



Shire of  
Serpentine  
Jarrahdale

*Sustainable. Connected. Thriving!*

# **Ordinary Council Meeting Minutes**

**Monday, 28 November 2016**

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Minutes of the Ordinary Council Meeting held in the Council Chambers, 6 Paterson Street, Mundijong on Monday 28 November 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  
D Atwell  
K Ellis  
D Gossage  
S Hawkins  
J See  
M Rich

**Officers:** Mr G Clark .....Acting Chief Executive Officer  
Mr A Schonfeldt ..... Director Planning  
Mr D Elkins ..... Director Engineering  
Mr P Kocian ..... Acting Director Corporate and Community  
Ms K Peddie .....Executive Assistant to the CEO (Minute Taker)  
Ms D Gill ..... Executive Support Officer

**Leave of Absence:** Nil

**Apologies:** S Piipponen  
B Urban

**Observers:** Nil

Members of the Public – 26

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 24 October 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

Have all Councillors been fully informed that item OCM203/11/16 Demolition of the Byford and District Country Club building on tonight's agenda is a matter before the west Australian Supreme Court at this very time?

*Response:*

*This is a separate application. The current matter before the Supreme Court relates to an approval issued last year for a Farmer Jacks shop.*

Question 2

Who is responsible for checking the work done by tree services in this Shire as the amounts of money spent seems excessive for the pruning carried out?

*Response:*

*The CEO is ultimately responsible for ensuring that the Shire receives value for money from contractors. The Shire's purchasing policy sets out procedures to ensure that competitive quotes or tenders are obtained for contract services. If you have any evidence to the contrary it would be helpful for you to provide that information to the CEO.*

Question 3

Has Council done any investigation of Soils Ain't Soils and previous operators of a smelly/ dusty and noisy operation on Kargotich Road pertaining to a previous question on this operation by me, if not why not as this has escalated to a bigger nuisance?

*Response:*

*If you have a complaint about a particular property you should contact the Shire office so that it can be addressed.*

**Ms M Cala, 49 Phillips Road, Karrakup, WA, 6122**

*Questions in relations to Lot 10 Gossage Road, Oldbury*

Question 1

Do Councillors support the use of productive rural land for once only demolition waste disposal under the pretence of remediation, at the cost of seriously damaging such land and surrounding properties for future agriculture practice. What independent advice would Council seek to determine if land, which has historically supported cattle and hay production is in genuine need of remediation.

*Response:*

*This is the subject of a planning application and compliance matter which Council will need to consider when or if it is presented to Council at a later stage. We do have professional officers that will consider the relevant issues and make a recommendation to Council. This may include advice from other agencies if specific technical matters require additional clarification.*

Question2

Does the rubble already dumped on the Lot 10 site meet DER requirements regarding particle size and does it have DER Certification. Has this rubble been removed from the site?

*Response:*

*Shire Officers have issued a Section 214(2) Stop Work Notice to the owner of the property at 10 Gossage Road in relation to the unauthorised importation of fill/rubble onto the property. The Shire has received a Development Application in relation to the fill on the property, which is currently being assessed by Shire Officers. The fill / rubble does not comply with the DER's clean fill guidelines, and this is currently being investigated by the DER. Since the issue of the Section 214(2) Stop Work Notice no additional fill/rubble has been imported onto the property.*

Question 3

Will this Council and Councillors oppose any move by the State Government to amend and downgrade the requirements for Certified Clean Fill?

*Response:*

*We are not aware of any such proposal by the State Government to amend and downgrade the requirements for Certified Clean Fill. If such a proposal was made, any decision would need to consider the relevant facts at the time, however, it is difficult to foresee any support for such a proposal.*

**Mr D Houseman, address supplied, requested to be withheld.**

Question 1

Does Mr Erren accept that any of the comments he made in The Examiner, as outlined in my statement are untrue and if so which ones?

*Response:*

*Unfortunately I am unable to answer a question that we are unable to make any sense of.*

Question 2

Given that it is impossible for the Shire to give a commencement date for the construction of the length of Corbel Lane stretching from Mary Street to the park will it pay me interest on the \$20,000 that is held in restricted cash until such a time that it is released for construction?

*Response:*

*The funds are not being held on your behalf, these funds were paid in lieu of undertaking the work yourself, in order to allow you to develop land.*

Question 3

Does the Shire accept that the offer to widen was made in good faith and with the sole condition being that I remove the fence and that this offer was not subject to whether the Shire deemed the works to be urgent or otherwise?

*Response:*

*An offer made to you, to widen the laneway if you remove your fence, from the Shire's land, was rejected by you, some time ago. Notwithstanding this rejection, Council is likely to consider releasing funds, to complete this widening, at the next budget review.*

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

*The Presiding Member advised:*

*Your questions are prefaced by a five paragraph statement. Please reframe your questions so that there is no need to read the statement.*

Question 1

My question is where did the money go considering it was spent on land vested in the Shire, this is not privately owned land and as such should have been acquitted through the Shire.

*Response:*

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

Question 2

When is the Council going to take legal action against the office bears of Darling Downs residents Association for illegal clearing of vegetation of Shire reserves in Darling Downs area which is not permitted under the MOU between them and the Council?

*Response:*

*Illegal clearing is a matter for the Department of Environmental Regulation, who are investigating the allegation.*

Question 3

Following the OCM of 22 August 2016 I wrote to the Shire CEO asking him to investigate if a Shire Councillor had failed to declare an interest in item OCM156/08/16. I have receipt for the letter from the Shire.

I asked for this matter to be investigated as I felt that the Councillor in question had a financial interest as they lived directly opposite Percies Park and the placement of a toilet may influence the value of their property.

My question is when am I going to receive an acknowledgement of my letter and when will I be notified of the outcome of the matter.

*Response:*

*I apologise that your letter was not acknowledged. As soon as the Councillor realised that they had an interest in the matter they notified the CEO and requested that the*

*Department for Local Government and Communities (DLGC) be notified. The DLGC has not responded as yet. Once the advice is received you will be notified.*

*It should be noted that staff were recommending that further community consultation be undertaken. There was no recommendation, or decision required, on whether to construct a toilet or where it should be located.*

**At 7.13pm the Presiding Member cautioned Mr John Kirkpatrick for disrupting proceedings. Mr Kirkpatrick was advised that he has breached clause 8.6 of the Shire's Standing Orders Local Law – Prevention of disturbance by members of the public. The Presiding Member directed Mr Kirkpatrick to cease the disruptive behaviour.**

**Presiding Member on behalf of Mr B Williamson, 95 Pony Place, Oakford, WA, 6121**

Question 1

If no policy exists to govern how the Shire deals with its obligation when conflicts arise with State and Federal law and policies dealing with cartels and monopolies, including government monopolies that adversely affect the principals of a free market and those of private companies within the Shire. How will the Shire approach this and ensure it complies with the Shires obligations under these anti cartel and monopoly laws and policies?

*Response:*

*Unfortunately I am unable to answer a question that we are unable to make any sense of.*

Question 2

This question was asked at the last Council meeting and the answer was it would take a resolution of Council to answer it. Has that resolution now been conducted and the answer available and if not when can I expect an answer?

*Response:*

*Unfortunately I am unable to answer a question that we are unable to make any sense of. Questions should stand alone and contain all the information necessary to enable an answer to be provided.*

Question 3

Does the Council believe it is fair and reasonable for someone connected to Council to be able to enter and subsequently win a competition or award that is in some way connected to Council?

*Response:*

*If Council has any influence over the outcome of a competition or award then any elected member or officer associated with the decision would be required to declare an interest. No matter has arisen where the Council has been asked to assist in deciding the winner of a competition where an Elected Member or staff member has an interest.*

#### **4. Public statement time:**

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

*The Presiding Member advised:*

*Mrs Bond I am ruling that your statement is disallowed in accordance with Council policy G808 because it contains statements that are objectionable in language and substance. If you have a complaint, or evidence of misconduct, please provide the CEO with the relevant information and he will advise you accordingly.*

**At 7.16pm the Presiding Member cautioned Mrs Lee Bond for disrupting proceedings. Mrs Bond was advised that she has breached clause 8.6 of the Shire's Standing**

**Orders Local Law – Prevention of disturbance by members of the public. The Presiding Member directed Mrs Bond to cease the disruptive behaviour.**

**At 7.17pm the Presiding Member again cautioned Mrs Lee Bond for disrupting proceedings. Mrs Bond was advised that she had again breached clause 8.6 of the Shire's Standing Orders Local Law – Prevention of disturbance by members of the public and the Presiding Member directed Mrs Bond to cease the disruptive behaviour or she may be requested to leave the Chambers.**

**At 7.19pm the Presiding Member again cautioned Mrs Lee Bond for disrupting proceedings. Mrs Bond was advised that she had again breached clause 8.6 of the Shire's Standing Orders Local Law – Prevention of disturbance by members of the public and the Presiding Member directed Mrs Bond to cease the disruptive behaviour or she may be requested to leave the Chambers.**

**Mr R Duckman, on behalf of Roberts Day and Gold Fusion, address supplied, requested to be withheld.**

In relation to OCM204/11/16. Thanks to officers for their assistance in assessing the LDP. Of the six proposed modifications, the first three are acceptable but I must question the other three.

4. It is standard practice in LDPs to allow minor variations. This gives flexibility to building departments to allow small, incidental changes that have no real implications, without requiring an otherwise unnecessary DA. It saves the Shire and the home-builder time and money.

5. The open space variation in the LDP at present was previously required by Council. It is now seeking to change this provision. In drafting the provision I understand planning officers had one interpretation of "room" for open plan but the building department will have a different one. This provision is now ambiguous, difficult to work with, and it is not clear how it is any improvement on the provision Council previously required. We respectfully request the existing provision, rather than the modified provision, be used.

6. BAL notification is inconsistent with previous LDPs. It raises the spectre of a bushfire risk without putting purchasers at ease that this has been assessed and has been managed. Yes BALs can change but LDPs can be modified accordingly. We request this notation be retained as per the current LDP.

**Mr D Houseman, address supplied, requested to be withheld.**

*The Presiding Member advised:*

*Mr Houseman I am ruling your statement is disallowed in accordance with Council policy G808 because it contains statements that are objectionable in language and substance. If you have a complaint, or evidence of misconduct, please provide the CEO with the relevant information and he will advise you accordingly.*

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

I am pleased to see that we have a new CEO and by looking at his name he may come from the same ethnic background as myself so I would expect nothing by the highest moral and ethical standards. It will be great to have a Council that runs on policies and procedural matters as set out in the Local Government Act.

It was surprising, but not unheard of, to see that the Presiding Member while on the selection committee did not Chair the group to give them the guidance and the advantage of his great business acumen, considering that he will have to work closely with the new CEO. Look forward to meeting the new CEO.



I was at the opening of the new Coles store on Friday night and it was good to see the Councillors there all dressed up to take advantage of the photo opportunity. Considering this was the first of the new shops to be opened in the district it was disappointing to see the chaos and mayhem around the location. I am sure the developers of The Glades Shopping Centre will make a much better job of looking after the residents that the Council, one only has to look at how they dealt with the opening of the Strand Café and Restaurant. The only glitch there was the failure to put any Acrod parking by the lake.

In spite of the Council having the plans for that section of Abernethy Road in place and the budget of \$19,800,000 and having told the ratepayers at an OCM that they had received over \$6,000,000.00 from the Federal Government to construct the road there were no footpaths or disabled access to the site and there still is not. The Council in spite of all its talk about walk ability does not practice what it preaches. It is not possible to get to the Coles site from any part of Byford safely as pedestrians thus penalising young mothers with strollers, the aged and the disabled from getting there. The traffic control people stopped the traffic to allow me to cross the road on Friday night. I was told on Saturday morning by the traffic control company that there had been a number of traffic accidents outside the complex.

It was not possible for me with a gopher to get there safely to shop on Tuesday as a result still went to Armadale. Mind you I still cannot get down George Street safely to go to the bank or paper shop even through we have been told that \$320,000.00 has been allocated for that section of Abernethy Road adjoin George Street.

Where is the leadership from the Presiding Member to prioritise these matters or does he have other things that are more important.

*The Presiding Member advised:*

*Mr Kirkpatrick this community is the fastest growing community in the nation. This fact provides challenges as well wonderful opportunities for the community. One of the characteristics of all rapidly developing outer metropolitan local governments is that the provision of community and transport infrastructure always lags behind the development.*

*This community will continue to experience some challenges as we wait for developer contributions to accumulate. The only alternative is that existing ratepayers fund the earlier provision of the infrastructure and we know that this is not a palatable alternative.*

**Mr B Williamson, 95 Pony Place, Oakford, WA, 6121**

If no policy exists to govern how the Shire deals with its obligation when conflicts arise with State and Federal law and policies dealing with cartels and monopolies, including government monopolies that adversely affect the principals of a free market, Council can find they put the Shire in the position of having to use large amounts of rate payer's funds in defending their lack of action should private companies within and from outside the Shire be adversely effected by that inaction.

Such a conflict does currently exist in this Shire, but it may not have come to the Shires attention as yet, but is likely to in the next few weeks and this is aimed at giving Council a head start to consider our obligations and in forming policy.

*The Presiding Member advised:*

*Mr Williamson if you have information that is of strategic significance to this community I would urge you to share it with Shire officers.*

**Public question and statement time concluded at 7.36pm**

## 5. Petitions and deputations:

### 5.1 Mr Nathan Stewart from Rowe Group presented a deputation in relation to item OCM203/11/16 relating to Lots 5, 7 and 51 (No845) South Western Highway Byford – Proposed demolition of existing club building and the construction of a shop, associated signage and car parking.

My name is Nathan Stewart from Rowe Group, a town planning consultancy and the applicant in this matter, Mr John Cameron, Property Director at ALDI Stores, the developer, sends his apologies.

I am here tonight to speak in favour of the Officers Recommendation for item OCM203/11/16.

The proposed development is for an ALDI Supermarket. The proposal incorporates:

- An ALDI Supermarket with retail and back of house areas.
- 80 on-site parking bays, including two (2) disabled parking bays
- An additional 34 on-street parking bays on George Street; and
- Signage

We request that Council endorses the Officers Recommendation which is currently before Council so that this matter can be presented to the Metropolitan East Joint Development Assessment Panel and subsequently approved.

Thank you for giving us the opportunity to speak this evening. We are available to take any questions you may have of us in relation to the proposal.

### 5.2 Mr Johan Loubser presented a deputation in relation to item OCM205/11/16 relating to Section 31 Reconsideration – Lot 725 Selkirk Road, Serpentine – Ancillary Dwelling.

Evening Councillors and thank you for the opportunity to address you this evening

I want to start my deputation by stating that I think what the Shire has put me and my family through in the past two years is absolutely deplorable. Throughout this process, we have gone from as stable functioning happy family to the point where my wife was recently diagnosed with depression, I as a 40-year old a few months ago was admitted to hospital with a possible heart attack but later determined to be an anxiety attack, and all of this is directly attributed to stress relating to dealings with the Shire. So, saying that all the hoops we have had to jump through in past two years has come at only a financial cost of \$44 800 would be grossly understated:

- Our health has been severely affected;
- Financially we have had to downsize by selling assets (caravan & landcruiser) to ensure we could pay for the rental of our current home, mortgage repayments for this block plus all the associated costs to date;
- Conflict within my marriage about our situation with the development application has put my marriage at breaking point;
- Because we have bought this block with my parents for us both to live on, this is now impacting their retirement plans and is putting a strain on our relationship;

#### Background Information

Back in December 2014 I investigated purchasing as rural block of land for me and my parents (due to retire in the next 2 years) in Serpentine to move to this beautiful area with the plan to subdivide and build two homes. In early January 2015 I had a site meeting with the Shire planners to discuss my plans and they saw no issue and were supportive of my intent on the block. We subsequently put an offer in and this was accepted and we purchased the Lot, we moved our kids to SJ Grammar and started the

process of planning application. It was then that this almost 2 year battle with the Shire started and is still ongoing as listed below.

To date our applications have gone through and have been assessed by 5 different Shire planners and 2 planning managers, as a result of the staff changes.

- Firstly when we looked at purchasing this property, I had Shire planners out there (early January 2015)/ I spoke to them about my intentions (i.e. to subdivide). From their point of view and looking at the codes (rural living A, min 4000sqm per block – ours is 20100sqm) for the area, they could not foresee any issue apart from dealing with a sloped block.
- I went into partnership with my parents (50/50) and purchased this property based on the advice and subsequently moved my kids over to SJ Grammar seeing that we would be living in the area.
- After engaging MW Urban to start the process of subdivision and MW Urban discussing this with Shire to ascertain what would be required we were made aware that a 2002 Subdivision guide plan (Town Planning Scheme No.2 Amendment 50) would prevent us from doing this according to Shire planners. This document was apparently only found after digging around in the so called “Chicken Shed”
- We had numerous discussions with the Shire and at the last meeting held (15 December 2015) with Shire they suggested that we look at ancillary dwelling option and this path was followed based on their advice.
- When discussing size of the ancillary dwelling we were told that 110sqm was the max but Shire could evaluate as they have allowed variances up to 140sqm in the past (As per the meeting held 15-Dec-15). Currently we have asked for a 138sqm.
- Our application was rejected by the Shire (29 August 2016)
- I had a bit of a meltdown with the Director Planning about the inconsistencies in Shire processes that Shire planners made us go through without regard to the financial implications for the applicant, it was then that I sought help from SAT
- Mediation session held with SAT on the 23<sup>rd</sup> of September with the Shire
  - On the day the Shire was 45mins late
  - New planner and new Manager attended that we have never met before
  - They asked for ½ hr to read through the file and get up to speed
  - The outcome of the mediation was that the Shire was instructed to review the application and present it to council.
- Shire has sought feedback from neighbours. Neighbours have contacted me and gave their support for the proposed development. Letter of support attached.
- Awaiting Council meeting on the 28<sup>th</sup> for decision.

Summary of cost incurred to date (excl. loan repayments of \$27 800 )

- Level and feature survey (\$1500)
- Bushfire assessment (\$480)
- Full home concept drawings (both dwellings) (\$3000)
- Land cut and fill plans from Porter Engineers (\$1300)
- MW Urban prepare a full application and planning document (\$3500)
- Shire application fee (\$1600)
- SAT application Fees (\$1014)
- MW Urban SAT preparation and appearance (\$3539)
- Joe Algeri SAT preparation and appearance \$(1100)

To date I have spent over \$17,000 and \$27800 in ongoing mortgage repayments during this process.

Officer Report review:

I would like to address some of the points in the officer’s report and provide context and explanations for your consideration.

- The officers report in many areas refers back to the R-Codes and the deemed to comply and design principles but I will in later sections highlight that our development application actually satisfies those requirement for what a true ancillary dwelling is designed for.
- Page 39 – Community consultation:
  - I have received a communication from an adjoining neighbour (letter attached) and this stated that they are in full support of our application and contradicts the officers report that the approval of this application will have a negative impact to adjacent landowners.
- Page 40 – Plot ratio
  - The application was only a 20% variance to the original LPP39 when it was at 110m<sup>2</sup> but because of the WAPC changes is now close to 38%
  - The officer makes mentions impact on street scape, the main dwelling will not be visible from the street.
  - The officers seems to underestimate the size of the landholding and compares it to dwelling in areas like Byford, Whitby where I agree some like this would affect street scape.
- Page 41 – Siting
  - We have asked for the for the dwellings to be switch around as the block is very steep and we want ease of access for the retirees and make accessibility as easy as possible.
- Page 41- Number of bedrooms
  - In this section the officers makes many assumptions of what could be. I would not have thought that officers would dictate how people live in their homes.
  - The concern that games room could be a bedroom is absurd.
    - They want a games room with a pool table and darts board, this room could be switch over with bedroom 2, if that the concern.
    - The closest that is being referred to was inserted by the drafter as a storage cupboard for the games room items.
    - My parents aren't after a 3 or 4 bedroom house as referred to by the officer, again making assumptions. To make it clear they are 2 people wanting a house with a spare bedroom and other functional spaces.
    - He mentions the large study; both parents are looking at some consulting work after retirement, dad doing electrical engineering consulting and mom doing online tutoring with special needs kids so having a decent size office make sense.
    - They are asking for a dual carport because they have 1 car between them and a caravan, so this makes sense to me. Again the officer assumes that they would want to store up to 4 cars.
    - Again the office is trying to tell people how to live in their own homes by stating “The applicant has stated that the games room is to be used for visiting grandchildren and as a separate TV room. The ancillary dwelling already features a living room, a room generally used as an entertaining space for guests”, how can he make statements like this telling them how to use rooms in their house.
- Page 42 – Number of car bays
  - This was covered under the previous refusal, again they have 1 car and 1 caravan
- Page 42 – Sharing of services
  - This was not a concern in the previous refusal but again because of the topography and location of dwelling is why separate services where asked for.
- Page 43 – LLP 39
  - This policy is not even available on the shires website
- Clause 6.2 of LPP39 allows discretion where a proposal does not comply with the policy: ‘Where an application is not considered by the Shire to comply with the provisions contained within this Policy, it may be referred for planning assessment on

individual merit. Applications of this nature will only be supported by the Shire where it can be demonstrated that exceptional circumstances prevail, and will only be considered upon submission of a clear, written justification for the non-compliance and the payment of relevant fees.'

- I believe we have satisfied this on many occasions by meetings at shire offices, discussions over the phone and via the 2 formal development applications.
- The officer makes mention in Option 1 that “The approval of the application will result in a negative impact on the amenity of character of the area and adjacent landowners”
  - The landowners have contacted me and are all in support, and a supporting letter from neighbour directly North has been attached. Beside this the 2 properties to the West bordering my and the neighbour properties has the potential to be subdivide anyway according to Town Planning Scheme No.2 Amendment 50.
- Reference to R-codes
- Our application meets all the objectives

In closing I implore to you as the council to take into account all the circumstances to date to gain our necessary approvals in making your decision. Understand what we are planning will enhance and not negatively affect the area as supported by the landowners in the area.

