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- NOTE:**
- a) **The Council Committee Minutes Item numbers may be out of sequence. Please refer to Section 10 of the Agenda – Information Report - Committee Decisions Under Delegated Authority for these items.**
  - b) **Declaration of Councillors and Officers Interest is made at the time the item is discussed.**

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, 6 PATERSON STREET, MUNDIJONG ON MONDAY 26 SEPTEMBER 2011. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.00PM AND WELCOMED COUNCILLORS, STAFF AND THE MEMBERS OF THE GALLERY.

## 1. ATTENDANCES & APOLOGIES (including Leave of Absence):

### IN ATTENDANCE:

**COUNCILLORS:** S Twine .....Presiding Member  
M Harris  
C Buttfield  
C Randall  
B Brown  
T Hoyer  
M J Geurds  
A Lowry  
K Petersen

**OFFICERS:** Mr R Gorbunow .....Acting Chief Executive Officer  
Mr A Hart ..... Director Corporate Services  
Mr B Gleeson ..... Director Development Services  
Mr U Striepe .....Executive Manager Engineering  
Ms P Kursar .....Minute Secretary

**APOLOGIES:** Ms J Abbiss  
A Ellis  
S van Aswegen

Members of the public – 13  
Members of the press – 1

## 2. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE:

### Clayton Oud – PO Box 78, Mundijong

- Q1 What was the final cost of the 1.4 km's of Lightbody Road that was re-sheeted in May 2011?
- A1 The cost to gravel sheet the 1.4km's on Lightbody Road that was carried out in May 2011 was \$88,560.
- Q2 When will the next section of Lightbody Road be re-sheeted?
- A2 The works are scheduled to commence in April/May 2012.
- Q3 The agenda for the June 2011 Council Meeting included an answer to a question from Mr Kirkpatrick that George Street failed to meet the criteria for Royalties for Region Funding. This was prior to adoption of the budget yet council still adopted a budget with grant funding of \$150000 in it. This contradicts the answer included in tonight's agenda, which is that the Shire was notified after adoption of the budget that the available funding had been reduced and that the shire has subsequently decided to defer the grant funding for George Street to a future date. Has George Street failed to meet the criteria for Royalties for Region funding or had it merely been deferred?
- A3 At this stage, the project has been deferred.

### John Kirkpatrick – 77 Mead Street, Byford

- Q1 Taking into consideration the ramifications of the Kelty report into the Kelmscott fires, when is the Council going to review the Local Emergency Policies and Procedures following the apparent abandonment of Jarrahdale town site following the storm event in March 2010?
- A1 A review of councils Local Emergency Management Plan is already underway. We are in consultation with FESA staff in bringing our plan up to date and we also have commenced (via a grant) a Community Emergency Risk Management program with Local Government Insurance Services (LGIS) to identify all known risks within the Shire with the intent of producing mitigation plans into our Local Emergency Management Plan. That review process will engage all stakeholders with an opportunity to comment and add value to our survey, at least two public meetings will be included in that consultation process
- Q2 Considering the lack of shopping facilities in Byford and the imminent closure of the Hub Shopping Centre in Kwinana, when is the Council going to review the WAPC consideration of the proposed Village Centre in the Glades Estate and return it to the commission?
- A2 Local Planning Policy 45, which provides the planning framework for the Glades Village Centre, was adopted by Council at its meeting of 28 March 2011. The Western Australian Planning Commission was advised of Council's decision on 31 March 2011. The Shire is now in a position to assess and approve development applications for commercial development, when lodged by a landowner/proponent. To date, no applications have been received.

### 3. PUBLIC QUESTION TIME:

*Public Question Time commenced at 7.02pm*

David Houseman - 17 Clifton Street, Byford

Q1 Can the laneways in the east ward of Byford be named?

The Shire President advised that the question would be taken on notice and responded to in writing.

OCM015/09/11 John Kirkpatrick – 77 Mead Street, Byford

It is noted that point 3 of this confidential item states that this council adopts the performance criteria for 2011/12 as drafted.

Q1 My question is why this Council is considering this when in three weeks time it is possible that only one current sitting Councillor may be on this Council. It is surely a decision for the incoming council to decide if the current criteria is the one they wish to pursue. Surely this issue should be deferred until the new Council is sworn in.

The Shire President advised that the question would be taken on notice and responded to in writing.

Linda Starcevich – 76 Baigup Loop, Cardup

With reference to two items on tonight's agenda SD041/09/11 (page 44) and SD042/09/11 (page 48) in particular to the latter item's Conditions 3, 4 and 14, which state that the property must not interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, odour, dust, light spill or waste products and shall be managed to the satisfaction of the Director Development Services, prior to work commencing on site, and shall thereafter be implemented. Also no environmental degradation of the land is permitted to occur, as determined by maintenance of at least 95% pasture coverage year round.

Q1 Why are equestrian land holders continually subjected to these types of conditions, yet the negative impacts on neighbouring landowners are not taken into consideration for properties being used for motocross activities, such as noise, fumes, contamination of neighbouring drinking water, soil erosion, destruction of vegetation and dust?

The Shire President advised that the question would be taken on notice and responded to in writing.

*Public Question Time ended at 7.06pm*

### 4. PUBLIC STATEMENT TIME:

David Houseman - 17 Clifton Street, Byford

Mr Houseman presented all Councillors with a photo.

Summary of the reasons for the request to name the laneways in the east ward of Byford without further delay are as follows;

A lot which fronts a laneway can be given an address corresponding to the named laneway. Narrow, long, unsightly alleyways devoid of vegetation and sandwiched between fencing would then need not be constructed to the primary street for mail collection. The streetscape would then remain unchanged and the Shire would therefore be in compliance with the Byford Structure Plan, as opposed to contravening it. If an alleyway is constructed, properties on either side and to the rear of it would be easy targets for burglaries and demonstrate very poor, unacceptable Town Planning. They will be eyesores and independent advice suggests that property values will decrease in value.

The Shire has been asked several times to commence naming since 2007 and no attempt has been made to do so, despite numerous meetings. The area in question was rezoned approximately ten years ago. In other words the Shire has had a decade to act!

#### John Kirkpatrick – 77 Mead Street, Byford

I understand that the minutes of the Council meetings are not a verbatim record of the meeting. I feel that the record of the President's comments to me is not recorded accurately. This is not as it happened as it was more of an outburst than an informed comment. It is not the President's position to question the right of a ratepayer to ask questions about council decisions, even if it is at a cost either in officer time or money.

As a ratepayer I feel it is reasonable to expect answers in a reasonable time and for those replies to be frank and to the point, not evasive. This is why standing orders are there to protect the right of the ratepayer. I must point out that I have made a complaint to the Department of Local Government on the issue.

#### Colleen Rankin – 33 South Crescent, Byford

A document has been produced for Byford public street art and seating to raise the beautification of the town. The Byford Public Street Art Plan was completed with council funding. Artists will now be commissioned to create sculptures. A joint committee was set up including Main Roads and Council staff. There was a rocky start, however Main Roads came up with improvements for South West Highway.

#### Jenny Bosma – 45 Clondyke Drive, Byford

Photos presented to Councillors. There are so many issues in Byford that need addressing. It is hard to figure out which is most important. I am here to back up David Houseman and John Kirkpatrick as action is needed now. Photos have been taken and improvement is required now.

## **5. PETITIONS & DEPUTATIONS:**

5.1 Councillor Buttfield presented 3 petitions received from residents of Serpentine.

- 1 Petition regarding providing some facilities (quality playground equipment, BBQ and picnic tables) at the Serpentine Oval for the people of Serpentine and surrounding districts. The petition contained 132 signatures of residents. The petition does not comply with the Shire's Standing Orders 3.6 (a) (e) & (f).

### **COUNCIL DECISION**

**Moved Cr Buttfeld, seconded Cr Lowry**  
**Council receive the petition and note the intent of the petition.**  
**CARRIED 9/0**

- 2 Petition proposing that Council considers working with the young people of Serpentine to redesign the current BMX track. The petition contained 79 signatures of residents. The petition does not comply with the Shire's Standing Orders 3.6 (a) (e) & (f).

**COUNCIL DECISION**

**Moved Cr Brown, seconded Cr Buttfeld**  
**Council receive the petition and note the intent of the petition.**  
**CARRIED 9/0**

- 3 Petition proposing that Council considers providing a Skate Park for the children and young people of Serpentine. The petition contained 14 signatures of residents. The petition does not comply with the Shire's Standing Orders 3.6 (a) (e) & (f).

**COUNCIL DECISION**

**Moved Cr Buttfeld, seconded Cr Lowry**  
**Council receive the petition and note the intent of the petition.**  
**CARRIED 9/0**

- 5.2 David Houseman presented a petition requesting that laneways in the east ward of Byford be named without further delay. The petition contained 114 signatures of residents. The petition will require verification to check if it complies with the Shire's Standing Orders 3.6.

**COUNCIL DECISION**

**Moved Cr Randall, seconded Cr Lowry**  
**Council receive the petition and verify if it complies with the Shire's Standing Orders 3.6.**  
**CARRIED 9/0**

## **6. PRESIDENT'S REPORT:**

As this is my last Ordinary Council Meeting before the Local Government elections, I would like to express my appreciation to so many people who have helped me in the course of my duties at the Shire. First, to you members of the gallery, our residents and ratepayers, for coming along to meetings, contacting us by phone, letter and email. We all appreciate your interest in the growth of the Shire and I particularly thank you all for your involvement in asking questions, sitting on committees and generally giving feedback. Your commitment makes for a vibrant community - thank you.

I would also like to thank my fellow councillors, who work tirelessly with increasingly complex issues, for little recompense. I have enjoyed working and debating with you and wish you well whether or not you are standing again. Councillor Ellis has brought a youthful perception to the Shire. Cr Lowry brought insight and expertise and a little bit of mischief and embodies



Rule #6. Cr Petersen has a huge community commitment and I hope she keeps going. Cr Brown has independent views and is not afraid to express herself. A very brave lady.

I have a Diploma from the Australian & New Zealand School of Government to present to Cr Harris. Cr Merri Harris won a scholarship and travelled to Canberra to complete the certificate. Well done.

To the staff of SJ Shire, I have admired your professionalism and dedication over the past four years and have appreciated the hours of work you do over and above your normal work load. We are, indeed, fortunate to have you and I hope you will be with us for many years to come, to see us over this huge growth phase.

Lastly, I owe a debt of gratitude to our CEO. Without the help of Joanne Abbiss to ease me into the presidency and gently lead me through the multitude of statutory rules and regulations, my job would have been infinitely harder. Her memory for every detail, her energy levels, her tolerance and her commitment have left me in awe. Thank you Ma'am.

Cr Lowry expressed on behalf of Councillors on the chance that this may be Cr Twines last time as Shire President, that she would like commend Cr Twine for her gracious, honest and objective way of leading the chamber. Cr Twine is an example to us all. Her stoic, resilient and patient ways are appreciated. Her fellow councillors understand how hard it is to do the job well.

## **7. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:**

Cr Hoyer declared a financial interest in SD034/09/11 as he owns property in the Byford Industrial Estate. He will leave the room when the item is discussed. Cr Hoyer also declared an interest of impartiality in item SD050/09/11 as he is a member of Byford Progress Association. This will not affect the way he votes on the matter.

Cr Petersen declared an interest of impartiality in item SD050/09/11 as she wrote two of the locality funding applications. This will not affect the way she votes on the matter.

Cr Geurds declared an interest of impartiality in item SD035/09/11 as he is member of the Byford Trotting Club. This will not affect the way he votes on the matter.

Cr Randall declared an interest of impartiality in item SD050/09/11 as she is a member of the Byford Progress Association. This will not affect the way she votes on the matter.

Cr Twine declared an interest of impartiality in item SD050/09/11 as she is a member of the Jarrahdale Community Association. This will not affect the way she votes on the matter.

## **8. RECEIPTS OF MINUTES OR REPORTS AND CONSIDERATION FOR RECOMMENDATIONS:**

### **8.1 Ordinary Council Meeting – 22 August 2011**

**Moved Cr Brown, seconded Cr Petersen  
The *attached (E11/4748)* minutes of the Ordinary Council Meeting held on  
22 August 2011 be confirmed.**



**CARRIED 9/0**

**REPORTS OF COMMITTEES:**

SD033/09/11		PROPOSED ROAD DEDICATION - MEAD STREET, BYFORD (RS0081)
Proponent:	Taylor Burrell Barnett	In Brief  It is recommended that Council pass a supplementary resolution in respect of the proposed modification to the north eastern boundary of Reserve 17490, for the purpose of road construction.
Owner:	Crown	
Author:	Simon Wilkes - Executive Manager Planning	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	18 August 2011	
Previously	SD100/04/11	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

Date of Receipt: 10 February 2011  
 L.A Zoning: Urban Development  
 MRS Zoning: Urban  
 Date of Inspection: March 2011

**Background**

Council at its April 2011 Ordinary Council Meeting considered a request to dedicate Mead Street, Byford to facilitate the creation of an effective road network around the Serpentine Jarrahdale Recreation Centre and the future high school sites on current Lot 52 Abernethy Road, Byford. Council at its meeting passed the following resolution:

**SD100/04/11 COUNCIL DECISION**

*"That Council:*

1. *Request the Minister for Lands to amend the boundary of Reserve 17490 in order to facilitate dedication of Mead Street as per Attachment SD100.2/04/11*
2. *Resolves to indemnify the Minister against any claim for compensation (not being a claim for compensation in respect of land referred to in subsection (6) of Section 56 of the Land Administration Act 1997) in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request to dedicate the new portion of Mead Street as depicted on attachment SD100.2/04/11*
3. *Advise the proponent that, as part of the future upgrading of Mead Street, there will be a requirement to reinstate the footpath / cycle path and driveway access to Briggs Park Pavilion and the Shire's recreation centre as well as revegetation to compensate for any clearing accordingly as part of the civil construction stage of the road works.*
4. *Advise the proponent of their obligations under both State and Federal environmental legislation prior to the commencement of construction works, with respect to the removal of vegetation.*
5. *Note that there will be significant disruption during the future construction phase for the upgrading of Mead Street and that the proponent be required to submit a traffic management plan for assessment and approval by the Director Engineering prior to the commencement of works, including measures for stakeholder engagement to ensure*

*that concerns are taken into consideration and that disruption during the construction phases are minimised as far as is practicable."*

The Department of Regional Development and Lands has recently advised it is not able to finalise the above-mentioned request, without a further resolution of Council that makes particular reference to Section 56 (2) and (4) of the *Land Administration Act 1997*.

This report seeks to address only an administrative matter and does not seek to consider, nor have any impact on, any matters previously considered by Council, such as stakeholder engagement, disruptions to the road network during construction periods or vegetation protection. The request will facilitate the dedication of Mead Street and in turn the creation of the future high school sites. It is understood that bulk earthworks associated with the government high school site are scheduled to commence in January 2012.

### **Sustainability Statement**

#### ***Effect on Environment:***

The construction of a future roundabout at the Gordin Way / Mead Street intersection will result in the unavoidable loss of several verge trees. Any vegetation removed would be offset with additional plantings in the local area.

#### ***Economic Benefits:***

The existing driveway and footpath at the Briggs Park Pavilion will incur some interruption during construction of Mead Street. As the developer will be responsible for the road construction works, this will need to be addressed in the detailed designs of the road.

### **Statutory Environment:**

Land Administration Act 1997  
Land Administration Regulations 1998

Section 51 of the Land Administration Act 1997 (LAA) allows the Minister for Lands to amend the boundaries of a Reserve. This process would delete a marginal section of reserve from the current parcel and dedicate the excised portion to a road. The portion proposed to be road would follow due process of being formally dedicated in accordance with Section 56 of the LAA.

*Section 56 of the Land Administration Act 1997 sets out the requirements for dedication of roads. Subsection (4) of Section 56 states as follows:*

*(4) On the Minister granting a request under subsection (3), the relevant local government is liable to indemnify the Minister against any claim for compensation (not being a claim for compensation in respect of land referred to in subsection (6)) in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request.*

### **Policy/Work Procedure Implications:**

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

### **Financial Implications:**

There are no dedicated resources allocated to land administration matters with the Budget.

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Summary	Objective
<b>BUILT ENVIRONMENT</b>			
	<b>Land Use Planning</b>		
		Rural Villages	Preserve the distinct character and lifestyle of our rural villages and sensitively plan for their growth.
			Ensure land use planning accommodates a vibrant and diverse range of activities and employment opportunities.
		Landscape	Prioritise the preservation of landscape, landform and natural systems through the land development process.
			Provide a variety of affordable passive and active public open spaces that are well connected with a high level of amenity.
			Protect the landscape and environmental values of natural reserves and areas from the impacts of development.
		General	Facilitate the development of a variety of well planned and connected activity centres and corridors.
			Rationalise existing, and responsibly plan new, public open spaces to ensure the sustainable provision of recreation sites.
	<b>Infrastructure</b>		
		Asset management	Continually improve the accuracy of the long term financial Plan for the Future by accommodating asset management plans that are developed.
			Ensure all decisions are consistent with the long term financial Plan for the Future.
			Ensure asset management plans extend to whole of life costings of assets and reflect the level of service determined by Council.
		Vegetation management	Acknowledge the future economic value of natural vegetation and landform.
<b>NATURAL ENVIRONMENT</b>	<b>Landscape</b>		
		Safeguard	Restore and preserve the visual amenity of our landscapes.
		Biodiversity	Prevent the further loss of "local natural areas"
			Protect specific ecological features and processes including rare species, threatened ecological communities, wetland vegetation and ecological linkages throughout the Shire

Vision Category	Focus Area	Objective Summary	Objective
		Manage	Protect and manage a portion of each basic type of vegetation and ecosystem typical to the Shire.
<b>OUR COUNCIL AT WORK</b>			
	<b>Strategy and Planning</b>		
		Strategic Direction	Prepare effectively for future development.
	<b>Places</b>		
		Vibrant	Create vibrant urban and rural villages.
			Develop well connected neighbourhood hubs and activity centres.

### Conclusion

The matter is of an administrative nature only, at the request of the Department of Regional Development and Lands. It is not necessary for Council to consider revoking its previous decision of April 2011, as the new recommended resolution should be simply be read in conjunction with the previous decision.

**Voting Requirements:** Simple Majority

### **SD033/09/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

Moved Cr Randall, seconded Cr Harris  
That Council resolves to:

- 1) Excise the land required for the road from Reserve 17490; and
- 2) Dedicate the extension to Mead Street pursuant to Section 56 (2) and (4) of the Land Administration Act 1997.

**CARRIED 9/0**

SD034/09/11 PROPOSED LOCAL STRUCTURE PLAN - LOT 806 SOUTH WESTERN HIGHWAY, BYFORD (A1617)		
Proponent:	RPS Australia Asia Pacific	In Brief  A draft Local Structure Plan for Lot 806 South Western Highway, Byford was deemed satisfactory for advertising by Council at its meeting of 3 March 2011. The draft Plan has since been advertised for public and agency comment.  This report provides the opportunity for Council to consider the submissions received and several key issues. It is recommended that the draft Local Structure Plan be adopted subject to a series of modifications.
Owner:	Wallmar Pty Ltd	
Author:	Louise Hughes - Senior Planner	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	24 August 2011	
Previously	SD078/02/11	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

Date of Receipt:

12 February 2009

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Advertised:	Yes
Submissions:	Yes
Lot Area:	8.2589ha
L.A Zoning:	Urban Development
MRS Zoning:	Urban

### **Background**

A proposed Local Structure Plan (LSP) proposing light industrial development for Lot 806 South Western Highway was lodged with the Shire on 12 February 2009. The LSP was reviewed internally, and did not progress as a Local Water Management Strategy (LWMS), and other key supporting information from the applicant was lacking at that time. An updated proposed LSP was submitted on 14 January 2010, supported by a LWMS, which had been approved by the Department of Water. The proposed LSP was deemed satisfactory for advertising by Council at its meeting on 3 March 2011, subject to a series of modifications. Public and Statutory Agency comment was invited with the submission period closing on 2 May 2011.

This report provides Council with the opportunity to note the submissions received during the advertising period and determine whether to adopt the LSP, pursuant to Clause 5.18.3.7 of Town Planning Scheme No.2 (TPS 2) with or without modification.

***A copy of the LSP map, as advertised, is with attachments marked [SD034.1/09/11](#).***

***A copy of the LSP statutory text, as advertised, is with attachments marked [SD034.2/09/11](#).***

### **Sustainability Statement**

#### ***Effect on Environment:***

##### *Flora*

A flora survey has been undertaken to determine vegetation complexes and condition at the site. The survey also undertook an assessment of all trees and identified the location of significant trees. The proposed LSP does not respond to the findings of the flora survey, with key areas recommended for retention (including 15 significant trees) not proposed to be retained in their entirety.

##### *Fauna*

The flora survey identifies the presence of flora species that are known breeding and foraging habitat for four fauna species listed as threatened under the federal *Environmental Protection and Biodiversity Conservation Act 1999*. These include Carnaby's Black Cockatoo, Baudin's Black Cockatoo, the Forest Red-Tailed Black Cockatoo, and the Graceful Sun Moth. No fauna surveys have been undertaken to determine if any of these species occur or utilize habitat within the subject land.

The applicant is responsible for ensuring that, where a proposal may have a significant impact on matters of national environmental significance (including the above species), the approval of the Minister under the Environmental Protection and Biodiversity Conservation Act is obtained.

Additional protection of vegetation and significant trees, as proposed above, may also serve to increase retention of threatened species habitat in the proposed LSP area.

##### *Water Quality*

The proposed LSP is supported by a LWMS that has been approved by the Department of Water and meets the Shire's requirements. The proposed LSP did not originally provide any design guidelines or development requirements regarding energy efficiency. The

modification of the proposed LSP to incorporate the Perth Region Natural Resource Management (NRM) Guidelines for Industrial Development, which Council required when determining the LPS satisfactory for advertising, can resolve this issue, and facilitate the development of a best practice light industrial estate.

**Resource Implications:** The proposed LSP does not currently provide any design guidelines or development requirements regarding resource efficiency. The modification of the proposed LSP to incorporate the Perth Region NRM Guidelines for Industrial Development can resolve this issue, and facilitate the development of a best practice light industrial estate.

**Economic Benefits:** The proposed LSP will facilitate important employment generation in Byford and the Shire, creating a number of local job opportunities. This will present key economic benefits to the community, and provide an attractor for new local businesses.

**Social – Quality of Life:** The proposed LSP would facilitate light industrial development in proximity to the Byford by the Scarp residential estate. Potential land use conflict maybe addressed by a landscaped buffer along the southern boundary of the proposed LSP. This matter is discussed in greater detail, later in this report.

Additional information in the LSP statutory section, regarding information to be provided at the time of development such as noise assessments, can further ensure no land use conflict arises.

**Social and Environmental Responsibility:** The proposed LSP will provide for important local employment opportunities.

**Statutory Environment:** TPS 2

Clause 5.18.3.2 of TPS 2 provides that upon receiving a proposed structure plan, the local government is to either:

- (a) determine that the Proposed Structure Plan is satisfactory for advertising;
- (b) determine that the Proposed Structure Plan is not to be advertised until further details have been provided or modifications undertaken; or
- (c) determine that the Proposed Structure Plan is not satisfactory for advertising and give reasons for this to the Proponent.

If the local government deems the proposed structure plan as satisfactory for advertising, it is to forward a copy of the LSP to the Western Australian Planning Commission, and give notice in accordance with the provisions of TPS 2.

**Policy/Work Procedure Implications:**

Local Planning Policy (LPP) No.6 Water Sensitive Design  
LPP 8 Landscape Protection Policy  
LPP 19 Byford Development Requirements  
LPP 22 Water Sensitive Urban Design  
LPP 26 Biodiversity Planning  
LPP 61 (draft) - Structure Plans  
LPP 62 (draft) - Urban Water Management.  
LPP 63 (draft) - Integrated Transport and Land Use  
LPP 67 (draft) - Landscape and Vegetation

**Financial Implications:** The costs associated with the assessment, advertising and general progression of the LSP are addressed through the application fee requirements. Financial



implications will include the whole of life cycle cost related to the future maintenance and management of public open space and the public realm, and administration support and professional services to facilitate subdivision and development.

### **Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
<b>BUILT ENVIRONMENT</b>				
	<b>Land Use Planning</b>			
		14		Encourage built form that positively contributes to streetscape amenity.
		15		Ensure that all buildings incorporate principles of environmentally sustainable design, suitable for our specific climate and location.
		22		Continue the development of low maintenance multiple use corridors to accommodate water quality and quantity outcomes and a diversity of community uses.
		23		Protect the landscape and environmental values of natural reserves and areas from the impacts of development.
		24		Ensure safe and efficient freight and transport linkages within the Shire and region.
		27		Ensure land use planning accommodates a diverse range of lifestyle and employment opportunities and activities.
		28		Rationalise existing, and responsibly plan new, public open spaces to ensure the sustainable provision of recreation sites.
	<b>Infrastructure</b>			
		33		Ensure all decisions are consistent with the long term financial Plan for the Future.
		38		Ensure that bridge and road network planning and development considers community safety and emergency management.
		39	Water Management	Minimise the use of piped and artificial drainage and its impact on the landscape.
		62		Advocate for reduction of regulatory barriers to local government forming innovative and entrepreneurial relationships.
<b>NATURAL ENVIRONMENT</b>	<b>Landscape</b>			
		4		Incorporate environmental protection in land use planning.
		5	Restore	Establish and enhance waterways and bush corridors.
		6		Establish increased levels of natural vegetation in urban and rural environments.
<b>SUSTAINABLE ECONOMIC GROWTH</b>				
	<b>Industry Development</b>			
		1	General	Attract and facilitate appropriate industrial, commercial and retail developments.

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
		2		Attract environmentally and socially responsible industries and support all operators to achieve more sustainable practices.

### **Community Consultation:**

The LSP was advertised to stakeholders by way of the following:

- Letters to all landholders within a 500 metre radius of the LSP boundary;
- Advertisements in the local newspaper;
- Publication on the Shire's website;
- Copies made available at the Shire Administration Building and libraries; and
- Letter to all relevant community groups.

A total of 23 submissions were received during the advertising period.

***A schedule of submissions, incorporating a response from the proponent is provided with attachments marked [SD034.3/09/11](#).***

### **Comment**

From the advertising period, a number of key matters have been identified as requiring careful consideration by Council, as it determines whether to adopt the LSP with or without modifications. The key matters include the following:

- The appropriateness of the subject land for light industrial purposes;
- Control for future built form and control of land uses; and
- traffic considerations

Each of these matters is discussed in greater detail below.

#### **Appropriateness of the proposed land use.**

The Byford Townsite Detailed Area Plan (DAP) was adopted by Council in 2004, incorporating significant community engagement in its preparation. The DAP identified the site as appropriate for light-industrial activities, providing general guidance on layout and considerations for future built form.

***A relevant extract from the Byford Townsite DAP is provided with attachments marked [SD034.4/09/11](#).***

***An assessment table for the Local Structure Plan against the requirements of the Byford Townsite Detailed Area Plan is provided with attachment marked [SD034.5/09/11](#).***

The proposed LSP includes a looped road through the LSP area, consistent with the Byford Townsite DAP. Unlike the Byford DAP, the proposed LSP does not connect the internal road to Wilaring Street to prevent potential traffic conflict with residents of the adjacent Byford by the Scarp estate and traffic from the industrial area.

In one of the submissions received, Council was encouraged to give consideration to providing additional flexibility with future land uses, such as through designating the area 'General Industry' rather than 'Light Industry'.

Light industry is defined under the provisions of TPS 2 as uses that “*will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light,*

*noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water or other waste products”.*

Considering the general location of the site, including its relationship to the Byford on the Scarp Estate, it is not considered appropriate to broaden the range of permissible land uses or general designation to 'General Industry'. Light industrial activities are also considered appropriate in the context of the 'Urban' zoning under the Metropolitan Region Scheme and the submission received from the Department of Environment and Conservation, that reiterated the importance of achieving appropriate separation distances to sensitive land uses from industrial activities.

#### Control over built form and future land use controls

When the LSP was deemed satisfactory for advertising in March 2011, one of the modifications required by Council was the insertion into the statutory text of relevant provisions requiring the preparation of design guidelines. Clause 8.2 of the statutory text for the LSP reads as follows:

*"8.2 Design Guidelines prepared for the estate shall contain, but not be limited to the following provisions:*

- Reference to Perth Region NRM Guidelines for Industrial Development – May 2010*
- Reference to development guidelines contained in the Byford DAP*
- Minimum information requirements to accompany the submission of development applications*

*8.2 The submission of any future subdivision application(s) shall demonstrate compliance with the Perth Region NRM Guidelines for Industrial Development – May 2010; and the Byford DAP, to the satisfaction of Council prior to the Commission making its determination."*

Design guidelines are commonly prepared as LPP's or similar, however there are a range of other options potentially available, for example administered through contracts of sale from a developer/restrictive covenants.

The process of preparing and adopting a LPP is both open and transparent, incorporating advertising for public comment. In addition, a planning policy does not usually have a specified end date and as such has effect until such time as it is revoked by a local government. Finally, LPP's are publicly available and relate to a specific geographical area rather than relating to a specific person or company.

For reasons outlined above, it is recommended that the requirement for design guidelines to be prepared be clarified, such that the requirement is for a local planning policy to be prepared and adopted prior to the Shire recommending subdivision approval to the Western Australian Planning Commission.

#### Traffic management

As noted previously, the proposed subdivision layout is generally consistent with the Byford Townsite DAP with the exception of the road connection to Wilaring Drive, which has been specifically omitted to ensure an effective separation of different vehicle types.

A draft traffic management plan was prepared and submitted with the LSP. The traffic management plan generally satisfies the requirements set out in *Local Planning Policy 63 - Integrated Transport and Land Use Planning*.

#### Options

In considering the LSP, Council now has essentially 3 options, as follows:

- (1) adopt the LSP, without modification
- (2) adopt the LSP, with modification(s)
- (3) refuse to adopt the LSP and provide reasons to the proponent accordingly.

It is recommended that Council adopt the LSP, with minor modifications, consistent with option 2.

**A copy of the suggested schedule of modifications to the LSP is with attachments marked [SD034.6/09/11](#).**

**Conclusion**

The advertising of the LSP identified a number of matters that Council needs to carefully consider in determining whether to adopt the LSP, with or without modification. Overall, the LSP is considered to be consistent with state and local planning policies, and with some minor suggested modifications, the LSP is considered to provide a suitable framework for future subdivision and development.

**Voting Requirements:** Simple Majority

*Cr Hoyer left the room at 7.39pm*

**SD034/09/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Randall, seconded Cr Harris  
That Council:**

- 1) Note the submissions received during the advertising period.**
- 2) Adopt the Local Structure Plan, subject to modifications pursuant to Clause 5.18.3.7(a) of Town Planning Scheme No. 2 as outlined in attachment marked [SD034.6/09/11](#).**
- 3) Forward the Local Structure Plan to the Western Australian Planning Commission for consideration pursuant to Clause 5.18.3.9 of Town Planning Scheme No. 2.**
- 4) Advise all persons who lodged a submission during the advertising period of the decision of Council.**

**CARRIED 8/0**

**Cr Hoyer was not present and did not vote**

*Cr Hoyer returned to the room at 7.40pm*

SD035/09/11 PROPOSED NEW STORAGE SHED FOR BYFORD TROTTHING COMPLEX - LOT 37 THATCHER ROAD, BYFORD (P01748/03)		
Proponent:	Racing and Wagering WA	In Brief  The application proposes the development of a new storage shed at the Byford Trotting Complex. It is recommended that the application be approved subject to conditions.
Owner:	Racing and Wagering WA	
Author:	Casey Rose – Planning Assistant	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	25 August 2011	
Previously	SD018/08/09	

Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

Date of Receipt:	23 May 2011
Lot Area:	20.67ha
L.A Zoning:	Special Rural
MRS Zoning:	Rural
Byford Structure Plan:	Excluded
Rural Strategy Policy Area:	Residential and Stabling

### **Background**

In August 2009, Racing and Wagering WA presented a Master Plan proposal relating to major upgrades to the Byford Trotting Complex. Council provided in principle support to the Master Plan in August 2009.

Racing and Wagering WA provide the following information pertaining to a recent application for a large storage shed:

*“RWWA will be progressively implementing the Master Plan over the course of 2011/12 year. The initial development will be for the replacement of the existing outbuildings for various machinery and equipment through the construction of a 600m<sup>2</sup> storage facility that will house our existing machinery and improve the office and meal facilities currently provided that are inadequate for our staff. The office, meals and ablutions will be incorporated within the storage shed, as is currently the case”*

The proposed shed will be a total floor area of 600m<sup>2</sup> and this will comprise of 558m<sup>2</sup> storage area and a small additional area of 42m<sup>2</sup> for the ablution / lunch room and office facilities. In addition to this an external wash down area will be constructed on the western wall. The shed will be constructed of Colorbond Pale Eucalypt colours and materials which will suitably blend in with the existing vegetation on and around the property. The wash down area will be for removing mud and dust from equipment as per current practices. The water will be diverted to internal drain which flows to a compensating basin prior to release to external stormwater drainage. The proposed shed will be located wholly within the boundaries of the trotting complex and setback 100m from the nearest public road being Binshaw Avenue. The remaining setbacks from Briggs and Thatcher Roads is over 200m respectively.

