



Shire of
Serpentine
Jarrahdale

Ordinary Council Meeting Minutes

Monday 16 October 2017

Contact Us

Enquiries

Call: (08) 9526 1111
Fax: (08) 9525 5441
Email: info@sjshire.wa.gov.au

In Person

Shire of Serpentine Jarrahdale
6 Paterson Street, Mundijong WA 6123
Open Monday to Friday 8.30am-5pm (closed public holidays)



www.sjshire.wa.gov.au



Table of Contents

1. Attendances and apologies (including leave of absence):	3
2. Public question time:	3
2.1 Response to previous public questions taken on notice:	3
2.2 Public questions:	5
3. Public statement time:	7
4. Petitions and deputations:	7
5. President's report:	9
6. Declaration of Councillors and Officers interest:	10
7. Confirmation of minutes of previous Council meeting(s):	10
7.1 Ordinary Council Meeting – 26 September 2017	10
8. Receipt of minutes or reports and consideration of adoption of recommendations from Committee meetings held since the previous Council meetings:	10
8.1 Planning reports	10
OCM136/10/17 – Lot 9001 Utley Road and Lot 9002 Wattle Road, Serpentine – Final Determination of Proposed Scheme Amendment No.199 – Rezoning from 'Rural' to 'Special Rural' (PA16/209)	10
OCM137/10/17 - Lot 207, 363 Kargotich Road, Oakford – Final Adoption of Scheme Amendment No. 201 – Rezoning from 'Rural' to 'Special Rural' (PA16/167)	26
OCM138/10/17 – Lot 3264 Bernborough Way, Darling Downs – Request to Purchase Part of Reserve (SJ463-14)	38
OCM139/10/17 - Road Naming Proposal – Lot 9051 Abernethy Road, Byford (SJ500-03)	43
OCM140/10/17 – Lot 1 (#562) Hall Road, Serpentine – Proposed Outbuilding (PA17/640)	49
8.2 Engineering reports	55
OCM141/10/17 - Nettleton Road, Karrakup – Proposed Road Closure (SJ141)	55
8.3 Corporate and Community reports	61
OCM142/10/17 – Alcoa Community Partnership Program (SJ2345)	61
OCM143/10/17 – Contract for Provision of Youth Development Services (SJ1282-02)	64
OCM144/10/17 - Confirmation of Payment of Creditors (SJ801)	68
8.4 Audit, Risk and Governance Committee reports	71
8.5 Confidential reports	72
OCM145/10/17 – Confidential Item – Land Asset Management Plan SJ2081)	73
9. Motions of which notice has been given:	76
10. Chief Executive Officer reports:	76
11. Urgent business:	76
12. Councillor questions of which notice has been given:	76
13. Closure	76



Minutes of the Ordinary Council Meeting held in the Council Chambers, 6 Paterson Street, Mundijong on Monday 16 October 2017. The Shire President declared the meeting open at 7.00pm and welcomed Councillors, staff and members of the gallery and acknowledged that the meeting was being held on the traditional land of the Noongar People and paid his respects to their Elders past and present.

Minutes

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

In Attendance:

Councillors: J Erren Presiding Member
D Atwell
K Ellis
D Gossage
S Hawkins
S Piipponen
M Rich
J See

Officers: Mr K Donohoe Chief Executive Officer
Mr A Schonfeldt Director Development Services
Mr D Elkins Director Infrastructure Services
Mr P Kocian Acting Director Corporate and Community Services
Ms A Liersch Minutes and Agendas Officer (Minute Taker)

Leave of Absence: Nil

Apologies: Nil

Observers:

Members of the Public – 13
Members of the Press – Nil
Shire Officers - 2

2. Public question time:

2.1 Response to previous public questions taken on notice:

Question asked by Mr J Kirkpatrick, 77 Mead Street, Byford WA 6122, 26 September 2017 Ordinary Council Meeting. (A letter was sent to Mr Kirkpatrick 5 October 2017 with the following response).

Question 2

How much money did Mr Stephen White pay in lieu of public open space and shortfall of parking bays for his shopping centre at the intersection of Pitman Way, Southwest Highway and George Street? As in reply to question 3 on 7 December 2015, it stated that there were no records of any funds being received or in reserve for this purpose and has this been clarified?

Response

The development was originally approved in 2004 requiring 62 car parking bays. The plans approved provided for 48 car parking bays and required cash-in-lieu to be paid for the



shortfall of 14 car parking bays. However, following this approval, the landowner provided further information as to the tenants who would occupy the development and it was determined that only 48 bays were required at the time.

Council, at its Ordinary Council Meeting of 24 March 2014, considered a report in relation to the car parking at the subject site. This report can be viewed on the Shire's website using the following link <http://www.sjshire.wa.gov.au/assets-archive/OCM/OCM-2014/ocm-mins-24-march-2014.pdf>

The report discussed that the Shire's Town Planning Scheme No.2 has provisions where Council may accept a cash payment in lieu of the provision of car parking. One of these provisions requires Council to have either provided a public car park nearby or have a firm plan to provide such a car park nearby, within a period of eighteen months. At that time, Council had no firm plans to build or construct a new public car park in the town centre.

In considering the report, Council resolved as follows:

OCM150/03/14 Parking – Byford Shopping Centre (P05176/01)

Cr Rossiter, Cr Erren and Cr Hawkins left the Chambers at 9:18pm.

Officer Recommendation:

That Council write to the owner of Lot 3 (837) South Western Highway, Byford regarding the shortfall in the provision of car parking bays at the site and the requirement for a cash payment in lieu of providing a parking area, in accordance with the conditions of approval.

During debate Cr Urban foreshadowed he would move an alternative motion that includes only parts 1-4, if the motion under debate is lost.

OCM150/03/14 COUNCIL DECISION / New Motion

Moved Cr Kirkpatrick, seconded Cr Wilson

That Council:

1. Note that Community consultation has already taken place following Council's adoption of the draft Byford Town Centre Access and Parking Strategy as per OCM014/08/13.
2. Request that officers arrange a briefing session of Council to discuss the draft Byford Town Centre Access and Parking Strategy and to consider the issues raised in the submissions received.
3. Establish a Working Committee consisting of three Councillors, officers and two community representatives, to provide further strategic input into the assessment of the draft Byford Town Centre Access and Parking Strategy.
4. Note that a review of the short and long term Parking and Access issues in the Byford Town Centre is a strategic planning priority and that a report on the Byford Town Centre Access and Parking Strategy be presented back to Council by August 2014.
5. Take no further action against the owner of Lot 3 South Western Highway, Byford due to the length of time that has elapsed since the development was constructed.



CARRIED 4/2
Cr Urban voted against the motion.

Council note: Council requested a briefing on the draft Byford Town Centre Access and Parking Strategy. A Working Committee will be formed, to provide further strategic input into the assessment of the draft Byford Town Centre Access and Parking Strategy, with a report to be presented back to Council by August 2014. Council also decided to no further action against the owner of Lot 3 South Western Highway, Byford due to the length of time that has elapsed since the development was constructed.

Cr Rossiter, Cr Erren, Cr Hawkins returned to the Chambers at 9:37.

This decision of Council effectively waived the requirement for cash-in-lieu or the provision of additional car parking bays. Therefore, whilst the development resulted in only 47 bays being constructed, the approval allocation is still the total of 62 bays.

One planning approval has been issued since Council's decision in 2014 for a change of use from an Office to a Fast Food/Takeaway at Unit 2. The Byford Town Centre Local Structure Plan requires tenancies, regardless of land use, to provide 1 parking bay per 20m² of Gross Leasable Area. In this case, the floor area was not being increased as part of the proposal and therefore it was considered that no additional parking was required.

2.2 Public questions:

Public question time commenced at 7.03pm.

Mrs L Bond, Box 44, Armadale WA 6112

Question 1

Having asked a question at the last OCM about the production of receipts when Councillors claim mileage, I did not receive an adequate answer. So to clarify this matter, is a physical receipt produced by the claimant or is a form signed stating where the Councillor went to and to whom they went to see and from where they left?