I sincerely hope that you agree to vote on Option 1 so that we can start planning and living our life in Serpentine. Thank you

**5.3 Ms Salli Galvin from Serpentine Foothills Polocrosse Club and Ms Ann Marie Lowry from Serpentine Horse and Pony Club presented a deputation in relation to item OCM206/11/16 relating to Consideration to request to reticulate Polocrosse Field - Serpentine.**

Serpentine Foothills Polocrosse Club has been successful working very closely with the Serpentine Pony Club at the Equestrian Grounds at Karnup road now for 32 years. Both our club have approximately 100 members both clubs are currently growing at a rapid rate.

The Polocrosse Club holds 2 to 3 main tournaments a year and numerous minor practice events scattered throughout the year. The main reason our club is so successful is because we have the best polocrosse grounds in the state, bar none. We are very fortunate to have them irrigated over the summer months so we have use of them in the March/April period, and the watering allows the kikuyu to establish its root system and become the thick bed of green grass that we currently have. Our grounds are spectacular thick kikuyu fields surrounded with established Gum trees. It is a picturesque spot.

We would like to extend our sincere appreciation to the Shire for helping us make this happen. The Serpentine Foothills Polocrosse Club is home club to 27 State polocrosse representatives and 9 Australian Representatives. This is one of the most successful clubs in elite Polocrosse in Western Australia. We have riders from the age of 72 all the way down to 4 years of age. Polocrosse is a wonderful family sport.

We have had a lot of volunteer work done by our members over these last 32 years in top dressing the fields with sand in the early days. Erecting the existing yards that are there (including majority of the yards that are now in the protected bush land areas, and that are needed to come down). The Eric Senior Pavilion has had copious amounts of volunteer work done on its erection from the polocrosse and pony club, and what a wonderful Pavilion it is.

We are currently working at improving the yards and watering points around the fields so we can comfortably hold bigger tournaments, and alleviate the pressures we have with camping in protected bush areas.

Unbeknown to me until very recently there are a substantial amount of people that run and walk their dogs around the Polocrosse field in the morning and late in the evening. I wouldn't be quiet the same if the ground was churned up and a dry dust bowl with only weeds and no kikuyu growing there.

I would like to rebut the statement in the Engineers report that states the polocrosse fields are not turfed that they are weeds and some kikuyu coverage. We have seeded and fertilised these fields with kikuyu to choke out the weeds and along with the shire for many years and as a result it is predominantly kikuyu coverage.

The Pony and Polocrosse Clubs are working extremely well side by side. It would be unrealistic to think that we could permanently share the same grounds. Our equine sports are quite different and we would damage the pony clubs dressage arenas with our high speed sport.

If better irrigation and improvement of our grounds was done we have the potential to host our State Championships and even our Polocrosse National Titles. The potential is endless as we have immaculate Grounds and very good and improving facilities and we are situated in such a central location so close to Perth.

Serpentine Horse and Pony Club ( SHPC ) has been an active and leading equestrian club on this location for almost 60 years. The grounds and clubhouse exist largely because of the efforts of the members of SHPC and in more recent years ( 32 ) our co licensees Foothills Polocross.

The fields (west side SHPC and east side Foothills PX) are high quality surfaces (definitely not ungrazed "paddocks") that are used in concert and collaboratively by both clubs, our visitors and many members of the local community.

Local primary schools use the grounds for sport carnivals, walkers, horseriders - including significant external hirers -and groups visit and enjoy grounds extensively all year around. Both clubs are iconic and revered in the States Equestrian community. Our respective grounds are considered the best in the state and each club hosts State Championships each year.

We both feel that given the "green" and rurally attractive branding the Shire trades off for residents etc, it should be doing everything possible to enhance and promote equestrian sports and spectacles in this region. We are very prepared to assist the Shires community engagement team to advertise and promote our activities as very attractive events for local and visiting spectators and families.

Co use of the western field is impossible as PXs a galloping and turning sport that rips the turf in a manner that makes co-use generally untenable. The clubs have very harmoniously managed the co-use it can and will continue to do so as we go forward separately but supportively.

The SHPC and Foothills Licences allows external users to utilise the pavilion and grounds and requires the landlord/ proprietor, the Shire, to maintain the grounds. The services have been excellent in recent years and the increasing use by residents indicates that the facility is well patronised and enjoyed. The determination (and formula) re which party is responsible for what proportion of outgoing and maintenance costs of the turf is arguable as the licence says the licensees are responsible only for

the prescribed times which are up to a maximum of 45 days per annum for the Pony Club.

What is not arguable is that the grassed assets are to be maintained and watered so they can be used. If this is not done then the licenced premises are no longer fit for purpose and the Licensor will be in fundamental breach of the licence agreement. Reticulation has been expected and provided to both sides of the fields for many years. It is reasonable and expected that the licensees and visitors can properly expect the grass to be maintained to the same standard at least as when the licences were commenced in March 2015.

SHPC supports the deputation of the Foothills Polocross Club and request Council to provide sufficient watering and care of this important and established Sy hire asset.

## 6. President's report:

The Shire of Serpentine Jarrahdale has joined the Southern Corridor Alliance to lobby for the Outer Harbour project as important to create jobs, attract industries and spur economic growth over the coming decades. You will see this subject come up in the media over the next few months.

The Splendiferous Jolly Christmas Festival is coming to the Mundijong Oval on 10 December from 12 noon. It's a family event with concerts and free activities throughout the day and will get you into the festive spirit.

Just a reminder that firebreaks needs to be installed by 30 November. Please ensure that this is completed so we can keep our community safe this summer. Also, DFES has launched a new website: [Emergency.wa.gov.au](http://Emergency.wa.gov.au) and this will provide community warnings about emergencies and a live feed of all incidents report to the DFES Communications Centre. Check it out.

There has been a lot of activity around the Shire in the past couple of weeks as we've opened a number of venues including the new Mundijong Police Station, the Byford & Districts Country Club and the new Coles. These are exciting venues for our Shire and community wellbeing.

## 7. Declaration of Councillors and officers interest:

Councillor Erren declared an Impartiality Interest in item OCM203/11/16 as he is closely associated with a person who owns property adjacent to the application. Cr Erren will leave the meeting while this item is discussed.

Councillor Hawkins declared an Impartiality Interest in item OCM203/11/16 as she is closely associated with a person who owns the buildings nearby. Cr Hawkins will leave the meeting while this item is discussed.

Councillor Hawkins declared a Proximity Interest in item OCM208/11/16 as she is an adjacent land owner to the park relating to this item. Cr Hawkins will leave the meeting while this item is discussed.

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

### **8.1 Minutes from previous Meetings:**

#### **8.1.1 Ordinary Council Meeting – 24 October 2016**

##### **COUNCIL DECISION**

**Moved Cr Hawkins, seconded Cr Gossage**

**That the minutes of the Ordinary Council Meeting held on 24 October 2016 be confirmed (E16/8654).**

**CARRIED UNANIMOUSLY**

#### **8.1.2 Audit Committee Meeting – 7 November 2016**

##### **COUNCIL DECISION**

**Moved Cr Rich, seconded Cr Hawkins**

**That the minutes of the Ordinary Council Meeting held on 7 November 2016 be confirmed (E16/9423).**

**CARRIED UNANIMOUSLY**

#### **8.1.3 Special Council Meeting – 10 November 2016**

##### **COUNCIL DECISION**

**Moved Cr Gossage, seconded Cr Rich**

**That the minutes of the Special Council Meeting held on 10 November 2016 be confirmed (E16/9426).**

**CARRIED UNANIMOUSLY**



## 8.2 Planning Reports:

<b>OCM200/11/16</b>	<b>Proposed Local Development Plan – Portion of Lot 1 Abernethy Road, Byford (PA16/140)</b>
Author:	Heather Coles-Bayes - Planning Officer
Senior Officer:	Andre Schonfeldt – Director Planning
Date of Report:	27 September 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: Creative Design and Planning  
 Date of Receipt: 8 August 2016  
 Lot Area: 30895m<sup>2</sup> (3ha)  
 Local Planning Scheme Zoning: ‘Urban Development’  
 Metropolitan Region Scheme Zoning: ‘Urban Deferred/Urban’  
 Existing Land Use: ‘Residential’

### Introduction

The purpose of this report is for Council to consider a Local Development Plan (LDP) received on 8 August 2016 for a portion of Lot 1 Abernethy Road. Officers do not have delegation to determine LDP’s in accordance with delegations P033D and P033S – Local Development Plans (LDP).

The LDP seeks to provide designated garage locations and reversing bays and identifies lots that are required to comply with Bushfire Attack Level (BAL) Assessments and noise attenuation requirements.

The report recommends that the LDP be approved subject to a modification as discussed within the report and forming part of the officer’s recommendation.

### Background

The subject site lies within the town centre of Byford, to the west of the Byford Town Centre Local Structure Plan (LSP) area. The land to the east is designated under the LSP for mixed use development. Byford Secondary College is located to the south of the site. The subject site is currently vacant.



Location Plan - Lot 1 Abernethy Road

The proposed LDP has been prepared in accordance with conditions 23 and 24 of the subdivision approval (S153027) issued by the Western Australian Planning Commission on 11 March 2016. The subdivision approval includes the following conditions:

“23. Local Development Plan(s) being prepared and approved for lots 1, 18-29, 74 and 75 as shown on the plan dated 10 March 2016 to address

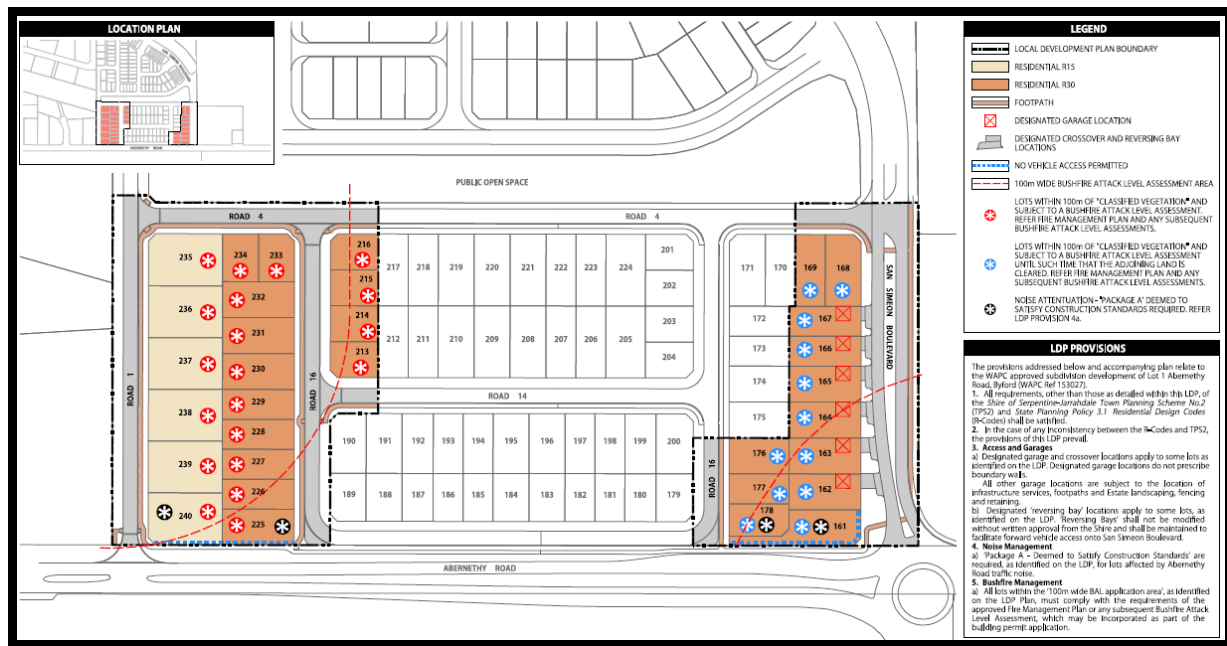
- Quiet house design packages in accordance with the Jacobs Traffic Noise Assessment Report dated November 2014 to the satisfaction of the Western Australian Planning Commission (Local Government).”

“23. Local Development Plan(s) being prepared and approved for lots 2-7 as shown on the plan dated 10 March 2016 to address

- Vehicular access arrangements to the satisfaction of the Western Australian Planning Commission (Local Government).”

The LDP covers 32 residential lots encompassing residential R30 (26 lots) and residential R15 (6 lots) densities. 21 of the lots are required by the subdivision conditions to be incorporated in the LDP and the other 11 lots have been included by the applicant to identify bushfire requirements.

The plan below shows the lots that have designated garage locations and reversing bays, and those that require noise attenuation and compliance with bushfire requirements.



Proposed Local Development Plan – Lot 1 Abernethy Road

### Relevant Previous Decisions of Council

- The area was approved under the Byford Town Centre Local Structure Plan Area at OCM123/02/14 – The minutes of the meeting can be found here: OCM200.2/10/16 (CR14/14).

### Planning Assessment

The LDP has been assessed in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* and the Western Australian Planning Commission Framework for Local Development Plans 2015.

The Western Australian Planning Commission Framework for Local Development Plans 2015 (the framework) provides guidance as to how LDP's should be formatted and designed. The proposal is considered to comply with the design and layout requirements of the framework.

### Vehicular Access Arrangements

At the subdivision stage, it was identified that the lots on Sansimeon Boulevard would require measures to ensure vehicles could exit the site in forward gear. Clause 1.4 of the Framework for Local Development Plans 2015 states that an LDP may be prepared for "lots where specific vehicle access and egress control is required". In this case, the proposal provides for designated garage and crossover locations with reversing bays.

Officers are in support of the plan and relevant provisions as they provide safe egress onto Sansimeon Boulevard which has the potential for increased traffic volumes. It is considered that the proposed provisions are consistent with the objectives of the framework and satisfy the condition of subdivision.

### Noise Attenuation

At the subdivision stage, it was identified that the lots adjacent to Abernethy Road would be impacted on by traffic noise due to the proposed widening of the road resulting in increased traffic volume. Clause 1.4 of the framework states that an LDP may be prepared to address noise buffer and amelioration requirements.

A Noise Management Plan has been submitted as part of the LDP application. It identifies four lots as requiring a quiet house design package. These lots are identified on the LDP and officers support this provision as it satisfies the subdivision approval condition.

### Bushfire

The LDP contains provisions which identify lots that are in close proximity to classified vegetation and are bushfire prone. It identifies that these lots are subject to a Bushfire Attack Level Assessment prior to development.

This provision provides important information for future occupants of the lots and is therefore supported by the Shire.

### Role of the LDP

Schedule 2, part 6, clause 56 of the *Planning and Development (Local Planning Schemes) Regulations 2015* states "A decision-maker for an application for development approval in an area that is covered by a local development plan approved by the local government must have due regard to, but is not bound by, the local development plan when deciding the application".

Provision 2 of the LDP states 'In the case of any inconsistency between the R-Codes and TPS2, the provisions of this LDP prevail.'

The LDP does not seek to vary any requirements of TPS2 or the R-Codes. If any inconsistencies did arise between TPS 2 and the R Codes, clause 56 would prevail and the LDP would be given due regard. It is therefore considered that this provision should be removed.

### Character

The proposed residential development is consistent with the Metropolitan Region Scheme and Town Planning Scheme No. 2 zonings of 'Urban/Urban Deferred' and 'Urban Development' respectively. The Byford District Structure Plan also broadly defines the intention of the area to be developed for residential purposes with an indicative density of R30 – R60.

The only element of the proposal that would impact on the character and amenity of the area is the additional hardstand for the proposed vehicle turning bays. This hardstand would result in the loss of soft landscaping on the verge of Sansimeon Boulevard.

Commercial development is proposed to the east of Sansimeon Boulevard and there is no established residential streetscape. Although the proposal would have an impact on the streetscape, it is not considered to unduly harm the character or amenity in this locality. It is considered that the safety aspects of the proposal outweigh the minor impact to the amenity of the area.

### **Community / Stakeholder Consultation**

In accordance with *Planning and Development (Local Planning Schemes) Regulations 2015*,

clause 50 'Advertising of Local Development Plans' subclause 3 states that:

*"despite subclause (1) the local government may decide not to advertise a local development plan if the local government is satisfied that the plan is not likely to adversely affect any owners or occupiers within the area covered by the plan or an adjoining area."*

The proposed LDP has not been advertised as it is considered that the proposal does not adversely impact any owners or occupiers of the adjoining area given the locality comprises of commercial development and existing rural residential lots. Furthermore, the proposed LDP is only addressing matters relating to noise, bushfire and vehicle access due to site constraints.

Lot 1 Abernethy Road, Byford is within The Byford Town Centre Structure Plan which required extensive preliminary community consultation including a visioning workshop, land owner workshop, community open day and formal advertising process.

It is considered that the proposal has already undergone an extensive consultation process which has informed the current plan and therefore further advertising is not required.

### **Options**

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

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

Option 2: Council may resolve to refuse the LDP with reasons for refusal.

Option 1 is recommended.

### **Conclusion**

The LDP proposes to identify specific lots that require noise attenuation due to the proximity to Abernethy Road and bushfire requirements for those lots in close proximity to classified vegetation. The LDP also seeks to provide garage locations and reversing bays for lots fronting onto Sansimeon Boulevard to provide for safety. The noise and access measures are required by conditions of the subdivision approval and are supported.

The identification of lots that are subject to bushfire requirements is considered important information for future occupants and provides for further transparency once the lots are developed.

As previously discussed, provision 2 relating to where there are inconsistencies in the planning framework is not considered required and should be removed.

It is therefore recommended that Council approves the LDP subject to a modification, as detailed in the officer recommendation.

#### Attachments:

- [OCM200.1/11/16](#) – Proposed Local Development Plan (IN16/16054)
- [OCM200.2/11/16](#) – Agenda Ordinary Council Meeting 10 February 2016 (E14/705)

#### Alignment with the Strategic Community Plan

Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.2	Provide appropriate amenities and accommodation for the Shire's growing population of youth and seniors.
Key Action 3.2	Appropriate Connecting Infrastructure
Objective 3.2.2	Ensure that planning for the bridge and road network incorporates community safety and emergency management.

The proposed LDP is consistent with these objectives by contributing to providing appropriate accommodation for the shire's population. The LDP ensures compliance with required noise attenuation to provide amenity for residents.

The proposed vehicle access arrangements ensures the road network within the development incorporates community safety by enabling vehicles to enter the road in forward gear.

#### Statutory Environment

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Metropolitan Regional Scheme (MRS)
- The lot is zoned 'Urban/Urban Deferred' under the MRS.
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2)
- The lot is zoned 'Urban Development' under the TPS 2.
- The area of the subject lot has been identified as R30 and R15 densities under the Byford Town Centre Local Structure Plan.

#### Financial Implications

There are no direct financial implications regarding this matter.

**Voting Requirements:** Simple Majority

#### OCM200/11/16 COUNCIL DECISION / Officer Recommendation:

**Moved Cr Hawkins, seconded Cr See**

**That Council approves the Local Development Plan submitted by Creative Design and Planning on behalf of Peet Byford Syndicate Ltd for Lot 1 Abernethy Road, Byford as contained in attachment OCM200.1/11/16 in accordance with clause 52(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, subject to the following modification:**

1. Delete provision 2 stating "*In the case of any inconsistency between the R-Codes and TPS2, the provisions of this Local Development Plan prevail;*"

**CARRIED UNANIMOUSLY**

<b>OCM201/11/16</b>	<b>Road Renaming Proposal for Lot 9502 Briggs Road, Lot 57 and 58 Briggs Road and Lot 1 Abernethy Road Byford – San Simeon Boulevard (SJ500-03)</b>
Author:	Marcel Bridge – Planning Officer
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	24 October 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: G & G Corp Pty Ltd  
 Owner: Pino Gangemi  
 Date of Receipt: 2 October 2015  
 Lot Area: 25ha  
 Town Planning Scheme No 2 Zoning: 'Urban Development'  
 Metropolitan Region Scheme Zoning: 'Urban'

### Introduction

The purpose of this report is for Council to consider the naming of a new district road through Byford and to provide its recommendation to the Geographic Names Committee (GNC) for its determination and approval. In accordance with the *Land Administration Act 1997*, the GNC are the determining authority for road naming applications.

The proposed new road is an extension of three existing roads in Byford – Malarkey Road, Indigo Parkway and Sansimeon Boulevard. These roads will be incorporated into the new road and renamed "San Simeon Boulevard". The proposed new road will create a strategic north-south connection from Malarkey Road (near Thomas Road) to Abernethy Road.

Officers have assessed the application in accordance with the Shire's Local Planning Policy 38 – Road Naming (LPP38) and the GNC Policies and Standards for Geographical Naming in Western Australia (GNC) policy.

The application is presented to Council with a recommendation to support the naming of the subject road as 'San Simeon Boulevard'.

