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Minutes of the Ordinary Council Meeting held in the Council Chambers, 6 Paterson Street, Mundijong on Tuesday 29 September 2015. The Shire President declared the meeting open at 7.01pm and welcomed Councillors, staff and members of the gallery.

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

In Attendance:

Councillors: K Ellis Presiding Member
J Kirkpatrick
S Hawkins
B Moore
B Urban
J Erren
J Rossiter
G Wilson

Officers: Mr R Gorbunow Chief Executive Officer
Mr G Allan Director Engineering
Mr L Long Acting Planning Manager
Ms K Bartley Coordinator Accounting and Customer Service
Ms K Peddie Executive Assistant to the CEO (Minute Taker)

Leave of Absence: Nil

Apologies: Cr Sam Piipponen

Observers: Ms K Cornish – Governance Officer
Ms R Jasper – Occupational Health and Safety Officer

Members of the Public – 45

Members of the Press – 0

2. Response to previous public questions taken on notice:

No questions were taken on notice at Ordinary Council Meeting 14 September 2015.

3. Public question time:

Public question and statement time commenced at 7.02pm

Mrs Lee Bond, PO Box 44, Armadale, WA,

Requested to be read out by the Presiding Member.

Question 1

Is there going to be more advertising clearly in support of certain candidates in the Examiner Newspaper of the type seen in the past two weeks?

Response:

The advertisements that have been appearing in the Examiner Newspaper recently are part of a proactive awareness campaign. As the Shire moves through the new financial year, it is important that we inform our community about the projects, programs and other initiative that will continue to deliver the Shire's key objectives from our Strategic Community Plan.

Question 2

Does the summons issued to Brian Williamson on behalf of the CEO Richard Gorbunow for a misconduct restraining order breach any of the Local Government Laws or Rules?

Response:

Section 74A of the Criminal Code provides in its relevant to Misconduct Restraining Order.

Question 3

Who is going to repay the millions of dollars brought about by the Byford and District Country Club debacle?

Response:

The fact is that the Shire's total contribution to the Byford and District Country Club project is only \$280,000 which will bring a \$5million asset to the Shire.

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

Requested to be read out by the Presiding Member.

Question 1

Is it usual for Council to recommend approval for living within a rural shed with no time limit for construction of a permanent dwelling?

Response:

The approval does not allow for living within a rural shed but for the retrospective approval of a permanent dwelling, which does not require any time limit to be placed on the approval.

Question 2

Why does the failure to obtain relevant approvals prior to occupying the shed not compromise Councillor Wilson's impartiality or eligibility to vote on other applications for retrospective approval?

Response:

Disclosure of interests affecting impartiality is covered by Local Government (Administration) Regulations 1996. When an 'interest' means an interest that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected.

Question 3

Do Councillors support the community's wish for no more landfill on the Darling Scarp?

Response:

Councillors are cognisant of the community's wishes, any applications for landfill within the Darling Scarp area will be determined on its merits.

Mr D Fenton, Guraga Way, Byford, WA, 6122

Question 1.

Did the Council consider the health impacts on families moving into the area before approving the service station and fast food being built within metres of new homes?

Question 2

Will the Council consider building a wall along Kalyang Loop to tackle some of the sound, light and air pollution caused by a 24/7 service station?

Question 3

Benzene is a carcinogenic compound produced by spillage of fuel at petrol stations. Will the Council consider planting trees that absorb benzene to reduce harm to the community?

Response:

The application for the development of a filling station and commercial outlet is currently being processed by the Shire with the submission period ending on 8 October 2015. It is noted that you have submitted a formal objection against this proposal, your concerns will be addressed at the time of preparing the required report to Council for consideration. As a formal objector you will be notified of the date the application will be presented to Council for consideration.

Mr J Glasson, 259 Macleod Close, Byford, WA, 6122

Question 1

Why does the Shire continue to withhold information from ratepayers and impair their ability to comment and question the actions of the SJ Shire?

Response:

The Shire does not withhold information from the ratepayer.

Question 2

What date did the Shire receive notification from SAT that the Shire was to reconsider the retrospective approval for the unauthorised works at 30 Macleod Close Byford?

Response:

The Shire received an order from the State Administrative Tribunal on 30 July 2015, to reconsider the application.

Question 3

In the report for the reconsideration of retrospective approval for the shed at 30 Macleod Close, Byford, the submission that was received by the SJ Shire from Mr M Glasson in the first consultation for retrospective approval which the SJ Shire have acknowledged they received and was not included in the report the first time has once again been excluded from the report. What is the reason this was not included in the first consideration for retrospective approval? What is the reason this has not been included in the report for the reconsideration for retrospective approval again?

Response:

The Shire is confident that all relevant issues relating to the application have been addressed by the report before the Council tonight.

4. Public statement time:

Mrs Lee Bond, PO Box 44, Armadale, WA,

Requested to be read out by the Presiding Member.

Council elections are close and now we are seeing behaviour exhibited by particular Councillors in an attempt to keep control of the gravy train. The public cannot be so easily duped by those with agendas, vested interests and a fear of being dumped because they do not come close to a standard expected by the ratepayers.

Making false claims that ratepayers have physically attacked Councillors during this election is disgraceful.

Depression is a very serious illness and sometimes ends tragically, under no circumstance should anyone ever use this to gain sympathy to get elected. The seeking of restraining order to destroy a persons reputation in an attempt to eliminate an election candidate should never be implemented. Had any proper legal advice been sought this matter would not get air. The stopping of this statement being read out at the Ordinary Council Meeting 29 September 2015 is expected and it will have consequences in the long term.

Mr J Glasson, 259 Macleod Close, Byford, WA, 6122

Once again the Shire and owner seek retrospective approval for the shed and retaining wall at 30 Macleod Close, Byford. The owner didn't comply with his re-submitted plans, which were approved by delegated authority, to which the Shire by its own admission never had the authority to approve and now the owner feels he has the right to get this decision over turned because he has knowingly done the wrong thing. Why should this even be reconsidered again by Council? Nothing has changed with his shed.

But the Shire has changed its Policy LPP36 which will now better suit its cause to retrospectively approve the shed. Why is LPP17 not being used as LPP36 is only a draft policy and has not been accepted yet? It doesn't comply with any acceptable development on either of these policies. It is stated that the shed is only marginally over the approved wall height of 3.2m, but when we look back to the original table that the shed was approved under, the heights that were stated in this table is only 2.7m. So the increase in height is 900mm as the walls are 3.6m above ground level. This is a huge increase on the policy size. But now the Shire have amended their policy to state 3.2m for wall height, so we are now only 400mm above the maximum allowed height. The floor size of this shed is well over the maximum size for this property as well due to recent applications in the same street being refused, as a maximum of a 60m² shed is all that is allowable on these properties, yet the Shire still seek to approve a shed double this size?

As per the community consultation section in the relating report states five submissions were received in regards to the retrospective outbuilding. But the Shire received six submissions to which they have acknowledged they received, but chose to discount one submission and gave no reasons why this had been excluded, and have not included it in this report once again. Why has this been left out? It is not the first time in relation to this shed application that submissions have gone missing and all have remained unanswered. To which we have still not had a response from the SJ Shire, even after numerous private meetings at the Council offices with three different senior planning managers to try and seek information and answers regarding our concerns.

Five of the six submissions received were against the approval of the shed and the one that was supposedly for the shed clearly stated that it encouraged people to break the laws and policies, so I don't know how this can be a good thing.

As no one from the Shire has ever come out to my property to talk to us or see the impact this shed has had I don't see how they can comment on the effects the shed has had on our residence. It has ruined our home and we have tried to discuss this but no one wants to listen at the Shire. A landscaping screen was apparently one of the conditions of approval to be put between the shed and my home. As per the planning policy this was to be a screen 3-4 plants thick of mature shrubs to which has never been planted. If 3-4 plants thick were to be planted as a screen this would accommodate for the 4m setback from our boundary. But for them to grow 3.6m high to screen this shed would then create a fire hazard as per the Shires own planning policy. Therefore the setback of 4m from the boundary is not adequate. So how will this shed be screened from my house?

The report states that the shed had a number of constraints which lead to its current location ie. reticulation and existing vegetation. These are completely different reasons given to the original report that was submitted for the first time the retrospective approval was sort after. These reasons are null void as there was only weeds on the block when it was purchased and there was no reticulation installed until after the shed and retaining wall was erected. The shed does negatively impact on the streetscape and is an eyesore, which has now led to one of the owners moving his house as he cannot stand the impact it has had on his home.

The proposed outbuilding is not in accordance with the estate covenanted, if this is an agreement between the landowner and the developer does this make the owner liable for breaches of is contract and liable for damages resulting in the sheds location?

The matter of the ATU remains still unresolved as it is still spraying treated effluent off the property into a nature reserve. I do not accept that because it looks well maintained that policies do not apply anymore. The Council commented on this in April as they would follow it up, yet still nothing has happened, and it still sprays into the nature reserve. Will there be another retrospective approval application for this coming soon, or will the Shire follow its own policies and enforce them to correct this breach? The Shire seems to think that financial implications should govern its decision to whether something should be accepted or not. Is it not a case of whether it is wrong or right, or who has more money? They have also not considered that the aggrieved ratepayers could sue for damages. Would this not be a financial burden for the Council also?

Will the Shire also make the owner get a building license? As I'm sure the value of the works far exceeds the limits of not needing a building permit. How many retrospective approvals does someone get? He has already had previous retrospective approvals given. Or is this how the Shire operates? Once again the Shire has written its report in favour of the shed that was constructed outside its policies and the approvals given, for a manager of a preferred contractor of the Shire and has already been voted down by Council. Why should the Shire approve this shed and retaining wall. I can see no other reasons than to appease their preferred contractor!

Also once again the Shire has withheld information relating to this application, once again hindering the actions and ability of the residence to make informed decisions and comments. I hope the Councillors have the strength to uphold and back there previous decisions.

Mrs Helen Iles, 265 Boomerang Road, Oldbury, WA, 6121

I would like to start by drawing Councillors attention to a statement in the application, specifically 'a retrospective application for Industry-Noxious (sheep manure bagging) was approved by the Shire in 2009, and currently operates from one (1) of the existing sheds on the subject property', a business we have been putting up with since 2007. That's eight years of the constant movement of trucks coming and going covering our home, garden, solar panels and cars in dust. Through the summer we breathe and eat toxic gravel dust, and now there is an agitator that constantly grinds in one of the shed that gnaws at the nerves to the point we no longer enjoy working outside. All residents objected to this application.

I would also like to remind Councillors that directly over our fence line is the Paintball Park that all residents in the street objected to. This paintball park has since the first game played there disturbed out peace and systematically caused the maiming and/or collapse of every horse on my property, costly to say the least to keep them alive. It is stressful and debilitating living here. We now hear 'potential noise impact from the operation particularly from cutting of timber is not envisages to read unreasonable levels given that cutting of timber is not envisages to reach unreasonable levels given that cutting of timber would be performed once a fortnight inside a shed area for a maximum of one (1) hour only'. Just as we have been told that paintball is not noisy and the manure factory is low impact on the resident. Unless you live here, you have no idea. Put all those so called low impact annoyances together and you have days when you are constantly bombarded by noise from all direction. And how dare the reporting officer say this is low impact until they have lived with it day in and day out for years and years, putting up with activities that cause us not to be able to use our property for the purpose it was intended.

I ask Councillors to consider the following facts that will load on top of what we are already suffering if they approve this application:

1. The shed selected as the timber recycling shed is directly in line with our home, about 100 metres away.
2. I am a writer and chose a home on a quiet dead end street to get the peace and quiet I need to work.
3. Since moving here we have had two illegal truck depot start up, a noxious industry-the manure factory, a paintball park aka eyesore and fire hazard, right next door which sound like a gattling gun going off and now this new noise generating light industry, which is also not a rural venture.

I ask you to imagine the sound of a chainsaw operating inside a tin shed. And ask, what insulation. None of the chicken sheds are insulated any more. Or is this business not going to be allowed to operate until the whole shed is insulated and approved by Council inspectors to ensure the statements made in this application are accurate. From the extra details provided in this application that were not provided before, it now sounds like a firewood sales business, chainsaws chopping up jarrah timber. And how is the firewood product for community and local organisations going to be disposed of/distributed, or is this going to generate more traffic on Boomerang Road as people come and collect/purchase firewood?

Also, please do the math. The internal road dimensions do not make sense. 80 metres of internal road only takes the road somewhere behind the house. There is at least another 300 to 400 metres to reach the proposed gateway out onto Boomerang Road near King Road. Then there is the depth of 1.5 metres, which is almost as tall as I am plus six metres wide. That is one hell of a lot of demolition rubble being buried on site, with its contaminants. Is this just another way of having a legal landfill site if approval is granted. Not to mention the dust caused to the first house in the street and the damage trucks will do to the beginning of the gravel. Already trucks have caused huge potholes at the join of bitumen and gravel, making strategic negotiation in my little car necessary to get home without damage. The appalling condition of Boomerang Road caused by tricks and hoon drivers has already cracked two care windscreens and caused major expenses flushing out fuel systems in our vehicles.

No more than 5-8 truckloads of prime movers and semi-trailers has been mentioned. Low impact? This reporting officer has got to be kidding. Add those 5-8 trucks a week to the constant flow of trucks going in and out of the manure factory that were not supposed to be that many and not supposed to impact residents. Add this to the vehicles going back and forward to the Paintball Park and the hoon drivers who regularly tear up the gravel road and coat everything we own in dust. This dead end street is busier than Albany Highway and I don't know what fresh air is anymore.

The reporting officer noted 'there is potential of dust emissions from vehicle movements on Boomerang Rod which is an unsealed gravel road'. To which the applicant response simply with dust suppression measures will be used to minimise dust emissions. My response is yeah right. Only two weeks ago the residents who objected to illegal dumping of demolition rubble against a stop work order were subjected to the semi-trailer driver tearing down the road past our homes at high speed, tooting the horn to attract our attention and giving us the finger as he deliberately smothered us un gravel dust. Nice neighbours and what can no doubt expect as we try to live a rural existence on Boomerang Road. We live here, these people don't and they don't care a hoot about the people who do.

Just this behaviour in the last few weeks, as well as the childish behaviour of complaining about our unfinished out-of-sight stable complex down the hill behind our house, because we objected to their commercial vehicles shaking the hell out of and

damaging our home at five o'clock every morning as they set up a third illegal truck depot.

I am further appalled that the reporting officer dare to assume on our behalf what is negotiable disturbance and low impact for the residents on Boomerang Road, because you have no idea what we are dealing with already and have been for the last eight years. Approving this application will be the straw that break the camel's back. We simply cannot live here with the never-ending stress caused by constant noise and disturbance. But we are stuck here because nobody else would ever want to live here either. Not only that, our rates are going up and up and up but our living conditions keep going down, down, down.

I would also like to draw the Councillors attention to the protected wetland on the applicants property which has been seriously damages by work being done outside of approvals and it seems this owner operates by the rule, better to ask forgiveness than seek permission. If Council approves this application it will demonstrate to the whole Shire that this Council only give lip service to the word Rural. We bought in a rural zone to live a rural lifestyle and what we have been subjected to is a Paintball Park that has maimed and continues to main my horses – this is not a rural pursuit, we have a manure factory and its constant noise and dust creation and now a proposed demolition dump site and firewood business on our doorstep, also not a rural pursuit.

Further, I am gobsmacked that option 2 would even mention the fear of an appeal to the State Administrative Tribunal if the application is rejected. And on that balance that the application be conditionally approved. Does this mean that no application will ever be rejected again in this Shire for fear of an appeal to the State Administrative Tribunal.

I say this to Council in its consideration of this application, the residents of Boomerang Road have had enough of Council decisions eroding our rural lifestyle. Council imposed conditions on the Manure Factory, a noxious industry, which has to bitumise the road to their gateway, providing the fund for doing so within six weeks of approval. I have hounded Council ever since to get this conditions enforced to ease our discomfort, to no avail and have now been told it has been too long to pursue this conditions, so still we have to suffer. The condition on the Paintball Park to provide sound screening so no impact is felt by neighbours, this also has not been enforced, a single piece of shade cloth on one mesh gate does not constitute sound-proofing and my horses and I suffer permanently because of it.

In short, conditions impose by this Council are never enforced so my appeal to the State Administrative Tribunal is already written and ready to submit if this application is approved. We simply cannot live like this anymore, as we suffer for the activities of non-resident land owners. Thirteen years of suffering is far too long. Please let us live in peace and don't further destroy the rural aspect of this part of Oldbury. I beseech you, please reject this application for truck movements, demolition rubble dumping in the proposed road and the timber recycling plant.

Public question and statement time concluded at 7.24pm

5. Petitions and deputations:

5.1 Mr Jarad Glasson presented a deputation regarding item OCM183/09/15 - Lot 258 (#30) Macleod Close, Byford - Section 31 Reconsideration - Retrospective Retaining Wall and Shed.

This deputation was not provided for inclusion in the minutes.