Response

A claim form for mileage is completed by Elected Members with the nature of their travel ie. to Council meetings and other travel relating to their role under Policy G003 Councillor Entitlements. Disclosure is made of the point of departure and arrival and the kilometres travelled.

Question 2

How much is paid each km for mileage claimed by Councillors? Example: if 69 cents per km is paid and the Councillor travelled 4 km would that be a cost to the ratepayer of \$2.76?

Response

Claims for mileage are paid under two separate categories depending on the nature of travel.

- 1. Elected Members are entitled to be reimbursed for travel costs incurred from their residence or place of work, to the Council or Committee meeting and back. The rate of reimbursement is to be calculated at the rates contained in Section 30.6 of the Local Government Officers' (Western Australia) Interim Award 2011 (as amended). Refer below:*



Area and Details	Engine displacement (in cubic centimetres)		
	Over 2600cc	Over 1600cc to 2600cc	1600cc and under
	Cents per kilometre		
Metropolitan area	93.97	67.72	55.85
South West Land Division	95.54	68.66	56.69
North of 23.5 Latitude	103.52	74.12	61.21
Rest of state	99.01	70.87	58.37
Motor cycle	Rate c/km		
Distance travelled	32.55		

2. *Elected Members may also claim reimbursement for travel costs incurred in performing a function under the express authority of the local government; and an expense incurred by a council member in performing a function in his or her capacity as a council member. The rate of reimbursement is to be calculated at the rates contained under the Public Service Award 1992 issued by the Western Australian Industrial Relations Commission.*

SCHEDULE F - MOTOR VEHICLE ALLOWANCE

As from the first pay period commencing on or after 15 July 2008

Area Details	Rate (cents) per kilometre		
	Engine Displacement (in cubic centimetres)		
	Over 2600cc	Over 1600cc to 2600cc	1600cc and under
Metropolitan Area	89.5	64.5	53.2
South West Land Division	91.0	65.4	54.0
North of 23.5o South Latitude	98.6	70.6	58.3
Rest of the State	94.3	67.5	55.6

Question 3

When there is a non disclosure clause regarding financial damages and the Councillor involved chooses to put the amount of damages up on Facebook, will the ratepayers be responsible for any further damages claims or is this Councillor on his own?

Response

Council's insurance cover may provide insurance protection for an elected member if such a disclosure had been made. The matter would be assessed by Council's insurer at the time an action was received to determine whether any proposed claim was to be covered



or whether this was a matter between two (2) or more parties independent of the Shire of Serpentine Jarrahdale.

Public question time concluded at 7.07pm.

3. Public statement time:

Public statement time commenced at 7.07pm.

Mrs L Bond, Box 44, Armadale WA 6112

It needs to be said that the behaviour of some of the candidates seeking election to this Council should cause serious concern to the ratepayer because of the behaviour of particular candidates.

One sat next me at the last OCM and besides sticking his grubby finger up to shush me, he spent the rest of the night on his iPad Facebooking. We certainly need him on council! He only responded once when Councillor See made a comment regarding a fast food matter and that was to say, "wish she was running at these elections".

Another candidate running in the North Ward wouldn't answer what seemed to me, to be a person questioning this candidates promises and the candidate called people like him trolls, gosh we need this one too!

Again we have the sustained efforts of a sitting councillor trying to destroy two candidates reputations with her defamatory behaviour. I am sure there is a rule about divulging private council matters to those who would use this information to perpetuate an avenue of followers for their needs. Some glaring mistakes have been made, but that's okay I didn't miss them.

Besides putting up defamatory items on Facebook, there are those who have tampered with a candidates poster, this indicates a candidate of value in this circumstance. Those who have thrown stupid little tantrums and then found out there is more than one way to trap a rat.

Voters had better be very sure of their choice of candidate or the circle will continue and I know I won't be responsible. If voters ignore the elections they will be condoning the behaviour we now endure.

Public statement time concluded at 7.08pm.

4. Petitions and deputations:

4.1 Mr Brendan Marsh, BJ Marsh Pty Ltd on behalf of Mr Rob McKail, 1326 Rowley Road, Darling Downs regarding OCM138/10/17, Lot 3264 Bernborough Way, Darling Downs

In general terms, the purpose of my deputation is to present corrections, clarifications and additional information regarding the Officers report to Council as follows:

- Introduction paragraph 1 sentence 2: the Proponent is unaware of any previous application on the matter or rejection by the Shire.
- Various report comments associated with management of the Reserve: while the Shire presently has a management order over the Reserve, the reserve is in a poorly managed condition and poses a significant bushfire hazard as it is without firebreaks, and the majority of the reserve is overgrown with grasses, weeds and unpruned trees. The Proponent is unaware of maintenance activity of any significance undertaken to



mitigate this matter. The Proponent would mitigate this matter for the relevant portion of land.

- Background paragraph 1 sentence 2: it is suggested the reserve forms part of a 'comprehensive bridle trail network', however, this is not the case owing to this bridle trail's northern cul-de-sac and a number of consultation comments highlight this problem.
- Background paragraph 2 sentence 4: it is stated the purchaser is proposing 'to apply a lock to prevent trespass through to Rowley Road', however, the Proponent has not proposed to apply a lock:
 - The fencing and gates proposed is to separate the easement from the remainder of the purchaser's property, not to impede access to the easement. The Proponent will consider an alternative Instrument to an Easement which better meets the needs of the Shire.
 - The Proponent considers applying a lock to the gate to be hazardous in the case of a bushfire as this will impede the escape of users of the Bridal Trail.
 - The Proponent has been told by staff of the fire brigade that they will break gates fitted with any lock (or nearby fencing) in the event of a bushfire and the owner will be responsible for the repair of the fencing/gate.
- Consultation: It is noted the Officers have not discussed the proposal with BJ Marsh Pty Ltd, who lodged the proposal on behalf of Mr Rob McKail and the Officers have not previously invited comment from BJ Marsh Pty Ltd on the submissions received.
- Comment paragraph 1 sentence 3: the Proponent has proposed an Easement for the purpose of guaranteeing access to the Reserve. In addition, the Proponent is willing to increase the extent of the Easement (or alternative Instrument) to enable the Shire to guarantee access to the Reserve and extend access through to Rowley Road via the property's existing driveway, all of which the Proponent would maintain. This would enhance access to the reserve, enhance outcomes for the Equestrian Reserve and improve safety via the improved connectivity (e.g. for fire trucks between Rowley Road and the northern end of the Reserve).
- Rural Strategy Review 2013 paragraph 2, objectives of the 'Residential and Stable Policy': with minor adjustment, the proposal has the potential to significantly improve outcomes as per the objectives of the 'Residential and Stable' policy area and the prospective Purchaser is willing to consider further suggestions of the Councillors and Officers.
- OCM138.2/10/17, objections relating to taking away access to the Bridal Path: The proponent does not wish to take away access to the Bridal Path and will consider an alternative Instrument for reliably ensuring access continues and is enhanced.
- OCM138.2/10/17, objections presuming the Bridal Path continues to Rowley Road or asking for the Bridal Path to extend to Rowley Road: the Bridal Path community have indicated they would prefer better access and this can be accommodated with an adjusted proposal as discussed above.
- OCM138.2/10/17, objections asking why a lock is not placed on the gate: the purchaser considers this to be hazardous as this would impede emergency access during a bushfire and fire brigade staff have told the prospective purchaser they will break the fence / gate in the event of a bushfire and a lock (of any sort) being present on a gate.
- Alignment with our Strategic Community Plan: the above demonstrates the proposal can be consistent with and enhance outcomes under the Shire's Strategic Community Plan.
- Financial Implications paragraph 1 sentence 1: It is stated 'Council would not gain financially from the sale of the lane', however, it may be possible to negotiate with the State part or all of the land sale proceeds to go to the Shire in return for the Shire



relinquishing its management order – this possibility should be explored as it may release vital funding to help properly maintain the Reserve.

- Financial Implications paragraph 1 sentence 2: There is little evidence the reserve is being properly maintained indicating any budget allocated to the Reserve is insufficient and so the Reserve represents an insufficiently funded maintenance liability to the Shire. This proposal would contribute a reduction to this problem.
- Risk Implications: as discussed above, the proposal has the potential enhance Services to the community – the likelihood of this risk would then become assessed as Rare resulting in the risk of supporting the proposal being Low.

