



Shire of Harvey

**ORDINARY COUNCIL
MEETING
MINUTES**

1st March 2016

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SHIRE OF HARVEYCOUNCIL MINUTESMINUTES OF THE ORDINARY MEETING OF THE HARVEY SHIRE COUNCIL, HELD IN THE COUNCIL CHAMBER, YOUNG STREET, HARVEY, ON TUESDAY, 1ST MARCH 2016, COMMENCING AT 4:03P.M.ATTENDANCE

Shire President	Cr.	T.G.	Jackson	
Deputy Shire President	Cr.	P.J.	Beech	
	Cr.	B.	Adams	
	Cr.	F.	Burgoyne	4.32p.m. – 6.25p.m.
	Cr.	C.	Carbone	
	Cr.	G.	Campbell	
	Cr.	P.	Giancono	
	Cr.	A.	Lovitt	
	Cr.	P.	Monagle	
	Cr.	J.	Sabourne O.A.M. J.P.	
	Cr.	A.J.	Shortland	
	Cr.	D.	Simpson	
	Cr.	K.J.	Wood	

STAFF

Chief Executive Officer	Mr.	M.	Parker	
Executive Manager Corporate Services	Mr.	R.	Scantlebury	4.03p.m. – 6.09p.m.
Executive Manager Technical Services	Mr.	T.	Naudé	4.03p.m. – 6.09p.m.
Principal Building Surveyor	Mr.	M.	Stewart	4.03p.m. – 6.09p.m.
Principal Environmental Health Officer	Mr.	S.	Dandridge	4.03p.m. – 6.09p.m.
Senior Planning Officer	Mr.	S.	Kirk	4.03p.m. – 6.09p.m.
Manager Community & Economic Development	Mr.	P.	Quinlivan	4.03p.m. – 6.09p.m.

GALLERY

36 Members of Public representing Yarloop				4.03p.m. – 5.12p.m.
	Mr.	G.	Barbour	4.03p.m. – 5.47p.m.
	Mr.	S.	Cook	4.03p.m. – 5.22p.m.
	Mr.	B.	Jorgensen	4.03p.m. – 5.40p.m.
	Mr.	P.	Penny	4.03p.m. – 5.22p.m.
	Mr.	A.	Toop	4.03p.m. – 5.12p.m.

PRESS

Harvey Reporter	Ms.	H.	Hepburn	4.03p.m. – 6.09p.m.
Harvey Reporter	Miss	C.	Vellinga	4.03p.m. – 6.09p.m.

A. OPENING AND WELCOME

The Shire President opened the meeting at 4.03p.m.

B. PUBLIC QUESTION TIME

Mr. Anthony Toop presented the following questions to Council:

Question 1

Has the Shire President made personal representation to the State appointed Project Manager to get updates on the state of the cleanup process this week? If so what is the current status?

Answer 1

The Shire President advised she has met with the State Government Recovery Group and with the Project Manager appointed by the State Government to complete the cleanup. The last meeting was as recent as Monday, 29th February 2016.

The Chief Executive Officer advised that the State Government's procurement process to engage suitably qualified contractors has taken some time, however the Project Manager, Mr. Baur is anticipating a public meeting on Wednesday, 9th March 2016, where details can be provided on the cleanup commencement.

Question 2

When will residents be requested to have input into the Shire's plan for the Yarloop Anzac Day Service? As community members we do not want to see duplication.

Answer 2

The Shire President advised that Council will consider a request from the Yarloop Volunteer Bush Fire Brigade at tonight's Council meeting. Their request involves a site cleanup, some restoration work and plans for a dawn service.

The Chief Executive Officer advised that the Yarloop Fire Brigade had traditionally maintained the War Memorial and coordinated ANZAC Day arrangements.

Question 3

Nearly all other local governments in the area take part in social media, and many assisted in getting information out regarding the fires in our Shire. I believe they employ media officers to do this, and that this has been discussed for a number of years here without action being taken. My question is, what is the Shire of Harvey going to do to improve communication (with the public) in the future?

Answer 3

The Shire President advised that social media, particularly in emergencies, can have both positive and negative impacts. Not all local governments have a social media presence.

The Chief Executive Officer advised that Council does have plans to engage a media officer but no appointment has been completed at this stage. In relation to the Yarloop fire, Council has provided regular weekly information within its "4 O'clock Report" in the local newspapers and the Shire President has been on radio and television broadcasts. The Shire has engaged a media support person to assist with public information. There have been a number of community information sessions, which have been well attended together with a specific recovery newsletter which is available on the website. The Shire will continue to hold public meetings and have information posted on our website.

Question 4

We appreciate that fixed dates can be difficult due to a range of conditions, but a visual timeline, for example a Gantt Chart, would be greatly appreciated and of help. When will a timeline of the cleanup process be presented in visual form for the benefit of the community?

Answer 4

The Shire President advised that Council has requested a cleanup timeframe and has been awaiting this information. This information may be available at next week's public information session when the cleanup Project Manager is in attendance.

Question 5

When will the Shire of Harvey schedule a planning session to capture our ideas so they can be incorporated into the planning of our townsite and wider community?

Answer 5

The Shire President advised that once the cleanup is progressing satisfactorily the focus can begin to look at the future for Yarloop. Council will hold its annual community meeting in Cookernup in April and this will be an opportunity to commence this discussion. Some form of Community Survey is under consideration to gather the community's views and aspirations for the future.

Question 6

When will identification passes be issued to our survivors?

Answer 6

The Chief Executive Officer advised that this matter has been raised for consideration. If this had been known early in the recovery process the distribution and issue of such cards may have been effective, but this is very difficult now the Yarloop population is dispersed to other locations. There is also some concern with misuse and to introduce now would mean the community would need to again make contact and complete applications. The CEO noted that whilst the idea may have merit, the opportunity to deliver has most likely passed.

Question 7

When will Armed Forces or private security firms be placed in the townsite to protect residents belongings from looting?

Answer 7

The Chief Executive Officer advised that the use of armed forces has been requested to assist in cleanup however the response was they are not licensed for this work. Once cleanup commences security will be reconsidered with the movement of control points and the fencing of individual lots. The Shire has been in contact with the Police to ensure regular patrols are conducted and the community is encouraged to report any unusual behaviour.

Question 8

The Shire of Harvey website shows no minutes of extraordinary Council meetings or Council discussions on Yarloop since January 7. We can only assume that you as Shire President are making decision without the consensus of your fellow Shire Councillors. Under what authority are you undertaking these decisions?

Answer 8

The Shire President advised that no special Council meetings have been scheduled, however a number of Recovery Committee and Sub Committee meetings have been held. The President has updated Councillors regularly in relation to the Yarloop fire and has taken no decisions that should have been referred to Council.

The Chief Executive Officer advised that the Shire President has emergency powers within the Local Government Act 1995, if required. The President has used these to make payments for bushfire relief funds to Yarloop residents as these funds are recoupable.

C. READING FROM A BOOK OF LEARNING AND WISDOM

Read by Cr. Simpson.

D. APOLOGIES AND LEAVE OF ABSENCE

Apology:

Cr. Burgoyne gave notice that he would be a late arrival to this Council Meeting.

Leave of Absence:

Cr. Simpson requested leave of absence for the Council meeting to be held on 22nd March 2016.

16/031. Lovitt/Adams

“That leave of absence be granted to Cr. Simpson for the Council meeting to be held on 22nd March 2016.”

CARRIED 12-0

E. DECLARATIONS OF MEMBERS' AND OFFICERS' PERSONAL INTEREST**• Impartiality Interest**

Cr. Campbell declared an impartiality interest in Corporate Services Item 1 – Yarloop War Memorial and ANZAC Day Service – Yarloop Volunteer Fire Brigade – Yarloop War Memorial (A009435).

Reason

Cr. Campbell advised that he is a member of the Harvey RSL. Cr. Campbell declared he would deal with the matter on its merits.

F. PETITIONS/DEPUTATIONS**PLANNING ITEM 8.1.3 – APPLICATION FOR PLANNING CONSENT – PROPOSED SECOND DWELLING AND AQUACULTURE PROPOSAL – B. JORGENSEN AND T. KING – LOT 33 (NO. 486) MELVILLE ROAD, BRUNSWICK (A014825).**

Mr. Ben Jorgensen addressed Council in relations to this item. He noted that an application for an aquaculture use of the land had received a reply from Council's planning staff, but is not considered at this time.