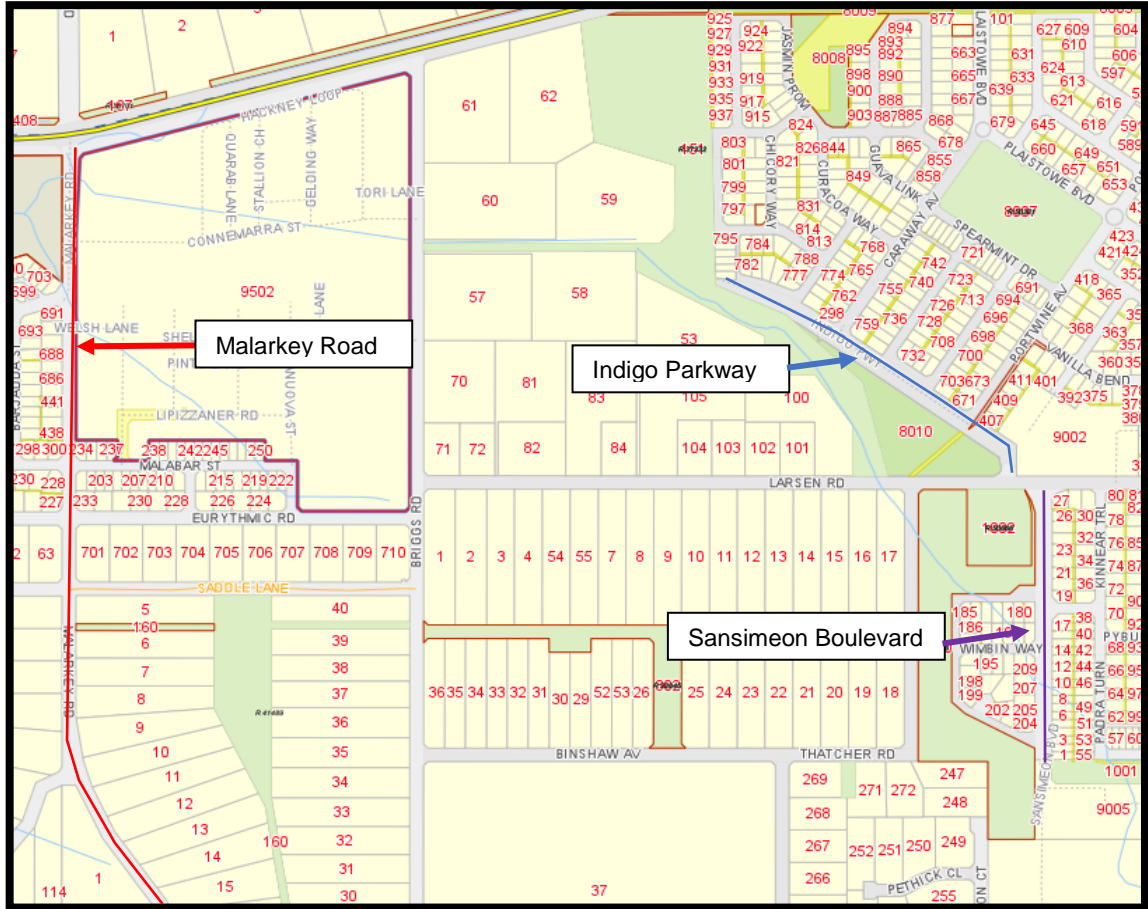
### Background:

#### Existing Development

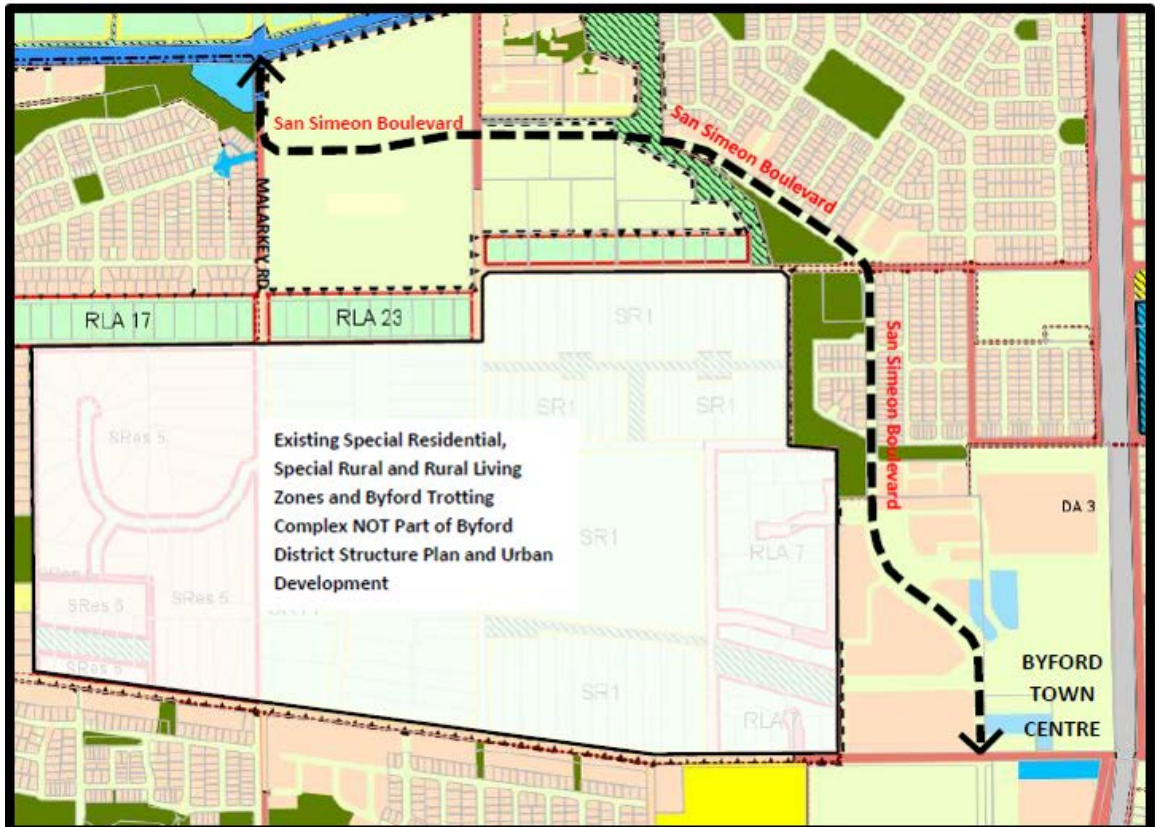
The proposal relates to Lot 9502 Briggs Road which is situated approximately two (2) kilometres north-west of the Byford Town Centre. This area covers 25 hectares of land bound by Thomas Road to the north, Briggs Road to the east, Eurythmic Road to the south and Malarkey Road to the west. Subdivision works have commenced to the south of the site, whilst the northern portion remains predominately cleared.

The Shire initially requested in 2009 that the subject street in Byford be named "San Simeon", as it is the name of a prominent Western Australian race horse. In correspondence received on 2 September 2009 GNC advised that "San Simeon" would be supported (refer to attachment IN09/11059). The GNC on 12 October 2009 provided the Shire with an approval of new road names, one of which was "Sansimeon Boulevard" not "San Simeon Boulevard". The Shire is unclear as to why the GNC did not support the road name being two words, and the Shire to date has not received minutes of this meeting despite requests being made.

This current proposal to rename 'Sansimeon Boulevard' to 'San Simeon Boulevard' will therefore accurately revise the naming of the road in alignment with the Shire's original request.



**Locality Plan 1 – Existing Approved Road Names – ‘Malarkey Road’, ‘Indigo Parkway’ and ‘Sansimeon Boulevard’**



**Locality Plan 2 – Proposed ‘San Simeon Boulevard’ Renaming**

**Relevant Previous Decisions of Council:**

**OCM008/07/09** – Proposed Road Names – Geographic Names Committee be requested to consider the name San Simeon as the preferred name for the main distributor road in the area was recommended by Council.

**OCM076/11/13** – LSP determined to be satisfactory for advertising

**OCM097/12/13** – Proposed modification to Redgum North LSP determined to be satisfactory for advertising in conjunction with the proposed LSP at Lot 9502 Briggs Road, Byford.

**OCM199/06/14** – LSP adopted subject to modifications

**OCM092/06/15** – An application for a LSP was recommended for approval by Council.

**Planning Assessment:**Compliance with relevant legislation:

The proposal has been assessed against the GNC policy and the Shire's LPP 38 – Road Naming.

Section 6.6 of LPP38 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'*

Under the Byford District Structure Plan, adopted in 2005 and last reviewed in 2009, it identifies a main neighbourhood- and distributor road which provides connections to the north-west and south-east between Thomas Road and Abernethy Road. The renaming of Malarkey, Indigo Parkway and Sansimeon to "San Simeon Boulevard" will enable an important direct connection for residents and traffic into the Byford Town Centre.

- *'Consideration shall be given to current and future street numbering to ensure numbering is sequential, easy to follow and considers future density increases'*

In accordance with GNC policy advertising of the road renaming will be undertaken to affected land owners. If supported by GNC the renaming will allow for renumbering to be undertaken to existing and future dwellings.

- *'The origin of each name shall be clearly stated and subsequently recorded'*

The proposed road name of 'San Simeon' relates to a famous Western Australian race horse, known for its record twenty nine (29) race winning streak. The proposed road name is considered to fit within the existing equestrian / livestock road theme within the area of Byford previously approved by GNC.

- *'Names shall not be offensive or likely to give offence, incongruous or commercial in nature'*

The proposed renaming to "San Simeon Boulevard" is not considered not to be offensive, 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'*

The proposed renaming and extension is considered easy to read, spell and pronounce.

- *'Unduly long names and names comprising of two or more words should generally be avoided'*



Acknowledged, however the proposed road name “San Simeon Boulevard” fits within the current theme of the Byford area of equestrian and famous Australian race horses.

- *‘Proposals for road names shall include an appropriate road type suffix’.*

Proposed suffix is considered to be appropriate as it is consistent with suffix definitions under the GNC policy. It is intended that the road be developed in a Boulevard style.

Boulevard (BVD) - Wide roadway, well paved, usually ornamented with trees and grass plots.

- *‘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’.*

Allocation of names as per the road layout plan are considered to be appropriate.

### Strategic Importance

The proposed renaming to “San Simeon Boulevard” will traverse through the following lots undeveloped, once fully developed:

- Lot 9502 Briggs Road, Byford;
- Lot 57 and 58 Briggs Road, Byford; and
- Lot 1 Abernethy Road, Byford.

The Byford District Structure Plan (BSP), adopted in 2005 and last reviewed in 2009, identifies a main neighbourhood distributor road which provides a connection between Thomas Road and Abernethy Road into the Byford town centre. This connection is identified as ‘San Simeon Boulevard’ which will provide a direct connection for residents and traffic into and out of the Byford Town Centre. This road will also facilitate a bypass section around the Byford Trotting Complex, which is considered a sensitive area with respect to increased vehicle movements.

The BSP, was adopted in 2005, was based on a draft version (Edition 3) of Liveable Neighbourhoods. In 2008, the Liveable Neighbourhoods document became operational policy of the Western Australian Planning Commission (WAPC) to guide future urban development in the Perth Metropolitan Area. Following this an amended to the BSP was adopted in 2009, whereby element 2 of Liveable Neighbourhoods was considered which provides guidance on ‘movement networks’ and seeks to establish a classification system and hierarchy for different types of roads, with associated land use integration. The amendment identified ‘San Simeon Boulevard’ as being an ‘Integrator B’ as defined under a ‘Neighbourhood Connector’.

In accordance with *Liveable Neighbourhoods*, neighbourhood connectors are defined as *“link neighbourhoods and towns, are carefully design to calm traffic and facilitate pedestrian use and have frequent local street connections. The neighbourhood connector should not attract substantial long distance through traffic, but provide for safe and convenient local travel to and from arterial routes.*

*Neighbourhood connectors spread local traffic loads and reduce intersection loadings, act as bus routes and support the location of viability of neighbourhood centers”.*

In light of the element 2 of liveable neighbourhoods the proposed road renaming will simplify directions for motorists and emergency services through to the Byford town centre. It also provides safe and convenient local travel to and from arterial routes being Thomas Road and Abernethy Road. This road will also reduce intersection loadings and traffic loads by providing an alternative direct route into the Byford Town Centre as opposed to using main arterial roads such as the east end of Thomas and Abernethy Roads and South Western Highway.

### Community / Stakeholder Consultation:

The renaming of Malarkey Road between Ballawara Avenue and Thomas Road to the North and Sansimeon Boulevard to “San Simeon Boulevard” requires advertisement in accordance with clause 1.7 of the GNC policy to show proof of community support.

In accordance with GNC policy, Officers recommend that letters be sent to neighbours deemed to be affected by the road renaming proposal, allowing for a consultation period of 30 days. In order to satisfy the public consultation requirements of the GNC policy, not more than 50% of the total number of submissions received should object to the proposal for it to be approved. The Shire will undertake this advertising advised by the GNC. The Shire will inform the community as to the benefits of the road naming as part of the community consultation letters.

In consultation with GNC it was advised that community consultation to impacted land owners was only to be undertaken once a determination had been made by GNC.

In regards to the undeveloped remaining sections of Lot 57 and Lot 58 Briggs Road, no consultation is required in accordance with the Shire’s and GNC policy as this section does involve the renaming of a road. The *Land Administration Act 1997*, does not require community consultation to be undertaken for new roads within a subdivision.

### Alignment with our Strategic Community Plan:

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

As stated in LPP38 road naming is an essential feature for subdivision developments. It is recognised that road naming is critical in directing emergency services, mail delivery and road transport. The road renaming of portion of Malarkey, Indigo Parkway and portion of Sansimeon Boulevard provide a major distributor road connection for current and future residents and traffic into the Byford Town Centre.

### Statutory Environment:

- Liveable Neighbourhoods 2009 a *Western Australian Government sustainable cities initiative*
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2)
- *Geographic Names Committee – Policy and Standards for Geographical Naming in western Australia*
- *Land Administration Act 1997*
- Local Planning Policy No. 38 (LPP 38) – Road Naming
- Byford District Structure Plan

### Financial Implications:

Should Council choose to approve the proposed road renaming there will be a financial cost to the Shire associated with the erection and replacement of road name signs.

It is noted that upon subdivision of Lot 9502, 57 and 58 Briggs Road and Lot 1 Abernethy Road the owner(s) will be required to cover the costs of signage for the purposes of road naming.

The road renaming signage of existing Sansimeon Boulevard will be a cost to the Shire. It is noted that the Byford Traditional Infrastructure Development Contribution Plan Report dated December 2013 notes that the approximate cost for signage along the entire stretch of

San Simeon Boulevard would be a provisional sum of \$13,895. Therefore a portion of this cost will be a burden to the Shire for the purposes of renaming Sansimeon Boulevard to San Simeon Boulevard.

**Options and Implications:**

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

- Option 1: Council may resolve to approve the renaming of portion of Malarkey Road, Indigo Parkway and Sansimeon Boulevard to “San Simeon Boulevard”.
- Option 2: Council may resolve not to support the renaming of portion of Malarkey Road, Indigo Parkway and Sansimeon Boulevard to “San Simeon Boulevard”.

In which case alternatives will need to be provided with justification and the applicant would be required to alter the proposed name.

Option 1 is recommended.

**Conclusion:**

The proposed “San Simeon Boulevard” will create a strategic north-south arterial link to the Byford Town Centre. The proposed renaming is considered to be consistent with the Shire’s Local Planning Policy 38 and the GNC policy. Officers therefore recommend that the road renaming be approved and forwarded to the GNC for approval.

**Attachments:**

- [OCM201.1/11/16](#) – Road Naming Application (IN15/22420)
- [OCM201.2/11/16](#) – Correspondence with GNC (IN09/11059)

**Voting Requirements:** Simple Majority

**OCM201/11/16 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Hawkins, seconded Cr See**

**That Council approves the application to the Geographical Names Committee for application submitted by G & G Corp Pty Ltd for the renaming of a portion of Malarkey Road, Indigo Parkway and Sansimeon Boulevard through Lot 9502, Briggs Road, Lot 57 and 58 Briggs Road and Lot 1 Abernethy Road Byford to “San Simeon Boulevard” , as contained in attachment OCM201.1/11/16, subject to undertaking of community consultation as per Clause 1.7 of the Policies and Standards for Geographical Naming in Western Australia.**

**CARRIED UNANIMOUSLY**

<b>OCM202/11/16</b>	<b>Town Planning Scheme Amendment No. 198 – Revised Scheme Appendix Maps for Appendix 15A &amp; 16A for the Byford Development Contribution Plan (Lot 4 South Western Highway, Byford) (SJ2117)</b>
Author:	Rob Casella - Senior Strategic Planner
Senior Officer:	Andre Schonfeldt - Director Planning
Date of Report:	30 June 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

This item was withdrawn from the Ordinary Council Meeting 28 November 2016.

Councillor Erren declared an Impartiality interest and Councillor Hawkins declared a proximity interest in item OCM203/11/16 and left the Chambers at 8.02pm while this item was discussed.

### COUNCIL DECISION

Moved Cr Hawkins, seconded Cr See

That Councillor Ellis take the place of the Presiding Member for item OCM203/11/16.

**CARRIED UNANIMOUSLY**

The Presiding Member vacated the chair and Councillor Ellis assumed the chair at 8.02pm

<b>OCM203/11/16</b>	<b>Lots 5, 7 and 51 (No.845) South Western Highway, Byford - Proposed demolition of existing club building and the construction of a shop, associated signage and car parking (PA16/213)</b>
Author:	Helen Maruta – Planning Officer
Senior Officer:	Andre Schonfeldt – Director Planning
Date of Report:	31 October 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

Proponent:	Rowe Group
Owner:	Goldlaser Pty Ltd
Date of Receipt:	9 September 2016
Lot Area:	6,565m <sup>2</sup>
Town Planning Scheme No 2 Zoning:	Urban Development
Metropolitan Region Scheme Zoning:	Urban

### Introduction

This report is presented to Council to consider a Responsible Authority Report (RAR) prepared for an application for the demolition of Byford and Districts Bowling Club building and the construction of a shop, associated signage and car parking for an Aldi Supermarket at No.845 South Western Highway, Byford.

The proposed development was submitted to the Shire as a Development Assessment Panel (DAP) application. The DAP will replace Council as the decision making authority for the application in accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011*.

The attached RAR (OCM203.2/11/16) prepared by Officers recommends that the proposed development be approved subject to appropriate conditions. The proposal is presented to Council as Officers do not have delegated authority to provide a recommendation to DAP.

It is recommended that Council endorse the RAR to be presented DAP.

### Background

The subject site is situated within the Byford Town Centre and currently accommodates the Byford and Districts Bowling Club. The bowling club will be demolished and moved to another site in the Shire to facilitate the proposed new development.

The proposed new development will consist of the following:

- An Aldi Supermarket, including a retail area, storage and office space;
- 80 on-site car parking bays inclusive of two ACROD bays;
- Six advertising signs, including three pylon signs and three building wall signs; and
- The construction of an additional 34 on-street car parking bays to service the development that are to be located 'off-site' along George Street.

### Relevant Previous Decisions of Council:

OCM247/11/15 - Council granted planning approval for construction of a Farmer Jacks development on this site in 2015.

### Planning Assessment:

#### Land Use

The subject land is zoned Urban Development under the Shire's Town Planning Scheme No. 2 (TPS 2) with a designated zoning of 'Town Centre' under the Byford Town Centre Structure Plan (BTCLSP).

The land use permissibility of the proposed shop has been assessed in accordance with the Clause 5.18.6.3 of TPS 2 states the following;

"In areas designated as zones, the permissibility of uses is to be the same as set out in the zoning table as if those area were zones under the scheme having the same designation"

In accordance with the zoning table (Table 1) of TPS 2 a 'shop' is a permitted land use under the designated zone of town centre.

It should be noted that whilst the proposal contains a storage area and office component, that these areas are deemed to be incidental and subordinate to the primary 'shop' land use of the building. The planning assessment therefore applies a 'shop' assessment to the building.

#### Built Form

#### *Byford Town Centre Design Guidelines (Local Planning Policy No.31)*

The Byford Town Centre Design Guidelines contains objectives and building standards to guide development within the Byford Town Centre. The site is located in the Town Centre East Precinct of the Byford Town Centre and is therefore assessed against the policy requirements in section 3.4 of the Guidelines.

The proposal complies with the development standards of section 3.4 of the policy with the exception of the items detailed in the following table.