Council’s Town Planning Scheme No.2 (TPS 2) and Local Planning Policy 17 (Residential and Incidental Development within the Serpentine Jarrahdale Shire) does not contain specific height and floor area requirements for buildings that fall outside the scope of residential and incidental development such as commercial buildings and outbuildings used in agricultural developments.

***A copy of the master plan, site, floor and elevations are with attachments marked [SD035.1/09/11](#).***

### **Sustainability Statement**

#### ***Effect on Environment:***

The Byford Trotting Complex has historically operated and managed the daily use of the venue in an effective manner. Grounds staff continue to work to ensure dust is kept to a

minimum and the grounds are kept safe for both people and horses that frequent the facility. The proposed new storage shed will provide greater area to house necessary track maintenance equipment and provide upgraded office facilities for grounds staff. The new location of the shed will achieve greater separation distance from the nearby residential houses on Binshaw Avenue.

The additional storm water will be captured and piped to existing storage facilities for reuse on site. The shed will be constructed on an existing cleared area.

**Resource Implications:**

The additional storm water catchment will be a well received mechanism for reusing water on site. The current operations use water for dust suppression to both tracks, particularly in summer.

**Use of Local, Renewable or Recycled Resources:**

The proposal has potential to use both locally and regionally available materials for construction of new buildings and materials required for track maintenance.

**Economic Benefits:**

The ongoing development is likely to provide opportunities for local employment and facilitate ongoing economic benefit to the community by offering a venue to retain harness industry personnel in the Shire. Upgrading the facility may provide opportunities to reinstate race meetings which will provide the community with a tourist attraction and the generation of economic benefits for the community. If race meetings were to be reinstated, this could potentially have value adding benefits for local businesses.

**Social – Quality of Life:**

Upgrading of the complex will result in improved facilities and nurture ongoing sustainable use of the venue. This will assist with retaining trainers in the locality and foster community participation.

**Statutory Environment:**

TPS 2

**Policy/Work Procedure Implications:**

Local Planning Policy (LPP) 17 relates to incidental residential development in the Shire, however, the Byford Trotting Complex proposal falls outside the considerations for residential development and the training facility is not considered to be domestic or residential use.

Draft LPP 36 does not contain provisions that address buildings used for commercial or public recreational use.

**Financial Implications:**

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

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
BUILT ENVIRONMENT				
	Land Use Planning			
		1	Rural	Preserve the distinct character and lifestyle



Vision Category	Focus Area	Objective Number	Objective Summary	Objective
			Villages	of our rural villages and sensitively plan for their growth.
		2		Ensure land use planning accommodates a vibrant and diverse range of activities and employment opportunities.
		9	Rural Land	Ensure the built form complements and enhances the rural environment.
		10		Plan for the preservation of rural land and its integration with urban and rural villages.
		11		Consider the viability of rural land uses in strategy and policy development.
		13	Buildings	Ensure the Shire's rural character is sensitively integrated into urban and rural villages.
		14		Encourage built form that positively contributes to streetscape amenity.
		15		Ensure that all buildings incorporate principles of environmentally sustainable design, suitable for our specific climate and location.
		16		Enable built form that accommodates a range of business and family circumstances and needs.
<b>NATURAL ENVIRONMENT</b>	<b>Landscape</b>			
		1	Safeguard	Restore and preserve the visual amenity of our landscapes.
		4		Incorporate environmental protection in land use planning.
		7	Manage	Facilitate sustainable agricultural practices.
		8		Ensure responsible animal care, control and management within the Shire.
		10		Promote and develop appropriate tourism, recreation and educational opportunities.
		11		Develop active partnerships with stakeholders.
	<b>Integrated Water Cycle Management</b>			
		16	Quantity	Promote and implement water conservation and reuse.
		18		Identify and implement opportunities for detention and storage of stormwater.
<b>PEOPLE AND COMMUNITY</b>				
	<b>Places</b>			
		29	Vibrant	Create vibrant urban and rural villages.
<b>SUSTAINABLE ECONOMIC GROWTH</b>				
	<b>Industry Development</b>			
		1	General	Attract and facilitate appropriate industrial, commercial and retail developments.
		2		Attract environmentally and socially responsible industries and support all operators to achieve more sustainable practices.
		3		Encourage value adding opportunities for local industries and resources.
		4	Agriculture	Protect and develop appropriate agricultural and horticultural industries and pursuits within the Shire
		6	Equine	Proactively advance the shire's equine industry including the range of associated



Vision Category	Focus Area	Objective Number	Objective Summary	Objective
				support businesses.
		7	Tourism	Encourage the development of tourist attractions and accommodation.
		8		Maximise the tourism and recreation potential of our natural environment.

**Community Consultation:**

The master plan was previously advertised to the community in 2009.

**Comment:**

The proposed new machinery shed, ablutions and office are consistent with the master plan that had previously gained in principle support from Council. The plans are not likely to adversely impact on local residents and are recommended for approval.

**Voting Requirements:** Simple Majority

**SD035/09/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

Moved Cr Hoyer, seconded Cr Harris

That the proposed machinery shed, ablutions and office at Lot 37 Thatcher Road, Byford be approved subject to the following conditions:

1. All existing native trees on the subject lot and adjacent road verge shall be retained and shall be protected from damage prior to and during construction unless subject to an exemption provided within Town Planning Scheme No. 2 or the specific written approval of the Shire has been obtained for tree removal either through this planning approval or separately.
2. All storm water to be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is prohibited.

**Advice Notes:**

1. A building licence is required to be issued prior to commencement of development including earthworks.
2. The shed is not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant Legislation for other types of effluent disposal systems. Please contact Council's Health Services for setbacks and requirements to other systems.

**CARRIED 9/0**

**COUNCIL DECISION**

Moved Cr Randall, seconded Cr Hoyer

That items SD036/09/11, SD037/09/11, SD038/09/11, and SD039/09/11 be carried en bloc.

**CARRIED 8/1**

**COUNCIL DECISION**

Moved Cr Brown, seconded Cr Harris

That items SD036/09/11, SD037/09/11, SD038/09/11, and SD039/09/11 are carried en bloc.

**CARRIED 9/0**

SD036/09/11 RETROSPECTIVE APPLICATION FOR STABLES - LOT 177 (21) LORD FURY COURT, DARLING DOWNS (P04754/01)		
Proponent:	E Grimshaw/MK & LA McLerie	In Brief  To approve unauthorized works at Lot 177 Lord Fury Court, Darling Downs. The current owner seeks approval for retrospective additions.
Owner:	MK & LA McLerie	
Author:	Casey Rose - Planning Assistant	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	25 August 2011	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

Date of Receipt: 5 April 2011  
 Advertised: Yes  
 Submissions: No  
 Lot Area: 1.9ha  
 L.A Zoning: Special Rural  
 MRS Zoning: Rural  
 Rural Strategy Policy Area: Residential and Stable  
 Date of Inspection: 5 August 2011

### **Background**

The subject lot was recently listed for sale and upon this land sales transaction, a request for an archive search was performed and this identified unauthorised additions which had been constructed by one of the previous three owners. Council's archived records ascertained an outbuilding was approved in 1992 and subsequently the additional lean-to on the existing stables was erected sometime in the last ten years. The lean-to is more than 50% enclosed and contributes to an overall floor area marginally greater than the 20% discretionary allowance under Local Planning Policy (LPP) 17. Under Council's draft LPP36, the proposal falls within the maximum floor area. The current owners seek approval for the unauthorised semi enclosed lean-to.

Dimensions calculated from plans indicate that 52% is enclosed and therefore the structure is an outbuilding as opposed to a lean to and permission is required. The floor area of the approved building is 122m<sup>2</sup> and the floor area of the subject building is also 122m<sup>2</sup>.

Under the LPP17 the building exceeds the permitted 20% discretionary increase in maximum floor area by 2%. However, under Draft LPP36 Non Urban Outbuildings the structure complies with the aggregate of outbuildings which is not to exceed 300m<sup>2</sup> based on performance criteria.

There is a setback variation to the east which also complies with the performance criteria of draft LPP36. Height requirements comply with both policies.

***A copy of the site, floor and elevations are with attachments marked [SD036.1/09/11](#).***

### **Sustainability Statement**

#### ***Effect on Environment:***

The existing lean-to will not impact on any nearby vegetation.

***Resource Implications:***

The existing structure has some capacity to capture storm water and reuse on gardens or deliver to stock for watering.

**Statutory Environment:** Town Planning Scheme No 2

**Policy/Work Procedure** LPP 17  
Draft LPP 36

**Implications:** There are no work procedures/policy implications directly related to this application.

**Financial Implications:** There are no financial implications to Council related to this application.

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
<b>BUILT ENVIRONMENT</b>				
	<b>Land Use Planning</b>			
		1	Rural Villages	Preserve the distinct character and lifestyle of our rural villages and sensitively plan for their growth.
		2		Ensure land use planning accommodates a vibrant and diverse range of activities and employment opportunities.
		9	Rural Land	Ensure the built form complements and enhances the rural environment.
		10		Plan for the preservation of rural land and its integration with urban and rural villages.
		11		Consider the viability of rural land uses in strategy and policy development.
		13	Buildings	Ensure the Shire's rural character is sensitively integrated into urban and rural villages.
		14		Encourage built form that positively contributes to streetscape amenity.
		15		Ensure that all buildings incorporate principles of environmentally sustainable design, suitable for our specific climate and location.
		16		Enable built form that accommodates a range of business and family circumstances and needs.
<b>NATURAL ENVIRONMENT</b>	<b>Landscape</b>			
		7	Manage	Facilitate sustainable agricultural practices.
		8		Ensure responsible animal care, control and management within the Shire.
		9		Control and manage weeds and plant diseases.
	<b>Integrated Water Cycle Management</b>			
		16	Quantity	Promote and implement water conservation and reuse.

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
		18		Identify and implement opportunities for detention and storage of stormwater.
		23		Enforce the adoption of "better urban water management".
<b>PEOPLE AND COMMUNITY</b>				
	<b>Wellbeing</b>			
		1	Healthy	Promote a wide range of opportunities to enable optimal physical and mental health.
		2		Promote a variety of recreation and leisure activities.
<b>SUSTAINABLE ECONOMIC GROWTH</b>				
		6	Equine	Proactively advance the shire's equine industry including the range of associated support businesses.

**Community Consultation:**

No objections received.

**Comment:**

The partially enclosed lean-to has been constructed of limestone materials and does not detract from the other structures on the property. The current owners seek to gain approval to ensure all buildings on the property are now authorised in accordance with Council's building and planning records. A Certificate of Unauthorised Work has been issued.

**Voting Requirements:** Simple Majority

**SD036/09/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Brown, seconded Cr Harris**

**That the retrospective application for Stables at Lot 177 Lord Fury Court, Darling Downs be approved subject to the following conditions:**

- All storm water to be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is prohibited.**

**CARRIED 9/0 EN BLOC**

SD037/09/11 PROPOSED RURAL USE (SALAD WASHING) - LOT 2 ORTON ROAD, OLDBURY (P03782/03)		
Proponent:	Troy Cukrov – Supafresh	In Brief  The application proposes a Rural Use (Salad Washing) and incidental outbuildings at Lot 2 Orton Road, Oldbury. It is recommended that the application be approved subject to conditions
Owner:	As Above	
Author:	Casey Rose - Planning Assistant	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	19 August 2011	
Previously	Nil	

Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

Date of Receipt: 12 July 2011  
 Advertised: Yes  
 Submissions: No  
 Lot Area: 10.5 ha  
 L.A Zoning: Rural / Rural Groundwater Protection  
 MRS Zoning: Rural  
 Rural Strategy Policy Area: Rural  
 Date of Inspection: August 2011

**Background**

The subject property has previously been used for a piggery and a flower nursery. The current owner has three vegetable farms in nearby Baldivis and acquired the Oldbury property to compliment and expand the salad farming business and in particular reduce the outsourcing of vegetable washing which is required prior to the packaging and delivery to metropolitan grocery suppliers.

The lettuce washing and packaging equipment comprises of large stainless steel structures including a mezzanine platform area and these structures are constructed to a set height therefore requiring minimum overhead clearance of at least 7 metres to operate. Whilst the proposed new building results in only a modest floor area of 171m<sup>2</sup>, the proposed ridge height is 7.37m in order to provide this necessary clearance for the equipment.

The applicant provides the following description of the components of the equipment:

*“The lettuce leaves comes off the wash line then go into an infeed conveyor. The infeed conveyor lifts the product to the top of the unit. The product falls off the infeed conveyor and falls onto the weigh head. The weigh head is a series of 28 small scales that the unit’s computer uses to calculate a specific weight of product.*

*The weigh head then drops the product through the bottom of the unit, through the chute and into the bagger. The bagger sits under the weight head and forms a plastic bag through a series of rollers and forming tubes. The product falls into the plastic bag from the above weigh head and the bagger then seals the bags and drops it to the bottom of the bagger.*

*Under the bagger, an outfeed conveyor catches the bag and delivers it up the conveyor onto a small packing table for packing into orders. The whole configuration sits inside a coolroom that will be built inside the new shed.*

*The infeed conveyor must sit above the weigh head which must sit above the bagger which must sit above the out feed conveyor, or the flow described above will not work. The large stainless steel mezzanine structure in the structure which allows the weigh head to be suspended above the bagger“*

The shed component of the rural use would be considered incidental to the overall development on the site and consistent with the general objectives of the Rural zone, however, the Scheme provisions do not specifically provide any assessment criteria for the development of outbuildings that fall outside the requirements of Local Planning Policy (LPP)

17 (Residential and Incidental Development within the Shire) or Draft LPP 36 Non Urban Outbuildings.

**A copy of the shed elevations, site plan and photograph of equipment is with attachments marked [SD037.1/09/11](#).**

### **Sustainability Statement**

#### ***Effect on Environment:***

##### ***Energy Use/Greenhouse Gas Emissions:***

By washing and packaging the salad vegetables on the property there is one less transport component of the process.

##### ***Use of Local, Renewable or Recycled Resources:***

As the property was previously used for floriculture, existing cool rooms and preparation areas are able to be re used with minor upgrades and inclusion of food grade equipment.

##### ***Economic Viability:***

Long term the business will be able to achieve greater self sufficiency by undertaking more steps in the growing and packaging phases and therefore reduce transporting the produce to other locations for washing processes. This also results in less handling of the produce therefore enabling the end product to potentially reach the consumer with less delay.

##### ***Economic Benefits:***

The harvesting and packaging has potential to provide local employment and support Council's vision for "food bowl" uses within our rural areas and close to metropolitan industries.

##### **Statutory Environment:**

Town Planning Scheme No 2

##### **Policy/Work Procedure**

##### **Implications:**

LPP 17  
Draft LPP 36

##### **Financial Implications:**

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

##### **Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
<b>BUILT ENVIRONMENT</b>				
	<b>Land Use Planning</b>			
		9	Rural Land	Ensure the built form complements and enhances the rural environment.
		10		Plan for the preservation of rural land and its integration with urban and rural villages.
		11		Consider the viability of rural land uses in strategy and policy development.
		12		Promote the vision of the Shire being the 'food bowl' of Perth.
		13	Buildings	Ensure the Shire's rural character is sensitively integrated into urban and rural villages.
		16		Enable built form that accommodates a range of business and family circumstances

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
				and needs.
		26	General	Facilitate the development of a variety of well planned and connected activity centres and corridors.
		27		Ensure land use planning accommodates a diverse range of lifestyle and employment opportunities and activities.
		30		Collaborate in the development of State planning proposals and lobby for the protection of Serpentine Jarrahdale's unique attributes.
		31		Encourage innovative solutions, technology and design.
	<b>Infrastructure</b>			
		52	Partnerships	Develop partnerships with the community, business, government agencies and politicians to facilitate the achievement of the Shire's vision and innovative concepts.
<b>NATURAL ENVIRONMENT</b>	<b>Landscape</b>			
		1	Safeguard	Restore and preserve the visual amenity of our landscapes.
		3		Maximise the preservation of existing trees and vegetation.
		7	Manage	Facilitate sustainable agricultural practices.
<b>SUSTAINABLE ECONOMIC GROWTH</b>				
	<b>Industry Development</b>			
		1	General	Attract and facilitate appropriate industrial, commercial and retail developments.
		2		Attract environmentally and socially responsible industries and support all operators to achieve more sustainable practices.
		3		Encourage value adding opportunities for local industries and resources.
		4	Agriculture	Protect and develop appropriate agricultural and horticultural industries and pursuits within the Shire
		12		Foster the development of industries producing renewable energy related products and services.
	<b>Industry Assistance</b>			
		21		Ensure strategy, policy development and land use planning provides increased opportunities for economic development, value adding activities and industry clusters.
		22		Protect existing and future businesses from incompatible land uses and activities.

### **Community Consultation:**

This application was referred to surrounding landowners on the basis that the proposed ridge height of 7.37m would be greater than the maximum 6.0m ridge height under LPP17.

### **Comment:**

Under Council's TPS 2, a Rural Use in the Rural Zone is a "P" (Permitted use).



## 5.10 RURAL ZONE

5.10.1 The purpose and intent of the Rural Zone is to allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme Area.

**Rural Use** - means the use of land for any of the purposes set out hereunder and shall include such buildings normally associated therewith:

- (i) the growing of vegetables, fruit, cereals, or food crops except for domestic purposes;
- (ii) the rearing or agistment of goats, sheep, cattle, or beasts of burden;
- (iii) the stabling, agistment or training of horses, or other ungulates;
- (iv) the growing of trees, plants, shrubs, or flowers for replanting in domestic, commercial or industrial gardens;
- (v) the sale of produce grown solely on the lot.

The property is 10.5 hectares comprising of 8.5 hectares Rural zoned and a small 1.6ha corner portion falling within the Rural Groundwater Protection zone. All the existing and proposed development will fall within the 8.5 hectares of Rural zone portion of the lot.

## 5.20 RURAL GROUNDWATER PROTECTION ZONE

5.20.1 The use and development of land within the Rural Groundwater Protection Zone shall be in accordance with the provisions of the Scheme and Statement of Planning Policy No. 2.3 (Jandakot Groundwater Protection Policy).

### **Statement of Planning Policy 2.3**

#### *Policy Objectives*

The objectives of the Policy are-

- to ensure that all changes to land use within the Policy Area are compatible with long-term protection and maintenance of groundwater for public supply and maintenance of associated ecosystems;
- to prevent land uses likely to result in contamination of groundwater through nutrient or contaminant export;
- to balance environmental protection with the economic viability of the existing land uses;
- to maintain or increase natural vegetation cover over the Policy Area; and
- to protect groundwater quality and quantity in the Policy Area in order to maintain the ecological integrity of important wetlands hydraulically connected to that groundwater, including wetlands outside the Policy area.

As the proposed shed would ordinarily not be assessed against a policy on outbuildings for residential and incidental development, the land use is consistent with genuine rural activities and it is recommended the salad washing pursuit and associated outbuildings be approved subject to conditions.

**Voting Requirements:** Simple Majority

### **SD037/09/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

#### **Moved Cr Brown, seconded Cr Harris**

**The proposed rural use (salad washing) and associated outbuilding on Lot 2 Orton Road, Oldbury, be approved subject to the following conditions:**

- 1. All existing native trees on the subject lot and adjacent road verge shall be retained and shall be protected from damage prior to and during construction unless subject to an exemption provided within Town Planning Scheme No. 2 or the specific written approval of the Shire has been obtained for tree removal either through this planning approval or separately.**

2. All driveway surfaces are to be constructed of a suitable material such as paving, road base, or coarse gravel to limit the generation of dust and sediments entering nearby creeks and drainage lines.
3. Where a crossover from the road to the lot has already been provided by the developer or the location of a future crossover has been designated (ie mountable kerb and opening in existing fencing exists) then vehicular access to the lot is to be via this point only.
4. All storm water and waste water to be disposed of within the property. This shall be achieved by either soakwells or spoon drains or the use of storm water retention/re-use methods such as rainwater tanks or the grading of hardstand areas to lawns and garden beds. Direct disposal of storm water onto the road, neighbouring properties, watercourses or drainage lines is not permitted.

**Advice Notes:**

1. A building licence is required to be issued prior to commencement of development including earthworks.
2. The development and shed are not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant Legislation for other types of effluent disposal systems. Please contact Council's Health Services for setbacks and requirements to other systems.

**CARRIED 9/0 EN BLOC**

SD038/09/11		PROPOSED USE NOT LISTED (FAMILY DAY CARE) – LOT 524 (2) WIROO WAY, BYFORD (P07784/02)	
Proponent:	J Dawes	In Brief  An application has been received for a proposed Family Day Care business at Lot 524 Wiroo Way, Byford. It is recommended that the application be approved.	
Owner:	J Dawes and M Vlemmix		
Author:	Casey Rose – Planning Assistant		
Senior Officer:	Brad Gleeson - Director Development Services		
Date of Report	23 August 2011		
Previously	Nil		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
<b>Delegation</b>	<b>Council</b>		

Date of Receipt: 7 July 2011  
 Advertised: Yes  
 Submissions: One  
 Lot Area: 504m<sup>2</sup>  
 L.A Zoning: Urban Development  
 MRS Zoning: Urban  
 Byford Structure Plan: Residential  
 Date of Inspection: 19 August 2011

**Background**

An application for a Home Business (Family Day Care) was received for this property. The property is situated in one of Byford's newer residential estates and is closely located to a proposed new primary school. The provision of family day care is proposed for a maximum of 7 children in accordance with the Child Care Services (Family Day Care) Regulations

2006 and will generally comprise of four children during school hours and an additional 3 children for after school care resulting in the maximum allowable numbers of 7 children.

***A copy of the location plan and aerial photograph are with attachments marked [SD038.1/09/11](#).***

**Sustainability Statement**

***Effect on Environment:*** The proposal has some potential to reduce car and transport use by way of offering a locally accessible provision for family day care to nearby residents.

***Economic Benefits:*** A home based business provides an opportunity for income to the applicant and also provides a service to the local community who are seeking family day care for their children.

***Social – Quality of Life:*** The proposal will allow for residents to place their children in family day care as an alternative care option to a child care centre. The proposal also allows for the applicant to gain employment without having to travel outside of the Shire.

***Social and Environmental Responsibility:*** The proposal will provide children the opportunity to participate in supervised care with their peers.

***Social Diversity:*** The proposal has the ability to offer personalised care for a small number of children which may benefit children who have difficulty socialising in larger commercial centres.

**Statutory Environment:**

Town Planning Scheme No.2 (TPS 2)  
Child Care Services (Family Day Care) Regulations 2006  
Community Services Act 1972

The proposed family day care centre will be operating under the Roberta Jull Family Day Care Scheme, which has stringent guidelines and requirements for family day care centres. Under this scheme, the applicant is applying for a licence to care for seven children. These numbers adequately meet the Child Care Services regulations. The applicant has specified that the operation of the family day care centre would be in accordance with the above regulations.

**Policy/Work Procedure Implications:**

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

**Financial Implications:**

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

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
BUILT ENVIRONMENT				
	Land Use Planning			
		2		Ensure land use planning accommodates a

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
				vibrant and diverse range of activities and employment opportunities.
		3	Urban Villages	Incorporate the principles of emergency management, community safety and crime prevention in new and existing developments.
		8		Ensure local structure plans have a range of attractions within a walkable distance of residential areas.
		27	General	Ensure land use planning accommodates a diverse range of lifestyle and employment opportunities and activities.
		52	Partnerships	Develop partnerships with the community, business, government agencies and politicians to facilitate the achievement of the Shire's vision and innovative concepts.
<b>PEOPLE AND COMMUNITY</b>				
	<b>Wellbeing</b>			
		1	Healthy	Promote a wide range of opportunities to enable optimal physical and mental health.
		3		Enable the provision of a range of facilities and services for families and children.
		5	Happy	Promote respect, responsibility and resilience in our community.
	<b>Relationships</b>			
		16		Encourage intergenerational interactions and activities.
		17		Create opportunities to identify and address social isolation.
		18		Identify opportunities for people to work together for their mutual benefit.
<b>SUSTAINABLE ECONOMIC GROWTH</b>				
	<b>Industry Development</b>			
		15	Education	Facilitate shire based lifelong learning and training opportunities, particularly those aligned to our local industries.
		16	Small Business and Cottage Industries	Nurture and support small business, cultural and cottage industries
	<b>Industry Assistance</b>			
		28	Incentives	Identify and implement a range of incentives that encourage and support appropriate local industry.
		29		Foster the creation of a range of business start-up and traineeship opportunities.

### **Community Consultation:**

The proposal was referred to surrounding landowners for comments. One objection was received.

Affected Property	Summary of Submission	Officer's Comment
A400104	Concerned about additional noise	Some of the children will be attending the Family Day Care predominantly to receive before and after

		school care. Additional noise from children may be limited to brief periods after/before school until they are collected by working parents
	Parking across the footpath	This would be conditioned accordingly and not supported by Council. Pick up / drop off times are likely to be staggered and it is highly unlikely to have all additional cars present at the one time. The existing driveway servicing the dwelling adequately caters for up to 4 vehicles before impeding on the footpath. Short term road parking would also be available as a function of any visiting vehicle to any residential property.
	Homes / blocks are generally too small and privacy would be impacted upon	It is a common home business activity in many newer residential estates which have the average R20 density. This proposal is generally consistent with other residential operators. Children’s activities are structured to include of combination of indoor and outdoor play.
	Backyard is not big enough for several children.	Refer to above. In addition the situation would apply to any family that have several children of their own. A combination of indoor / outdoor activities can be achieved. Nearby public open space can also provide additional outdoor play.
	Concerns about devalue of adjoining properties.	Concerns about property values is not a relevant planning consideration.
	Concerns on “24-hour” licence	This terminology is provided by the Regulations to allow for granting overnight stays. In our current society we are seeing many more shift workers or parents that commute a significant distance from home. This allows for the rare overnight stay where it would be consistent with overnight

		<p>“babysitting” and / or to cater for parents who cannot reach a commercial child care centre prior to 6pm which is when most large centres close for business. A 7pm pick up is recommended.</p>
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**Comment:**

Zoning and permitted uses

The land is zoned Residential R20 under Council’s TPS 2. Under TPS 2 a “Home Business” is defined as the following:

*“means a business, service or profession carried out in a dwelling or on land around a dwelling which:*

- a) *does not employ more than two people not members of the occupier’s household;*
- b) *will not cause injury to or adversely affect the amenity of the neighbourhood;*
- c) *does not occupy an area greater than 50m<sup>2</sup>;*
- d) *does not entail the retail sale, display or hire of any goods of any nature;*
- e) *in relation to vehicles and parking, will not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and*
- f) *does not involve the use of an essential service of greater capacity than normally required in the zone.”*

The proposal is generally consistent with the requirements for a Home Business with the exception that the floor area to be used totals more than 50m<sup>2</sup>. It would not be practical to limit child supervision and associated activities to 50m<sup>2</sup> as the children and supervisor would need to access and utilise several rooms in the dwelling such as the kitchen, bathroom and toilet facilities.

The area to be used for activities and supervision of children will be the main living areas of the dwelling

As the proposed family day care activities will use an area greater than 50m<sup>2</sup> the application must be dealt with as a ‘Use Not Listed’ in TPS 2, therefore a determination is required to be made by Council.

Clause 3.2.5 of TPS 2 states:

*“If the use of the land for a particular purpose is not specifically mentioned in the zoning table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:*

- b) *determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of Clause 6.3 in considering an application for the planning consent.”*

It is considered that this proposal addresses the general intent of a Home Business and is classified as a Use Not Listed in TPS 2, and is consistent with the objectives and purpose of the zone.



### Options for Council

There are primarily two options available to Council in consider the proposal, as follows:

1. to approve the application, with or without conditions; and
2. to refuse the application.

Should the applicant be aggrieved by a determination by Council, including a refusal determination or approval conditions, the applicant could lodge an application for review with the State Administrative Tribunal.

### Conclusion:

The applicant has undertaken the necessary requirements to satisfy Child Care Services (Family Day Care) Regulations 2006 and accordingly, if approved, this Family Day Care centre can be carried out without significant detrimental impact to surrounding landowners in the residential estate and as nearby commercial centres are generally open from 6am on weekdays this proposal is consistent with similar service providers in the community. It is recommended the proposal be approved subject to conditions.

**Voting Requirements:** Simple Majority

### **SD038/09/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Brown, seconded Cr Harris**

**The proposed Family Day Care at Lot 524 Wiroo Way, Byford be approved subject to the following conditions:**

1. The applicant is to obtain a licence to operate a “Family Day Care Centre” at Lot 524 Wiroo Way, Byford as required under the Child Care Services (Family Day Care) Regulations 2006.
2. A licence to operate as a Family Day Care Centre under the Child Care Services (Family Day Care) Regulations 2006 is to be maintained at all times during the operation of the family day care centre.
3. Operating hours are to be between 6.00am and 7.00pm only.
4. Any proposed signage on the property in relation to the Family Day Care requires written approval from the Director Development Services.
5. The use is not to cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interference, vapour, steam, soot, ash, dust, grit, oil liquid wastes or waste products or the unsightly appearance of the dwelling house or domestic outbuilding on or the land on which the business is conducted.
6. No vehicle in connection with the operation of the family day care centre is to be parked on the road verge or neighbouring properties.

#### **Advice Notes:**

1. Premises to be subject to inspection by Council’s Environmental Health Services department.
2. Development/land use to comply at all times with the Environmental Protection (Noise) Regulations 1997.
3. Compliance with Food Regulations 2009.
4. Compliance with Australian New Zealand Food Standards Code.

**CARRIED 9/0 EN BLOC**



SD039/09/11 PROPOSED USE NOT LISTED (FAMILY DAY CARE) – LOT 533 (7) FAWCETT ROAD, BYFORD (P07798/03)		
Proponent:	Renae Notis	In Brief  An application has been received for a proposed Family Day Care business at Lot 533 Fawcett Road, Byford. It is recommended that the application be approved.
Owner:	As Above	
Officer:	Gillian Leopold - Planning Support Officer	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	11 August 2011	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

Date of Receipt: 29 July 2011  
 Advertised: Yes  
 Submissions: Two  
 Lot Area: 504m<sup>2</sup>  
 L.A Zoning: Urban Development  
 MRS Zoning: Urban Deferred  
 Byford Structure Plan: Residential R20

### **Background**

An application for a Home Business (Family Day Care) was received on 29 July 2011. This report provides Council with the opportunity to make a determination on the application.

***A copy of the location, floor plan and aerial photograph are with attachments marked [SD039.1/09/11](#).***

### **Sustainability Statement**

***Resource Implications:*** The layout of the existing dwelling provides effective use of the rooms for inside play areas.

***Economic Benefits:*** A home based business provides an opportunity for income to the applicant and also provides a service to the local community who are seeking family day care for their children.

***Social – Quality of Life:*** The proposal will allow for several residents to place their children in family day care as an alternative care option in the situation when local commercially run centres may not have a vacancy. The proposal also allows for the applicant to gain employment without having to travel outside of the Shire. The residence is located within Redgum Brook Estate therefore providing a child care service close to a populated area.

***Social and Environmental Responsibility:*** The proposal will provide children the opportunity to participate in supervised care with their peers.

***Social Diversity:*** The proposal has the ability to offer personalised care for a small number of children which may benefit children who have difficulty socialising in larger commercial centres.

**Statutory Environment:**

Town Planning Scheme No.2 (TPS 2)  
Child Care Services (Family Day Care) Regulations 2006  
Community Services Act 1972

The proposed family day care centre will be operating under Roberta Jull Centres, which has stringent guidelines and requirements for family day care centres. Under Roberta Jull the applicant is applying for a licence to care for a maximum of four children for before and after school care, with provision for some school holidays. These numbers adequately meet the Child Care Services regulations. The applicant has specified that the operation of the family day care centre would be in accordance with the above regulations. As the applicant already has three (3) small children, then the number for the day care would be limited to four (4).

**Policy/Work Procedure Implications:**

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

**Financial Implications:**

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

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective	
<b>BUILT ENVIRONMENT</b>	<b>Land Use Planning</b>	2		Ensure land use planning accommodates a vibrant and diverse range of activities and employment opportunities.	
		3	Urban Villages	Incorporate the principles of emergency management, community safety and crime prevention in new and existing developments.	
	8		Ensure local structure plans have a range of attractions within a walkable distance of residential areas.		
	27	General	Ensure land use planning accommodates a diverse range of lifestyle and employment opportunities and activities.		
	52	Partnerships	Develop partnerships with the community, business, government agencies and politicians to facilitate the achievement of the Shire's vision and innovative concepts.		
	<b>PEOPLE AND COMMUNITY</b>	<b>Wellbeing</b>	1	Healthy	Promote a wide range of opportunities to enable optimal physical and mental health.
			3		Enable the provision of a range of facilities and services for families and children.
5		Happy	Promote respect, responsibility and resilience in our community.		
<b>Relationships</b>		16		Encourage intergenerational interactions	

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
				and activities.
		17		Create opportunities to identify and address social isolation.
		18		Identify opportunities for people to work together for their mutual benefit.
	<b>Places</b>			
		29	Vibrant	Create vibrant urban and rural villages.
		33		Plan and facilitate the provision of a range of facilities and services that meet community needs
<b>SUSTAINABLE ECONOMIC GROWTH</b>				
	<b>Industry Development</b>			
		15	Education	Facilitate shire based lifelong learning and training opportunities, particularly those aligned to our local industries.
		16	Small Business and Cottage Industries	Nurture and support small business, cultural and cottage industries
	<b>Industry Assistance</b>			
		28	Incentives	Identify and implement a range of incentives that encourage and support appropriate local industry.
		29		Foster the creation of a range of business start-up and traineeship opportunities.