5.2 Mr Henry Dykstra presented a deputation regarding items OCM183/09/15 - Lot 258 (#30) Macleod Close, Byford - Section 31 Reconsideration - Retrospective Retaining Wall and Shed and OCM184/09/15 Lot 11 (#625) Nettleton Road, Karrakup – Proposed Additions -Place of Public Worship & Retreat Facility.

Good Evening councillors, I am Henry Dykstra from Harley Dykstra Planning and Survey Solutions. My deputation this evening relates to two items on your agenda, namely:

- a) The Place of Worship and Retreat Facility proposed at No. 625 Nettleton Road, Karrakup; and
- b) A Retrospective Shed and Retaining Wall Approval for 30 MacLeod Close, Byford.

First of all, in relation to the Place of Worship and Retreat facility, it is noteworthy that earlier this year approval was granted for a Place of Worship and communal Hall to be developed at No. 625 Nettleton Road in Karrakup. The applicants have now further developed their building plans and have realised that they want to make some changes and also to expand the facility to include some retreat accommodation. Because of these changes and the expansion of the facility a new planning approval is needed.

Council Planners have recommended to Council this evening the granting of a planning approval for this new planning application, and we wish to express our thanks to the planners for dealing with this proposal in a very positive manner. We have reviewed all of the conditions that are recommended on this approval and we are satisfied that all conditions can be managed as part of the implementation of this development. This is a relatively large rural property which can easily accommodate the proposed development without any impact on surrounding land. Onsite effluent disposal and fire management requirements can also be complied with on this site. Accordingly, we commend this proposal to Council for a favourable decision.

The second item I wish to discuss with Council relates to the retrospective shed and retaining wall application for Bruce Scarterfield of 30 MacLeod Close Byford. I realise there is a very comprehensive report before Council, and that this matter has been considered by Council previously, and therefore I will keep my points very brief:

- The proposed roof height of the outbuilding will only exceed the Policy by 7cms, and the proposed wall height by 30cms, which represents only a marginal variation from the policy limit;
- Council's Policy in relation to outbuildings does provide Council with the ability to approve variations from the policy standards, in other words, the policy is not a statutory requirement but a tool to guide and assist Council in decision making;
- Given that the outbuilding is set back at 4.8m from the side boundary rather than the minimum of 4.0m allowed, it is difficult to see how the marginal increase in height will have any bearing at all on the neighbour in terms of visual amenity, solar access, and ventilation.

Councillors, the landowner has acknowledged that an error was made in terms of communication of plans and building heights to the builder, and has gone through the correct process of retrospective approval in order to rectify the situation. Based on the technical advice council has received, also from its own officers, Council can be confident that the marginal increase in the height of this outbuilding will have no greater impact on the adjoining property than if the building had been positioned at 4.0m from the boundary with a fully compliant wall and roof height.

Councillors, on this basis we request on behalf of the applicant that you allow a minor variation to the outbuildings policy in respect of wall and roof height in this instance and grant retrospective approval.

6. President's report:

As the weather warms up it's important to pay attention to safety issues that will affect our community. The Shire will soon be undertaking pool inspections, which will aim to ensure that all pools comply with Australian Safety Standards.

It is also important that we begin to look toward what promises to be a hot summer, and prepare for possible emergencies. Reducing long grass, dry leaves and other fire fuel from backyards is important, as are ensuring your firebreaks are in order.

I hope to see many of you at the annual Jarrahdale Log Chop on Sunday 4 October. A wonderful local event, the Log Chop will sport a range of activities and stallholders to interest all ages.

Lastly, with the local government election to take place on 17 October I would like to wish all candidates the very best of luck.

7. Declaration of Councillors and officers interest:

Councillor Moore declared a financial interest in item OCM179/09/15 as he is the owner of the subject property of the item and will leave the meeting while this item is discussed.

Councillor Urban declared an impartiality interest in item OCM180/09/15 as he is on the Mens Shed Committee and will leave the meeting while this item is discussed.

Councillor Rossiter declared a financial interest in item OCM186/09/15 as he has a financial association with the current owner of the business within the item and will leave the meeting while this item is discussed.

Councillor Hawkins declared a financial interest in item OCM186/09/15 as she has a financial association with the current owner of the business within the item and will leave the meeting while this item is discussed.

Councillor Erren declared a financial interest in item OCM186/09/15 as he has a financial association with the current owner of the business within the item and will leave the meeting while this item is discussed.

Councillor Kirkpatrick declared a closely associated persons interest in item OCM186/09/15 as the Planning Consultant on this item is his stepson and Cr Kirkpatrick will leave the meeting while this item is discussed.

Following the declarations of interest, the CEO advised that four out of 8 eight Councillors had declared an interest in Item OCM186/09/15 and if these Councillors were to leave the chambers while the item was heard it would result in a loss of quorum. Therefore item OCM186/09/15 would not be heard at this meeting and would be deferred to the 12 October 2015 Ordinary Council Meeting as per clause 6.2 of the Shire's Standing Orders Local Law.

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

8.1 Ordinary Council Meeting – 14 September 2015

COUNCIL DECISION

Moved Cr Hawkins, seconded Cr Wilson

That the minutes of the Ordinary Council Meeting held on 14 September 2015 be confirmed (E15/4690).

CARRIED UNANIMOUSLY

9. Motions of which notice has been given:

Councillor Moore left the meeting at 7.44pm

OCM179/09/15	Lot 220 (#14) Paterson Street, Mundijong– Proposed Veterinary Establishment (P01676/02)
Author:	Helen Maruta – Senior Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	11 September 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Greg Cox
 Owner: Esther Mary Walsh
 Date of Receipt: 8 July 2015
 Lot Area: 1604m² (0.16ha)
 Town Planning Scheme No 2 Zoning: 'Urban Development'
 Metropolitan Region Scheme Zoning: 'Urban'

Introduction:

The purpose of this report is to consider the development application for a 'veterinary establishment' on Lot 220 (#14) Paterson Street, Mundijong.

The report is being presented to Council for determination as a result of an objection being received against the application.



Aerial Reference

Background:

Existing Development:

The subject land consists of an existing shed and a dwelling that is currently vacant.

Proposed Development:

The current application is for the conversion of an existing dwelling to a 'veterinary establishment'. Specifically the proponent seeks approval for the following:

- Conversion of an existing dwelling to a 'veterinary establishment' (veterinary hospital);

- Replacing current roof with materials matching the existing;
- The veterinary hospital will only be for small animals such as but not limited to dogs, cats, birds and reptiles as well as for all injured wildlife;
- The veterinary hospital is proposed to undertake standard clinical procedures like de-sexing, vaccinations, health care, diagnosis and surgery among other functions;
- The staff comprise of one veterinary practitioner, a nurse and a general cleaner;
- Relocation of existing shed to the rear of the lot to accommodate a car park adjacent to the 'veterinary hospital';
- Proposed operation hours are from 8am to 6pm Monday to Saturday.

Relevant Previous Decisions of Council:

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

Community / Stakeholder Consultation:

The application has been advertised in accordance with the Mundijong / Whitby District Structure Plan (DSP), six (6) submissions were received of which one objected to the proposal. The main issues raised in the objection are discussed below:

Appropriateness of the use in the Town Centre:

Concerns were raised regarding the appropriateness of the 'veterinary establishment' in the Mundijong Town site, an area that has been identified within the Mundijong Village Centre.

Shire Officer's comment:

The site is contained within the Mundijong / Whitby DSP which identifies the site within Precinct F. The DSP designates Precinct F to incorporate a neighbourhood centre focused around the existing Mundijong Town site. It is identified by the DSP as the Mundijong Village Centre with the role of supporting the Northern Town Centre which is identified within State Planning Policy 4.2 – Activity Centres Perth and Peel (LPP 4.2) as a district centre also contained within the DSP.

The DSP states that no development or subdivision should occur until a Local Structure Plan (LSP) has been prepared for the precincts identified in the DSP. *Clause 8.4.2* of the DSP also states the following with regards to the development on Paterson Street:

Risk/Threat: This centre needs to remain small and focused on the local / neighbourhood role. The risk is that the commercial development will be allowed to continue to expand along Paterson Street.

However one of the strategies to guide the development of the Mundijong townscape contained within the DSP includes the following:

Consolidating the existing Mundijong town centre to approximately 200m in length to promote a strong, cohesive core of commercial buildings.

The location of the proposed 'veterinary establishment' is situated within the core of the existing Mundijong Town site. The proposal is therefore consistent with the above strategy contained within the DSP. Shire officers do not consider this proposal to prejudice the future development of the LSP given the proposal is complimentary to the historic commercial development along Paterson Street; and no major structural changes are proposed to the existing building.

Access through Paterson Street:

Concerns were raised regarding access to the property through Paterson Street and its suitability to allow parking of horse floats. The submission suggested that access through Cockram Street to the rear of the property be provided.

Shire officers comment:

The land behind the property is in private ownership and currently there is no constructed road at the rear of the property to provide access. At this stage the applicant has provided information that the 'veterinary establishment' will solely deal with small animals.

Potential Impact of the use on the historical building:

Concerns were raised regarding potential degradation to the historical building due to the proposed 'veterinary establishment'.

Shire officers comment:

The applicant provided information that no major structural changes were being proposed to the existing building which would only be slightly modified to accommodate a moderate size 'veterinary establishment'.

Government Agencies / Departments:

Department of Health:

- *No objection to the proposal provided the on-site waste disposal system (septic tank) is of sufficient capacity to cope with the additional waste water generated from the development as determined by the Shire's Environmental Health*
- *Veterinary antiseptics, etc. are not permitted to be disposed via the existing septic*

Shire officers comment:

Reticulated sewage is not available within the Mundijong Town site; therefore an on-site effluent disposal system is required to be installed. Should the application be approved the applicant will be required to submit an application for a commercial system, demonstrating compliance with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974. The application may need to be referred to the Department of Health (DoH) for their assessment depending on the waste water volumes.

Statutory Environment:

- Metropolitan Regional Scheme
The site is zoned 'Urban' under the Metropolitan Regional Scheme
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2
The site is zoned 'Urban Development' under the Town Planning Scheme
- Local Planning Policy No.16 (LPP 16) Paterson Street Design Guidelines
- Local Planning Policy No. 29 (LPP 29) - Mundijong/Whitby Planning Framework

Financial Implications:

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

Alignment with our Strategic Community Plan:

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

Planning Assessment:

Use Class:

The proposed development is deemed to fall under the definition of 'veterinary establishment' under the Shire's TPS 2 which is defined as:

Veterinary Establishment - means land and buildings used for, or in connection with, the treatment of sick animals and includes the accommodation of sick animals.

The applicant has provided information that the proposed 'veterinary establishment' will be a small animal hospital providing clinical services to (but not limited to) cats, birds and reptiles. The facility will also be a hospital for all injured wildlife. As such the proposal is considered to be consistent with the definition.

Permissibility:

The purpose of the 'Urban Development Zone' is to provide for the orderly planning of large areas of land in a locally integrated manner.

In accordance with TPS 2, development within the 'Urban Development Zone' is not able to be supported ahead of a LSP, except where it can be demonstrated that a proposal will not have an adverse effect on future structure plans.

The site has historically been used for commercial purposes. Shire officers are of the view that the proposal is in keeping with the locality and consistent with the existing commercial uses within the area. It is anticipated that the 'veterinary establishment' will complement the commercial activity within the existing Mundijong Town Centre.

Parking Requirements:

The parking requirements under TPS 2 for a 'veterinary establishment' are listed below:

Use Class	Ratio (TPS 2)	Car Bays (required)	Car bays provided
Veterinary establishment	6 spaces per practitioner.	Minimum : 6 bays	The applicant has provided 8 parking bays.

Local Planning Policy No.16 – Paterson Street Design Guidelines:

LPP 16 applies to the Paterson Street Precinct and has been prepared to assist Council in dealing with development within the Paterson Street precinct, maintaining the heritage value and retaining character. Adopted in 2003, LPP 16 – Paterson Street Design Guidelines has a number of key objectives when dealing with applications along Paterson Street. These objectives are to ensure retention of the character of the area as a whole and to achieve the following:

- Maintaining the heritage of Paterson Street and retaining character;
- Encouraging development forms that will enhance the character of the town and strengthen its identity as a desirable place to live and visit;

The proposed 'veterinary establishment' does not propose any major structural changes, as such the general appearance and fabric of the building will be retained. If properly managed the proposal is not anticipated to detrimentally affect the character of the general historic precinct.

Local Planning Policy No.29 – Mundijong/Whitby Planning Framework:

LPP 29 seeks to guide the orderly and proper planning of the Mundijong / Whitby Urban Development Area.

Clause 3.7 Interim Development of the policy states the following:

- *Applications for development approval, prior to the adoption of a Local Structure Plan pursuant to Clause 5.18.3.15 of TPS 2 for the relevant precinct in Figure 2, shall be determined in accordance with Section 5.18.7 of TPS 2. A Structure Plan, pursuant to Clause 5.18.7.1 shall be considered to be a Local Structure Plan prepared and adopted in accordance with this policy.*

The proposal is not anticipated to be detrimental to the preparation of a future LSP.

Options and Implications:

With regard to the determination of the application for planning approval under Town Planning Scheme No. 2, Council has the following options:

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

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

Option 2: Council may resolve to refuse the application.

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

Option 1 is recommended.

Conclusion:

The proposal for a 'veterinary establishment' will provide a service that is much needed within the Mundijong area. The application is considered to be consistent with legislative framework applicable to the area and therefore unlikely to prejudice any future planning.

Attachments:

- [OCM179.1/09/15](#) – Development Plans (E15/4451)
- [OCM179.2/09/15](#) – Summary of Submissions (E15/3774)

Voting Requirements: Simple Majority

OCM179/09/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Kirkpatrick, seconded Cr Rossiter

That Council approves the application submitted by Greg Cox on behalf of the landowner Esther Mary Walsh for a 'Veterinary Establishment' on Lot 220 (#14) Paterson Street, Mundijong, subject to the following conditions:

- a. This approval relates only to the proposed 'veterinary establishment', as indicated on the approved plans. It does not relate to any other development on this lot.**
- b. If the development referred to in (1) above is not substantially commenced within a period of two (2) years from the date of this approval, the approval shall lapse and be of no further effect.**
- c. The operation of the 'veterinary establishment' (open to public) is limited to Monday to Saturday 8.00am - 6:00pm.**
- d. A minimum of six (6) parking spaces are to be provided for the exclusive use of the 'veterinary establishment' including one (1) disabled parking space.**
- e. Prior to occupation of the 'veterinary establishment' technical drawings for the car park area shall be submitted and approved by the Director Engineering.**
- f. Prior to occupation of the 'veterinary establishment' the vehicle parking area, driveway and crossover shall be designed, constructed, sealed, kerbed, drained, line marked and thereafter maintained in accordance with the approved plans.**

- g. Prior to the occupation of the ‘veterinary establishment’ the landowner shall submit and have approved by the Director Engineering a landscaping / revegetation plan.**
- h. Prior to the occupation of the ‘veterinary establishment’ the landowner shall submit and have approved by the Director Engineering a storm water and drainage management plan.**
- i. Prior to the occupation of the ‘veterinary establishment’ the development shall be connected to an approved effluent disposal system.**
- j. All signage shall be constructed in accordance with Local planning Policy No. 5 Advertising Signs to the satisfaction of the Director Planning. Signage to be kept entirely within the boundaries of the lot and shall not be placed on the verge or any other site at any time and thereafter is to be maintained at all times to the satisfaction of the Shire.**

Advice Notes:

- a. The landowner is advised this is a Planning Approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements.**
- b. The development is to be provided with a suitable enclosure for the storage and cleaning of rubbish receptacles in accordance with the Shire of Serpentine-Jarrahdale *Health Local Laws 1999*.**
- c. With regards to condition (i), the landowner is required to submit an Application to Construct or Install an Apparatus for the Treatment of Sewage in accordance with Health (Treatment of Sewage and Disposal of Liquid Wastes) 1974.**
- d. With regards to condition (g) Landscaping shall comply with 1.2.6 and 1.2.7 of Local Planning Policy 16 Paterson Street Design Guidelines.**

CARRIED 7/0

Councillor Moore returned to the meeting at 7.47pm

Councillor Wilson raised a point of order that Councillor Urban should have declared a financial interest in item OCM179/09/15 and left the room while the item was heard. Councillor Wilson alleged that Councillor Moore gave a cash donation of \$500 to Councillor Urban for his 2013 State Election campaign. The Presiding Member asked Councillor Urban to respond to which Councillor Urban denied the allegation from Councillor Wilson.

Councillor Urban left the meeting at 7.48pm

OCM180/09/15	Lot 815 Staff Street, Jarrahdale – Proposed Outbuilding (Men’s Shed), Shearing Museum and Caretakers’ Dwelling (P06271/01)
Author:	Helen Maruta– Senior Planner
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	21 August 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Serpentine Jarrahdale Men's Shed Inc.
 Owner: Shire of Serpentine Jarrahdale
 Date of Receipt: 6 February 2015
 Lot Area: 47 079m² (4.7ha)
 Town Planning Scheme No 2 Zoning: 'Special Use'
 Metropolitan Region Scheme Zoning: 'Rural'

Introduction:

The purpose of this report is to consider the development application for an ‘outbuilding’ (men’s shed), shearing museum and caretakers dwelling on Lot 815 Staff Street, Jarrahdale.