Accordingly, the purpose of the Deputation is to invite the Council to adopt an alternative resolution instructing the Officers to negotiate with the Proponent and the State Government to facilitate:

- The Proponent's purchase of the land;
- Implementation of an appropriate Instrument similar to the originally proposed Easement to enable the Shire to reliably ensure access to the Bridal Trail to the existing abutting properties, extend the access through to Rowley Road and provide improved access in the case of an emergency, such as a Bushfire; and
- Financial benefits flowing to the Shire from the State's sale of the land in return for it relinquishing its Management Order over this portion of the Reserve.

5. President's report:

Hello and welcome to the October Ordinary Council Meeting.

The Jarrahdale Log Chop was once again a resounding success, and is always one of the highlights of our community calendar. Well done to all involved.

I had the honour of attending the first Athlete Recognition Evening on 10 October at Quarry Farm. The event saw athletes from 23 different sports come together to celebrate their achievement and hear from motivational speakers. The Shire is proud to have supported these wonderful community members through our Community Grant programs to help them reach their goals.

We are still looking for our Australia Day community heroes, and would like to encourage you to nominate volunteers who dedicate their time and expertise towards bettering our community. The awards are presented across five categories:

- Citizen of the Year
- Citizen of the Year (Youth – under 25 years)
- Citizen of the Year (Senior – over 65 years)
- Active Citizenship for a Community Group of Event and
- Clem Kentish Community Service Award – 20 years minimum length of service to the community.

You can nominate online through the awards website www.citizenshipawards.com.au or visit the Shire administration office to pick up a hard copy form. Nominations close on 31 October 2017.

The Local Government Election will take place on Saturday 21 October. I would like to take this opportunity to offer all candidates my very best wishes for an exciting election day. I have enjoyed the challenges of leading Council through a difficult journey post Local Government reform, and would like to thank everyone for their support. I look forward to seeing what the bright future holds for Serpentine Jarrahdale.

**6. Declaration of Councillors and Officers interest:**

Nil

7. Confirmation of minutes of previous Council meeting(s):**7.1 Ordinary Council Meeting – 26 September 2017****COUNCIL DECISION**

Moved Cr Hawkins, seconded Cr Piipponen

That the minutes of the Ordinary Council Meeting held on 26 September 2017 be confirmed (E17/9683).

CARRIED UNANIMOUSLY 8/0**8. Receipt of minutes or reports and consideration of adoption of recommendations from Committee meetings held since the previous Council meetings:****8.1 Planning reports**

OCM136/10/17 – Lot 9001 Utley Road and Lot 9002 Wattle Road, Serpentine – Final Determination of Proposed Scheme Amendment No.199 – Rezoning from ‘Rural’ to ‘Special Rural’ (PA16/209)	
Author:	Rob Casella – Senior Strategic Planner
Senior Officer/s:	Deon van der Linde – Executive Manager Strategic Planning Andre Schonfeldt – Director of Planning
Date of Report:	14 September 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Proponent:	Gray & Lewis Land Use Planners
Owner:	Stron Pty Ltd
Date of Receipt:	7 September 2016
Lot Area:	91.1291 Ha (combined)
Town Planning Scheme No 2 Zoning:	Rural
Metropolitan Region Scheme Zoning:	Rural

Introduction

The purpose of this report is for Council to consider the submissions received during the public consultation period for Scheme Amendment No.199 (the amendment) and to determine whether to support the amendment, with or without modification. The amendment seeks to rezone Lots 9001 Utley Road and Lot 9002 Wattle Road, Serpentine from ‘Rural’ to ‘Special Rural’ under the Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS2).

Officers do not have delegation to consider amendments to TPS2, therefore this report is presented to Council for determination. As is set out in this report, Officers recommend that Council resolve to support the amendment, with modification, as contained within OCM136.3/10/17.



Locality Plan

Relevant Previous Decisions of Council

OCM024/03/17 – Council resolved to support Scheme Amendment No.199 subject to modification, for advertising. The modifications were to the special provisions to be included in Appendix 4 of the Scheme, which required a road be constructed along the western boundary of the subject site. This is to ensure a physical boundary is created between the rural land uses from the proposed rural residential zone.

A copy of the advertised Scheme Amendment report, with the modification, is contained within attachment OCM136.1/10/17.

Background

Existing Development

The subject site is currently utilised for cattle grazing and horse agistment with low stocking rates. The site currently accommodates an existing dwelling, caretakers dwelling, stables and associated outbuildings, all located on Lot 9002 Wattle Road, Serpentine. The existing dwelling is proposed to be retained on a larger lot, whilst the ancillary buildings will be demolished at subdivision stage.

The subject site borders 'rural living' lots of varying sizes to the north and east, with 'rural' zoned land to the west and south. The subject lot is considered to bookend the 'rural living' precinct in the southwest corner of the Serpentine Townsite.

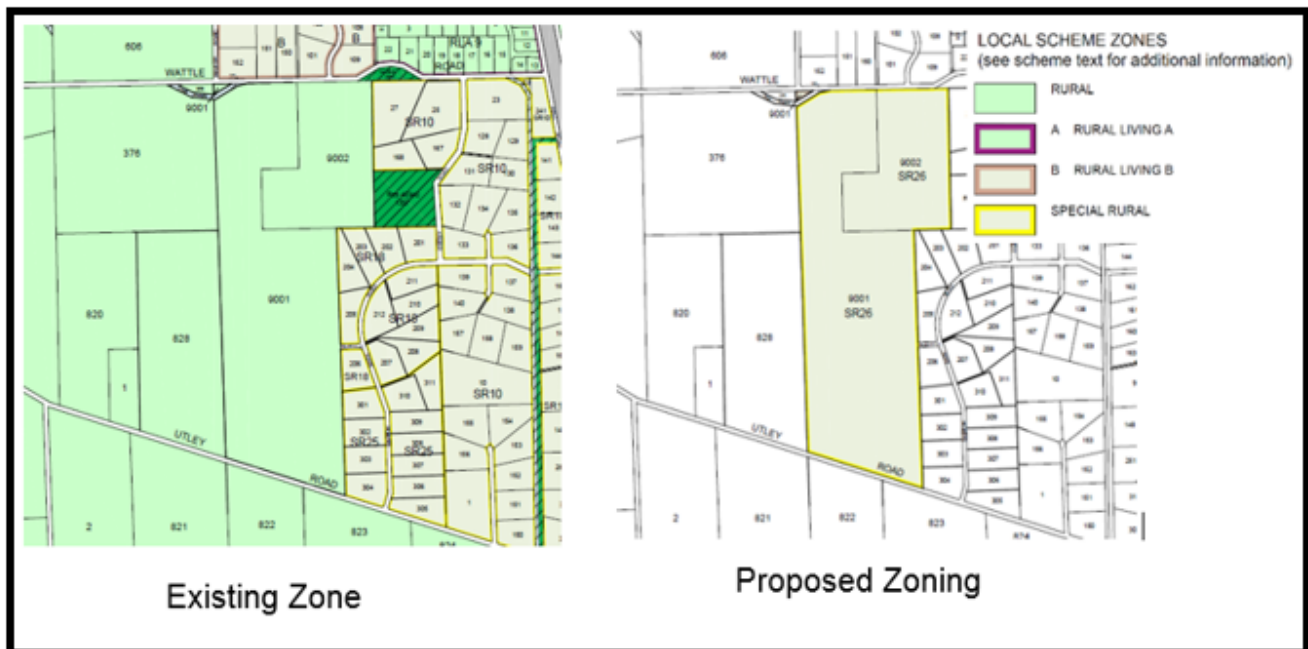


Proposed Development

The proposal to amend to the Shire's TPS2 is as follows:

1. *Rezoning Lot 9001 (No. 154) Utley Road and Lot 9002 (No. 103) Wattle Road, Serpentine from 'Rural' to 'Special Rural' in accordance with the Scheme Amendment Map;*
2. *Amending the Scheme Map by delineating Lot 9001 (No. 154) Utley Road and Lot 9002 (No. 103) Wattle Road, Serpentine as 'SR 26';*
3. *Listing Lot 9001 (No. 154) Utley Road and Lot 9002 (No. 103) Wattle Road, Serpentine as 'SR 26' in 'APPENDIX 4 – SPECIAL RURAL ZONE' with land use controls and special provisions:*
 - a) *All buildings and structures shall be constructed at a minimum setback of 15m from the primary street dwelling and 10m from any other lot boundary'*
 - b) *No building shall be constructed of materials, the colour or texture of which in the opinion of the Council is undesirable for the locality;*
 - c) *No dwelling shall be approved by the Council unless it is connected to an alternative domestic waste water treatment system as approved by the Department of Health, and with the base of the system or the modified irrigation area being the required distance above the highest known water table.*
 - d) *The keeping of horses, sheep, goats and other grazing animals shall be subject to the prior approval of the Council. Animal stocking rates shall not exceed the stocking rates recommended by the Department of Agriculture for the pasture type for the policy area.*
 - e) *The Structure Plan and subsequent subdivision shall incorporate a road on the western boundary of the subject sites to ensure an appropriate separation and buffer is created between the Rural and Rural Residential interface. To this extent it is expected that the western boundary road would be an extension of Walker Road from Wattle Road in the north to Utley Road in the south.*

In accordance with the objectives and guidelines of the Rural Strategy 2013 Review, the 'Special Rural' zone permits a minimum lot area of 2ha to 4ha as per the Rural Living B classification. The accompanying structure plan, which is provided in support of the Scheme Amendment, identifies the creation of 41 'Special Rural' lots between 2ha and 3ha.

**Zoning Plan****Community / Stakeholder Consultation**

In accordance with Part 5, Division 4 of the *Planning and Development (Local Planning Scheme) Regulations 2015 (LSP Regulations)*, a standard Scheme Amendment is required to be advertised for a minimum of 42 days. The subject application was publicly advertised for a period of 50 days, from 10 August 2017 to 22 September 2017, inclusive. A total of 27 submissions were received. A copy of the schedule of submissions are contained within Attachment OCM136.2/10/17.

Seventeen of the submissions were submitted by State Government Agencies/service providers. All but the Environmental Protection Authority (EPA) confirmed either no objection or no comment on the proposal, with some providing technical comment.

The EPA have advised that the information provided is insufficient to enable the EPA to comply with section 48A of the EPA Act 1986. It advises that the Local Water Management Strategy (LWMS) is not sufficient and does not demonstrate that water quality and quantity impacts can be managed to meet the requirements of the Peel Inlet-Harvey Estuary Environmental Protection Policy.

It should be noted, a further detailed LWMS will be supplied as part of a future structure plan application, post gazettal of Scheme Amendment No.199.

Of the remaining 10 submissions received from surrounding land owners, two of them object to the proposal. Four provided support for the proposal, whilst two of them were conditional. The remaining three raised concerns about the proposal.



The following is a summary of the concerns raised:

1. *Water Corporation has raised comments advising, in accordance with State Planning Policy 2.5 – Rural Planning, that lots less than 4 ha, is required to be connected to reticulated water.*

Shire Response

State Planning Policy 2.5 states that where it has been demonstrated reticulated water supply is not available, a fit-for-purpose domestic potable water supply may be supported. This is expected to be provided as part of the structure plan application, post the approval of the Scheme Amendment Report.

2. *Environmental concerns relating to the failure of on-site waste water treatment units on water logged land/land prone to flooding, impacting the Peel-Harvey Estuary.*

Shire Response

A satisfactory land capability assessment has been carried out over the site. It is considered that the soils are capable of accommodating appropriate on-site waste water treatment units. Domestic waste water treatment units will require the approval of the Shire.

3. *The central road identified on the proposed structure plan concept map causes implication for property values, privacy and traffic noise & safety for the lot(s) directly north of the proposed intersection. Wattle Road cannot sustain extra traffic, due to its current design.*

Shire Response

The Council have required that an entrance road be provided along the western boundary, as a continuation of Walker Road. This will likely require a redesign of the structure plan concept plan. It will alleviate concerns relating to privacy and traffic noise and safety directly across from any future proposed intersection. As part of the structure plan process, a traffic impact assessment will be required to be approved by the Shire, detailing the anticipated traffic volumes which will determine the appropriate road widths and safety mechanisms required for the road /traffic conditions.

4. *The proponent has raised objection to the inclusion of provision 'e' under Appendix 4 for 'SR26' for a number of reasons:*
 - a. *The structure plan does not form part of the scheme amendment and the inclusion of the provision pre-empts the preparation of the structure plan without taking into consideration a range of other issues;*
 - b. *The provisions of a road along the western boundary may not be possible or practical;*
 - c. *Considerable work has been undertaken to prepare a structure plan based on a central north-south road, including a bushfire management plan and local water management plan. This will result in requiring the reports to be updated and the structure planning started over; and*
 - d. *No consultation between the proponent and the Shire have been undertaken regarding the scheme amendment, which raised concerns regarding the location of the north-south road. The inclusion of a structure plan design requirement will prejudice the orderly and proper planning process.*

Shire Response

- a. The proposed provision seeks to extend Walker Road south bound to Utley Road. The outcome of which, has a number of positive planning outcomes, including:
 - i. Creating a hard edge to the rural residential area, which clearly defines the boundary where rural residential areas stop and rural areas start;



- ii. The road increases the separation distance from the rural zoned land and the proposed rural residential lots, creating an additional buffer between the two zones. This would have the added benefit of minimizing conflicts between future proposed land uses on the rural land and rural residential lots.
 - iii. Provide a direct linkage from Utley Road to Karnup Road.
 - b. The clearing of vegetation contained within the road reserve and the balance of Lot 9001 Utley Road, is supported by Shire Officers to facilitate the future road extension. Access over the drainage reserve will require an application to the Department of Lands, for the purpose of constructing a road over the drainage reservation. This is common practice throughout the Shire and other local municipalities.
 - c. The structure plan concept is required to demonstrate how the site is capable of being developed, to support the proposed scheme amendment. The structure plan has no weight during the scheme amendment process and is required to undergo a separate assessment process. Provision 'e' of the scheme amendment seeks to set a minimum development requirement for subsequent stages within the planning process.
 - d. The inclusion of the subject provision was due to a developing understanding of the interface between the rural and rural residential zones in the Shire. By using physical boundaries such as a road, the landscape is augmented to prevent ongoing sprawl of rural residential style development.
5. *The use of groundwater bores is not supported by a number of landowners. Groundwater levels are dropping, especially during summer, Groundwater extraction for domestic or other uses, is not supported.*

Shire Response

Potable water supplies for domestic uses are proposed to be supplied via an appropriate roof catchment and stored in onsite rainwater tanks. Additional water requirements will require applications to the Department of Water, who are the responsible authority for issuing licenses for extraction and use of groundwater or water from watercourse.

6. *The scheme amendment should remain as 'Rural Living B' as per the Rural Strategy 2013, for continuity to adjacent blocks. The 'Special Rural' zone would allow landowners to run business from their property, which without strict regulations and ongoing monitoring from the Shire, the proposed rezoning would have the potential to turn into an industrial area, which would have a negative impact on preserving and enhancing the Shire's rural character and surrounding rural properties.*

Shire Response

The Shire's Town Planning Scheme No.2 contains general scheme provisions relating to the Special Rural zone. Additionally, the zoning table contains a list of permissible land uses, with which discretionary land uses are required to address a range of factors, which are regulated by the Shire's Statutory Planning Services, to ensure off-site impacts are controlled and minimised.

Statutory Environment

Legislation

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Metropolitan Region Scheme
- Shire of Serpentine Jarrahdale Town Planning Scheme No.2



State Government Policies

- Draft South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million
- State Planning Policy 2.1 – Peel-Harvey Coastal Plain Catchment
- State Planning Policy 2.5 – Rural Planning
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas
- Environmental Protection Authority Draft Environmental Assessment Guideline for Separation Distances Between Industrial and Sensitive Land Uses

Local Planning Framework

- Rural Strategy Review 2013

Planning Assessment

Orderly and Proper Planning

Strategic Framework

Directions 2031 and Beyond (Directions 2031)

Directions 2031 sets out the framework and strategic plan for the future growth of the metropolitan Perth and Peel region. The purpose of the document is to direct the detailed planning and delivery of housing, infrastructure and services to achieve a connected city pattern of growth.

