authorise the Chief Executive Officer and Shire President to sign the Deed of Licence Extension as per attachment OCM113.1/06/16 with the Western Australian Police.

CARRIED BY ABSOLUTE MAJORITY (8/0)

OCM114/06/16	Proposed Agreement to Lease and Lease Agreement – Peel Metropolitan Horse and Pony Club and the Shire of Serpentine Jarrahdale (SJ975-05)
Author:	Kristen Cooper – Leasing and Property Officer
Senior Officer/s:	Alan Hart - Director Corporate and Community
Date of Report:	10 May 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction

The purpose of this report is to seek Council's endorsement of the Agreement to Lease and standard No-cost to the Shire Lease Agreement. Once Council's approval is obtained, the Agreement to Lease will be executed by the Chief Executive Officer and Shire President authorising the Peel Metropolitan Horse and Pony Club (PMHPC) to use and occupy the premises before the execution and registration of the lease. The Shire will concurrently seek support from the Minister for Lands as required under legislation for the Draft Lease. Once In principle approval is obtained the lease will be executed by the Chief Executive Officer and Shire President.

Background:

PMHPC wish to enter into a lease agreement with the Shire for a portion of the King Road Reserve.

The reserve is currently vested in the Shire of Serpentine Jarrahdale for Public Recreation and is zoned Rural. From 1981 to 2002, King Road Reserve had been under lease by the Peel Hunt Club and the Peel Metropolitan Horse and Pony Club. This lease was renewed on 1 April 2002, extending for ten years from that date.

In 2006/07 the lease to Peel Hunt Club was terminated, and since that date, no official lease has been registered. The PMHPC was under sub-lease from the Peel Hunt Club. As such, their lease was executed within the Peel Hunt Club lease. After the Peel Hunt Club's lease was abandoned, the PMHPC continued to use the reserve.

In order to formalise this arrangement the Shire is first required to enter into an Agreement to Lease with the Club. This instrument of authorisation permits the Club to occupy the premises before the execution and registration of the lease. It articulates the Shire's intent to enter into a lease with the Club conditional upon:

- a) The in-principle consent of the Minister for Lands being obtained for the Lease; and
- b) The Shire completing a formal survey of the Premises.

The proposed lease agreement is a standard No Cost to the Shire Lease Agreement. In accordance with the Shire's Lease and Licence Management Policy a rental term of ten years with an option to renew for a further ten years has been offered to the Club. The lease will be linked to a management plan which will ensure that reasonable action is taken in preventing or rectifying any effects on the reserve including contribution toward annual weed and disease control.

The Shire does not maintain or provide any resources into the maintenance of the PMHPC. The majority of maintenance and works are completed by volunteers to minimise costs.

Relevant Previous Decisions of Council:

Nil

Community / Stakeholder Consultation:

Not Required

Attachments:

- [OCM114.1/06/16](#) – Proposed Agreement to Lease between the Shire of Serpentine Jarrahdale and Peel Metropolitan Horse and Pony Club (IN16/5791)
- [OCM114.2/06/16](#) – Proposed Lease between the Shire of Serpentine Jarrahdale and Peel Metropolitan Horse and Pony Club (IN16/5790)

Alignment with our Strategic Community Plan:

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

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

Statutory Environment:

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

Financial Implications:

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

Voting Requirements: Absolute Majority

OCM114/06/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Piiipponen, seconded Cr Urban

That Council:

1. Authorise the Chief Executive Officer and Shire President to sign the Agreement to Lease as per attachment OCM114.1/06/16 with the Peel Metropolitan Horse and Pony Club.
2. Endorse the terms and conditions in the Lease as per attachment OCM114.2/06/16.
3. Endorse an annual lease fee of \$1 payable on demand.
4. Seek approval from the Minister for Lands to lease Reserve 36950 to the Peel Metropolitan Horse and Pony Club for the purpose of public recreation for a ten year period with an option to extend for a further ten years.
5. Upon receipt of in principle approval from the Minister for Lands and receipt of a formal survey of the leased premises, authorise the Acting Chief Executive Officer and Shire President to sign the Lease as per attachment OCM114.2/06/16 with the Peel Metropolitan Horse and Pony Club for the purpose of Public Recreation for a period of ten years.