### Community Consultation:

The proposal was referred to several surrounding landowners for comments. Two submissions were received.

Affected Property	Summary of Submissions	Officer's Comment
A400108	<p>Concerns over noise as the applicant has a large dog that constantly barks and three small children already.</p> <p>Restrictive covenants within Redgum Brook state that landowners may run a business that is "quiet and unobtrusive".</p> <p>The increase in the already significant amount of vehicles attending Lot 533 Fawcett Road which has caused congestion with vehicles parking on neighbouring verges and restricting driveways.</p> <p>Fawcett Road already has a high volume of traffic as it is</p>	<p>Noted. Complaints about dog noise are a separate matter to this application. The relevant legislation for this business includes rules about dogs.</p> <p>TPS 2 allows Council to consider the matter. The proposed business is likely to be quiet.</p> <p>Noted. Conditions would apply to parking associated with the business.</p> <p>Noted.</p>

	<p>used as a thoroughfare for other estate residents.</p> <p>Devaluation of property.</p> <p>Sufficient day care centres within the Shire and in Armadale with vacancies.</p>	<p>Not a planning concern.</p> <p>It is considered that there is strong need for Family Day Care facilities in the Shire.</p>
A400106	<p>Fear that the house will be devalued.</p> <p>Vehicles parking on the verge already picking up children.</p> <p>Large barking dog.</p> <p>Plenty of day care facilities already within the Shire and in Armadale with vacancies.</p>	<p>Not a planning concern</p> <p>Noted. Staff are unable to prove if the applicant is already operating.</p> <p>Refer comments above.</p> <p>Refer comments above.</p>

**Comment:****Zoning and permitted uses**

The land is zoned Residential R20 under Council's TPS 2. Under TPS 2 a "Home Business" is defined as the following:

*"means a business, service or profession carried out in a dwelling or on land around a dwelling which:*

- a) *does not employ more than two people not members of the occupier's household;*
- b) *will not cause injury to or adversely affect the amenity of the neighbourhood;*
- c) *does not occupy an area greater than 50m<sup>2</sup>;*
- d) *does not entail the retail sale, display or hire of any goods of any nature;*
- e) *in relation to vehicles and parking, will not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and*
- f) *does not involve the use of an essential service of greater capacity than normally required in the zone."*

The proposal is generally consistent with the requirements for a Home Business with the exception that the floor area to be used totals more than 50m<sup>2</sup>. It would not be practical to limit child supervision and associated activities to 50m<sup>2</sup> as the children and supervisor would need to access and utilise several rooms in the dwelling such as the study, living / dining, kitchen, bathroom and toilet facilities.

The area to be used for activities and supervision of children will be the main living areas of the dwelling which include the kitchen, living and dining area. The kitchen adjoins the main living areas and will be used for the food preparation for the children's meals. The toilet will also be available for use by the children. The children will be given supervised access to the lawn area at the rear of the residential lot to allow for outdoor activities.

As the proposed family day care activities will use an area greater than 50m<sup>2</sup> the application must be dealt with as a 'Use Not Listed', therefore a determination is required to be made by Council.

Clause 3.2.5 of the Scheme states:

*"If the use of the land for a particular purpose is not specifically mentioned in the zoning table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:*

*b) determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of Clause 6.3 in considering an application for the planning consent."*

It is considered that this proposal addresses the general intent of a Home Business and is classified as a Use Not Listed in TPS 2, and is consistent with the objectives and purpose of the zone.

#### Options for Council

There are primarily two options available to Council in consider the proposal, as follows:

1. to approve the application, with or without conditions; and
2. to refuse the application.

Should the applicant be aggrieved by a determination by Council, including a refusal determination or approval conditions, the applicant could lodge an application for review with the State Administrative Tribunal.

#### Conclusion:

The applicant has undertaken the necessary requirements to satisfy Child Care Services (Family Day Care) Regulations 2006. If approved, this Family Day Care centre can be carried out without detrimental impact to surrounding landowners in the residential estate and as nearby commercial centres are generally open from 6am on weekdays this proposal is consistent with similar service providers in the community. It is recommended the proposal be approved subject to conditions.

**Voting Requirements:** Simple Majority

#### **SD039/09/11 COUNCIL DECISION/Committee/Officer Recommended Resolution**

**Moved Cr Brown, seconded Cr Harris**

**The proposed Family Day Care at Lot 533 (7) Fawcett Road, Byford be approved subject to the following conditions:**

1. **The applicant is to obtain a licence to operate a "Family Day Care Centre" from Lot 553 (7) Fawcett Road, Byford as required under the Child Care Services (Family Day Care) Regulations 2006.**
2. **A licence to operate as a Family Day Care Centre under the Child Care Services (Family Day Care) Regulations 2006 is to be maintained at all times during the operation of the family day care centre.**
3. **Operating hours are to be between 6.00am and 7.00pm only.**
4. **Any proposed signage on the property in relation to the Family Day Care requires written approval from the Director Development Services.**
5. **The use is not to cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration,**

electrical interference, vapour, steam, soot, ash, dust, grit, oil liquid wastes or waste products or the unsightly appearance of the dwelling house or domestic outbuilding on or the land on which the business is conducted.

6. No vehicle in connection with the operation of the family day care centre is to be parked on the road verge.

**Advice Notes:**

1. Premises may be subject to inspection by Council's Environmental Health Services department.
2. Development/land use to comply at all times with the Environmental Protection (Noise) Regulations 1997.
3. Compliance with Food Regulations 2009.
4. Compliance with Australian New Zealand Food Standards Code.

**CARRIED 9/0 EN BLOC**

SD040/09/11 PROPOSED OVERSIZE AND OVERHEIGHT OUTBUILDING WITH LEAN - TO (SHED) – LOT 300 (224) GOSSAGE ROAD, OLDBURY (P06091/02)		
Proponent:	L Eckett / B Ernestine	In Brief  Application for the construction of overheight and oversize outbuilding (shed). Approval subject to conditions is recommended.
Owner:	As Above	
Author:	Helen Maruta - Planning Officer	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	24 August 2011	
Previously	None	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

Date of Receipt: 14 February 2011  
 Advertised: Yes  
 Submissions: No  
 Lot Area: 16.93 ha  
 L.A Zoning: Rural, Public Open Space  
 MRS Zoning: Rural  
 Use Class & Permissibility: Single Residence – incidental development (P use)  
 Rural Strategy Policy Area: Rural  
 Date of site visit: 24 March 2011

**Background**

An application was received for the construction of an oversize and overheight shed with a lean-to. The proposed shed is to be approximately 423m<sup>2</sup> (19.6m x 21.6m) in total enclosed floor area with a lean-to of approximately 71m<sup>2</sup> (being 7.2m x 9.8m). The shed is proposed to have a wall height of 6.49m and a ridge height of 7.9m and to be constructed entirely out of colourbond.

The subject land contains an existing dwelling, water tank and a shed. The applicant provided information that part of the existing shed was previously used as temporary accommodation during construction of the dwelling. As such, it was designed to be habitable and converting it to a storage shed is not easily achievable due to its design and the costs involved.



This report provides Council with the opportunity to determine the application.

***The location plan, an aerial photo, site and elevation plan and a schedule of materials and finishes are with attachments marked [SD040.1/09/11](#).***

### **Variations requested**

1. Construction of an overheight outbuilding with a wall height of 6.49m exceeding the 5.0m wall height limit acceptable for outbuilding height for the Rural zone, prescribed in Council's LPP17.
2. Construction of an overheight outbuilding with a roof height of 7.9m exceeding the 7.0m roof height limit acceptable for outbuilding height for the Rural zone, prescribed in Council's LPP17
3. Construction of an oversize shed (432m<sup>2</sup>) which would result in a total combined floor area of outbuildings measuring 623m<sup>2</sup>, being 23m<sup>2</sup> greater than the 600m<sup>2</sup> acceptable outbuilding combined total floor area for the Rural Zone, prescribed in the LPP17.

### **Sustainability Statement – Outbuildings**

<b>Sustainable Element</b>	<b>Comment</b>
Is there remnant native vegetation on site or adjoining verge?	The subject lot does not contain remnant native vegetation.
Is remnant native vegetation to be retained or removed as a result of this proposal?	No vegetation is to be removed.
Is additional vegetation required to screen or ameliorate the bulk of the proposed development?	Yes. The subject land does not contain much vegetation at all and if this shed were to be approved it would be visibly intrusive from Gossage Road and possibly from Kargotich Road. If the shed were to be approved it would be a requirement to impose a condition relating to screening and the colour of the shed.
Will the requested variation have an adverse effect on streetscape or the character and amenity of the locality?	The proposal will be highly visible from the street and it is anticipated that vegetation screening would reasonably ameliorate its bulk and scale including reducing the adverse visual impacts.
Will the requested variation have an adverse effect on visual amenity of neighbouring properties due to bulk and scale, appearance or materials?	No. The general character of the locality comprise of similar structures in terms of scale and appearance. It is anticipated that the proposal will not result in any adverse effect on visual amenity of neighbouring properties.
Does the proposal include the capture and re-use of stormwater from the roof of the proposed building and/or diversion of stormwater from hardstand areas to landscaped areas?	Yes. There is an existing rainwater tank with a capacity of 135000 litres and a proposal for an additional one of the same capacity. The two water tanks are considered to have adequate capacity to capture and store additional storm water runoff from the roof of the stables.

### **Statutory Environment:**

Planning and Development Act 2005



Town Planning Scheme No. 2 (TPS 2)  
Serpentine Jarrahdale Rural Strategy 1994

The subject land is partly designated as a ‘local reserve’ under the provisions of TPS 2. Based on the information currently available, the designation ‘local reserve’ would appear to be an anomaly that will need to be considered as part of the Shire’s preparation of a new town planning scheme in the future. From a search of property records Lot 300 was created in 2004, in part from former Lot 243, which in turn was created as part of the original Peel Estate. There is no information available to indicate that the land is required as a reserve for open space under the provisions of TPS 2.

**A copy of the relevant deposited plans are with attachments marked [SD040.2/09/11](#).**

Clauses 2.2 and 2.3 of TPS 2 provide guidance in this instance, as follows:

**“2.2 LOCAL AUTHORITY SCHEME RESERVES**

*The lands shown as Local Authority Scheme Reserves on the Scheme Map, hereinafter called ‘Local Reserves’ are lands reserved under the Scheme for the purposes shown on the Scheme Map.*

**2.3 MATTERS TO BE CONSIDERED BY COUNCIL**

*Where an application for planning consent is made with respect to land within a local reserve, the Council shall have regard to the ultimate purpose intended for the reserve and the Council shall, in the case of land reserved for the purposes of a public authority, confer with that authority before granting its consent.”*

In accordance with the above provisions, there is the ability for Council to consider the merits of the current proposal, provided that Council (a) considers the ultimate purposes intended for the reserve and (b) consults with any relevant authority. As there is no apparent reason for the reserve designation and nor has the land been ceded to the crown and vested in a public authority, it is considered appropriate to assess the application against the predominant rural zoning for the area.

**Policy/Work Procedure**

**Implications:**

LPP17 Residential and Incidental Development  
Draft LPP36 Non-Urban Outbuildings

**Financial Implications:**

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

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
<b>NATURAL ENVIRONMENT</b>				
	<b>Landscape</b>			
		1	Safeguard	Restore and preserve the visual amenity of our landscapes.
		3		Maximise the preservation of existing trees and vegetation.
		4		Incorporate environmental protection in land use planning.
		6		Establish increased levels of natural vegetation in urban and rural environments.
		7	Manage	Facilitate sustainable agricultural practices.

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
	<b>Integrated Water Cycle Management</b>			
		16	Quantity	Promote and implement water conservation and reuse.
		18		Identify and implement opportunities for detention and storage of stormwater.
<b>BUILT ENVIRONMENT</b>				
	<b>Land Use Planning</b>			
		1	Rural Villages	Preserve the distinct character and lifestyle of our rural villages and sensitively plan for their growth.
		13	Buildings	Ensure the Shire's rural character is sensitively integrated into urban and rural villages.
		14		Encourage built form that positively contributes to streetscape amenity.
		15		Ensure that all buildings incorporate principles of environmentally sustainable design, suitable for our specific climate and location.
		16		Enable built form that accommodates a range of business and family circumstances and needs.

### **Community Consultation:**

The application was referred to adjoining landowners for a period of 21 days in accordance with the requirements set out in TPS 2. During the advertising period no submissions was received.

### **Planning Assessment:**

#### **Town Planning Scheme Requirements**

Extract from TPS 2 objectives for Rural zones

#### **5.10 Rural Zone**

*5.10.1 The purpose and intent of the Rural Zone is to allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme Area.*

The proposed oversize and overheight shed is to be constructed on a block with an area of nearly 17.0 hectares and is intended for the storage of farming implements and equipment, among other private plant and machinery including private cars. The use of the shed can be considered to be in support of rural pursuits prescribed in a rural zone.

#### **Policy Requirements**

Policy: LPP17 Residential and Incidental Development

Policy Requirement	Required	Proposed	Comments (Complies/Variation Supported/Condition Required)
Setbacks Primary Street Rear Side	Minimum 20 metres 20 metres 10 metres	77 metres 350 metres 130 metres	Complies Complies Complies
Floor Area (combined total floor area of all outbuildings)	Max. 500m <sup>2</sup>	623m <sup>2</sup>	Variation - The proposal is considered to have sufficient merit, having had regard to the size of the lot being close to 17 hectares and previous planning decisions in the same locality.

			<p>It is envisaged that if the current proposal were approved, it would not create any precedent because of the factors peculiar to the proposal and the fact that the general locality comprises of similar sheds which are used for various rural pursuits including grazing, equestrian activities and market gardens.</p> <p>The proposed location of the shed, in relation to other buildings on the lot, will result in a cluster of buildings forming together.</p> <p>Guided by the Shire adopted LPP's and the need to be consistent in our planning decisions so as to promote and control the orderly development of land, a maximum size of 600m<sup>2</sup> is therefore recommended.</p>
Wall Height	Max. 5.0 metres	6.49 metres	<p>Variation – not supported see comments below.</p> <p>The wall height to be reduced to a maximum of 6.0 metres</p>
Roof Height	Max. 6.0 metres	7.9 metres	<p>Variation – not supported as Officers are of the opinion that approval of the proposed height, which is outside the 20% variation allowable under LPP17 is likely to create an undesirable precedent (among other factors) including the farming operations being not of sufficient scale to justify such a height.</p> <p>It is therefore recommended that the apex height be reduced to a maximum of 7.0 metres.</p>

LPP36

LPP 36 provides guidance for the construction of outbuildings within the Rural zone area. It outlines the acceptable and unacceptable criteria as well as a performance based criteria that apply to these zones.

In accordance with this policy, the proposal is deemed a non-compliant application as it purposefully departs from the 'Acceptable Development' provisions outlined in Table1.of LPP36 (Floor Area/setback/Height– Outbuilding Assessment and Approval Requirements) with the exception of minimum setbacks. Clause 6.6 of LPP36 states that, applications that do not comply with either the Acceptable or Performance based criteria in this policy of this nature will only be supported by Council where it can be demonstrated that exceptional circumstances prevail, and will only be considered upon submission of written justification and payment of relevant fees.

The applicant provided the following information regarding the justification of the shed being over height and oversize:

- *I intend to retire this year and work on the above property. My partner and I have plans to develop the property with the addition of more trees and to improve the*

grazing for animals, we therefore anticipate sourcing and procuring more farm equipment & machinery.

- *I have been a Contractor in the mining industry for the past 45yrs and during this time have also accumulated private equipment, along with a rather large collection of motor cars, plant & machinery of which I do not anticipate parting with and all of which have always been kept locked away and undercover. All of these items eventually deteriorate if left out in the weather and I wish to continue to protect my belongings and assets as they have always been looked after. I will therefore require a shed capable of securely housing all of my belongings out of the weather.*
- *Items to be stored include private cars, 26ft Boat & Trailer, 14ft Boat & Trailer, 25ft Caravan, loader, two tractors, various mowers and small trucks including one for fire fighting.*
- *The existing shed on the property of some 200m<sup>2</sup> was previously utilised as a granny flat and therefore only approx 40m<sup>2</sup> can be utilised for storage. We presently have tools, garden equipment and household storage shelved in this area currently to its maximum capacity. Given the existence of its present form of construction/layout we believe it cannot be utilised as storage shed without major modifications and extensive costs to it. We are unable to access the vast majority of this area to store any plant, equipment or machinery and under these circumstances we believe we are potentially losing 160m<sup>2</sup> from this building which is now considered redundant for use as a shed.*
- *Water System Efficiency - Improvement to water system efficiency - the new roof area will benefit us by effectively creating another water catchment area that we can utilise and thus increasing our level of water storage to sustain our future personal and farming water requirements.*
- *Security - We believe it is better insurance to go to the expense of securing all of our equipment rather than risk the damage, loss/theft and the frustration and drama that goes hand in hand ensuing a burglary. It inevitably has a devastating impact and is better avoided if possible.*
- *Aesthetics & Impact on the Environment - The shed will be in modern in design and colour to suit the property and its surrounds. We intend for it to not look out of place and it will not have a negative impact on the environment. Since all equipment & machinery will be stored out of sight this can only have a positive impact on the environment.*

### Comment

Under the Shire's Rural Strategy the land falls within the Rural Policy Area which significantly protects the rural lifestyle of agricultural production without necessarily overriding objectives in the use and development of land. The construction of a shed for the purposes of storing farming materials and equipment including other private equipment is considered to be consistent with the general locality comprising rural zoned properties used for a variety of rural pursuits including grazing, equestrian activities, market gardens and rural lifestyle lots.

Given the size of the property, officers are of the view that it is reasonable to allow larger blocks to potentially be suitable for outbuildings with a larger floor area. The proposed location of the shed, in relation to other buildings on the lot, will result in a cluster of buildings forming together.

### Options for Council

There are a number of options available to Council in determining the application, namely:

- (1) to approve the application, subject to conditions; or
- (2) to refuse the application.

Should the applicant be aggrieved by a determination by Council, including a refusal determination or approval conditions, the applicant could lodge an application for review with the State Administrative Tribunal.

### Conclusion

Council needs to have regard to the merits of the particular proposal, the provisions of LPP 17 and draft LPP36 and the potential impact on the amenity and character of the area. On balance, it is recommended that the proposed development be approved subject to significant screening to be undertaken to the southern and eastern side of the proposed outbuilding. It is considered reasonable to support the variation as officers have considered that the shed will not adversely affect the amenity of neighbouring lots and the general amenity of the locality given the size of the property. The size of the proposed shed is comparative to other existing sheds in rural properties. It is recommended that the application be conditionally approved.

**Voting Requirements:** Simple Majority

*Director Corporate Services left the room at 7.48pm and returned at 7.51pm*

### **SD040/09/11 Committee/Officer Recommended Resolution:**

#### **Moved Cr Geurds, seconded Cr Randall**

**That the application for approval to commence development for oversize and overhead shed on Lot 300 (224) Gossage Road, Oakford be approved subject to the following conditions:**

- 1. The maximum combined total floor area of all enclosed outbuildings to be reduced to a maximum of 600m<sup>2</sup>.**
- 2. The wall height of the shed to be reduced to a maximum of 6 metres.**
- 3. The roof height of the shed to be reduced to a maximum of 7 metres**
- 4. All storm water to be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is prohibited.**
- 5. A Landscape and Vegetation Management Plan shall be submitted for Shire approval prior to the issue of a building licence. Once approved, the Landscape and Vegetation Management Plan is to be implemented in its entirety by 30 September 2012 and thereafter maintained to the satisfaction of the Director Strategic Community Planning.**

#### **Advice Notes:**

- 1. A building licence is required to be issued prior to the commencement of development including earthworks.**
- 2. The shed is not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant legislation.**
- 3. The shed is not to be used for any commercial or industrial purpose (including transport depot and earth moving business), unless the written approval of the Shire has first been obtained.**

**LOST 6/3**

Cr Hoyer foreshadowed a new motion to delete points 1, 2 and 3 if the motion under debate is defeated.

*Director Corporate Services left the room at 7.59pm and returned at 7.59pm*  
*Cr Geurds left the room at 8.03pm and returned at 8.04pm*

**SD040/09/11 NEW MOTION:**

Moved Cr Hoyer, seconded Cr Brown

That the application for approval to commence development for oversize and overheight shed on Lot 300 (224) Gossage Road, Oakford be approved subject to the following conditions:

1. All storm water to be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is prohibited.
2. A Landscape and Vegetation Management Plan shall be submitted for Shire approval prior to the issue of a building licence. Once approved, the Landscape and Vegetation Management Plan is to be implemented in its entirety by 30 September 2012 and thereafter maintained to the satisfaction of the Director Strategic Community Planning.
3. A schedule of material and colours shall be submitted for approval by the Director Development Services to ensure the outbuilding blends in with the surrounding landscape.

**Advice Notes:**

1. A building licence is required to be issued prior to the commencement of development including earthworks.
2. The shed is not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant legislation.
3. The shed is not to be used for any commercial or industrial purpose (including transport depot and earth moving business), unless the written approval of the Shire has first been obtained.

Cr Brown withdrew as seconder of the motion as she did not agree with the addition of condition 3.

**SD040/09/11 COUNCIL DECISION/NEW MOTION:**

Moved Cr Hoyer, seconded Cr Lowry

That the application for approval to commence development for oversize and overheight shed on Lot 300 (224) Gossage Road, Oakford be approved subject to the following conditions:

1. All storm water to be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is prohibited.
2. A Landscape and Vegetation Management Plan shall be submitted for Shire approval prior to the issue of a building licence. Once approved, the Landscape and Vegetation Management Plan is to be implemented in its entirety by 30 September 2012 and thereafter maintained to the satisfaction of the Director Strategic Community Planning.
3. A schedule of material and colours shall be submitted for approval by the Director Development Services to ensure the outbuilding blends in with the surrounding landscape.



**Advice Notes:**

1. A building licence is required to be issued prior to the commencement of development including earthworks.
2. The shed is not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant legislation.
3. The shed is not to be used for any commercial or industrial purpose (including transport depot and earth moving business), unless the written approval of the Shire has first been obtained.

**CARRIED 7/2**

**COUNCIL DECISION**

Moved Cr Brown, seconded Cr Harris  
That items SD041/09/11 and SD042/09/11 be carried en bloc.

**CARRIED 8/1**

**COUNCIL DECISION**

Moved Cr Brown, seconded Cr Hoyer  
That items SD036/09/11, SD037/09/11, SD038/09/11, and SD039/09/11 are carried en bloc.

**CARRIED 9/0**

SD041/09/11 PROPOSED OVERSIZE STABLES AND KEEPING OF HORSES - LOT 802 (25) NORTHERLY LANE, OAKFORD (P06048/02)		
Proponent:	G Braithwaite & S Walmsley	In Brief  Planning permission is sought for the construction of an oversize stable building and the keeping of 4 horses. The application is recommended for approval subject to conditions.
Owner:	Mayday Enterprises Pty Ltd	
Author:	Louise Hughes - Senior Planner	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	25 August 2011	
Previously	Not applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt:	16 June 2011
Advertised:	14 July 2011
Lot Area:	2ha
L.A Zoning:	Rural Living A
MRS Zoning:	Rural
Use Class and Permissibility:	Rural Use - discretionary
Rural Strategy Policy Area:	Rural Living A
Date of Inspection:	28 July 2011

**Background**

A planning application was submitted for the construction of stables and keeping of 4 horses. The site currently comprises a single dwelling and ancillary outbuilding (108m<sup>2</sup>). The site is low lying, situated to the west of Northerly Lane and the house and outbuilding are oriented



in a north / south direction with the bulk of the land to the west and south of the dwelling. The neighbouring properties are on similar size lots and configured in a similar way.

The proposed use of the land will be for the keeping of 4 horses for the applicant's private use. The stable building is consistent in size and materials with other similar structures in the vicinity and is considered to be an appropriate size for the keeping of 4 horses. The provision of a stable building will also contribute positively to the management of the land and ensuring that the potential for any negative environmental impacts are kept to a minimum. The site is within a low lying, flat landscape with the potential to be waterlogged and inundated in the winter.

**A copy of the site location plans, elevations and management plan is with attachments marked [SD041.1/09/11](#).**

### **Sustainability Statement**

**Resource Implications:** The site is not affected by an environmentally sensitive area or a Bush Forever site. However the low lying nature of the site does mean it is likely to be waterlogged and inundated in the winter – the potential for nutrient loss is therefore considered to be high. The proposal includes the use of stormwater tanks from the new building. There is little vegetation on the site to protect biodiversity or to assist with the prevention of nutrient leaching.

**Effect on Environment:** The planning application is accompanied by a management plan which details measures to minimize the effect on the environment including planting of native trees, dust management, storm water management and paddock management.

**Social – Quality of Life:** Whilst the keeping of horses has the potential to have an impact on adjoining landowners through such issues as odour and dust, the management plan has identified these issues and introduced measures to minimise their impact.

### **Statutory Environment:**

Planning and Development Act 2005  
Town Planning Scheme No. 2 (TPS 2)  
Serpentine Jarrahdale Rural Strategy  
Rural Strategy (Drainage and Nutrient Management Guidelines)

### **Policy/Work Procedure**

#### **Implications:**

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

### **Financial Implications:**

If the application is refused or the landowner is aggrieved by any of the conditions imposed on an approval, an application for review may be lodged with the State Administration Tribunal; there may be financial implications for Council.

### **Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
BUILT ENVIRONMENT				
	Land Use Planning			
		2		Ensure land use planning accommodates

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
				a vibrant and diverse range of activities and employment opportunities.
		9	Rural Land	Ensure the built form complements and enhances the rural environment.
		15		Ensure that all buildings incorporate principles of environmentally sustainable design, suitable for our specific climate and location.
		16		Enable built form that accommodates a range of business and family circumstances and needs.
		20	Landscape	Prioritise the preservation of landscape, landform and natural systems through the land development process.
		23		Protect the landscape and environmental values of natural reserves and areas from the impacts of development.
<b>NATURAL ENVIRONMENT</b>	<b>Landscape</b>			
		1	Safeguard	Restore and preserve the visual amenity of our landscapes.
		3		Maximise the preservation of existing trees and vegetation.
		6		Establish increased levels of natural vegetation in urban and rural environments.
		7	Manage	Facilitate sustainable agricultural practices.
		8		Ensure responsible animal care, control and management within the Shire.
		9		Control and manage weeds and plant diseases.
	<b>Integrated Water Cycle Management</b>			
		18		Identify and implement opportunities for detention and storage of stormwater.
		24	Natural systems	Understand the behaviour of natural flood systems in land use planning and engineering design to ensure safe communities.

### **Community Consultation:**

No submissions received.

### **Comment:**

#### Keeping of horses

The applicant is seeking permission to keep 4 horses on a 2ha lot. In terms of TPS2 this is deemed to be a rural use which can be supported subject to advertising and at the discretion of the Council having regard to the potential environmental impacts.

The main environmental issues relate to the protection of any remaining vegetation and associated fauna and minimizing the potential for nutrient leaching. The property has soil type Pinjarra P1d phase - shallow pale sand to sandy loam over clay; imperfect to poorly drained and moderately susceptible to salinity. This area is classified as SR5 having Semi-wet soils (plus swamps and drains SR5.1 and Salty areas SR5.2) there is a high potential for nutrient loss – particularly phosphorous. At the date of inspection the property was waterlogged – surface water flows onto the property with no evident drainage capacity to remove it.

### **Officer's comment**

The poor drainage witnessed at the time of the site inspection is an issue which will need to be addressed in order to minimize the loss of nutrients through run off and mitigate the potential for increased salinity due to repeated evaporation of standing water.

The planting of native species can have a positive impact on the amount of water retained on the land and also on the biodiversity on the property and may also assist in the control of salinity and erosion. The management plan indicates native planting will be undertaken, but in the event that the application is approved, it is recommended that an appropriate condition is imposed to require the submission of a landscaping plan for approval and implementation.

Maintaining grass cover of at least 70% will assist with the reduction of erosion and associated dust problems. The stocking rate calculation indicates that in this location 5 horses can be kept on the land providing they are stabled for 8 hours of the day. The applicant is seeking permission for 4 horses which will be stabled every night. In view of the above it is considered that the application for 4 horses is appropriate.

The low lying nature of the land and tendency towards water logging require an appropriate drainage plan to be approved and implemented. In the management plan the applicant makes reference to not having experienced a winter at the property because it is newly purchased and that in the event drainage is a problem a dam will be constructed. It is evident from the site inspection and from the information available that water retention is going to be an issue. It is proposed that a condition be imposed to request the submission, approval and implementation of a drainage scheme.

Stable building

The applicant is seeking permission for the construction of a stable building which will be located to the south west of the dwelling house and will provide accommodation for 4 horses and the associated storage requirements. The breezeway will have a concrete floor and the stable elements will have a limestone floor with sand bedding which is considered appropriate in terms of horse management and minimizing the potential for nutrient seepage into the ground.

The size of the building is considered appropriate for the number of horses and in terms of its context within the site. It is a conventional design and it is not considered that visually it will have a significant detrimental impact on the adjoining landowners, none of whom have has responded to the proposal when consulted. The cumulative total floor area for the proposed building and existing outbuilding exceeds that permitted by Draft LPP36 – Non Urban Outbuildings as follows:

Total permitted floor area	Total requested floor area
180m <sup>2</sup>	264m <sup>2</sup>

The proposed floor area exceeds that permitted by the policy by 84m<sup>2</sup>. This is considered acceptable for the following reasons:

- The stable building is appropriate for the requirements of stabling the number of horses which are permitted by the stocking rates;
- The location is appropriate in terms of the impact on the subject and adjoining properties;
- The materials are in keeping with similar buildings in the locality and are sympathetic to its environment;
- The requirement for an outbuilding in connection with the residential use of the land and a second one for the keeping of horses is considered acceptable on this size of property;

- The proposed stable building will contribute positively to the welfare of the horses and the management of the land; and
- The proposed stable building includes the provision of rainwater tanks which is consistent with the requirements of the TPS 2, LPP 36 and the Rural Strategy.

#### Paddock layout

The applicant is seeking to create a number of paddocks within the lot as identified in the site layout plan. The paddocks will include a shade structure for the welfare of the horses and there will also be firebreaks installed around the perimeter of the property.

#### Arena

The applicant is proposing an arena to facilitate exercising horses which will be topped with river sand and irrigated for dust management. The provision of an arena is considered to be acceptable in terms of horse management and can also provide a suitable exercise area in the event that the paddocks cannot be utilised during periods of heavy rainfall. However it will need to be considered as part of the drainage management plan to assess its impact on the ability for the land to drain.

#### **Conclusion**

The proposed development has been assessed against the relevant provisions of TPS 2 and relevant LPPs. Whilst there are some issues which have not been satisfactorily addressed as part of the management plan, they have nevertheless been identified by the document and it is considered that the submission of further detailed plans for assessment and implementation of the approved plans will mitigate any potential issues. On balance it is considered that the application can be approved subject to conditions.

**Voting Requirements:** Simple Majority

#### **SD041/09/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

##### **Moved Cr Brown, seconded Cr Hoyer**

**That the proposed application for the keeping of four horses and an oversize stable building at Lot 802 (25) Northerly Lane, Oakford be approved subject to the following conditions.**

- 1. Horses shall not be kept in paddocks where there is less than 95% of pasture cover.**
- 2. An adequate water supply must be installed and utilised for the provision of irrigation to the pasture. If groundwater is unavailable then an alternative source such as rainwater tanks must be used to provide irrigation to the paddocks.**
- 3. Horses are to be kept and land managed in accordance with the management plan attached to and forming part of this approval.**
- 4. The stables are not to be located within 15 metres of a dwelling and horses must not be permanently yarded within 15 metres of a dwelling.**
- 5. A maximum of 4 horses are permitted to be kept on the subject property unless further written approval is granted by Council.**
- 6. Stock is to be kept out of any paddock that is partially or completely inundated with water.**
- 7. All chemicals associated with the care of the land and stock are to be stored as to eliminate the possibility of spillage onto permeable surfaces.**
- 8. All existing drainage lines and areas are to be fenced off from stock.**
- 9. All fencing shall be of post and rail or post and wire unless otherwise approved by the Shire.**

10. Flooring of the stables and holding yards to be in accordance with the management plan to prevent nutrients leaching into the soil.
11. Disposal of hard and liquid wastes is to be in accordance with Health Local Law 1999 – Part 6, Division 2 – ‘Keeping of Large Animals’ (attached).
12. All trees are to be fenced off from stock.
13. Any revegetation works are to be fenced to prevent access by stock.
14. No direct discharge of stormwater into watercourses or drainage lines.
15. All stormwater runoff from roofs and hardstand areas to be disposed of on-site.
16. Prior to the commencement of works on site a water management plan shall be submitted and approved to the satisfaction of the Director of Engineering. The approved plan shall be implemented in full as part of the approved development.
17. Prior to the commencement of works on site a landscaping plan shall be submitted and approved to the satisfaction of the Director Strategic Community Planning. The approved plan shall be implemented in full by 30 September 2012 as part of the approved development.