Mr. Jorgensen advised the "second dwelling" was being stored on the land and is not connected to services and not used. The property is being prepared for intensive farming and the current use of stock grazing is considered to satisfy this definition. Some of the land is irrigated for pasture and this also fits the definition.

The requirement for the second dwelling to be clustered would not enhance the intensive agricultural use of the land as the existing house abuts the irrigated area and a second dwelling would use some of this valuable land. The second dwelling does not require shared services as it is proposed to have solar power and rainwater connected.

Cr. Burgoyne joined the Meeting during the presentation at 4.32p.m.

Mr. Jorgensen considered he has followed the planning requirements for the second dwelling and its location is best suited on land which is not suitable for agriculture. He requested Council approval for this application.

PLANNING ITEM 8.1.4 – RECONSIDERATION OF REFUSAL FOR NON-COMPLIANCE WITH R-CODES – CALIBRE CONSULTING REPRESENTING M. AND J. CATALDO – LOT 43 (NO. 2) CHAUDIERE VIEW, AUSTRALIND (A009412).

Mr. Gary Barbour addressed Council in relation to this item. He referred to his discussions at the Development Services Committee meeting in that planning is sometimes about interpretations. He suggested that on reviewing a particular SAT case his view is that the application for this property is very similar and Council approval should be granted.

COMMUNITY VICTIM IMPACT STATEMENT

Mr. Anthony Toop addressed Council and presented a Community Victim Impact statement written on behalf of the Yarloop community. The main issues raised included comments on the following matters:

- The residents wished to present information to Council as to date there has only been the opportunity to ask questions.
- Consider that stronger leadership could have been shown by the Council, in particular why a special Council meeting had not been held to discuss this disaster.
- A lack of empathy from the Shire President and some staff.
- Concerned that Councillors had until recently not conducted a tour of inspection through Yarloop to see the damage first hand.
- Consider the form of communication with residents is sub-standard and suggest greater use of social media.
- Suggested that community representation on the Recovery Sub-Committees should have been more open to the community to make nomination of representatives.
- Highlighted the need for increased security for destroyed properties and suggested the army should have been called in to assist.
- Assistance to establish a temporary accommodation village appears to have been delayed by the Shire.

The Shire President responded to Mr. Toop advising that Council and staff have worked tirelessly on the Recovery process. Councillors have been kept informed through this process and have attended community and other meetings. The issue of temporary accommodation is still under consideration however the State are now in control of the cleanup and do not support such accommodation being placed in a contaminated site before a cleanup is completed.

The President advised that whilst the Shire is grateful that the State has taken over the cleanup it is also frustrated by the time that the process is taking.

Furthermore the President outlined that the Shire is dedicated to working closely with the Yarloop community in determining the vision for the future.

CORPORATE SERVICES ITEM 1 – YARLOOP WAR MEMORIAL AND ANZAC DAY SERVICE – YARLOOP VOLUNTEER FIRE BRIGADE – YARLOOP WAR MEMORIAL (A009435).

Mr. Stephen Cook on behalf of the Yarloop Volunteer Bush Fire Brigade (the Brigade) addressed Council in relation to this item. Mr. Cook advised the Brigade is proposing to hold an ANZAC Day dawn service in Yarloop and was requesting Council's approval to proceed with arrangements to make this happen. The Brigade has maintained the war memorial area for many years and is keen to see this reinstated for a community services in 2016.

Given the loss of the Brigade shed an alternative location for the marquee and ablutions would be the School Road Park. Lighting, power supplies and other goods including traffic management have been donated.

Mr. Cook displayed a plan to restore the memorial area with some brick paving, new lawn area, replacement of the fence, refurbishment to the bench seats and new plantings around the area. This work would be coordinated by the Brigade and be in place for ANZAC Day 2016. He noted that the crowd is usually 200 for the dawn service but they are anticipating greater numbers this year.

Mr. Phil Penny confirmed that the existing palms on the site damaged by the fire were planted by the Brigade in 1985. They have been destroyed and could be replaced as proposed in the site plan.

Mr. Toop and 36 Members of Public representing Yarloop left the Meeting at 5.12p.m.

G. CONFIRMATION OF MINUTES

ORDINARY COUNCIL MEETING – Tuesday, 9th February 2016.

Recommendation

That the Minutes of the Council Meeting held on Tuesday, 9th February 2016, as printed be confirmed as a true and correct record.

- 15/032. **Campbell/Simpson**
 “That the Minutes of the Council Meeting held on Tuesday, 9th February 2016, as printed be confirmed as a true and correct record.”
CARRIED 13-0

H. ANNOUNCEMENTS BY THE PERSON PRESIDING OR C.E.O WITHOUT DISCUSSION

Nil

Change in Order of Business

- 16/033. **Giancono/Adams**
 “That Council takes the Agenda out of order to deal with Corporate Services Item 1 – Yarloop War Memorial and ANZAC Day Service – Yarloop Volunteer Fire Brigade – Yarloop War Memorial (A009435).”
CARRIED 13-0

Item No.	1
Subject:	Yarloop War Memorial and ANZAC Day Service
Proponent:	Yarloop Volunteer Fire Brigade
Location:	Yarloop War Memorial
Reporting Officer:	Manager Community and Economic Development
File No.:	A009435
	Attachment Reg. No.

Summary

This report presents a proposal from the Yarloop Volunteer Bush Fire Brigade (the Brigade) to refurbish the Yarloop War Memorial surrounds and conduct a “Dawn Service” on Anzac Day 2016. It is recommended that Council approve the proposal subject to conditions.

SIGNED _____ DATED 22nd March 2016.

Background

The Yarloop War Memorial was unveiled on Anzac Day 1922 and has been a prominent feature in the town since that time. The fence surrounding the Memorial was destroyed in the recent fire but apart from some discolouration from the smoke, the Memorial was not significantly damaged.

For many years the Yarloop Volunteer Bush Fire Brigade has conducted a "Dawn Service" at Yarloop which regularly attracts a crowd of approximately 300 people. The Brigade has submitted a proposal to refurbish the War Memorial and conduct the traditional Dawn Service on the morning of Anzac Day (25th April) 2016.

Comment

Although there is still uncertainty related to the timeframe of the clean-up of the town, the request to conduct the traditional Anzac Day Dawn Service is supported and would be an important occasion in the recovery process for the residents of Yarloop and surrounding areas. The format of the Dawn Service would be similar to previous years but due to the damage to the Yarloop Fire Brigade premises, it is proposed that a marquee be set up in "One Tree Park" for the morning tea following the conclusion of the service.

As in previous years, the Brigade proposes to coordinate the service with assistance from local residents. The provision of a marquee and portable toilets has been donated and apart from assistance with the following items, minimal involvement has been requested from the Shire:

- Arrange traffic management for the event including the closure of a section of Railway Parade adjacent to the Yarloop War Memorial from 5am until 10.00am on 25th April 2016.
- Provision of bins and chairs for the service.

It is proposed that access to the War Memorial be via South Western Highway/Clifton Road/Railway Avenue and a barricade be installed at the Station Street/Railway Avenue intersection to prevent access to the rest of the town.

Discussions have taken place with the State Government's appointed Project Manager for the clean-up who indicated support for the proposed event and advised that every effort would be made to clean up the area of the Memorial prior to the event.

In preparation for the Anzac Day Service the Brigade has also submitted a proposal to refurbish and upgrade the War Memorial surrounds (refer **Attachment 1**) which includes:

- Refurbishment of existing park benches.
- Replacement of the burnt fence surrounding the Memorial.
- Replacement of burnt Palm Trees with Jacaranda trees at the back (western side) of the Memorial.
- New paving on the southern side of the Memorial and a small podium.
- Landscaping around the Memorial including a Rose garden, Hibiscus hedge and Rosemary planting.

Subject to Council's general support for the proposal, the Brigade proposes to undertake consultation with the Yarloop community regarding the draft concept design prior to it being finalised. Harvey Water has offered to fully fund the proposed works and the Yarloop Brigade has agreed to maintain and look after the War Memorial as it has done in the past. No financial contribution is requested of Council.