The report is presented to Council to determine the application as the subject land is in the care, control and management of the Shire of Serpentine Jarrahdale and objections were received during the consultation period.



Aerial Reference

Background:

Existing Development:

The subject land contains an existing ‘outbuilding’ shed which is proposed to be upgraded and converted to a shearing museum.

Proposed Development:

Shearing Museum:

The existing ‘outbuilding’ 11.5m x 19m will be upgraded and converted to a shearing museum undertaking the following activities:

- Animals will be transported to and from the site on the day shearing demonstrations are scheduled to occur;
- Animals will be off loaded via a purpose made metal sheep ramp into a 2m x 2m metal framed pen adjacent to the 'outbuilding' (proposed shearing museum);
- Shearing demonstrations involving 3 - 4 animals will occur inside the shearing museum for no longer than 4 hours during daylight hours;
- Transporting, loading and shearing of the sheep will be carried out in accordance with the standards of animal husbandry practices to minimize any distress or discomfort to the animals;
- The loading ramp and pen will be cleaned regularly of all animal manure and washed down to minimize any odour, dust, rodents and insects;
- Demonstrations will occur approximately 6 to 8 times annually.

'Outbuilding' (Men's shed/workshop):

- Construction of a 10m x 20m x 4.2m high metal framed and clad 'outbuilding' (men's shed / workshop);
- The 'outbuilding' (men's shed / workshop) is to be constructed on land that is already cleared of vegetation;
- The 'outbuilding' (men's shed / workshop) will be the main base for the Serpentine Jarrahdale Men's Shed (SJMS) group and provide a place for members to work on various timber and metal work projects;
- The 'outbuilding' (men's shed / workshop) will be fitted with a single uni-sex disabled access toilet and shower;
- Provision of two parking areas with a total of 26 car parking bays; and
- Provision of a paved footpath connecting the car parking area and the new and existing 'outbuildings' (shearing museum / men's shed).

Caretaker's dwelling:

- A transportable building to be relocated and converted to a caretaker's dwelling to accommodate one person living and working on site providing 24 hours surveillance of the leased areas.

Jarrahdale Heritage Society 'Outbuilding' (heritage storage shed):

- A proposed location for a future 'outbuilding' (storage shed) for the Jarrahdale Heritage Society is indicated on the site plan. The 'outbuilding' (storage shed) would be approximately 10m x 5m in size.

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this application.

Community / Stakeholder Consultation:

The application has been advertised as per clause 6.3 of the Town Planning Scheme No 2, the following submissions and one (1) objections was received.

Government Agencies / Departments:

National Trust of Australia (WA):

National Trust of Australia is in general supportive of the proposed 'outbuilding' (men's shed / workshop). They however, raised the following issues to be carefully considered:

- Management of stormwater on site;
- Use of Foster Way for public access;
- Potential impact of the proposed activities on the heritage values and significance of Jarrahdale as the centre of Western Australia's first and largest timber concession.

Drainage Issues:

The National Trust of Australia raised concerns regarding potential drainage issues of development on the adjoining upslope Shire owned land. Specifically, they were concerned with the proper management of stormwater onsite to prevent direct disposal of storm water onto the Jarrahdale Mill.

Applicant response:

Concerns regarding stormwater will be addressed through the implementation of a stormwater management plan.

Shire officers comment:

The impervious nature of the site requires that management of surface drainage be carefully considered. The location and positioning of cut off drains, stabilisation methods, catchment and hydraulic calculations as well as sizing information for any culverts/crossings and retention/detention structural controls will need to be provided. A stormwater management plan would be included as a standard condition if the development application were to be approved.

Foster Way Access:

National Trust of Australia raised concerns regarding the use of Foster way (as indicated on the original site plan) for public access. The use of Foster way within Lot 801 is designated for pedestrian walking and fire emergency access only and is not intended for public access.

Applicant response:

A revised site plan has been submitted indicating revised access roadways to Foster Way to have main entry/exit points within Lot 815, with only an emergency exit roadway to Foster Way within Lot 801.

Shire officers comment:

The application has been referred to the Shire's Engineering department who have not raised any concerns regarding access via Foster Way.

Heritage Values:

National Trust of Australia raised concerns regarding potential detrimental impact of the heritage values and significance of Jarrahdale (based on its history as the centre of Western Australia's first and largest timber concession) by allowing the proposed shearing museum within a precinct for which there is no history of sheep farming and shearing. It was a concern that the shearing museum, proposed caretaker's residence, extensive parking areas, sheep pens, verandas and walkways are destined to have an adverse impact on what makes Jarrahdale unique and important.

Applicant response:

The proposed activities (sheep shearing demonstrations) are considered to be of low scale and occurring approximately 6 to 8 times annually. The proposed caretaker's dwelling is intended to accommodate a single person who will live and work on the site, providing twenty four (24) hours surveillance of the leased areas. The transportable building is to be upgraded with verandas on all sides to produce a building which is visually sympathetic to the other buildings in the precinct.

Shire Officers comment:

The 'Special Use' zone (subject of this land) for Jarrahdale Heritage Park was included in the Shire of Serpentine Jarrahdale TPS 2 through scheme amendment number 140 which was adopted by Council on 25 April 2005. The intent of the amendment was to reflect the Shire's vision for a historic precinct to be established within the area and allow a range of permitted uses on the various land parcels that make up the Jarrahdale town site's historic precinct as a means of implementing that Jarrahdale Heritage Park Master Plan.

The subject site is zoned 'Special Use' under TPS 2 and is located within the Special Planning Area - Area of Historical Interest. It is also subject to the provisions of Special Planning Area Code 7 contained under Appendix 2 of TPS 2. The proposed development (museum) is consistent with permitted uses under Part 7 of Appendix 2 within TPS 2.

Comment:

Noise:

Noise concern from the proposed 'outbuilding' (shearing museum) due to the proximity of the car park to the submitter's residence.

Applicant response:

The proponent does not believe that noise from the car park and the 'outbuilding' (shearing museum) would be detrimental to the amenity of the locality. The type of activities to be held in the museum and the hours of operation are such that noise impact is considered reasonable and within acceptable levels.

Shire officers comment:

The new 'outbuilding' (men's shed / workshop) and associated activities may create potential for noise impacts on nearby residents. There are a number of sensitive receptors within a 250m radius of the proposed 'outbuilding' (men's shed / workshop) (approximately 34). It is expected that all activities on the site should comply with current noise regulations as required under the *Environmental Protection Act 1986*.

Statutory Environment:

- Metropolitan Regional Scheme
The site is zoned 'Rural' under the Metropolitan Regional Scheme
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2
The site is zoned 'Special Use' under the Town Planning Scheme

Financial Implications:

There are no direct financial cost implications for Council.

Alignment with our Strategic Community Plan:

Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.1	Maintain the area's distinct rural character, create village environments and provide facilities that serve the community's needs and encourage social interaction
Objective 5.2	Excellence in Environmental Management
Key Action 5.2.2	Provide recreational, educational and economic access to natural assets without compromising the quality and integrity.
Objective 6.2	Active and Connected People
Key Action 6.2.2	Use community facilities to provide social interactions for all age groups through appropriate activities and events

Planning Assessment:

Use Class and Permissibility:

Clause 5.11 makes the following general provision in relation to the Special Use zone:

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

5.11.2 A description of the land together with the special use to be permitted and any special provisions relating to the land are set out in Appendix 2 and the development and use of the land shall be in accordance with the provisions set out against the description of the land in Appendix 2.'

The special provisions applicable to the subject land as set out in Part 7 of Appendix 2 of TPS 2 provide as follows:

Historic Precinct:

The following uses after being advertised in accordance with clause 6.3 of the Scheme may be permitted at the discretion of Council:

- *Car Park*
- *Civic Building*
- *Cottage Industry*
- *Furriery*
- *Market*
- *Office*
- *Public Recreation*
- *Residential*
- *Restaurant*
- *Shop*
- *Studio*
- *Museum*
- *Interpretive/Tourist Centre*

Based on the TPS 2 provisions above, the proposed 'outbuildings' (shearing museum, men's shed / workshop) and car parking are uses that can be considered within the 'Special Use Zone' and may be permitted at the discretion of Council.

Caretakers Dwelling:

Under the Shire's TPS 2 a 'Caretaker's Dwelling' is defined as follows:

Caretaker's Dwelling - means a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office or recreation area carried on or existing on the same site.

The application states that the 'caretaker's dwelling' is to be used for a single person who will be responsible for the operation and management of the leased areas. In that regard, the proposed use is consistent with the definition under Shire's TPS 2.

A 'caretaker's dwellings' is a use not listed under Part 7 of Appendix 2 within TPS 2, and as such will be assessed as a use not listed. The provisions of Appendix 2 do not preclude uses not listed as 'prohibited'. The proposal can be assessed in accordance with Clause 5.11.1 of TPS 2 which allows Council to consider the appropriateness and specific need of the use in the locality where the use is proposed.

Options and Implications:

With regards to the determination of the application for planning approval under Town Planning Scheme No. 2, Council has the following options:

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

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

Option 2: Council may resolve to refuse the application.

Refusal of the application will result in lack of appropriate facilities to accommodate men's shed activities.

Option 1 is recommended.

Conclusion:

The proposal has the potential to promote tourism within the Jarrahdale town site historic precinct. The proposal will provide the opportunity for community interactions and is consistent with the intentions and implementation of the Jarrahdale Park Master Plan.

Attachments:

- [OCM180.1/09/15](#) – Summary of Submissions (E15/4128)
- [OCM180.2/09/15](#) – Site Plan (E15/4123)

Voting Requirements: Simple Majority

Officer Recommendation:

That Council approves the application submitted by Serpentine Jarrahdale Men's Shed Inc. on behalf of the Shire of Serpentine Jarrahdale on Lot 815 Staff Street, Jarrahdale Road, Jarrahdale for the proposed 'outbuilding' (men's shed / workshop), 'outbuilding' (shearing museum), 'outbuilding' (heritage storage shed), caretaker's dwelling, car park and walkways as indicated on the approved plans on Lot 815 Staff Street, Jarrahdale Road, Jarrahdale, subject to the following conditions:

- a. If the development is not substantially commenced within a period of three (3) years from the date of this approval, the approval shall lapse and be of no further effect.**
- b. The 'Caretaker's Dwelling' may only be occupied by a person or persons having the care of the building, plant, equipment or grounds associated with an industry, business, office or recreation area lawfully carried on or existing on the same site.**
- c. Prior to the commencement of site works, the applicant shall submit floor and elevation plans for the 'outbuilding' (men's shed / workshop) and 'outbuilding' (heritage storage shed) to be approved by the Director Planning.**
- d. Prior to the commencement of construction works, the applicant shall submit a schedule of colours and finishes for the 'outbuilding' (men's shed / workshop) and 'outbuilding' (heritage storage shed) for approval by the Director Planning.**
- e. Prior to the commencement of site works and construction of any structure, a Bushfire Management Plan being prepared and approved by the Director Engineering and thereafter implemented.**
- f. Development shall be in accordance with Australian Standards AS3959 and the approved Bushfire Attack Level Assessments.**
- g. Prior to the commencement of site works, a Stormwater Management Plan shall be prepared and approved and thereafter implemented to the satisfaction of the Director Engineering.**
- h. All stormwater shall be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is not permitted.**
- i. All existing native trees and / or revegetated areas on the subject lot shall be retained and shall be protected from damage prior to and during construction unless part of this or a separate planning approval.**
- j. The applicant shall ensure all activities related to the construction of the development (such as but not limited to, storage of building materials and contractor vehicles) shall be contained wholly within the lot boundaries.**

- k. 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.
- l. Any required "No parking signage" and vehicular guide signs to the parking facility shall be installed at the applicant's cost to the specification and satisfaction of Director Engineering.

Advice Notes:

- a. The landowner is reminded this is a Planning Approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements.
- b. With regards to condition (e) the required Bushfire Management Plan is to be prepared in accordance with the WAPC's Guideline Planning for Bushfire Protection Edition 2 May 2010, State Planning Policy 3.7 (SPP3.7) Planning for Bushfire Risk Management May 2014 (Draft) and to the specifications of the Local Government. The plan is to include Bushfire Attack Level Assessments for all structures including the sheds and caretaker's dwelling.
- c. With regards to condition (h) the Stormwater Management Plan shall be prepared by a suitable qualified professional in accordance with the Better Urban Water Management framework.
- d. Applicant to submit an Application to Construct, Extend or Alter a Public Building (Form 1) as per the Health (Public Buildings) Regulations 1992.
- e. Applicant to submit an Application for Certificate of Approval (Form 2) as per the Health (Public Buildings) Regulations 1992 prior to occupancy of the community centre.
- f. Applicant to submit a Certificate of Electrical Compliance (Form 5) as per the Health (Public Buildings) Regulations 1992 prior to occupancy of the community centre.
- g. Applicant to submit an Application to Construct or Install an Apparatus for the Treatment of Sewage to the satisfaction of the Director Planning and Executive Director Public Health.
- h. All activity at the site is to comply with current noise regulations as enacted under the Environmental Protection Act 1986.

OCM180/09/15 COUNCIL DECISION/ Amended Recommendation

Moved Cr Moore, seconded Cr Rossiter

That Council approves the application submitted by Serpentine Jarrahdale Men's Shed Inc. on behalf of the Shire of Serpentine Jarrahdale on Lot 815 Staff Street, Jarrahdale Road, Jarrahdale for the proposed 'outbuilding' (men's shed / workshop), 'outbuilding' (shearing museum), 'outbuilding' (heritage storage shed), caretaker's dwelling, car park and walkways as indicated on the approved plans on Lot 815 Staff Street, Jarrahdale Road, Jarrahdale, subject to the following conditions:

- a. If the development is not substantially commenced within a period of three (3) years from the date of this approval, the approval shall lapse and be of no further effect.
- b. The 'Caretaker's Dwelling' may only be occupied by a person or persons having the care of the building, plant, equipment or grounds associated with an

industry, business, office or recreation area lawfully carried on or existing on the same site.

- c. Prior to the commencement of site works, the applicant shall submit floor and elevation plans for the 'outbuilding' (men's shed / workshop) and 'outbuilding' (heritage storage shed) to be approved by the Director Planning.
- d. Prior to the commencement of construction works, the applicant shall submit a schedule of colours and finishes for the 'outbuilding' (men's shed / workshop) and 'outbuilding' (heritage storage shed) for approval by the Director Planning.
- e. Prior to the commencement of site works and construction of any structure, a Bushfire Management Plan being prepared and approved by the Director Engineering and thereafter implemented.
- f. Development shall be in accordance with Australian Standards AS3959 and the approved Bushfire Attack Level Assessments.
- g. Prior to the commencement of site works, a Stormwater Management Plan shall be prepared and approved and thereafter implemented to the satisfaction of the Director Engineering.
- h. All stormwater shall be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is not permitted.
- i. All existing native trees and / or revegetated areas on the subject lot shall be retained and shall be protected from damage prior to and during construction unless part of this or a separate planning approval.
- j. The applicant shall ensure all activities related to the construction of the development (such as but not limited to, storage of building materials and contractor vehicles) shall be contained wholly within the lot boundaries.
- k. 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.
- l. Any required "No parking signage" and vehicular guide signs to the parking facility shall be installed at the applicant's cost to the specification and satisfaction of Director Engineering.

Advice Notes:

- a. The landowner is reminded this is a Planning Approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements.
- b. With regards to condition (e) the required Bushfire Management Plan is to be prepared in accordance with the WAPC's Guideline Planning for Bushfire Protection Edition 2 May 2010, State Planning Policy 3.7 (SPP3.7) Planning for Bushfire Risk Management May 2014 (Draft) and to the specifications of the Local Government. The plan is to include Bushfire Attack Level Assessments for all structures including the sheds and caretaker's dwelling.
- c. With regards to condition (h) the Stormwater Management Plan shall be prepared by a suitable qualified professional in accordance with the Better Urban Water Management framework.
- d. Applicant to submit an Application to Construct, Extend or Alter a Public Building (Form 1) as per the Health (Public Buildings) Regulations 1992.

- e. Applicant to submit an Application for Certificate of Approval (Form 2) as per the Health (Public Buildings) Regulations 1992 prior to occupancy of the community centre.**
- f. Applicant to submit a Certificate of Electrical Compliance (Form 5) as per the Health (Public Buildings) Regulations 1992 prior to occupancy of the community centre.**
- g. Applicant to submit an Application to Construct or Install an Apparatus for the Treatment of Sewage to the satisfaction of the Director Planning and Executive Director Public Health.**
- h. All activity at the site is to comply with current noise regulations as enacted under the Environmental Protection Act 1986.**

CARRIED 7/0

Council Note: Condition (a) of the officers recommendation was changed to 3 years to allow for the commencement of development.