Element	Policy Requirement	Comment
Parking and site access	Car parking for a 'shop' be provided at a ratio of one car bay per 20m <sup>2</sup> of gross leasable area.	<p>The development proposes a gross leasable area of 1,697m<sup>2</sup> which results in the need to provide a total of 84.55 (85) car bays. The development proposes a total of 80 car bays on site which results in a shortfall of 5 car bays.</p> <p>The variation is required to be considered against the relevant design principles of the policy which states the following:</p> <ul style="list-style-type: none"> <li>• <i>Provide adequate car parking be in accordance with projected need,</i></li> </ul>

		<p><i>related to type and size of the development,</i></p> <ul style="list-style-type: none"> <li>• <i>The availability of on-street and other offsite car parking,</i></li> <li>• <i>The location of the proposed development in relation to public transport and other facilities,</i></li> <li>• <i>Convenient and safe parking, and car parking facilities that are unobtrusively located and are not to dominate the streetscape.”</i></li> </ul> <p>In addition to the 80 car bays on site the development proposes a further 34 to be provided off-site along George Street. Furthermore the car park is located in close proximity to the PTA bus stop along South Western Highway.</p> <p>The proposed car parking is conveniently accessible from George Street. The design of car bays and directional signage within the car park areas will be included on the Vegetation and Landscape Plan which has been included as a condition of approval. The variation can be supported as the resultant built form complies with the design principles of the policy.</p>
<p>Building Orientation</p>	<p>Developments shall address the Highway frontage to maximise image and exposure. Retail (including showrooms) and office components shall be located facing South Western Highway.</p>	<p>Whilst the building is primarily orientated towards George Street, the development incorporates an awning feature on the eastern portion of the building abutting South Western Highway. This feature is proposed to be constructed of recycled timber jarrah panels complementing the rural architecture in this locality. The feature is designed to incorporate a rain garden with climbing vegetation.</p> <p>The resultant built form imitates store front activation and visually activates the South Western Highway façade. In addition the South Western Highway façade is designed with public art panels which can be utilized as part of the public art requirement. These façade treatments soften the appearance of the building and provide a walkable environment through interest in the design.</p> <p>Officers consider that although the proposal does not allow active shops frontage to South Western Highway, the design does address the Highway</p>

		frontage and therefore, the variation can be supported as the built form complies with the design principle of the policy.
Signage	<p>Pylon signs may be permitted on properties abutting the South Western Highway subject to satisfaction of the following criteria:</p> <ul style="list-style-type: none"> <li>i) Be located at least 10.0 metres from another pylon sign;</li> <li>ii) Provide a minimum height of 2.75 metres above the finished pavement level and a maximum height of 5.0 metres above the finished pavement level and;</li> <li>iii) The signage surface area is be a maximum of 4m<sup>2</sup>.</li> </ul>	<p>The development proposes three pylon signs. The dimensions of the signage panels and height are not compliant with provision (ii) and (iii) relating to the height and surface area respectively.</p> <p>The proposed signs have an overall height of 5.4m and 8.6m in lieu of 5.0m for the two types of signs identified as Aldi sign type 3 and Aldi sign type 4 respectively on the development plans.</p> <p>The proposed signage surface area for the signs are 4.8m<sup>2</sup> and 10.8m<sup>2</sup> lieu of 4m<sup>2</sup>.</p> <p>The variation has been assessed against the design principles of the policy which encourages provision of informative signage that contributes positively to the overall streetscape without being excessive and obtrusive.</p> <p>The proposed signage is considered to be clearly legible, informative and will not obscure sight lines for passing vehicular traffic, particularly along South Western Highway where the larger pylon signs are proposed.</p> <p>The variation can be supported as the resultant built form complies with the design principle of the policy.</p>

### Community / Stakeholder Consultation:

The application was advertised to adjoining properties for a period of 30 days from 21 September 2016 to 21 October 2016, in accordance with Clause 6.3 of the TPS 2 and the Shire's *Local Planning Policy No 27 (LPP 27) Stakeholder Engagement in Land Use Planning*.

A total of 56 submissions were received in relation to the proposal, comprised of 55 submissions in support of the application and one comment objecting to the proposal.

A summary of the comments received during community consultation is provided as an attachment to this report.

### Options:

Council has the following options when considering this application:

Option 1: Council may resolve to endorse the Responsible Officer Report as contained in attachment OCM203.2/11/16.

Option 2: Council may resolve not to endorse the Responsible Officer Report as contained in attachment OCMx203.2/11/16.



**Conclusion:**

The development satisfies the relevant provisions of the Shire's Town Planning Scheme, Byford Town Centre Local Structure Plan and Byford Town Centre Design Guidelines. It is therefore recommended for approval by the Development Assessment Panel.

**Attachments:**

- [OCM203.1/11/16](#) - Development Plans (IN16/24041)
- [OCM203.2/11/16](#) - Responsible Authority Report (E16/8641)
- [OCM203.3/11/16](#) - Summary of Submissions (E16/8844)

**Alignment with our Strategic Community Plan:**

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

The Byford Local structure Plan and the Byford Town Centre Design Guidelines Local Planning Policy includes provisions to achieve this and has been considered in the planning assessment.

**Statutory Environment**

The application has been assessed in accordance with the following statutory planning framework:

- *Planning and Development Act 2005*;
- *Planning and development (Local Planning Schemes) Regulations 2015*; and
- State Planning Policy SPP 4.2 (SPP 4.2) - Activity Centres for Perth and Peel.

In addition to the legislation above, the application has also been assessed in accordance with Shire's statutory planning framework, including the relevant objectives, principles and standards as contained in Town Planning Scheme No.2, Local Planning Policies and associated Structure Plans.

**Financial Implications:**

There are no direct financial cost implications for Council.

**OCM203/11/16 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr See, seconded Cr Gossage**

**That Council:**

**Resolve to adopt the Responsible Authority Report as contained within attachment OCM203.2/11/16 which recommends that the Metropolitan East Joint Development Panel approves the application submitted by Rowe Group on behalf of the landowners Goldlaser Pty Ltd for Lots 5, 7 and 51 South Western Highway Byford subject to the following conditions:**

- 1. Lots 5, 7 and 51 South Western highway, Byford are to be amalgamated into a single lot prior to the submission of a building permit application. Alternatively the owner may enter into a legal agreement with the Shire of Serpentine Jarrahdale, prepared by the Shire's solicitors at the expense of the owner. The legal agreement will allow the owner 12 months to amalgamate the lots. The**

- agreement is required to be executed by all parties concerned prior to the lodgment of a building permit commencement of the works hereby permitted;
2. Prior to the submission of a building permit, a Construction Management Plan and Dust Management Plan, detailing how the construction of the development will be managed to minimize the impact on the surrounding area, shall be submitted to and approved by the Shire of Serpentine Jarrahdale, and thereafter be implemented;
  3. Prior to construction an updated Urban Water Management Plan shall be submitted and approved by the Shire of Serpentine Jarrahdale and thereafter implemented;
  4. Prior to the submission of a Building Permit a Traffic Management Plan shall be submitted and approved by the Shire and thereafter implemented;
  5. Prior to construction an updated Landscape and Vegetation Management Plan for the development, including all car parking areas, access roads, road verges shall be submitted and approved by the Shire of Serpentine Jarrahdale, and thereafter implemented;
  6. Prior to occupation, a monetary contribution being paid to Council for the establishment of public art in accordance with Council's Local Planning Policy No.59 - Public Art Policy for Major Developments to the satisfaction of the Shire of Serpentine Jarrahdale;
  7. Prior to occupation, shared paths, bicycle parking facilities and end of trip facilities shall be installed in accordance with Local Planning Policy No.58 Bicycle Facilities in Urban Developments to the satisfaction of the Shire of Serpentine Jarrahdale; and
  8. All vehicle crossing shall be upgraded, designed and constructed to the satisfaction of the Shire of Serpentine Jarrahdale. The car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Shire of Serpentine Jarrahdale. All loading and unloading associated with the development must be undertaken within the subject properties lot boundaries.

**Advice Notes:**

1. With respect to the Dust Management Plan, the plan shall be prepared in accordance with the Department of Environment and Conservation 'Guidelines for the prevention of dust and smoke pollution from land development site in Western Australia.
2. With respect to the Public Art, the art shall be considered on the South Western Highway façade as indicatively shown on the approved plan.
3. With respect to the Landscape and Vegetation Plan a detailed landscape plan shall be drawn and show the following:
  - i) Site plan with natural ground levels and all existing vegetation;
  - ii) Proposed development layout with trees marked for retention and removal proposed vegetation (trees, shrubs, vertical gardens, lawns, if any) areas to be reticulated (if needed);
  - iii) Water Sensitive Urban Design (WSUD) principles and provisions of approved Urban Water Management Plan incorporated into the landscape design.

4. With respect to the Urban Water Management Plan the proponent should provide a drainage strategy plan that demonstrate compliance with the Byford townsite drainage and water management plan (DoW 2008) identifying peak flows rates, storage volume and clarification on the inclusion of existing drainage infrastructure.
5. Prior to the issuing of a building permit the applicant is to submit an *Application to construct or alter a food business*.
6. Prior to commencement the applicant is to submit a *Food Premise registration / notification form*.
7. Main Roads advises the following:
  - i) No earthworks shall encroach into the South Western Highway road reserve;
  - ii) No stormwater drainage shall be discharged into the South Western Highway road reserve;
  - iii) The ground levels on the South Western Highway road reserve are to be maintained as existing;
  - iv) No vehicle access will be permitted to South Western Highway from proposed Lot 510. This shall be noted on the deposited plan in accordance with section 150 of the Planning and Development Act 2005 as a restrictive covenant for the benefit of Main Roads at the expense of the applicant;
  - v) The type of sign, size, content and location must comply with all relevant by-laws and planning schemes made by Council;
  - vi) The sign and sign structure is to be placed on private property and shall not over hang or encroach upon the road reserve;
  - vii) As the sign is illuminated, it must be of a low-level not exceeding 300cd/m<sup>2</sup> not flash, pulsate or chase;
  - viii) The device shall not contain fluorescent, reflective or retro reflective colours or materials;
  - ix) No other unauthorized signage is to be displayed;
  - x) Main Roads agreement is to be obtained prior to any future modifications;
  - xi) Vegetation within the road reserve shall not be removed or trimmed to improve the visibility of the proposed sign.

**CARRIED UNANIMOUSLY**

**Councillors Erren and Hawkins returned to Chambers at 8.04pm**

**Councillor Erren resumed chairing the meeting at 8.04pm**

<b>OCM204/11/16</b>	<b>Proposed Local Development Plan – Lot 9006 Kiernan Street, Whitby (Whitby LDP 11) (S150526) (PA16/342)</b>
Author:	Regan Travers - Senior Planning Officer
Senior Officer:	Andre Schonfeldt -Director Planning
Date of Report:	28 October 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: Roberts Day  
 Owner: Gold Fusion Pty Ltd  
 Date of Receipt: 15 January 2016  
 Lot Area: 508 254m<sup>2</sup> (50.8ha)  
 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 Local Development Plan (LDP) received 15 January 2016 for a portion of Lot 9006 Kiernan Street, Whitby. Officers do not have delegation to determine LDP's in accordance with delegations P033D and P033S – LDPs.

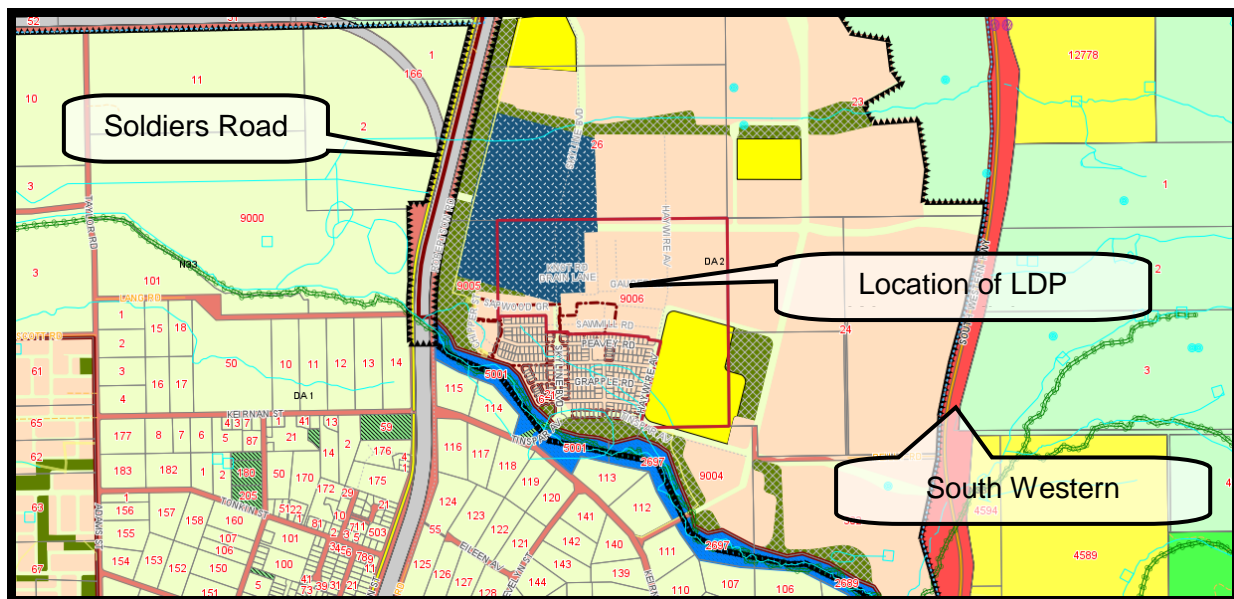
The LDP seeks to vary the following requirements of State Planning Policy 3.1 - Residential Design Codes (R-Codes):

- open space;
- street setbacks;
- lot boundary setbacks;
- garage setbacks;
- outdoor living areas; and
- dwelling orientation

The report recommends that the LDP be approved subject to modifications as discussed within the report and forming part of the officer's recommendation.

### Background

The subject site lies within the suburb of Whitby located to the north of the Mundijong town centre. The site is within the Whitby Estate Local Structure Plan (LSP). The lot is currently vacant with initial earthworks relating to the approved subdivision being undertaken in parts of the site. The land to the north of the subject site is designated under the LSP as a District Centre which is subject to further planning.



Location Plan

### Proposed Development

The proposed LDP has been prepared to address condition 27 of subdivision approval 150526 issued by the WAPC on 31 October 2014 and also to vary provisions of the R-Codes. All lots subject to this LDP were approved as part of this subdivision.

*“27. Local Development Plan(s) being prepared and approved for the lots directly adjacent to Reserve 37934 or public open space, and grouped housing sites, to address dwelling orientation, surveillance, setbacks and fire management measures where necessary, to the satisfaction to the Western Australian Planning Commission. (Local Government).”*

The LDP covers 39 residential lots with densities of R20, R25 and R30 in accordance with the subdivision plan and R-Code density plan. The proposed LDP is consistent with condition 27. In addition, Clause 47 (a) of the *Western Australia Planning and Development (Local Planning Schemes) Regulations 2015* applies to the proposed LDP as it covers more lots than required by the subdivision condition. As such, the LDP is considered under clause 47 (d) of the *Western Australia Planning and Development (Local Planning Schemes) Regulations 2015*.

Clause 47 (d) allows for an LDP to be prepared in circumstances where:

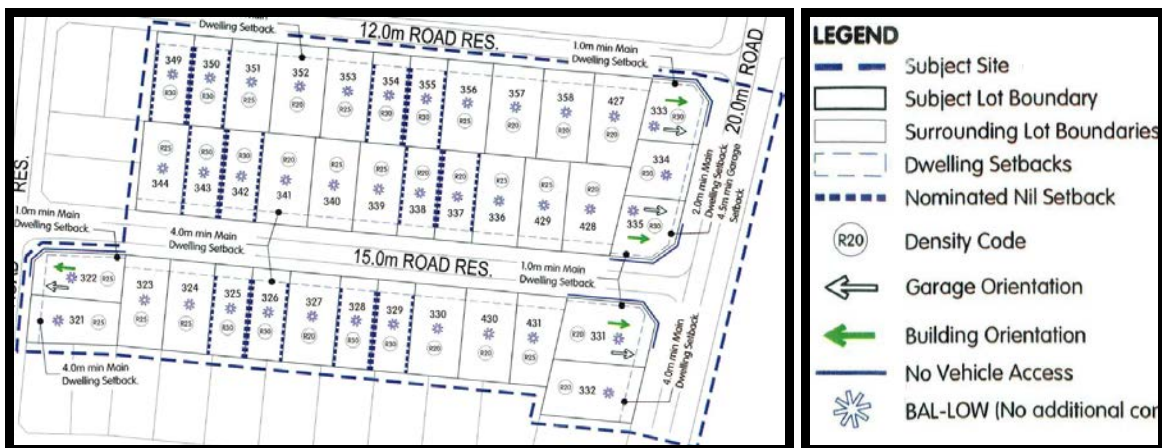
*“the Commission and the local government considers that a local development plan is required for the purposes of orderly and proper planning”.*

The Shire considers the LDP to be required for the purposes of orderly and proper planning to ensure this precinct of the Whitby Estate finished with a consistent character. The proposed variations are in line with previously approved LDP's within this locality. The character of the locality was formed by a number of strategic documents prepared during the LSP and subdivision stages. This is the last stage 'rounding off' the character area within Whitby.



Map showing context of this LDP (11) in relation to nearby existing LDP's

The LDP provisions delineate setback requirements, building and garage orientation as well as lot boundary walls. All of these provisions affect the streetscape and amenity of the area. By being consistent through the stage, it allows for character areas and a sense of place to be created. The Commission has also consented to the LDP and associated variations. Officers consider that the LDP in this instance is for the purposes of orderly and proper planning.



Proposed Local Development Plan

The LDP has been assessed in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* and the *Western Australian Planning Commission Framework for Local Development Plans 2015 (LDP 2015)*.

### Relevant Previous Decisions of Council

OCM004/07/12 – Council adoption of Whitby Local Structure Plan

### Planning Assessment

The LDP 2015 provides guidance on how LDP's should be formatted, designed and what provisions should be included. The proposal complies with the design and layout

requirements of the framework. Some minor modifications are required to improve legibility which are discussed within in this report.

Part 7 of the R-Codes provides a framework under which a local government can vary, amend or replace provisions of the R-Codes. The LDP varies these provisions as outlined below.

### Open Space Requirements

Table 1 of the R-Codes Table 1 sets out requirements for open space which must be maintained for each lot. The LDP proposes variations to reduce the minimum percentage of open space accordance with the table below.

Density	R-Codes Requirement (min)	Proposed Local Development Plan (min)	Variation
R20	50%	40%	10%
R25	50%	40%	10%
R30	45%	40%	5%

The variation, when combined with minimum street setbacks, allows for diversity in lot size without compromising the appearance of the dwellings from the street. It will be difficult to differentiate between a 500m<sup>2</sup> lot and a 300m<sup>2</sup> lot because they will present to the street in the same manner. Officers are supportive of the variation because it will facilitate a streetscape which will result in similar looking dwellings for the length of each street, even though the lot sizes and R-Code densities vary.

The applicant has provided justification for the variations noting that it is necessary to ‘unify character’. Without unifying open space requirements and street setbacks, the diversity of lot densities could result in miss-matched front setbacks and different scales or bulk of buildings in a street. Officers and the WAPC have indicated support for diverse lot sizes through the subdivision process which preceded this LDP.

Furthermore, the LDP includes a provision which states that the variation will only be applicable to houses which are designed to optimise northern and eastern solar access. Solar orientation can facilitate sustainable housing development due to increased energy efficiency. Whilst it is acknowledged there are benefits to optimising northern and eastern solar access, the intent of this provision is to avoid a blanket application of the open space reduction. However, the provision will be difficult for officers to enforce because the provision does not apply a specific standard.

Officers consider that the provision needs to be modified to provide a clear standard of development. The provision is recommended to be reworded as follows:

*“For all lots a minimum open space requirement is 40% where the dwelling has two or more habitable rooms with major openings orientated to maximise northern or eastern solar access.”*

### Street Setbacks

The R-Codes require a six (6) metre primary street setback for R20 and R25 density and a four (4) metre street setback for R30 density. The applicant seeks to prescribe a minimum street setback of four (4) metres for all dwellings within the LDP area, regardless of the relevant R-Coding. Averaging of the front setback will not be permitted. By not allowing averaging, the LDP will ensure all setbacks are equal or more than four (4) metres. This is different to the R-Codes standard provision which does allow variations to the minimum street setback and allows averaging to occur. As an example it could result in 50% of an R30 frontage to be set back two (2) metres and the rest at four (4) metres.

The applicant has applied the same provisions for existing LDP's within the Whitby Estate which allows houses to be built closer to the street. The requirement for a minimum setback will ensure the streetscapes of the area are consistent with other LDP's within nearby areas which have already been developed.

Officers are supportive of this consistent approach to vary the primary street setback as it allows for a consistent row of houses and strong streetscape despite the varying R-Codes throughout the street.

#### Lot Boundary Setbacks

The R-Codes allow for one nil side setback per lot. The applicant proposes two nil building setbacks behind the street setback line for R30 density lots.

This variation provides for nil setback consistency with previously approved LDP's for the immediately surrounding area of Whitby Estate and will finalise the design character of this precinct of the overall LSP area.

Officers consider additional nil setbacks to 'round off' the design of this area of the Whitby Estate, as nil side setback variations have been applied to previously approved LDP's and have been implemented in dwelling approvals.

#### Garage Setbacks

In general, the R-Codes requires garages to be setback 4.5 metres from the primary street. This may be reduced, so long as the garage is setback 0.5 metres behind the dwelling setback line. The LDP proposes to increase the setback to 1.0 metre behind the dwelling setback line. The applicant has noted that this requirement will ensure the streetscape is consistent with other areas of Whitby Estate because regardless of the R-Code density the garages will be setback the same distance.

Officers acknowledge that increasing the setback of the garage will reduce the prominence of garages within the streetscape, improving the overall amenity of the locality. The additional garage setback is supported by officers.

The combination of the proposed open space variations, primary street setbacks, lot boundary setbacks and garage setbacks as discussed above, provides for a local streetscape which allows for consistent appearing houses from the street, even though they vary in R-Code density and lot size. The variations would round out the character of the neighbourhood including LDP's 8 to 11 as shown in the 'LDP Context' image in the 'Proposed Development' section of this report. Officers are supportive of the variations because they contribute to, and are consistent with, an established streetscape.

#### Vehicle Access Requirements

In accordance with clause 5.3.5 C5.1 of the R-Codes, vehicular access for corner lots must be taken from a secondary street instead of the primary street, even if the dwelling is oriented towards the primary street. The LDP varies the R-Codes to allow for both the dwelling and vehicle access to be taken from the primary street. This configuration provides for standard layout houses on all lots, but can result in a poor streetscape on the secondary street boundary which is often neglected.

The benefit of garages on the secondary street is an increase in passive surveillance which is considered in *Liveable Neighbourhoods* to reduce the likelihood of crime. Officers acknowledge that this variation has been permitted for previous LDP's within this subdivision stage, thus a change on this LDP may result in an inconsistent streetscape. Officers note that the vehicle access arrangements are supported in this instance in order to maintain a consistent streetscape with nearby LDP's 8, 9 and 10.



### Role of the LDP

Schedule 2, part 6, clause 56 of the *Planning and Development (Local Planning Schemes) Regulations 2015* states “A decision-maker for an application for development approval in an area that is covered by a local development plan approved by the local government must have due regard to, but is not bound by, the local development plan when deciding the application”.