CARRIED BY ABSOLUTE MAJORITY (8/0)

OCM115/06/16	Adoption of the 2015/2016 Monthly Financial Report – Variance Reporting Thresholds (SJ514-07)
Author:	Megan Hodgson - Accountant
Senior Officer/s:	Alan Hart - Director Corporate & Community
Date of Report:	10 June 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act 1995</i>

Introduction

The purpose of this report is to request Council to retrospectively adopt a 10% variance reporting threshold for the Monthly Financial Reports for the 2015/16 financial year.

Background:

Section 34 of the *Local Government Act 1995* and Financial Management Regulations require that the Shire prepare a Statement of Financial Activity each month.

Whilst the Shire has previously resolved to report by Business Unit and to adopt a 10 % variance threshold, this was not formally adopted for the 2015/16 financial year.

Relevant Previous Decisions of Council:

Council have previously adopted the 10% variance reporting threshold at each council meeting where the annual budget is adopted. The last time this was adopted was for the 2014/15 financial year at SCM006/06/14 where it was resolved that Council:

1. In accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the Local Government (Financial Management) Regulations 1996, resolve to receive the Monthly Financial Report for 2015/16 by Business Unit.
2. In accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the Local Government (Financial Management) Regulations 1996, adopt the material variance of 10% or greater.
3. Applies the 10% or greater material variance to total revenue and expenditure of each Directorate in the statement of financial activity, forming part of the monthly financial report.

Community / Stakeholder Consultation:

There is no community/stakeholder consultation required.

Comment:

The Shire's auditors Moore Stephens noted during their interim audit in April 2016 that the Shire did not formally re adopt the 10% variance reporting threshold for the 2015/16 financial year.

Whilst they recognise that all variances over 10% have in fact been reported during the 2015/16 financial year, it still needs to retrospectively be adopted by Council.

Alignment with our Strategic Community Plan:

Objective 1.2	Progressive Organisation
Key Action 1.2.4	Provide robust reporting that is relevant, transparent and easily accessible by staff and the community.
Key Action 1.2.6	Comply with all legislative and statutory requirements.

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

Statutory Environment:

Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the Local Government (Financial Management) Regulations 1996 require that the Shire prepare a Statement of Financial Activity each month. The *Local Government Act 1995* further states that this statement can be reported by either by Nature and Type, Statutory Program or by Business Unit and that the Shire is required to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

Financial Implications:

There are no financial implications of this request. All variances over 10% have already been reported on throughout the year.

Voting Requirements: Absolute Majority

OCM115/06/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Rich, seconded Cr See

That Council:

- 1. In accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the Local Government (Financial Management) Regulations 1996, adopt the material variance of 10% or greater.**
- 2. Applies the 10% or greater material variance to total revenue and expenditure of each Directorate in the statement of financial activity, forming part of the monthly financial report.**

CARRIED BY ABSOLUTE MAJORITY (8/0)

OCM116/06/16	Confirmation Of Payment Of Creditors (SJ514-07)
Author:	Vicki Woods - Finance Officer
Senior Officer:	Alan Hart - Director Corporate and Community
Date of Report:	1 June 2016
Disclosure of Officers Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the 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 May 2016 to 31 May 2016, as per the attachment.

Attachments:

- [OCM116.1/06/16](#) - Creditors List of Account 1 May 2016 to 31 May 2016. (E16/4270)

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

OCM116/06/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Rich, seconded Cr Hawkins

That Council accepts the payments authorised under delegated authority and detailed in the list of invoices for period of 1 May 2016 to 31 May 2016, as per attachment OCM116.1/06/16 - Creditor List of Accounts 1 May 2016 to 31 May 2016 including Creditors that have been paid and in accordance with the *Local Government (Financial Management) Regulations 1996*.

CARRIED UNANIMOUSLY

OCM117/06/16	Monthly Financial Report - May 2016 (SJ514-07)
Author:	Stacey Hobbins – Management Accountant
Senior Officer/s:	Alan Hart – Director Corporate and Community
Date of Report:	3 June 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

The purpose of this report is to 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:

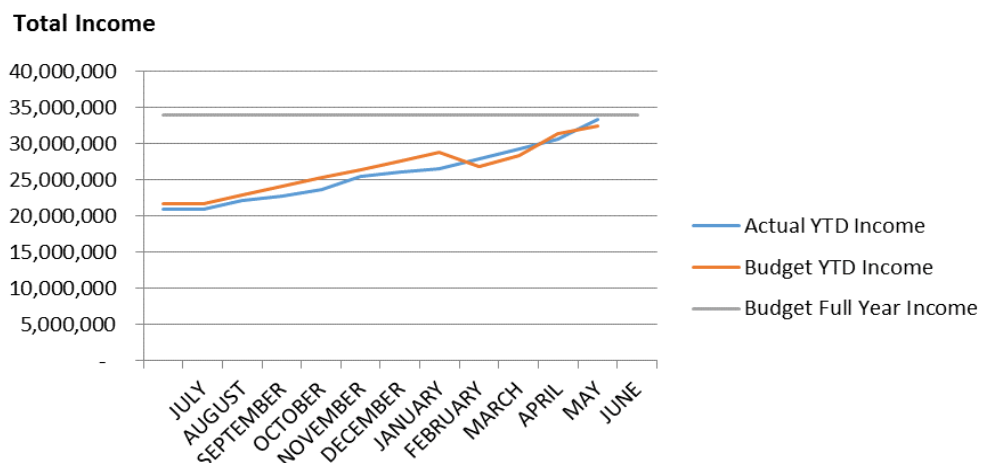
No community consultation was undertaken / required.

Comment:

The period of review is May 2016. The municipal surplus for this period is \$6,318,065 compared to a budget deficit position of (\$7,271,583). This is considered a satisfactory result for the Shire.

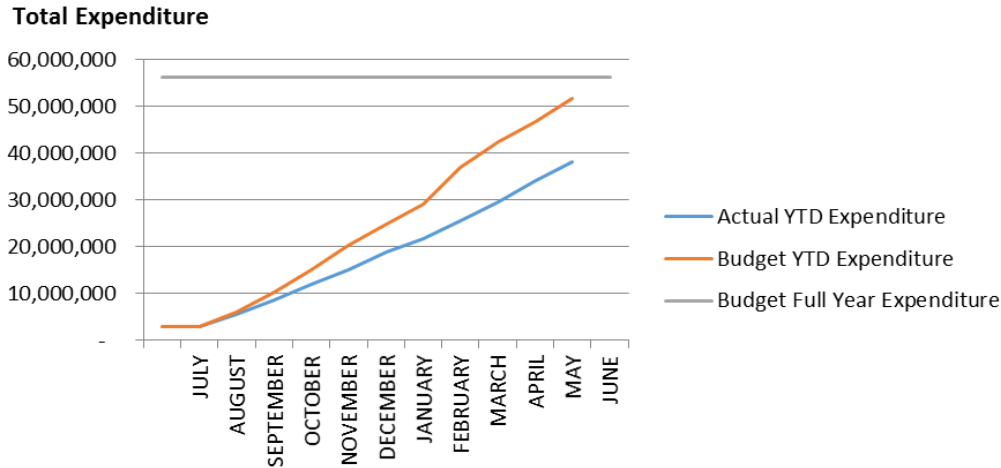
Income for the May 2016 period, year-to-date is \$33,352,350. The budget estimated \$32,396,548, would be received for the same period. The variance to budget is \$955,802. Details of all significant variances are provided in the notes to the Statement of Financial Activity by Directorate.

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



Expenditure for the May 2016 period, year-to-date is \$38,227,571. The budget estimated \$51,788,259 would be spent for the same period. The variance to budget is \$13,560,688. 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:

- [OCM117.1/06/16](#) – Monthly Financial Report May 2016 (E16/4357)

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

OCM117/06/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Piipponen, seconded Cr Hawkins

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

CARRIED UNANIMOUSLY

8.5 Chief Executive Officer Reports

OCM118/06/16	Review of Council Delegations (SJ538)
Author:	Karen Cornish – Governance Advisor
Senior Officer/s:	Gary Clark – Acting Chief Executive Officer
Date of Report:	26 May 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act</i>

Introduction

The purpose of this report is to reaffirm delegations granted by the Council to the Chief Executive Officer.

Background:

To delegate is to appoint another person to exercise a power or discharge a duty. It is important to be aware that the delegator retains the power to make decisions if need be, despite the fact that a delegation has occurred.

Delegations are commonly used in local governments where the business of the organisation could not be efficiently carried out if the Council were to exercise their discretion to enforce all the rights or discharge all the duties, and through practical administration, the Council need to appoint other officers to exercise their discretion to exercise powers or discharge duties on behalf of the Council.