Councillor Urban returned to the meeting at 7.49pm

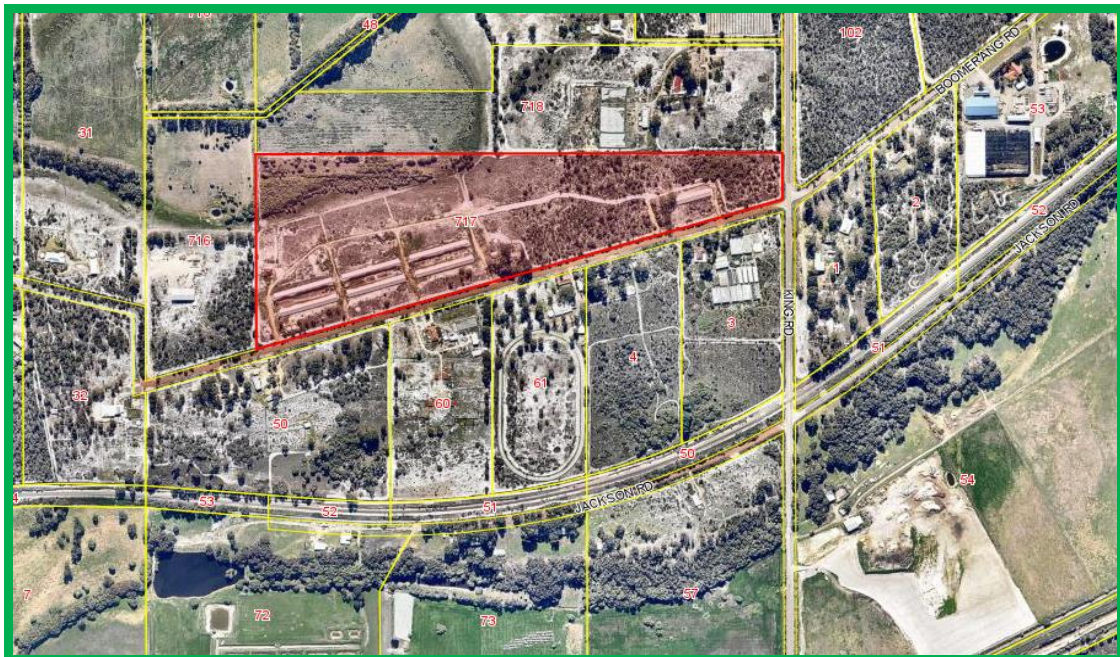
OCM181/09/15	Lot 717 (#252) Boomerang Road, Oldbury – Proposed Dams, (Light Industry) Retrospective Timber Recycling Facility and Driveway (P01542/05)
Author:	Helen Maruta – Senior Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	6 August 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Owner: David Scofield
 Date of Receipt: 18 February 2015
 Lot Area: 185 321m² (18.5ha)
 Town Planning Scheme No 2 Zoning: 'Rural'
 Metropolitan Region Scheme Zoning: 'Rural'

Introduction:

The purpose of this report is to consider the development application for construction of two (2) dams, retrospective timber recycling facility and an internal driveway on Lot 717 (#252) Boomerang Road, Oldbury.

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



Aerial Reference

Background:

Existing Development:

The subject land consists of seven (7) decommissioned poultry sheds, six (6) of which are located on the western portion of the lot and one (1) located on the eastern portion of the lot. The property also contains two (2) dwellings, outbuildings, a bore and water tanks.

A retrospective application for 'Industry-Noxious' (sheep manure bagging) was approved by the Shire in 2009, and currently operates from one (1) of the existing sheds on the subject property.

Proposed Development:

This application seeks retrospective planning approval for a timber recycling facility, an internal driveway and construction of two dams on the northern portion of the property. Specifically the application proposes the following:

Timber recycling facility:

- Use of one of the existing sheds (as shown on the site plan) for storage and recycling of Jarrah timber collected mainly from demolition sites;
- Cutting of timber inside the shed once a fortnight for a duration of one hour;
- Processed timber to be manually bundled, strapped and stored inside the shed;
- Sale of timber occurring twice a year (output less than 200 tonnes per annum);
- Off cuts and small pieces of timber being provided to the community and local organisations for firewood;
- No more than 5-8 truckloads of a combination of prime movers and semi-trailers entering the site (category 1 vehicle as per Restricted Access Vehicle under Main Roads Western Australia (MRWA)) for deliveries per week;
- Machinery and tools associated with the operation includes one (1) diesel bobcat and a chain saw.

Dams:

- Intended use of the water is for firefighting and watering of domestic animals;
- Construction of 40m x 25m x 4m rectangular shaped dams;
- Dam walls no greater than one (1) metre high;
- Clearing of vegetation and shrubs to make way for the dams.

Driveway:

- Construction of an internal access driveway from Boomerang Road;
- Driveway being approximately 80m long, 1.5m deep and 6 metres wide;
- The driveway is proposed to be constructed of inert construction and demolition waste including crushed brick and roof tiles;
- Crushed bitumen or finer road base material will be placed on top at approximately 50mm to road area.

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this application.

Community / Stakeholder Consultation:

The application has been advertised as per clause 6.3 of the Town Planning Scheme No. 2, three (3) objections were received:

Government Agencies / Departments:

- Department of Water
- Department of Environment and Regulation

Community and Stakeholders:

The main issues identified in the objections are listed as follows:

- Noise and dust from increased traffic movements;
- Boomerang Road unsuitable for increased traffic movements;
- Loss of native vegetation to construct new access and dams;
- Potential impact on the wetland;
- Suitability of the use (timber recycling facility) in the rural zone;
- Potential devaluation of properties.

Comment:Noise:

Noise generation has the potential to affect the amenity at the site and surrounds. Concerns were raised during the consultation period regarding potential noise generation as a result of vehicle movements and use of machinery during the processing of timber.

Applicant response:

The property is fenced and gated and currently has vehicle access gates to Boomerang Road at approximately seven (7) locations along its 900 metre (approximate) frontage. Access to the property is proposed to be via the first gate of Boomerang Road which is approximately 100 metres from King Road. Noise from movement of trucks is expected to be significantly low given the driveway is proposed to be 1.5 metres deep and speed for delivering trucks being reduced to less than 5km/hr. Noise nuisance from the operating machinery is predicted to be low and not likely to impact negatively on the neighbours as most of the work (95%) will be performed inside the insulated shed. Business will operate during daylight hours on weekdays only.

Shire officers comment:

Potential noise impact from the operation particularly from cutting of timber is not envisaged to reach unreasonable levels given that cutting of timber would be performed once a fortnight inside a shed area for a maximum of one (1) hour only. Onsite operations are required and expected to comply with assigned levels prescribed within the current noise regulations as enacted under the *Environmental Protection Act 1986*.

Vehicle noise is limited to trucks delivering timber on site, 5-8 truck movements per week and trucks distributing the finished product which will occur, 2-3 times a year. In that regard Shire officers are of the opinion that the increase of traffic on Boomerang Road and the general locality is considered to be minimal and not anticipated to cause detrimental noise impacts to the neighbours. In addition the applicant is proposing to construct an internal driveway in order for trucks to avoid using the full length of Boomerang Road frontage which could potentially impact on a number of sensitive receptors south of Boomerang Road.

Dust:

There is a potential of dust emissions associated with the site, mainly from vehicle movements on Boomerang Road which is an unsealed gravel road. Concerns were raised during the consultation period that the proposal is likely to reduce the amenity of adjacent residential properties by virtue of dust generated by the extra traffic on Boomerang Road.

Applicant response:

Dust suppression measures will be used to minimise dust emissions.

Shire officers comment:

Proposed traffic volumes have been considered to be low and as such not anticipated to result in significant dust concerns. Given the location of the proposed access to the site from Boomerang Road, and the proposed internal driveway, dust generated by traffic associated with the proposed timber facility is not anticipated to be a significant detrimental matter to the sensitive receptors south of Boomerang Road. A top layer of 50mm crushed bitumen or road base is expected to reduce dust generation from the driveway.

Suitability of the use in a rural zone:

It was submitted that a timber recycling facility is considered to be an industrial pursuit (not a rural pursuit) not suited to the rural zone. Approval of the proposal would be inconsistent with the objectives of the rural zone and potentially resulting in devaluation of adjoining properties.

Applicant response:

The proposal is considered to be in keeping with the general locality that includes existing land uses like timber recycling processing yards, nurseries, transport depots, sand mines and numerous fire wood selling yards.

Shire officers comment:

The proposed timber facility has reasonably been determined as falling under the interpretation of the Light Industry definition under the Shire's Town Planning Scheme No. 2 (TPS 2) and can be permitted at the discretion of Council. The proposed development is considered to be consistent with the general locality comprising of rural zoned properties used for a variety of rural pursuits including grazing, equestrian activities, market gardens, extractive industries (sand mining), poultry farms, timber processing, transport depots, rural lifestyle lots. Shire officers consider that property values are not a relevant planning consideration and as such not skilled to undertake such an assessment.

Removal of vegetation and potential impact on the wetland:

Concerns were raised regarding clearing of native vegetation as a result of the proposed driveway and construction of the dams. It was also submitted that the development was likely to impact on the environmental values of the area particularly the existing protected wetland on the northern portion of the subject land. Removal of vegetation would potentially impact on the natural habitat for bandicoots and other fauna found in the area.

Applicant response:

The driveway is proposed in an area of regrowth with minimal native vegetation. Less than 100m² of the regrowth has been removed for the driveway. Construction of dams will not negatively impact on the existing wetland but rather provide a year round water and food source to local wildlife.

Shire officers comment:

The northern half of the property contains a 'Multiple Use' Wetland according to the geomorphic wetland dataset. An area of remnant native vegetation exists on the northern corner of the property and there are also areas of remnant native vegetation within the wetland area. Shire officers do not support the location of dam number 2 due to its close proximity to the wetland, an environmentally sensitive area. Given that each dam has the capacity to collect approximately 1000 kilolitres of water; Shire officers recommend approval of one dam. A dam of that size has the capacity to capture and store a sufficient amount of water for firefighting and watering of domestic animals.

Driveway:

Concerns were raised regarding the proposed construction of the driveway potentially resulting in land degradation resulting from removal of native vegetation. It was also submitted that the internal driveway was not considered essential as the applicant could use the existing access and gate along Boomerang Road.

Applicant response:

The proposed internal driveway is intended to reduce potential noise and dust concerns by providing an alternative access route to the site and thereby diverting trucks from the unsealed Boomerang Road.

Shire officers comment:

The proposed driveway shall be constructed of hardstand material to limit the generation of dust and sediments entering nearby creeks and drainage lines. Shire officers have considered it reasonable to support construction of the internal driveway which is intended to reduce potential impacts on a number of sensitive receptors south of Boomerang Road.

Department of Water:

- No objection to the land use.
- Do not support the current location of one of the proposed soaks number 2 which appears to be situated within the boundary of a wetland protected area under the *Environmental Protection (Swan Coastal Plain Lakes) Policy 1992*.
- Any physical disturbance in this area is not permitted under this policy and requires the approval of the Environmental Protection Authority.

Department of Environment and Regulation:

- It is noted that the proposal may involve clearing of native vegetation.
- Clearing of native vegetation is prohibited, unless the clearing is authorised by a clearing permit in accordance with the *Environmental Protection Act 1968*.

Statutory Environment:

- Metropolitan Regional Scheme
The site is zoned 'Rural' under the Metropolitan Regional Scheme
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2
The site is zoned 'Rural' under the Town Planning Scheme
- Draft Local Planning Policy No. 33 (LPP 33) Construction of Dams

Financial Implications:

Refusal of the application may result in the applicant submitting an appeal with the State Administrative Tribunal. However, Shire officers are of the opinion that should an appeal be submitted, it can be addressed without the need to appoint consultants.

Alignment with our Strategic Community Plan:

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

Planning Assessment:Use Class and Permissibility:

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.

Local Planning Policy No 33 - Construction of Dams:

A dam is a permitted use in the rural zone for lots above 4 hectares. The policy (schedule 1) provides key areas that assist in determining the impact associated with individual dam proposals.

The relevant areas are discussed in the table below:

Dam Characteristics	High Impact	Shire Officer Comment
Dam Size	<ul style="list-style-type: none"> • Storage capacity exceeding 500 kilolitres. 	<u>High Impact</u> Proposed dam of 40mx25mx1m has a capacity of 1000kiloliters.
Vegetation Clearing	<ul style="list-style-type: none"> • Requires extensive clearing of remnant trees, shrubs and hedges to construct dam. • Minimal relocation of vegetation proposed. 	<u>High Impact</u> The subject land contains native vegetation and the application proposes clearing of vegetation.
Impact on Wetlands	<ul style="list-style-type: none"> • High impact on wetland system (e.g. Potential pollution). 	<u>High Impact</u> Dam 2 appears to be situated within the boundary of protected wetland.

Construction of a dam at location number 2 is not supported due to its potential detrimental impact to a wetland protected under the *Environmental Protection (Swan Coastal Lakes) Policy 1992*. Shire officers support construction of a dam at location number 1 subject to the applicant submitting additional information with regards to its exact location in relation to the existing native vegetation. The applicant is required to obtain a clearing permit prior to construction of the proposed dam number 1. The intended use of captured water complies with the purpose and intent of the rural zone.

Timber recycling facility:

The timber facility has reasonably been determined as falling under the interpretation of the Industry Light definition under the Shire's TPS 2.

'Industry Light' is defined as:

"Industry Light - means an industry:

- (i) *in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises 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."*

Based on the information provided, Shire officers have considered the facility to be small scale and of low impact. The proposal is not likely to have an unreasonable detrimental effect on the amenity of the area. The Shire's health officers have categorised the proposal to be low key and not likely to result in any significant environmental health impacts. The Shire's engineering officers have considered that truck movements of 5-8 per week to be negligible with regards to increase of traffic on the unsealed Boomerang Road.

Options and Implications:

With regard to the determination of the application for planning approval under Town Planning Scheme No. 2, Council has the following options:

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

Approval of the application will provide an opportunity for the retrospective proposal to be compliant with Shire's statutory requirements.

Option 2: Council may resolve to refuse the application.

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

Option 1 is recommended.

Conclusion:

Industry Light is a discretionary use in the rural zone which means Council may permit the use at its discretion after all the necessary consultations have been done in accordance with the scheme provisions. The operation is considered to be of relatively small scale and is unlikely to have a significant effect on the environment and the general locality. On balance it is recommended that the application be conditionally approved.

Attachments:

- [OCM181.1/09/15](#) – Development plans (E15/3745)
- [OCM181.2/09/15](#) – Summary of submissions (IN15/15229)
- [OCM181.3/09/15](#) – Cross section of the dam (IN15/15978)

Voting Requirements: Simple Majority

OCM181/09/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Moore, seconded Cr Ellis

That Council:

- 1. Approves the application (in part) submitted by David Scofield for the construction of one dam one (1), retrospective timber recycling facility and an internal driveway on Lot 717 (#252) Boomerang Road, Oldbury, subject to the following conditions:**

Timber Recycling:

- a. If the development of dam one is not substantially commenced within a period of two (2) years from the date of this approval the approval shall lapse and be of no further effect.**
- b. The landowner shall ensure all activities related to the timber recycling facility shall be contained wholly within the designated shed at all times.**
- c. Operating hours shall be restricted to 8:00am to 5:00pm Monday to Friday. No works are to be undertaken on weekends and Public Holidays.**
- d. No more than eight (8) delivery trucks per week are permitted on site.**
- e. Storm water to be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses or drainage lines is not permitted.**
- f. Within 30 days of the date of this approval or such further period as agreed by the Director Engineering, a bushfire management plan shall be prepared and approved and relevant provisions implemented in accordance with the Western Australian Planning Commission's Guideline Planning for Bushfire Protection Edition 2. May 2010, State Planning Policy 3.7 Planning for Bushfire Risk Management May 2014 (Draft) and to the specifications of the Local Government.**
- g. The landowner / occupier shall keep a register of any complaints received and remedial action taken.**

Dam One (1):

- h. Prior to the construction of dam one (1) the landowner shall submit a revised site plan detailing the location of the dam in relation to the existing wetland and native vegetation to the satisfaction of the Shire's Director Engineering.**
- i. Within 30 days of the date of this approval or such further period as agreed by the Director Engineering, engineering drawings shall be submitted for approval by the Director Engineering.**
- j. The site shall be graded and stabilised to prevent erosion and run-off impacts from the property to the satisfaction of the Director Engineering in accordance with the approved engineering drawings.**
- k. Within 30 days of the date of this approval or such further period as agreed by the Director Engineering, a geotechnical report shall be prepared by a suitably qualified consultant and approved by the Director Engineering.**

l. Batters for the bund are to be stabilised to address erosion to the satisfaction of the Director Engineering.

m. Within 30 days of the date of this approval or such further period as agreed by the Director Engineering, a Landscape and Vegetation Management Plan shall be prepared to the satisfaction of the Director Engineering.

Driveway:

n. 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.

o. Suitable arrangements being made with the Director Engineering for the provision of vehicular crossover to service the lot.

Advice Notes:

a. All activity at the site is to comply with current noise regulations as enacted under the Environmental Protection Act 1986.

b. Clearing of native vegetation in Western Australia is prohibited unless the clearing is authorised by a clearing permit obtained in accordance with the Environmental Protection Act 1986 or is of an exempt kind.

c. With regard to condition (j) the engineering drawings are to include details of how dam 1, is to be constructed and how excavated material is to be used and the overflow spillway arrangement.

