

MINUTES OF THE ANNUAL ELECTORS MEETING HELD IN THE COUNCIL CHAMBERS, 6 PATERSON STREET MUNDIJONG ON WEDNESDAY, 4<sup>th</sup> FEBRUARY 2009. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.02PM AND WELCOMED MEMBERS OF THE PUBLIC, COUNCILLORS AND STAFF.

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**1. ATTENDANCE:**

**COUNCILLORS:** DL Needham ..... Presiding Member  
M Harris  
WJ Kirkpatrick  
K Murphy  
C Buttfield  
MJ Geurds (from 7.04pm)  
JE Price  
S Twine  
E Brown

**OFFICERS:** Ms J Abbiss ..... Chief Executive Officer  
Mr A Hart ..... Director Corporate Services  
Mr R Gorbunow ..... Director Engineering  
Mr B Gleeson ..... Director Development Services  
Mrs L Fletcher ..... Minute Secretary

**APOLOGIES:** Cr C Randall

**GALLERY:** 1

**2. TABLING OF 2007 / 2008 ANNUAL REPORT including:**

- 2.1 Reading of President's Report
- 2.2 Reading of Auditor's Report

**3. GENERAL BUSINESS**

- 3.1 Questions received and answers to the questions

**B Duncan – 125 Larsen Road, Byford**

Q1. Why are the slip roads from Thomas Road to Kardan Boulevard blocked off and when will they be opened?

A1. The "slip road" in this location was designed and constructed without Shire approval. The road does not meet either Shire or Main Roads WA standards and was therefore not allowed to be opened. The Shire currently has consultants working on designs for upgrades of Thomas Road and the major intersections into subdivisions adjoining Thomas Road. These will be distributed to developers once approved by Council and new intersections constructed in due course.

Q2. If it is correct that the maximum height of a stockpile is three metres, why are these piles at The Glades, Byford Central and Lot 3 Larsen Road reaching for the sky?

A2. There is no statutory height limit for stockpiles. Council, when considering an application for development approval (ahead of subdivision approval) may

impose such conditions as it considers reasonable. This may include a height limit as has been imposed on some recent approvals.

Under Section 157 of the Planning and Development Act 2005, approval is not required from Council to undertake such works as is necessary to enable a subdivision approved by the Western Australian Planning Commission to proceed.

Q3. Road surfaces – why is patching of roads by contractors acceptable when new surfaces are cut and repaired as has happened at George Street shopping centre? Other patching at right angles to the flow of traffic (such as Larsen Road) causes unnecessary noise especially as is the case of empty trucks, the noise being more than sufficient to wake the sleeping.

A3. The works in George Street have been undertaken by contractors working under direction and supervision of the Water Corporation to install a water main. The Shire has little or no head of power over works by State Service Authorities beyond requesting consideration of Shire standards (which do not necessarily have to be complied with by the authorities).

The location referred to in Larsen Road was also undertaken by the Water Corporation (connection to water main) and the Shire was not consulted regarding standards for reinstatement of the roads or connections with existing road surfaces.

#### A Thorp – 135 Larsen Road, Byford

Q1. Why are windrows allowed to remain on site, contrary to Council regulations, removal 28 days?

a) Lot 3 Alexander Road, over four months

A1a. Officers have made contact with the landowner of this property. It is understood that the piled vegetation will be removed from the site within seven to ten days.

b) Redgum adjacent Thomas Road, over 12 months

A1b. It is understood that the material currently being stored on site will be utilised by the developer once development to the north of the creek line takes place/commences.

Q2. Why is stockpiling allowed to exceed the regulation height of 3 metres

a) Lot 3 Larsen Road, in excess of 8 metres

b) Byford Central, in excess of 8 metres

c) The Glades well over 3 metres

A2. There seems to be some confusion regarding the existence of a “regulation” height for stockpiles; there is no regulation. Under Section 157 of the Planning and Development Act 2005, approval is not required from Council to undertake such works as is necessary to enable a subdivision approved by the Western Australian Planning Commission to proceed.

Q3. Why is Lot 3 Larsen Road allowed to be used for stockpiling sand when approval was for a development site only?

A3. Development approval was granted by the Shire in 2006 for the stockpiling of sand. This approval remains valid. In addition, the Western Australian Planning Commission has granted subdivision approval for the land.

Q4. Why is work allowed to commence prior to 0700 hours on Byford Central?

A4. The relevant legislation is the Environmental Protection (Noise) Regulations 1997. The Shire's Environmental Health officers apply these regulations to noise issues and complaints. However, construction sites are exempt from the noise regulations between the hours of 7.00am and 7.00pm Monday to Saturday. The exemption does not apply on Sundays or public holidays. This does not mean that work must not occur on construction sites before 7.00am, only that they must comply with the normal limits before 7.00am.

If the normal limit is not exceeded at nearby residences between 7.00pm and 7.00am Monday to Saturday, work on the construction site can continue.

### 3.2 Any Other Business

#### Jan Star - 230 Jarrahdale Road, Jarrahdale

Q. Mrs Star wanted to ensure Councillors and staff are aware of the destruction of a major heritage item in the Jarrahdale Heritage Park during installation of a water main.

Have measures been taken to ensure this does not occur again?

A. The Chief Executive Officer advised that it is very difficult to work on this site. During the Fosters Way construction, Council's Jarrahdale Heritage Park Officer (who was aware of the archeological studies conducted on the site), was advised that new artefacts were discovered that no one was aware existed.