Directions 2031 recognises the potential growth of the south-east sub-region and estimates this to be between 30% and 35% by 2031. The proposed rezoning from 'Rural' to 'Special Rural' will inevitably contribute to the estimated growth, albeit only a very small portion.

A key strategy of Directions 2031 is to ensure development of rural land is carefully considered. Specifically, the prevention of any adverse impact on priority agricultural activity and essential basic raw materials. As further explained in the Officers report, emphasis on the protection of rural and agricultural activities is provided, in line with the strategic direction of Directions 2031. The proposal is considered to be generally consistent with the provisions of Directions 2031.

Draft Perth and Peel @3.5 Million and Draft South Metropolitan Peel Sub-regional Planning Framework (P&P@3.5)

P&P@3.5 is a suite of documents which seeks to guide future development of the Perth and Peel regions. This is supported through the development of a unified, long-term growth strategy for land use and infrastructure. P&P@3.5 provides guidance on where sustainable development should occur over the next 35 to 40 years, primarily through infill development initiatives. The framework identifies the subject site as 'Rural Residential'.

P&P@3.5 explains that a conservative approach to Rural Residential areas has been taken and as a result, areas identified for Rural Residential would only reflect areas already endorsed in existing strategies or areas considered to be 'rounding-off' of existing areas. With regards to the subject site, it is both in line with the Shire's Rural Strategy and considered to be a "rounding-off" of existing Rural Residential developments. P&P@3.5 raises concerns as to the potential impacts of Rural Residential developments on the Peel Harvey Catchment, this is further addressed below.

It also acknowledges that this style of development provides alternative lifestyle and housing opportunities, acting as a transitional zone between urban and rural areas. The proposal is therefore considered to be consistent with P&P@3.5.



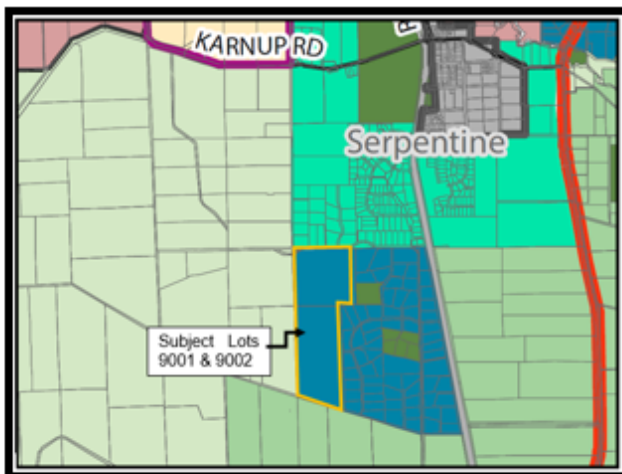
Shire of Serpentine Jarrahdale Rural Strategy 2013 Review (Rural Strategy)

The overall purpose of the Rural Strategy is to *'preserve and enhance the Shire's rural character and its role as an important contributor to the Shire and broader region'*.

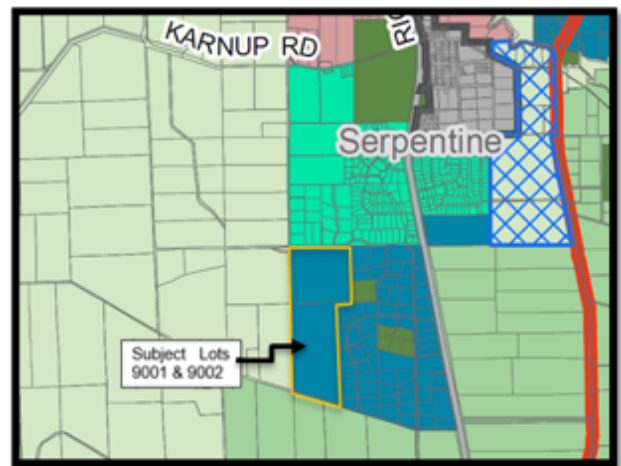
At its meeting held on the 22 August 2017, the Western Australian Planning Commission (WAPC) reconsidered the Rural Strategy 2013 Review (the Strategy). It resolved to provide in-principle support for the rural strategy 2013 review, subject to modifications. The proposed modifications do not impact or alter the classification of the subject lot.

Under the Strategy, the Rural Living Policy Area provides an opportunity for residential uses in a rural setting. The strategy recommends that consideration be given to changing the policy area to Rural Residential to be more consistent with the purpose and use of these types of lots.

The WAPC supported rural strategy, identify the subject lot as Rural Living B (2ha to 4ha lots). The subject site is virtually a 'rounding-off' of the Serpentine rural living precinct, as illustrated in the image below.



Council Endorsed Rural Strategy



WAPC Supported Rural Strategy

The Special Rural zone is considered to be consistent with the Rural Living B zoning, with specific regard to lot sizes and the objectives of the zone.

Statutory Framework

Section 5.9 of TPS.2 provides general provisions specific to the Special Rural Zone. Specifically, clause 5.9.3 identifies details to be provided as part of a proposal to rezone land. The subject application has satisfied the requirements of the scheme.

Additionally, clause 5.4.2(a) establishes a default provision for boundary setbacks for residential development. The provision requires setbacks to be in accordance with the R2 density of State Planning Policy No. 3.1 - Residential Design Codes, being 20m from the primary street and 10m from all other boundaries.

Proposed special provision of Scheme Amendment No.199 proposes a 15m primary street setback and 10m boundary setback from all other boundaries. This is inconsistent with the intent of the Scheme. It is therefore recommended the Scheme Amendment be modified to remove special provision (a) from being included in Appendix 4 of the TPS2.



Land Use

The land directly abutting the subject lot to the east is zoned 'Special Rural' under TPS2 and depicted as 'SR18' on the Scheme map. Land directly to the west and south of the subject lot is zoned Rural under TPS2. The rural zone is intended to accommodate the full range of rural pursuits and associated activities. Land situated directly to the north is zoned 'Rural Living B' under TPS2. The Rural Living B zone is restricted in its land uses to primarily residential, rural use/intensive agriculture and stables. These land uses are consistent with objectives of the Rural Living B and Special Rural zones.

The proposed land uses expected over the site, following the gazettal of the Scheme Amendment, will facilitate predominantly residential land uses. Additional land uses intended for the Special Rural zone include hobby farm, horse training and breeding and intensive horticulture.

Additional land uses permissible under the zoning table of TPS2, are considered to be low impact land uses, however conducive to the rural landscape. The land uses likely to cause conflicts with adjoining property owners, are designated as discretionary uses, providing Shire Officers with the discretion to determine the appropriateness of possibly contentious land uses.

Land Capability

The subject site is located within the Peel-Harvey Coastal Plain Catchment, as identified in State Planning Policy 2.1 (SPP2.1). SPP2.1 aims to ensure that land use changes within the Peel-Harvey estuarine system are controlled through planning provisions, aimed at preventing environmental damage to the estuary. The Land Capability – Geotechnical Assessment Report (Land Capability Report), prepared by Landform Research, June 2016, confirms that the land is capable of accommodating rural living lots of a minimum area of 2ha. The report also confirms that the use of conventional septic systems are not acceptable in the local area, due to the potential for elevated water tables. Therefore, requirements for effluent disposal systems to be 500mm above temporarily water logged areas and 1200mm above any impermeable clay layer, to ensure compliance with the Health Act 1911.

The Land Capability Report briefly discusses the suitability of the subject site to accommodate 'alternative land uses'. However, the report does not address the likely impact or mitigation measures to be imposed, aimed at reducing the impact of livestock and nutrient export from the proposed lots. Further site specific land capability investigations/mitigation measures will need to be provided at the structure plan stage. The outcomes of the investigation will need to be reflected in the design outcomes and development standards contained within a future structure plan application.