2. Refuses the application (in part) submitted by David Scofield for the construction of dam two (2), on Lot 717 (#252) Boomerang Road, Oldbury, for the following reasons:

a. The dam is proposed to be located on the boundary of ‘Multiple Use Wetland’ protected under the Environmental Protection (Swan Coastal Plain Lakes) Policy 1992.

b. The applicant has provided insufficient information for the application to be properly assessed and hydrological studies to demonstrate that its construction would not detrimentally impact on the protected wetland.

LOST 1/7

Council Note: Council does not support an industrial endeavour in a rural area when there is suitable industrial area available.

OCM182/09/15	Lot 150 (#19) Randell Road, Mardella – Proposed Residential Dwelling and Ancillary Accommodation (P11285/02)
Author:	Marcel Bridge –Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	22 July 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Essential First Choice Homes Pty Ltd
 Owner: David and May Leitch
 Date of Receipt: 26 August 2015
 Lot Area: 49,690m² (4.969ha)
 Town Planning Scheme No 2 Zoning: 'Rural'
 Metropolitan Region Scheme Zoning: 'Rural'

Introduction:

The purpose of this report is to consider the development application for a proposed primary dwelling and conversion of an existing timber cottage to 'ancillary accommodation' on Lot 150 (#19) Randell Road, Mardella (the site).

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



Aerial Map

Background:

Existing Development:

The site currently features an existing dwelling (constructed of weatherboard and iron), arena and stables.

Proposed Development:

The proponent has engaged New Choice Homes to design and build a new 'single dwelling', and for the existing cottage to be converted to 'ancillary accommodation'.

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this application.

Community / Stakeholder Consultation:

The application has been advertised as per LPP 17, no submissions have been received.

Statutory Environment:

- Metropolitan Regional Scheme
The site is zoned 'Rural' under the Metropolitan Region Scheme
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2
The site is zoned 'Rural' under the Town Planning Scheme
- Local Planning Policy 17 – Residential and Incidental Development

Financial Implications:

Should Council resolve to refuse the application, the applicant will have the ability to appeal the decision with the State Administrative Tribunal.

This will have a financial impact on the Shire as refusal will be contrary to what has been recommended by Shire officers and will require the appointment of Planning Consultants and potential legal counsel to represent Council throughout the State Administrative Tribunal proceedings.

Alignment with our Strategic Community Plan:

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

Planning Assessment:

The application has been assessed in accordance with the relevant statutory documents. LPP17 is used to assess applications for 'ancillary accommodation'. In terms of LPP 17, the proposed conversion will result in the 'ancillary accommodation' not complying with the following aspects of the policy:

Floor Area:

The maximum floor area for 'ancillary accommodation' in the 'Rural' zone is 100m². The development involves the conversion of an existing dwelling that measures a total of 106.25m² to 'ancillary accommodation'.

Connection to the Main Dwelling:

The 'ancillary accommodation' is to either be constructed under the same roof as the main 'single dwelling' or be located a minimum of 10m from the existing 'single dwelling'.

In this regard the proposed 'ancillary accommodation' (converted existing dwelling) is not proposed under the same roof and is to be located 46 metres from the proposed primary residence. The proponent has provided the following justification.

'The cottage would allow us to accommodate elderly family members in a character cottage, close to us with autonomy and security in a beautiful country living environment'.

Variation:

Given the size of the lot, the existing vegetation on the site will largely screen the proposed conversion to 'ancillary accommodation' from public view. Shire officers are of the opinion that the minor variation of '6.25m²' and the distance from the primary dwelling is unlikely to negatively impact on the amenity or character of the surrounding area.

Options and Implications:

With regards to the determination of the application for planning approval under Town Planning Scheme No. 2, Council has the following options:

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

Whilst the approval will be contrary to the policy, the merits of the application would not result in a precedent and is considered a minor departure from LPP 17. The approval of the application will not result in a negative impact on the amenity or character of the area.

Option 2: Council may resolve to refuse the application.

Refusal of the application will result in the LPP 17 objectives being met.

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

Option 1 is recommended.

Conclusion:

It is recommended that the development application be granted planning approval as the assessment of the proposed 'ancillary accommodation' has been assessed against the provisions contained within LPP 17, and whilst contrary to the policy, the proposed 'ancillary accommodation' comprises the conversion of an existing dwelling on the lot. It is considered to satisfy the Shire's planning framework as the finished built quality is of a high standard, which is suitably screened and unlikely to pose any amenity issues in the surrounding locality.

Attachments:

- [OCM182.1/09/15](#) – Site Plan, Locality Plan and BAL assessment (IN15/13009)

Voting Requirements: Simple Majority

OCM182/09/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Wilson, seconded Cr Erren

That Council approves the application submitted by Essential First Choice Homes Pty Ltd. on behalf of the landowners David and May Leitch for the proposed 'Single Dwelling', and 'Ancillary Accommodation', as indicated on the approved plans. It does not relate to any other development on Lot 150 (#19) Randell Road, Mardella, subject to the following conditions:

- a. If the development referred to above is not substantially commenced within a period of two (2) years from the date of this approval, the approval shall lapse and be of no further effect.**
- b. All existing native trees and / or revegetated areas on the subject lot shall be retained and shall be protected from damage prior to and during construction unless part of this approval.**
- c. The landowner shall ensure all activities related to the construction of the development (such as but not limited to, storage of building materials and contractor vehicles) shall be contained wholly within the lot boundaries.**

- d. Hot water systems, plumbing pipes, air conditioners and the like shall be installed to prevent loss of amenity to any neighbouring property by their appearance, noise, emission or otherwise, to the satisfaction of the Director Planning.**
- e. All storm water shall be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is not permitted.**
- f. The development shall be in accordance with Australian Standards AS3959 and Bushfire Attack Level Assessment prepared by Bushfire Safety Consulting dated June 2015 which specifies construction to BAL 12.5.**
- g. The development shall not be located within 1.2 metres of any existing septic tank or 1.8 metres of a leach drain.**
- h. No wall, fence or landscaping greater than 0.75 metres in height measured from the ground level at the boundary shall be constructed within 1.5 metres of a vehicular access way, unless such wall or fence is constructed with a 3 metre visual truncation.**

Advise Notes:

- a. The landowner is advised this is a Planning Approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements.**
- b. The landowner is advised that the use of brush or fern fencing is not permitted in the Shire due to the extreme bush fire danger of the locality as per Shire Fencing Local Laws.**
- c. The landowner is advised that the proposed ‘conventional’ on-site effluent disposal system is not permitted.**

CARRIED UNANIMOUSLY

OCM183/09/15	Lot 258 (#30) Macleod Close, Byford - Section 31 Reconsideration - Retrospective Retaining Wall and Shed (P07518/07)
Author:	Marcel Bridge – Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	17 August 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Harley Dykstra
 Owner: Bruce Lindsay Scarterfield
 Date of Receipt: 16 February 2015
 Lot Area: 3022m²
 Town Planning Scheme No 2 Zoning: 'Urban Development'
 Metropolitan Region Scheme Zoning: 'Urban'

Introduction:

Following an appeal by the landowner to the State Administrative Tribunal (SAT) for the 'non-determination' of the application, the SAT pursuant to s31(1) of the *State Administrative Tribunal Act 2004 (WA)* has invited Council to reconsider the retrospective planning application for a retaining wall and 'outbuilding' (shed) at Lot 258 (#30) MacLeod Close, Byford.

Background:

The Shire issued planning approval for an 'outbuilding' (shed) and 'lean-to' on 19 November 2014. The wall height and ridge height on the approved plans are 3.2 metres and 4.27 metres.

The Shire was made aware in February 2015, of the 'outbuildings' (shed) construction that did not appear to be in accordance with the approved plans. Shire officers visited the site on 13 February 2015, and confirmed the 'outbuilding' (shed) was not constructed in accordance with the approved plans and retaining walls had been constructed without planning approval.

Clause 6.8 of the Shire's Town Planning Scheme No. 2 (TPS 2) 'Unauthorised Existing Development' allows Council to grant planning approval to a use or development already commenced, providing the development conforms with the provisions of the scheme.

Retrospective Development:

The application encompasses the following:

'Outbuilding' (shed):

- with a wall height of 3.5m and a ridge height of 4.57m

Retaining Wall:

- 2nd Tier Wall setback 3.16 metres from the rear boundary (north)
- 1st Tier Retaining Wall setback 2.21 metres from the 2nd Tier Wall

There are two tiers of retaining walls that traverse the rear boundary of the property that feature varying heights:

- 0.88 metres is the highest point of the 1st Tier Wall– 0.84 metres being the lowest point
- 1.140 metres is the highest point of the 2nd Tier Wall – 0.12 metres being the lowest point

Relevant Previous Decisions of Council:

OCM078/05/15 - Council resolved not to accept the Shire officers recommendation for approval subject to conditions.

Community / Stakeholder Consultation:

No consultation has been undertaken as a result of the s31 request from the SAT. However, the following consultation has been undertaken with the original application:

Community Consultation:

The retrospective application was referred to 14 surrounding land owners (See Figure 1) in accordance with clause 6.3 of TPS 2.

Five submissions were received, four objecting and one supporting the retrospective 'outbuilding' (shed), and is summarised as follows:

- Overall size and location of the shed
- Negative impacts on the lifestyle and amenity of adjoining owners
- Lack of details pertaining to the retaining wall
- Proposed 'outbuilding' (shed) not in accordance with the 'Estate Covenanted'
- Relocation of the alternative sewer treatment unit (ATU) system

At the Ordinary Council Meeting of 25 May 2015, a number of statements were made by members of the community. These statements are summarised as follows:

- As a result of the size and location, the 'outbuilding' (shed) blocks off almost all ventilation to the western side of the adjoining residence.
- The Shire acknowledges the concerns raised by the affected residents of the locality which are discussed further in the report and have been included in a 'schedule of submissions' attached to this report.

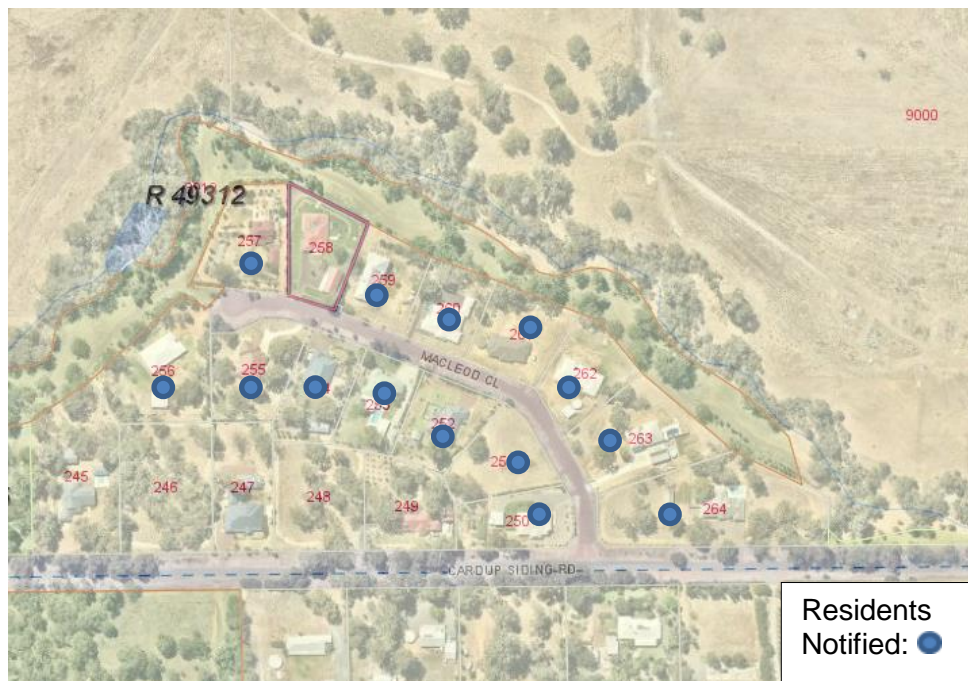


Figure 1 – Referral List

Overall size and location of the shed and negative impacts on the lifestyle and amenity of adjoining owners:

Shire officers comment:

The initial approval of the 'outbuilding' (shed) was for a wall height of 3.2m and a ridge height of 4.27m. It is the opinion of Shire officers that the increase in wall and ridge height of 0.3 and 0.07 respectively will not have a detrimental impact on the adjoining property, given the 'outbuilding' is partially located adjacent to the adjoining dwellings garage. However, to

mitigate against any perceived impact the 'outbuilding' (shed) may have on the adjoining property, a landscaping screen was conditioned by the approval of 19 November 2014.

With regard to the location of the 'outbuilding' (shed), the site had a number of constraints which lead to its current location i.e.

- Location of the reticulation system;
- Location of existing vegetation.

In this regard, the application has been assessed taking into consideration the potential for the 'outbuilding' (shed) to negatively impact upon the streetscape, amenity and character of the area. Further, the location has been assessed taking into consideration the setback requirements of Local Planning Policy 36 – Non-Urban Outbuildings (LPP 36), which requires a boundary setback of 4m. The 'outbuilding' (shed) complies with the setbacks, with a primary setback of 7.5m and a boundary setback of 4m.

Taking the above into consideration, Shire officers are of the opinion the 'outbuilding' (shed) as proposed will not have a negative impact on the adjoining property or the streetscape, amenity or character of the area.

Lack of details pertaining to the retaining wall:

Shire officers comment:

The information provided by the applicant is insufficient for Shire officers to consider any potential impact the retaining walls may have i.e. setback from boundary. Should the application be approved by Council, Shire officers recommend additional information such as certification from a structural engineer be conditioned.

Proposed 'outbuilding' (shed) not in accordance with the 'Estate Covenanted':

Shire officers comment:

Building covenants are not approved by the Shire and are considered to be an agreement between the developer and the landowner. An assessment of a development application is done in terms of the *Planning and Development Act 2005*, of which a covenant is not included.

Relocation of the alternative sewer treatment unit (ATU) system:

Shire officers comment:

The relocation of the ATU does not form part of the current application and has been dealt with by the Shire's Environmental Health unit.

Ventilation:

Shire officers comment:

In regards to the impact on ventilation, the constructed 'outbuilding' (shed) is setback approximately 4.8m from the boundary. On this basis it can be reasonably argued that the 7cm increase to the height is offset by the additional setback from the boundary, ensuring the ventilation effect is negligible if any.

The existing 'outbuilding' (shed) is unlikely to have a significant impact on the solar access and ventilation given the setback distances the shed is from the nearest adjoining residential structures. As a guide, Clause 5.4.2 C2.1 the residential design codes which apply to R2.5 coded properties (5000m² to 2000m² lots) state that the shadow cast by a development must not exceed 25% of the site area of adjoining properties.

It should be noted that the dwelling on the adjacent lot is setback at least 8m from the boundary and partially adjacent to its garage, further reducing the likely impact on ventilation to the adjoining property.

Retrospective 'Outbuildings' (shed):

Local Planning Policy 36 – Non Urban Outbuildings (Draft)

Special Residential >2000m2	Original Approved Height	Maximum Policy Height	Retrospective Height	Variation
Wall	3.2m	3.2m	3.5m	+0.3m
Ridge	4.27m	4.5m	4.57m	+0.07m

Statutory Environment:

- Planning and Development Act 2005
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2
- Local Planning Policy 36 – Non Urban Outbuildings
- State Planning Policy 3.1 Residential Design Codes

Financial Implications:

Should Council refuse the retrospective application, the appeal is likely to progress to a hearing. This will have a financial impact on the Shire as refusal will be contrary to what has been recommended by Shire officers and will require the appointment of planning consultants and potential legal counsel to represent Council throughout the SAT proceedings.

Further, Shire officers have been cautioned that should the matter proceed to a full hearing and the appeal is overturned, and the application approved by the SAT, the SAT may be inclined to award costs to the applicant, placing an additional financial burden on Council.

Alignment with our Strategic Community Plan:

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

Options and Implications:

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

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

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

Option 2. Council may resolve to refuse the application.

Should Council resolve to refuse the application, Council will be required to provide planning reasons as to why the application has been refused. Further, refusal is likely to result in a full hearing being programmed by the SAT.

Option 1 is recommended.

Conclusion:

'Outbuildings' serve an important purpose to residential lots within the Urban Development Area with regards to storage and domestic use. The Shire acknowledges the concerns raised during the advertising period. Due to the minimal impact of the variations, the Shire recommends the retrospective application be approved by Council subject to appropriate conditions and advice notes.

Attachments:

- [OCM183.1/09/15](#) - Locality Plan and Floor Plan (IN15/3321)
- [OCM183.2/09/15](#) - Summary of Submissions (E15/1132)

Voting Requirements: Simple Majority

OCM183/09/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Erren, seconded Cr Ellis

That Council approve the retrospective planning approval for an 'outbuilding' (shed) and retaining walls at Lot 258 (#30) MacLeod Close, Byford, subject to the following conditions:

- a. The 'outbuilding' (shed) shall not be used for human habitation, commercial or industrial purposes including home occupation, the parking of a commercial vehicle or the stabling of horses or other livestock.
- b. The landowner shall within 30 days of this approval provide certification from a suitably qualified Engineer, certifying the retaining walls.
- c. All stormwater shall be disposed of within the property. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is not permitted.