**CARRIED 9/0 EN BLOC**

SD042/09/11 PROPOSED OVERSIZE RURAL STABLE – LOT 13 (831) HOPKINSON ROAD, CARDUP (P03347/02)		
Proponent:	Daly and Shaw Building P/L	In Brief  The applicant seeks planning approval for an oversize rural outbuilding as stables, associated store rooms, wash bay and float parking. It is recommended that the application be approved subject to conditions.
Owner:	P and F Cooke	
Author:	Louise Hughes – Senior Planner	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	17 August 2011	
Previously	N/A	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

Date of Receipt:	23 June 2011
Advertised:	Yes
Submissions:	No
Lot Area:	4.0 hectares
L.A Zoning:	Special Rural
MRS Zoning:	Rural
Date of Inspection:	13 July 2011
Use Class & Permissibility	Rural Use - AA
Rural Strategy Policy Area:	Rural Living ‘B’

### **Background**

An application has been submitted for the construction of a stable block and agistment of eight horses. The proposed building comprises the following:

- 8 stables;
- 2 stalls for veterinary inspections;

- Rug store;
- Feed store;
- Lunch room/toilet;
- Wash bay; and
- General store.

The lot has an east west orientation with the existing dwelling located at the eastern side of the lot. There is a general purpose storage building to the north west of the dwelling (approximately 128m<sup>2</sup>) which is used for the storage of equipment used in the maintenance of the land including a tractor and associated equipment. There are eight paddocks which lie between the dwelling and Hopkinson Road, each of which has an open fronted shelter to provide shade for horses during the day.

The subject land rises eastwards and a watercourse runs in a southeast / northwest direction to the north outside the subject site within 200 metres of the property. The landowner has a significant amount of experience in the horse industry and the horse management plan submitted to the Shire addresses issues in relation to pasture management and removal of manure from pasture to minimise soil erosion, water pollution and damage to vegetation.

### **Proposal**

The proposed development has the following elements:

- Keeping of up to 8 horses and 2 ponies on the land; and
- Construction of a stable building comprising the accommodation already detailed.

The applicant's business is the provision of agistment on a short term basis to racehorses who require rest and care due to illness, injury, post operative care or at the end of the racing season. The applicant specialises in providing this service to high value racehorses and the quality of the environment in which they are kept is an essential element to the ongoing success of the business. The business has been established for a number of years and the applicant has previously operated from other premises within the Shire. The length of time each horse spends at the property varies but is up to a maximum of three months. The applicant considers that the maximum number of horses which can be agisted at one time is eight based on the degree of care and attention which is required. The additional ponies are for the use of the applicant's two small children.

The application is presented to Council to determine as the cumulative area of the proposed stable building and existing outbuilding exceeds the provisions of Draft Local Planning Policy (LPP) No 36 – Non Urban Outbuildings.

***A site plan, horse management plan, floor and elevation plans are with the attachments marked [SD042.1/09/11](#).***

### **Sustainability Statement**

***Effect on Environment:*** The proposed building is to be sited on an area without existing vegetation and is therefore considered to have minimal impact. The use of the land for the keeping of horses within 200m of a watercourse has the potential to impact on the quality of water. However provisions have been made within the management plan to address these issues and, if appropriate, conditions can also be imposed on an approval. In addition the stocking rates are not excessive and the proposed stabling of the horses during the night complies with the stocking rate guideline requirements and this will further minimise effects on the environment.



**Economic Benefits:** it is likely that the business will create some employment in addition to the landowners, which is of particular importance given the significance of the horse industry within the Shire.

**Social – Quality of Life:** Equestrian related activities are very significant within the Shire, providing both leisure and professional interests for many. However it should be noted that the keeping of horses can potentially have a negative impact on the amenity of neighbouring landowners if the site is not correctly managed. It is considered that appropriate conditions can be imposed on the approval to ensure the interests of adjoining landowners are protected. The landowner has provided information relating to the management of the land and it is not therefore considered that the proposal will be disadvantageous to any social groups.

**Statutory Environment:** Planning and Development Act 2005  
Town Planning Scheme No. 2 (TPS 2)  
Serpentine Jarrahdale Rural Strategy  
Rural Strategy (Drainage and Nutrient Management Guidelines).

**Policy/Work Procedure Implications:** State Planning Policy 2.1 - Peel Harvey Coastal Plain Catchment Area  
LPP6 - Water Sensitive Design  
LPP36 – Non-Urban Outbuildings

**Financial Implications:** If the application is refused or the landowner is aggrieved by any of the conditions imposed on an approval, an application for review may be lodged with the State Administration Tribunal; there may be financial implications for Council.

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
<b>NATURAL ENVIRONMENT</b>				
	<b>Landscape</b>	1	Safeguard	Restore and preserve the visual amenity of our landscapes.
<b>BUILT ENVIRONMENT</b>				
	<b>Land Use Planning</b>			
		1	Rural Villages	Preserve the distinct character and lifestyle of our rural villages and sensitively plan for their growth.
		13	Buildings	Ensure the Shire’s rural character is sensitively integrated into urban and rural villages.
		16		Enable built form that accommodates a range of business and family circumstances and needs.
	9	Rural Land	Ensure the built form complements and enhances the rural environment.	
	10		Plan for the preservation of rural land and its integration with urban and rural villages.	



## **Community Consultation**

The application was referred to adjoining landowners for a period of 21 days in accordance with the requirements set out in TPS 2. At the end of the advertising period no submissions had been received

## **Statutory Environment**

### TPS 2

The subject site is zoned 'Special Rural' under TPS 2, which allows for a number of different uses to be considered by Council. The intent of the 'Special Rural' zone as set out in TPS 2 is as follows:

*"5.9 The purpose and intent of the Special Rural Zone is to depict places within the rural area wherein closer subdivision will be permitted to provide for such uses as hobby farm, horse training and breeding, rural residential retreats and intensive horticulture and also to make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of the selected areas".*

It is considered that the proposed development is consistent with the stated purpose and intent of the zone.

### Rural Strategy

The Rural Strategy identifies the property as being within the Rural Living B policy area. Included in the main objectives of the policy area is the provision of opportunities for rural enterprises including (amongst others) horse management; stabling is listed as one of the desirable land uses. The proposed activity is therefore considered to comply with these policy objectives. The Rural Strategy includes provision for the protection of the landscape in terms of minimising nutrient export, protecting and managing vegetation and habitat and identifies well designed and managed land as a means of achieving this.

### Use Class & Permissibility

The proposed development is deemed to fall under the definition of 'Rural Use' under TPS 2 which is defined as:

*Rural Use - means the use of land for any of the purposes set out hereunder and shall include such buildings normally associated therewith:*

- (vi) the growing of vegetables, fruit, cereals, or food crops except for domestic purposes;*
- (vii) the rearing or agistment of goats, sheep, cattle, or beasts of burden;*
- (viii) the stabling, agistment or training of horses, or other ungulates;*
- (ix) the growing of trees, plants, shrubs, or flowers for replanting in domestic, commercial or industrial gardens;*
- (x) the sale of produce grown solely on the lot.*

The proposed development to use the land for the keeping of horses and the construction of a stable is considered to be generally consistent with the definition described above. A 'Rural Use' is identified as an AA use within the 'Special Rural Zone' which means that the Council may, at its discretion, permit the use.

### Statement of Planning Policy No.2 – The Peel Harvey Coastal Plain Catchment

The subject lot falls within the Peel-Harvey Coastal Plain Catchment as identified in Statement of Planning Policy No.2. General Policy Provisions relating to the proposal

including assessing the suitability of the stocking rates taking into account the proposed management practices and proximity of watercourses.

### **Comment**

#### **Proposed Stable Building**

The site currently comprises a single dwelling and outbuilding. The dimensions of the existing and proposed outbuildings are as follows:

- Existing 128m<sup>2</sup>
- Proposed 238m<sup>2</sup>.

TPS 2 does not provide a definition in relation to an outbuilding, however it is defined in the Residential Design Codes (2010) as:

“an enclosed non-habitable structure that is detached from any dwelling”.

TPS2 defines a stable as:

“any land, building or structure used for the housing, keeping and feeding of horses, asses and mules and associated incidental activities”.

It is likely that the enjoyment of any residential dwelling will also include the requirement for an outbuilding in connection with the storage of domestic related items and for uses incidental to the residential enjoyment of the land.

The proposed building is for the stabling of horses which are agisted at the property which forms the primary element of the applicant's business. The number of stables proposed is in accordance with the permitted stocking rates and in addition to providing the necessary accommodation required to care for the horses, it will also contribute significantly to the overall management of the land by removing the horses from the paddocks.

In terms of visual appearance it is proposed to construct the stable building to a very high standard. The walls which are visible from the road will be zincalume finish which is consistent with similar structures throughout the Shire. The northern elevations which will be viewed from the house and parking area will be of limestone block or brickwork which will complement the setting of the dwelling house.

Part of the building is enclosed and the canopy to the front of the stables is open fronted. The size of the stables themselves is standard for horses of this size and is not considered excessive; the additional accommodation is considered appropriate for the facilities which the applicant needs to provide. The southern elevation is currently depicted as being enclosed, but the applicant has agreed to remove the southern wall which is beneficial in terms of reducing the overall floor area of the building and also will be aesthetically agreeable as the elevation will be visually softer when viewed from the adjoining property.

In terms of floor area, Draft LPP 36 – Non urban outbuildings states that 300m<sup>2</sup> is permitted under the performance criteria in a special rural zone. Areas in excess of this can be considered based on the merits of the case. The cumulative area of the proposed development and the existing outbuilding exceeds the permitted amount by 66m<sup>2</sup>. Although the proposal does not comply with the policy requirements, it is considered that the proposed development is not excessive for the size of the lot which is 4ha. Furthermore the development is well set out in aesthetic terms and is not highly visible from a public viewpoint as it is set behind the paddocks and away from the road. In terms of impact on adjoining landowners, no submissions were received and the siting and setback of the

proposed development is such that it will not have a significant detrimental impact on adjoining landowners.

Draft LPP36 – Non urban outbuildings, does not differentiate between outbuildings required for uses which are ancillary to the domestic occupation of the property and buildings which are required for the keeping of animals or a business use, which may still be addressed as part of the finalising of the policy if appropriate.

In planning terms the property is considered suitable for the keeping of horses. In order to manage the land effectively, whether in connection with the keeping of horses for pleasure or as part of a business activity the stabling of horses for a specific number of hours per day is advisable. This will help to reduce the potential for the export of nutrients to the nearby watercourse and minimise land degradation and soil erosion.

In view of the above it is considered that the size of the building is appropriate for the number of horses on the land and does not have a significant detrimental impact on the subject or adjoining site. On balance the proposed building is considered acceptable and recommended for approval.

#### Stocking Rate and Nutrient Management

The property comprises a 4ha lot and the applicant is proposing the keeping of 8 horses and two ponies. Under the Stocking Rate Guidelines for Rural Small Holdings (Department of Agriculture and Food), stocking rates are defined as “the numbers for stock, e.g. sheep, cattle, horses, emus or any other type of animal that can consistently be kept on a piece of pasture all year round with minor additional feeding without causing environmental degradation.”

The soil is classified as Bassendean B1phase. Based on the Stocking Rate Guidelines, 9 horses can be kept on the property based on 16 hours grazing and 8 hours stabling. Given the calculation is based on the average horse of approximately 450kg, it is considered that two small ponies would equate to one horse. The stocking rate calculation provides for 9 horses and the applicant is requesting 8 horses and 2 ponies which is considered to equate to the same.

#### Officers Comment

The subject lot falls within the Peel-Harvey Coastal Plain Catchment as identified in Statement of Planning Policy No.2.1. Proposals to intensify the use of agricultural land, including the keeping of horses, need to comply with Clause 6.6 of the Policy - Intensive Agriculture which is designed to reduce nutrient export to the environment from intensive agricultural operations. Land used for intensive agriculture, which is likely to drain towards the Peel-Harvey Estuarine System, shall be managed to reduce or eliminate nutrient export from the land.

The applicant has submitted a management plan in connection with the application which indicates that the pastures comprise a mix of kikuyu, clover and paspalum and are irrigated. This is considered to be a suitable mix of grasses as it is resilient and will stabilise the soil and help minimise erosion and nutrient leaching. In terms of nutrient management the manure will be removed from the paddocks and stabling over night will also help minimise the waste being deposited on the paddocks. The paddocks are irrigated and will be fertilised, which will further facilitate the grass cover and protect the ground from degradation and soil erosion.

It is considered that the details submitted by the applicant for the proposed management of the land are sufficient to ensure that the use of the land for the keeping of up to 8 horses and 2 ponies is sustainable. It is also considered that the potential for soil degradation,

associated dust issues and nutrient leaching have been minimised. However, should the proposal be approved, Council may wish to impose a condition requiring the approval and implementation of a drainage and nutrient management plan that includes a soil and groundwater monitoring system. The approval and implementation of such a management plan will ensure the ongoing monitoring of nutrient levels to facilitate early detection of excessive levels and allow the matter to be addressed prior to causing significant environmental harm.

In terms of the impact on the amenity of adjoining residential properties, there is the potential for dust and odour to be generated. However, the management plan has indicated that manure will be collected from the paddocks and stored in an appropriate receptacle prior to removal from the site. The removal of waste in conjunction with the distance of adjoining landowners from the subject site is considered to satisfactorily minimise the potential for adverse impacts on neighbouring properties.

In circumstances where stock is kept intensively on ground the potential for dust to be generated is also a consideration. The applicant's management plan identifies this as a potential issue, but has endeavoured to mitigate the issue with proper land management by irrigating and fertilising the paddocks to ensure maximum grass cover and also removing the horses from the land. By limiting the time the horses have available in the paddock, it is likely the time will be utilised for grazing and the opportunity for boredom and pacing the perimeter fences will be minimised, thereby reducing the damage to the grass and generation of dust.

### **Conclusion**

The application for the keeping of 8 horses, two ponies and the construction of a stable building has been assessed and against the requirements of the relevant State Planning Policies, TPS 2, LPP's and the Rural Strategy. The applicant has significant experience in the management of land and keeping of horses and it is clear from the management plan that an understanding of the potential adverse impacts is well understood and an appreciation of the importance of mitigating them. Whilst there are issues which have been identified in terms of protecting the environment and amenity of neighbouring land owners, it is considered that on balance the management plan addresses the matters raised and conditions can be imposed to ensure the plan is implemented and adhered to.

### **Options**

There are a number of options available to Council in determining the application, namely:

1. to approve the application, subject to conditions;
2. to defer consideration of the application; and
3. to refuse the application

Having regard to the discussion in the body of the report it is considered that the application be recommended for approval subject to conditions.

**Voting Requirements:** Simple Majority

### **SD042/09/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Brown, seconded Cr Hoyer**

**The application for approval to commence development for the Rural use – keeping of 8 horses, two ponies and construction of an oversize stable building on Lot 13 (831) Hopkinson Road Cardup, be approved subject to the following conditions:**

**PLANNING**

1. A maximum of eight horses and two ponies are permitted to be kept on the property at any one time.
2. Management of the property is to be in accordance with the approved management plan dated 4 July 2011.
3. The use/development is not to interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, odour, dust, light spill or waste products and shall be managed to the satisfaction of the Director Development Services.
4. A Dust Management Plan is to be prepared and approved by the Director Development Services, prior to work commencing on site, and shall thereafter be implemented.

#### **ENGINEERING**

5. A Stormwater Management Plan is required to be submitted and approved by the Director Engineering prior to the commencement of site works. This plan may include the provision of rain water tanks to collect stormwater from the roof. Once approved, the Stormwater Management Plan shall be implemented in its entirety.
6. All storm water to be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is prohibited.

#### **ENVIRONMENT**

7. All trees within the paddocks are to be fenced off from stock to prevent ring barking and root compaction.
8. All paddocks to be irrigated as required to maintain pasture coverage of at least 95 percent year round.
9. Stock is to be kept out of any paddock that is partially or completely inundated with water.
10. Manure from paddocks is to be collected daily and either taken off site or composted in a fly proof container with an impermeable base and covered to prevent rainwater access.
11. Flooring of the shelters and yards are to consist of an impermeable base to prevent nutrients leaching into the soil, with an absorbent topping to collect urine which shall be removed weekly and treated in a similar manner to manure.
12. All chemicals associated with the care of the land and stock is to be stored as to eliminate the possibility of spillage onto permeable surfaces.
13. No overgrazing of the paddocks or environmental degradation of the land is permitted to occur, as determined by maintenance of at least 95% pasture coverage year round.
14. The proponent shall prepare and implement a Nutrient and Irrigation Management Plan (NIMP) to the satisfaction of the Shire prior to the commencement of development on the land. The plan shall include annual monitoring of nutrient levels in soil and surface and ground-water, with results to be provided to the Shire, and include appropriate maximum trigger values, the exceeding of which shall lead to adjustment of the property management plan to the satisfaction of the Shire.

#### **Advice Notes:**

1. A building licence is required to be issued prior to commencement of development including earthworks.
2. With respect to Condition 14, this document will need to focus on the management of nutrient and irrigation applications and detail the design of the proposed development with regard to the retention and treatment or reuse of wastewater generated by the proposal and shall be prepared in accordance with

**the Department of Water’s Water Quality Protection Note 33 (July 2006) Nutrient and Irrigation Management Plans.  
CARRIED 9/0 EN BLOC**

**COUNCIL DECISION**

**Moved Cr Brown, seconded Cr Randall  
That items SD043/09/11, SD044/09/11, SD045/09/11, SD046/09/11, SD047/09/11, SD048/09/11 and SD049/09/11 be carried en bloc.  
CARRIED 8/1**

**COUNCIL DECISION**

**Moved Cr Randall, seconded Cr Harris  
That items SD036/09/11, SD037/09/11, SD038/09/11, and SD039/09/11 are carried en bloc.  
CARRIED 9/0**

SD043/09/11 DRAFT LOCAL PLANNING POLICY NO. 51 – OAKFORD RURAL ECONOMIC LIVING AREA PLANNING FRAMEWORK - CONSIDERATION OF SUBMISSIONS (A1836)		
Proponent:	Kargotich Industries	In Brief  Council previously determined that draft Local Planning Policy No. 51 – Oakford Rural Economic Living Area Planning Framework was satisfactory for advertising for public and agency comment.  The advertising period has now closed with several submissions received. This report provides Council with the opportunity to consider the submissions received and a number of key issues and make a determination on the draft Policy.  It is recommended that the draft Policy be adopted subject to several modifications.
Owner:	Various	
Author:	Chris Donnelly - Consultant Senior Planner	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	18 July 2011	
Previously	SD025/09/10	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	<b>Council</b>	

**Background**

Council at its meeting of 28 September 2010 determined that draft Local Planning Policy No. 51 – Oakford Rural Economic Living Area Planning Framework (draft LPP 51) was satisfactory for advertising.

**A copy of draft LPP 51 is with the attachments marked [SD043.1/09/11](#).**

The intent of draft LPP 51 was to provide a framework for the future development of the Oakford area, based on the following objectives:



- Provide a framework to support implementation of the Rural Economic Living Area (RELA) identified by the Jandakot Structure Plan and Oakford Rural Village identified within the Shire of Serpentine Jarrahdale Rural Strategy;
- Provide a framework to explore opportunities for innovation in the development of a rural village and economic living area in the Oakford locality; and
- Provide guidance for the sequencing of planning and outlining matters to be addressed in planning for the Oakford RELA.

To achieve these objectives, draft LPP51 identifies and provides specific planning objectives for five precincts, including:

- A rural village;
- A defined business area;
- An expansion area for the rural village; and
- Two defined rural economic precincts.

The draft LPP51 also provides specific timing, area, and information requirements for subsequent planning stages required in each precinct. This includes:

- Scheme amendments;
- Local Structure Plans;
- Detailed Area Plans;
- Subdivision; and
- Development Applications.

The draft Policy was advertised for public and agency comment and this report provides Council with the opportunity to consider the submissions received and a number of key issues and make a determination on the Policy.

### **Sustainability Statement**

Draft LPP 51 itself does not provide specific objectives related to sustainability aspects, as it is designed to act as a planning framework listing requirements and relevant matters for future planning. However, draft LPP 51 includes as Schedule 1, a list of requirements for subsequent planning stages and proposals to undertake particular investigations and develop strategies and plans regarding:

- Effect on environment;
- Resource implications;
- Use of local, renewable, or recycled resources;
- Economic viability;
- Economic benefits;
- Social – quality of life;
- Social and environmental responsibility; and
- Social diversity.

### **Statutory Environment:**

The draft policy has been developed in accordance with Clause 9.3 of Town Planning Scheme No. 2 (TPS 2).

### **Policy/Work Procedure Implications:**

The draft Policy will provide a framework to effectively plan for the rural village and rural economic area proposed by the Rural Strategy and Jandakot Structure Plan.

### **Financial Implications:**

Nil

### **Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
<b>BUILT ENVIRONMENT</b>				
	<b>Land Use Planning</b>			
		1	Rural Villages	Preserve the distinct character and lifestyle of our rural villages and sensitively plan for their growth.
		9	Rural Land	Ensure the built form complements and enhances the rural environment.
		10		Plan for the preservation of rural land and its integration with urban and rural villages.
		11		Consider the viability of rural land uses in strategy and policy development.
		12		Promote the vision of the Shire being the 'food bowl' of Perth.
		13	Buildings	Ensure the Shire's rural character is sensitively integrated into urban and rural villages.
		14		Encourage built form that positively contributes to streetscape amenity.
		16		Enable built form that accommodates a range of business and family circumstances and needs.
		20	Landscape	Prioritise the preservation of landscape, landform and natural systems through the land development process.

### **Community Consultation:**

The draft Policy was advertised via the following methods for a period of 42 days:

- a) Notice published once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area;
- b) Notice being placed in the Shire's Administration Centre;
- c) Notice being placed on the Shire's internet website;
- d) Letter being sent to key developers within the policy area; and
- e) Letter being sent to all relevant state government agencies.

Eleven (11) submissions were received. A schedule of submissions, providing a summary of each submission and a response by Shire staff has been prepared.

***The schedule of submissions is with the attachments marked [SD043.2/09/11](#).***

### **Comment:**

There are a number of key issues which need to be addressed in progressing finalisation of the draft LPP for Oakford. The following sections identify each issue, provide a brief explanation, identify and discuss different options to address each issue and provide a recommended path forward.

### **Urban Development**

Several submissions have raised the prospect of Oakford being progressed as an urban development cell, similar to Byford or Mundijong, as opposed to the rural village and RELA

concept. The Shire's Rural Strategy identifies Oakford as a new village. The following are extracts from the Rural Strategy:

*'The Strategy seeks to meet longer term needs for development by identifying proposed locations for the establishment of up to three new villages in the west of the Shire: see Figure 1. The new villages could accommodate population growth and service the needs of existing and future residents, as local community centres.'*

*'The capability mapping conducted at 1:50,000 scale does not conclusively establish the urban capability. The new village areas appear to have only limited land with suitability for urban development density and are primarily intended as Rural Living Villages with Urban centres, somewhat similar to the town of Serpentine.'*

And:

*'The identification of possible locations for New Villages should not be constructed as justification for the development of these villages. Any proposal will be required to demonstrate the Urban Village concept, justify the suitability of the land to sustain the envisaged development and that strategic regional and local land use planning and environmental considerations have been addressed and satisfied.'*

The Western Australian Planning Commission's (WAPC's) more recently released Jandakot Structure Plan identifies the site as "Rural Economic Living".

It is clear that significant investigation will be required to inform planning for Oakford. It is identified in the Shire's Rural Strategy and WAPC's Structure Plan, that a significant "urban" settlement similar to Byford or Mundijong-Whitby is not envisaged for the site. It is however likely that Oakford would entail some development which would be considered "urban" in nature. This form of development would be vitally important in terms of restricting growth into productive rural and agricultural lands whilst at the same time achieving a viable population for Oakford.

Based on the above, and in the absence of any other strategic guidance to the contrary, Shire staff recommend that draft LPP 51 be progressed on the foundation of the proposed rural village and RELA concept. A series of modifications to the draft Policy are however recommended to ensure that the planning vision and objectives for Oakford are not "set-in-stone". These modifications include:

- Inserting an additional overarching Policy objective to clarify the role and function of the Policy as a "planning framework" as opposed to a plan itself.
- Inserting additional text in the background and application section highlighting that the Policy sets out envisaged planning objectives for various precincts.
- Inserting additional guidance in terms of how planning proposals which do not comply with the vision and objectives shall be considered.

## **Viability**

The viability of the rural village and RELA concept for Oakford has been questioned by various submitters. Clearly, there are risks involved in progressing the RELA and rural village concept which has not been widely applied in Western Australia, especially in a metropolitan context. However, it is understood that the initial proponent of the Oakford development (and initial drafter of the Policy) has undertaken substantial investigations and is seeking to progress further investigations and planning for the rural village and RELA.

The economic viability of a development is a primary consideration for most landowners. Council also needs to be aware that it will likely inherit the burden of providing municipal services and facilities to Oakford, should development proceed.

The draft Policy has been prepared in response to:

- The Shire's Rural Strategy identifying the land as rural and the possible site for the Oakford rural village;
- The WAPC's Jandakot Structure Plan, which identifies the site for rural economic living; and
- The likelihood of the Shire receiving planning proposals for the site in the short-term.

Whether or not the concept is viable for Oakford will likely require further investigation and planning. The establishment of a Policy framework to guide such tasks is however considered vital for landowners, applicants, the community and Council.

### **Flexibility**

Several submitters including the Department of Planning have however raised concerns regarding the level of detail which the Policy provides in terms of setting a boundary for the Oakford site and identifying precinct boundaries and objectives for each precinct. It has been argued that without the benefit of detailed investigation, it is prejudicial for the Policy to provide that level of detail.

### **Boundary of the Oakford Rural Village and RELA**

The boundary of the Oakford rural village and RELA, as set out in the draft Policy, has been queried by several submitters, who have suggested that it be increased to include certain properties or shifted to a different location. A specific response to each request regarding the boundary of the Oakford site is contained within the schedule of submissions.

For the purposes of drafting an area specific Policy for Oakford, it has been necessary to identify a boundary. This boundary is consistent with the RELA identified by the WAPC's Jandakot Structure Plan. As investigations and planning progress, the Policy (once finally adopted), may be further reviewed to consider its geographical boundary in the future. In light of this, it is proposed to insert additional provisions into the draft Policy providing guidance as to potential expansions of the RELA area.

### **Precincts**

The draft Policy breaks the Oakford site into five precincts; each with a planning vision and set of objectives. Several submitters have expressed concern with this approach. The Department of Planning has stated that the Policy appears to create a pre-determined position without a certain amount of flexibility, which would otherwise be expected, when considering the future planning for the Oakford area. Several landowners have also expressed concern with the objectives for each precinct; however more so seeking to be included in or relocate the rural village or business area precincts.

Shire staff understand that statutory processes to progress planning and development of the Oakford site will soon be initiated by landowners within the area. At present, it is not considered that the Shire's Rural Strategy and WAPC's Jandakot Structure Plan provide adequate strategic guidance for the Shire to consider such process initiations. In the absence of such guidance, the draft Policy has been prepared, providing a framework and additional level of detail for the RELA.

Whilst the visions and objectives for each precinct detailed in part 5 of the draft LPP are considered important to provide a level of guidance to the consideration of proposals, the need for flexibility in outcome is also noted. To this extent, it is proposed to insert additional provisions into the Policy which set out a framework for the Shire to consider proposals which do not comply with precinct-based visions and objectives. The provisions require that

alternative proposals need to be adequately justified, have regard to the Shire and State strategic planning framework and demonstrate integration with the remainder of the Oakford site.

### **Precinct-Based Planning and Integration**

A submission has been received proposing that a district structure plan (DSP) be required for the entire Oakford site through the Policy. Whilst this proposal has merit and would be consistent with planning undertaken for Byford and Mundijong-Whitby, it is not considered necessary or appropriate for Oakford.

The Shire's Rural Strategy and WAPC's Jandakot Structure Plan identify the proposed extent of the Oakford Rural Economic Living Area (RELA), which is further refined through the draft Policy. It is considered that these documents provide adequate guidance in terms of how the Oakford RELA will fit into broader-scale planning for the Shire and surrounding areas.

The draft Policy does however propose that planning be progressed on a precinct-basis. It is therefore considered that a level of overall strategic guidance for the remainder of Oakford be provided by applicants in preparing precinct-specific proposals. This will ensure that due consideration is given to the "bigger picture" and integration with other precincts for which proposals may have yet to be prepared. To this extent, a modification is proposed to the local structure plan section of the draft Policy identifying that where a structure plan does not cover the entire Oakford RELA, it is to be supported by a concept plan demonstrating integration with the remainder of the RELA.

### **Smaller Landholdings**

A submission has been received requesting that some smaller landholdings to the west of the Oakford site be included within the RELA. The lots in question have not been included in the Policy area as they are located within a water protection area, namely above the Jandakot Water Mound. It is acknowledged that those smaller lots not subject to the water protection area are engaged in rural economic activity and would likely synergise with and contribute toward the Oakford RELA concept. It is not considered that further detailed planning is required for these sites as they are already substantially developed for rural pursuits.

A modification to the draft Policy is however proposed to provide guidance with regard to those properties included in the boundary of the RELA, but not within a specific precinct. This includes several smaller lots to the west of precincts 3 and 4. An additional Policy provision is proposed stating that no further detailed planning is required for these landholdings at this time and that planning applications will be determined through the usual process.

### **Other Proposed Changes to the Policy**

Several other changes are proposed to the draft Policy for Oakford, as identified and discussed in the table below:

<b>Proposed Modification</b>	<b>Rationale</b>
Various typographical changes	To address minor text errors and inconsistencies
Updating the State Planning Framework section of the Policy by making reference to the Jandakot Structure Plan	The Jandakot Structure Plan is an important State Government strategic planning document and should be noted in

Proposed Modification	Rationale
	the Policy
In Clause 5.1.6 of the Policy, clarifying that the Rural Village description contained within Schedule 2 of the Policy should not be viewed as the likely or final development outcome for Oakford	To provide additional clarity that the description is indicative only.
In Schedule 1, inserting additional text stating that the Shire may require the undertaking of tasks or provision of information in addition to that detailed in the Policy table	This text will ensure that the Shire can require additional tasks or information which is not specifically stated in the Policy table. Due to the nature of development envisaged for Oakford, it is considered that this robustness is necessary. This approach also avoids the need for future Policy modifications for minor information and task requests which fall outside of the scope of the Policy table.
A landscape retention and vegetation management plan to be required at the subdivision and development stages	The requirement for such plans at the detailed planning and design stages is consistent with current Shire practices and works towards the retention of existing and native vegetation
The requirement for planning context information has been extended to the development application stage	All development applications should be justified having regard to the regional and local planning context
The requirement for a geotechnical investigation and earthworks strategy to be provided at the subdivision and development stages have been inserted into the Policy table	These investigations are usually necessary to support subdivision and development. Earthworks strategies are particularly important in the Shire in the context of strong easterly winds and associated dust issues
Several of the community design tasks and information requirements have been extended to the detailed area plan and development application stages of the planning process	These matters are important to consider at not only the high-level planning stages (such as structure planning), but also at the detailed planning and design stages
The requirement for an employment strategy has been replaced with the requirement for an activity centre analysis and employment strategy	This modification has been made in response to a submission by the Department of Planning, who have requested additional information regarding the relationship between the Oakford centre and surrounding centres such as Byford. Shire staff agree that this information is necessary at the Metropolitan Region Scheme and Town Planning Scheme amendment stages
The requirement for building design guidelines has been applied to the subdivision stage	If necessary, this will allow the Shire to recommend to the WAPC a condition of subdivision approval requiring design



Proposed Modification	Rationale
	guidelines for a proposed subdivision
A transport noise assessment requirement has been inserted into the Policy table	Main Roads have requested that a transport noise assessment be prepared given proximity of the site to Thomas Road. Shire staff consider this matter important and have included it in the Policy table accordingly
Various access investigations and information requirements have been applied to the subdivision and development stages	Such studies and information are vital in the Shire considering and making a recommendation/determination on planning applications
An additional information requirement is included in the Policy table regarding management and tenure arrangements	The rural village and RELA described in Schedule 2 of the Policy is envisaged to have a partly communal feel, especially in terms of common-marketplaces for rural produce and similar. To this extent, there may be a need to address matters such as ownership, management and tenure arrangements for certain elements of the Oakford site. It is considered that a framework should be provided at the local structure planning stage and detailed information at the time of subdivision
A minor change to the stormwater management footnote has been made to ensure that water management plans are determined satisfactory by both the Shire and relevant State agency	The Department of Water has made this request and the Shire consider it appropriate and consistent with current practice

***An updated LPP 51 with changes is included with the attachments marked [SD043.3/09/11](#).***

### Options

There are three options available to Council, as discussed below:

1. Pursuant to Clause 9.3 of TPS 2, Council may adopt the draft Policy without modifications;
2. Pursuant to Clause 9.3 of TPS 2, Council may adopt a modified version of the draft Policy; or
3. Pursuant to Clause 9.3, Council may resolve to not proceed with the Policy.