Provision 4 states that consultation with adjoining landowners is not required if development is in accordance with the LDP. This is considered to be a duplication of clause 4.1.1 of the R-Codes. The benefit of including the provision is to remind builders and prospective purchasers of the requirements of the R-Codes. However, the addition of the clause may be confusing as the wording is slightly different to clause 4.1.1 of the R-Codes and there are no explanatory guidelines to assist in interpreting the provision. Officers recommend provision 4 be deleted from the LDP.

Provision 6 states that minor variations to the R-Codes and LDP may be approved by the Shire of Serpentine Jarrahdale. This is considered to be a duplication of the design principles of the R-Codes. The benefit of including the provision is to remind builders and prospective purchasers that there is potential to consider variations to the deemed to comply provisions of the R-Codes. However, this provision may prejudice an officer’s consideration of an application. This is reflected in the WAPC comments received on 23 March 2016 which noted that the WAPC was not supportive of a general provision which would permit further variations to the deemed-to-comply standards of the R-Codes without formal consultation with the WAPC. Officers recommend provision 6 be deleted from the LDP.

### Land Use

#### *Proposed Land Use*

The proposed residential development is consistent with the Metropolitan Region Scheme and Town Planning Scheme No.2 zonings of ‘Urban’ and ‘Urban Development’.

#### *Proposed Residential Densities*

The proposed residential densities are consistent with the Density Code Plan approved as part of the subdivision. Lots sizes meet the minimum and average lot size requirements of the R-Codes.

The residential density proposed will result in a normal level of suburban amenity. The density could be considered as low for an urban development area. There is a trend for local governments to support medium to high density residential development in order to achieve *Directions 2031* dwellings per hectare targets. The proposed lower density lots have predominantly wide frontages and dwellings will feature traditional elevations consisting of a double garage, front door and front habitable room with windows to provide surveillance of the street. Front setback areas provide for landscaping and enough area to facilitate the planting of street trees.

The amenity provided by the dwellings is likely to be higher than that afforded by the development of high density single storey dwellings which do not suit the area of Whitby. Officers support the proposed densities as they are consistent with the Density Code Plan and will result in a higher amenity value and consistent character of the Whitby Locality.

### Local Development Plan Framework

The WAPC’s *Framework for Local Development Plans 2015* outlines the matters expected to be included on LDP’s and supplementary information required to justify any variations.

#### *Bushfire Provisions*

The LDP contains provisions which identify lots that are bushfire prone and close to vegetation. It identifies that these lots are subject to a Bushfire Attack Level Assessment prior to development.

The WAPC LDP Framework does not include notifications of BAL's as a matter to be included on an LDP, however it is mentioned in condition 27 of the subdivision approval. The LDP includes a notification that some of the lots have a Bushfire Attack Level of BAL-LOW. Officers acknowledge that this notation on the local development plan may be informative to future purchasers of the land and builders, however it is not considered to provide a specific BAL level, as opposed to a general notification that a BAL applies to the lot. It is possible for BAL ratings to change over time and there is a risk by applying a specific BAL level, rather than a simple notification that a BAL applies to the lot.

Officers recommend the BAL-LOW notations be removed from the local development plan and be replaced with a symbol indicating that a BAL will apply to the lot.

#### *Format*

Appendix 1 of the *Framework for Local Development Plans 2015* provides an example of the page layout and format of a LDP. An endorsement table is required which refers to Schedule 2, Part 6 Clause 52 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Officers recommend the endorsement table be update to reflect the above.

The LDP framework shows the text of all provisions to be the same font and size. The proposed LDP shows provision 14 in a smaller font than the other provisions. Officers recommend provision 14 be amended to reflect the font and style of the preceding provisions.

#### Future Stages

Officers acknowledge that LDP11 is the last in this subdivision stage and the last of this character area of Whitby Estate. Officers have indicated to the applicant that the scope of variations proposed on this LDP may not be supported for future subdivision stages within Whitby Estate as Council adopts an assessment methodology which is more closely aligned with the R-Codes. This includes site-specific responses to constraints and opportunities, rather than the blanket application of variations.

Officers are working towards the preparation of a new planning policy to allow for variations to R-Code provisions but will also outline the offsets required in order to achieve those variations.

#### **Community / Stakeholder Consultation**

In accordance with *Planning and Development (Local Planning Schemes) Regulations 2015* clause 50 'Advertising of Local Development Plans' subclause 3 states that:

*“despite subclause (1) the local government may decide not to advertise a local development plan if the local government is satisfied that the plan is not likely to adversely affect any owners or occupiers within the area covered by the plan or an adjoining area.”*

Shire officers consider that the proposed R-Code variations would not adversely affect nearby residents. Given the proposed LDPs consistency with abutting LDP's advertising is not required.

#### Agency Referrals

Clause 7.3.2 of the R-Codes requires the approval of the WAPC before an LDP can be approved which varies elements of the R-Codes which are not listed in clause 7.3.1. For this LDP the variation which triggers a referral to the WAPC is the open space variation.

The LDP was referred to the WAPC in March once officers had assessed the LDP. The WAPC advised that it was not supportive of the variations sought because the LDP did not allow for innovative housing typologies or deliver positive community outcomes.

The applicant had discussions with the WAPC and provided additional justification to officers on 21 September 2016. This justification (attached) was forwarded to the WAPC with officer comments advising that the proposed variations were reasonable given that this LDP 'rounds off' this precinct of the Whitby Estate. The WAPC provided updated comments on 28 October 2016. The updated comments (attached) note that the WAPC is prepared to support this LDP which is consistent with the officer's recommendations throughout this report.

### Options and Implications

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

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

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

Option 2: Council may resolve to refuse the LDP with reasons for refusal.

Option 1 is recommended.

### Conclusion

It is recommended that Council approve the LDP, subject to modifications, for the reasons outlined in the report.

The LDP proposes variations to the R-Codes to 'round off' the existing character of the Whitby Estate which has been applied through LDPs 1-10. These variations are considered to be consistent with the WAPC's Framework for LDPs and are supported by officers and the WAPC.

Modifications are recommended to remove provisions which duplicate existing R-Code provisions and to reflect the WAPC's Framework for LDP's.

### Attachments:

- [OCM204.1/11/16](#) -Proposed Local Development Plan Full Application (IN16/20940)
- [OCM204.2/11/16](#) -Proposed Local Development Plan Additional Information (IN16/20805)
- [OCM204.3/11/16](#) -Copy of Western Australian Planning Commission Original Submission (OC16/19775)
- [OCM204.4/11/16](#) -Copy of Western Australian Planning Commission Updated Submission (IN16/23401)

### Statutory Environment:

- *Metropolitan Regional Scheme (MRS)*
- *The lot is zoned 'Urban' under the MRS.*
- *Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS 2)*
- *The lot is zoned 'Urban Development' under the TPS 2.*
- *State Planning Policy 3.1 – Residential Design Codes (R- Codes).*
- *The area of the subject lot has been identified as R20, R25 and R30.*

### Financial Implications

Should Council resolve to refuse the application, the applicant will have the ability to appeal the decision with the State Administrative Tribunal (SAT). This will have a financial impact on the Shire as refusal will be contrary to what has been recommended by Shire officers and may require the appointment of planning consultants and potentially legal counsel to represent Council throughout the SAT proceedings. This should not be considered as a deterrent, but merely a statement of fact.

**Voting Requirements:** Simple Majority

**OCM204/11/16 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Hawkins, seconded Cr Ellis**

That Council approve the Local Development Plan submitted by Roberts Day on behalf of Gold Fusion Pty Ltd for Lot 9006 Kiernan Street, Whitby (Whitby LDP 11) as contained in attachment *OCM204.1/10/16* in accordance with clause 52(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, subject to the following modifications:

1. Reference in the endorsement table to be changed from 'Clause 5.18.5.1(c) of Shire of Serpentine Jarrahdale Town Planning Scheme No. 2' to 'Schedule 2, Part 6 Clause 52 of the Planning and Development (Local Planning Schemes) Regulations 2015';
2. Increase font size of provision 14 to be consistent with other provisions;
3. Delete provision 4 (consultation not required);
4. Delete provision 6 (minor variations permitted);
5. Modify provision 15 (open space orientation) to state the following "*For all lots a minimum open space requirement is 40% where the dwelling has two or more habitable rooms with major openings orientated to maximise northern or eastern solar access*"; and
6. Delete references to 'BAL-LOW' on the LDP and replace with a reference 'BAL applies'.

**CARRIED UNANIMOUSLY**

<b>OCM205/11/16</b>	<b>Section 31 Reconsideration – Lot 725 Selkirk Road, Serpentine – Ancillary Dwelling (SJ2080)</b>
Author:	Haydn Ruse - Planning Officer
Senior Officer:	Andre Schonfeldt - Director Planning
Date of Report:	31 October 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: MW Urban  
 Owner: Karel and Tracey Loubser and Martin and Mary Akehurst  
 Date of Receipt: 13 September 2016  
 Lot Area: 20,153m<sup>2</sup> (2.01ha)  
 Town Planning Scheme No. 2 Zoning: 'Rural Living A'  
 Metropolitan Region Scheme Zoning: 'Rural'

### Introduction

An application for a proposed Single House and Ancillary Dwelling was received for the subject property on 29 March 2016. On 29 August 2016, the Single House was approved and the Ancillary Dwelling was refused under delegated authority. The applicant subsequently lodged an appeal with the State Administrative Tribunal (SAT) requesting reconsideration for the refusal of the Ancillary Accommodation.

This purpose of this report is for Council to reconsider the Shire's decision of 29 August 2016, as required by orders issued from the SAT.

The revised proposal is not compliant with the Residential Design Codes (R Codes) or the Shire's Local Planning Policy 39 – Ancillary Dwellings (LPP39), as such officers do not support the application and recommend refusal.

### Background:

As part of the initial assessment the applicant was advised that the proposed Ancillary Dwelling would not be supported due to the size of the building. The applicant was further advised to reduce the size of the Ancillary Dwelling in accordance with Shire policy or the application would be determined on information provided, which would not be supported. The applicant did not submit amended plans and the proposal was determined based on the information provided.

The Ancillary Dwelling was refused by the Shire as it was considered to be a significant deviation from the deemed-to-comply requirements of the R Codes and inconsistent with the design principles for Ancillary Dwellings. The R Codes allow a maximum 70m<sup>2</sup> plot ratio area and the proposal sought a 138.18m<sup>2</sup> plot ratio area.

The design principle for Ancillary Dwellings allows discretion to be exercised where proposals are not considered to compromise the amenity of surrounding properties. Due to the increase in size, topography of the site, lack of screening vegetation and location to the front of the block the Ancillary Dwelling was not considered to meet the design principle. As a result, the application for the Ancillary Dwelling was refused.

The applicant then lodged an appeal with the SAT on 31 August 2016, requesting reconsideration for the refusal of the Ancillary Dwelling. At the directions hearing held on 12 October 2016, the SAT invited the Shire to reconsider its decision of the 29 August 2016, pursuant to section 31 of the *State Administrative Tribunal Act 2004*.

**Relevant Previous Decisions of Council:**

There is no previous Council decision relating to this property.

**Community / Stakeholder Consultation:**

In accordance with LPP39, the application has been advertised to surrounding landowners for a period of 14 days. No comments were received in relation to the proposal.

**Comment:**Land Use

The site is zoned 'Rural Living A' under the Shire's Town Planning Scheme No.2 (TPS2), under the specific provisions in this zone an Ancillary Dwelling is an 'AA' (discretionary) use. As such, Ancillary Dwellings require the Shire's approval and can be supported subject to assessment against LPP39.

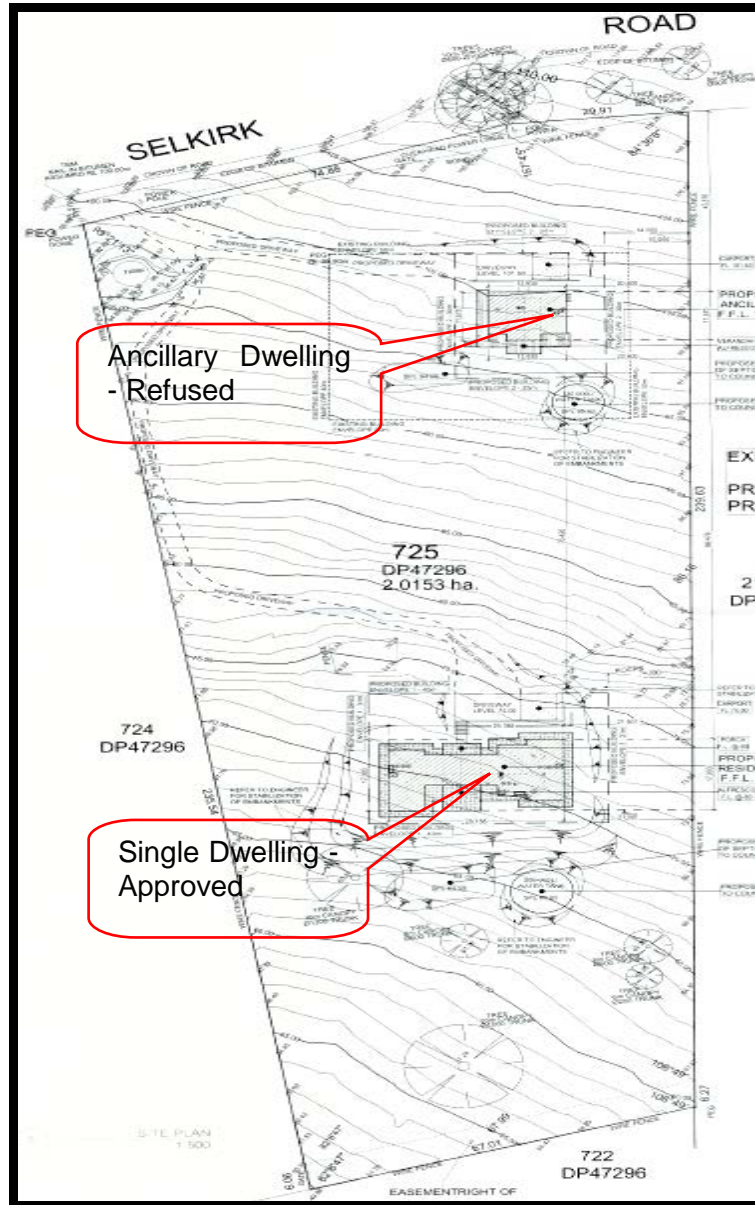
The site is within the 'Rural Living' Policy Area under the Rural Strategy 1994, as amended, and the 'Rural Living A' Policy Area under the Rural Strategy Review 2013. The proposed land use is consistent with both the Rural Strategy 1994 and Rural strategy Review 2013.

Proposal

The proposal features an Ancillary Dwelling with 2 bedrooms, 2 bathrooms, an entry room, veranda, alfresco, games room, study, kitchen, laundry and living/dining room. The overall floor area is 207.96m<sup>2</sup> which consists of 138.18m<sup>2</sup> of internal living area and 69.78m<sup>2</sup> of outdoor alfresco and veranda.

The Ancillary Dwelling is located to the South eastern corner of the lot, setback 43.376m from the East (Primary Street) boundary and 20.6m from the South boundary. The West boundary setback is 191.11m and the North boundary setback is 62.06m.

The site declines steeply from the East boundary to the West boundary, with a 55m difference in natural ground level over 239.63m.



Site Plan of Proposed Development

The applicant has not made any changes to the scale, design or location of the proposed Ancillary Dwelling for the Shire’s reconsideration. Additional justification has been provided in light of the adoption of LPP39; however, as discussed in the assessment below, the justification is not considered to provide sufficient grounds for the Shire to support proposed variations.

Local Planning Policy 39 – Ancillary Dwellings

The proposal does not comply with several provisions of LPP39 as detailed in the assessment below:

LPP39 provision requirement	Planning Assessment
<p><i>Plot Ratio Area</i></p> <p>Required: maximum 100m<sup>2</sup> Provided: 138.18m<sup>2</sup></p>	<p>The proposal seeks to vary the 100m<sup>2</sup> maximum plot ratio area of LPP39 by 38.18m<sup>2</sup>. The applicant has noted that the Ancillary Dwelling will be smaller than other dwellings in the area. This is not an equivalent comparison as the proposal under reconsideration is for Ancillary Dwelling, not a Single House.</p> <p>In addition, the proposal includes 69.78m<sup>2</sup> of</p>

	<p>veranda and alfresco area. While this is not restricted under LPP39 it does bring the overall floor area of the Ancillary Dwelling to 207.96m<sup>2</sup>. This increases the bulk and scale of the proposed Ancillary Dwelling and impact on the streetscape, which will appear, by way of its size, as a Single House.</p> <p>The maximum plot ratio area of LPP39 prevents over development of rural land and maintains the rural character of the area. The design of the proposed Ancillary Dwelling is considered to be excessive and the justification hasn't demonstrated why the proposal cannot be reduced in size. Officers do not support the variation to the maximum plot ratio area.</p>
<p><i>Siting</i></p> <p>Required: behind primary dwelling Provided: forward of primary dwelling</p>	<p>LPP39 requires Ancillary Dwelling to be located behind the primary building setback. The proposed Ancillary Dwelling is setback 43.376m from the primary street, which is 108.046m forward of the primary building setback. The justification for the variation is that it will provide ease of access for the occupants.</p> <p>Access is a relevant planning consideration; however, ease of access is not a measurable value and cannot be assessed. Driveway gradient is an access concern for this lot due to the slope of the site. The primary dwelling, located to the rear of the lot, is capable of achieving a compliant driveway gradient. As a result, officers are not satisfied that the Ancillary Dwelling is incapable of being relocated on grounds of access to comply with LPP39.</p>
<p><i>Number of Bedrooms</i></p> <p>Required: maximum 2 bedrooms Provided: 2 designated, 1 undesignated</p>	<p>LPP39 restricts the number of bedrooms for an Ancillary Dwelling to a maximum of two. The proposed floor plans identify two bedrooms; however, there is a large study and a games room which is larger than the second bedroom and contains a built in closet.</p> <p>The games room has the potential to be used as a bedroom, a concern that is supported by the variation to the plot ratio are of the Ancillary Dwelling. The additional 38.18m<sup>2</sup> allows for a larger living area which could facilitate three or four bedroom. The carport, which exceeds the maximum car bays allowed under LPP39 by one and includes a 9m by 6m levelled driveway, which could facilitate four cars on a permanent basis. This means the overall design allows for up to four bedrooms and four car bays.</p> <p>The applicant has stated that the games room is to be used for visiting grandchildren and as a separate TV room. The Ancillary Dwelling already features a living room, a room which is generally used as an</p>



	entertaining space for guests, including family. The games room is considered to be unnecessary given that there is already a living room and the games room is contributing to floor area which exceeds LPP39.
<p><i>Number of Designated Car Bays</i></p> <p>Required: maximum 1 bay Provided: 2 bays</p>	<p>The proposal includes a double carport measuring 6m by 6m. In front of the carport is a 9m by 6m level driveway, which could be used for an additional 2 uncovered bays.</p> <p>Due to the potential for the Ancillary Dwelling to facilitate up to four bedrooms the additional parking area is not supported.</p>
<p><i>Sharing of Services</i></p> <p>Required: all services shared Provided: only vehicle access shared</p>	<p>The proposal seeks to share vehicle access via a common crossover and driveway; however, water, electricity and effluent disposal are proposed to be independent. The applicant has stated that the facilities cannot be shared due to topography and siting of development.</p> <p>As stated earlier in this report, officers do not support the proposed siting of the Ancillary Dwelling. The relocation of the Ancillary Dwelling behind or closer to the primary dwelling would allow the sharing of services between the two dwellings, consistent with the requirements of LPP39. Officers are not satisfied that the Ancillary Dwelling cannot be relocated, as a result the lack of shared services is not supported.</p>

Further to the variation of policy provisions, the proposal is also not considered to be consistent with the several of the policy objectives:

<b>LPP39 Policy Objective</b>	<b>Planning assessment</b>
Ensure that any Ancillary Dwelling is provided, constructed and located in such a way so as to minimise impact on the amenity of the locality.	The Ancillary Dwelling is located to the front of the lot with an overall floor area of 207.96m <sup>2</sup> . The site has minimal vegetation and is not screened from the street. The Ancillary Dwelling will be visible from the street and neighbouring lots and will appear as a second primary dwelling.
Ensure that any Ancillary Dwelling is secondary in all regards to the primary dwelling on the property (no variation shall be supported).	The proposed Ancillary Dwelling is forward of the primary dwelling and is not secondary in that regard.
Ensure that any Ancillary Dwelling is situated and constructed to appear visually related to and integrated with the primary dwelling.	There is a 108.046m separation between the primary dwelling and the Ancillary Dwelling, they are considered to be too far apart to appear visually related or integrated.
Ensure that the scale and location of the Ancillary Dwelling is not considered to represent an increase to the existing residential density of the property.	As the Ancillary Dwelling is located 108.046m from the primary dwelling, does not share any services and exceeds the maximum plot ratio area, it is not considered to be secondary to the primary dwelling. Therefore, the Ancillary Dwelling is considered to represent an increase to the existing residential density of the property.

The proposal does not comply with several provisions and policy objectives of LPP39. Clause 6.2 of LPP39 allows discretion where a proposal does not comply with the policy:

*'Where an application is not considered by the Shire to comply with the provisions contained within this Policy, it may be referred for planning assessment on individual merit. Applications of this nature will only be supported by the Shire where it can be demonstrated that exceptional circumstances prevail, and will only be considered upon submission of a clear, written justification for the non-compliance and the payment of relevant fees.'*

A variation could be considered an exceptional circumstance under LPP39 where compliance cannot reasonably be achieved. Clause 6.3 of LPP39 requires justification to include mitigation measures for issues of non-compliance. The justification provided does not include any mitigation and is considered to be incomplete in accordance with clause 6.3 of LPP39, as such the Shire does not support the proposed variations.