Advice Notes:

- a. The landowner is advised that this is a Planning Approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements.
- b. The landowner / occupier is required to comply with Council's annual Firebreak Notice and Fuel Hazard Reduction Notice.
- c. An application for a Certificate of Unauthorised Works may be required to be obtained from the Shire.

LOST 0/8

Council Note: Council refused the officer recommendation based on the grounds of non-compliance in relation to the size and height of the building and the proximity to the adjoining neighbour.

OCM184/09/15	Lot 11 (#625) Nettleton Road, Karrakup – Proposed Additions - Place of Public Worship & Retreat Facility (P03740/12)
Author:	Marcel Bridge – Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	2 October 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act 1995</i>

Proponent: Harley Dykstra
 Owner: Vincentian Congregation Inc.
 Date of Receipt: 15 Jul 2015
 Lot Area: 11.14ha
 Town Planning Scheme No 2 Zoning: ‘Rural’
 Metropolitan Region Scheme Zoning: ‘Rural’

Introduction:

The purpose of this report is to consider the, development application for the expansion of the existing approved ‘Place of Public Worship’ and retreat facility at Lot 11 (#625) Nettleton Road, Karrakup.

The application is being referred to Council as Shire officers do not have the delegation to determine ‘Place of Public Worship’ & retreat facilities. In addition the subject lot is located within the Landscape Protection Policy Area.

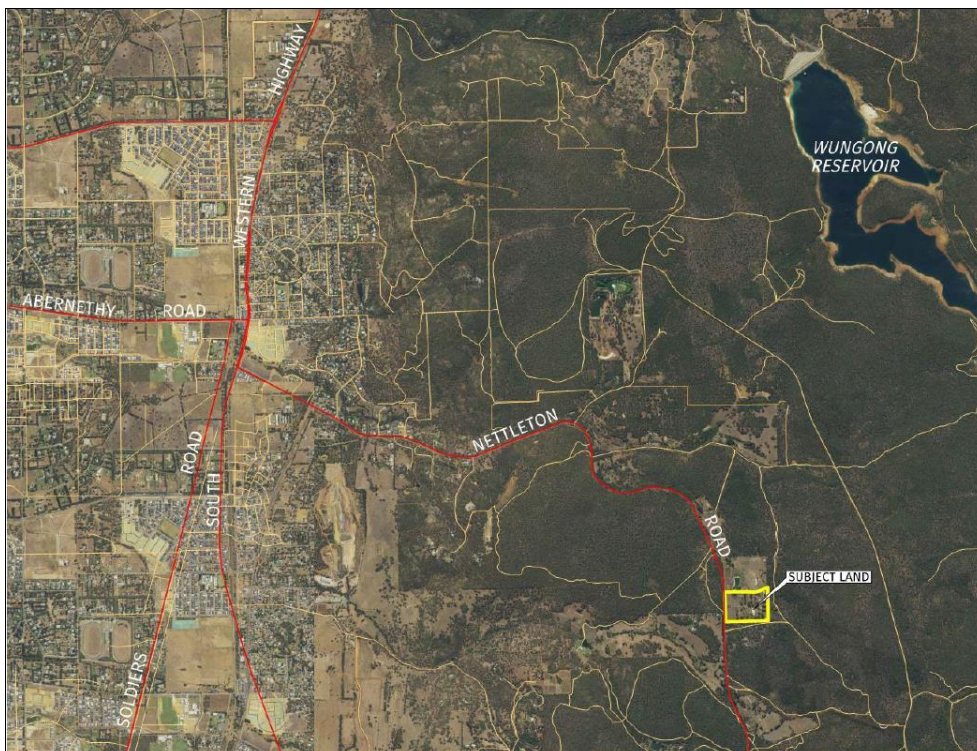


Diagram 1 - Location Plan

Background:

Existing Development:

The subject land is located within a state forest and land zoned for ‘Rural’. The subject lot has frontage to and access via Nettleton Road on its western boundary. Nettleton Road intersects with the South Western Highway approximately 5km north-west of the subject land.

The lot is well shielded from surrounding development with land immediately to the south, west and east consisting of state forest. The rural lot to the north is of similar dimensions which consists of a number of 'outbuildings' and a 'single dwelling'.

A previous development application was submitted and approved in February 2015 for the alteration of two existing buildings on site, horse stables and a machine shed to be used as a kitchen / dining hall and a meeting hall.

Proposed Development:

The application seeks the construction of eight (8) additional structures as subsequent stages to the existing 'Place of Public Worship' and retreat facility approval. The application proposes:

- Meeting Hall (180m² single storey to accommodate a maximum of 100 persons)
- Kitchen and Dining Hall (120m² Single Storey Kitchen and Dining Hall)
- Prayer Room (50m²)
- 2 x 10 Bedroom Dormitory Halls
- 2 x Ablution Blocks
- Sealed Car Parking Area

The proponent has provided the following information in relation to the development being undertaken in stages:

"The intention is for the development to be implemented in two stages, with the prayer room, dormitory halls and two (2) ablution blocks consisting of Stage 1, and the meeting hall, kitchen and dining hall, and associated ablution block consisting of Stage 2. The structures under the existing approval will be decommissioned following the implementation of Stage 2 and are to be used for storage. The proposed dormitory halls will provide accommodation over weekends during particular events. The events will consist of three days of preaching, contemplation, and spiritual guidance to those in need".

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this application.

Community / Stakeholder Consultation:

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

Stakeholder Consultation / Government Agencies / Departments

Consultation was undertaken to Department of Parks and Wildlife, the following advice was received:

'The state forest adjacent to the property is managed by the Department of Parks and Wildlife, and as such the proponent must be aware that some or all of the following activities may take place in close proximity to the proposed 'Place of Public Worship' and retreat facility:

- *Prescribed burning for conservation and/or fire hazard reduction purposes;*
- *Application of chemicals for weed and plant disease control.'*

Statutory Environment:

- Metropolitan Region Scheme
The site is zoned 'Rural' under the MRS
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2

The site is zoned 'Rural' under the Town Planning Scheme

- Landscape Protection Policy Area - LPP 08

Based on the information provided Shire officers have considered that a retreat facility falls under the definition of 'Public Worship – Place' of under the Shire's TPS 2.

Public Worship – Place of – means any land or buildings used for the religious activities of a church but do not include an institution for primary, secondary, or higher education, or residential institution.

A 'Public Worship – Place' is an "SA" (discretionary) use in the 'Rural' zone.

Rural Strategy Review 2013:

The subject land is identified within the Agricultural Protection Policy Area under the Shire's Rural Strategy and in the Rural Strategy Review 2013. Although the proposed use is not an agricultural use, it would not be considered to be in conflict due to the land holdings size and scale.

Financial Implications:

Should Council resolve to refuse the application, the applicant will have the ability to appeal the decision with the State Administrative Tribunal (SAT).

This will have a financial impact on the Shire as refusal will be contrary to what has been recommended by Shire officers and will require the appointment of Planning Consultants and potential legal counsel to represent Council throughout the SAT proceedings.

Alignment with our Strategic Community Plan:

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

Planning Assessment:

Building Scale and Location:

The proposed buildings will be situated on the subject land in alignment with each other allowing practical and efficiency of movement between existing infrastructures. The meeting hall and kitchen / dining hall are to be located on the upper tier, between the existing sheds.

The previously approved land use (kitchen / dining hall and meeting hall) will support the dormitories until the new meeting hall and kitchen / dining hall can be constructed as part of stage 2 of the development. The dormitories and prayer room will be located further west on site and will be stepped down to the lower tier of the subject land on the western side of the existing retaining wall. Access between the prayer room, dormitories and halls will be via stairs and a ramp over the existing retaining wall.

The location is deemed appropriate as it is located in close proximity to existing and proposed additions. The proposed development is unlikely to detrimentally impact on adjoining properties and to road users of Nettleton Road given the setback distance and the structures being shielded by existing vegetation.

Building Design /Landscape Protection Policy:

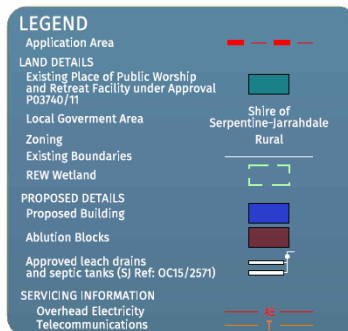
The proponent has argued that the building architecture is intended to reflect the rural themes found in the surrounding rural areas, incorporating timber framing and dark colour brick. Shire officers had concerns on the submitted colours / materials in which the proposed walls were to be pearl black. These concerns were raised with applicant stating

that the proposed colour is not consistent with colours of a rural landscape, nor consistent with the established built form of the area.

In response the applicant revised the proposed colour of Pearl Black colour to Silver Birch. Shire officers are of the opinion that this colour sits neutral within the built environment and will not impact on the Landscape Protection area.



Diagram 2 – Site Plan



The subject site is not serviced with reticulated water or sewer disposal. Shire officers have provided information that a number of statutory health approvals will be required on the basis of the application being approved.

The proponent has provided information that the previous application was supported by a Bushfire Attack Level Report (BAL) which assessed the vegetation on site and the distance of the buildings from the state forest. The BAL report concluded that with appropriate management (inclusive of upgrading of buildings) and their distance from vegetation, bushfire risk could be managed to allow the proposed use of the buildings to be accommodated.

The application was referred to the Shire’s Emergency Services who requested that the current Fire Management Plan be amended to reflect the proposed changes. On this basis, Council resolves to approve the application. An amended Fire Management Plan is to be submitted to the satisfaction of Emergency Services.

Options and Implications:

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

Option 1: Council may resolve to approve the application.

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

Option 2: Council may resolve to refuse the application.

Refusal of the application may result in an appeal to the State Administrative Tribunal which may not be able to be successfully argued

Option 1 is recommended.

Conclusion:

The proposal for a number of additional structures to the existing approved 'Place of Worship' and retreat facility is considered to be of a low impact on the amenity of the locality, with the surrounding properties having their residences over 400m from the subject structure, the property is well secluded by state forest as well as being located approximately 200m from Nettleton Road.

Given the isolation of the proposal, it is recommended that the development application be granted planning approval.

Attachments:

- [OCM184.1/09/15](#) – Reissued Site Plan, Cross Sections, Floor Plan, Locality Plan and Schedule of Materials. (E15/4304)

Voting Requirements: Simple Majority

OCM184/09/15 COUNCIL DECISION / Officer Recommendation

Moved Cr Erren, seconded Cr Wilson

That Council approves the application from Harley Dykstra on behalf of the landowner Vincentian Congregation Inc., to develop an additional eight (8) structures to the 'Place of Public Worship' and retreat facility at Lot 11 (#625) Nettleton Road, Karrakup subject to the following conditions:

- If the development referred to above is not substantially commenced within a period of two (2) years from the date of this approval, the approval shall lapse and be of no further effect.**
- Only the colours and materials identified on the Schedule of Materials and Finishes, attached to and forming part of this approval, shall be used.**
- All existing native trees and / or revegetated areas on the subject lot shall be retained and shall be protected from damage prior to and during construction unless separate planning approval is sought.**
- The landowner shall ensure all activities related to the construction of the development (such as but not limited to, storage of building materials and contractor vehicles) shall be contained wholly within the lot boundaries.**

- e. All storm water shall be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is not permitted.
- f. Prior to the use / occupation of the development, the landowner shall submit an application to construct and install an apparatus for the treatment of sewage to the satisfaction of the Director Planning and the Department of Health.
- g. Prior to the use / occupation of the development, the landowner shall submit an application for registration of a lodging house.
- h. Prior to the use / occupation of the approved structures, the landowner shall submit and have approved by the Director Engineering a revised Fire Management Plan.

Advice Notes:

- a. The landowner is advised this is a Planning Approval only and does not obviate the responsibility of the landowner to comply with all relevant building, health and engineering requirements.
- b. The landowner / occupier is required to submit a Certificate of Electrical Compliance (Form 5) as per the Health (Public Buildings) Regulations 1992 prior to occupancy.
- c. If the landowner / occupier is to supply food as part of the overall package of visiting the retreat, the landowner is required to submit an Application to Construct or alter a Food Business together with plans showing;
 - The proposed floor plans, elevation plans and use of each room;
 - The structural finishes of every wall, floor and ceiling;
 - The position and type of every fitting and fixture;
 - If provided, number of chairs for patrons;
 - Details of proposed sinks for hand washing, food preparation and dish washing or dishwasher specifications;
 - All sanitary conveniences provided for staff and patrons, change rooms,
 - Storerooms, ventilating systems, drains, grease traps and provision for waste disposal;
 - Details of the mechanical exhaust system, if cooking is to take place in the food premises.
- d. The landowner / occupier is advised that the use of brush or fern fencing is not permitted in the Shire due to the extreme bush fire danger of the locality as per Shire's Fencing Local Laws.
- e. The landowner / occupier shall be required to comply with Council's annual Firebreak Notice and Fuel Hazard Reduction Notice.
- f. The landowner / occupier is to be advised that the Department of Parks and Wildlife will undertake prescribed burning for conservation and / or fire hazard reduction purposes; application of chemicals for weed and plant disease control.
- g. The landowner / occupier is required to submit an application for Certificate of Approval (Form 2) as per the Health (Public Buildings) Regulations 1992 prior to occupancy.
- h. All food premises shall comply with the Food Act 2008, Food Regulations 2009 and Australia New Zealand Food Standards Code.

CARRIED 7/1

OCM185/09/15	Lot 381 (#653) Karnup Road, Hopelands Development Application – ‘Industry Light’ – Refurbishment of Transportable Buildings (P00150/04)
Author:	Leonard Long – Acting Manager Planning
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	2 June 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Owner: GBL Investments Pty Ltd
 Date of Receipt: 16 February 2015
 Lot Area: 19.5ha
 Town Planning Scheme No. 2 Zoning: ‘Rural’
 Metropolitan Region Scheme Zoning: ‘Rural’

Introduction:

The purpose of this report is to consider an application submitted by the landowner for ‘Industry Light’ - refurbishment of a transportable building at Lot 381 (#653) Karnup Road, Hopelands (See Diagram 1 Below).

The item is presented to Council for consideration as the proposed use is contrary to the provisions of the Metropolitan Region Scheme (MRS), Town Planning Scheme No. 2 – ‘Rural’ zone and the Rural Strategy (TPS 2).

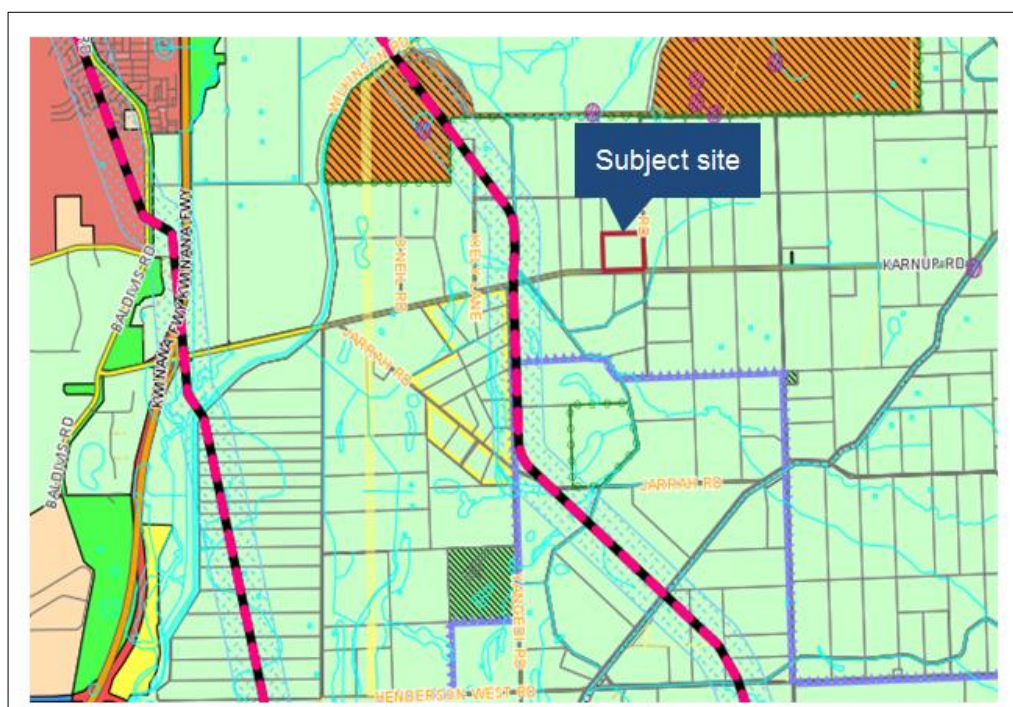


Diagram 1 – Context Plan

Background:

Existing Development:

The application is retrospective and continues to operate without Council approval. The landowner has submitted the application noting that the use, being refurbishment of transportables, should be categorised as “Industry light”, a category not supported by Shire officers.