### Conclusion

With appropriate modification as discussed in the preceding sections of this report, it is considered that LPP 51 will provide an appropriate framework to facilitate investigations and planning for the proposed Oakford rural village and RELA. Similar planning frameworks

have been applied to other development areas in the Shire including Mundijong-Whitby and Serpentine. They provide a level of guidance, flexibility, clarity and certainty to Shire staff, Council, the community and developers. It is recommended that Council adopt the draft Policy with modifications.

**Voting Requirements:** Simple Majority

**SD043/09/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Randall, seconded Cr Harris**

**That Council:**

1. **Note the submissions received during the advertising period of draft Local Planning Policy No. 51 – Oakford Rural Economic Living Area Planning Framework and endorse the Shire staff responses to those submissions as per attachment SD043.2/09/11.**
2. **Pursuant to Clause 9.3 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 adopt a modified version of draft Local Planning Policy No. 51 – Oakford Rural Economic Living Area Planning Framework as contained in Attachment SD043.3/09/11.**
3. **Pursuant to Clause 9.3 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 forward a copy of the adopted Local Planning Policy No. 51 – Oakford Rural Economic Living Area Planning Framework to the Western Australian Planning Commission.**
4. **Advise all agencies and persons who made a submission on draft Local Planning Policy No. 51 – Oakford Rural Economic Living Area Planning Framework of its decision.**

**CARRIED 9/0 EN BLOC**

SD044/09/11 LOCAL PLANNING POLICY NO. 52 – INTERIM DEVELOPMENT CONTRIBUTIONS – WESTERN BYFORD (A0429)		
Author:	Peter Varelis – Project Officer: Development Contribution Arrangements	In Brief  To consider advertising of modifications to Local Planning Policy No. 52 - Interim Development Contributions Western Byford.
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	23 August 2011	
Previously	OCM002/07/10 OCM082/02/11	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	<b>Council</b>	

**Background**

Council at the Ordinary Council meeting held in July 2010 gave consent to advertise Local Planning Policy (LPP) No. 52 - Interim Development Contributions Western Byford (the Policy). Council then at its Ordinary Meeting held in March 2011 considered submissions and adopted the Policy for final approval. Since final adoption, the Policy has functioned well and assisted the Shire in meeting satisfactory arrangements with subdividers for the

payment of interim development contributions prior to finalisation of the Byford Development Contribution Arrangements (DCA).

In exercising the provisions of the Policy and working with subdividers some modifications are recommended to provide further clarity in the following areas:

- 1) Security Requirements; and
- 2) Estimated Development Contribution Rates.

**A copy of LPP52 is with attachments marked [SD044.1/09/11](#).**

### **Sustainability Statement**

**Effect on Environment:** DCAs are generally established to provide a framework for the timely and equitable provision of infrastructure and associated costs, in areas of fragmented land ownership. Directly, DCAs have no impact on the environment, as they are principally 'administrative' and 'financial' arrangements. Indirectly, however, DCAs can assist in the timely delivery of infrastructure, land and associated technical investigations that can provide significant benefits to the natural environment. Equally, the infrastructure that may be funded from a DCA may have a significant impact on the environment; for example the construction of drainage infrastructure, the upgrading of regional road networks and the provision of public open space.

**Resource Implications:** DCAs can provide a suitable framework for the timely, efficient and coordinated delivery of infrastructure for new urban areas. Compared to ad-hoc delivery, a coordinated approach may enable the Shire's natural, human and financial resources to be efficiently and effectively used.

**Economic Viability:** DCAs have the potential to have a very significant impact on the financial position of a wide range of stakeholders and the viability of development projects. Interim and ultimate financial contributions to DCAs have a significant impact on cash-flows for developers and ultimately on the pricing structures for residential development. The financial implications (and risks) for Council are very significant. Local Governments are required to effectively 'underwrite' contribution arrangements and from time to time, make good short-falls that have resulted from the operation of a contribution arrangement. The financial impacts of DCAs on all stakeholders should not be underestimated. Further information on this matter is provided later in this report.

The financial risks associated with establishing and implementing DCAs needs to be carefully considered. Should Council have to invest significant funds into a DCA (for example, to pre-fund infrastructure or to make good a loss), its ability to meet other social and environmental obligations may be compromised.

**Economic Benefits:** DCAs, as a basic principle, are not intended to deliver infrastructure, services or similar that would not ordinarily be provided through subdivision and development processes; as such, a DCP does not offer any direct economic benefits to an area. DCAs can, however, assist in the timely, efficient and equitable provision of infrastructure that may in turn facilitate economic growth and employment creation.

**Social – Quality of Life:** The provision of infrastructure in a timely, coordinated and responsible manner can have a significant impact on the quality of life for both existing and future residents. Impacts on the quality of life need to be considered at both a micro and macro level, with infrastructure planning needing to deliver net community benefits and recognising that the expectations of not every single person will be able to be satisfied. Roads, paths and public open space are some of the key considerations.

**Social and Environmental Responsibility:** It is important that DCAs are easily understandable by all stakeholders in terms of what they are and what they are not. Infrastructure needs to be carefully designed, costed and ultimately delivered to ensure that social and environmental impacts are minimised and that benefits are maximised.

**Social Diversity:** A timely and coordinated approach to the delivery of infrastructure can assist with meeting the needs of a diverse community, both existing and into the future.

**Statutory Environment:** Planning and Development Act 2005  
Local Government Act 1995  
Town Planning Scheme No. 2 (TPS 2)  
Statement of Planning Policy 3.6  
Byford Structure Plan  
LPP No. 52

**Policy/Work Procedure Implications:** A number of policies and work procedures will need to be developed and implemented to support the transition from legal agreements to the finalised development contribution arrangement.

**Financial Implications:** There are significant financial implications associated with DCAs. The implications are discussed in detail later in this report.

Vision Category	Focus Area	Objective Summary	Objective
NATURAL ENVIRONMENT			
	Infrastructure		
			Develop and adequately fund a functional road network and bridges based on the level of service set by Council.
	Strategy and Planning		
		Strategic Direction	Prepare effectively for future development.
			Position the Shire to be responsive and resilient to changes in State or Federal policy direction.
			Create innovative solutions and manage responsibly to aid our long term financial sustainability.
			Consider the regional delivery of services in the acquisition of compatible infrastructure and assets.
		The Planning Process	Develop comprehensive governance policies and strategies.
			Prioritise and integrate the financial implications of policy and strategy into the fully costed Plan for the Future.
		Create dynamic, adaptable policy and processes to aid rigour, currency and relevance.	

**Comment**

**Proposed Amendments**

Below is a summary of amendments made to the Policy:

<b>Policy Clause</b>	<b>Summary of Modification</b>
4.3.1	Modified to provide further clarity on the required security and requirements to prove that there is sufficient value in the charge and caveat.
4.4.3	Added to acknowledge any previous stages of subdivision or development and require the previous stages to be re-estimated against the latest DCA, thus bringing all subdivision or development in line with the latest DCA adopted by Council.
4.4.4	Added to acknowledge any adjustments incurred through previous stages and outlined in existing legal agreements shall be included in any cost contribution calculation.
4.6	Modified to include the costs of the land valuation require pursuant to the modification of clause 4.3.1.

***A copy of the proposed modifications is with attachments marked [SD044.2/09/11](#).***

***A copy of the revised LPP52 is with attachments marked [SD044.3/09/11](#).***

#### Interim Development Contribution Arrangements

In the interim and until such time as the formal DCA is finalised, Clause 5.19.1.5 of TPS 2 provides provision for other arrangements, satisfactory to the Shire, being established to attain development contributions. Interim Development Contribution Arrangements (IDCA) are created to provide landowners with the flexibility of proceeding with subdivision and/or development prior to finalisation of the DCA. IDCAs also ensure that sufficient funds are collected to facilitate the delivery of associated infrastructure and lands. Contribution rates applied in the interim are almost certain to evolve by the time of finalisation. IDCAs are the legal mechanism by which the Shire can apply current cost estimates, provide sufficient security to cover its financial interests and ultimately collect contributions from developers who have already developed as per rates depicted at the time the DCA is finalised.

Through this Policy, Council provides the broader community with an understanding of what the Shire considers to be a satisfactory arrangement.

#### Financial Risks

IDCAs are intended to protect the financial and community interests of the Shire and all landowners within a contribution area. Interim arrangements as outlined above become the legal mechanism by which contributions can be collected in the interim and any shortfall or excess, collected or refunded at the time of finalisation. If no mechanism was put in place to ensure finalised contributions were paid a number of outcomes may result including but not limited to:

- Infrastructure not being provided, either in a timely manner or at all;
- A significant financial burden on the Shire, that may need to be addressed through the allocation of municipal funds;
- A financial burden on future landowners, that may need to be addressed through the establishment of a rating-mechanism; and/or
- A financial burden on other existing landowners, through higher contributions at the time of subdivision and development.

Although interim arrangements are not popular, require resources to establish and administer and do not completely eliminate financial risk to stakeholders, the benefits of having interim arrangements generally outweigh the negative aspects.

### Policy Context

The provisions of this Policy do not bind Council to this approach and other arrangements may be considered on their merits should they arise or circumstances change over time. It is important to note that the Policy reflects recent decisions made by Staff and provides for a fair and consistent approach amongst subdividers.

### Community Consultation:

In accordance with the provisions of TPS 2, Council is required to seek public comment on modifications to an already finalised LPP for a period of not less than 21 days before making a decision to finally adopt the modifications to the LPP. The provisions of TPS 2 require Council to publish a notice once a week for two consecutive weeks in a local newspaper circulating within the district. To ensure that stakeholders have sufficient opportunity to provide comment, in addition to notices being placed in a newspaper it is recommended that the advertising of the LPP include the following:

- A letter being sent to key developers within the Policy area;
- Publication of a notice once in a newspaper circulating within the area; and
- A letter being sent to all relevant State Government agencies, including but not limited to, the Western Australian Planning Commission.

### Options

There are three primary options that are available to Council in considering the draft LPP, as follows:

- (1) to adopt the modifications to LPP for advertising, without further modification;
- (2) to adopt the modifications to LPP with additional modification/s; or
- (3) to not adopt the modifications to LPP.

### Conclusion

The modifications proposed to the Policy provide clear guidance to developers on interim development contributions and for those that are entering legal agreements, an outline of how the Shire will calculate contributions and security requirements. The Shire is committed to progressing the Byford DCA in a timely manner. However, it is important for Council to establish a formal policy position in the interim, as the pace of development continues to grow and matters relating to interim development contributions arise. Adoption of the revised Policy with modifications is recommended.

**Voting Requirements:** Simple Majority

### **SD044/09/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Randall, seconded Cr Harris  
That Council:**

- 1. Pursuant to Clause 9.3(b) of Town Planning Scheme No. 2 adopt the revised Local Planning Policy No. 52 – Interim Development Contributions – Western Byford as shown in SD044.3/09/11.**
- 2. Publish a notification once in a newspaper circulating within the area.**



3. **Send a letter of notification to relevant State Government agencies and key developers within the Policy Area.**
  4. **Provide a copy of the modifications to Local Planning Policy No. 52 – Interim Development Contributions – Western Byford to the Western Australian Planning Commission for comment.**
- CARRIED 9/0 EN BLOC**

SD045/09/11 FINAL ADOPTION OF INTERIM LOCAL PLANNING POLICY – LPP 35 RESIDENTIAL DEVELOPMENT (A1720)		
Author:	Lawrence Man – Senior Planner	In Brief  Following advertising, Interim Local Planning Policy No. 35 – Residential Development is presented to Council for final adoption.
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	24 August 2011	
Previously	SD124/06/11	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

### **Background**

At the Ordinary Council Meeting held on the 27 June 2011 draft Interim Local Planning Policy (LPP) 35 Residential Development was deemed suitable for advertising and community consultation.

The policy has been developed to outline planning application requirements, the need for written justification to support residential development application requirements and the assessment criteria that will be used by Council officers in the assessment of applications.

Key matters that the policy seeks to address include:

- Provide the Serpentine Jarrahdale Shire an appropriate planning mechanism to assess and determine applications for residential development in the predominant low density codes (R15-R25). It is then intended to prepare and adopt in the future, a cohesive Residential Development Policy, which shall require a more substantial review of existing policies, delegations and Town Planning Scheme (TPS 2) provisions;
- Provide focus, formalisation and direction on common variations to Acceptable Development provisions of the R-Codes that are frequent within the Shire and to establish appropriate measures for assessing and determining such variations;
- Vary and/or replace certain Acceptable Development provisions as allowed for within the R-Codes so as to provide for the uniformity of residential development standards within the Shire, consistent with local needs.

Residential development in Western Australia is primarily guided by the Residential Design Codes (R-Codes), implemented as State Planning Policy 3.1 for state-wide application. The development of this LPP is consistent with Part 5 of the R Codes, in which Councils are provided with the opportunity to vary certain code provisions to reflect local differences in character.

This interim Policy seeks to address the predominant low density development occurring within the Shire, with the intent for the document to be reviewed and developed on an ongoing basis.

**A copy of the advertised Interim LPP 35 – Residential Development is with attachments marked [SD045.1/09/11](#).**

This report provides Council with the opportunity to consider the modifications following the community consultation period and adopt the finalised version of Interim LPP 35 Residential Development for operation and implementation.

This Policy represents the finalisation of a comprehensive policy development and review program initiated in November 2010. A total of thirty-one local planning policies were progressed and adopted by Council during this time. This initiative would not have been achieved without the grant funding provided by the Federal Government through the Housing Affordability Fund. Although the bulk of the work has been successfully completed, the Shire will continue with the development and review of local planning policies to ensure a contemporary, responsive and integrated land use planning system.

### **Sustainability Statement**

**Effect on Environment:** Each LPP proposed, as part of the policy development program, seeks to improve the built and natural environment in a direct and indirect manner. The policies will improve the quality of the built environment in the Shire's urban cells while protecting and enhancing the rural character and landscapes for which it is renowned.

**Economic Benefits:** The policy development program seeks to ensure new LPPs provide a level of certainty and clarity for all stakeholders. The establishment of clear requirements will ensure that investment decisions can be made with confidence that will generate wealth, increase employment opportunities and promote vitality.

**Social – Quality of Life:** The new LPPs seek to closely align themselves with the Shire's goals of improving the quality of life for present and future residents. The policies seek to ensure vibrant and liveable places that enhance the physical and mental health of Serpentine Jarrahdale Shire's residents and visitors.

**Social and Environmental Responsibility:** Serpentine Jarrahdale Shire has ensured that it has integrated the latest best practices in its new LPPs to recognise fair and equitable implementation. It has responded in terms of community expectations and industry practices to establish requirements and standards that are appropriate to their context.

**Social Diversity:** A timely and coordinated approach to the delivery of new LPPs can assist with meeting the needs of a diverse community, both existing and into the future.

### **Statutory Environment:**

Planning and Development Act 2005

The establishment of an effective policy suite to support planning decision-making processes is consistent with the Planning and Development Act 2005.

TPS 2

Clause 9.3 requires that, following advertising of proposed LPPs, the Council review the draft LPPs in the light of any submissions made, then resolve to either finally adopt (with or without modifications) or not proceed with the draft Policy.

### **Policy/Work Procedure Implications:**

The progression of the new LPPs is an important step in establishing an effective policy framework for the Shire.

**Financial Implications:**

Resources have been made available to Council through a grant from the Federal Government, under the Housing Affordability Program. The resources required to progress the proposed policies are consistent and within the grant funding secured.

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
BUILT ENVIRONMENT	Land Use Planning	26	General	Facilitate the development of a variety of well planned and connected activity centres and corridors.
OUR COUNCIL AT WORK	Leadership	15	Leadership throughout the organisation	The Shire will set policy direction in the best interests of the community.
		23	Society, community and environmental responsibility	The elected members provide bold and visible leadership.
		24		The Shire will further establish itself as an innovative leader in social, community and environmental responsibility.
		26		The Shire is focussed on building relationships of respect with stakeholders.
	Strategy and Planning	27	Strategic Direction	Prepare effectively for future development.
		29		Create innovative solutions and manage responsibly to aid our long term financial sustainability.
	Success and Sustainability	41	Achieving Sustainability	The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council.
	Knowledge and Information	45	Generating, collecting and analysing the right data to inform decision making	Ensure the full costs are known before decisions are made.

**Community Consultation:**

Draft Interim LPP 35 was advertised for public comment from the 1<sup>st</sup> July to the 29<sup>th</sup> July 2011 by way of:

- Advertisement in a local newspaper once a week for two consecutive weeks,
- Letters to all relevant Community Groups active within the Byford locality;
- Publication on the Shire's website,
- Correspondence to relevant government agencies, and
- A notice being placed at the Administration Centre.

Eight (8) submissions were received and the policy has been revised based on these comments.

***A copy of the summary of submissions is with attachments marked [SD045.2/09/11](#).***

**Comment:**

In response to the submissions, comments were considered by technical officers. As identified in the summary of submissions, modifications were made to the policy following the consultation process in response to these comments made. In addition to these modifications, minor typographical and formatting modifications were made to ensure consistency with the rest of the LPP suite.

The finalised version of Interim LPP 35 Residential Development is presented to Council for final adoption.

**A copy of the revised Interim LPP 35 Residential Development is with attachments marked [SD045.3/09/11](#).**

**Voting Requirements:** Simple Majority

**SD045/09/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Randall, seconded Cr Harris  
That Council:**

- 1) Note the submissions received during the advertising of draft Interim Local Planning Policy No. 35 – Residential Development.
- 2) Pursuant to Clause 9.3(b) of Town Planning Scheme No. 2 adopt Interim Local Planning Policy No. 35 – Residential Development as provided in attachment [SD045.3/09/11](#).
- 3) Following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area, in accordance with Clause 9.3 (c) of Town Planning Scheme No. 2.
- 4) Forward a copy of the Policy to the Western Australian Planning Commission in accordance with Clause 9.3 (d) of Town Planning Scheme No. 2.
- 5) Provide copies of the Policy for public inspection during normal office hours, in accordance with Clause 9.3 (e) of Town Planning Scheme No. 2.

**CARRIED 9/0 EN BLOC**

SD046/09/11 FINAL ADOPTION OF LOCAL PLANNING POLICY – LPP 57 HOUSING DIVERSITY (A1933)		In Brief  Following advertising, Local Planning Policy No. 57 – Housing Diversity is presented to Council for final adoption.
Author:	Lawrence Man – Senior Planner	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	18 August 2011	
Previously	SD128/06/11	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

**Background**

At the Ordinary Council Meeting held on the 27 June 2011, draft Local Planning Policy (LPP) 57 Housing Diversity was deemed suitable for advertising and community consultation.

Vibrant, active and liveable places need to accommodate diverse communities to enable them to function. The Shire seeks to promote diverse housing opportunities that are responsive to different requirements in life cycle, social and family configurations and

economic capabilities. This housing diversity policy seeks to achieve this by detailing the necessary mix of housing types in the Shire's emerging and existing communities.

Key matters that the policy seeks to address include:

- Promote and facilitate increased housing diversity and choice to meet the changing housing needs of the Shire community.
- Provide a diverse range of housing types to meet the needs of residents which vary based in income, family types and stages of life, to support the growth of sustainable communities.
- Provide equitable access and lifestyle opportunities for residents.
- To acknowledge the dwelling and density targets for the Shire, established by the Western Australian Planning Commission's Directions 2031 and provide a mechanism by which the Shire may achieve these targets.
- Facilitate the social, economic and environmental benefits of housing diversity.
- Guide the location of new housing in residential housing estates, close to public transport, shops, services and key community facilities.
- Establish minimum dwelling and housing form targets for all activity centres within the Shire and provide guidance in relation to housing diversity in all other locations.
- Provide clear guidance to proponents in relation to the Shire's housing diversity objectives for future Structure Plans, Subdivision Applications, Detailed Area Plans and Development Applications.

The Shire has undertaken work to ensure alignment with the State Government Department of Housing's Affordable Housing Strategy 2010-2020 and referenced the population and demographic studies commissioned by Council. This housing diversity policy draws upon the housing targets as outlined by metropolitan planning strategies including Directions 2031 and the Outer Metropolitan Growth Strategy for Perth and Peel.

***A copy of the advertised LPP 57 Housing Diversity is with attachments marked [SD046.1/09/11](#).***

This report provides Council with the opportunity to consider the modifications following the community consultation period and adopt the finalised version of LPP 57 Housing Diversity for operation and implementation.

This Policy represents the finalisation of a comprehensive policy development and review program initiated in November 2010. A total of thirty-one local planning policies were progressed and adopted by Council during this time. This initiative would not have been achieved without the grant funding provided by the Federal Government through the Housing Affordability Fund. Although the bulk of the work has been successfully completed, the Shire will continue with the development and review of local planning policies to ensure a contemporary, responsive and integrated land use planning system.

### **Sustainability Statement**

***Effect on Environment:*** Each LPP proposed, as part of the policy development program, seeks to improve the built and natural environment in a direct and indirect manner. The policies will improve the quality of the built environment in the Shire's urban cells while protecting and enhancing the rural character and landscapes for which it is renowned.

***Economic Benefits:*** The policy development program seeks to ensure new LPPs provide a level of certainty and clarity for all stakeholders. The establishment of clear requirements will ensure that investment decisions can be made with confidence that will generate wealth, increase employment opportunities and promote vitality.

**Social – Quality of Life:** The new LPPs seek to closely align themselves with the Shire’s goals of improving the quality of life for present and future residents. The policies seek to ensure vibrant and liveable places that enhance the physical and mental health of Serpentine Jarrahdale Shire’s residents and visitors.

**Social and Environmental Responsibility:** Serpentine Jarrahdale Shire has ensured that it has integrated the latest best practices in its new LPPs to recognise fair and equitable implementation. It has responded in terms of community expectations and industry practices to establish requirements and standards that are appropriate to their context.

**Social Diversity:** A timely and coordinated approach to the delivery of new LPPs can assist with meeting the needs of a diverse community, both existing and into the future.

**Statutory Environment:** Planning and Development Act 2005  
The establishment of an effective policy suite to support planning decision-making processes is consistent with the Planning and Development Act 2005.

Town Planning Scheme No. 2 (TPS 2)  
Clause 9.3 requires that, following advertising of proposed LPPs, the Council review the draft LPPs in the light of any submissions made, then resolve to either finally adopt (with or without modifications) or not proceed with the draft Policy.

**Policy/Work Procedure Implications:** The progression of the new LPPs is an important step in establishing an effective policy framework for the Shire.

**Financial Implications:** Resources have been made available to Council through a grant from the Federal Government, under the Housing Affordability Program. The resources required to progress the proposed policies are consistent and within the grant funding secured.

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
<b>BUILT ENVIRONMENT</b>	<b>Land Use Planning</b>	26	General	Facilitate the development of a variety of well planned and connected activity centres and corridors.
<b>OUR COUNCIL AT WORK</b>	<b>Leadership</b>	15	Leadership throughout the organisation	The Shire will set policy direction in the best interests of the community.
		23	Society, community and environmental responsibility	The elected members provide bold and visible leadership.
		24		The Shire will further establish itself as an innovative leader in social, community and environmental responsibility.
		26		The Shire is focussed on building relationships of respect with stakeholders.
	<b>Strategy and Planning</b>	27	Strategic Direction	Prepare effectively for future development.



Vision Category	Focus Area	Objective Number	Objective Summary	Objective
		29		Create innovative solutions and manage responsibly to aid our long term financial sustainability.
	<b>Success and Sustainability</b>	41	Achieving Sustainability	The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council.
	<b>Knowledge and Information</b>	45	Generating, collecting and analysing the right data to inform decision making	Ensure the full costs are known before decisions are made.

### **Community Consultation:**

Draft LPP 57 was advertised for public comment from the 1 July to 29 July 2011 by way of:

- Advertisement in a local newspaper once a week for two consecutive weeks,
- Letters to all relevant Community Groups active within the Byford locality;
- Publication on the Shire's website,
- Correspondence to relevant government agencies, and
- A notice being placed at the Administration Centre.

Ten (10) submissions were received and the policy has been revised based on these comments.

***A copy of the summary of submissions is with attachments marked [SD046.2/09/11](#).***

### **Comment:**

In response to the submissions, comments were considered by technical officers. As identified in the summary of submissions, modifications were made to the policy following the consultation process in response to these comments made. In addition to these modifications, minor typographical and formatting modifications were made to ensure consistency with the rest of the LPP suite.

The finalised version of LPP 57 Housing Diversity is presented to Council for final adoption.

***A copy of the revised LPP 57 Housing Diversity is with attachments marked [SD046.3/09/11](#).***

**Voting Requirements:** Simple Majority

### **SD046/09/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

Moved Cr Randall, seconded Cr Harris  
That Council:

- 1) Note the submissions received during the advertising of draft Local Planning Policy No. 57 – Housing Diversity.
- 2) Pursuant to Clause 9.3(b) of Town Planning Scheme No. 2 adopt Local Planning Policy No. 57 – Housing Diversity as provided in attachment [SD046.3/09/11](#).
- 3) Following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area, in accordance with Clause 9.3 (c) of Town Planning Scheme No. 2.

- 4) Forward a copy of the Policy to the Western Australian Planning Commission in accordance with Clause 9.3 (d) of Town Planning Scheme No. 2.
- 5) Provide copies of the Policy for public inspection during normal office hours, in accordance with Clause 9.3 (e) of Town Planning Scheme No. 2.
- CARRIED 9/0 EN BLOC**

SD047/09/11		FINAL ADOPTION OF LOCAL PLANNING POLICY – LPP 60 PUBLIC OPEN SPACE (A1983)
Author:	Lawrence Man – Senior Planner	In Brief  Following advertising, Local Planning Policy No. 60 – Public Open Space is presented to Council for final adoption.
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	24 August 2011	
Previously	SD003/07/11	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

### **Background**

At the Ordinary Council Meeting held on the 25 July 2011, draft Local Planning Policy (LPP) 60 Public Open Space was deemed suitable for advertising and community consultation.

The planning and development process within Western Australia has traditionally provided a minimum of 10% public open space (POS) through the structure planning and subdivision process. The Shire's policy remains consistent with this requirement and those as outlined within the State Government policy document *Liveable Neighbourhoods*. Through the development of a POS Policy, the Shire seeks to provide guidance on how POS is to be provided. The Policy responds to the landscape and environmental characteristics of the Shire and the development requirements for POS.

Key matters that the policy seeks to address include:

- Deliver the balanced provision of public open space with appropriate location, amenity, functionality and facilities which meets the needs of all users within the community and is able to be maintained by the Shire into the future;
- Provide a framework to plan for the creation of multi-functional open spaces; and
- Give guidance on the expectations of the Shire in the development of open space including requirements for location, sizing, functionality, facilities and ongoing management and maintenance.

The Policy clarifies the Shire's expectations with regard to the provision of POS as part of the structure planning and subdivision process. Due to the multiple use corridors that feature within the Shire and the desire to protect remnant vegetation, additional functional classes of POS have been provided along with Active Open Space (District), Passive Open Space, Community Sites and Community Gardens. Each functional class of POS is supported with details including their provision and distribution, minimum areas, walkable catchments, drainage functionality and developer maintenance periods.

The Policy sets out development requirements for each functional class and provides minimum standards, preferred standard and additional facilities that require approval of the Shire.

***A copy of the advertised LPP 60 Public Open Space is with attachments marked [SD047.1/09/11](#).***

This report provides Council with the opportunity to consider the modifications following the community consultation period and adopt the finalised version of LPP 60 Public Open Space for operation and implementation.

This Policy represents the finalisation of a comprehensive policy development and review program initiated in November 2010. A total of thirty-one local planning policies were progressed and adopted by Council during this time. This initiative would not have been achieved without the grant funding provided by the Federal Government through the Housing Affordability Fund. Although the bulk of the work has been successfully completed, the Shire will continue with the development and review of local planning policies to ensure a contemporary, responsive and integrated land use planning system.

### **Sustainability Statement**

***Effect on Environment:*** Each LPP proposed, as part of the policy development program, seeks to improve the built and natural environment in a direct and indirect manner. The policies will improve the quality of the built environment in the Shire's urban cells while protecting and enhancing the rural character and landscapes for which it is renowned.

***Economic Benefits:*** The policy development program seeks to ensure new LPPs provide a level of certainty and clarity for all stakeholders. The establishment of clear requirements will ensure that investment decisions can be made with confidence that will generate wealth, increase employment opportunities and promote vitality.

***Social – Quality of Life:*** The new LPPs seek to closely align themselves with the Shire's goals of improving the quality of life for present and future residents. The policies seek to ensure vibrant and liveable places that enhance the physical and mental health of Serpentine Jarrahdale Shire's residents and visitors.

***Social and Environmental Responsibility:*** Serpentine Jarrahdale Shire has ensured that it has integrated the latest best practices in its new LPPs to recognise fair and equitable implementation. It has responded in terms of community expectations and industry practices to establish requirements and standards that are appropriate to their context.

***Social Diversity:*** A timely and coordinated approach to the delivery of new LPPs can assist with meeting the needs of a diverse community, both existing and into the future.

### **Statutory Environment:**

Planning and Development Act 2005

The establishment of an effective policy suite to support planning decision-making processes is consistent with the Planning and Development Act 2005.

Town Planning Scheme No. 2 (TPS 2)

Clause 9.3 requires that, following advertising of proposed LPPs, the Council review the draft LPPs in the light of any submissions made, then resolve to either finally adopt (with or without modifications) or not proceed with the draft Policy.

### **Policy/Work Procedure**

#### **Implications:**

The progression of the new LPPs is an important step in establishing an effective policy framework for the Shire.

**Financial Implications:**

Resources have been made available to Council through a grant from the Federal Government, under the Housing Affordability Program. The resources required to progress the proposed policies are consistent and within the grant funding secured.

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
BUILT ENVIRONMENT	Land Use Planning	26	General	Facilitate the development of a variety of well planned and connected activity centres and corridors.
OUR COUNCIL AT WORK	Leadership	15	Leadership throughout the organisation	The Shire will set policy direction in the best interests of the community.
		23	Society, community and environmental responsibility	The elected members provide bold and visible leadership.
		24		The Shire will further establish itself as an innovative leader in social, community and environmental responsibility.
		26		The Shire is focussed on building relationships of respect with stakeholders.
	Strategy and Planning	27	Strategic Direction	Prepare effectively for future development.
		29		Create innovative solutions and manage responsibly to aid our long term financial sustainability.
	Success and Sustainability	41	Achieving Sustainability	The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council.
	Knowledge and Information	45	Generating, collecting and analysing the right data to inform decision making	Ensure the full costs are known before decisions are made.

**Community Consultation:**

Draft LPP 60 was advertised for public comment from the 2 August to 19 August 2011 by way of:

- Advertisement in a local newspaper once a week for two consecutive weeks,
- Letters to all relevant Community Groups active within the Byford locality;
- Publication on the Shire's website,
- Correspondence to relevant government agencies, and
- A notice being placed at the Administration Centre.

Eight (8) submissions were received and the policy has been revised based on these comments.

***A copy of the summary of submissions is with attachments marked [SD047.2/09/11](#).***

**Comment:**

In response to the submissions, comments were considered by technical officers. As identified in the summary of submissions, modifications were made to the policy following the consultation process in response to these comments made. In addition to these modifications, minor typographical and formatting modifications were made to ensure consistency with the rest of the LPP suite.

The finalised version of LPP 60 Public Open Space is presented to Council for final adoption.

***A copy of the revised LPP 60 Public Open Space is with attachments marked [SD047.3/09/11](#).***

**Voting Requirements:** Simple Majority

**SD047/09/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Randall, seconded Cr Harris  
That Council:**

- 1) Note the submissions received during the advertising of draft Local Planning Policy No. 60 – Public Open Space.
- 2) Pursuant to Clause 9.3(b) of Town Planning Scheme No. 2 adopt Local Planning Policy No. 60 – Public Open Space as provided in attachment *SD047.3/09/11*.
- 3) Following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area, in accordance with Clause 9.3 (c) of Town Planning Scheme No. 2.
- 4) Forward a copy of the Policy to the Western Australian Planning Commission in accordance with Clause 9.3 (d) of Town Planning Scheme No. 2.
- 5) Provide copies of the Policy for public inspection during normal office hours, in accordance with Clause 9.3 (e) of Town Planning Scheme No. 2.

**CARRIED 9/0 EN BLOC**

SD048/09/11 FINAL ADOPTION OF LOCAL PLANNING POLICY – LPP 61 LOCAL STRUCTURE PLANS (A1984)		
Author:	Lawrence Man – Senior Planner	In Brief  Following advertising, Local Planning Policy No. 61 – Local Structure Plans is presented to Council for final adoption.
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	24 August 2011	
Previously	SD008/07/11	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

**Background**

At the Ordinary Council Meeting held on the 25 July 2011, draft Local Planning Policy (LPP) 61 Local Structure Plans was deemed suitable for advertising and community consultation.