The proposal could also be considered a Single House due to the size, scale, separation and independence from the primary dwelling. This would result in the land use being 'Grouped Dwelling', which is a prohibited use under the provisions in the 'Rural Living A' zone where the subject site is located.

### Options and Implications:

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

Approval of the application would be inconsistent with the planning policy framework and the objectives of Local Planning policy 39 – Ancillary Dwellings. The approval of the application will result in a negative impact on the amenity of character of the area and adjacent landowners.

Option 2: Council may resolve to refuse the application.

Refusal of the application will result in the continuation of the SAT appeal which may result in this matter proceeding to a hearing.

Option 2 is recommended

### Attachments:

- [OCM205.1/11/16](#) – Development Application (IN16/6027)
- [OCM205.2/11/16](#) – Amended Submission Report (E16/9009)

### 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 proposal is not considered to align with the Shire's Strategic Community Plan. The Ancillary Dwelling does not fit in with the rural character of the surrounding area in terms of the size, scale and siting of the proposed development.

### Statutory Environment:

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *State Administrative Tribunal Act 2004*
- Metropolitan Regional Scheme (MRS)
- Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 (TPS 2)

- Shire of Serpentine Jarrahdale Rural Strategy
- Shire of Serpentine Jarrahdale Rural Strategy 2013 Review
- Local Planning Policy 39 – Ancillary Dwellings

**Financial Implications:**

Should Council resolve to refuse the application, the current appeal may be progressed to a full SAT hearing. The Shire may be required to appoint a planning consultant or legal counsel to represent the Shire and Council throughout the SAT proceedings.

**Conclusion:**

This report has been presented to Council to reconsider the Shire's decision of 29 August 2016 to refuse the development application for an Ancillary Dwelling at Lot 725 Selkirk Road, Serpentine. The proposal does not comply with the provisions or objectives of LPP39, is not consistent with development in the surrounding area and will negatively impact the amenity of the area. Officers recommend the proposal be refused.

**Voting Requirements:** Simple Majority

**OCM205/11/16 COUNCIL DECISION / Officer Recommendation:**

Moved Cr See, seconded Cr Hawkins

That Council refuses the application submitted by MW Urban on behalf of Mr. and Mrs. Loubser and Mr. and Mrs. Akehurst for an 'Ancillary Dwelling' at Lot 725 Selkirk Road, Serpentine, for the following reasons:

1. The proposed Ancillary Dwelling does not comply with Local Planning Policy 39 – Ancillary Dwellings, as it exceeds the 100m<sup>2</sup> maximum plot ratio area by 38.18m<sup>2</sup>;
2. The proposed Ancillary Dwelling does not comply with Local Planning Policy 39 – Ancillary Dwellings, as the location of the Ancillary Dwelling is forward of the Primary Dwelling;
3. The proposed Ancillary Dwelling does not comply with Local Planning Policy 39 – Ancillary Dwellings, as the Ancillary Dwelling is capable of having four bedrooms in lieu of two;
4. The proposed Ancillary Dwelling does not comply with Local Planning Policy 39 – Ancillary Dwellings, as four designated parking bays have been provided in lieu of the maximum one bay;
5. The proposed Ancillary Dwelling does not comply with Local Planning Policy 39 – Ancillary Dwellings, as electricity, water and effluent disposal services are not shared;
6. The proposed Ancillary Dwelling does not comply with the objectives of Local Planning Policy 39 – Ancillary Dwellings, as the proposal will impact the amenity of the locality, is not secondary to the primary dwelling, does not appear visually related to the primary dwelling and represents an increase to the existing residential density of the property;
7. The proposed Ancillary Dwelling could be considered a 'Grouped Dwelling' by means of its size, scale, separation and independence from the primary dwelling. A 'Grouped Dwelling' is a prohibited use under the provisions of the Rural Living A zone where the subject site is located; and
8. The proposed Ancillary Dwelling is not consistent with the proper and orderly planning for the Rural Living Area of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.

**CARRIED 4/3**

## 8.3 Engineering Reports:

<b>OCM206/11/16</b>	<b>Consideration of Request to Reticulate Polocrosse Field - Serpentine (SJ802; RS0180)</b>
Author:	Doug Elkins – Director Engineering
Senior Officer:	Gary Clark – Acting Chief Executive Officer
Date of Report:	11 November 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:

Council is asked to consider the business case for the reticulation of the Serpentine Polocrosse paddock, in accordance with Council's direction in relation to various community projects, and within the context of the license agreement existing for this facility.

### Background:

For some time, staff have been attending the Polocrosse paddock over summer, for the purpose of maintaining the greenness of the surface. This has occurred through the management of a pull-along impulse sprinkler. The Polocrosse paddock is not formally turfed. The surface consists of weed, intermixed into large patches of Kikuyu. The Shire mows the paddock regularly. The Serpentine Foothills Polocrosse Club ('Polocrosse Club') have requested the Shire fund the installation of an automated reticulation system, to replace the impulse sprinkler, which has reached end-of-life.

The use of the paddock, along with the Eric Senior Pavilion, is provided for under a license agreement. Under the license agreement, the Polocrosse Club are responsible for maintaining the facility '*. . . in good and substantial repair, order and condition[,] in a clean and tidy state[,] free from refuse, manure . . .*' while in occupation of the site, and other times prescribed by the license. The license also provides that all improvements will be at the cost of the Polocrosse Club, '*. . . unless otherwise agreed in writing by the Parties.*' Finally, the Polocrosse Club are responsible for the cost of all repairs.

The Polocrosse Club have requested the installation of an automated reticulation system, and have determined a reticulation design suitable to their needs. Council is asked to consider the merits of the proposal, in the context of the license agreement and the existing subsidies, and determine whether or not the project should proceed.

Prior to commencing this project, Council asked for a business case to be prepared for Council consideration. The business case is attached at *OCM206.1/11/16*.

### Community / Stakeholder Consultation:

The installation of automated reticulation does not affect many stakeholders. The facility is mostly used by the Polocrosse Club, under a license agreement. Accordingly, stakeholder consultation has been restricted, in this instance, to the Polocrosse Club.

The Polocrosse Club have worked with Shire Officers to determine a suitable reticulation design. Due to the design not providing full reticulation coverage, which will result in dry areas, Shire Officers have requested confirmation in writing that the Polocrosse Club agrees to the design, and that the Polocrosse Club understands the design's deficiencies.

### Comment:

Before considering the proposal itself, Council should determine whether or not it is willing to entertain meeting the full cost, or any of the cost, of installing the reticulation. Noted above, the license agreement places responsibility for maintenance, cleanliness, repair and improvements on the Polocrosse Club. However, the Shire continues to maintain the

paddock, has managed the watering operation, and repairs, cleans and maintains the Eric Senior Pavilion, which is also within the license. In this instance, the Shire has been asked to fully fund the reticulation system, rather than there being the assumption that the Polocrosse Club will meet this cost, ‘. . . unless otherwise agreed in writing by the Parties.’

Arguably, the existence of a license agreement, rather than a lease, creates an expectation that the facility will also have a high proportion of general community use, and the costs should be proportioned between the Shire and the Polocrosse Club. However, the Polocrosse paddock, along with the Horse and Pony Club paddock, is surrounded by a high fence, with a single pedestrian entrance on Hall Road. The facility is out of town, and provides a surface which is not suited to general sports, such as football, hockey or soccer. Unless a potential user of the facility, such as a dog walker, enters by the single entrance on Hall Road, it is necessary to climb the fence. Within the Serpentine Townsite, there is a high quality turfed sports field, with playground and other amenities, which provides for the general public needs, as well as organised sports. Accordingly, while the facility may theoretically be used by the general public, in reality, the facility has limited usefulness, other than to the Polocrosse Club, or other horse users, so the general public use of the facility is low, and does not require a reticulated field. Relevantly, the facility also has limited usefulness to the Polocrosse Club. Over winter, the existing facility is too wet to be used, and the Polocrosse Club have had to locate on private property or the Jarrahdale Oval. The normal Polocrosse season finishes in late December, so that the Polocrosse fields are only used for a small number of events, prior to the end of the season. Additional, out of season events are run in May and April each year.

The proposal itself is compromised, due to the use. In order to protect the sprinklers, the agreed plan is to water each of the Polocrosse fields using sprinklers located outside the field boundary. In order to achieve full coverage, and avoid dry areas (brown areas), additional sprinklers are required. However, should the reticulation design be modified to achieve full coverage (even water application and no dry areas), there is likely to be a high repair cost, due to horse damage. It would also be expected that, if a broken sprinkler were to result in a hole in the field, there could also be risk to the safety of horses and riders. Relevantly, the proposal is intended to serve the desires of the particular primary user of the facility, and will not achieve the normal expectations of a reticulated field that might be suited to the public at large.

Immediately adjacent to the Polocrosse paddock is the paddock used by the Serpentine Horse and Pony Club. This paddock is reticulated and drained, so is available for use throughout the year. The two clubs already offset their events. Utilising the paddock used by the Serpentine Horse and Pony Club, for Polocrosse, could provide a better outcome to the Polocrosse Club, while constraining the cost to the community of subsidising these two clubs. This type of discussion should be included in the review of the use of Shire facilities by sporting clubs and community groups. An initial discussion, with both groups, has already been undertaken, with both groups showing a willingness to work towards better utilisation of the facilities, to achieve an overall superior facility, at a lower ongoing cost.

### Proposal

The proposal is to install a reticulation system, to replace the previous pull-along impulse sprinkler. The expected cost of the installation is within the \$75,000 budgeted for the project. However, the water coverage will not be even, so that the end result will be dry spots across the individual Polocrosse fields. If there is an expectation that the Shire will continue to slash the paddock, a more efficient reticulation system may result in increased mowing expectations.

The Polocrosse fields do not have a lot of use, due to being too wet over winter. Immediately adjacent to the Polocrosse paddock is a reticulated and drained paddock, currently utilised by the Serpentine Horse and Pony Club, on weekends that the Polocrosse fields are not used by the Polocrosse Club.

### Options and Implications

Council could choose to fully fund this project, as requested by the Polocrosse Club. Ultimately, despite the license agreement defaulting the expectation of the costs being borne by the Club, this is a decision Council can reach, after weighing the other demands on Council's limited financial resources. In view of the limited opportunity for other users of this facility, and the requirement for a compromised reticulation system, to suit the needs of the Polocrosse Club, Officers do not recommend this option.

Council may choose to partially fund the proposal, based on the general public or other user value of the proposal. As noted above, the facility is generally not suited to other sports, and the reticulation will result in dry spots. There may be value to other horse groups, however, this value will generally only be if the horse groups need a green paddock, and can make use of the Polocrosse configuration without causing damage to the reticulation. As such, this option is not recommended.

A third option is to provide permission to the Polocrosse Club to undertake the works, to the specification and satisfaction of the Shire. If this is not accepted by the Polocrosse Club, the paddock can be allowed to brown off over summer. As the paddock is not turfed, instead being weeds and patches of Kikuyu, the greenness will return with the autumn rains.

The final option is to work with both the Polocrosse Club, and the Serpentine Horse and Pony Club, to develop a strategic plan for the facility, which will enable superior facilities for both clubs, while reducing the overall cost of maintaining the facility. This option may also provide enhanced income opportunities for both clubs. If Council is inclined to support this option, it is recommended that Council also indicate a willingness to contribute towards some of the cost of enhanced facilities. To assist with this investment, it is recommended that the \$75,000 budget be transferred to the Serpentine Jarrahdale Sporting Precinct Reserve. It should be noted, however, that the transfer of \$75,000 should not be considered the quantum of the investment to be made. Council would need to consider the merits of any proposal at the time. However, by placing the money in the reserve, funds will be available, and officers are in a position to work with the two clubs, knowing there is a willingness of the Council to financially contribute to enhanced facilities. This option, which is recommended, would not preclude the Polocrosse Club from installing reticulation, at their cost.

### Conclusion

The process of investigating this issue has enabled the confusion created by the license agreement to be discovered. While the license agreement does purport to pass many management responsibilities to the Polocrosse Club, as the Polocrosse Club generally only carry this responsibility while in occupation, the Shire has continued to provide maintenance and repair services, which probably should have been covered by the Polocrosse Club under the license agreement. The continuation of mowing and watering services has also created an expectation that this is the Shire's responsibility, by both the Polocrosse Club and Shire officers. It is understood the license agreement was selected, instead of a lease, as it allows other users on the facility. However, in reality, there are limited opportunities for alternative uses, and a lease could have been developed that resolved all these issues and provided a true home for the Polocrosse Club (and the adjacent Serpentine Horse and Pony Club), and provided an opportunity for the Polocrosse Club to generate additional income, by making their facility available for hire to other users (both private functions and events). The form of tenure, and the responsibilities of the Shire and the Polocrosse Club, should be discussed as part of the review of all lease and license agreements.

It is recommended that the \$75,000 set aside for reticulation, be transferred to the Serpentine Jarrahdale Sporting Precinct reserve. Doing this will ensure funds are available for Council to make an investment in the facility, after working with the two clubs. It is anticipated that, by working with the clubs, a superior facility can be developed, at a lower on-going cost to the Shire.

**Attachments:**

- [OCM206.1/11/16](#) – Polocrosse Field Reticulation Business Case (E16/9259)

**Alignment with our Strategic Community Plan:**

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

**Statutory Environment:**

Section 46 of the *Land Administration Act 1997*, allows for land to be vested in a person (in this case, the Shire of Serpentine Jarrahdale). Under the same provision, the management body can be provided a power to lease, sublease or license the reserve.

Section 2.7 (2)(a) of the Local Government Act 1995, provides a role of the Council, being to 'oversee the allocation of the local government's finances and resources'.

**Financial Implications:**

The Serpentine Sports Reserve cost the Council \$164,466 to manage, in the 2015/16 financial year. The Eric Senior Pavilion, cost the Council \$21,678 to manage during the same period. The Serpentine Sports Reserve includes the land used by both the Polocrosse Club and the Serpentine Horse and Pony Club. The total cost to Council of providing the land and building, in the 2015/16 financial year, was \$186,144.

The Polocrosse Club contributed their license fee of \$2,045 towards the cost of the facilities. Other contributions towards cost, through casual hire and the Serpentine Horse and Pony Club, amounted to \$7,123. Accordingly, the facility was subsidised to the value of \$176,976 in the 2015/16 financial year.

**Voting Requirements:** Absolute Majority

**Officer Recommendation:****That Council:**

1. Does not approve the funding of the installation of reticulation at the Serpentine Sports Reserve.
2. Endorses transferring \$75,000 to the Serpentine Jarrahdale Sporting Precinct Reserve, as follows:

GL Account	Description	Current Budget	Proposed Adjusted Budget	Variation
RSS900	Serpentine Polocrosse – In Ground Reticulation	75,000	0	(75,000)
11003	Serpentine Jarrahdale Sporting Precinct Reserve	0	75,000	75,000

Councillor See foreshadowed she would move the officers recommendation if the motion under debate is lost.

**OCM206/11/16 COUNCIL DECISION / Alternative Recommendation:**

Moved Cr Rich, seconded Cr Ellis

That Council defer item OCM206/11/16 until Ordinary Council Meeting February 2017.

**CARRIED 5/2**

<b>OCM207/11/16 Request for Tender RFT 06/2016 Provision of General Cleaning Services (SJ2107)</b>	
Author:	Peter De Groot – Manager Operations and Parks
Senior Officer/s:	Doug Elkins – Director Engineering
Date of Report:	11 November 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:**

This tender forms part of the Shire of Serpentine Jarrahdale's procurement process to engage the services of a suitably qualified contractor to provide general cleaning services.

**Background:**

As part of the Shire's general cleaning requirements, a tender was prepared and advertised seeking suitable contractors to provide this service. The previous contract has expired and therefore a new agreement is required by Council to meet our purchasing policy requirements.

Seven (7) submissions were received at the time of closure. These tenders were reviewed through a pre-determined tender submission and assessment process. This process has now been completed, with a recommendation to enable engagement of the preferred contractor in line with the summarised assessment.

**Tender:**

Tender RFT 06/2016 for the Provision of General Cleaning Services was advertised in the West Australian on Saturday 08 October 2016. The tender closed at 2.00pm on Friday 28 October 2016.

The Contract will be for a one (1) year period with a start date of 1 December 2016 and end date of 30 November 2017, with two (2) mutually agreed options to extend the Contract for a further one (1) year period each.

The extensions of the one (1) year term, however, will be based on the contractor's performance over the preceding one (1) year period, level and quality of service, value for money and community satisfaction with the services.

**Relevant Previous Decisions of Council:**

There is no relevant previous decision from Council.

**Community/Stakeholder Consultation:**

There is no community or stakeholder consultation required in this instance.

**Proposal:**

The tender is for the provision of General Cleaning Services for the Shire's Facilities

**Submissions:**

Seven (7) tenders were received, five (5) were disqualified as they did not provide all the required or valid documentation. Two (2) were deemed compliant and as such were fully evaluated in line with the tender process.

**Evaluation Panel:**

The panel consisted of:

1. Manager Operations and Parks (Chairman)
2. Project Coordinator - Engineering
3. Subdivision Coordinator



**Compliance Criteria:**

The criteria against which the tenders were evaluated are:

- Organisational profile
- Referees
- Agents
- Trusts
- Sub-Contractors
- Conflicts of Interest
- Financial Position
- Quality Assurance
- Occupational Health and Safety
- Demonstrated Understanding

Following the evaluation using non-priced criteria, pricing was considered and is provided in confidential attachment OCM207.1/11/16.

**Qualitative Evaluation Criteria:**

The non-priced criteria against which the tenders were evaluated are:

- Relevant experience
- Tenderers resources

**Pricing:**

Pricing has been assessed and included in confidential attachment OCM207.1/11/16. The new price is outside of the current budget allocation, therefore, to meet requirements, the budget will require an adjustment. Relevantly, pricing for all tenders received exceeded the current budget allowance. It has been recognised that the cleaning frequency of facilities needed to increase, they are being used more often due to the increase in population growth.

The ongoing cost of cleaning will be considered when the Council reviews all lease, licence and casual hire arrangements in shire facilities. The contract has been written to allow for any changes to cleaning regimes Council may desire, and can accommodate the development of new buildings.

**Summation:**

The final recommendation is based on the references for the preferred tenderer. References for the top to tenderers, in terms of overall assessment on the qualitative criteria, were checked. The recommended tenderer had very strong references, with organisations known to have high standards and robust contract management systems. After evaluation and reference checking, the preferred tenderer is Iconic Property Services Pty Ltd.

**Attachments:**

- **Confidential OCM207.1/11/16** – Tender Evaluation Score Sheets (E16/9293)
- **Confidential OCM207.2/11/16**– Tender submitted by Iconic Property Services Pty Ltd (IN16/23528)

**Alignment with our Strategic Community Plan:**

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

**Statutory Environment:**

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

**Financial Implications:**

The new contract price has a higher cost value compared to the previous contract price, therefore, the current budget has insufficient funds, and an adjustment to budget will be required. The quantum of the additional cost is in the order of \$60,000 per year.

The contract has been formatted in such a way that it is now flexible, allowing an increase or decrease in the scope of works to suit changing facility use regimes, and the development of new facilities. The contract also has a one (1) year initial timeframe, so the costs can be more accurately determined, allowing better future budget allocations.

**Voting Requirements:** Simple Majority

**OCM207/11/16 COUNCIL DECISION / Officer Recommendation:**

Moved Cr See, seconded Cr Rich

1. Award tender RFT 06/2016, for Provision of General Cleaning Services, to Iconic Property Services, for a one (1) year period, from 1 December 2016 to 30 November 2017, in accordance with the submitted tender as contained in confidential attachment OCM207.2/11/2016; and
2. Authorise the Chief Executive Officer to extend the contract for a period of twelve (12) months, from 1 December 2017, should the Chief Executive Officer be satisfied with Iconic Property Services' performance, under the contract, in accordance with the tendered contract provisions.

**CARRIED UNANIMOUSLY**

**Councillor Hawkins declared a proximity interest in item OCM208/11/16 and left the Chambers at 8.24pm while this item was discussed.**

<b>OCM208/11/16 Proposal to Construct a Public Toilet in Percy's Park (SJ1997)</b>	
Author:	Doug Elkins – Director Engineering
Senior Officer:	Gary Clark – Chief Executive Officer
Date of Report:	11 November 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:**

Council is asked to consider the result of localised public consultation, on the proposal to install a public toilet in Percy's Park, and determine whether or not to proceed with the project. Based on the feedback, from the consultation process, it is recommended that Council proceed with the Percy's Park toilet, and allocated the required additional funds, to complete the project.

### **Background:**

As part of the 2015/16 annual budget, Council resolved to include funds for the construction of a public toilet in Percy's Park, Byford. This project was not identified on a forward plan, and was inconsistent with Council's policy that determined where such facilities were to be constructed.

To progress this project, officers identified a number of possible locations for the facility, and two designs. One design was determined in-house, using the expertise of one of the Shire's landscape architects. The other design was determined by an interest group. At the Ordinary Council Meeting of 22 August 2016, Council resolved to consult residents, in the immediate vicinity of the park, on the palatability of a public toilet, in the park, and preference for location and design.

In accordance with Council's resolution, letters were sent to 170 properties. Of the contacted residents, two objected to the proposal, and fourteen supported the proposal. The basis of the objections are discussed below.

### **Community / Stakeholder Consultation:**

As noted above, letters, requesting comment, were written to 170 residents. Shire officers have met with representatives of the Mead Street Community Garden, who are driving this project.