The site is located on the north western corner of the intersection of Karnup Road and Manning Road and has an area of 19.5 hectares.



Diagram 2 - Aerial Site Plan

The use entails the following:

- Purchasing of second hand units in bulk, (20 to 50 units), turnaround for the selling of the refurbished unit can be approximately 7 days.
- 20 Staff are employed.
- Two hardstand areas measuring 27,600m² and 12,000m², used for the standing of transportable buildings, drop off, manoeuvring and delivery area.
- Three access tracks (Access 1: Main Gate – Access 2: Not in Use – Access 3: House Access)
- 200m² dwelling
- 200m² office and reception area
- 1064m² 'dispatch' shed
- Use of the existing four (4) sheds for the refurbishment of transportable buildings
- Lunch Room – Main Office seats 12 people

Other structures approved as part of the previous use (nursery) include:

- 16,704m² shade house
- 248m² propagation shed with adjacent grow out shed
- 1056m² storage shed
- 13 824m² glass house (to remain empty, the area is not being used for any particular use)
- 10 000 litre fibreglass tank
- Existing lakes water levels will remain constant to aid in fire management

Relevant Previous Decisions of Council:

Whilst not on the subject site, Dykstra Planning on behalf of GBL Investments Pty Ltd (the landowner) submitted an application for the 'Industry – Light' - Refurbishment of Transportable Buildings at Lot 717 Boomerang Road, Oldbury.

The application was determined by the Shire officers to better fit within the category of 'Industry – General'. Subsequently Council refused the application for the following reasons:

- (i) The application is not consistent with the 'Rural' zone of the Metropolitan Region Scheme;
- (ii) The application is not consistent with the 'Rural' zone and provisions of the Jandakot District Structure Plan;
- (iii) The application is not consistent with the provisions of the Shire's TPS 2 'Rural zone';
- (iv) The application is not consistent with the provisions of the Shire's Rural Strategy 'Rural Policy Area'

Community / Stakeholder Consultation:

The application has been advertised as per clause 6.3 of the TPS 2, no objections were received.

Statutory Environment:

- Metropolitan Regional Scheme
The site is zoned 'Rural' under the Metropolitan Regional Scheme
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2
The site is zoned 'Rural' under the Town Planning Scheme
- Shire of Serpentine Jarrahdale – Rural Strategy 1994.

Shire officers remain of the opinion that the proposed use is consistent with that of an 'Industry – General' and not an 'Industry – Light'. The difference between the two use categories are as follows:

- 'Industry General' is a 'Use Not Listed' within a 'Rural' zone, effectively not permitting the use;
- 'Industry Light' is a 'SA' use within a 'Rural' zone, and may be permitted by Council after notice of the application has been given, in accordance with clause 6.3 of the TPS 2.

Shire of Serpentine Jarrahdale – Rural Strategy 1994:

Section 5 of 'The Strategy' discusses the importance of the rural area and protection of the Shire's rural and agricultural character.

The following policy objectives were set out for the Rural Policy Area:

- *To retain and maintain the productive capacity of land and agricultural enterprise in close proximity to Perth and its markets;*
- *To encourage, provide opportunities for, and control over, a mosaic of productive agricultural land uses;*
- *To adopt pro-active and co-operative approaches with land owners and the wider community to address catchment management and land degradation problems*
- *To promote the objectives of the Environmental Repair Overlay in the Rural Policy Area*
- *To otherwise prevent the further fragmentation of land through subdivision for Farmlet development in the policy area.*

The strategy identifies that commercial, industry (Heavy, Light, Noxious), Fuel Depot are undesirable land uses within the Rural Policy Area.

Financial Implications:

Should Council resolve to accept the Shire officers recommendation for refusal, the applicant will have the ability to appeal the decision with the State Administrative Tribunal (SAT).

An appeal will have a financial impact on the Shire as it may be necessary to appoint planning consultants and legal counsel to assist in an appeal.

Alignment with our Strategic Community Plan:

Refusal of the application will reinforce the Council alignment with the Strategic Community Plan.

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

Planning Assessment:Definition of Proposed Land Use:

The applicant has identified the proposed land use as 'Industry - Light', a category not supported by the Shires officers.

The Shire's TPS 2 defines industry as follows:

Industry - *"Means the carrying out of any process in the course of trade or business for gain, for and incidental to one or more of the following:*

- (i) The winning, processing or treatment of minerals;*
- (ii) The making, altering, repairing or ornamentation, painting, finishing, cleaning, packing or canning or adapting for sale, or the breaking up or demolition of any article or part of an article;*
- (iii) The generation of electricity or the production of gas;*
- (iv) The manufacture of edible goods;*

and includes, when carried out on land upon which the process is carried out and in connection with that process, the storage of goods, any work of administration or accounting, or the wholesaling of goods resulting from the process, and the use of land for the amenity of persons engaged in the process, but does not include:

- (i) The carrying out of agriculture;*
- (ii) Site work on buildings, work or land;*
- (iii) In the case of edible goods the preparation of food for sale from the premises;*
- (iv) Panel beating, spray painting or motor vehicle wrecking.*

It is considered that the proposed development complies with the provisions of clause (ii) above and does not fall within any of the exclusions, and is therefore industry.

The definition is further categorised into:

"Industry general – means an industry other than a cottage, extractive, hazardous, light, noxious, rural or service industry."

The applicant has stated that the proposal is 'light industry' which is defined as follows:

"Industry light – means an industry:

- (i) In which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises 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; and*
- (ii) The establishment of which will not or the conduct of which does not impose an undue load on any existing or projected service for the supply or provision of water, gas, electricity, sewerage facilities or any like services."*

It has been established through a case heard and determined by the SAT (GMF Contractors Pty Ltd and Shire of Serpentine Jarrahdale 2006 WASAT 353) that measures to mitigate any harm which may be caused by a proposed development cannot be taken into account in

determining whether an industry falls into the category of *'Industry Light'*. It is recognised by the applicant that the development has the potential to have a detrimental impact on the amenity of the area, which was identified by their submission of a noise attenuation report.

Based on the above, it is considered that the use of the land for the manufacture, assembly and refurbishment of transportable buildings is *'Industry General'*, not *'Light Industry'* as stated by the applicant. Having established the use of the land, it is possible to explore the extent to which the use is consistent with the rural zoning of the land.

Consistency with the Land Use:

The consistency of the use with the zoning of the land is only relevant if it is considered that the use falls within the definition of 'industry light' as 'industry general' is not permitted in the 'Rural' zone and therefore cannot be supported.

If the use is deemed to be consistent with the definition of 'industry light', contrary to the aforementioned SAT decision, it is considered that it would still be contrary to the objectives of the rural zone and would constitute an undesirable use as set out in the Rural Strategy.

Noise / Amenity:

A *'Noise Emissions Assessment'* was submitted with the retrospective application. The proponent advised that the assessment was undertaken at a previous site outside the Shire of Serpentine at their previous operations in Welshpool, Perth. The emissions assessment report provided by the proponent overall advised that the facility at #653 Karnup Road, Hopelands did not exceed the Environmental Protection (Noise) Regulations 1997.

Shire officers advised that the separate noise emissions report was required to be undertaken at the current site of #653 Karnup Road, as the submitted noise emissions report only gave indication to the emissions from the Welshpool site.

Traffic Management:

Given the heavy freight traffic accessing the site via Karnup Road, the proponent was required to demonstrate the impact of deliveries undertaken and the business operations. In that regard the proponent has provided the following:

- The deliveries undertaken from these units are to be commenced between 7.30am – 4.00pm Monday to Friday with approximately 2 - 5 semi-trailers per week.

Technical officers advised that the operation would have insignificant impact on the existing conditions from a traffic perspective.

Visual Impact:

Visual impact is considered a relevant concern for the proposal, given its relative location to the predominantly rural land uses. The proponent has advised that the current physical, topographical and existing attributes of the subject site would aid in the preservation of the visual amenity, and all existing vegetation is to remain.

Road users travelling along Karnup and Manning road are unlikely to be impacted, given the existing tree vegetation along these two strong frontages. The subject site is well vegetated and with the retention of vegetation and with additional planting within the western side boundary, the proposed operations are likely to be screened from roads and lot boundaries. However, should the application be approved it may create a precedent for other industrial type uses to operate in the area where vegetation is non-existent or will take significant time to act as a sufficient screen.

Vehicular Access and Movement:

The subject property is fenced and gated with vehicle access made of compacted blue – metal to three (3) locations, all which front Karnup Road. Access one (1) is six (6) metres

wide which will be used as the main access from Karnup Road. Access two (2) is not currently in use whilst access three (3) is for the house access to the property.

Options and Implications:

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

Option 1: Council may resolve to refuse the application.

If council resolves to refuse the proposed operation, it will ensure that the objectives of the Rural Strategy are met, and comply with the Community Strategic Plan.

Option 2: Council may resolve to approve the application.

Approval will compromise the integrity of the Rural Strategy 1994, and may set a precedent along Karnup Road for Industry uses.

In the event that Council approves the application, it will be required for the application to be referred to the Western Australian Planning Commission (WAPC) for determination under Clause 32 of the MRS.

Option 1 is recommended.

Conclusion:

The proposal relates to the use of the land for the refurbishment of transportable buildings. It is considered that the retrospective operations are not consistent with the objectives of the 'Rural' zone as it does not support land uses that fall within the undesirable land use category as set out in the Rural Strategy.

The proponent has provided information that the land use is managed appropriately, particularly with regards to issues such as noise, vehicle movement, traffic management and the visual amenity making the proposal economically viable. Conversely, the proposal is considered to detract from the availability of land for genuine rural uses and pursuits, and will be an isolated industrial use along Karnup Road. The proposed use would be ideally suited in an area that is identified for industrial development.

Attachments:

- [OCM185.1/09/15](#) - Locality Plan (IN15/8682)
- [OCM185.2/09/15](#) – Planning Report (IN15/4235)

Voting Requirements: Simple Majority

OCM185/09/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Erren, seconded Cr Hawkins

That Council refuses the application from GBL Investments for 'Industry Light' - refurbishment of transportable building at Lot 381 (#653) Karnup Road, Hopelands subject to the following reasons:

- 'General Industry' is a use not permitted within the 'Rural' zone.**
- The use is not consistent with that of the Shire's Rural Strategy 'Rural Policy Area'.**
- The use is not consistent with the Shire's Community Strategic Plan.**

CARRIED UNANIMOUSLY

Due to four out of 8 Councillors declaring an interest in item OCM186/09/05 which would result in a loss of quorum, this item was unable to be discussed and will be presented at the next Ordinary Council Meeting on 12 October 2015.

OCM186/09/15	Lot 4 (#829) South Western Highway, Byford - Proposed Byford Town Centre Structure Plan Modification – (SJ1032-02)
Author:	Heather Carline – Planning Officer
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	21 July 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Urbis Pty Ltd
 Owner: R and C Borich
 Date of Receipt: 18 June 2015
 Lot Area: 2934m² (0.29ha)
 Town Planning Scheme No 2 Zoning: 'Urban Development'
 Metropolitan Region Scheme Zoning: 'Urban'

Introduction:

The purpose of this report is to consider a request to amend a portion of the Byford Local Structure Plan (LSP) which falls over Lot 4 (#829) South Western Highway, Byford and determine if the modified Structure Plan is satisfactory for advertising.

Council and the Western Australian Planning Commission (WAPC) have previously approved the LSP for the subject site, however, the applicant has submitted a modified LSP, which if approved, will replace the existing approved LSP.

A Council resolution is required in order to initiate advertising.



Site Plan

Background:

In December 2011 the WAPC approved the LSP subject to a schedule of modifications. In February 2013, Council was consulted in respect of a further revised schedule of modifications. Council expressed its position in respect of the matters, resulting in Final Adoption in February 2014.

Existing Local Structure Plan:

Lot 4 (#829) South Western Highway is located within the town centre of Byford. The lot is located to the western side of South Western Highway with George Street running along the western boundary and Pitman Way to the southern boundary. The site is currently vacant and comprises of established vegetation.

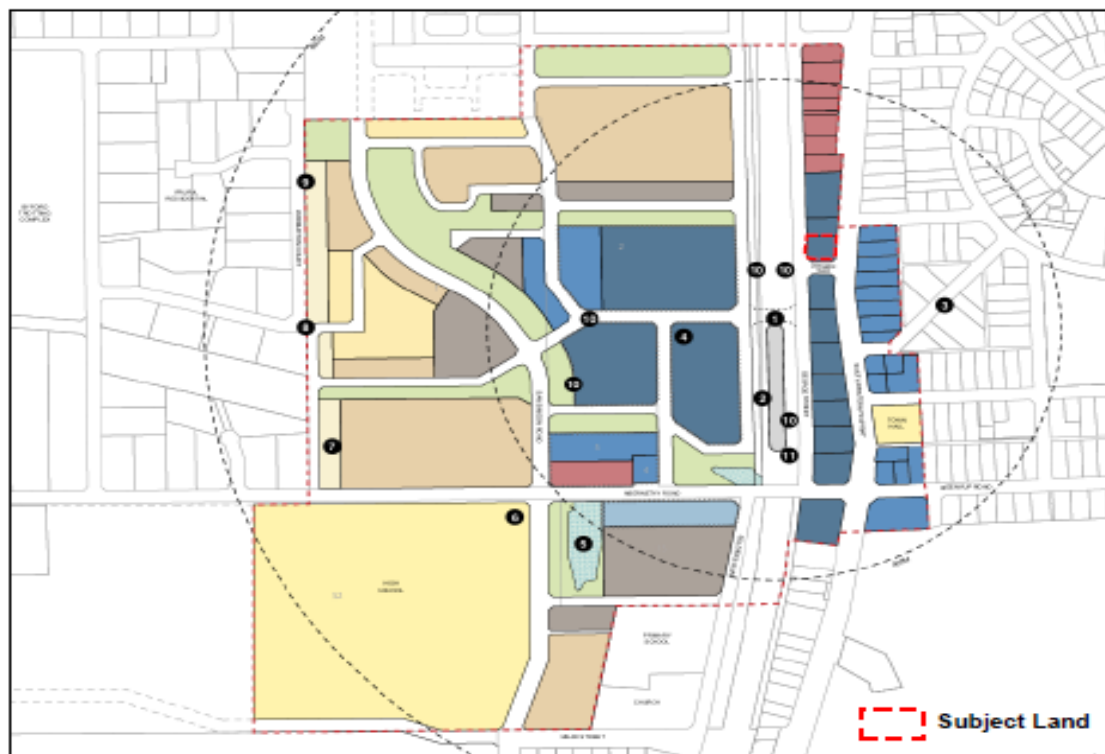
The southern portion of the lot, subject to the modification, is currently zoned as 'Public Open Space' (POS) under the LSP.

Proposed Major Modification to Local Structure Plan:

The proposed modification seeks to rezone the southern portion of Lot 4 (#829) South Western Highway from 'Public Open Space and Drainage' to 'Town Centre'. The intention of the rezoning is to facilitate development of the site to provide for a Café.

The details of the development will be assessed through the Development Application process and the modification of the LSP seeks approval for the modification to the zoning of the land only.

The proposed modification is considered to alter the intent of the LSP through the loss of open space and by increasing the overall provision of retail floor space.



Location Plan

Relevant Previous Decisions of Council:

OCM152/02/13 - Byford Town Centre Local Structure Plan - Proceedings before the SAT
OCM123/02/14 – Byford Town Centre Local Structure Plan – Final Adoption

Community / Stakeholder Consultation:

As a major modification to the LSP, the proposal is required to be advertised in accordance with Clause 6.3 of Town Planning Scheme No. 2 (TPS 2), and Local Planning Policy No. 27 (LPP 27) – Stakeholder Engagement in Land Use Planning.

Statutory Environment:

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

Financial Implications:

There are no direct financial implications regarding this matter.

Alignment with our Strategic Community Plan:

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

Planning Assessment:

Public Open Space:

The proposed modification seeks to rezone approximately 1500m² of land from 'Public Open Space and Drainage' to 'Town Centre'. The applicant has provided site area calculations for the provision of open space within the Local Structure Plan. Currently the Local Structure Plan provides for 6.82ha or 14.95% of 'Public Open Space'. This exceeds the minimum 10% requirement by 4.95%. The reduction of open space that would result from the proposed modification would not result in a reduction below the 10% minimum requirement.

Town Centre/Retail floor space:

As part of the original LSP, a retail demand analysis was undertaken to inform an appropriate amount and distribution of retail net lettable area (NLA) within the Byford Town Centre. The analysis concludes that the Town Centre will support between 8,962m² and 15,538m² of retail NLA to 2031.

The applicant considers that the proposed rezoning will only marginally increase the potential of the overall Town Centre. The proposed future development will be limited by parking and drainage requirements thereby only adding approximately 500m² of potential retail NLA towards the Town Centre total.

Drainage:

Given the nature of the land and topography of the area, the drainage requirements for the LSP area are significant which resulted in a 'Public Open Space' provision in excess of the standard 10% requirement.