Whilst the proposal to upgrade and refurbish the Yarloop Memorial is supported and may help lift the spirits of local people affected by the fires, the following matters require consideration by Council:

- The proposal is somewhat rushed has not gone through a normal consultation and design process for an important community facility such as a War Memorial. By approving the proposal it does not allow the opportunity to consider alternative design concepts and engage the community in selecting the most suitable design.
- If Council wishes to approve the proposal, it may create some angst from residents of the town to see works commencing on a public facility when the clean-up of private properties has not been completed. The counter argument is that residents may be happy to see that the rebuild of the town has commenced.
- A further consideration is that of visitors accessing the site and on what basis with the permit system in place, the contaminated site and uncertainty currently with the cleanup timetable. The State will need to confirm arrangements.
- The Yarloop Volunteer Fire Brigade is very keen to proceed with this project and has the resources to complete the project in time for the 2016 Anzac Day service. The project will be fully funded by Harvey Water and no contribution has been requested from Council. The proposal currently has momentum and could be an important step in the fire recovery process for many people. That momentum and commitment to the project may be lost if the proposal is not supported by Council.

In summary, although there would be merit in delaying any upgrade to the Yarloop War Memorial until such time as the community has been engaged and involved in the design process, this may be seen as Council unnecessarily delaying the recovery process. On balance it is recommended that Council support the proposal to upgrade the Yarloop War Memorial subject to a number of conditions.

Statutory/Policy Environment

Council's Property Local Law will apply in relation to the use of Council Property.

Council policy 14.5 "Hire of Chairs and other Equipment" allows the use of chairs for approved community functions.

Strategic Framework

Within the Shire's Strategic Community Plan 2013 - 2023, Strategy 3.1.4 states:

"Continue to support community events and programs."

Risk Management

The Risk Theme Profile identified as part of this report is ***Inadequate Engagement Practices***. The Consequence could be "Reputational" if the community is not supportive of the proposal. The Risk Consequence is considered to be "Moderate" (3) and the likelihood "Possible" (3) resulting in a Moderate (9) risk being present.

SIGNED _____ DATED 22nd March 2016.

Budget Implications

Funds have not been specifically allocated in Council's 2015-16 Budget for the proposed event. The report recommends that Council make an in-kind contribution by arranging the road closure, and provision of bins and chairs for the service.

No financial contribution has been requested from Council for the proposed refurbishment of the Yarloop War Memorial surrounds.

Officer's Recommendation

That Council:

1. Approves the Yarloop Volunteer Bush Fire Brigade's request to conduct the Anzac Day Dawn Service at the Yarloop War Memorial on 25th April 2016 between the hours of 5am and 10am subject to the following conditions:
 - a. Traffic Management and parking arrangements for the event being approved by the Executive Manager Technical Services;
 - b. A barricade being installed at the Station Street/Railway Avenue intersection to prevent access to the area of the town north of the barricade; and
 - c. The area being left in a clean and tidy condition at the conclusion of the event.
2. Approves an in-kind contribution to the Anzac Day event for the road closure and provision of chairs and bins; and
3. Approves the Yarloop Volunteer Bush Fire Brigade's proposal to refurbish and upgrade the Yarloop War Memorial generally in line with the attached plan subject to the following conditions:
 - a. Any minor changes to the draft concept plan being agreed to by the Chief Executive Officer following consultation with the local community;
 - b. The Yarloop Volunteer Fire Brigade agreeing to fund the proposed upgrade to the Yarloop War Memorial and accepting responsibility for ongoing maintenance of the Memorial and surrounds;
 - c. All works to be completed to a professional standard to the satisfaction of the Executive Manager Technical Services; and
 - d. A suitable reticulation system being installed for the proposed new plants.

16/034.

Adams/

"That Council:

1. **Approves the Yarloop Volunteer Bush Fire Brigade's request to conduct the Anzac Day Dawn Service at the Yarloop War Memorial on 25th April 2016, between the hours of 5am and 10am subject to the following conditions:**
 - a. **Traffic Management and parking arrangements for the event being approved by the Executive Manager Technical Services; and**

SIGNED _____ DATED 22nd March 2016.

3. Approves the Yarloop Volunteer Bush Fire Brigade's proposal to refurbish and upgrade the Yarloop War Memorial generally in line with the attached plan subject to the following conditions:
- a. Any minor changes to the draft concept plan being agreed to by the Chief Executive Officer following consultation with the local community;
 - b. The Yarloop Volunteer Fire Brigade agreeing to fund the proposed upgrade to the Yarloop War Memorial and accepting responsibility for ongoing maintenance of the Memorial and surrounds;
 - c. All works to be completed to a professional standard to the satisfaction of the Executive Manager Technical Services; and
 - d. A suitable reticulation system being installed for the proposed new plants."

CARRIED 13-0

Mr. Cook and Mr. Penny left the Meeting at 5.22p.m.

The Order of Business listed within the Agenda was resumed at 5.23p.m.

I. ADOPTION OF STANDING, OCCASIONAL & SUNDRY COMMITTEE MEETING MINUTES (Beige)

Leschenault Leisure Centre Advisory Committee

12th February 2016.

MINUTES

- 16/036. Lovitt/Monagle
"That the Minutes of the Leschenault Leisure Centre Advisory Committee, held on Friday, 12th February 2016, as printed, be received and the recommendations contained therein be adopted by Council."

CARRIED 13-0

Disability Access and Inclusion Advisory Committee

24th February 2016.

MINUTES

- 16/037. Lovitt/Burgoyne
"That the Minutes of the Disability Access and Inclusion Advisory Committee, held on Wednesday, 24th February 2016, as printed, be received and the recommendations contained therein be adopted by Council."

CARRIED 13-0

Development Services Committee
23rd February 2016.**MINUTES**

Item No.	8.1.3
Subject:	Application for Planning Consent – Retrospective consideration of Second Dwelling
Proponent:	B. Jorgensen and T. King
Location:	Lot 33 (No. 486) Melville Road, Brunswick
Reporting Officer:	Planning Officer (ND)/Manager Planning Services
File No.:	A014825 Attachment Reg. No. 15/35619

Summary

Council has received an Application for retrospective Planning Consent for a second dwelling at Lot 33 Melville Road, Brunswick. The Applicant has also submitted a site plan for a proposed aquaculture operation but has not requested planning approval for this component and thus no detailed assessment of that landuse has been made.

It is recommended that Council refuse the application for a second dwelling and commence proceedings to have the structure removed. It is also recommended to advise the Applicant that if an application for aquaculture is to be submitted, additional information will be required.

Background

Lot 33 Melville Road (the site) is located 4.5 km west of the Brunswick townsite (refer **Attachment 1 – Location Plan**). It is zoned 'General Farming' by District Planning Scheme No. 1 and has an area of 41.95 ha.

Most of the site is currently utilised for grazing of cattle. An existing timber framed, asbestos clad and zincalume roofed dwelling occupies the north eastern corner of the site. The site lies within the Collie Irrigation District whereby the water supply is from the Wellington Dam. Irrigation drains traverse the site, mostly in the eastern portion of the site.

Second Dwelling

A site inspection revealed that the 'proposed' second dwelling already exists (refer **Attachment 2** for photos). It is a pre-constructed 9.2m x 4.6m, 2 bedroom, 1 bathroom dwelling with a 9.2m x 4.6m alfresco area of totalling approximately 85m² shown in the proposal. The dwelling walls and roof are clad in colorbond steel in the colour of pale eucalyptus green.

The Applicant seeks approval from Council for the already existing second dwelling which is approximately 300m north of Melville Road and 100m east of the western boundary of Lot 33. It is accessed by a gravel/sand track from Melville Road. It is termed 'ancillary dwelling' by the Applicant however it is more appropriately defined as a "second dwelling" and should be considered against the provisions of Council's *Second Dwelling on a Rural Location Policy* (Policy 15.8).

Aquaculture

The Applicant has indicated he wishes to pursue aquaculture on this lot and as such has shown an indicative site plan (refer – **Attachment 3**). However, the Applicant has indicated in his submission that it is not part of the application for approval.

Comment

Council Policy 15.8 ‘*Second Dwelling on a Rural Location*’ outlines criteria for the assessment of proposals for second dwellings on rural landholdings. The Policy states that more than one dwelling on a rural lot will not be permitted unless:

1. The additional dwelling provides accommodation for seasonal or permanent workers employed for agricultural and intensive agricultural activities on that land.
2. Accommodation for family members involved in the operation of the agricultural enterprise.

The Application as submitted does not comply with these criteria.