Local Structure Planning (LSP) is an important part of the land use planning process. LSPs translate the vision and objectives of District Structure Plans and provide detailed guidance in how subdivision and development is to take place. LSPs are primarily prepared by landowners and their consultant teams or can be done by Council. The contents of LSPs can vary greatly.

The policy seeks to outline content and requirements for the preparation of LSPs to ensure the information provided is sufficiently comprehensive, structured appropriately, and features the content necessary to address site related matters. This report provides Council with the opportunity to consider the Local Structure Plans policy, after formal stakeholder engagement.

Key matters that the policy seeks to address include:

- Detail the minimum requirements and assessment criteria for local structure plans in order to ensure a consistent approach to structure planning and improve planning outcomes in the Shire; and
- Refine and clarify the structure plan preparation and structure plan modification processes to support a robust, streamlined and consistent assessment process.

LSPs are required to be prepared and approved prior to lodgement of any application of subdivision and/or development consistent with TPS 2. The Policy seeks to integrate the additional requirements of the Shire's LPP suite.

The Policy provides information indicating that LSPs must address the following requirements:

- Site Context
- Landscape, Vegetation and Biodiversity
- Urban Water Management
- Hazards and Natural Disasters
- Heritage
- Activity Centres
- Urban Form
- Movement Network
- Public Open Space
- Community Facilities and Services
- Infrastructure
- Developer Contributions
- Sustainability

***A copy of the advertised LPP 61 Local Structure Plans is with attachments marked [SD048.1/09/11](#).***

This report provides Council with the opportunity to consider the modifications following the community consultation period and adopt the finalised version of LPP 61 Local Structure Plans for operation and implementation.

This Policy represents the finalisation of a comprehensive policy development and review program initiated in November 2010. A total of thirty-one local planning policies were progressed and adopted by Council during this time. This initiative would not have been achieved without the grant funding provided by the Federal Government through the Housing Affordability Fund. Although the bulk of the work has been successfully completed, the Shire will continue with the development and review of local planning policies to ensure a contemporary, responsive and integrated land use planning system.

### **Sustainability Statement**

***Effect on Environment:*** Each LPP proposed, as part of the policy development program, seeks to improve the built and natural environment in a direct and indirect manner. The



policies will improve the quality of the built environment in the Shire's urban cells while protecting and enhancing the rural character and landscapes for which it is renowned.

**Economic Benefits:** The policy development program seeks to ensure new LPPs provide a level of certainty and clarity for all stakeholders. The establishment of clear requirements will ensure that investment decisions can be made with confidence that will generate wealth, increase employment opportunities and promote vitality.

**Social – Quality of Life:** The new LPPs seek to closely align themselves with the Shire's goals of improving the quality of life for present and future residents. The policies seek to ensure vibrant and liveable places that enhance the physical and mental health of Serpentine Jarrahdale Shire's residents and visitors.

**Social and Environmental Responsibility:** Serpentine Jarrahdale Shire has ensured that it has integrated the latest best practices in its new LPPs to recognise fair and equitable implementation. It has responded in terms of community expectations and industry practices to establish requirements and standards that are appropriate to their context.

**Social Diversity:** A timely and coordinated approach to the delivery of new LPPs can assist with meeting the needs of a diverse community, both existing and into the future.

**Statutory Environment:**

Planning and Development Act 2005

The establishment of an effective policy suite to support planning decision-making processes is consistent with the Planning and Development Act 2005.

Town Planning Scheme No. 2 (TPS 2)

Clause 9.3 requires that, following advertising of proposed LPPs, the Council review the draft LPPs in the light of any submissions made, then resolve to either finally adopt (with or without modifications) or not proceed with the draft Policy.

**Policy/Work Procedure Implications:**

The progression of the new LPPs is an important step in establishing an effective policy framework for the Shire.

**Financial Implications:**

Resources have been made available to Council through a grant from the Federal Government, under the Housing Affordability Program. The resources required to progress the proposed policies are consistent and within the grant funding secured.

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
BUILT ENVIRONMENT	Land Use Planning	26	General	Facilitate the development of a variety of well planned and connected activity centres and corridors.
OUR COUNCIL AT WORK	Leadership	15	Leadership throughout the organisation	The Shire will set policy direction in the best interests of the community.
		23	Society, community and environmental	The elected members provide bold and visible leadership.
		24		The Shire will further establish itself

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
			responsibility	as an innovative leader in social, community and environmental responsibility.
		26		The Shire is focussed on building relationships of respect with stakeholders.
	Strategy and Planning	27	Strategic Direction	Prepare effectively for future development.
		29		Create innovative solutions and manage responsibly to aid our long term financial sustainability.
	Success and Sustainability	41	Achieving Sustainability	The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council.
	Knowledge and Information	45	Generating, collecting and analysing the right data to inform decision making	Ensure the full costs are known before decisions are made.

### Community Consultation:

Draft LPP 61 was advertised for public comment from the 2 August to 19 August 2011 by way of:

- Advertisement in a local newspaper once a week for two consecutive weeks,
- Letters to all relevant Community Groups active within the Byford locality;
- Publication on the Shire's website,
- Correspondence to relevant government agencies, and
- A notice being placed at the Administration Centre.

Nine (9) submissions were received and the policy has been revised based on these comments.

***A copy of the summary of submissions is with attachments marked [SD048.2/09/11](#).***

### Comment:

In response to the submissions, comments were considered by technical officers. As identified in the summary of submissions, modifications were made to the policy following the consultation process in response to these comments made. In addition to these modifications, minor typographical and formatting modifications were made to ensure consistency with the rest of the LPP suite.

The finalised version of LPP 61 Local Structure Plans is presented to Council for final adoption.

***A copy of the revised LPP 61 Local Structure Plans is with attachments marked [SD048.3/09/11](#).***

**Voting Requirements:** Simple Majority

**SD048/09/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Randall, seconded Cr Harris  
That Council:**

- 1) Note the submissions received during the advertising of draft Local Planning Policy No. 61 – Local Structure Plans.
- 2) Pursuant to Clause 9.3(b) of Town Planning Scheme No. 2 adopt Local Planning Policy No. 61 – Local Structure Plans as provided in attachment SD048.3/09/11.
- 3) Following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area, in accordance with Clause 9.3 (c) of Town Planning Scheme No. 2.
- 4) Forward a copy of the Policy to the Western Australian Planning Commission in accordance with Clause 9.3 (d) of Town Planning Scheme No. 2.
- 5) Provide copies of the Policy for public inspection during normal office hours, in accordance with Clause 9.3 (e) of Town Planning Scheme No. 2.

**CARRIED 9/0 EN BLOC**

SD049/09/11 FINAL ADOPTION OF LOCAL PLANNING POLICY – LPP 68 SUSTAINABILITY ASSESSMENT (A1990)		
Author:	Lawrence Man – Senior Planner	In Brief  Following advertising, Local Planning Policy No. 68 – Sustainability Assessment is presented to Council for final adoption.
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	24 August 2011	
Previously	SD009/07/11	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

**Background**

At the Ordinary Council Meeting held on the 25 July 2011, draft Local Planning Policy (LPP) 68 Sustainability Assessment was deemed suitable for advertising and community consultation.

The Sustainability Assessment Policy sets out current and recommended sustainability practice requirements for planning applications. The Policy also seeks to incorporate the various sustainability assessment tools recognised by the built environment profession, for use in the land use planning process by the Shire. The LPP seeks to provide guidance to assist Homeowners and Builders to inform them of current best practice to ensure liveable communities that are balanced economically, environmentally and socially, and adapt to climate change.

Key matters that the policy seeks to address include:

- Encourage the achievement of more sustainable development outcomes as part of planning and development within the Shire; and
- Provide guidance to developers regarding the requirements for addressing sustainability as part of planning and development within the Shire.

The policy represents a desire by the Shire to achieve development that improves on current practice and strives to ‘go beyond’ conventional outcomes to deliver leading and innovative development solutions and vibrant and sustainable communities. Within each of these elements, there are both standard sustainable outcomes that must be achieved to satisfy existing sustainability requirements and practices. The policy has been prepared to reflect

latest practices and will need to be updated from time to time reflect latest technological improvements and assessment rating tools.

The Shire seeks to provide guidance on sustainability based on the following elements:

- Governance
- Ecosystems
- Water
- Energy
- Waste
- Economy
- Community
- Materials

***A copy of the advertised LPP 68 Sustainability Assessment is with attachments marked [SD049.1/09/11](#).***

This report provides Council with the opportunity to consider the modifications following the community consultation period and adopt the finalised version of LPP 68 Sustainability Assessment for operation and implementation.

This Policy represents the finalisation of a comprehensive policy development and review program initiated in November 2010. A total of thirty-one local planning policies were progressed and adopted by Council during this time. This initiative would not have been achieved without the grant funding provided by the Federal Government through the Housing Affordability Fund. Although the bulk of the work has been successfully completed, the Shire will continue with the development and review of local planning policies to ensure a contemporary, responsive and integrated land use planning system.

### **Sustainability Statement**

***Effect on Environment:*** Each LPP proposed, as part of the policy development program, seeks to improve the built and natural environment in a direct and indirect manner. The policies will improve the quality of the built environment in the Shire's urban cells while protecting and enhancing the rural character and landscapes for which it is renowned.

***Economic Benefits:*** The policy development program seeks to ensure new LPPs provide a level of certainty and clarity for all stakeholders. The establishment of clear requirements will ensure that investment decisions can be made with confidence that will generate wealth, increase employment opportunities and promote vitality.

***Social – Quality of Life:*** The new LPPs seek to closely align themselves with the Shire's goals of improving the quality of life for present and future residents. The policies seek to ensure vibrant and liveable places that enhance the physical and mental health of Serpentine Jarrahdale Shire's residents and visitors.

***Social and Environmental Responsibility:*** Serpentine Jarrahdale Shire has ensured that it has integrated the latest best practices in its new LPPs to recognise fair and equitable implementation. It has responded in terms of community expectations and industry practices to establish requirements and standards that are appropriate to their context.

***Social Diversity:*** A timely and coordinated approach to the delivery of new LPPs can assist with meeting the needs of a diverse community, both existing and into the future.

### **Statutory Environment:**

Planning and Development Act 2005

The establishment of an effective policy suite to support planning decision-making processes is consistent with the Planning and Development Act 2005.

**Town Planning Scheme No. 2 (TPS 2)**

Clause 9.3 requires that, following advertising of proposed LPPs, the Council review the draft LPPs in the light of any submissions made, then resolve to either finally adopt (with or without modifications) or not proceed with the draft Policy.

**Policy/Work Procedure Implications:**

The progression of the new LPPs is an important step in establishing an effective policy framework for the Shire.

**Financial Implications:**

Resources have been made available to Council through a grant from the Federal Government, under the Housing Affordability Program. The resources required to progress the proposed policies are consistent and within the grant funding secured.

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
<b>BUILT ENVIRONMENT</b>	<b>Land Use Planning</b>	26	General	Facilitate the development of a variety of well planned and connected activity centres and corridors.
<b>OUR COUNCIL AT WORK</b>	<b>Leadership</b>	15	Leadership throughout the organisation	The Shire will set policy direction in the best interests of the community.
		23	Society, community and environmental responsibility	The elected members provide bold and visible leadership.
		24		The Shire will further establish itself as an innovative leader in social, community and environmental responsibility.
		26		The Shire is focussed on building relationships of respect with stakeholders.
	<b>Strategy and Planning</b>	27	Strategic Direction	Prepare effectively for future development.
		29		Create innovative solutions and manage responsibly to aid our long term financial sustainability.
	<b>Success and Sustainability</b>	41	Achieving Sustainability	The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council.
	<b>Knowledge and Information</b>	45	Generating, collecting and analysing the right data to inform decision making	Ensure the full costs are known before decisions are made.

**Community Consultation:**

Draft LPP 68 was advertised for public comment from the 2 August to 19 August 2011 by way of:

- Advertisement in a local newspaper once a week for two consecutive weeks,

- Letters to all relevant Community Groups active within the Byford locality;
- Publication on the Shire’s website,
- Correspondence to relevant government agencies, and
- A notice being placed at the Administration Centre.

Eight (8) submissions were received and the policy has been revised based on these comments.

**A copy of the summary of submissions is with attachments marked [SD049.2/09/11](#).**

**Comment:**

In response to the submissions, comments were considered by technical officers. As identified in the summary of submissions, modifications were made to the policy following the consultation process in response to these comments made. In addition to these modifications, minor typographical and formatting modifications were made to ensure consistency with the rest of the LPP suite.

The finalised version of LPP 68 Sustainability Assessment is presented to Council for final adoption.

**A copy of the revised LPP 68 Sustainability Assessment is with attachments marked [SD49.3/09/11](#).**

**Voting Requirements:** Simple Majority

**SD049/09/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

Moved Cr Randall, seconded Cr Harris  
That Council:

- 1) Note the submissions received during the advertising of draft Local Planning Policy No. 68 – Sustainability Assessment.
- 2) Pursuant to Clause 9.3(b) of Town Planning Scheme No. 2 adopt Local Planning Policy No. 68 – Sustainability Assessment as provided in attachment [SD049.3/09/11](#).
- 3) Following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area, in accordance with Clause 9.3 (c) of Town Planning Scheme No. 2.
- 4) Forward a copy of the Policy to the Western Australian Planning Commission in accordance with Clause 9.3 (d) of Town Planning Scheme No. 2.
- 5) Provide copies of the Policy for public inspection during normal office hours, in accordance with Clause 9.3 (e) of Town Planning Scheme No. 2.

**CARRIED 9/0 EN BLOC**

<b>SD050/09/11 LOCALITY FUNDING PROGRAM (A1951)</b>		
Proponent:	Various Community Groups	In Brief  Endorse the recommendations of the Locality Funding Program Working Group in relation to the 2011/12 Budget allocation for the Locality Funding Program.
Owner:	N/A	
Author:	Julie Sansom - Community Development Officer	
Senior Officer:	Suzette van Aswegen - Director Strategic Community Planning	
Date of Report	17 August 2011	
Previously	SD054/10/09; CGAM104/05/09 and SD032/09/10	



Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

### **Background**

In October 2009 G914 Locality Funding Policy for Townscape Projects was developed and adopted by Council to benefit the six localities of Oakford, Byford, Mundijong, Jarrahdale, Serpentine and Keysbrook. It was later amended by Council in December 2010 so that a nominal provision for the program is as follows:

<b>Locality:</b>	<b>Classification:</b>	<b>Annual Allocation:</b>	<b>Accumulation Limit</b>	<b>Current Accumulated Funds (prior to annual allocation)</b>	<b>Total Available Funds 2011/12</b>
Byford	Urban Village	\$30,000*	\$90,000	\$64,132	\$94,132
Mundijong	Urban Village	\$30,000*	\$90,000	\$86,641	\$116,641
Jarrahdale	Rural Village	\$20,000*	\$60,000	\$28,184	\$48,184
Serpentine	Rural Village	\$20,000*	\$60,000	\$36,605	\$56,605
Keysbrook	Rural Settlement	\$10,000*	\$30,000	\$29,132	\$39,132
Oakford	Rural Settlement (to become a Rural Village)	\$10,000*	\$30,000	\$29,726	\$39,726

\*Council will determine the actual budget provisions in the annual budget process.

Any funds not allocated in any financial year will remain in the relevant localities' Locality Funding Reserve Account and accumulate until the accumulation limit is reached. No funding will be allocated once the accumulation limit is reached.

This system allows for consistent assessment of applications for funding townscape projects, based on an agreed set of criteria linked to Council's Plan for the Future. Four Councillor representatives from separate wards were also nominated to be part of the 2011/12 Working Group for the Locality Funding Program (LFP).

Eight (8) funding applications requesting a total of \$257,420.00 were received for the 2011/2012 LFP and assessed by the LFP Working Group in line with the assessment criteria outlined in Policy G914 Locality Funding Policy for Townscape Projects. This compares to four (4) funding applications, requesting a total of \$68,825.00 received for the 2010/2011 LFP. This includes one application which was processed through the August 2011 Ordinary Council Meeting.

***A copy of the Policy G914 is with attachments marked [SD050.1/09/11](#).***

### **Sustainability Statement**

***Resource Implications:*** It is proposed that all eight applications be funded through the 2011/2012 LFP. A Council contribution will enable projects to be accomplished across the community far in excess of the requested amount, as each community group has embraced the concept of using the contribution for seed funding or leveraging. It should also be noted

that the project proposal for Jarrahdale Community Association (Forest Green) is part of an ongoing and larger project and Mundijong Community Association's Paterson Street Beautification Project is also an ongoing and staged project. Byford Progress Association's proposal continues on from the foundation of an Art Plan that was funded through the LFP in 2010/2011 and is also an ongoing townscape and public art project. Each project aims to minimise resource use.

**Use of Local, Renewable or Recycled Resources:** As with the Community Funding Program, the LFP works through a capacity building model that encourages partnerships and use of local and regional resources (including volunteer labour). The LFP is only available to local groups and all proposed projects will mostly use local resources both human and material and may include renewable or recycled resources to achieve project outcomes.

**Effect on Environment:** The LFP will enhance the Shire's built, social and natural environments in line with the Shire's Plan for the Future. Furthermore the LFP will encourage sustainable economic growth to address the Shire's heritage assets and will invite and celebrate diversity of each locality. The LFP selection criteria indicates that funding (including seed funding) is for place making or beautification projects and will only be considered when based on land owned by the Shire, or on land vested with the Shire; have high community benefit in the locality the project is associated with; and a group contributes by either cash or in-kind. The LFP encourages projects that enhance the locality's heritage and culture.

**Economic Viability:** The proposed projects will add to the visual enhancement of each locality's built environment, resulting in attracting more visitors and increased prospects of economic viability. The LFP process also enables Council to identify where groups may be able to work together or share resources to accomplish outcomes.

**Economic Benefits:** The proposed projects seek to provide more opportunities for recreation and beautification of the Shire. The Program aims to build the capacity of the community to apply for funding from other sources and use this grant as seed funding or leveraging to attract further funds to beautify the six localities. Contributions of cash or in-kind are also encouraged to increase the chances of drawing more funds to this community. Each of the projects utilise local resources, businesses and/or attract visitors to the Shire who then spend money locally.

**Social – Quality of Life:** The projects will address the community's need to have an aesthetically pleasing environment within which to live, work, recreate and relax. The LFP will allocate funds to projects which will have a high benefit to the built environment and will therefore make public places more aesthetically pleasing. The program encourages partnerships that enable progress towards achieving sustainability. The process has been designed to build the capacity of the community to put together funding applications for this and other programs. The Community Development team works with the groups to this end. The equitable distribution of funding encourages townscape related community development and partnerships.

**Social Diversity:** The program seeks to recognise social diversity and improve living, working or visiting the Shire by allocating seed funding to stimulate townscape enhancement. The use of public art is encouraged to express the local "flavour" of each locality in accordance with place making principles, and one of the community groups is seeking funding to develop this. The program is holistic and aims to be inclusive of all social groups.

**Social and Environmental Responsibility:** This process involves a holistic approach encouraging groups to be socially, environmentally and economically responsible. The LFP criteria seek to ensure that the determination of developments within Shire localities takes

into consideration the need for townscape enhancement whilst also enhancing the environment through landscaping.

**Statutory Environment:** Not Applicable

**Policy/Work Procedure Implications:**

G914 Locality Funding Policy for Townscape Projects is intended to provide guidance to the Locality Funding Program Working Group processing applications for townscape seed funding. A work procedure which includes guidelines and criteria has been developed to complement the policy. The guidelines and criteria have been used when considering applications.

**Financial Implications:**

There are sufficient funds in the relevant reserve accounts to enable the recommendations of the Working Group. These funds are outlined in the Background and Comments sections of this report.

**Strategic Implications:**

This proposal relates to the following Focus Areas through the numerous projects that the funding will enable.

Vision Category	Focus Area	Objective Summary	Objective	
BUILT ENVIRONMENT	Land Use Planning	Rural Villages	Preserve the distinct character and lifestyle of our rural villages and sensitively plan for their growth.	
		Urban Villages	Ensure interesting, safe and well-connected pathways accessible and suitable for all users.	
		Rural Land	Ensure the built form complements and enhances the rural environment.	
			Promote the vision of the Shire being the 'food bowl' of Perth.	
		Buildings	Encourage built form that positively contributes to streetscape amenity.	
			Ensure that all buildings incorporate principles of environmentally sustainable design, suitable for our specific climate and location.	
			Preserve, enhance and recognise heritage values within the built form.	
			Plan for the creation and preservation of iconic buildings and places that add to our sense of identity.	
		General	Plan and develop community gardens.	
			Encourage innovative solutions, technology and design.	
		<b>Infrastructure</b>		
		Roads and bridges	Protect, enhance and develop shady vegetated road verges to reflect the rural character of the locality and provide wildlife habitats and linkages.	
			Preserve the amenity and biodiversity of scenic drives and flora roads and create further interest through the incorporation of public art.	
		Trails and linkages	Plan and develop well connected, distinctive, multiple use pathways that contribute to the individuality and sense of place of each neighbourhood.	
		Vegetation management	Ensure local native, low maintenance and water wise trees and plants are incorporated in streetscapes and public spaces.	
			Incorporate, in selective locations, deciduous "air	

Vision Category	Focus Area	Objective Summary	Objective
			conditioning”, fruit and ornamental trees in streetscapes and public spaces.
<b>NATURAL ENVIRONMENT</b>	<b>Landscape</b>		
		Safeguard	Restore and preserve the visual amenity of our landscapes.
			Maximise the preservation of existing trees and vegetation.
		Restore	Establish and enhance waterways and bush corridors.
		Manage	Establish increased levels of natural vegetation in urban and rural environments.
			Promote and develop appropriate tourism, recreation and educational opportunities.
			Develop active partnerships with stakeholders.
			Protect and manage a portion of each basic type of vegetation and ecosystem typical to the Shire.
		Restore	Manage and restore local natural areas and revegetate new areas to increase native fauna habitat.
	<b>Integrated Water Cycle Management</b>		
		Natural systems	Facilitate and encourage the preservation, management and restoration of natural water systems.
	<b>Climate Change</b>		
		Mitigation	Minimise resource use
<b>OUR COUNCIL AT WORK</b>			
	<b>Leadership</b>		
		Leadership through organisational culture	We invite and celebrate diversity.
<b>PEOPLE AND COMMUNITY</b>			
	<b>Wellbeing</b>		
		Healthy	Promote a wide range of opportunities to enable optimal physical and mental health.
			Promote a variety of recreation and leisure activities.
			Enable the provision of a range of facilities and services for families and children.
			Monitor and respond to the changing needs of our ageing population.
		Happy	Improve access and inclusion for all.
			Encourage, support and celebrate volunteerism.
			Foster lifelong learning opportunities
	<b>Relationships</b>		
		Encourage	Encourage intergenerational interactions and activities.
			Create opportunities to identify and address social isolation.
		Empower	Grow and sustain our strong community spirit.
			Empower people to represent their community of interest.
			Achieve a sense of belonging through active networks and community groups.
		Celebrate	Acknowledge, utilise and celebrate the distinctiveness and diversity of our community.
	<b>Places</b>		
		Vibrant	Create vibrant urban and rural villages.
			Ensure community spaces and places are accessible and inviting.
			Enable a diverse range of places that accommodate a variety of active and passive recreational pursuits.
		Innovative	Encourage the use of the arts to express our cultural identity.
		Distinctive	Recognise, preserve and enhance the distinct

Vision Category	Focus Area	Objective Summary	Objective
			characteristics of each locality.
			Foster the sense of belonging and pride of place in our community.
			Acknowledge and accommodate diversity and multicultural interests in our places.
<b>SUSTAINABLE ECONOMIC GROWTH</b>			
	<b>Industry Development</b>		
		Tourism	Encourage the development of tourist attractions and accommodation.
			Develop and maintain our heritage assets to encourage visitors.
	<b>Industry Assistance</b>		
		Infrastructure	Facilitate the development of consistent appropriate and informative signage throughout the Shire.

### **Community Consultation:**

All community groups received information about the LFP when the Community Funding Program applications were sent out in January 2011, giving them equal opportunity to apply for the LFP 2011/2012.

Further information was posted to targeted community associations and committees, church groups, service groups, environment groups and heritage or historical committees. These community groups represent the interest of their membership community and were deemed to have a greater capacity than smaller groups, such as book clubs and exercise groups, to project manage the type of beautification projects that is the intent of the LFP.

Community groups who did not receive a postal application were forwarded an application on request. It was a compulsory requirement that all community groups consult with a Community Development Officer prior to submitting their written application. This has ensured groups were not disadvantaged by submitting an application for which a grant could not be considered.

### **Comment:**

All eight applications are recommended for funding through the 2011/2012 LFP, and are within the accumulated budget allocation in the reserve fund of each locality as outlined below. Seven applications have conditional recommendations which means that all conditions will need to be met before any funds are issued.

One of the eight applications was assessed and approved by the working group at the same time as all the others, but then fast tracked to Council through the August 2011 Ordinary Council Meeting (OCM) as it related to leveraging funds for Jarrahdale Skatepark Technical Design Drawings through a Department of Sport and Recreation funding program that closed on 31 August 2011. The original balance of reserve funds available to Jarrahdale in 2011/12 was \$48,184. The current balance once the \$9,474 was allocated for the skatepark technical design drawings in August 2011 is \$38,710 which is the total request for the three remaining Jarrahdale projects.

Locality:	Classification:	Total Available Funds 2011/12	Total 2011/12 request to date	2011/12 Balance remaining in Locality Funding Reserve
Byford	Urban Village	\$94,132	\$60,000	\$34,132

Mundijong	Urban Village	\$116,641	\$113,235	\$3,406
Jarrahdale	Rural Village	\$48,184	\$48,184*	Nil
Serpentine	Rural Village	\$56,605	\$36,000	\$20,605
Keysbrook	Rural Settlement	\$39,132	Nil	\$39,132
Oakford	Rural Settlement (to become a Rural Village)	\$39,726	Nil	\$39,726

\*This total request to date for Jarrahdale includes the \$9,475 allocation through August 2011 OCM for Jarrahdale Skatepark Technical Design Drawings.

***A table detailing the recommendations of the Locality Funding Program Working Group in relation to the 2011/12 Budget allocation for the Locality Funding Program is with attachments marked [SD050.2/09/11](#).***

**Voting Requirements: ABSOLUTE MAJORITY**

**SD050/09/11 Committee/Officer Recommended Resolution:**

Moved Cr Petersen, seconded Cr Hoyer  
That Council:

- 1) Endorses the recommendations of the Locality Funding Program Working Group in relation to the 2011/12 Budget allocation for the Locality Funding Program as per attachment *SD050.2/09/11*.
- 2) Transfers the following funds subject to all conditions being met:
  - a) \$60,000 from the Byford Locality Funding Reserve to the Locality Funding Program Account to be distributed through a grant to the Byford Progress Association.
  - b) \$113,235 from the Mundijong Locality Funding Reserve to the Locality Funding Program Account to be distributed through the following grants: \$25,221 to the Mundijong Heritage Uniting Church; and \$88,014 to the Mundijong Community Association.
  - c) \$38,710 from the Serpentine Locality Funding Reserve to the Locality Funding Program Account to be distributed through a grant to the Serpentine Historical Society.
  - d) \$38,710 from the Jarrahdale Locality Funding Reserve to the Locality Funding Program Account to be distributed through the following grants to the Jarrahdale Community Association: \$8,350 (World War II Memorial); \$2,000 (War Memorial Wall); and \$28,360 (Forest Green).

**AMENDMENT TO MOTION:**

Moved Cr Petersen, seconded Cr Hoyer  
That the figure for Item 2 c) be altered to \$36,000.  
**CARRIED 9/0**

The amended motion then became the substantive motion.

*Executive Manager Engineering left the room at 8.26pm & returned at 8.31pm  
Director Development Services left the room at 8.42pm & returned at 8.43pm*

**SD050/09/11 COUNCIL DECISION:**

Moved Cr Hoyer, seconded Cr Petersen  
That Council:



- 1) **Endorses the recommendations of the Locality Funding Program Working Group in relation to the 2011/12 Budget allocation for the Locality Funding Program as per attachment SD050.2/09/11.**
- 2) **Transfers the following funds subject to all conditions being met:**
  - a) **\$60,000 from the Byford Locality Funding Reserve to the Locality Funding Program Account to be distributed through a grant to the Byford Progress Association.**
  - b) **\$113,235 from the Mundijong Locality Funding Reserve to the Locality Funding Program Account to be distributed through the following grants: \$25,221 to the Mundijong Heritage Uniting Church; and \$88,014 to the Mundijong Community Association.**
  - c) **\$36,000 from the Serpentine Locality Funding Reserve to the Locality Funding Program Account to be distributed through a grant to the Serpentine Historical Society.**
  - d) **\$38,710 from the Jarrahdale Locality Funding Reserve to the Locality Funding Program Account to be distributed through the following grants to the Jarrahdale Community Association: \$8,350 (World War II Memorial); \$2,000 (War Memorial Wall); and \$28,360 (Forest Green).**

**CARRIED 8/1**

**Cr Geurds voted against the motion.**

SD051/09/11		STRATEGIC COMMUNITY PLANNING INFORMATION REPORT	
Proponent:	N/A	In Brief  To receive the Information Report for July 2011.	
Owner:	N/A		
Author:	Various		
Senior Officer:	Suzette van Aswegen – Director Strategic Community Planning		
Date of Report	24 August 2011		
Previously	Not Applicable		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
<b>Delegation</b>	<b>Council</b>		

**STRATEGIC COMMUNITY PLANNING ACTIVITY REPORT**

*A copy of the Strategic Community Planning Department’s Activity Report for July 2011 is with attachments marked [SD051.1/09/11](#).*

**Voting Requirements:** Simple Majority

**SD051/09/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Brown, seconded Cr Hoyer  
That Council accept the Strategic Community Planning Information Report.  
CARRIED 9/0**

SD052/09/11	DEVELOPMENT SERVICES INFORMATION REPORT
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Proponent:	N/A	In Brief  To receive the Information Report for August 2011.
Owner:	N/A	
Author:	Various	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	24 August 2011	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

## BUILDING

In accordance with the Delegated Authority vested in the Manager Building Services, the following report is provided:

### DS16 – Building Applications and Licences

Building permits issued under Delegated Authority for the month of July 2011 were numbers 09/69, 10/450, 10/994, 10/1128, 11/003, 11/061, 11/064, 11/122, 11/165, 11/189, 11/200, 11/203, 11/227, 11/234, 11/241, 11/247, 11/261, 11/267, 11/269, 11/271, 11/279, 11/285, 11/298, 11/301, 11/304, 11/311, 11/313, 11/317, 11/324, 11/328, 11/334, 11/336, 11/338, 11/344, 11/345, 11/349, 11/356, 11/359, 11/361, 11/369, 11/374, 11/376, 11/377, 11/378, 11/380 – 11/386, 11/388 – 11/392, 11/395 – 11/397, 11/399 – 11/403, 11/405, 11/407 – 11/410, 11/412, 11/414, 11/417 – 11/421, 11/423 – 11/425, 11/427 – 11/429, 11/431, 11/432, 11/434 – 11/439, 11/443, 11/444 (92 approvals).