The applicant has advised that future development will retain the existing creek line and allow for the drainage functions of the multiple use corridor to continue as proposed.

To ensure that the full drainage network across the Byford Town Centre Structure Plan will work, rather than looking at the subject site in isolation, Shire officers recommend that the Local Water Management Strategy for the entire Town Centre area be updated, prior to the modification being advertised for community and relevant agency comment.

Options and Implications:

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

Option 1: Council may resolve that the major modification to the Byford Town Centre Local Structure Plan is not to be advertised until further details have been provided to the satisfaction of the Director of Engineering.

Option 2: Council may resolve to advertise the major modification to the Byford Town Centre Local Structure Plan and commence advertising.

Resolving to advertise the major modification will facilitate community consultation being undertaken.

Option 3: Council may resolve that the modification is not satisfactory for advertising.

Resolving not to advertise the modification will result in a delay in advertising.

Option 1 is recommended.

Conclusion:

It is concluded that pursuant to Clause 5.18.3.2 (a) of TPS 2 the proposed major modification to the Byford Town Centre Local Structure Plan is satisfactory for advertising. The Shire officers understand that the purpose of the proposal is to facilitate a Development Approval over the site.

Attachments:

- [OCM186.1/09/15](#) – Structure Plan Amendment from Urbis (E15/3146)

Voting Requirements: Simple Majority

Officer Recommendation:

That Council:

- 1. Approves the advertising request submitted by Urbis on behalf of the landowners R and C Borich for the modification of the zoning of Lot 4 (#829) South Western Highway, Byford as follows:**
 - a. Modifying the existing zoning from ‘Public Open Space and Drainage’ to ‘Town Centre’.**
- 2. Subject to the following, advertising the proposed modified Local Structure Plan in accordance with clause 5.18.3 of the Town Planning Scheme No. 2:**
 - a. The submission and approval by the Director Engineering of an updated Local Water Management Strategy.**
- 3. Subject to no objections being received during the advertising period required in (2) above, the modified Byford Local Structure Plan is adopted in accordance with clause 5.18.3.7 of the Shire's Town Planning Scheme No. 2. The adoption date is to be the date of the first Ordinary Council Meeting following the closure date of the advertising period required in (2) above.**

OCM187/09/15	Review of Council Policies (SJ526-01)
Author:	Karen Cornish – Governance Officer
Senior Officer/s:	Richard Gorbunow - Chief Executive Officer
Date of Report:	7 September 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

Introduction:

This report presents the outcomes of the review of Council policies. Council are asked to reconfirm revised policies and adopt new policies. There are also a number of outdated and redundant policies recommended for revocation.

Background:

Council reviewed its Delegation of Authority in December 2014. It is prudent that policies are also reviewed to ensure synchronization with the Delegation of Authority and to ensure that the Shire's policies reflect the current opinion of Council.

Relevant Previous Decisions of Council:

A holistic review of Council policies has not been undertaken for some years. Generally, one or more policies are put to Council due to either changes in legislation, internal procedure or as a result of a Council decision.

Community / Stakeholder Consultation:

There is no requirement to undertake community consultation. Consultation with Councillors occurred throughout the period of the review.

Comment:

The process undertaken in reviewing Council policies was divided into three categories:

1. New policies recommended for adoption
2. Outdated or redundant policies recommended for revocation
3. Existing policies recommended to be readopted

A schedule outlining the level of changes to existing policies is included with the attachments.

1. New policies recommended for adoption:

It was identified in the early stages of the review that there were some policies that the Shire did not have in place. Having Council clarify their position on certain matters provides valuable guidance and direction to the management and employees of the Shire and also assists the community, stakeholders and potential applicants.

2. Outdated or redundant policies recommended for revocation:

The review identified a number of policies that were outdated or superseded by various documents such as our Town Planning Scheme, state government guidelines or changes to legislation. Therefore these policies no longer provide guidance or uphold the view of Council and are recommended to be revoked.

3. Existing policies recommended to be readopted:

The majority of the review was expended in this category. Most of the changes were minor in nature (i.e., the intent of the policies were not altered, but some detail may have been removed or added), and included formatting, grammatical changes, updating of referenced

documents, including Shire documents (e.g. related policies or delegations) and changes to state legislation and guidelines.

Options and Implications:

Council has the following options:

- Option 1: Adopt the policies as per the officer's recommendation.
- Option 2: Resolve not to adopt the policies as per the officers recommendation.
- Option 3: Resolve to modify any or all of the policies contained in the officer's recommendation.

Option 1 is recommended.

Attachments:

- [OCM187.1/09/15](#) – New policies recommended for adoption (E15/4657)
- [OCM187.2/09/15](#) – Policies recommended for revocation (E15/4656)
- [OCM187.3/09/15](#) – Revised policies recommended for adoption (E15/4654)
- [OCM187.4/09/15](#) – Schedule of proposed changes (E15/4641)

Alignment with our Strategic Community Plan:

Objective 1.2	Progressive Organisation
Key Action 1.2.3	Establish and communicate the Shire's purpose, vision, values and goals.
Key Action 1.2.6	Comply with all legislative and statutory requirements.

Statutory Environment:

Section 2.7(2) (b) of the Local Government Act requires that Council determines the local government's policies.

Financial Implications:

There are no direct financial implications.

Voting Requirements: Absolute Majority

OCM187/09/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Wilson, seconded Cr Rossiter

That Council:

1. Adopt the new policies as contained in attachment *OCM187.1/09/15*.
2. Revoke the policies as contained in attachment *OCM187.2/09/15*.
3. Adopt revised policies as contained in attachment *OCM187.3/09/15*.
4. Advertise, by way of local public notice, Policy G706. Payments to employees in addition to contract or award on cessation of employment in accordance with section 5.50 of the Local Government Act.

CARRIED ABSOLUTE MAJORITY 8/0

COUNCIL DECISION:**Moved Cr Erren, seconded Cr Wilson**

That the meeting be closed to members of the Public at 8.12pm to allow Council to discuss Confidential Item OCM188/09/15 – RFT 2013/1 Receipt and Processing of Waste for Resource Recovery – Amendments to Services Agreement, Participants Agreement and New Direct Deed.

CARRIED 8/0

Members of the public were asked to leave the meeting whilst confidential item OCM188/09/15 was discussed. The doors were closed at 8.12pm.

OCM188/09/15	CONFIDENTIAL RFT 2013/1 Receipt and Processing of Waste for Resource Recovery – Amendments to Services Agreement, Participants Agreement and New Direct Deed (SJ581)
Author:	Richard Gorbunow - Chief Executive Officer
Date of Report:	7 September 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

Voting Requirements: Simple Majority**OCM188/09/15 COUNCIL DECISION / Officer Recommendation:****Moved Cr Kirkpatrick, seconded Cr Hawkins****That Council:**

1. Approve the Direct Deed and authorise the Shire President and Chief Executive Officer to sign on behalf of Council.
2. Approve the final amendments, which have been completed without material changes to the previous Draft Waste Services Agreement as per attachment OCM188.2/09/15 and Draft Participants Agreement as per attachment OCM188.3/09/15, and authorise the Shire President and Chief Executive Officer to sign both documents on behalf of Council.

CARRIED UNANIMOUSLY**COUNCIL DECISION:****Moved Cr Moore, seconded Cr Erren**

That the meeting be reopened to the public at 8.15pm.

CARRIED 8/0

Members of the public returned to the Chambers and the Presiding Member advised that item OCM188/09/15 was carried with a vote of 8/0.

11. Information Reports:

OCM189/09/15	Chief Executive Officer Information Report (SJ1508)
Author:	Kirsty Peddie – Executive Assistant
Senior Officer:	Richard Gorbunow - Chief Executive Officer
Date of Report:	8 September 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

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

Attachments:

- [OCM189.1/09/15](#) - Common Seal Register Report – August 2015 (E02/5614)
- [OCM189.2/09/15](#) – Shire of Serpentine Jarrahdale Priority Projects Report (E15/4565)
- [OCM189.3/09/15](#) – Peel Zone Meeting (E15/4564)
- [OCM189.4/09/15](#) – State Council Meeting September 2015 - Minutes (IN15/9426)

Voting Requirements: Simple Majority

OCM189/09/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Erren, seconded Cr Hawkins

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

CARRIED UNANIMOUSLY

OCM190/09/15	Confirmation Of Payment Of Creditors (SJ514-06)
Author:	Vicki Woods - Finance Officer
Senior Officer:	Alan Hart - Director Corporate and Community
Date of Report:	1 September 2015
Disclosure of Officers Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

Introduction:

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

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this issue.

Community / Stakeholder Consultation:

No community consultation was required.

Comment:

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

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

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

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

Attachments:

- [OCM190.1/09/15](#) - Creditors List of Account 1 August 2015 to 31 August 2015. (E15/4483)

Alignment with our Strategic Community Plan:

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

Financial Sustainability:

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

Statutory Environment:

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

Financial Implications:

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

Voting Requirements: Simple Majority

OCM190/09/15 COUNCIL DECISION / Officer Recommendation**Moved Cr Urban, seconded Cr Hawkins**

That Council accepts the payments authorised under delegated authority and detailed in the list of invoices for period of 1 August 2015 to 31 August 2015, as per attachment OCM190.1/09/15 - Creditor List of Accounts 1 August 2015 to 31 August 2015, including Creditors that have been paid and in accordance with the *Local Government (Financial Management) Regulations 1996*.

CARRIED 8/0

Council Note: Councillor Urban wanted to put on record that he had viewed credit card documentation for the past two years and had found no inaccuracies nor anything untoward within them.

OCM191/09/15	Monthly Financial Report – August 2015 (SJ514-06)
Author:	Kelli Hayward - Contract Financial Accountant
Senior Officer/s:	Alan Hart – Director Corporate and Community
Date of Report:	7 September 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

Introduction:

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

Background:

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

Relevant Previous Decisions of Council:

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

Community / Stakeholder Consultation:

No community consultation was undertaken / required.

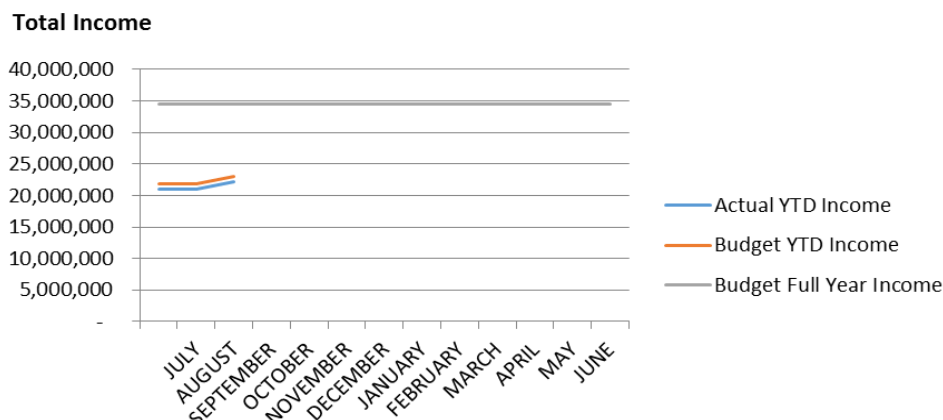
Comment:

The period of review is August 2015. The municipal surplus for this period is \$19,626,418 compared to a budget position of \$18,354,515. This is considered a satisfactory result for the Shire.

Income for the August 2015 period, year-to-date is \$22,148,524. The budget estimated \$22,541,303, would be received for the same period. The variance to budget is (\$392,779).

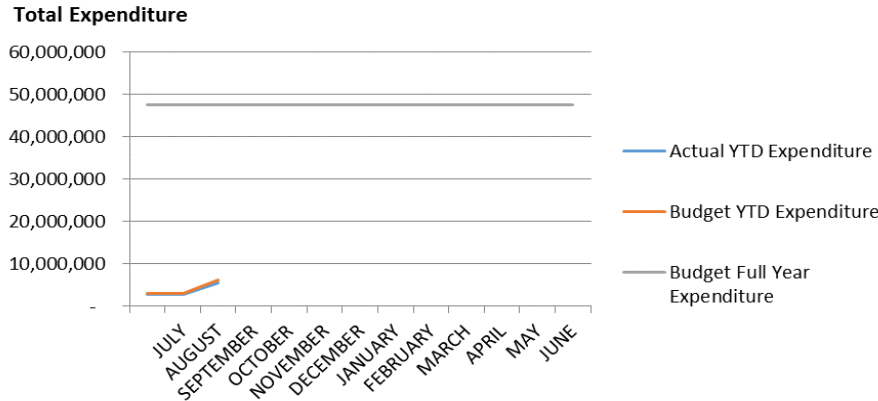
Details of all significant variances are provided in the notes to the Statement of Financial Activity by Directorate.

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



Expenditure for the August 2015 period, year-to-date is \$5,434,527. The budget estimated \$6,202,331 would be spent for the same period. The variance to budget is \$767,804. Details of all significant variances are provided in the notes to the Statement of Financial Activity by Directorate.

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



Attachments:

- [OCM191.1/09/15](#) – Monthly Financial Report August 2015 (E15/4355)

Alignment with our Strategic Community Plan:

Financial Sustainability

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

Statutory Environment:

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

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

Financial Implications:

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

Voting Requirements: Simple Majority

OCM191/09/15 COUNCIL DECISION / Officer Recommendation:
Moved Cr Hawkins, seconded Cr Rossiter
That Council accepts the Monthly Financial Report for August 2015, in accordance with Section 6.4 of the *Local Government Act 1995*.
CARRIED UNANIMOUSLY

OCM192/09/15	Corporate and Community Information Report (SJ514-06)
Author:	Elba Strijdom – PA to Director Corporate and Community
Senior Officer/s:	Alan Hart – Director Corporate and Community
Date of Report:	26 August 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

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

Attachments:

- [OCM192.1/09/15](#) – Minutes of the Keysbrook CCG Meeting held on 5 August 2015 (IN15/17668)
- [OCM192.2/09/15](#) – Minutes of the DDRA General Meeting held on 5 August 2015 (IN15/16057)
- [OCM192.3/09/15](#) – Neighbourhood Watch Meeting held on 23 July 2015 (OC15/14039)
- [OCM192.4/09/15](#) – Minutes of the DDRA General Meeting held on 2 September 2015 (IN15/19005)
- [OCM192.5/09/15](#) – MCA Meeting held on 20 August 2015 (IN15/19003)
- [OCM192.6/09/15](#) -. Delegated Authority – Financial Services 1-31 August 2015 (E15/4484)

Voting Requirements: Simple Majority

OCM192/09/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Rossiter

That Council accept the Corporate and Community Information Report for August 2015.

CARRIED UNANIMOUSLY

OCM193/09/15	Planning Information Report (SJ514-06)
Author:	Mary-Ann Toner - Personal Assistant to the Director Planning
Senior Officer:	Deon van der Linde – Acting Director Planning
Date of Report:	6 August 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

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

Attachments:

- [OCM193.1/09/15](#) - Planning, Building, Health, Rangers and Development Compliance – Delegated Authority Information Report (E15/4405)
- [OCM193.2/09/15](#) - Scheme Amendment, Local Planning Policies and Local Structure Plans (E12/3985)

Voting Requirements: Simple Majority

OCM193/09/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Rossiter

That Council accept the Planning Information Report for August 2015.

CARRIED UNANIMOUSLY

OCM194/09/15	Engineering Services Information Report (SJ514-06)
Author:	Jill Jennings – Personal Assistant to Director Engineering
Senior Officer:	Gordon Allan – Director Engineering
Date of Report:	11 September 2015
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

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

Attachments:

- [OCM194.1/09/15](#) – Engineering Delegation of Authority Report, August 2015 (E15/4317)
- [OCM194.2/09/15](#) – Rivers Regional Council – Special Council Meeting, Minutes 30 July 2015 (IN15/16091)
- [OCM194.3/09/15](#) – Rivers Regional Council – Ordinary Council Meeting, Minutes 20 August 2015 (IN15/17918)
- [OCM194.4/09/15](#) – South East Regional Energy Group (SEREG), Minutes 26 August 2015 (IN15/17726)

Voting Requirements: Simple Majority

OCM194/09/15 COUNCIL DECISION / Officer Recommendation:

Moved Cr Rossiter, seconded Cr Hawkins

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

CARRIED UNANIMOUSLY

11. Urgent Business:

Nil

12. Councillor questions of which notice has been given:

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

Cr J Kirkpatrick has given notice of his intention to raise the following question, in accordance with Shire of Serpentine Jarrahdale Standing Orders Local Law 2002 section 3.11 – Questions by Members of which due notice has been given:

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

COUNCIL DECISION

Moved Cr Kirkpatrick, seconded Cr Moore

That Council receives the questions by Cr Kirkpatrick in accordance with Standing Orders Local Law 2002, section 3.11, and that these questions be taken on notice with a response to be provided at Ordinary Council Meeting 26 October 2015.

CARRIED 8/0

13. Closure:

There being no further business the Presiding Member declared the meeting closed at 8.22pm.

I certify that these minutes were confirmed at the
Ordinary Council Meeting held on 12 October 2015

.....
Presiding Member

.....
Date