Applications for a second dwelling need to address the following specific requirements of the Policy:

Planning Policy Requirement	Staff Comment
i. A second dwelling will only be considered where the subject lot complies with the minimum lot size as specified under District Planning Scheme No. 1 for that zone.	i. Lot 33 at 42ha complies with the minimum lot size of 40ha stipulated in District Planning Scheme No. 1 for the ‘General Farming’ zone.
ii. The application must clearly state the agricultural use of the property for which the second dwelling is proposed, outlining the nature and scale of the operation, and providing justification for the need for a second dwelling. Council staff may conduct a site inspection to confirm that the property is being used for the stated purpose.	ii. The current agricultural use of the property appears to be cattle grazing, which in itself is not considered intensive to warrant a second dwelling. The intention to use the site for Aquaculture is noted, however no approval has been sought. It would also be appropriate for this land use to be established prior to further consideration of a second dwelling.
iii. The dwellings should be clustered in one location to avoid future subdivision pressure and minimise constraints on the land and surrounding uses.	iii. The dwellings are nearly 1.2 kms apart and are therefore not considered to be ‘clustered’.
iv. All services to the dwellings from the lot boundary (including access roads) are to be shared where practicable.	iv. This is not possible due to the long distance between each dwelling.

Planning Policy Requirement	Staff Comment
v. The location of the second dwelling in relation to access, visibility from the road, and general impact on the rural landscape will be required to be justified by the applicant.	v. The location and colouring of the second dwelling does not appear to be highly visible from nearby roads or adjoining property boundaries.
vi. Council will require that a Section 70A Notice be placed on the Certificate of Title, at the applicant's cost, prior to the issue of a building licence. Such a notice is to advise prospective purchasers that the presence of a second dwelling will not be the basis for any subdivision application, and that the second dwelling is to be used for the purposes of farm accommodation only.	vi. If approval is granted the requirement for a Section 70A Notification to be placed on the title of Lot 33 prior to the issue of a Building Permit is recommended as a condition of Planning Consent.

As evidenced above the proposal does not comply with Council Policy 15.8 and approval is therefore not recommended. Additionally the second dwelling has been placed on the site prior to a planning approval or building permit being issued. As approval is not recommended the structure is considered unauthorised in terms of the Planning and Development Act 2005, and the Building Regulations of Australia and actions should be taken to have it removed.

Statutory/Policy Environment

Zoning

Lot 33 is zoned 'Intensive Farming' by District Planning Scheme No. 1 and 'Rural' by the Greater Bunbury Region Scheme.

Council Policy 15.8 Second Dwelling on a Rural Location

The Policy outlines criteria for the assessment of second dwelling proposals.

Strategic Framework

Within the Shire's Strategic Community Plan 2013 – 2023, Strategies 1.1.7 and 2.3.1 state in part:

1.1.7 *"Support and promote diverse and small-medium sized businesses."*

2.3.1 *"Continue to implement integrated environmental, social and land use planning which will:*

- *Minimise land use conflict; and*
- *protect significant vegetation, where possible."*

Risk Management

The Risk Theme Profile identified as part of this report is ***Providing Inaccurate Advice/Information***. There is no Consequence identified therefore it is deemed that there is no Risk present.

Budget Implications

Nil.

SIGNED _____ DATED 22nd March 2016.

Officer's Recommendation

That Council:

1. Refuses the Application for a second dwelling at Lot 33 Melville Road, Brunswick for the following reasons:
 - a. The location of the second dwelling is a considerable distance (1.2km) apart from the existing dwelling on the site which is directly in conflict with requirement 4c of Council's Policy 15.8 'Second Dwelling on a Rural Location'. The policy requires that the dwellings "be clustered in one location to avoid future subdivision pressure and minimise constraints on the land and surrounding uses";
 - b. Services for each dwelling cannot be shared due to the long distance between each dwelling; and
 - c. Approval to the second dwelling will create an undesirable precedent for second dwellings to be approved without complying with all the requirements of Council's second dwelling policy. This also places more pressure on undesirable subdivision proposals with the Shire's rural areas.
2. Takes action in regard to the having the structure removed; and
3. Advises the Applicant that the aquaculture proposal will require the following information in order to be considered for planning approval:
 - a. Details of existing and proposed hydrology of the site;
 - b. Detailed description of the process's involved with the aquaculture activities;
 - c. Details of how water is sourced and any impacts that may have ramifications on adjoining properties in terms of drainage outflow;
 - d. Details of processes involved in the macrophyte ponds and how any waterborne weeds are contained on site and not introduced to nearby watercourses; and
 - e. Details of storage, production and transport of aquaculture species.

Additional Information

The Senior Planning Officer presented the following additional information in relation to this item.

Following the Development Services Committee meeting on 23rd February 2016, the Applicant requested that the Planning Officer meet him on site to discuss the application.

At the site meeting (3pm, Thursday 25th February 2016) the Applicant stated that the building was not being used as a dwelling. On inspecting the site with the Applicant present it was apparent that the building included the facilities associated with a dwelling – kitchen, bathroom, toilet and various items of furniture, however it appeared that the services and plumbing were not connected. There was a water tank approximately 15 metres from the transportable dwelling but this also did not appear to be connected to the building. It was also noted that the building was positioned on steel girders (i.e. not stumped or secured to the ground).

SIGNED _____ DATED 22nd March 2016.

On 29th February 2016, the Applicant emailed an additional submission presenting more information supporting the application for a second dwelling. This has been distributed to Councillors and senior staff (refer attachment). The main arguments (in brief) are that the second dwelling:

- Supports the agricultural functions of Lot 33;
- Location is selected with the Policy 15.8 (Second Dwelling on a Rural Location) in mind;
- Clustering the second dwelling with the original dwelling uses up valuable irrigation land;
- The second dwelling is powered by off grid solar and rainwater – ie does not need to have or share servicing connections;
- Considered that the location (not in irrigation land), supports protection of the irrigated land for agriculture;
- Proposed location for the second dwelling is sparsely vegetated and should be considered as most suitable for the second dwelling location; and
- The Shire Scheme includes in the definition of “Intensive Farming” buildings and earthworks normally associated with the farming activities.

Comment

Given the extensive distance between the existing dwelling and the (proposed) second dwelling of 1.2kms it is still considered that approval to the second dwelling will be detrimental in that it would create an undesirable precedence for second dwellings in rural locations that do not comply with Policy 15.8 Second Dwelling in a Rural Location and that there is no guarantee that the property shall be utilised for the purposes outlined as Aquaculture.

The Applicant has not demonstrated a need for a second dwelling based on the current intensity of land use. The Applicant transported the dwelling to the site without the required approvals and it is recommended that the structure be removed.

Officer's Recommendation

There be no modification to the current recommendation which reads as follows:

That Council:

1. Refuses the Application for a second dwelling at Lot 33 Melville Road, Brunswick for the following reasons:
 - a. The location of the second dwelling is a considerable distance (1.2km) apart from the existing dwelling on the site which is directly in conflict with requirement 4c of Council's Policy 15.8 'Second Dwelling on a Rural Location'. The policy requires that the dwellings “be clustered in one location to avoid future subdivision pressure and minimise constraints on the land and surrounding uses”;
 - b. Services for each dwelling cannot be shared due to the long distance between each dwelling; and
 - c. Approval to the second dwelling will create an undesirable precedent for second dwellings to be approved without complying with all the requirements of Council's second dwelling policy. This also places more pressure on undesirable subdivision proposals with the Shire's rural areas.
2. Takes action in regard to the having the structure removed; and

SIGNED _____ DATED 22nd March 2016.

3. Advises the Applicant that the aquaculture proposal will require the following information in order to be considered for planning approval:
- a. Details of existing and proposed hydrology of the site;
 - b. Detailed description of the process's involved with the aquaculture activities;
 - c. Details of how water is sourced and any impacts that may have ramifications on adjoining properties in terms of drainage outflow;
 - d. Details of processes involved in the macrophyte ponds and how any waterborne weeds are contained on site and not introduced to nearby watercourses; and
 - e. Details of storage, production and transport of aquaculture species.