Overall, it is considered the proposal is capable of being developed and managed appropriately to avoid negative impacts on local waterways and the Peel Harvey Estuary.

Hydrology

The land has no defined rivers or creeks traversing through the property. The site is relatively flat, grading approximately 4m from the south to the north, along the western boundary. The site also contains a central rise in the east side of the property.

The closest main watercourse is Karnet Brook, located south of Utley Road, which feeds into the Serpentine River. Various surface drains exist due to traditional farming practices, cutting the subject lot in an east-west alignment.

The future subdivision layout will divert surface water collected on the site, via swale drains established alongside the future road infrastructure. This will ensure the natural environmental flows are maintained.



The Scheme Amendment Application is accompanied by a Local Water Management Strategy (LWMS). The LWMS seeks to address the pre-development environment, water use and sustainability initiatives, stormwater management strategies, groundwater management strategies, future design considerations and implementation mechanisms.

The Shire's assessment of the submitted LWMS identified that the report is insufficient to be classified as an LWMS. However, the detail provided is considered suitable as a District Water Management Strategy (DWMS). The DWMS is only required to demonstrate that the land is capable of supporting the change in land use and is able to achieve appropriate urban water management outcomes. The following information is required to be addressed as part of the LWMS to ensure it is satisfactory:

1. Undertake groundwater monitoring for a minimum of two winter peaks, with some referenced bore data provided;
2. Geotechnical investigation to be supported by a minimum window sampling / test pitting to a reasonable depth (3m) in order to better understand the site geology to facilitate adequate road designs;
3. Hydrological analysis of the system needs to be undertaken, consistent with Australian Rainfall and Runoff Guidelines (ARR) 2016. The LWMS report considers single event rainfall parameters for basin sizing. The latest version of the ARR uses burst analysis of multiple rainfall patterns taken from Department of Water provided synthetic rainfall data; and
4. Define the legal points of discharge and critical controls proposed to be implemented.

It is considered that the proposed LWMS is sufficient in determining that the site is capable of being developed. It is expected as part of a future structure plan application, a satisfactory LWMS be submitted to support a revised lot design layout.

However, given the locality is generally known to be seasonally inundated due to its subsurface clayey soils, Officers recommend that a provision be included as part of the scheme amendment proposal. The provision shall require a section 70A notification to be imposed on each lot, advising potential purchasers that they are buying in a flood prone area.

Additionally, due to the impact of flooding on the subject land, Officers recommend a provision which restricts purchasers importing fill to just 1,500sqm, without requiring development approval. The fill should be generally associated with an approved building permit.

Amenity

Conflicting Land Uses

The subject site is located approximately 3.7km east of an existing piggery establishment. Under the Environmental Protection Agency's *Draft Environmental Assessment Guidelines for Separation Distances Between Industrial and Sensitive Land Uses*, a generic buffer distance of 5,000m is recommended.

Odour issues associated with the piggery, occurs primarily during the clean out of sediment ponds. This occurs twice a year. The piggery has approval for over 5,000 pigs. Shire records identify that the operations of the piggery has been modified to accommodate predominantly weaning pigs. This has reduced the odour generated from the piggery substantially, as such, the odour tends to be localised to the immediate neighbours only. It is considered that the reduced separation distance is not likely to generate significant conflicts with the future sensitive land uses intended to be established on the subject site.

Given the property is within the generic buffer distance to the approved piggery, Officers recommend a provision be imposed on titles via a Section 70A notification, advising purchasers that the land is within the generic buffer distance of 5,000m from an established piggery.



Traffic / Road Conditions

The subject site gains access via Wattle Road to the north and Utley Road along the southern boundary. Both roads provide good east west connections. Wattle Road providing direct access from Hall Road to Rapids Road, whilst Utley Road provides a direct linkage between Hall Road and Punrak Road / Hopeland Road. These roads are designed to a rural standard for local conditions.

It should be noted that the Department of Transport and Main Roads Western Australia have advised no comment and no objection, respectively.

Further detailed traffic assessments will be provided as part of a structure plan proposal, prior to a subdivision application being submitted with the Western Australian Planning Commission.

As part of its support for the subject Scheme Amendment, Council resolved to require a north south road be developed along the western boundary of the subject site. This is to be an extension of Walker Road. Walker road currently provide north south access between Wattle Road and Gull Road, providing direct access to Karnup Road, a district distributor function road. The north-south road along the western boundary will likely reduce the amount of traffic funnelled onto Wattle Road for access to the Serpentine Townsite, as well as serve as a physical boundary between the broad acre rural land to the west and the proposed rural residential style land to the east.

Through the preparation of a structure plan, a traffic impact assessment (TIA) will be provided for the Shire's review. The TIA will provide a traffic modelling scenario of likely vehicle movements through the surrounding locality. Accordingly, depending on the estimated increase in vehicle movements, appropriate road design upgrades will be incorporated in the detailed design for the subdivision.

Public Open Space

Section 153 of the Planning and Development Act 2005 (P&D Act) establishes the provision for a cash-in-lieu payment to be acceptable, where a condition of subdivision requires a contribution towards open space. Section 154(2)(c) permits the money collected through cash-in-lieu payments, to be applied towards improvement or development of parks, recreation grounds or open spaces, generally of any land in that locality vested in or administered by the local government, with the approval of the Minister.

The Shire's Community Infrastructure and Public Open Space Strategy (CIPOSS) identifies a deficiency of public open space, suitable for competition grade sporting field (including equine competitions). The Shire accommodates one of the largest standard bred horse industries in Perth. The special rural lots are most popular and appropriate for the keeping of horses. It is for this reason, that the Shire recommends the requirement for rural subdivisions to contribute towards a district equine facility, as identified in CIPOSS, as well as the recently adopted Community Infrastructure Implementation Plan.

Identification of the District Equine Facility satisfies the Western Australian Planning Commissions (WAPC) requirements to impose an open space contribution condition on subdivisions. This is specified under Clause 3.1.6 of Development Control Policy 2.3 – Public Open Space in Residential Areas (DC2.3), and further reflected in the State Governments Liveable Neighbourhoods (LN) operation policy. Specifically, Requirements 39 (R39) of Element 4 – Public Parkland of LN, implies that Public Open Space (POS) contributions are required for subdivisions greater than five lots.

The Shire has a trust account in which funds are paid into for cash-in-lieu contributions for POS, as required under section 154(1) of the P&D Act. Council is required to seek the Ministers consent to apply the funds collected to be put towards the maintenance and upgrade of existing equine reserves. This should be undertaken by Shire Officer's, following the gazette of the subject scheme amendment.



It is recommended that a provision be included in Appendix 4 for SR26 of the Scheme to require the developer to provide a contribution (cash or otherwise) for 10% of the value of the site for district public open space.

Options and Implications

Council has the following options:

Option 1: Council may resolve to support the amendment with modifications.

By supporting the amendment with modification, Council acknowledge that a traffic impact statement is required to assist Officers in determining the suitability of the existing road network to service the future rural residential lots, especially given the alternative road network proposed to the structure plan concept accompanying the Scheme Amendment Report.

Option 2: Council may resolve to support the amendment without modification.

If Council resolve to support the amendment without modifications, it chooses to do so without completely understanding the potential implications of such a proposal on the existing road network and surrounding properties.

Option 3: Council may resolve not to support the amendment.

If Council resolve not to support the amendment, Council will be required to provide sound planning reasons for not supporting the Scheme Amendment in its current form.

Option 1 is recommended.

Conclusion

Scheme Amendment No.199 to Town Planning Scheme No.2 seeks to rezone Lot 9001 Utley Road and Lot 9002 Wattle Road, Serpentine from 'Rural' to 'Special Rural'. The amendment also seeks to include specific development provisions within Appendix 4 of the Scheme.

Submissions were received on the amendment. Generally the response has been supportive, with the majority advising no objections. However, a number of submissions raised concerns relating to groundwater, traffic, environmental impacts and the subdivision layout. Shire Officers have addressed the concerns and proposes a modification requiring a Transport Impact Assessment to be submitted to the satisfaction of the Shire.

The proposed Scheme Amendment is consistent with the state and local planning framework. Officers, therefore recommend that Scheme Amendment No.199 be supported with modifications.