Month of July	2011/2012	2010/2011
Value of permits issued	\$12,124,816	\$10,253,153
Cumulative total for period	\$12,124,816	\$10,253,153
Number of permits issued	92	94
Number of dwellings approved	51	49
Number of applications received	75	97

On 8 August 2011, 49 applications were pending

## HEALTH

In accordance with the Delegated Authority vested in the Manager Health, Rangers & Compliance the following report is provided:

### DS21 – Effluent Disposal Applications

L204 Tuart Road, Oakford  
L209 Henry George Close, Byford  
L241 Cardup Siding Road, Byford  
L41 Baigup Loop, Cardup  
L53 Boomerang Road, Oldbury

### DS21 – Permit to Use Apparatus

L21 Echoveld Close, Mardella

L137 Coral Vine Loop, Jarrahdale  
 L34 Kunzea Rise, Jarrahdale  
 L130 Ghost Gum Heights, Jarrahdale  
 L21 Echoveld Close, Mardella  
 L500 Rapids Road, Serpentine  
 L109 Marginata Parade, Jarrahdale

## **RANGERS & DEVELOPMENT COMPLIANCE**

### **Prosecutions**

<b>Date Used</b>	<b>Delegated Authority Reference No.</b>	<b>Address</b>	<b>Matter</b>	<b>Officers Signature</b>
August 2011	CG04	A398283	Dog attack	Shire Ranger
August 2011	CG04	A195700	Dog attack	Shire Ranger
August 2011	CG04	A301400	Failure to comply with a Notice Local Gov (Misc Prov) Act	CEO

### **Enforcement**

Notices issued CG05	19 x Dog, 5 x Livestock, 2 Off Road Vehicles, 18 x Compliance, 3 x Parking, 2 x Litter	
Fines issued CG05	1 x Litter, 8 x Dog, 8 x Livestock, 2 x ORV	\$2300
Other (LG Act Activities) CG02	Registration and impound fees (dog, livestock and off road vehicle) Recovery of costs.	\$905
In reported, legal or investigative process CG02	Dog Act Off Road Vehicle Act Litter Act Parking Local Government Act Development Compliance	24 4 9 2 18 32 (in process / action pending)
Matters completed and /or resolved by compliance, in consultation or mediation	Dog Act Local Government Act Development Compliance Other	29 14 21 32

## **PLANNING**

In accordance with the Delegated Authority vested in the Executive Manager Planning and Senior Planners the following report is provided:

***A copy of the Statutory Planning Report tabling Scheme Amendments, Local Planning Policies and Local Structure Plans is with attachments marked [SD052.1/09/11](#).***

### **DELEGATED AUTHORITY DETERMINATIONS – DEVELOPMENT APPLICATIONS, SUBDIVISIONS, DETAILED AREA PLANS**

<b>Date Issued</b>	<b>Authority Ref.</b>	<b>Property &amp; Development</b>	<b>Decision</b>
12/07/11	DS-08	L71 Padra Turn, Byford – Patio	Approved
12/07/11	DS-08	L221 Henry George Close, Byford – Single Dwelling	Approved
13/07/11	DS-08	L716 Admiral Road, Byford – Extensions to Caretakers Dwelling	Approved

Date Issued	Authority Ref.	Property & Development	Decision
14/07/11	DS-08	L1037 River Road, Hopeland – Shed / Water Tank	Approved
15/07/11	DS-05	L121 Beenyup Road, Byford – Single Dwelling	Approved
15/07/11	DS-05	L19 Finch Mews, Serpentine – Shed	Approved
15/07/11	DS-08	L283 Walja Bend, Byford – Swimming Pool	Approved
17/07/11	DS-08	L221 Henry George Close, Byford – Dam / Poultry Shed / Aviary	Approved
18/07/11	DS-05	L241 Quiberon Link, Byford – Patio	Approved
21/07/11	DS-05	L190 Vickers Pass, Byford – Retrospective Patio	Approved
21/07/11	DS-08	L209 Henry George Close, Byford – Single Dwelling	Approved
22/07/11	DS-15	L542 Bruns Drive, Darling Downs – Shed	Approved
26/07/11	DS-08	L345 Old Dairy Court, Oakford – Additions to Existing Dwelling	Approved
26/07/11	DS-05	L641 Kandimak Boulevard, Byford – Patio / Pergola	Approved
27/07/11	DS-08	L312 Gaffin Road, Byford – Patio	Approved
27/07/11	DS-08	L870 Gingerale Circle, Byford – Single Dwelling	Approved
28/07/11	DS-05	L226 Halfpenny Avenue, Byford – Patio and Shed	Approved
28/07/11	DS-08	L4 South Western Highway, Serpentine – Entry Gate	Approved
29/07/11	DS-05	L229 Bren Close, Byford – Patio	Approved
29/07/11	DS-05	L341 Mintberry Gardens, Byford – Shed	Approved
29/07/11	DS-08	L59 Tonkin Street, Mundijong – Patio	Approved
02/08/11	DS-08	L204 Tuart Road, Oakford – Shed	Approved
03/08/11	DS-08	L611 Rubery Way, Byford - Patio	Approved
10/08/11	DS-01	L826 Utley / L375 Wattle Road, Serpentine – Clearance of Conditions	Approved
16/08/11	DS-08	L930 Valli Link, Byford – Patio	Approved
17/08/11	DS-08	L304 Cowara Way, Byford – Flat / Gable Patio	Approved
17/08/11	DS-08	L315 Sirius Way, Byford – Single Dwelling	Approved
17/08/11	DS-08	L681 Plaistowe Boulevard, Byford – Shed	Approved
19/08/11	DS-08	L443 Casuarina Road, Oldbury – Transport Depot	Refused

<b>APPLICATION TYPE</b>	<b>Authority</b>	<b>Number</b>
Development Applications Received	N/A	28
Development Applications Approved	Delegated Authority Committee/Council	27 3
	<b>Total</b>	30
Development Applications Refused	Delegated Authority Committee/Council	1 0
	<b>Total</b>	1
Subdivision Referrals Received	N/A	9
Subdivision Approval Recommendation to WAPC	Delegated Authority	0
Subdivision Refusal Recommendation to WAPC	Delegated Authority	0
Subdivision Deferral Recommendation to WAPC	Delegated Authority	0
Subdivision Condition Clearances issued	Delegated Authority	1

On 25 August 2011, 82 applications were pending

#### **SUBDIVISION APPLICATION DETERMINATIONS BY WESTERN AUSTRALIAN PLANNING COMMISSION**

WAPC Ref	Property	No. of Lots	Type	Council Recommendation	WAPC Decision
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S144155	Lot 24 Beenyup Road, Byford	5	Residential	Approval	Approval
S144227	Lot 129 Old Brickworks Road, Byford	2	Rural Living	Refusal <i>Minimum lot size in rural zone; Fire risk and Vegetation impacts</i>	Deferral
S139072	Lot 44 Rowley Road, Oakford	8	Special Rural	Refusal <i>Non compliance with Subdivision Guide Plan</i>	Approval
S144207	Lot 123 Adonis Street, Mundijong	2	Residential	Approval	Refusal <i>Subdivision ahead of an adopted local structure plan</i>

#### DEVELOPMENT APPLICATION DETERMINATIONS BY WESTERN AUSTRALIAN PLANNING COMMISSION

WAPC Ref	Property	Type	Council Recommendation	WAPC Decision
29-50069-1	South Western Highway, Byford	2 x Off Site Signs for Fast Food/Take Away Shop (Hungry Jack's)	Refused	Approved 8 June 2011
29-50070-1	Lot 7, 50 & 101 Kiln Road, Byford	Continued Clay Extraction	Approved	Approved 18 August 2011

#### SUBDIVISION CLEARANCES ISSUED

WAPC Ref	Property	Type	Council Recommendation	WAPC Decision
S136308	L826 Utley Road & L375 Wattle Road, Serpentine	2 x Rural	Refusal	Approval

**Voting Requirements:** Simple Majority

*Cr Brown left the room at 8.49pm.*

*Director Development Services left the room at 8.49pm and returned at 8.52pm*

#### **SD052/09/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Hoyer, seconded Cr Harris**  
**That Council accept the Information Report.**  
**CARRIED 8/0**  
**Cr Brown was not present and did not vote.**

Proponent:	Serpentine Jarrahdale Shire	In Brief  To receive the July 2011 Monthly Financial Report.
Owner:	Not Applicable	
Author:	Kelli Hayward - Financial Accountant	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	24 August 2011	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	<b>Committee – in accordance with resolution CGAM064/02/08</b>	

### **Background**

The Local Government (Financial Management) Regulations 1996 requires monthly financial statements to be presented to Council for their consideration. The Council has resolved to receive these statements according to business unit classification.

### **Sustainability Statement**

This review provides an indication of current allocation of resources to provide services as adopted in the 2011/2012 budget. It ensures that allocations are undertaken in accordance with the adopted budget.

### **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.

### **Policy/Work Procedure Implications:**

There is no work procedure/policy implications directly related to this application/issue.

### **Financial Implications:**

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

### **Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Summary	Objective
OUR COUNCIL AT WORK	Strategy and Planning	Strategic Direction	Create innovative solutions and manage responsibly to aid our long term financial sustainability.



	<b>Success and Sustainability</b>	Measuring and Communicating Organisational Performance	Evaluate performance against recognised standards and best practice and make improvements.
			Develop simple milestone reporting systems that meet the information needs of the community, elected members, management and staff.
		Achieving Sustainability	Projects and goals are realistic and resourced.
			The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council.

**Community Consultation:**

Not required.

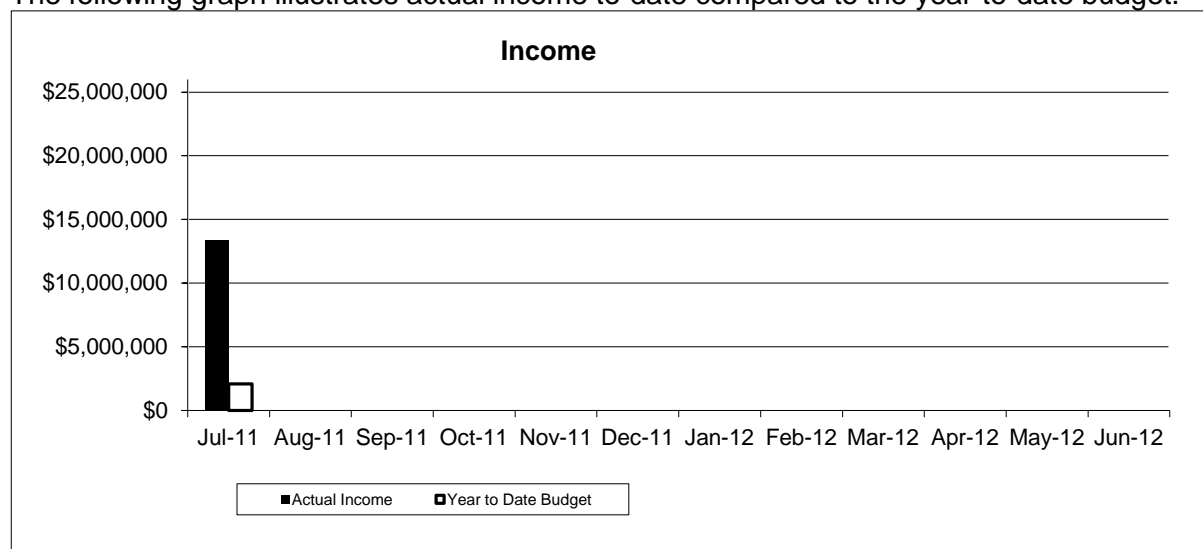
**Comment:**

Council adopted the 2011/12 Budget at the Ordinary Council Meeting held on 27 June 2011. The figures provided in this report are compared to the year-to-date budget.

The period of review is July 2011. The municipal surplus for this period is \$13,664,497 compared to a revised budget position of \$944,464. This is considered a satisfactory result for the Shire for this period.

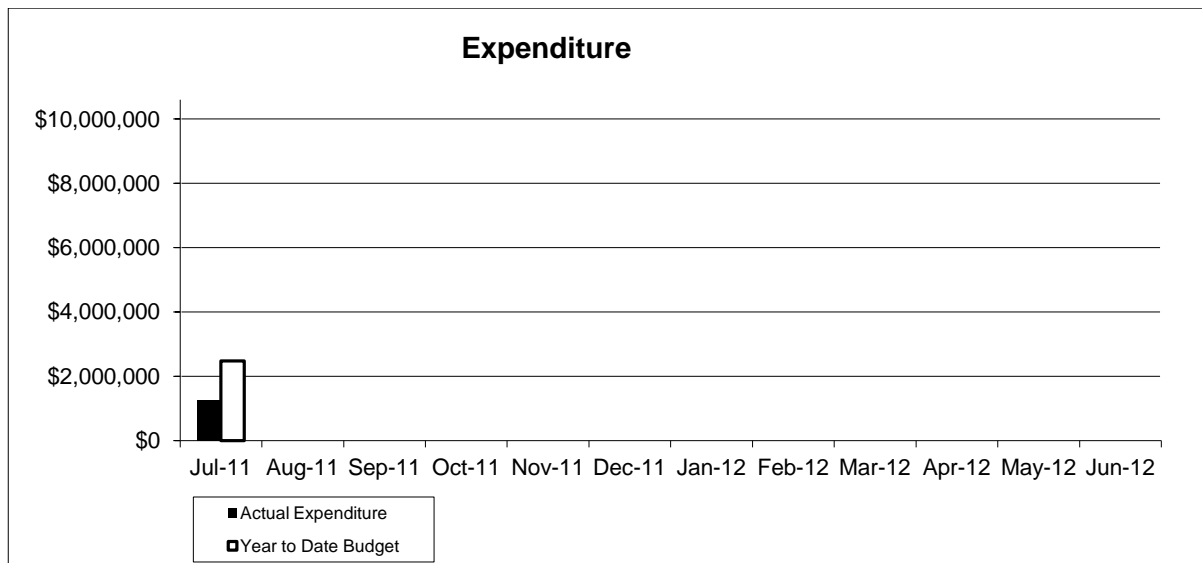
Income for the July 2011 period, year-to-date is \$13,382,248. The budget estimated \$2,076,782 would be received for the same period. The variance to budget is \$11,305,466 details of all significant variances are provided in the detailed business unit reports. The actual revenue is significantly higher due to all the rates income has been recorded in July when invoices are raised and the year to date budgets for each business unit have been spread evenly over twelve months. By October, it is anticipated that each business unit's budget will reflect the timing of income.

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



Expenditure for the July 2011 period, year-to-date is \$1,252,496. The budget estimated \$2,474,439 would be spent for the same period. The variance to budget is (\$1,221,943), details of all significant variances are provided in the detailed business unit reports. The year to date budgets is spread evenly over twelve months. It is anticipated that when rate income is received, that Council work will commence on projects outlined for the 2011/2012 budget.

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



***A copy of the Financial Report is included with the attachments and marked [CGAM0012.1/09/11 \(E11/4637\)](#).***

**Voting Requirements:** Simple Majority

**CGAM0012/09/11 COUNCIL DECISION/Officer Recommended Resolution/Committee Decision:**

**Moved Cr Hoyer, seconded Cr Harris  
That Council receives the Monthly Financial Report for July 2011, in accordance with Section 6.4 of the Local Government Act 1995.  
CARRIED 8/0  
Cr Brown was not present and did not vote.**

CGAM013/09/11 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)		In Brief  To confirm the creditor payments made during the period 20 July to 23 August 2011.
Proponent:	Serpentine Jarrahdale Shire	
Owner:	Not Applicable	
Author:	Amber White - Finance Officer	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	23 August 2011	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	<b>Committee in accordance with resolution CGAM064/02/08</b>	

**Background**

The Local Government (Financial Management) Regulations 1996 requires the local government to prepare a list of accounts paid by the Chief Executive Officer each month.

### **Sustainability Statement**

This report provides a summary of payments that have been made in the specified period, to provide services as adopted in the 2011/2012 budget.

### **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 CEO. Council have granted the CEO Delegated Authority CG07 – Payments from Municipal and Trust Fund.

Regulation 13 of the Local Government (Financial Management) Regulations 1996 as amended requires the local government to prepare a list of accounts paid by the CEO each month, showing.

- (a) the payee's name;
- (b) the amount of the payment;
- (c) the date of the payment; and
- (d) sufficient information to identify the transaction.

### **Policy/Work Procedure Implications:**

Council Policy G904 – Purchasing

### **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 has been adopted by Council.

### **Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Summary	Objective
OUR COUNCIL AT WORK	Strategy and Planning	Strategic Direction	Create innovative solutions and manage responsibly to aid our long term financial sustainability.
	Success and Sustainability	Measuring and Communicating Organisational Performance	Evaluate performance against recognised standards and best practice and make improvements.
			Develop simple milestone reporting systems that meet the information needs of the community, elected members, management and staff.
		Achieving Sustainability	Projects and goals are realistic and resourced.
			The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council.

### **Community Consultation:**

Not 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 the Committee and 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
- d) Sufficient information to identify the transaction

Invoices supporting all payments are available for the inspection of the Committee and Council. All invoices and vouchers presented to the Committee and 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.

***A copy of the vouchers numbered Chq 41482 – Chq 41583 and EFT 24001 – 24286 totalling \$1,976,432.38 for the period of 20 July to 23 August 2011 is included with the attachments and marked [CGAM013.1/09/11](#) (E11/4600).***

**Voting Requirements:** Simple Majority

**CGAM013/09/11 COUNCIL DECISION/Officer Recommended Resolution/Committee Decision:**

**Moved Cr Petersen, seconded Cr Harris**

**That Council receives the payments authorised under delegated authority and detailed in the list of invoices for period of 20 July to 23 August 2011 presented as per the summaries set out above include Creditors that have been paid and in accordance with the Local Government (Financial Management) Regulations 1996.**

**CARRIED 8/0**

**Cr Brown was not present and did not vote.**

CGAM014/09/11		NEW COUNCIL POLICY G920 – DRUGS AND ALCOHOL (A1048)
Proponent:	Serpentine Jarrahdale Shire	In Brief Council is requested to adopt a new Policy G920 – Drugs and Alcohol.
Owner:	Not Applicable	
Author:	Lisa Fletcher – Organisational Improvement Officer	
Senior Officer:	Joanne Abbiss – Chief Executive Officer	
Date of Report	17 August 2011	
Previously	Not applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.	
<b>Delegation</b>	<b>Council</b>	

**Background**

The Shire is committed to providing a safe, healthy and productive workplace for all its employees and contractors, and to ensuring the safety of all visitors. The Shire recognises that drugs and alcohol can affect an individual's fitness for work and can be a contributing factor in workplace injuries and incidents.

This policy applies to all organisational employees and contracted service providers engaged in any Shire controlled or authorised activities. Contractors are required to implement the intent of this policy and comply with this policy when attending Shire controlled work sites or functions.

**A copy of the proposed policy is with attachments marked [CGAM014.1/09/11 \(E11/4448\)](#).**

**Sustainability Statement**

Council Policies are in place to assist the day to day management of Council in the delivery of its Plan for the Future.

**Statutory Environment:** Occupational Safety and Health Act 1984

**Policy/Work Procedure Implications:** Council Policies are an integral part of the Shire’s governance framework.

**Financial Implications:** There are no financial implications to Council related to this application/issue.

**Strategic Implications:**

This proposal relates to the following:-

Vision Category	Focus Area	Objective	Action
<b>OUR COUNCIL AT WORK</b>	<b>Leadership</b>	Leadership throughout the organisation	The Council and Leadership Team drive Strategy and Policy development.
			The Shire will set policy direction in the best interests of the community.
		Leadership through organisational culture	Elected members and staff live our values and lead by example.
			The conduct of elected members and staff will be professional and reflect positively on the Shire at all times.
	<b>People</b>	A Great Place to Work	Recognise our people are our most important asset.
			Retain ‘funky’, fun, flexible, friendly, family feeling at the workplace.

**Community Consultation:**

Not applicable.

**Comment:**

This Policy is designed to assist in the provision of a safe working environment and requires the support and co-operation of all Shire employees and contractors to ensure that the Shire remains a workplace free of the hazards that drugs and alcohol may introduce.

It is recommended that Council adopt this new Drug and Alcohol Policy.

**Voting Requirements:** **ABSOLUTE MAJORITY**

*Cr Brown returned to the room at 8.52pm.*

**CGAM014/09/11 COUNCIL DECISION/Officer/Committee Recommended Resolution:**

**Moved Cr Hoyer, seconded Cr Randall  
Council adopts Policy G920 – Drugs and Alcohol as per attachment *CGAM014.1/09/11*.  
CARRIED 9/0**

CGAM015/09/11		REVIEW OF COUNCIL POLICY CSP40 – GRIEVANCE AND PROPOSED NEW POLICY G919 – WORKPLACE BEHAVIOUR (A1048)
Proponent:	Serpentine Jarrahdale Shire	In Brief  Council is requested to adopt a revised Grievance Policy (G918 – Grievance Management) and a new Policy G919 – Workplace Behaviour.
Owner:	Not applicable	
Author:	Lisa Fletcher – Organisational Improvement Officer	
Senior Officer:	Joanne Abbiss – Chief Executive Officer	
Date of Report	17 August 2011	
Previously	Not applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.	
<b>Delegation</b>	<b>Council</b>	

**Background**

**G918 – Grievance Management**

It is proposed that the current policy be renamed from ‘Grievance’ to ‘Grievance Management’ and the Policy be given a new number in Council’s Policy manual which represents the Governance (Our Council at Work) function of the Policy within the Plan for the Future.

This revised policy streamlines the steps that will be taken when a person makes a workplace complaint or unlawful or inappropriate behaviour is observed and reported to management.

***A copy of the current policy is with attachments marked [CGAM015.1/09/11](#) (E11/4181).***

***A copy of the proposed policy is with attachments marked [CGAM015.2/09/11](#) (E11/3789).***

**G919 – Workplace Behaviour**

The Shire is an equal opportunity employer and is committed to providing a safe workplace that is free from harassment, discrimination and bullying.

This new policy is proposed to reinforce the Shire’s newly adopted values, one of which being diversity which is encouraged and appreciated. The Shire is committed to making decisions in relation to recruitment, selection and promotions based on merit only.

***A copy of the proposed policy is with attachments marked [CGAM015.3/09/11](#) (E11/3786).***



**Sustainability Statement**

Council Policies are in place to assist the day to day management of Council in the delivery of its Plan for the Future.

**Statutory Environment:** Local Government Act 1995

**Policy/Work Procedure Implications:**

Council Policies are an integral part of the Shire's governance framework.

**Financial Implications:** There are no financial implications to Council related to this application/issue.

**Strategic Implications:**

This proposal relates to the following:-

Vision Category	Focus Area	Objective	Action
OUR COUNCIL AT WORK	Leadership	Leadership through organisational culture	We invite and celebrate diversity.
	People	A Great Place to Work	Recognise our people are our most important asset.
			The shire will strive to create a unique employment environment.
			Retain 'funky', fun, flexible, friendly, family feeling at the workplace.
			Accommodate a diversity of people and work habits
			Continue to build a multicultural and intergenerational workforce.
		Identification and Management of Processes	Invest in the development of flexible and adaptable systems and processes to improve efficiencies and costs
		Process Improvement and Innovation	Ensure that bureaucratic governance systems do not reduce the creative energy of staff and elected members.

**Community Consultation:**

Not applicable.

**Comment:**

It is recommended that Council adopt the revised Grievance Policy and new Workplace Behaviour Policy.

**Voting Requirements:** ABSOLUTE MAJORITY

**CGAM015/09/11 COUNCIL DECISION/Officer/Committee Recommended Resolution:**

Moved Cr Brown, seconded Cr Butfield

Council:

1. Revokes CSP40 – Grievance Policy.
2. Adopts Policy G918 – Grievance Management as per attachment CGAM015.2.09/11

**3. Adopts Policy G919 – Workplace Behaviour as per Attachment CGAM015.3/09/11  
CARRIED 9/0**

CGAM016/09/11 ADJUSTMENTS TO THE 2011/2012 STATUTORY BUDGET (A1955)		
Proponent:	Serpentine Jarrahdale Shire	In Brief  For Council to allocate funds from the opening surplus to fund projects that need to be carried forward into the 2011/2012 budget.
	Not Applicable	
Author:	Alan Hart - Director Corporate Services	
Senior Officer:	Joanne Abbiss - Chief Executive Officer	
Date of Report	16 August 2011	
Previously	OCM62/06/11	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

### **Background**

When the annual budget is prepared, certain assumptions are made about expenditure and revenue for the previous financial year. This is done for two reasons;

1. To determine what projects will be unfinished at 30 June, and the amount of unspent funds that will be budgeted for in the new financial year to complete those projects; and
2. To project the Municipal Surplus that is available to fund the forthcoming budget.

When Council adopted the 2011/2012 budget, it assumed an opening surplus of \$1,095,147. All accounts for the 2010/2011 financial year have now been finalised and subject to minor amendments, the actual opening surplus on 1 July 2011 is \$1,616,133. This is \$520,986 higher than budget.

The principle reasons for this higher than budgeted surplus is projects budgeted for in 2010/2011 year not being completed, vacant staff positions and the early payment of government grants for projects budgeted in 2011/2012 year.

To ensure that projects continue in the 2011/2012 year, the Annual Budget needs to be amended to incorporate projects that were not completed in 2010/2011.

### **Statutory Environment:**

Local Government Act 1995 Section 6.8. Expenditure from municipal fund not included in annual budget;

(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —

(a) is incurred in a financial year before the adoption of the annual budget by the local government;

(b) is authorised in advance by resolution\*; or

(c) is authorised in advance by the mayor or president in an emergency.

\* Absolute majority required.

**Policy/Work Procedure Implications:**

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

**Financial Implications:**

There are no financial implications to Council related to this report. The officers recommendation is to amend the 2011/2012 Annual Budget by increasing the opening Surplus at 1 July 2011 to \$1,616,133 and include/amend the projects listed in this report in the Annual Budget.

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

Focus Area	Objective Summary	Objective	Action Number & Description
<b>Leadership</b>			
	Leadership throughout the organisation	We are realistic about our capacity to deliver.	4.1 Prior to decisions being made, or opportunities pursued, the impact on service, capacity to deliver and alignment with the Plan for the Future is to be considered. 4.2 Always question do we have to provide this, can someone else do it? 4.3 Ensure we are recovering our costs? 4.4 Actively utilise WALGA contracts that produce cost savings for the Shire.
		The Council and Leadership Team drive Strategy and Policy development.	6.1 Prioritise and adequately fund strategic projects and policy development.
		Elected members provide a clear and consistent strategic direction.	8.4 Elected members will determine and fund the level of service provided to the community. 8.5 Develop and implement a prioritisation process including reference to the Plan for the Future
<b>Strategy and Planning</b>			
	Strategic Direction	Prepare effectively for future development.	27.4 Implement the fully costed Plan for the Future process.
<b>Success and Sustainability</b>			
	Achieving Sustainability	Projects and goals are realistic and resourced.	39.1 Staff will observe strict cost control and accurately budget. 39.6 Develop a fully costed Plan for the Future.

**Community Consultation:**

Required: No

**Comment:**

The 2010/2011 budget assumed there would be an opening balance at 1 July 2011 of \$1,095,147. This amount is made up of 2 components;

1. Incomplete Projects/ Carried Forward Projects
2. Operational savings

The accounts for the 2010/2011 financial year are currently being finalised and it is expected that the final result will not change significantly. To enable the continuation of projects that were not completed in the 2010/2011 financial year, they need to be carried forward into 2011/2012 and the budget amended accordingly.

### 1. Incomplete Projects/ Carried Forward Projects

There were a 15 projects totalling \$672,072 that were included in the 2011/2012 budget scheduled to be carried forward from 2010/2011. The list of projects has been amended to include a further 8 projects that were not completed by the end of the year this list has increased to 23 projects totalling \$959,072. The projects that are proposed to be added/ revised are committed and therefore need to be carried forward into 2011/2012;

Description	Municipal/ Reserve/Loan Funded	Budget Carried Forward 2011/12	Revised Carried Forward 2011/12	Amount Adjusted
<b>Project Description</b>				
Community Funding Insurance Scheme	R	4,320	4,320	-
Records Classification Scheme Implementation	M	60,000	80,000	20,000
Legal Fees –Keysbrook Mineral Sands Appeal	M	30,000	30,000	-
Replacement/Upgrade of air conditioning in Council Chambers and Offices	M/R	70,000	70,000	-
Generator for Communications Tower	M	12,000	12,000	-
IT Software-Firebreak Management System	M	20,000	20,000	-
Space Planning Council Offices	M	30,000	30,000	-
Security System Upgrade – Council Chambers and Offices	M	20,000	20,000	-
Business case and feasibility study development	M	30,000	30,000	-
Byford Beautification Program	M	22,933	22,933	-
Strategic Planning Projects - Rural Strategy	M	50,000	50,000	-
Mundijong Whitby Developer Contribution Scheme	M	30,000	30,000	-
Byford Town Centre Plan	L/M	62,000	72,000	10,000
Local Planning Strategy	M	40,000	80,000	40,000
Mundijong Whitby Structure Plan	L	30,000	20,000	(10,000)
Byford Developer Contribution Scheme	L	160,819	160,819	-
Static Water Supply Power Connection-Bournbrook and Orton Road	M	-	28,000	28,000
Style Guide implementation	M	-	35,000	35,000
Jarrahdale Heritage Park- Toilet Block Construction	M	-	34,000	34,000
Upgrade of Biomax System- Council Chambers and Offices	M	-	25,000	25,000
Planning Consultants-Urbis	M	-	10,000	10,000
Refurbishment of Planning, Building and Health and Development Compliance office space- Council Offices	M	-	95,000	95,000
<b>TOTALS</b>		<b>672,072</b>	<b>959,072</b>	<b>287,000</b>

## 2. Operational Savings

When preparing an Annual Budget, it is standard practice to calculate a surplus (or profit) from the end of the previous year. This is generated through savings achieved throughout the year by either not undertaking projects during the year, by operating the business of Council more efficiently than estimated in the annual budget, or through savings achieved by not being able to recruit staff and positions remaining vacant. In the later scenario, whilst this is a saving to Council during the period of the position being unfilled, the 2011/2012 budget allows for the position as it is expected that the position will be filled in 2011/2012.

The operational savings in the Annual Budget were \$423,075. In this review, it is proposed that this amount remain unchanged. This has no effect on the 2011/2012 Annual Budget.

### Adjustment to Borrowings 2011/2012

In the 2010/2011 budget, it was planned that the shire borrow \$940,067.36 for the following projects

Project	Amount
Road Construction (Various)	\$344,985.00
Byford Developer Contribution Scheme	\$127,181.00
Mundijong District Structure Plan	\$27,901.36
Byford Town Centre LSP	\$440,000.00
<b>TOTAL</b>	<b>\$940,067.36</b>

As at the end of June, the Shire had not borrowed the funds as proposed in the 2010/2011 Annual Budget. This was because the Western Australian Treasury Corporation required that the request to borrow funds be referred to the board for approval. This was considered at its meeting in July 2011 and the borrowings were approved. Now that the end of year result is close to being finalised, the borrowings need to be revised and included in the 2011/2012 annual budget. It is proposed that the borrowings be revised down as they are not needed to fund the 2011/2012 budget

It is therefore proposed that the borrowings in 2011/2012 be increased by \$373,193 for the following projects.

Project	Amount
Byford Developer Contribution Scheme	\$127,181
Mundijong District Structure Plan	\$27,901
Byford Town Centre LSP	\$218,111
<b>TOTAL</b>	<b>\$373,193</b>

### Operating Income

In June 2011, the Shire received the 1<sup>st</sup> instalment of the shire's FAG's allocation (This is the Federal Governments Financial Assistance Grants) for the 2011/2012

year. Normally these funds are received and are budgeted to be received in July each year. Therefore the Annual Budget needs to be revised to account for this. The income for this line item needs to be reduced by \$607,179 in the 2011/2012 Annual Budget.

### Summary

This budget adjustment report has several components to it as detailed above. These components can be summarised below;

Carried forward Surplus @ 1 July 2011	\$1,616,133
Add Increase in Borrowings 2011/2012 year	\$373,193
<b>Sub-Total</b>	<b>\$1,989,326</b>
<b>Deduct where the funds are going to</b>	
Carried Forward Projects into 2011/2012 year	(\$959,072)
Decrease in Grant Revenue in 2011/2012 year	(\$607,179)
Operational savings to fund 2011/2012 budget	(\$423,075)
<b>Sub-Total</b>	<b>(\$1,989,326)</b>
<b>Grand Total</b>	<b>Nil</b>

Each component of this report is detailed in the summary and how the funds are applied to projects. The net result of this report is nil as the adjustments to the carried forward surplus and borrowings will be used to fund carried forward projects and an adjustment to income.

It is therefore recommended that the Annual Budget be amended to reflect the above.

### Voting Requirements:                      **ABSOLUTE MAJORITY**

#### **CGAM016/09/11 COUNCIL DECISION/Officer/Committee Recommended Resolution:**

Moved Cr Harris, seconded Cr Buttfeld  
That Council:

1. Amends the 2010/2011 Closing Surplus at 30 June 2011 to \$1,616,133.
2. Approves amendments to the 2011/2012 budget as detailed below;

#### a. Carried forward Expenditure

Description	Municipal/ Reserve/Loan Funded	Budget Carried Forward 2011/12	Revised Carried Forward 2011/12	Amount Adjusted
<b>Project Description</b>				
<b>Community Funding Insurance Scheme</b>	R	4,320	4,320	-
<b>Records Classification Scheme Implementation</b>	M	60,000	80,000	20,000
<b>Legal Fees –Keysbrook Mineral Sands Appeal</b>	M	30,000	30,000	-
<b>Replacement/Upgrade of air conditioning in Council Chambers and Offices</b>	M/R	70,000	70,000	-



Generator for Communications Tower	M	12,000	12,000	-
IT Software-Firebreak Management System	M	20,000	20,000	-
Space Planning Council Offices	M	30,000	30,000	-
Security System Upgrade – Council Chambers and Offices	M	20,000	20,000	-
Business case and feasibility study development	M	30,000	30,000	-
Byford Beautification Program	M	22,933	22,933	-
Strategic Planning Projects - Rural Strategy	M	50,000	50,000	-
Mundijong Whitby Developer Contribution Scheme	M	30,000	30,000	-
Byford Town Centre Plan	L/M	62,000	72,000	10,000
Local Planning Strategy	M	40,000	80,000	40,000
Mundijong Whitby Structure Plan	L	30,000	20,000	(10,000)
Byford Developer Contribution Scheme	L	160,819	160,819	-
Static Water Supply Power Connection- Bournbrook and Orton Road	M	-	28,000	28,000
Style Guide implementation	M	-	35,000	35,000
Jarrahdale Heritage Park- Toilet Block Construction	M	-	34,000	34,000
Upgrade of Biomax System- Council Chambers and Offices	M	-	25,000	25,000
Planning Consultants-Urbis	M	-	10,000	10,000
Refurbishment of Planning, Building and Health and Development Compliance office space- Council Offices	M	-	95,000	95,000
<b>TOTALS</b>		<b>672,072</b>	<b>959,072</b>	<b>287,000</b>

### b. Adjustments to Income

Description	Adopted Budget 2011/2012	Revised Budget 2011/12	Amount Adjusted
Grants FAGS			(607,179)

### 3. Amends the amount to be borrowed in the 2011/2012 year by increasing borrowings for the following;

Loan	Project	Amount
111	Byford Developer Contribution Scheme	\$127,181
112	Mundijong District Structure Plan	\$27,901
113	Byford Town Centre LSP	\$218,111
	<b>TOTAL</b>	<b>\$373,193</b>

4. In accordance with section 6.20 (2)(a) of the Local Government Act (1985) as amended, give one month's local public notice of the Shire's intention to borrow \$373,193.