16/038. **Carbone/
"That Council:**

1. **Approves the Application for a second dwelling at Lot 33 Melville Road, Brunswick with conditions once planning consent is approved for an aquaculture operation on this property; and**
2. **Advises the Applicant that the aquaculture proposal will require the following information in order to be considered for planning approval:**
 - a. **Details of existing and proposed hydrology of the site;**
 - b. **Detailed description of the process's involved with the aquaculture activities;**
 - c. **Details of how water is sourced and any impacts that may have ramifications on adjoining properties in terms of drainage outflow;**
 - d. **Details of processes involved in the macrophyte ponds and how any waterborne weeds are contained on site and not introduced to nearby watercourses; and**
 - e. **Details of storage, production and transport of aquaculture species."**

MOTION LAPSED DUE TO WANT OF SECONDER

16/039. **Jackson/Giancono
"That the Officer's Recommendation be adopted."**

CARRIED 8-5

Mr. Jorgensen left the Meeting at 5.40p.m.

SIGNED _____ DATED 22nd March 2016.

Item No.	8.1.4
Subject:	Reconsideration of Refusal – Garage and Balcony Extension
Proponent:	Calibre Consulting for M. and J. Cataldo
Location:	Lot 43 (No. 2) Chaudiere View, Australind
Reporting Officer:	Planning Officer (ND)/Manager Planning Services
File No.:	A009412 Attachment Reg. No. 16/00167

Summary

Calibre Consultants have submitted a request for consideration of a delegated refusal for a proposed extension to the garage and balcony at the above property address. The proposal does not meet the deemed to comply criteria of the Residential Design Codes (R-Codes) and is not considered to satisfy the design principles of the R-Codes and refusal is recommended.

Background

Lot 43 (No. 2) Chaudiere View, Australind is zoned 'Residential R15 under District Planning Scheme No. 1 and has an area of 821m². The site is approximately 600m south of the Australind Post Office (refer **Attachment 1**). The subject site is on the corner of Chaudiere View and Britannia Heights and directly adjoins two residential properties to the north east and east of the site. A vacant lot lies directly to the north. Single residential dwellings are also located across Chaudiere View and Britannia Heights which adjoins the property on the western and southern sides. The existing single residential development on the site can be viewed in the photos within **Attachment 9**.

The Applicant proposes to construct a garage and balcony extension that projects an additional 1.7m forward of the existing building (refer **Attachment 2** – Site plan, **Attachment 3** – ground floor plan and **Attachment 4** – first floor plan and **Attachment 9** for current photos).

Comment

Total Open Space

Calibre Consultants submission on the variation request is found in **Attachment 7**. Their estimate of Total Open Space is submitted as per the table below. An extra column has been added to show the Shire's determination of the calculations for built area and open space:

Applicant's Calculations & Estimates		Shire Calculations
Site Area	821m ²	Agreed
Garage Extension	12.2m ²	Agreed
Existing built footprint (347m ² + rear patio 60.4m ²)	407.4m ²	Built footprint agreed (346.5m ²) Rear patio (areas 2+ sides) 42m ² Total = 388.5m ²
Ground floor Alfresco Area (3 sides)	Not included In calcs	22.0m ²
Ground floor roofed areas (excluding eaves) open two sides or more (shown as decks on the site plan)	Not included in calcs	60.7m ² - 50.0m ² as this can be counted as open space in accordance with the definition on page 55 of the R- Codes. Total = 10.7m ²
Existing built footprint (including rear patio) + garage extension	419.6m ²	421.2m ²
Remaining open area at ground floor	401.4m ²	399.8m ²
Ground Floor open space	48.9%	48.7%
*Upper floor verandahs	50m ²	Does not count for open space as the verandahs/balconies are more than 0.5 metres above ground level.
Upper Floor verandahs + open space	451.4m ²	
Total Open Space	55%	48.7%

Brown = calculations for built areas

Green = calculations for open space

Note: The ground floor 42m² patio is only open on one side (needs to be open two sides to be counted as open space) so it is included in the building footprint area.

*It is to be noted however that the upper floor balconies cannot be included as open space with regard to the following statement in the R-Codes:

In the definition of Open Space (p56) it is stated that open space excludes:

- “• *non-accessible roofs, verandahs, balconies and outdoor living areas over 0.5m above natural ground level;*”

The above exclusions clearly apply to the areas shown on the first floor plan as balconies/verandahs and they are most certainly above 0.5m above natural ground level.

It can however be considered that up to 10% of the site area or 50m² whichever is the lessor of verandahs, patios or other such structures **not more than 0.5m above natural ground level** can be considered as **Open Space** calculation as per the R-Codes (Appendix 1 – Definitions, page 55). This means that 50m² is deducted from the ground floor roofed areas calculation.

SIGNED _____ DATED 22nd March 2016.

The total built space is therefore calculated as:

House footprint	346.5m ²
Patio (not open 2 sides)	42.0m ²
Alfresco	22.0m ²
Ground floor roofed areas	10.7m ² (less 50m ²)
	421.2m ²

This gives a total open space figure of $821 - 421.2 = 399.8\text{m}^2$ i.e. **48.7% open space**, and the R-Codes requirement is a minimum of 50%.

The above means that the proposed garage and balcony extension will result in a site that does not conform with the R-Codes in relation to the 50% open space requirement.

Visual Privacy and Building 'Bulk'

Currently the main balconies are located to the front (west) of the building and southern side of the building are both facing the street and therefore do not have any overlooking issues with properties. There is however an overlooking concern with the proposed balcony which is only 2m from the vacant lot directly to the north of the site. The R-Codes requires a setback of 7.5m as specified for an "Unenclosed outdoor active habitable space" (Section 5.4.1 Visual Privacy - Deemed to Comply requirement C1.1i).

In addition to the above it has been commented by one nearby landowners (refer **Attachment 8**) that the site already has large areas for garages and balconies and there should be no further development. Another nearby landowner, while supporting the need to enclose the newly acquired caravan, considers that there are substantial balconies existing on the site already and the addition of the garage and balcony extension will add to both building bulk and visual privacy issues.

Setbacks

The western or Chaudeire View side of the dwelling has been deemed to be the front boundary of the house in previous building permit applications. As per the R-codes (clause 5.1.2) a 6m setback that may be averaged down to 3m applies. With the proposed extension the front setback encroaches slightly on the 6m setback line. It is estimated that the area in front of the 6m line (up to 3m) is more than cancelled out by the areas behind the 6m line (i.e. paved open space north of the garage and the garden area adjacent to Britannia Heights back as far as 6m). Therefore the proposed front setback complies, however, setbacks are not the sole determining factor in considering this proposal.

This assessment does no account for any modifications required to the existing stairwell which would also need modifying and located within the 6m setback.

Request for Variation of R-Codes Open Space Requirement of 50%

Although the Applicant has presented a case that the proposal does comply with open space requirements it is considered by Council's Planning Department that the proposed extensions results in a development that does not meet the minimum of 50% open space requirement. This leaves Council with the option of considering the variation request on its merits and whether a variation can be justified.

R-Code Design Principles 5.1.4 Open Space shows that development incorporates suitable open space for its context to:

R-Code Design Principle	Applicant Comment	Shire Planning Comment
<ul style="list-style-type: none"> reflect the existing and/or desired streetscape character or as outlined under the local planning framework; 	<p>The design of the dwelling is retained with the extended garage and upper level verandah. The materials and balustrading to be used match the existing.</p>	<p>The streetscape is not enhanced by this proposal. The majority of the existing streetscape is single storey.</p>
<ul style="list-style-type: none"> provide access to natural sunlight for the dwelling; 	<p>Does not substantively change the existing arrangements to natural sunlight for the dwelling. The upper floor balcony remains protected by a parapet wall as is the current arrangement, with virtually the same level of access to sunlight, especially in the afternoon.</p>	<p>No substantial impacts on natural sunlight are evident except some open area is lost via the garage extension.</p>
<ul style="list-style-type: none"> reduce building bulk on the site, consistent with the expectations of the applicable density code and/or as outlined in the local planning framework; 	<p>Building bulk does not change. The extension is minor and by matching the existing built form and character will result in minimal change to the appearance of the dwelling.</p>	<p>Considerable building 'bulk' on the site is already evident and this proposal increases the building bulk.</p>
<ul style="list-style-type: none"> provide an attractive setting for the buildings, landscape, vegetation and streetscape; 	<p>The extension will cover an existing paved area of driveway. This will incur no change to the existing landscaping and vegetation and by virtues of matching the existing built form and character, will have minimum impact upon streetscape appearance.</p>	<p>Does not improve the existing 'setting'.</p>
<ul style="list-style-type: none"> provide opportunities for residents to use space external to the dwelling for outdoor pursuits and access within/around the site; and 	<p>Open space provision for the residents of this home arguably improves as a result of this proposal. A portion of the driveway becomes a verandah at the first floor level, improving the usability and size of this outdoor open space area.</p>	<p>The balcony expansion can be viewed as providing more opportunities for residents to utilise open space (ie balcony) area.</p>

<ul style="list-style-type: none"> provide space for external fixtures and essential facilities. 	External fixtures and essential facilities are unaffected.	External fixtures and essential facilities are unaffected.
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Given the above, the proposed extensions are considered to have negative impacts on three of the above design principles. One principle can be viewed as being positively enhanced by the proposal (access to open space) and the other two are viewed as being unaffected.