Attachments

- [OCM136.1/10/17](#) – Scheme Amendment No.199 – Advertised Report and Appendices (IN17/15866)
- [OCM136.2/10/17](#) – Summary of Submissions (E17/4405)
- [OCM136.3/10/17](#) – Schedule of Modifications (OC17/15013)



Alignment with our Strategic Community Plan

Outcome 3.1	A commercially diverse and prosperous economy
Strategy 3.1.1	Actively support new and existing local business within the district.
Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.

Financial Implications

There are no direct financial implications regarding this matter

Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Approved	Almost Certain (5)	Insignificant (1)	Low (1-4)	Reputation - 1 Insignificant - Unsubstantiated, localised low impact on key stakeholder trust, low profile or no media item	Accept Officer Recommendation
Not Approved	Unlikely (2)	Moderate (3)	Moderate (5-9)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept Officer Recommendation

Risk Matrix

Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)



A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of six has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements: Simple Majority

OCM136/10/17 COUNCIL DECISION / Officer Recommendation

Moved Cr Hawkins, seconded Cr See

That Council

- 1. Notes the Summary of Submissions and endorses the Officer comments contained in attachment OCM136.2/10/17.**
- 2. Pursuant to *Section 75 of the Planning and Development Act 2005 (as amended)* and regulation *50(3) of the Planning and Development (Local Planning Schemes) Regulations 2015* resolves to support Scheme Amendment No. 199 to Town Planning Scheme No.2 (Rezoning from 'Rural' to 'Special Rural') with modifications by:**
 - a. Rezoning Lot 9001 (No 154) Utley Road and Lot 9002 (No 103) Wattle Road, Serpentine from 'Rural' to 'Special Rural' in accordance with the Scheme Amendment Map;**
 - b. Amending the Scheme Map by delineating Lot 9001 (No 154) Utley Road and Lot 9002 (No 103) Wattle Road, Serpentine as 'SR26'**
 - c. Listing Lot 9001 (No 154) Utley Road and Lot 9002 (No 103) Wattle Road, Serpentine as 'SR26' in 'APPENDIX 4 – SPECIAL RURAL ZONE' with land use controls and special provisions as follows:**



	NO.	SPECIFIED AREA OF LOCALITY	SPECIAL PROVISIONS TO REFER TO (a)
RLA	26	Lot 9001 (No 154) Utley Road and Lot 9002 (No 103) Wattle Road, Serpentine	<ol style="list-style-type: none">1. All buildings and structures shall be constructed at a minimum setback of 15m from the primary street and 10m from any other lot boundary.2. No building shall be constructed of materials, the colour or texture of which in the opinion of the Council is undesirable for the locality.3. No dwelling shall be approved by the Council unless it is connected to an alternative domestic waste water treatment system as approved by the Department of Health, and with the base of the system or the modified irrigation area being the required distance above the highest known water table.4. The keeping of horses, sheep, goats and other grazing animals shall be subject to the prior approval of the Council. Animal stocking rates shall not exceed the stocking rates recommended by the Department of Agriculture for the pasture type for the policy area.5. The Structure Plan and subsequent subdivision shall incorporate a road on the western boundary of the subject sites to ensure an appropriate separation and buffer is created between the Rural and Rural Residential interface. To this extent it is expected that the western boundary road would be an extension of Walker Road from Wattle Road in the north to Utley Road in the south.

3. Pursuant to Part 5 Division 3 Clause 53(1)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, supports the following modifications as contained within Attachment OCM136.3/10/17, by:

- a. Removing provision 1. of SR26 contained within the table to be included in Appendix 4 of the Scheme. This provision is suitably addressed by Clause 5.4.2(a) of the Shire of Serpentine Jarrahdale Town Planning Scheme No.2;
- b. Including the following provisions for SR26 contained within the table to be included in Appendix 4 of the Scheme as follows:
 - i) *"The subdivision of Lot 9001 Utley Road and Lot 9002 Wattle Road, Serpentine shall be subject to the provision of a contribution (cash or otherwise) towards 10% of the value of the site for District Public Open Space."*
 - ii) *"A Section 70 A notification being placed on the titles advising prospective purchasers that the lots are in a flood prone area and subject to inundation."*
 - iii) *"Lots are permitted to fill the site to a maximum area of 1,500sqm, providing the area to be filled is associated with an approved structure and/or an approved effluent disposal system."*



iv) "A Section 70A notification being placed on the titles advising prospective purchasers that the lots are within the generic buffer distance from an established piggery, which may have odour impacts on the lots."

4. Notes the Subdivision Guide Plan provided to accompany Amendment No.199, and further notes that is not required to support Amendment No.199 or approved through this resolution.
5. Forwards a copy of Amendment No.199 to Town Planning Scheme No.2, as advertised, and any other relevant documentation to the Western Australian Planning Commission in accordance with Part 5 Division 3 Regulation 53(3)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

CARRIED UNANIMOUSLY 8/0



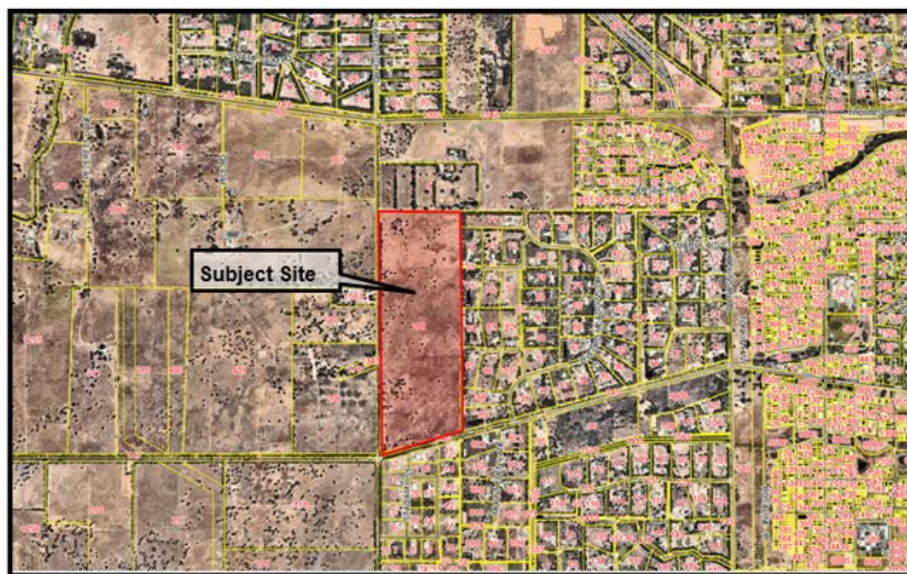
OCM137/10/17 - Lot 207, 363 Kargotich Road, Oakford – Final Adoption of Scheme Amendment No. 201 – Rezoning from ‘Rural’ to ‘Special Rural’ (PA16/167)	
Author:	Robert Casella – Senior Strategic Planner
Senior Officer/s:	Deon van der Linde – Executive Manager Strategic Planning Andre Schonfeldt – Director of Planning
Date of Report:	13 September 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Proponent:	MW Urban Planning and Development on behalf of Anne Marie Percy
Owner:	Anne Marie Percy
Date of Receipt:	17 August 2016
Lot Area:	51.9 hectares
Town Planning Scheme No 2 Zoning:	Rural
Metropolitan Region Scheme Zoning:	Rural

Introduction

The purpose of this report is for Council to consider the submissions received during the public consultation period of Scheme Amendment No. 201 (the amendment) and to determine whether to support the amendment, with or without modification. The amendment seeks to rezone Lot 207, 363 Kargotich Road, Oakford (subject site) from ‘Rural’ to ‘Special Rural’. The amendment modifies the scheme by amending the scheme maps and including specific development provisions within Appendix 4 of Town Planning Scheme No.2 (TPS2).

Officers do not have delegation to consider amendments to TPS2, therefore this report is presented to Council for determination. As is set out in this report, Officers recommend that Council resolve to support the amendment, with modification.