In addition to the comment received from residents contacted, a local resident approached people in the park, to forward form letters to the Council on this issue. The comments in the form letters are considered to be of no value. As this park is a local park, the intent of the public consultation process was to determine whether or not residents, who will be directly impacted by any negative consequences of installing a public toilet, objected to such an installation, or otherwise had concerns. It was considered that, as a general rule, someone who does not have to live with the negative aspects of the public toilet, would be supportive of the general convenience.

### **Comment:**

The result of the consultation was clear. Out of 170 residents contacted, only sixteen responses were received. The lack of response suggests that, generally, residents in the vicinity of the park are not concerned with any consequences of a public toilet being located in the park. Essentially, out of 170 people contacted, only two people objected.

Relevantly, the objection to the toilet were not on the basis of the potential social issues, or perceived social issues, a public toilet may create. One objection was based on the general lack of need. The second objection was based partly on safety concerns and partly on the ongoing cost to the Council of another asset. The latter reason for objection is consistent

with Council's policy that would ordinarily prevent a public toilet from being installed in a local park.

The issue of safety was also commented on by supporters of the proposal. Some responses indicated a need for the entrance to be seen from the road, for passive surveillance purposes, and for the doors to be locked at night. The night concerns would also be addressed through appropriate lighting around the toilet. Essentially, through a well-designed and thought out placement, and method of operation, the only objection to the toilet, is the considered lack of need and future on-going cost. These issues are in the realm of Council to decide, and officers are reviewing the proposal on the basis that, Council's inclusion of the toilet on the budget, is a decision that a need exists and the Council should pay the ongoing costs, notwithstanding that this park would not normally receive a toilet under Council's policies. If this is not the case, Council will need to remove the toilet from the budget.

A second part of the consultation was location of the toilet. Noted above, generally the affected community is apathetic to the location and style. Within the supporters for the toilet, twelve of the fourteen supported location one (as per attachment OCM208.1/11/16). With regard to the toilet style, nine of the fourteen supporters preferred toilet style two (as per attachment OCM208.2/11/16). Accordingly, should Council desire to continue with this project, toilet style two, installed in location one, is recommended.

Noted in the report to Council of 22 August 2016, is the need for additional funds to complete this project. In the case that Council desires to continue with this project, and supports the Officer's recommendation to install toilet style two in location one, an additional amount of \$81,000 will be required to be allocated to the budget..

#### Attachments:

- [OCM208.1/11/16](#) – Toilet Locations (E16/9344)
- [OCM208.2/11/16](#) – Exeloo Toilet (E16/9345)

#### Alignment with our Strategic Community Plan:

Key Action 3.1.2	Provide appropriate amenities and accommodation for the Shire's growing population of youth and seniors
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#### Statutory Environment:

The general obligations regarding budgets, decision making, and management, of the *Local Government Act 1995*, apply.

#### Financial Implications:

An additional allocation of \$81,000 is required, if Council supports the officer's recommendation. The require budget variation is included in the officer's recommendation.

**Voting Requirements:** Absolute Majority

#### Officer Recommendation:

##### That Council:

1. **Endorse the construction of a public toilet, in Percy's Park, in location one as per OCM208.1/11/16 with the Exeloo toilet, as shown on attachment OCM208.2/11/16; and**
2. **Adjust the 2016/17 annual budget, to include an additional allocation of \$81,000 to the Percy's Park Toilet Budget, as follows:**

GL Account	Description	Carry Forward/Current Budget	Proposed Adjusted Budget	Variation
PPT900	Percy's Park Toilet	91,300	172,300	81,000
RAR122	Interim Rates	(264,550)	(345,550)	(81,000)

**OCM208/11/16 COUNCIL DECISION / Alternative Motion:**

**Moved Cr Ellis, seconded Cr See**

**That Council defer item OCM208/11/16 to the Ordinary Council Meeting March 2017.**

**CARRIED UNANIMOUSLY**

**Councillors Hawkins returned to the meeting at 8.27pm**

<b>OCM209/11/16</b>	<b>Serpentine Cemetery Reserve Management Plan (SJ1863-02)</b>
Author:	Chris Portlock – Manager Environmental and Sustainability Services
Senior Officer/s:	Doug Elkins – Director Engineering
Date of Report:	11 November 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 request Council endorse the final Serpentine Cemetery Reserve Management Plan.

**Background:**

The draft Serpentine Cemetery Reserve Management Plan went out for a standard submission period and attracted a number of submissions. These submissions have been summarised and analysed and the draft plan has been amended as required. The final updated version is presented to Council for their consideration.

The Serpentine Cemetery Reserve is 2.4 hectares, and is located on the South West Highway in Serpentine. Approximately 1 hectare of the Serpentine Cemetery Reserve is built cemetery and associated infrastructure, while the majority of the reserve is recognised and protected as an Environmentally Sensitive Area, and is formally managed and recognised for its Bush Forever (Site No. 371) status.

Burials in the Serpentine Cemetery date back to the 1870s. The local government manages the burials in the cemetery in collaboration with the Cemeteries Management Committee. The Cemeteries Management Committee was established in March 2000. It consists of community members, Councillor Representatives and Shire Officers and meets every four months. The committee has been set up to ensure that members of the community take an active interest in assisting the local government in management, retention and promotion of the socio-economic and cultural and natural heritage and history of the cemetery and its surrounding area.

**Relevant Previous Decisions of Council:**

CR16/97: Council decision for releasing the draft management plan for a standard submission period.

**Community / Stakeholder Consultation:**

The Serpentine Cemetery Reserve Management Plan has been forwarded for agency consultation from the Department of Parks and Wildlife and the Department of Planning in particular. The reserve is only 2.4 hectares, although the entire Bush Forever Site, No. 371, is 86.4 hectares. The Reserves Advisory Group, Cemeteries Committee and other internal and external stakeholders have reviewed this Draft Management Plan, including Shire Managers, and amendments have been made. As a draft, there has been full public consultation, including value adding with public submissions and mini forums. The management plan's final edited form, includes comments from the community, the Reserves Advisory Group, Cemeteries Management Committee, government agencies and Shire officers. There have been five formal submissions.

Number	Submitter	Date Received	Comment Summary	Response
1	Department of Parks and Wildlife	28/10/2016	Any plantings within the Bush Forever Site are to be local endemic species only as (TEC) SCP3 and potentially other TECs present are protected by both the State and Commonwealth. Prescribed burning should be designed and planned in collaboration with the Department of Parks and Wildlife based on species composition with consideration for a potential minimum inter-fire period of 8 to 16 years. Maps should include extent of dieback, weed presence and vegetation condition. Actions could include signage and boot cleaning stations and dieback free materials being used only within the Bush Forever Site.	Text was added within the management plan to cover all the suggested amendments
2	Department of Planning	31/10/2016	Section 2.4.2 Western Australian Planning Commission approval is not formally required for developments proposed in this rural / primary regional roads zoned portion under the Metropolitan Region Scheme, however management consistent with this management plan, which includes a Bush Forever Site, is supported.	The amendment was made as suggested.
3	South West Aboriginal Land and Sea Council	1/11/2016	Continued Noongar input should be given a high priority instead of a medium priority. The reserve is on the registered heritage site, requiring careful observance of the Aboriginal Due Diligence Guidelines issued by the Department of Aboriginal Affairs.	The priority has been changed to high from medium for continued Noongar input. Text has been included in the management plan acknowledging the Aboriginal Due Diligence Guidelines and registration status under the Department of Aboriginal Affairs.
4	Cemeteries Committee Member Jan Johnson	3/11/2016	There were a number of editorial corrections needing to be done which were detailed in the submission. The cover photo was questioned as to where it was taken, its local relevance and the underlining throughout parts of the document was questioned.	Editorial corrections with action numbers and information consistency were made including correct titles of groups, capitals and spelling corrections. The front cover of the document is from a different reserve but is the standard cover for all the Shire's series of management plans and shows one of the Shire's iconic species the grass tree. All underlining was showing the changes made from draft to final for a focus on this new text and this has now been removed.
5	Metropolitan Cemeteries Board	9/11/2016	The extent of the life of the Serpentine Cemetery will be approximately 3 to 4 years at the current burial rates. Over the last 6 years burials have averaged around 10 a year. The Whitby future Regional Cemetery is not likely to be operational for at least 10 years however the Rockingham Regional Memorial Park is currently available for burials and construction will shortly be commencing on a new state of the art crematorium to serve the region.	Amendment was made as suggested.

**Comment:**

The protection of the flora and fauna within the reserve is of paramount importance. Reconciling the protection of this significant environmental feature, with community demands for access, maintenance and continued use of the cemetery, is a major aim of this management plan. As such, the key issues to be considered by the management plan include:

- Long term protection, maintenance and management of the reserve's flora and fauna;
- Providing for appropriate community access to the reserve and facilities; and
- Recognising the community value associated with the reserve and facilities, both in terms of its environmental features and the cemetery infrastructure.

**Attachments:**

- [OCM209.1/11/16](#) – Serpentine Cemetery Reserve Management Plan (E16/9232)

**Alignment with our Strategic Community Plan:**

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

**Statutory Environment:**

- *Metropolitan Region Scheme (MRS)*
- *Planning and Development Act 2005*
- *Town Planning Regulations 1967*
- *TPS 2*

**Financial Implications:**

There are no financial implications other than the reserve's maintenance fund being increased to allow for the implementation of the management plan.

**Voting Requirements:** Simple Majority

**OCM209/11/16 COUNCIL DECISION / Officer Recommendation:**

Moved Cr Rich, seconded Cr Atwell

That Council endorse the final Serpentine Cemetery Management Plan, as amended and attached at OCM209.1/11/16.

**CARRIED UNANIMOUSLY**



## 8.4 Corporate and Community Services Report:

<b>OCM210/11/16</b>	<b>Proposed Lease Agreement – The Scout Association of Australia, Western Australian Branch – Byford Scout Group (SJ975-05)</b>
Author:	Kristen Cooper – Leasing and Property Officer
Senior Officer/s:	Kellie Bartley - Director Corporate and Community
Date of Report:	17 October 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

### Introduction

The purpose of this report is to seek Council’s endorsement of the standard No-cost to the Shire Lease Agreement. Once Council’s approval is obtained the lease will be executed by the Acting Chief Executive Officer and Shire President.

### Background:



(Site Image)

The site is located North East of Byford, on Linton Street, North. The reserve is currently vested in the Shire of Serpentine Jarrahdale for Public Recreation and Community Purposes. The Byford Scout Group has used and occupied this site for many years. Their previous 21 year lease has expired and the Group wishes to renew their lease agreement with the Shire. The lease is for a small portion of the Old Rifle Road Reserve.

The Byford Scout group is continuing to grow with a current membership base of 65 youth. The breakdown includes 7 Joeys (age 6-8), 25 cubs (age 8-11), 21 Scouts (11-14) as well as 5 Venturers (age14-18). The group is active in the Serpentine Jarrahdale community and supports the Shire’s Australia Day event, as well as the RSL Dawn Service each year. The group also assists with collecting food for local charities at Christmas and participates in tree planting activities in the local area.

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 five years with an option to renew for a further five years has been offered to the Association. The Lease has received consent from the Department of Lands as required under legislation.

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

**Relevant Previous Decisions of Council:**

Nil

**Community / Stakeholder Consultation:**

There has been considerable community consultation with the Scout Association of Australia, Western Australian Branch and the Byford Scout Group regarding the renewal of their lease. Furthermore the Byford and Districts Country Club support the Byford Scout lease renewal. The Association has reviewed the draft lease and accepts the terms and conditions contained therein.

**Attachments:**

- [OCM210.1/11/16](#) - Proposed Lease between the Shire of Serpentine Jarrahdale and the Scout Association of Australia, West Australian Branch (IN16/13472)
- [OCM210.2/11/16](#) – Byford Scouts – Lot 2857 Reserve 10164 South West Highway Byford (E16/9402)

**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 Scouts Association 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:** Simple Majority**OCM210/11/16 COUNCIL DECISION / Amended Officer Recommendation:**

Moved Cr Gossage, seconded Cr See

**That Council:**

1. Endorse the terms and conditions in the lease with the Scout Association of Australia, West Australian Branch for the purpose of recreation for a five year period with an option to renew for a further five years as per attachment OCM210.1/11/16 .
2. Endorse an annual lease fee of \$1 payable on demand.
3. Authorise the Acting Chief Executive Officer and Shire President to sign the lease between the Shire of Serpentine Jarrahdale and the Scout Association of Australia, West Australian Branch as per attachment OCM210.2/11/16.
4. Authorise the Acting Chief Executive Officer to make the determination of the defined area in consultation with the Scouts Association of Australia, West Australian Branch.

**CARRIED UNANIMOUSLY**

<b>OCM211/11/16</b>	<b>2015/2016 Financial Statements and Audit (SJ514-07)</b>
Author:	Megan Hodgson – Accountant
Senior Officer:	Kellie Bartley – Acting Director Corporate and Community Services
Date of Report:	7 November 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:**

Council's Auditor, Moore Stephens, has provided Council with the Audit Report and Management Report for the financial year ended 30 June 2016. The 2015/16 Financial Statements and Audit Reports were presented to the audit committee on 7th November 2016 at AC002/11/16.

**Background:**

Pursuant to Sections 7.2, 7.3 and 7.9 of the *Local Government Act 1995*, local governments are required each year to have the accounts and annual financial report of the Council audited by an auditor appointed by the local government.

**Relevant Previous Decisions of Council:**

AC002/11/16 – 2015/2016 Financial Statements and Audit

**Community / Stakeholder Consultation:**

No community consultation was undertaken / required.

**Comment:**

In their Management Report for the financial year ended 30 June 2016 Moore Stephens would like to bring to Council's attention a few matters relating to ratios.

*Ratios provide useful information when compared to industry and internal benchmarks and assist in identifying trends. Whilst not conclusive in themselves, understanding ratios, their trends and how they interact is beneficial for the allocation of scarce resources and planning for the future.*

**Asset Sustainability Ratio**

*The Asset Sustainability Ratio (ASR) expresses capital expenditure on renewal and replacement of existing assets as a percentage of depreciation costs. This ratio is used to identify any potential decline or improvement in asset conditions. A percentage of less than 100% on an ongoing basis indicates assets may be deteriorating at a greater rate than spending on renewal or replacement. This ratio is below target levels and is trending downwards.*

*The 2016 ratio (0.71) shows a decrease from the 2015 ratio (0.84) and is below the acceptable banding provided in DLG guidelines. In addition, the four year average is trending downwards. This suggests Council is currently replacing or renewing its existing assets at a lower rate than they are wearing out.*

*When this ratio is below 0.90, it should prompt a review of depreciation rates and asset valuations to ensure they are reasonable and are generating reliable representative depreciation expenditure.*

*Depending on the outcome of the depreciation and asset valuation reviews, it may also prompt a review of operations with a view to assessing the revenue raising capacity necessary to support the ongoing asset base.*

*Interpretation of this ratio should be considered together with the Asset Consumption Ratio (ACR) (above target at 0.98) and the Asset Renewal Funding Ratio (ARF) (below target banding at 0.56).*

*Council and management should continue to monitor this ratio in the future as it attempts to fully understand the trend.*

#### Operating Surplus Ratio

*The Operating Surplus Ratio represents the percentage by which the operating surplus (or deficit) differs from the Shire's own source revenue which includes rates and operating grants.*

*This ratio has declined from the previous year and overall is trending downwards over the last five years. Notwithstanding this, the ratio is currently above both the Regional and State averages.*

*Analysis of the Shire's Statement of Comprehensive Income indicates the main reason for the deterioration of the ratio to be the increase in operating expenditure associated mainly with an increase in employee costs and depreciation.*

*Further analysis of the increase in salary costs may provide greater insight as to the reason, (for example, greater allocation of internal staff costs to maintenance works rather than capital projects) as would the depreciation review mentioned within the Asset Sustainability Ratios paragraphs above.*

#### Asset Renewal Funding Ratio

*The Asset Renewal Funding ratio indicates whether the Shire's planned capital renewal expenditure over the next 10 years as per its Long Term Financial Plan (LTFP) is sufficient to meet the required capital renewal expenditure over the next 10 years as per its Asset Management Plans (AMPs).*

*Interpretation of this ratio should be considered together with the Asset Sustainability Ratio (ASR) (High risk at 0.71) and the Asset Consumption Ratio (ACR) (Low risk at 0.98).*

*This ratio is below target levels but has trended slightly upwards this year compared to last year.*

*We note during the year ended 30 June 2015 the building and roads asset management plans were updated, contributing to the downward trend in the 2015 ARF ratio when compared to prior years. Council should identify the reasons why its Asset Management Plans require more renewal expenditure than is provided for in its Long Term Financial Plan. Council should also consider a review of the Shire's long term capital investment program to help ensure asset renewal is maintained at an appropriate level with sufficient funding support in the future.*

#### **Officer Comment:**

All of these ratios are relatively new and it may take some time for their implication to be fully understood. The long term financial plan and asset management plans will be reviewed over the next eight months, with a new long term financial plan due for completion by the end of June 2017. Ratios will continue to be monitored as part of the overall financial management of the Shire to ensure the Shire's scarce resources are managed effectively.

The adverse trends in the Asset Sustainability Ratio and the Asset Renewal Funding ratio are consistent with the funding gaps identified in the current asset management plans. This indicates that the Shire will need to allocate more revenue to the renewal of assets in future budgets. The Shire has a small range of options to increase revenue through rates or fees and charges. Revenue can also be released by improving efficiency and effectiveness. These matters should be a major focus of the revised Strategic Community Plan and Long Term Financial Plan to mitigate future financial shocks or failure to meet the level of service that the community expects.

The summary table below provided by Moore Stephens indicates that the majority of 5 year trends are trending upwards.

	Target Ratio <sup>1</sup>	Council's Adjusted Ratios						Council's 5 Year Trend <sup>2</sup>	4 Year Average <sup>3</sup>	
		Actual 2016	2016	2015	2014	2013	2012		Regional	State
Current Ratio	≥ 1	1.55	1.55	1.46	1.39	1.21	1.23	↑	1.09	2.29
Asset Sustainability Ratio	≥ 1.1	0.71	0.71	0.84	1.22	0.69	0.94	↓	0.88	1.23
Debt Service Cover Ratio	≥ 15	8.90	11.50*	4.89*	0.63	2.56	2.70	↑	4.92	14.01
Operating Surplus Ratio	≥ 0.15	(0.06)	(0.01)*	0.04*	(0.05)	0.01	0.01	↓	(0.10)	(0.02)
Own Source Revenue Coverage Ratio	≥ 0.9	0.87	0.87	0.90	0.86	0.86	0.82	↑	0.76	0.68
Asset Consumption Ratio	≥ 0.75	0.98	0.98	0.74	0.78	0.71	N/A	↑	0.69	1.16
Asset Renewal Funding Ratio	≥ 1.05	0.56	0.56	0.44	0.62	0.60	N/A	↑	1.00	1.00

The financial performance of the Shire has also improved from previous years. Below is a table of the 2015/2016 and previous financial years for comparisons. As detailed below the net result, reserve balance, cash and cash equivalents are improving in performance and there is a positive trend. Rates raised, operating and capital expenditure, operating and non-operating (capital) income, are also increasing and this is a result of growth in the Shire.

This performance will need to continue to improve to enable the Shire to meet the asset management requirements required for a rapidly growing community.

	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016
Rates Raised	10,220,714	11,527,614	12,976,751	14,492,919	16,389,803	18,407,251
Operating Expenditure	19,064,617	21,524,499	22,460,557	24,352,565	26,072,294	26,618,264
Operating Revenue	18,593,130	21,498,379	23,529,257	23,490,214	28,381,374	28,221,053
Non-Operating Revenue	3,501,419	4,893,664	3,967,341	5,192,179	9,355,608	6,854,731
Actual Net Result	3,009,932	4,867,544	5,036,041	4,102,201	11,553,109	5,411,170
Capital Expenditure	3,289,577	5,098,768	9,119,851	6,433,078	8,081,375	11,385,576
Loan Borrowing Balance	4,411,103	4,486,292	5,787,337	2,796,675	2,116,790	1,750,681
Reserve Balance	1,949,015	2,101,206	2,617,973	4,841,087	5,860,863	6,103,511
Cash & Cash Equivalents Balance (excluding restricted & reserve cash)	713,018	2,841,460	3,010,059	2,989,651	3,797,859	3,947,481

#### Attachments:

- [OCM211.1/11/16](#) - Moore Stephens Management Letter Report (E16/8701)
- [OCM211.2/11/16](#) - 2015/2016 Annual Financial Report including Independent Audit Report (E16/8700)
- [OCM211.3/11/16](#) - 2015/2016 Concise Annual Financial Report including Independent Audit Report (E16/8699)
- [OCM211.4/11/16](#) – Audit Committee Meeting Minutes – 7 November 2016 - (E16/9423)

**Alignment with our Strategic Community Plan:**

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 7.2 of the *Local Government Act 1995* states that, “the accounts and financial statements of a local government for each financial year are to be audited by an auditor appointed by the local government.”

Section 7.3 of the *Local Government Act 1995* states, “A local government is to, from time to time whenever such an appointment is necessary or expedient, appoint a person, on the recommendation of the Audit Committee, to be its auditor”.

Section 7.9 (1) of the *Local Government Act 1995* states, “An auditor is required to examine the accounts and annual financial report submitted for audit and, by 31 December next following the financial year to which the accounts and report relate or such later date as may be prescribed, to prepare a report thereon and forward a copy of the report to:

- a) The Mayor or President;
- b) The Chief Executive Officer of the local government; and
- c) The Minister.”

**Financial Implications:**

A budget provision has been included in the 2016/2017 budget to accommodate the expenses associated with carrying out an audit.