Section 5.46 (2) of the Local Government Act requires delegations to be reviewed every financial year:

5.46. Register of, and records relevant to, delegations to CEO and employees

(2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.

Relevant Previous Decisions of Council:

There are no previous decisions relating to this item.

Community / Stakeholder Consultation:

There was no requirement for community consultation in this instance. Consultation undertaken involved Councillors and the Chief Executive Officer.

Comment:

A comprehensive review and re-write of all delegations, sub-delegations, appointments and authorisations was undertaken late in 2014 with guidance from an experienced consultant. This involved many workshops with the elected members and input from Shire employees. This is the first annual review of delegations since the comprehensive review and in most cases only minor changes have been recommended to individual delegations.

Options and Implications

Council has 3 options:

1. Approve the register as proposed.
2. Approve the register with modifications.
3. Refuse the register and reaffirm the current register.

Option 1 is the recommended option.

Conclusion

Included with the attachments is a table summarising the proposed changes to individual delegations. Most of the proposed changes are minor in nature and relate to such things as; change of titles of delegates, amended titles, some minor rewording. Only one delegation is recommended to be revoked, C017D, as this delegation is a duplication of C007D. It is recommended that Council adopt the amended register of delegations.

Attachments:

- [OCM118.1/06/16](#) – Proposed Amended Register of Delegations (E16/4540)
- [OCM118.2/06/16](#) – Delegation recommended to be revoked (E16/4550)
- [OCM118.3/06/16](#) – Table of proposed changes to Council Delegations (E16/4541)

Alignment with our Strategic Community Plan:

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

Objective 1.3	Capable Councillors
Key Action 1.3.2	Ensure Elected Members have a comprehensive understanding of Council's roles and responsibilities.

Statutory Environment:

- Local Government Act 1995

The delegations of authority are an integral part of the Shire's governance framework. They are supported and conditioned by policies adopted by Council. Any decision to amend or revoke a delegation by a local government is to be by absolute majority as prescribed in sections 5.42 and 5.45 of the *Local Government Act*.

Financial Implications:

There are no direct financial implications regarding this matter.

Voting Requirements: Absolute Majority**OCM118/06/16 COUNCIL DECISION / Officer Recommendation:**

Moved Cr See, seconded Cr Urban

That Council:

1. Authorises and grants the powers and duties as detailed in the Register of Delegations, as provided in attachment OCM118.1/06/16, in accordance with section 5.42 of the *Local Government Act 1995*.
2. Revokes delegation C017D - *Incurring liabilities and making payments*, as provided in attachment OCM118.2/06/16, in accordance with section 5.45(1)(b) of the *Local Government Act 1995*.

CARRIED BY ABSOLUTE MAJORITY (8/0)

8.6 Confidential Reports

COUNCIL DECISION

Moved Cr Piipponen, seconded Cr Gossage

That the meeting be closed to members of the public at 7.45pm to allow Council to Discuss OCM119/06/16 Confidential Item Lot 9200 Abernethy Road, Byford – Proposed Local Development Plan (S152968) – Section 31 Reconsideration as per section 5.23(2) of the Local Government Act 1995.

CARRIED UNANIMOUSLY

Members of the public were asked to leave the meeting while confidential item OCM119/06/16 was discussed. The doors were closed at 7.46pm.

OCM119/06/16	CONFIDENTIAL ITEM - Lot 9200 Abernethy Road, Byford – Proposed Local Development Plan (S152968) – Section 31 Reconsideration
Author:	Bianca Sandri -Coordinator Statutory Planning
Senior Officer:	Andre Schonfeldt - Director Planning
Date of Report:	1 July 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Voting Requirements: Simple Majority

OCM119/06/16 **COUNCIL DECISION / Officer Recommendation:**

Moved Cr Piipponen, seconded Cr Hawkins

That Council approves the amended Local Development Plan as per attachment OCM119.1/06/16, submitted by Megara on Lot 9200 Abernethy Road, Byford in accordance with section 31 of the *State Administrative Tribunal Act 2004* and Clause 52(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

CARRIED 8/0

COUNCIL DECISION:

Moved Cr See, seconded Cr Hawkins

That the meeting be reopened to the public at 7.59pm.

CARRIED UNANIMOUSLY

Members of the public returned to the Chambers and the Presiding Members advised that the officers recommendation was carried for item OCM119/06/16 with a vote of 8/0.