Submissions

The proposal was referred to the adjoining and nearby neighbours who were given 21 days to respond with the closing date for submissions being the 10th February 2016.

Two submissions have been received and these can be viewed in the table of submissions (refer **Attachment 8**). Both submissions object to the increase in balcony space proposed and there are comments that the site is already over developed in terms of building bulk. One submission supports the need to have the caravan secured while the other objects to the additional garage area as there are already two garages on the property. It has also been raised that “other residential properties in the area have had to comply with the 50% open space provision and why should this property be allowed to do otherwise”.

Access to the dwelling

As evidenced by the proposed site plan (**Attachment 2**) the proposed extension blocks the existing access to the dwelling. Modification of this stairwell is not detailed within the submission, however, Staff consider that a new staircase would need to be constructed requiring further development within the front 6m setback.

Conclusion

The proposal is calculated to end up with a total open space provision of 48.7% which is a 1.3% shortfall under the 50% prescribed by the R-Codes. This percentage already includes the maximum dispensation available by Council when calculating Open Space of 50m², no further discretion can be applied.

Notwithstanding the above non-compliance, the R-codes provide the opportunity for the proposal to be consider against the Design Principles, which are objective based (refer above table). As evidenced above the proposal represents an unacceptable increase in both bulk and scale and provides the opportunity for overlooking. Approval is not recommended as it would represent and unacceptable departure from the intent of the R-codes and diminish the amenity of the immediate area.

Additionally an approval is considered contrary to the Scheme in terms of objective (a) of section 1.6, which reads:

“to encourage and control the continued orderly development of land within the Shire in a manner that enhances the quality of life in the community”.

Statutory/Policy Environment

District Planning Scheme No. 1 – zoning of the property being “Residential – R15/30/50”.

State Planning Policy 3.1 Residential Design Codes –

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2.4 Judging Merit of Proposals

Where a proposal does not meet the deemed-to-comply provision(s) of the R-Codes and addresses design principles, the decision-maker is required to exercise judgement to determine the proposal. Judgement of merit is exercised only for specific elements of a proposal which do not satisfy the relevant deemed-to-comply provisions.

2.5 Exercise of Judgement

The design principles are listed and discussed in the Comments section of this report.

Design Principle 5.1.4 Open Space

The design principles are listed and discussed in the Comments section of this report.

Strategic Framework

Within the Shire's Strategic Community Plan 2013 – 2023, Strategies 2.3.1 (in part) and 4.3.4 state:

- 2.3.1 *“Continue to implement integrated environmental, social and land use planning which will:*
- *minimise land use conflict.”*
- 4.3.4 *“Monitor and ensure compliance with the regulatory framework for local government business.”*

Risk Management

The Risk Theme Profile identified as part of this report is ***Providing Inaccurate Advice/Information***. There is no Consequence identified therefore it is deemed that there is no Risk present.

Budget Implications

Nil

Officer's Recommendation

That Council refuses to grant Planning Approval for the proposal for a garage and balcony extension at Lot 43 (No. 2) Chaudiere View, Australind for the following reasons:

1. The proposal does not meet the deemed to comply requirement for the provision of 50% total of site open space requirement as required by Table 1 of the Residential Design Codes for areas coded R15. Above ground floor balconies and verandahs cannot be considered as open space that can be added to the calculation of the site's total open space provision;
2. The proposal is in conflict with the design principles of section 5.1.4 of the Residential Design Codes with specific regards to:
 - a. The proposal increases building bulk on the site and is therefore not consistent with the expectations of the applicable density code;

- b. The proposal does not improve the provision of an attractive setting for the buildings, landscape, vegetation and streetscape; and
 - c. The proposal does not provide space for external fixtures and essential facilities.
3. The location of the proposed balcony will result in a setback of only 2m to the property directly to the north of the site and this is contrary to the R-Codes which requires a setback of 7.5m as specified for an “Unenclosed outdoor active habitable space” (Section 5.4.1 Visual Privacy - Deemed to Comply requirement C1.1i);
 4. The site is considered to already be substantially developed and the addition of more balcony space is considered to be detrimental to the amenity of adjoining and nearby residences in terms of increased opportunities for overlooking into adjoining properties;
 5. The stair location as shown on the site plans is unworkable as the proposed garage extension results in a wall being directly in the path of the stair entrance which prevents appropriate pedestrian access to the front of the dwelling; and
 6. The proposal is considered to be in conflict with objective 1.6 (a) of the Shire of Harvey District Planning Scheme No. 1.

16/040.

Beech/Shortland**“That the Officer’s Recommendation be adopted.”****CARRIED 12-1****Mr. Barbour left the Meeting at 5.47p.m.**

Item No.	8.1.2
Subject:	Subdivision Referral – Proposed Survey Strata Subdivision of Lot 27 Laura Avenue, Australind
Proponent:	South West Unit Development Pty Ltd
Location:	Lot 27 (No. 10) Laura Avenue, Australind
Reporting Officer:	Senior Planning Officer/Manager Planning Services
File No.:	A002934 Attachment Reg. No. 16/02853

Summary

Council has been invited to provide comments to the Western Australian Planning Commission (WAPC) on an application for survey strata subdivision of Lot 27 (No. 10) Laura Avenue, Australind. It is recommended that Council advise the WAPC that it supports the proposal, subject to conditions.

Background

Lot 27 Laura Avenue, Australind is located 1.4km south of the Australind Post Office (refer **Attachment 1**). It is a vacant lot with an area of 2,024m². The proposal is to survey strata subdivide Lot 27 into 6 survey strata lots ranging in size from 277m² to 283m² and a 5m wide common property access leg with an area of 340m² (refer **Attachment 2**).

SIGNED _____ DATED 22nd March 2016.

Comment

Council Policy 15.25 'South Australind Development Guidelines' states that consideration should be given to the widening and construction of existing underwidth roads in the policy area "where possible". In respect of Lot 27 Laura Avenue, there is a 5m wide unconstructed road reserve immediately north of Lot 27. Discussions with the Applicant confirm they would be interested in the adjoining portion of land if they knew a purchase price, it would be available within a reasonable time frame and other land owners in the area were also committed to utilising it. In the absence of knowing these issues the applicant wishes to subdivide as proposed.

Staff have successfully determined these matters on other subdivision applications within the locality and laneways have been widened to accommodate future development. However, there has been limited discussion with landowners in this locality and a sewer line does occupy this laneway which would need to be modified to allow traffic over it.

Staff consider the most appropriate widening of these laneways relates to corner lots and to this effect the subdivision as proposed is considered appropriate. Notwithstanding, the issue of the laneway needs to be addressed and a further report to Council will be prepared on this matter.

For the above reasons requiring the subdivider to redesign the subdivision and utilise the existing underwidth road for access is not recommended.

Planning Merit

The proposed survey strata subdivision of Lot 27 has merit for the following reasons:

- The proposal does not conflict with the Policy Statement for the 'Residential' zone which states 'primarily single storey dwelling houses on separate lots';
- The proposed lots comply with the minimum and average lot size requirements stipulated in the Residential Design Codes for land Coded R30; and
- Conditions may be imposed to ensure that the subdivider contributes towards those matters stipulated in Council Policy 15.25 including road upgrading, drainage, public open space and dual use paths.

Statutory/Policy Environment

Shire of Harvey District Planning Scheme No. 1

Lot 27 is zoned 'Residential R15/30/50' by the Scheme. A 900m² minimum lot size is stipulated in the Scheme for 'Grouped Dwellings'.

Clause 1.6.1 (b) states that one of the objectives of the Scheme is to:

"ensure that the existing standard of roads, water supply, effluent disposal, electricity supply and other community services are sufficient for the additional demands proposed development would create."

Residential Design Codes

Table 1 of the Residential Design Codes (R Codes) stipulates a minimum lot size requirement of 260m² for a grouped dwelling and an average lot size requirement of 300m².