**Voting Requirements:** Absolute Majority

**OCM211/11/16 COUNCIL DECISION / Audit Committee Recommendation:**

Moved Cr See, seconded Cr Hawkins

That Council:

1. Adopt the 2015/2016 Annual Financial Report including Independent Audit Report from Moore Stephens as per attachment OCM211.2/11/16, in accordance with Section 7.2 of the *Local Government Act 1995*.
2. Receive the Moore Stephens Management Report as per attachment OCM211.1/11/16.
3. Receive the 2015/2016 Concise Annual Financial Report including Independent Audit Report from Moore Stephens as per attachment OCM211.3/11/16, in accordance with Section 7.2 of the *Local Government Act 1995*.
4. Note that the Annual Report will include the Concise Financial Report and that the full Financial Report will be available to the public, in person, or via the website.

**CARRIED by ABSOLUTE MAJORITY UNANIMOUSLY**

<b>OCM212/11/16 Monthly Financial Report - October 2016 (SJ514-07)</b>	
Author:	Tracey Torley – Management Accountant
Senior Officer/s:	Kellie Bartley – Acting Director Corporate and Community Services
Date of Report:	7 November 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:**

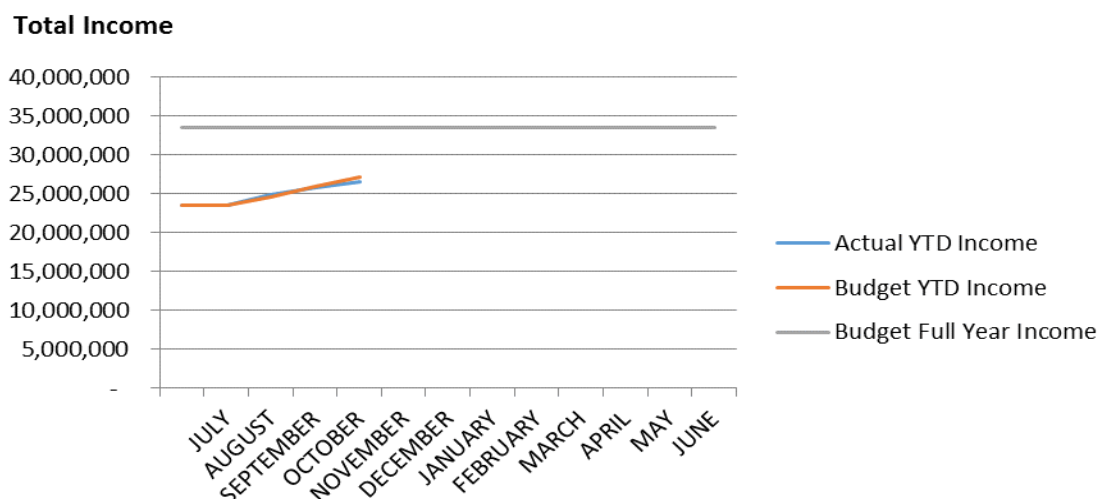
No community consultation was undertaken / required.

**Comment:**

The period of review is October 2016. The municipal surplus for this period is \$20,344,946 compared to a budget position of \$17,265,389. This is considered a satisfactory result for the Shire.

Income for the October 2016 period, year-to-date is \$26,492,707. The budget estimated \$27,135,290, would be received for the same period. The variance to budget is (\$642,583). Details of all significant variances are provided in the notes to the Statement of Financial Activity by Directorate.

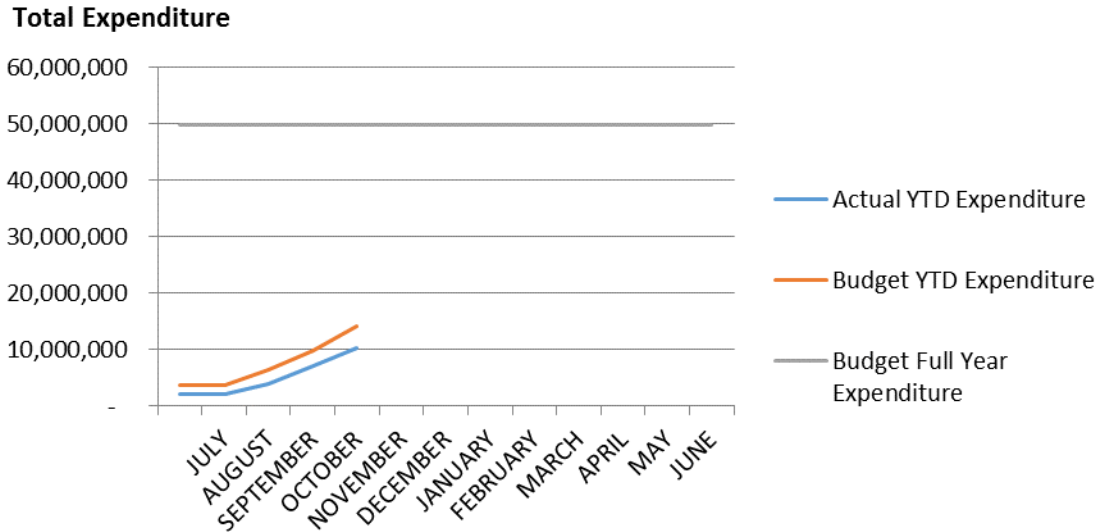
The following graph illustrates actual income to-date compared to the year-to-date budget.



Expenditure for the October 2016 period, year-to-date is \$10,178,596. The budget estimated \$14,023,987 would be spent for the same period. The variance to budget is \$3,845,391.

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.



**Attachment:**

- [OCM212.1/11/16](#) – Monthly Financial Report October 2016 (E16/8983)

**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

**OCM212/11/16 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Hawkins, seconded Cr See**

**That Council accepts the Monthly Financial Report for October 2016, in accordance with Section 6.4 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Financial Management) Regulations 1996* as contained in attachment OCM212.1/11/16.**

**CARRIED UNANIMOUSLY**



<b>OCM213/11/16 Confirmation Of Payment Of Creditors (SJ514-07)</b>	
Author:	Vicki Woods - Finance Officer
Senior Officer:	Kellie Bartley – Acting Director Corporate and Community
Date of Report:	1st November 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 October 2016 to 31 October 2016, as per attachment OCM214.1/11/16, and the Purchasing Card Report 6 September 2016 to 5 October 2016 as per attachment OCM214.2/11/16.

**Attachments:**

- [OCM213.1/11/16](#) - Creditors Schedule of Accounts 1 October 2016 to 31 October 2016. (E16/8772)
- [OCM213.2/11/16](#) – Purchasing Card Report 6 September 2016 to 5 October 2016. (E16/8771)

**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

**OCM213/11/16 COUNCIL DECISION / Officer Recommendation**

Moved Cr See, seconded Cr Rich

That Council accepts:

1. The payments authorised under delegated authority and detailed in the list of invoices for period of 1 October 2016 to 31 October 2016, as per attachment OCM213.1/11/16 - Creditor List of Accounts 1 October 2016 to 31 October 2016 including Creditors that have been paid in accordance with the *Local Government (Financial Management) Regulations 1996*.
2. The payments authorised under delegated authority and detailed in the Purchasing Card Report 6 September 2016 to 5 October 2016, as per attachment OCM213.2/11/16 that have been paid in accordance with the *Local Government (Financial Management) Regulations 1996*.

**CARRIED UNANIMOUSLY**

## 8.5 Chief Executive Officer Reports:

<b>OCM214/11/16 Appointment of Acting Director Corporate and Community (SJ409)</b>	
Author:	Karen Cornish – Governance Advisor
Senior Officer/s:	Gary Clark – Acting Chief Executive Officer
Date of Report:	11 November 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act

### Introduction

The purpose of this report is to inform Council of the temporary appointment of Mr Peter Kocian as Acting Director Corporate and Community, following the departure of former Director, Mr Alan Hart.

### Background:

The contract for the former Director Corporate and Community ended by mutual agreement on the 21 October 2016. With Council having just appointed a new Chief Executive Officer (CEO) it would be wise to wait until the new CEO has commenced before the recruitment of the Director Corporate and Community is undertaken. It is important that the Corporate and Community Directorate continue to be guided and supported and this is best achieved by appointing an Acting Director for the interim term.

### Relevant Previous Decisions of Council:

There is no previous Council decision relating to this matter.

### Community / Stakeholder Consultation:

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

### Comment:

The appointment of the Acting Director Corporate and Community is a temporary appointment, not exceeding twelve months in duration, until such time as the newly appointed CEO is ready to undertake the recruitment process for the position. This acting appointment is in accordance with *section 5.39(2) (a) of the Local Government Act*.

The purpose of this report is to inform Council that the Director Corporate and Community, Mr Alan Hart has ceased employment with the Shire, effective 21 October 2016 and that the temporary appointment of Peter Kocian as Acting Director Corporate and Community will commence on the 21<sup>st</sup> November 2016.

*Section 5.37(2) of the Local Government Act* requires the CEO to inform Council of any proposal to dismiss or employ a senior employee. Council may accept or reject the CEO's recommendation, however if the Council rejects the recommendation, it is to inform the CEO of the reasons for its doing so.

### Attachments:

There are no attachments for this item.

**Alignment with our Strategic Community Plan:**

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

**Statutory Environment:**

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

**Financial Implications:**

Any financial implications are within the annual operational budget.

**Voting Requirements:** Simple Majority

**OCM214/11/16 COUNCIL DECISION / Officer Recommendation:**

Moved Cr Hawkins, seconded Cr See

That Council:

1. Notes that the former Director Corporate and Community, Mr Alan Hart ceased employment with the Shire of Serpentine Jarrahdale on 21<sup>st</sup> October 2016.
2. Accepts the temporary appointment of Mr Peter Kocian as Acting Director Corporate and Community commencing 21<sup>st</sup> November 2016.

**CARRIED UNANIMOUSLY**

<b>OCM215/11/16</b>	<b>Adopt amended Council Policy PC001 – Emergency Management Reserve Fund (SJ526-02)</b>
Author:	Karen Cornish – Governance Advisor
Senior Officer/s:	Gary Clark - Acting Chief Executive Officer
Date of Report:	1 November 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act

### Introduction

The purpose of this report is for Council to adopt an amended Council policy PC001 – Emergency Management Reserve Fund.

### Background:

At the Ordinary Council Meeting held 22 August 2016, Council resolved to defer the adoption of Council Policy PC001 – Emergency Management Reserve Fund so that further consultation with Councillors could occur. The policy has been circulated and further discussed with Councillors at a Policy Forum on 31 October 2016.

### Relevant Previous Decisions of Council:

OCM163/08/16 – Council resolved to defer the consideration of Council policy PC001 – Emergency Management Reserve Fund

### Community / Stakeholder Consultation:

There is no requirement for community consultation. The policy has been developed in consultation with Shire technical officers and Councillors.

### Comment:

#### Proposal

It is proposed that Council adopt the reviewed policy. Following extensive storm damage in Serpentine in January 2016 the Shire found that there were some issues that restricted the implementation of this policy and accessing the Reserve funds to assist with recovery and storm clean-up.

The most significant change to this policy is that the Reserve fund is able to be utilized in the event of an emergency (as defined by the policy). The original policy referred to a 'declared natural disaster', which would require a declaration by a Minister of the Western Australian State Government.

A further change to the policy recommends that the Reserve, which is funded by an amount determined at budget discussions each year, be funded to a minimum balance of \$250,000 and capped at a maximum of \$400,000. The intent of maintaining a minimum balance of \$250,000 in the Reserve fund is to mitigate the financial burden to the Shire in an emergency event. In previous years, the Reserve fund has been funded by allocating 0.5% of the Shire's rate income each year. The proposed change of setting a minimum and maximum level for the Reserve fund ensures a set amount of funds are available each year and if not required to be used during the year, will reduce the requirement for the fund to be topped up the following year.

The name of the Reserve fund is also proposed to be amended from 'Natural Disaster Recovery Management Reserve' to 'Emergency Management Reserve', which more suitably reflects the purpose of the reserve fund.

**Conclusion**

It is recommended that Council adopt the reviewed policy PC001 - Emergency Management Reserve Fund. This will allow the Shire to access the Reserve funds for their intended purpose in the event of an emergency. The revised policy will also assist in mitigating some of the financial burden the shire may sustain following an emergency event.

**Attachments:**

- [OCM215.1/11/16](#) – Proposed Amended Council Policy PC001 - Emergency Management Reserve Fund (E16/8848).
- [OCM215.2/11/16](#) – Current Council Policy PC001 - Natural Disaster Recovery Management Reserve Fund (E16/8849).

**Alignment with our Strategic Community Plan:**

Objective 6.2	Active and Connected People
Key Action 6.2.5	Create a reassuring and safe place to live

**Statutory Environment:**

*Local Government Act – Section 2.7(2)(b) and 6.8.*

**Financial Implications:**

The financial implications of adopting this policy will require the Reserve fund to be funded to its minimum level of \$250,000 at the 2017/18 annual budget deliberations.

**Voting Requirements:** Simple Majority

**OCM215/11/16 COUNCIL DECISION / Officer Recommendation:**

Moved Cr Ellis, seconded Cr Gossage

That Council

1. Amends the name of the Reserve 'Natural Disaster Recovery Management Account to Emergency Management Reserve Fund.
2. Adopts the amended Council Policy PC001 – Emergency Management Reserve Fund as contained in attachment OCM215.1/11/16 in accordance with *section 2.7(2)(b) of the Local Government Act.*

**CARRIED UNANIMOUSLY**

## 8.6 Confidential Reports:

Nil

## 8.7 Late Items:

<b>OCM216/11/16</b>	<b>Proposed Lease between the Shire of Serpentine Jarrahdale and Vodafone Network Pty Limited and Surrender of Licence and Deed of Licence Variation for the Serpentine Horse and Pony Club (SHPC) (SJ975-05) E16/3636</b>
Author:	Kristen Cooper – Leasing and Property Officer
Senior Officer:	Kellie Bartley – Acting Director Corporate and Community
Date of Report:	23 September 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 a draft lease, its term and the annual rent payable by the lessee. Concurrent to this process is the requirement for the Serpentine Horse and Pony Club (SHPC) to enter into a Deed of Partial Surrender of Licence for a portion of their licenced area, subject to the Minister for Lands consent. This process will remove the proposed Vodafone lease area from the SHPC licenced area. Once Council's approval is obtained for the draft Vodafone lease, the Shire will publically advertise the disposition of property. A report will come back to Council for consideration should submissions be received. In the event that the Shire does not receive any submissions, the Lease will be executed by the Acting Chief Executive Officer and Shire President.

### Background:



(Site Image)

The site is located West of Serpentine townsite at Lot 778 Karnup Road, Serpentine. The land is owned in fee simple by the Shire and is held pursuant to a Crown Grant in Trust for the purpose of Recreation, Showgrounds and Racecourse. The Shire previously entered into a licence agreement in 2014 with the SHPC over a portion of the land, which encompasses the proposed Vodafone lease area. Before the Shire can enter into a lease with Vodafone, the SHPC must surrender a portion of their licenced area and enter into a Deed of Partial Surrender of Licence. This process will ensure clarity between all parties that SHPC has surrendered its right to occupy a portion of the lot that will form the Vodafone Lease.

Before ministerial consent is provided to the lease, the Department of Lands must be satisfied that the purpose of the lease is consistent or incidental to the purpose for which the land is held. The Minister for Lands approved the draft lease on 3 November 2016.

There are no previous lease agreements between Vodafone Network Pty Limited and the Shire. Vodafone has requested to lease an area of 104.16m<sup>2</sup> at the site for the purposes of a mobile phone tower. The lease area will incorporate a 35m high monopole mobile phone tower leased and operated by Vodafone and a secure fenced compound at the base of the tower where equipment will be housed. The proposed development while visible, is not in an area of significant viewing location such as a scenic route and is not located on a site where environmental, cultural heritage, social and visual landscape values may be compromised. The development application for the telecommunications tower was approved by the Western Australian Planning Commission on the 30 March 2016, without Council having the opportunity to consider the matter. The reason for the delay in progressing the lease for Council consideration is due to the complicated and protracted negotiations relating to the commercial terms of the lease, as well as ensuring appropriate consultation with user groups had been undertaken.

The proposed development will provide a service to the community which is currently limited. The monopole will improve mobile phone and data reception in the area which is important in the event of emergencies, education and social inclusion. Optus also plans to collocate on the tower and as Telstra is already represented in the district, the additional telecommunication services will provide a positive benefit to the local community from all mobile service providers.

In accordance with section 3.58 of the *Local Government Act* an independent valuation to obtain a rental figure has been obtained and this recommended that an annual rent be set at \$22,500.

The proposed lease terms including the original consideration of \$11,000 per annum were not consistent with other Shire telecommunication leases and the proposed rent was considerably less than the independent market valuation. Vodafone was provided this feedback for further consideration. Vodafone provided further market evidence of similar sites located on the Perth periphery comparable with the Serpentine property, with lease rentals in the range of \$11,000 - \$14,000. For confidentiality reasons, individual rents cannot be reproduced in this report. Furthermore the City of Armadale endorsed a lease with Vodafone at the Hopkinson Road Oakford landfill site for \$14,500 in June 2015. As the Armadale landfill site borders the Shire of Serpentine Jarrahdale, Shire officers formed the view that this location is comparable to the Karnup Road, Serpentine site. The Shire subsequently negotiated an increased rental of \$15,000 pa increasing by 3% annually and believes this to be a true indication of the value of the proposed disposition at this location.

The lease document is a standard lease used by Vodafone when leasing communications sites throughout Australia. The lease has been reviewed by the Shire's solicitors in accordance with current Shire practices.

Before Council can enter into a lease agreement, the Shire must advertise the disposition of property in the local paper and consider all submissions received as described in *section 3.58(3) of the Local Government Act 1995*.

#### **Relevant Previous Decisions of Council:**

OCM027/08/14 endorsed the terms and conditions of the Licence Agreement with the Serpentine Horse and Pony Club.

#### **Community / Stakeholder Consultation:**

User groups of the reserve, including the Serpentine Horse and Pony Club, Foothills Polocrosse Club and Serpentine and Districts Golf Club have been consulted regarding the proposed lease. No objections have been raised. Furthermore the Serpentine Horse and



Pony Club has agreed to surrender a portion of their licenced area to enable the Shire to enter into a lease with Vodafone.

Once the lease has been endorsed by Council there will be a public consultation period, consisting of advertising the disposition via local public notice for not less than 2 weeks, whereby members of the public can make submissions to Council regarding the proposed lease. The Shire must advertise the disposition in accordance with *section 3.58(3)(a) and (b), 3.58(4) of the Local Government Act*. Council must consider all submissions made before disposing of the property.

#### Attachments:

- [OCM216.1/11/16](#) – Proposed Lease between the Shire of Serpentine Jarrahdale and Vodafone (IN16/20163)
- [OCM216.2/11/16](#) – Ground Rental Valuation Executive Summary (IN16/25192)
- [OCM216.3/11/16](#) – City of Armadale Strategy Committee Minutes – Governance & Administration - Item 2.2 Proposed Lease – Vodafone Network Pty Limited – Portion of Armadale Landfill and Recycling Facility, Hilbert - Council Meeting 22 June 2015 (IN16/25198)
- [OCM216.4/11/16](#) – Deed of Partial Surrender of Licence: Reserve 159110, Lot 778 Karnup Road, Serpentine – Shire of Serpentine Jarrahdale and Serpentine Horse and Pony Club (IN16/21643)
- [OCM216.5/11/16](#) – Aerial Photograph of L778 Karnup Road (E16/8324)

#### 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	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 (3) – Disposition of Property. This is a disposition of property in accordance with the *Local Government Act*. 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. Additionally, Clause 4(c)(ii) of the Act provides that the market value of the disposition can be prepared more than six months before the proposed disposition if the local government believes the market valuation to be a true indication of the value at the time of the proposed disposition.

#### Financial Implications:

There is an annual lease fee of \$15,000, increasing by 3% annually payable by the lessee for the use of the property. A contribution, up to the value of \$1,500 in relation to legal costs associated with the lease will be paid by the lessee.

**Voting Requirements:** Simple Majority

#### OCM216/11/16 COUNCIL DECISION Officer Recommendation:

Moved Cr See, seconded Cr Ellis

That Council:

1. Endorse the terms and conditions of the draft Lease between the Shire of Serpentine Jarrahdale and Vodafone for a period of twenty years for the purpose of maintaining and operating telecommunications equipment as per attachment OCM216.1/11/16.

2. Endorse an annual lease fee of \$15,000 per annum (ex GST) increasing by 3% each year as described in the draft lease as per attachment OCM216.1/11/16.
3. Authorise the Acting Chief Executive Officer and Shire President to sign the Deed of Partial Surrender of Licence with the Serpentine Horse and Pony Club for Reserve 159110, L778 Karnup Road, Serpentine, subject to the Minister for Lands consent.
4. Advertise the disposition of property in accordance with Section 3.58 of the *Local Government Act* via local public notice for a period not less than two weeks, for the purpose of inviting submissions.
5. Authorise the Acting Chief Executive Officer and Shire President to sign the Lease between the Shire of Serpentine Jarrahdale and Vodafone as per attachment OCM216.1/11/16 subject to there being nil submissions received.

**CARRIED UNANIMOUSLY**

## 9. Motions of which notice has been given:

Nil

## 10. Information Reports:

Nil

## 11. Urgent Business:

Nil

## 12. Councillor questions of which notice has been given:

Nil

## 13. Closure:

There being no further business the Presiding Member declared the meeting closed at 8.34pm.

I certify that these minutes were confirmed at the  
Ordinary Council Meeting held on 19 December 2016

.....  
Presiding Member

.....  
Date