**CARRIED 9/0**

CGAM017/09/11		EOI 005/11 - RESPONSE TO EXPRESSIONS OF INTEREST – MUNDIJONG TRANSFER STATION (A2030)
Proponent:	Serpentine Jarrahdale Shire	In Brief  That Council: 1. Call for tenders for green and hard waste collections. 2. Investigate all possible options that exist for an alternate landfill to South Cardup in conjunction with the establishment of a drop off facility and present to Council on the outcome within 12 months.
Owner:	Serpentine Jarrahdale Shire	
Author:	Uwe Striepe - Executive Manager Engineering	
Senior Officer:	Richard Gorbunow - Director Engineering	
Date of Report	15 August 2011	
Previously	CGAM042/02/11	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	<b>Council</b>	

### **Background**

On 3 March 2011, Council resolved as follows:

#### ***Moved Cr Randall, seconded Cr Hoyer***

*That Council*

- *Support the feasibility study for a waste drop off facility at Mundijong transfer station.*
- *Seek Expressions of Interest for the development and operation of a drop off facility at Mundijong waste transfer station; and*
- *A further report be presented to Council on the outcome of the expression of interest process.*

**CARRIED 10/0**

A request for Expressions of Interest was called in terms of the abovementioned resolution. EOI 005/11 was advertised in the West Australian newspaper on 9 July 2011 and closed on 25 July 2011 at 2pm. In order for the business to be more attractive to respondents, the operation of a public waste drop off site was combined with the two green waste collections and one hard waste collection.

At the close of EOI's, four submissions were received from the following registered companies:

- Perthwaste Pty Ltd
- D & M Waste Services
- Broadway Contracting
- KRS Contracting

***A copy of the EOI document prepared by Cardno is with attachments marked [CGAM017.1/09/11](#) (IN11/10256).***

***A table summarising responses received to EOI 005/11 from the aforementioned companies is with CONFIDENTIAL attachments marked CGAM017.2/09/11 (E11/4618).***

***A copy of two maps, one indicating the location of Mundijong transfer site Lot 512 Mundijong and the other describing the various zones within the site, is with attachments marked [CGAM017.3/09/11 \(IN11/13293\)](#).***

The Mundijong Waste Disposal Site, Watkins Road, on Lot 512 (also known as reserve 230111), was used as the municipal waste disposal site for over 50 years. The site has received both domestic putrescibles and inert wastes. As of July 2000, the site was no longer used for the disposal of waste and became a waste transfer site until 2004. Kerbside collections were introduced in 2002. The waste transfer site was closed to public in 2004 as the decreased demand made it no longer viable. SJ Shire Operations uses it to stockpile mulch and construction materials and there is also a skip serviced by Perthwaste where operations deposits rubbish picked up from illegal dumping.

Total area of Lot 512 is 2.8 Ha. The area that did not need to be rehabilitated is shown as zone 8 on attachment CGAM017.3/09/11 (IN11/13293) and is 0.2 Ha in extent. This is the area that would be available for further development.

Lot 512 is vested in the Shire of Serpentine Jarrahdale for the purposes of Sanitary Site and is bounded on three sides by a public reserve for the Conservation of Flora, vested in the Department of Conservation and Land Management.

### **Sustainability Statement**

***Effect on Environment:*** The development of a Waste Recycling facility in Mundijong will promote recycling of waste and thereby minimise pollution of the environment.

***Biodiversity:*** Energy Use/Greenhouse Gas Emissions are minimised through recycling of materials. Air Quality: The proposal minimises emissions to the environment as the recycling of materials is promoted.

***Resource Implications:*** Resources: Wastage of non renewable resources are minimised through recycling. The proposal minimises waste that would normally go to landfill.

***Use of Local, Renewable or Recycled Resources:*** Mundijong Transfer Station is a local facility, so development of a waste drop of facility would promote local recycling of waste.

***Economic Viability:*** Responses to the advertisement for expressions of interest will provide a more realistic answer to this question. Cardno's report states that initial investment needs to be done in the facility which will need to be offset against income before a profit may be realised.

***Economic Benefits:*** Although initially establishment costs may need to be offset against any economic benefit, there is a good chance that the drop of facility would be able to generate income for the Shire in years to come.

### **Statutory Environment:**

Contaminated Site Act 2003  
Waste Avoidance and Resource Recovery Act 2008  
Environment Protection (NEPM-UPM) Regulations 2007

### **Policy/Work Procedure**

#### **Implications:**

RRC Waste Management Policy  
Zero Waste Plan Development Scheme

**Financial Implications:**

Tenders will be requested for green waste and hard waste collection. Use of these contract services will be within budget constraints.

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Summary	Objective
<b>BUILT ENVIRONMENT</b>	<b>Infrastructure</b>	Partnerships	Develop partnerships with the community, business, government agencies and politicians to facilitate the achievement of the Shire's vision and innovative concepts.
			Continue to work with funding agencies to secure grants for projects.
			Develop and support key sponsorship programs for community and Council projects.
			Interact with professional and industry bodies to keep abreast of best practice.
<b>NATURAL ENVIRONMENT</b>	<b>Climate Change</b>		
		Mitigation	Minimise resource use
			Reduce the liberation of carbon into the atmosphere.
	<b>Waste</b>		
		Prevent	Raise community awareness of waste management issues and implement measures to avoid the creation of waste.
		Recover	Improve local government waste management practices to efficiently recover, retreat and reuse all waste.
	Dispose	Responsibly manage waste to minimise the direct and indirect environmental impacts of waste management practices.	
<b>OUR COUNCIL AT WORK</b>	<b>Leadership</b>		
		Leadership throughout the organisation	Elected members and staff have ownership and are accountable for decisions that are made.
			Our structure, processes, systems and policies are aligned with the Plan for the Future.
			Our structure, processes, systems and policies are based on the "keep it simple" principle.
			We are realistic about our capacity to deliver.
			The Council and Leadership Team drive Strategy and Policy development.
			Elected members provide a clear and consistent strategic direction.
			All decisions by staff and elected members are evidence based, open and transparent.
			The elected members and staff operate from a common understanding of sustainability.
			The Shire will further establish itself as an innovative leader.
		Leadership through organisational culture	Elected members and staff live our values and lead by example.
			The organisational culture of elected members and staff is one of inspiration, inclusion and innovation.
			Elected members and staff operate in an environment of trust, respect, openness and transparency.
			The elected members and staff have a relationship of unity and work together to achieve goals.
	Society,	The elected members provide bold and visible leadership.	

Vision Category	Focus Area	Objective Summary	Objective
		community and environmental responsibility	
			The Shire will further establish itself as an innovative leader in social, community and environmental responsibility.
			The Shire will lead regional cooperation and resource sharing.
	<b>Strategy and Planning</b>		
		Strategic Direction	Prepare effectively for future development.
			Create innovative solutions and manage responsibly to aid our long term financial sustainability.
			Consider the regional delivery of services in the acquisition of compatible infrastructure and assets.
			Projects and goals are realistic and resourced.
			The culture, decision making and work systems need to be readily adaptable to change.
			The Shire will exercise responsible financial and asset management cognisant of being a hyper-growth council.
	<b>Knowledge and Information</b>		
		Generating collecting and analysing the right data to inform decision making	Ensure the full costs are known before decisions are made.
			Understand current and future costs of service delivery.
			Develop systems for data capture and analysis.
		Creating value through applying knowledge	Ensure evidence based decision making
			Improve service delivery through the application of knowledge.
			Critically examine the efficiency and effectiveness of service delivery
	<b>Customer and Market Focus</b>		
		Gaining and using knowledge of customers and markets	Align systems and processes to meet customer needs.
			Improve the accessibility of Shire services.
		Effective management of customer relationships	All councillors and staff play an active role in promoting the positives of the Shire.
			Strive to continually improve customer satisfaction and stakeholder relationships.
		Process Outputs	Ensure sufficient oversight of projects and programs by senior management and adequate staff training and tools.
<b>SUSTAINABLE ECONOMIC GROWTH</b>			
	<b>Industry Development</b>		
		Green Industries	Encourage the establishment of innovative industries involved in "reusing and recycling".
			Foster the development of industries producing renewable

Vision Category	Focus Area	Objective Summary	Objective
			energy related products and services.
		Creative and Knowledge Economies	Welcome and nurture creative industries and individuals.
	<b>Industry Assistance</b>		
		Promotion	Maximise promotion, marketing and networking opportunities for local businesses.
		Strategy	Undertake strategic Shire projects to stimulate local economies.
			Enter into partnership and joint venture projects that are mutually beneficial.
		Infrastructure	Examine the opportunities for utilisation of Shire facilities as business incubators.
		Incentives	Identify and implement a range of incentives that encourage and support appropriate local industry.
			Foster the creation of a range of business start-up and traineeship opportunities.

### **Community Consultation:**

Not required at this stage.

### **Comment:**

Two of the four respondents preferred the green waste and solid waste collection tender to be separate from the intended drop off facility operation tender. A third, Perthwaste, submitted a different proposal which focused on Mundijong transfer station site being used as a transfer hub for SJ Shire kerbside collections with a future recycle sorting facility on a much grander scale, very different from the other submissions. Perthwaste would tie SJ Shire into an agreement involving alternate disposal of kerbside collection waste at its new Bannister site, an option once South Cardup reaches the end of its life in about three years time. For these reasons, the Perthwaste submission is difficult to compare to the other three submissions received.

The fourth respondent prefers that green waste, solid waste and the drop off facility be combined as one tender.

As there is only one respondent favouring the combination of green waste and solid waste collection with the operation of the intended drop off facility tender, it would not prove worthwhile to advertise the combined tender. Green waste and solid waste collection supply tenders will be advertised separately from the setting up and operation of the drop off facility.

Investigation is required with regard to the submission by Perthwaste to determine whether this could prove to be feasible as an option for the Shire. Current forecasts indicate that South Cardup will close in approximately 2 to 5 years. When this happens, SJ Shire will lose its preferential waste disposal rate at South Cardup. At this stage, the alternate site to South Cardup would be the proposed Rivers Regional Council Site at McLaughlan Road, Kwinana. Rivers Regional Council estimates that in three years time, the waste disposal rate at that site could be as much as \$150 per tonne (that amount would include the \$28 government levy). Currently, SJ shire pays only the government levy of \$28 per tonne at South Cardup for the first 5001 tonnes, and then a further \$26.50 per tonne for waste between 5001 and 10001 tonnes (representing a 66% discount on the open gate rate at South Cardup which is currently \$104.95, inclusive of government levy).

### **Conclusion:**



Serpentine Jarrahdale Shire provides two green waste and one hard waste collection per year to its residents. The current supply tender expired on 30 June 2011 and now needs to be called.

The EOI submissions received have highlighted the need to address another issue being the lifespan left for South Cardup. Any alternate landfill site is likely to be more expensive in terms of transport and disposal costs compared to the discounted rate Council currently enjoy at South Cardup. There is potential for a future solution to include the Mundijong transfer site being used as a transfer site for kerbside collections with a recycle sorting facility being incorporated. There are many factors that need to be evaluated. Metropolitan Reform will also have an effect on the final outcome. For this reason, more time is required to present to Council possible alternatives.

**Voting Requirements:** Simple Majority

**CGAM017/09/11 COUNCIL DECISION/Officer/Committee Recommended Resolution:**

**Moved Cr Hoyer, seconded Cr Harris**

**That Council**

- 1. Call for tenders for green and hard waste collections within SJ Shire; and**
- 2. Investigate all possible options that exist for an alternate landfill to South Cardup in conjunction with the establishment of a drop off facility and present to Council on the outcome within 12 months.**

**CARRIED 9/0**

CGAM018/09/11 CORPORATE SERVICES INFORMATION REPORT		
Proponent:	Not Applicable	In Brief  To receive the information report for 24 August 2011.
Owner:	Not Applicable	
Author:	Various	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	24 August 2011	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Committee in accordance with resolution CGAM064/02/08</b>	

CGAM018.1/09/11 DELEGATED AUTHORITY (A0039-02)

Date used	Delegated Authority Ref No.	Details	Amount	Officers Signature
21/07/2011	AF-8	Payroll	219818.69	AH & BG
21/07/2011	AF-8	Payment of EFT24001 to 24033	470218.73	AH & BG
21/07/2011	AF-8	Payment of Cheque 41482 to 41488	18978.75	BG & RG
26/07/2011	AF-8	Payment of EFT 24034	3903.21	CM & RG
26/07/2011	AF-8	Payment of EFT 24035	31173.62	CM & AH
26/07/2011	AF-8	Payment of EFT 24036 to 24037	20942.53	CM & AH
28/07/2011	AF-8	Payment of Cheque 41490 to 41526	53149.85	RG & AH
28/07/2011	AF-8	Payment of EFT 24038 to 24108	377590.23	CM & AH
29/07/2011	AF-8	Payment of EFT 24109	3863.34	CM & AH
29/07/2011	AF-8	Payment of EFT 24110	75.90	CM & AH

04/08/2011	AF-8	Payment of Cheque 41527 to 41544	49361.78	CM & AH
04/08/2011	AF-8	Payment of EFT 24111 to 24184	282464.63	AH & BG
04/08/2011	AF-8	Payroll	215735.80	AH & BG
11/08/2011	AF-8	Payment of EFT 24186	4507.27	CM & AH
11/08/2011	AF-8	Payment of EFT 24187 to 24216	122756.75	CM & AH
11/08/2011	AF-8	Payment of Cheque 4154541573	20671.99	CM & AH
18/08/2011	AF-8	Payroll	219506.74	CM & AH

**CGAM018/09/11 COUNCIL DECISION/Officer Recommended Resolution:**

Moved Cr Brown, seconded Cr Butfield  
That the Corporate Services Information Report for August 2011 be received.  
**CARRIED 9/0**

CGAM019/09/11		ENGINEERING SERVICES INFORMATION REPORT	
Proponent:	Not Applicable	In Brief  To receive the information report for 24 August 2011.	
Owner:	Not Applicable		
Author:	Various		
Senior Officer:	Richard Gorbunow – Director Engineering		
Date of Report	24 August 2011		
Previously	Not Applicable		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
Delegation	<b>Committee in accordance with resolution CGAM064/02/08</b>		

CGAM019.1/09/11 ENGINEERING DEPARTMENT ACTIVITY REPORTS (A1917)  
***A copy of the Engineering Department's Activity Reports for August 2011 is included as attachment marked [CGAM019.1/09/11](#) (E11/4629).***

CGAM019.2/09/11 DESIGN AND INFRASTRUCTURE ACITIVITY REPORT (A1401/02)  
***A copy of the Design and Infrastructure Activity Report for August 2011 is included as attachment marked [CGAM019.2/09/11](#) (E11/5097).***

CGAM019.3/09/11 SOUTH WESTERN HIGHWAY THROUGH BYFORD – WORKSHOP SUMMARY (A1917)  
***A copy of the South Western Highway though Byford Workshop summary held 12 July 2011 is included as attachment marked [CGAM019.3/09/11](#) (E11/4384).***

**CGAM019/09/11 COUNCIL DECISION/Officer Recommended Resolution:**

Moved Cr Brown, seconded Cr Butfield  
That the Engineering Services Information Report for August 2011 be received.  
**CARRIED 9/0**

**Council Note:** Cr Hoyer commended officers for the high quality of reports presented to council each month

## 9. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN:

### **COUNCIL DECISION**

**Moved Cr Harris, seconded Cr Geurds**

**That Item OCM012/09/11 be moved out of order to allow the gallery to hear the remainder of items.**

**CARRIED 9/0**

OCM013/09/11		ROADS TO RECOVERY PROGRAM (A0934)
Proponent:	Australian Local Government Association (ALGA)	In Brief
Owner:	Not applicable	ALGA has requested that all Local Governments formally resolve to support the campaign to increase funding and support ongoing Roads to Recovery funding.
Officer:	Trish Kursar - Personal Assistant to the Chief Executive Officer	
Signatures Author:		
Senior Officer:	Richard Gorbunow – Acting Chief Executive Officer	
Date of Report	26 August 2011	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

### **In Brief**

Australian Local Government Association (ALGA) will be launching local government's Roads to Recovery campaign at the 2011 National Local Roads and Transport Congress being held in Mount Gambier from 16-18 November 2011.

ALGA require the support of every council and is requesting that Serpentine Jarrahdale Shire support and pass a resolution as follows:

1. Recognise the successful delivery of the Roads to Recovery Program by local government since 2000;
2. Continue the Roads to Recovery Program on a permanent basis to assist local government meet its responsibilities of providing access for its communities;
3. Continue the Roads to Recovery Program with the current administrative arrangements; and
4. Provide an increased level of funding under a future Roads to Recovery Program that recognises the shortfall of funding on local roads of \$1.2 billion annually.

### **Policy Implications**

There are no policy implications related to this issue

### **Budgetary Implications**

The current Roads to Recovery five year program will conclude in the financial year ending 30 June 2014. The current allocation each financial year is \$417,001. The fully costed plan for the future concludes in the financial year ended 30 June 2015 and included in the plan was grant funding received by the Federal Government for the Roads to Recovery program or something similar to that nature. If the Roads to Recovery Program does not continue after 30 June 2014, the fully costed plan for the future will have to find another revenue source to fund the shortfall in the 2014/2015 financial year.

### **Background**

The Roads to Recovery Program was achieved through strong and united local government campaigning in 2000. Further campaigns by local government have been very successful with two extensions to the Program and a funding increase to \$350m per annum in 2009. By the time the current program ends in 2014, more than \$4.5 billion in additional funding will have been provided for local roads.

It is now time for local government to again mount a campaign for increased and ongoing Roads to Recovery Program funding. There is no question that local government needs the funding. ALGA commissioned research, released at the 2010 National Local Roads and Transport Congress in Bunbury, which shows that the national shortfall in the level of funding for local roads amounts to about \$1.2 billion annually.

The motion calls for the Roads to Recovery Program to be made permanent at a rate that recognises the backlog of needs on local roads and a continuation of the current popular and successful arrangements. These arrangements provide council with certainty of funding and give control over the works to be funded.

**Voting Requirements:** Simple Majority

### **OCM013/09/11 COUNCIL DECISION/Officer Recommended Resolution**

**Moved Cr Brown, seconded Cr Randall  
That Council;**

- 1. Recognise the successful delivery of the Roads to Recovery Program by local government since 2000;**
- 2. Continue the Roads to Recovery Program on a permanent basis to assist local government meet its responsibilities of providing access for its communities;**
- 3. Continue the Roads to Recovery Program with the current administrative arrangements; and**
- 4. Provide an increased level of funding under a future Roads to Recovery Program that recognises the shortfall of funding on local roads of \$1.2 billion annually.**

**CARRIED 9/0**

OCM014/09/11	COUNCIL MEETINGS AND SERVICES OVER THE CHRISTMAS AND NEW YEAR PERIOD (A0023-02)
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Proponent:	Serpentine Jarrahdale Shire	In Brief  Confirm the schedule for Committee and Council meetings and arrangements for the Council Administration, Operations Centre and Library in Mundijong over the Christmas and New Year period.
Owner:	Not applicable	
Author:	Trish Kursar – Personal Assistant to Chief Executive Officer	
Senior Officer:	Joanne Abbiss – Chief Executive Officer	
Date of Report	12 September 2011	
Previously	OCM013/09/10 & OCM009/10/09	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.	
Delegation	<b>Council</b>	

### **Background**

The following dates have previously been circulated for Committee and Council meetings for the month of December 2011:

tba                    Sustainable Development and Corporate Governance and Asset Management  
tba                    Ordinary Council Meeting

It is proposed that Council advertise the dates for Committee and Council Meetings to accommodate the Christmas and New Year period:

13/12/11            Sustainable Development and Corporate Governance and Asset Management  
19/12/11            Ordinary Council Meeting

### **Office Hours over the Christmas Period:**

This year the Christmas Public Holidays will be Monday, 26 December 2011, Tuesday 27 December 2011, and Monday 2 January 2012.

With regard to the Mundijong Administration and Operations Centre and the Mundijong Library, in 2010 all offices were closed from 2.00pm on Friday 24 December 2010 to Monday 3 January 2011 (inclusive).

It is suggested that this year the office close over the Christmas period from 2.00pm on Friday, 23 December 2011 to Monday, 2 January 2012 (inclusive) with staff taking accrued leave entitlements for these three (3) days and that Council advertise the closing of the office for this period.

Council's endorsement of closing the Shire Administration Centre for this period is sought.

### **Sustainability Statement**

It is not anticipated that customer service will be unduly impacted by the proposed closure as this period has been very quiet historically. With the office remaining open on Monday, 19 December to Friday, 23 December 2011 this will allow residents to complete any last minute business prior to the Christmas break. It is believed that this closure will be an active

demonstration to staff of the family friendly workplace and recognition of their efforts during another year of hyper-growth.

**Statutory Environment:** Local Government Act

**Policy/Work Procedure Implications:** Work Procedure GWP12 - Family Friendly Workplace

**Financial Implications:** Staff leave has been included in the 2011/2012 budget.

**Strategic Implications:**

<b>OUR COUNCIL AT WORK</b>	<b>People</b>	A Great Place to Work	Recognise our people are our most important asset.
			Retain 'funky', fun, flexible, friendly, family feeling at the workplace.
			The Shire values corporate knowledge and stability and is focused on staff retention.

**Community Consultation:**

Dates are to be advertised in accordance with the Local Government Act, at the Administration Centre, Library and a local newspaper.

**Comment:**

◆ **Committee and Council**

The Committee and Council dates as follows will be advertised for December 2011:

- 2 x Committee Meetings – Tuesday, 13 December 2011.
- 1 x Ordinary Council meeting – Monday, 19 December 2011.

The Committee and Council dates as follows will be advertised for January 2012:

- 2 x Committee Meetings – Tuesday, 17 January 2012.
- 1 x Ordinary Council Meeting – Monday, 23 January 2012.

◆ **Christmas Period**

It is intended that the variations to opening hours for the Mundijong Administration and Operations Centre and Mundijong Library will be advertised and the offices will be well signed to indicate the closure over this period.

Over the Christmas period, as per previous years, it will again be the responsibility of the Chief Executive Officer to ensure that staff coverage is in place over this period in the case of an emergency.

**Voting Requirements:** Simple Majority

**OCM014/09/11 COUNCIL DECISION/Officer Recommended Resolution**

Moved Cr Geurds, seconded Cr Hoyer

1. Council agrees to the following meeting and administrative arrangements over the month of December 2011 and January 2012 and that they be advertised accordingly to the public:



a) The meeting for December 2011 will be as follows:

- 13/12/11 Sustainable Development and Corporate Governance & Asset Management
- 19/12/11 Ordinary Council Meeting

b) The Mundijong Administration Centre, Operations Centre and the Mundijong Library to be closed from 2.00pm on Friday, 23 December 2011 to Monday, 2 January 2012 (inclusive).

c) The meetings for January 2012 will be as follows:

- 17/01/12 Sustainable Development and Corporate Governance and Asset Management
- 23/01/12 Ordinary Council Meeting

2. Council notes that over the Christmas period it will be the responsibility of the Chief Executive Officer to ensure that staff coverage is in place over this period in the case of an emergency.

**CARRIED 9/0**

## 10. CHIEF EXECUTIVE OFFICERS REPORT:

OCM016/09/11		INFORMATION REPORT	
Proponent	Not applicable	In Brief  Information Report.	
Officer	Trish Kursar - Personal Assistant to the Chief Executive Officer		
Signatures - Author:			
Senior Officer:	Richard Gorbunow – Acting Chief Executive Officer		
Date of Report	23 September 2011		
Previously			
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
Delegation	<b>Council</b>		

OCM016.1/09/11 COMMON SEAL REGISTER REPORT – AUGUST 2011

The Common Seal Register Reports for the month of August 2011 as per Council Policy G905 - Use of Shire of Serpentine Jarrahdale Common Seal is with the **attachments marked [OCM016.1/09/11](#)**.

OCM016.2/09/11 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) SOUTH EAST METROPOLITAN ZONE AGENDA – 28 SEPTEMBER 2011 (A1164-02)

***In the attachments marked [OCM016.2/09/11](#) (IN11/13905) is the agenda of the WALGA South East Metropolitan Zone Meeting to be held on 28 September 2011.***

OCM016.3/09/11 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION  
(WALGA) PEEL ZONE AGENDA – (A1164-02)

***In the attachments marked [OCM016.3/09/11](#) (IN11/14036) is the agenda of the WALGA Peel Zone Meeting to be held on.***

OCM016.4/09/11 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION  
(WALGA) STATE COUNCIL AGENDA –2011 (A1164-02)

***In the attachments marked [OCM016.4/09/11](#) (IN11/13652) is the agenda of the WALGA State Council meeting and attachment (Keelty Report) marked [OCM016.4A/09/11](#) (IN11/13979) is a late item to the agenda to be held on 5th October 2011.***

OCM016.5/09/11 LIVCOM - THE INTERNATIONAL AWARDS FOR LIVEABLE  
COMMUNITIES (A1763)

The Shire's Plan for the Future has been selected by the Judging Panel for 2011 as a finalist in the prestigious International Awards for Liveable Communities. In order to win the award, presentations must be made to the Judging Panel during the Finals of the LivCom Awards in Songpa, South Korea from 27<sup>th</sup> to 31<sup>st</sup> October 2011.

***Relevant information relating to the award notification, delegate and hotel registration, preliminary airfare costs, and award information can be found at attachment [OCM016.5/09/11](#).***

Notification of delegates must be made by 30<sup>th</sup> September 2011 in order for visas to be arranged. Given that the outcome of the Council elections will not be known until 15<sup>th</sup> October it is not possible to nominate an elected member as a delegate.

It is recommended that Council's delegates to make the presentation at the event are the Chief Executive Officer, given her detailed knowledge and direct involvement in the development of the Plan for the Future, and the Manager Environmental Services, given his effort and initiative in submitting the award. Costs of flights, accommodation and transfers can be accommodated within the current budget.

**Voting Requirements:** Simple Majority

**OCM016/09/11 COUNCIL DECISION/Officer Recommended Resolution:**

Moved Cr Brown, seconded Cr Randall

1. Council endorse the attendance of the Chief Executive Officer and Manager Environmental Services at the 2011 LivCom Awards in Songpa, South Korea.
2. That Council receive the Information Report to 26 September 2011.

**CARRIED 9/0**

**COUNCIL DECISION**

**Moved Cr Brown, seconded Cr Petersen**

**That the meeting be closed to members of the public at 9.07pm to allow Council to discuss confidential item OCM012/09/11 as per the Local Government Act 1995 section 5.23(2)(d).**

**CARRIED 9/0**

OCM012/09/11	<b>CONFIDENTIAL ITEM - RECONSIDERATION OF PROPOSED RURAL WORKERS DWELLING – LOT 8 (47) MANNING ROAD, HOPELAND (P00604/07)</b>	
Proponent:	RPS	<b>In Brief</b>  The applicant has lodged an application for review with the State Administrative Tribunal against the previous refusal issued under delegation by the Shire. The Tribunal has invited Council to formally reconsider the application under Section 31 of the State Administrative Tribunal Act 2004.  It is recommended that the application be conditionally approved.
Owner:	P & C Siviour	
Author:	Michael Daymond – Senior Planner	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	10 August 2011	
Previously	NA	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

**OCM012/09/11 COUNCIL DECISION/Officer Recommended Resolution:**

**Moved Cr Brown , seconded Cr Hoyer**

- A. Council note that an application for review has been lodged with the State Administrative Tribunal in respect of the Shire’s decision to refuse an application for planning approval for Lot 8 (47) Manning Road, Hopeland.**
- B. Council note that matters before mediation proceedings at the State Administrative Tribunal are confidential in nature.**
- C. Council note that the State Administrative Tribunal requires the proposal to be reconsidered under Section 31 of the State Administrative Tribunal Act 2004 at the Ordinary Council Meeting on the 26<sup>th</sup> September 2011.**
- D. The proposed Rural Workers Dwelling at Lot 8 (47) Manning Road, Hopeland be approved subject to the following conditions:**
  - 1. Occupation of the Rural Workers Dwelling is restricted to persons engaged in the operations of the poultry farm on the land.**
  - 2. In relation to condition 1. above, a Notification under Section 70A of the Transfer of Land Act 1893 must be registered over the certificate of title to the land, the subject of the proposed development, prior to the issue of a Building Licence to notify owners and prospective purchasers of the land that restrictions apply to the use of the Rural Workers Dwelling as stipulated in condition 1. The Section 70A Notification shall be prepared by the Shire’s solicitors to the satisfaction of the Serpentine Jarrahdale Shire and all costs of and incidental to the preparation of and registration**

- of the Section 70A Notification including the Shire’s solicitors’ costs shall be met by the applicant or the owner of the land.
3. The Rural Workers Dwelling is to be removed from the land within 90 days of the decommissioning of the poultry farm should operations cease on site.
  4. The Rural Workers Dwelling is to share the existing access to the property and all other existing services where practicable.
  5. All storm water to be disposed of within the property This to be achieved by either soak wells or spoon drains or the use of storm water retention/re-use methods such as rain water tanks or the grading of hard stand areas to lawns and garden beds. Direct disposal of storm water onto the road, neighbouring properties, water courses or drainage lines is not permitted.
  6. All existing native trees on the subject lot and along the road verge shall be retained and protected during construction unless subject to an exemption provided within town Planning Scheme No.2 or the specific written approval of the Shire has been obtained for tree removal either through this planning approval or separately.

**CARRIED 9/0**

**COUNCIL DECISION**

Moved Cr Brown, seconded Cr Hoyer  
That the meeting was re-opened to the public at 9.09pm  
**CARRIED 9/0**

**COUNCIL DECISION**

Moved Cr Hoyer, seconded Cr Buttfild  
That the meeting be closed to members of the public at 9.09pm to allow Council to discuss confidential item OCM015/09/11 as per the Local Government Act 1995 section 5.23(2)(a).  
**CARRIED 9/0**

OCM015/09/11		<b>CONFIDENTIAL – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW (H0053)</b>
Proponent:	Not applicable	In Brief  This report relates to the review of the Chief Executive Officer’s performance and related matters.
Owner:	Not applicable	
Author:	John Phillips - Western Australian Local Government Association	
Senior Officer:	Not applicable	
Date of Report	22 <sup>nd</sup> September 2011	
Previously		
Disclosure of Interest	The author is paid a consultancy fee for this review process.  The Chief Executive Officer declares a Financial Interest in this item in accordance with the Local Government Act 1995.	
<b>Delegation</b>	<b>Council</b>	

OCM015/09/11 Consultant Recommended Resolution:

That Council:

1. Receives the Performance Review report for the CEO's appraisal for the period March 2010 to 30 June 2011;
2. Endorses the overall performance rating for Ms Abbiss as 'meets performance requirements';
3. Adopts the performance criteria for 2011/2012 as drafted;
4. Schedules the next review of performance so as to be commenced by 1<sup>st</sup> July 2012;
5. Adopts the recommendation of the remuneration review.

**OCM015/09/11 COUNCIL DECISION:**

**Moved Cr Harris, seconded Cr Randall**

**That Council defer Item OCM015/09/11 to the Special Council Meeting of 29 September 2011 to allow the Chief Executive Officer to be present.**

**CARRIED 7/2**

**Cr Hoyer foreshadowed a new motion to delay the item until the November Ordinary Council Meeting if the motion under debate is defeated.**

**COUNCIL DECISION**

**Moved Cr Harris, seconded Cr Hoyer**

**That the meeting was re-opened to the public at 9.27pm**

**CARRIED 9/0**

## **11. URGENT BUSINESS:**

Nil

## **12. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:**

Cr Buttfeld submitted the following questions to the Chief Executive Officer:

- Q1 What is the current situation with the application for Mineral Sand Mining in Keysbrook?
- A1 The matter will be further considered by the Shire at a Special Council meeting on Thursday 6 October 2011 at 6.00pm.
- Q2 To date what has the Shire spent on this case?
- A2 \$119,471 has been spent by the Shire defending this application for review (appeal) at the State Administrative Tribunal.

### **13. CLOSURE:**

There being no further business, the meeting closed at 9.30pm.

I certify that these minutes were confirmed at the  
Ordinary Council Meeting held on 28 November 2011.

.....  
Presiding Member

.....  
Date

### **14. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:**

Nil

- NOTE:
- a) The Council Committee Minutes Item numbers may be out of sequence. Please refer to Section 10 of the Agenda – Information Report - Committee Decisions Under Delegated Authority for these items.
  - b) Declaration of Councillors and Officers Interest is made at the time the item is discussed.