9. Motions of which notice has been given:

Nil

10. Information Reports:

OCM120/06/16	Chief Executive Officer Information Report (SJ1508)
Author:	Kirsty Peddie – Executive Assistant
Senior Officer:	Gary Clark – Acting Chief Executive Officer
Date of Report:	10 June 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

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

Attachments:

- [OCM120.1/06/16](#) - Common Seal Register Report – May 2016 (E02/5614)
- [OCM120.2/06/16](#) – WALGA State Council Meeting Minutes – May 2016 (IN16/9073)
- [OCM120.3/06/16](#) – Growth Alliance Perth and Peel Minutes – May 2016

Voting Requirements: Simple Majority

OCM120/06/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Piipponen, seconded Cr Hawkins

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

CARRIED UNANIMOUSLY

OCM121/06/16	Planning Information Report (SJ514-07)
Author:	Belinda Ohle – Planning Support Officer
Senior Officer:	Andre Schonfeldt – Director Planning
Date of Report:	14 June 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

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

Attachments:

- [OCM121.1/06/16](#) - Planning, Building, Health, Rangers and Development Compliance – Delegated Authority Information Report (E16/4623)
- [OCM121.2/06/16](#) - Scheme Amendment, Local Planning Policies and Local Structure Plans (E12/3985)

Voting Requirements Simple Majority

OCM121/06/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Piipponen, seconded Cr See

That Council accept the Planning Information Report for May 2016.

CARRIED UNANIMOUSLY

OCM122/06/16	Engineering Services Information Report (SJ514)
Author:	Jill Jennings – Personal Assistant to Director Engineering
Senior Officer:	Gordon Allan – Director Engineering
Date of Report:	10 June 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

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

Attachments:

- [OCM122.1/06/16](#) – Engineering Delegation of Authority Report, May 2016 (E16/4438)
- [OCM122.2/06/16](#) – Peel Trails Group Meeting – May 2016 (IN16/11038)
- [OCM122.3/06/16](#) - Serpentine Jarrahdale Cemeteries Management Committee Meeting – May 2016 (OC16/10759)

Voting Requirements: Simple Majority

OCM122/06/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Piipponen, seconded Cr Hawkins

That Council accept the Engineering Services Information Report.

CARRIED UNANIMOUSLY

OCM123/06/16	Corporate and Community Information Report (SJ514-07)
Author:	Elba Strijdom – PA to Director Corporate and Community
Senior Officer/s:	Alan Hart – Director Corporate and Community
Date of Report:	8 June 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction

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

Attachments

- [OCM123.1/06/16](#) – Delegated Authority – Financial Services 1-31 May 2016 (E16/4271)
- [OCM123.2/06/16](#) – Minutes of the SJ CRC Board Meeting – 11 May 2016 (IN16/10960)
- [OCM123.3/06/16](#) – Minutes of the Mundijong Community Association Meeting – 19 May 2016 (IN16/11151)

Voting Requirements Simple Majority

OCM123/06/16 COUNCIL DECISION / Officer Recommendation

Moved Cr See, seconded Cr Hawkins

That Council accept the Corporate and Community Information Report.

CARRIED UNANIMOUSLY

11. Urgent Business:

Nil

12. Councillor questions of which notice has been given:

12.1 Standing Orders Local Law 2002, section 3.11 – Questions by Members of which notice has been given:

At the Ordinary Council Meeting held on Monday May 23 2016 Councillor Rich gave notice of her intention to raise questions in accordance with Shire of Serpentine Jarrahdale Local Law 2002, section 3.11 – Questions by Members of which notice has been given. The following responses have been provided:

1. What is the percentage of employee accrued leave that is outside the guidelines of policy CSP1 – Leave Policy and Procedures?

Response:

5.12% of accrued annual leave fall outside of the guidelines of the policy.

2. What is the accrued leave liability held by the Shire as of 30th April 2016?

Response:

The total accrued annual leave liability that falls outside of the policy guidelines is 893.25 hours. The total annual leave liability for the organisation is 18,126.7 hours.

13. Closure:

There being no further business the Presiding Member declared the meeting closed at 8.03pm.

I certify that these minutes were confirmed at the
Ordinary Council Meeting held on 25 July 2016

.....
Presiding Member

.....
Date