SIGNED _____ DATED 22nd March 2016.

Council Policy 15.25 'South Australind Development Guidelines'

Relevant objectives of the Policy are:

- To ensure a high standard of subdivision and streetscape design so that private development contributes to the preferred future character of the area as a distinctive and sustainable residential landscape, within a garden setting of indigenous trees, particularly in front yards;
- To ensure equitable contributions from subdividers to the provision and/or upgrading of public open space; and
- To provide for the creation of additional road reserves and the widening of existing road reserves where possible so that future dwellings have direct frontage access and outlook to a public street.

The Policy enables Council to impose conditions on a range of matters including drainage, road upgrading, public open space and dual use path provision/upgrading.

Delegation 2.3.10

Staff have delegated authority to respond to subdivision referrals proposing the creation of 3 lots or less, meaning that the proposed subdivision of Lot 27 Laura Avenue, Australind requires referral to Council as 6 lots are proposed.

Strategic Framework

Within the Shire's Strategic Community Plan 2013-2023, Strategy 3.5.2 states:

"Provide a planning framework that accommodates diverse living and commercial opportunities."

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/information**. The Consequence could be Financial, Reputational or Compliance if an incorrect approval is given or a condition is missed. The risk is mitigated by the report being thoroughly researched, peer reviewed and provided by a qualified Council officer, resulting in LOW risk being present.

Budget Implications

Nil.

Officer's Recommendation

That Council advises the Western Australian Planning Commission that it raises no objection to the proposed subdivision of Lot 27 (No. 10) Laura Avenue, Australind as per the plan of subdivision received on 2nd February 2016 (WAPC Ref: 70-16), subject to the following conditions:

1. The proposed access way including visitor parking bays being constructed and drained at the landowner/Applicant's cost to the specifications of the Local Government;

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2. Arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to lots shown on the approved plan of subdivision;
3. Arrangements being made with the Water Corporation so that provision of a reticulated sewerage service will be available to those lots shown on the approved plan of subdivision;
4. An area of land at least 202.4m², in a position to be agreed with the Western Australian Planning Commission, being shown on the diagram or plan of survey (deposited plan) as a reserve for recreation and vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without any payment of compensation by the Crown. The Shire of Harvey recommends that the Western Australian Planning Commission approve a cash-in-lieu contribution in accordance with Section 153 of the *Planning and Development Act 2005*;
5. A Management Statement being prepared and submitted for the WAPC's consideration and written confirmation in accordance with Section 5C of the Strata Titles Act 1985 (as amended), to include the following additions to the by-laws contained in Schedules 1 and 2 of that Act:
 - a. Development or redevelopment on the survey strata lots is to comply with a development approval issued by the local government; and
 - b. Amendment to or repeal of the above provision cannot be effected without the WAPC's agreement.
6. The subdivider contributing \$4,941.66 to the provision and/or upgrade of the dual use path network in the immediate locality to the satisfaction of the Local Government. This amount is currently required however is adjusted in line with the Consumer Price Index for Perth on 30th June each year. The fee applicable will be determined at the time of payment and may therefore vary from the quoted amount;
7. The subdivider contributing \$1,825.78 towards the upgrading of the local drainage system to the satisfaction of the Local Government. This amount is currently required however is adjusted in line with the Consumer Price Index for Perth on 30th June each year. The fee applicable will be determined at the time of payment and may therefore vary from the quoted amount;
8. The land being filled and/or drained;
9. The subdivider contributing \$6,985.36 per proposed lot towards the upgrading of local roads in the immediate locality to the satisfaction of the Shire of Harvey. This amount is currently required however is adjusted in line with the Consumer Price Index for Perth on 30th June each year. The fee applicable will be determined at the time of payment and may therefore vary from the quoted amount;
10. A Notification, pursuant to Section 165 of the Planning and Development Act 2005, is to be placed on the Certificates of Title of the proposed lots advising of the existence of a hazard or other factor. Notice of this notification is to be included on the Deposited Plan. The notification to state as follows:

“This lot is in close proximity to known mosquito breeding areas. The predominant mosquito species is known to carry Ross River Virus and other diseases.”

11. Notification in the form of a section 70A notification pursuant to the Transfer of Land Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lots advising that:

“The amenity of this lot may from time to time be affected by activities associated with the nearby Australind finishing plant. Residents may be adversely affected by odour, noise, dust and gases.”

12. The length of the visitor parking bays being increased so that a minimum reversing distance of 6m can be provided between opposite car parking bays.

16/041. **Giancono/Burgoyne**

“That Council advises the Western Australian Planning Commission that it raises no objection to the proposed subdivision of Lot 27 (No. 10) Laura Avenue, Australind as per the plan of subdivision received on 2nd February 2016 (WAPC Ref: 70-16), subject to the following conditions:

- 1. The proposed access way including visitor parking bays being constructed and drained at the landowner/Applicant’s cost to the specifications of the Local Government;**
- 2. Arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to lots shown on the approved plan of subdivision;**
- 3. Arrangements being made with the Water Corporation so that provision of a reticulated sewerage service will be available to those lots shown on the approved plan of subdivision;**
- 4. An area of land at least 202.4m², in a position to be agreed with the Western Australian Planning Commission, being shown on the diagram or plan of survey (deposited plan) as a reserve for recreation and vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without any payment of compensation by the Crown. The Shire of Harvey recommends that the Western Australian Planning Commission approve a cash-in-lieu contribution in accordance with Section 153 of the Planning and Development Act 2005;**
- 5. A Management Statement being prepared and submitted for the WAPC’s consideration and written confirmation in accordance with Section 5C of the Strata Titles Act 1985 (as amended), to include the following additions to the by-laws contained in Schedules 1 and 2 of that Act:**

- a. Development or redevelopment on the survey strata lots is to comply with a development approval issued by the local government; and
 - b. Amendment to or repeal of the above provision cannot be effected without the WAPC's agreement.
6. The subdivider contributing \$4,941.66 to the provision and/or upgrade of the dual use path network in the immediate locality to the satisfaction of the Local Government. This amount is currently required however is adjusted in line with the Consumer Price Index for Perth on 30th June each year. The fee applicable will be determined at the time of payment and may therefore vary from the quoted amount;
 7. The subdivider contributing \$1,825.78 towards the upgrading of the local drainage system to the satisfaction of the Local Government. This amount is currently required however is adjusted in line with the Consumer Price Index for Perth on 30th June each year. The fee applicable will be determined at the time of payment and may therefore vary from the quoted amount;
 8. The land being filled and/or drained;
 9. The subdivider contributing \$6,985.36 towards the upgrading of local roads in the immediate locality to the satisfaction of the Shire of Harvey. This amount is currently required however is adjusted in line with the Consumer Price Index for Perth on 30th June each year. The fee applicable will be determined at the time of payment and may therefore vary from the quoted amount;
 10. A Notification, pursuant to Section 165 of the Planning and Development Act 2005, is to be placed on the Certificates of Title of the proposed lots advising of the existence of a hazard or other factor. Notice of this notification is to be included on the Deposited Plan. The notification to state as follows:

"This lot is in close proximity to known mosquito breeding areas. The predominant mosquito species is known to carry Ross River Virus and other diseases."
 11. Notification in the form of a section 70A notification pursuant to the Transfer of Land Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lots advising that:

"The amenity of this lot may from time to time be affected by activities associated with the nearby Australind finishing plant. Residents may be adversely affected by odour, noise, dust and gases."

12. The length of the visitor parking bays being increased so that a minimum reversing distance of 6m can be provided between opposite car parking bays.”

CARRIED 13-0

Development Services Committee

23rd February 2016.

MINUTES

16/042.

Lovitt/Beech

“That the Minutes of the Development Services Committee Meeting, held on Tuesday, 23rd February 2016, be received and the recommendations listed hereunder be adopted en-bloc.”

8.1 PLANNING REPORT

8.1.1 Proposal to Rename Portion of Third Street, Harvey – Shire of Harvey – Third Street, Harvey (South of Uduc Road) (A015378).