Q. Regarding the new firebreak regulations, Mrs Star received three letters from Council advising that the legislation had changed. She has not been able to find out where the change has occurred.

She has since consulted with three other resident farmers from Oldbury, Serpentine and Mundijong and received various responses. The farmers and Mrs Star are not being critical of Council's fire services of which they are very grateful. It is just felt that this matter needs to be considered further as some serious destruction can occur as a result of firebreaks such as old trees being removed and the potential for erosion. Not all residents consider applying for a firebreak variation.

Does the Shire actually require a firebreak or access? If it is just access, the Shire needs to state this. On smaller landholdings a firebreak may make more sense, however on larger landholdings where is the cost benefit? A lot of productive land is lost.

Mrs Star would like to see a more strategic and considered approach. There are a lot of studies being released and articles in the paper regarding fire prevention. She is unsure that the 'one size fits all' approach will work.

A. The Chief Executive Officer quoted from a report received from the Emergency Services Firebreak Inspector as follows:

*"The changes to the Firebreak Notice as promulgated this fire season were not subject to a cost benefit analysis.*

*The changes were based on the community safety and equality for the community.*

*It is almost impossible to accurately define the cost savings from preventative works, however it has been proven on several occasions that the increased protection has either stopped the fires or slowed them down to a point of enabling effective control and protect of structure and lives.*

*The whole premise of the changes is to provide a safer environment for property owners, the fire fighters and the broader community.*

*The simple alignment of generic requirements throughout the shire negates the anomalies so often complained about by members of the community confused by the various different requirements based on where you owned property rather than fire prevention.*

*As was explained in the changes proposal document the previous notices allowing these anomalies had no logical basis, in effect it said that properties in one part of the shire reacted differently to wildfire than other areas. This could not be explained rationally by anyone with even a modicum of fire suppression knowledge.*

*The overriding safety factors for attending fire crews is that they have a safe access on and off all properties and a place where they can leave the vehicle without the threat of it being enveloped with fire from underneath rendering it useless, the crew exposed to the fire and the property left undefended.*

*In support of this statement other local governments (Murray, Rockingham, Kwinana, Armadale, Mandurah, Cockburn, Gosnells to name but a few) adopted the same generic position many years ago for exactly the same reasons.*

*To date there has only been one complaint regarding the changes, which given the 2,300 properties involved would indicate that most people can see the reasons behind the changes and support them.*

*Having information from the Firebreak Inspector and several of the firebreak contractors it has been noted that a large number of those affected have already conformed to the changes without any further prompting or persuasion.*

Q. Mrs Star stated that the Shire needs to have a fire strategy or fire management plan for each property.

A. The Chief Executive Officer advised that fire break variations allow this to occur.

Q. Mrs Star commented that the Firebreak Notice states that you must have a clear view through to the sky. The environmental consequence of this is not being considered.

A. The Chief Executive Officer advised that she is the officer responsible for considering appeals to the firebreak fines. She advised that enforcement of these provisions is very generous.

The Shire President stated that properties located in the hills will require a management plan due to the variations in topography.

Mrs Star commented that large farming properties will be expelling a lot of greenhouse gases to abide to the new legislation.

Q. Mrs Star raised the issue of land tax. Local farmers are being taxed now as their farm is not their major source of income (must obtain over a third of their income from farming). Many residents in this Shire will be affected by this.

If under a third of the property is farmed, the government will give a 50% concession. This concession was originally a 100% on a residential lot. The government is changing this and now giving a concession on a five acre portion of the residential lot. This is being applied inconsistently in addition to inconsistent advice being received from the land tax office. The land tax office is also applying this at the same valuation as Council rates. This should be a concern for the Shire if it is trying to maintain a rural base.

The Chief Executive Officer is currently drafting the new Strategic Plan and advised that in the vision category 'Sustainable Economic Growth', focus area 'Industry Development' (under Agriculture) this issue has been flagged and also in the vision category 'Natural Environment', focus area 'Biodiversity' (under private land) as there are also implications here.

As a result of this, the Shire will identify the need to lobby the government.

The Shire President commented that we need to protect the Shire as a food bowl for the future.

Q. Mrs Star also raised the issue of the dead pine trees on Jarrahdale Road. The residents do not like these and are concerned regarding the fire danger.

Is there any chance that the Shire can prevent the replanting of the pine trees through Council's Local Planning Policy on Landscape Protection?

A. The Chief Executive Officer advised that the Landscape Protection Policy does not exclude plantations and she does not believe there is any legislation in the Town Planning Scheme which can prevent this. The Scheme is quite liberal in this regard. The Shire had previously tried to ensure a buffer of natural vegetation around this plantation.

The Director Development Services advised that they have a right to apply for this use and the Shire can condition the approval.

The Chief Executive Officer has spoken with the Manager Emergency Services regarding the fire danger and they comply with all the requirements including various firebreaks on the site.

The issue of borers in the dead pine was mentioned.

The Chief Executive Officer advised that she will follow this matter up with the Department of Agriculture.

#### 4. CLOSE

There being no further business, the Presiding Member closed the meeting at 7.54pm.

I certify that these minutes were confirmed at the  
Ordinary Council meeting held on 23 February 2009.

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Presiding Member

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Date