8.1.5 Shire of Harvey’s Submission to the Department of Environment Regulation’s Draft Guidance Statements: Regulatory Assessment Framework; Regulatory Controls; and Environmental Risk Assessment Framework – Department of Environment Regulation (RSL003)

8.2 HEALTH REPORT

8.2.1 Review of Policy Manual – Section 18 Health – Principal Environmental Health Officer – Shire of Harvey (CRF006).

8.3 BUILDING REPORT

8.3.1 Building Activity Report – January 2016 – Shire of Harvey (BSR017 (15)).

CARRIED 13-0

J. REPORTS BY OFFICERS OF COUNCIL**CORPORATE SERVICES**

Item No.	2
Subject:	Meetings for Coming Months
File No.:	CCC001

Meeting	Location	Date	Time
Work Safety Committee	Harvey Chamber	3 rd March 2016	3:00p.m.
Heritage Advisory Committee	Harvey Chamber	9 th March 2016	12:30p.m.
Harvey Local Emergency Management Committee	Harvey Chamber	14 th March 2016	5:30p.m.
Development Services Committee	Australind Chamber	15 th March 2016	4:00p.m.
Corporate Services Committee	Australind Chamber	22 nd March 2016	2:00p.m.
Ordinary Council	Australind Chamber	22 nd March 2016	4:00p.m.
Development Services Committee	Harvey Chamber	5 th April 2016	4:00p.m.
Corporate Services Committee	Harvey Chamber	12 th April 2016	2:00p.m.
Ordinary Council	Harvey Chamber	12 th April 2016	4:00p.m.
Leschenault Leisure Centre Advisory Committee	LLC	15 th April 2016	8:00a.m.

Officer's Recommendation

That the Meetings for Coming Months be noted.

16/043. **Shortland/Wood**
"That the Officer's Recommendation be adopted."

CARRIED 13-0

Item No.	3
Subject:	Yarloop Fire Recovery – Request to Waive Permit Fees
Proponent:	Shire of Harvey
Location:	Yarloop Fire Precinct
Reporting Officer:	Principal Building Surveyor
File No.:	ESI0007
	Attachment Reg. No.

Summary

Staff seek Council direction in relation to the waiving of statutory fees for the demolition permits required for the recovery cleanup after the Yarloop fire event.

Background

On Wednesday, 6th January 2016, a lightning strike set fire to bushland within State Forest near Dwellingup. The fire, fanned by strong easterlies, became out of control resulting in a large area engulfed by fire (in excess of 69,000 hectares with a perimeter in excess of 392 kilometres) resulting in catastrophic loss of dwellings and infrastructure.

In August 2006 Council experienced a natural disaster in the form of a tornado which affected an area of Australind destroying a number of structures, fortunately not the scale as Yarloop. Council agreed to waive fees for demolition at that time.

SIGNED _____ DATED 22nd March 2016.

Given the State Government's preparations for the cleanup of affected properties resulting from this fire event, a decision on the treatment of demolition permit fees is considered important so as not to hold up the clean-up process.

Comment

Staff have written to the Building and Construction Industry Training Board and the Building Commission respectfully requesting the potential waiving of their fees in respect to the rebuild of Yarloop and surrounds. A further report to Council will be provided on the issue of rebuild once all information is received.

In the meantime it is recommended that the demolition permit fee for properties damaged by the January 2016 fires be waived.

Statutory/Policy Environment

Building Act 2011 – Demolition Fees

Strategic Framework

Within the Shire's Strategic Community Plan 2013 - 2023, Strategy 4.4.3 states:

"Promote a positive public image for the Council through appropriate marketing activities and high standards of customer service."

Risk Management

The Risk Theme Profile identified as part of this report is ***Inaccurate Engagement Practice***. The Consequence could be ***Reputational*** as Council could be perceived as not compassionate to the community's needs. The consequence rating is ***Moderate (3)*** and the likelihood is ***Rare (1)*** resulting in a ***Low Risk*** being present.

Budget Implications

An estimate of lost revenue in waiving demolition permit fees for approximately 234 properties at \$92.00 each is \$21,528.

Possible fees include:

157 Dwelling Demolition Permit	\$92.00	\$14,444
77 Commercial Demolition Permit	\$92.00	\$ 7,084

Officer's Recommendation

That Council agrees to waive the demolition permit fees for all properties damaged in the January 2016 bushfire event requiring a demolition permit.

16/044.

Monagle/Adams

"That the Officer's Recommendation be adopted."

CARRIED 13-0

K. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

L. NOTICE OF MOTION FOR CONSIDERATION AT THE FOLLOWING MEETING

Nil

M. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

N. REPORTS OF MEMBERS**Cr. Giancono**

Cr. Giancono reported that he had attended a meeting of the Binningup Community Association and a number of meetings regarding the Yarloop bushfire.

Cr. Wood

Cr. Wood reported on the following:

- Thank you from Mr. Kim Howard on behalf of the Western Australian Off Road Racing Association Inc. in relation to their event held at the Commonage on Sunday, 21st February 2016. Approximately 100 sick children, their families and spectators attended with 18 cars presented.

Cr. Campbell

Cr. Campbell reported that he had attended a number of meetings regarding the Yarloop bushfire and the Cookernup morning tea days at the Cookernup Hall.

Cr. Adams

Cr. Adams reported on his attendance at:

- A meeting of the Recovery Committee – Infrastructure Sub-Committee held on 12th February 2016;
- A meeting of the Harvey Senior Citizens Centre Committee held on 17th February 2016, with Mrs Olga van Burgel being presented with life membership;
- A meeting of the Riverlinks Child Care Centre held on 24th February 2016; and
- A meeting of the Bunbury Harvey Regional Council considering a review of various policies and procedures.

Cr. Beech

Cr. Beech reported on his attendance at:

- A meeting of the Harvey Community Radio 95.5 FM discussing the use of a better transmitter site;
- A tour of inspection through the Yarloop fire area;
- A meeting, together with Cr. Shortland, of the Harvey Recreation and Cultural Centre Management Committee held on 24th February 2016, that discussed ongoing fundraising for future development;
- A meeting of the WALGA South West Zone with the Chief Executive Officer on 26th February 2016; and
- Various meetings for the Recovery Sub-Committees dealing with the Yarloop bushfire.

Cr. Jackson

Cr. Jackson reported her attendance at:

- Various Recovery Committee and Sub-Committee meetings dealing with the Yarloop bushfire, including attendance at the Cookernup coffee mornings;
- The Insurance Council of Australia Forum held on 17th February 2016, with approximately 40 people attending;
- Meeting with representatives from the State Heritage Council, Yarloop Workshops Committee and WA Museum to review recovery action and the cleanup process for the workshops site;
- A meeting of the Peron Naturaliste Partnership reviewing budget submissions;
- A meeting of the Hocart Lodge Board looking to advance their redevelopment plans; and
- A meeting of the South West Development Commission.

O. ORDERS OF THE DAY

Nil

P. MOTIONS WITHOUT NOTICE (by permission of majority of members)

Nil

Q. MATTER BEHIND CLOSED DOORS (under Section 5.23 (2) of the Local Government Act 1995)**Suspension of Standing Orders**

16/045. Campbell/Burgoyne

“That Council suspends Standing Orders and Moves Behind Closed Doors in accordance with Section 5.23 (2)(a) of the Local Government Act 1995, to deal with matters that relate to a matter affecting an employee or employees.”

CARRIED 13-0

Mr. Dandridge, Ms. Hepburn, Mr. Kirk, Mr. Naude, Mr. Quinlivan, Mr. Scantlebury, Mr. Stewart and Miss Vellinga left the Meeting at 6.09p.m.

Standing Orders were suspended at 6.10p.m.

CONFIDENTIAL ITEM 1 – APPOINTMENT OF EXECUTIVE MANAGER OF CORPORATE SERVICES – CHIEF EXECUTIVE OFFICER – SHIRE OF HARVEY (PLR0231).

16/046. **Campbell/Giancono**
 “That Council endorses the Chief Executive Officer’s recommendation to appoint Mr Shane Collie to the position of Executive Manager of Corporate Services on a performance based contract of 3 years duration within the Salary package limit advertised as outlined in the Chief Executive Officer’s report to Council.”
CARRIED 13-0

Resumption of Standing Orders

16/047. **Burgoyne/Campbell**
 “That Standing Orders be resumed.”
CARRIED 13-0

Standing Orders were resumed at 6.25p.m.

R. CLOSURE

There being no further business to discuss, the meeting was declared closed at 6.25p.m.

I, Tania Gae Jackson certify that the aforesaid Minutes of the meeting held on Tuesday, 1st March 2016, are confirmed as a true and correct record of that meeting on Tuesday, March 2016.

Tania G. Jackson
SHIRE PRESIDENT