Locality Plan



Relevant Previous Decisions of Council

OCM070/06/17 – Council resolved to support the proposed Scheme Amendment for public advertising, subject to modification. The modifications were to include in the special provisions contained in Appendix 4 of the Scheme, to:

- i) require a public access way being created between proposed lots 5 & 6 of the concept plan,
- ii) a future road connection shall be included in the structure plan to connect the future subdivision with the property directly to the north (Lot 4 Kargotich Road); and
- iii) the subdivision shall be subject to the provisions of a contribution towards 10% of the site for public open space.

A copy of the Scheme Amendment report, with the modifications, is contained within Attachment OCM137.1/10/17.

Background

Existing Development

The subject site has traditionally been utilised for broad acre grazing and a dairy farm. More recently, the property is utilised for hay production. The property contains a single dwelling and incidental structures for machinery storage etc. The dwelling was occupied by the farmland manager.

An easement exists over the property. The easement provides for a 330kV powerline, which traverses through the centre of the property in a north-south direction.

Directly adjacent to the subject lot there is a 'Special Rural' subdivision to the east and a 'Rural Living A' subdivision to the south. The 'Special Rural' zone permits the subdivision of rural land down to a minimum 2ha, whilst 'Rural Living A' permits a minimum of 4,000sqm. Both predominant with the residential land use. To the north, there is a rural zoned property with the possibility of subdividing down to 4,000sqm lots, subject to a Scheme Amendment to 'Rural Living A', as supported in the Shire' Rural Strategy 2013 Review. To the west of the subject lot there is a number of 'Rural' zoned properties, as well as a reserve intended to be developed for the purpose of a future fire station.

In terms of access, the subject lot is bound by Kargotich Road to the west and Abernethy Road to the south.

Proposed Development

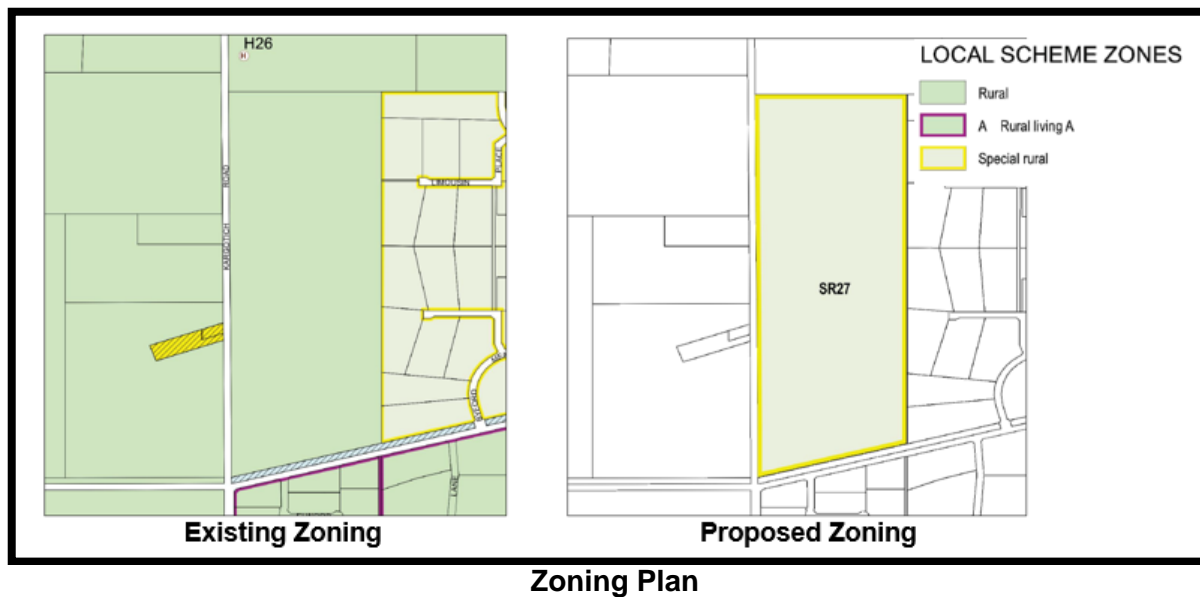
The proposal to amend the Shire's TPS2 has been advertised as follows:

1. *Rezoning Lot 207, 363 Kargotich Road, Oakford from 'Rural' to 'Special Rural'.*
2. *Amending the Scheme Map by delineating Lot 207, 363 Kargotich Road, Oakford within the Special Rural' zone and identifying it as SR27 (Special Rural zone 27).*
3. *Inserting in Appendix 4 – Special Rural Zone the following:*
 - i. *No dwelling shall be approved by the Council unless it is connected to an alternative domestic waste water treatment system as approved by the Department of Health and has a phosphorous retention capacity appropriate for the site which conforms to relevant Department of Environment Regulation and Department of Water provisions.*



-
- ii. *Prior to the clearance of the subdivision, the subdivider shall prepare a Building Envelope and Effluent Disposal Envelope Plan to the satisfaction of Council, with the location of the envelopes being determined based on geotechnical investigations undertaken by the subdivider. The effluent disposal envelopes are to be separate from the building envelopes and are to be 300m² in size. All buildings and effluent disposal systems to be located within the respective building envelopes and effluent disposal envelopes defined on the approved Building Envelope and Effluent Disposal Envelope Plan unless otherwise approved in writing by the Shire.*
 - iii. *The Council shall not support any application for subdivision of the land into Special Rural lot sizes unless the subdivision is consistent with a Structure Plan approved by the Western Australian Planning Commission for the subject lot.*
 - iv. *A Structure Plan for the subdivision of land into 'Special Rural' lot sizes shall have regard to the objectives set out in this Scheme for the zone or zones affected by it and the requirements of Part 4 of the Planning and Development (Local Planning Schemes) Regulations 2015.*
 - v. *The preparation of a Structure Plan shall include a future road connection to the Lot directly abutting the northern boundary, currently Lot 4 Kargotich Road, Oakford.*
 - vi. *The subdivider is to place a covenant on the title of each lot abutting Kargotich Road preventing direct vehicular access to and from Kargotich Road.*
 - vii. *The subdivider is to place a notification on the title of each lot advising potential purchasers of the minimum pad height requirements for future dwellings and effluent disposal systems to ensure that an adequate separation distance to groundwater is maintained. The minimum pad heights are to be determined through geotechnical investigations, in accordance with AS/NZS 1547 On-Site Domestic Wastewater Management, and identified in the approved Structure Plan.*
 - viii. *The subdivider shall prepare and implement a Bushfire Management Plan to the specification and satisfaction of the Shire.*
 - ix. *A public access way being created between proposed lots 5 & 6 of the concept plan contained within Scheme Amendment No 200.*
 - x. *The subdivision of Lot 207 Kargotich Road, Oakford shall be subject to the provision of a contribution towards 10% of the site for Public open Space.*

Under TPS2, the 'Special Rural' zone permits a minimum lot area of 2ha to 4ha in accordance with the objectives and guidelines of the Rural Strategy. The accompanying Structure Plan, which is provided in support of the Scheme Amendment, identifies the creation of 23 'Special Rural' lots between 2ha and 2.5ha. The Structure Plan does not form part of the Scheme Amendment proposal. Council will have an opportunity to determine the structure plan as part of a separate assessment process, as required under the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).



Community / Stakeholder Consultation

In accordance with Part 5, Division 4 of the Regulations, a standard scheme amendment is required to be advertised for a minimum of 42 days. The subject application was publicly advertised for a period of 49 days, from 21 July 2017 to 8 September 2017, inclusive. A total of 12 submissions were received. A copy of the schedule of submissions are contained within attachment OCM137.2/10/17.

The Shire received 11 submissions from State Government Agencies/services providers. Each providing comment or no objection.

The remaining submission was received from the proponent on behalf of the landowner. The submission opposes the inclusion of a 10% public open space contribution under item 10 of the land use conditions proposed to be inserted in Appendix 4 of Town Planning Scheme No.2.

The submission raises a number of arguments opposing the inclusion of the said provision, all of which are contained in the schedule of submissions. In summary, the submission raises arguments pertaining to the provision being inconsistent with State and Local Planning Policy framework, and therefore states that it is contrary to the established practice.

Officers consider that rural residential style developments create undue pressures on government to provide community and service infrastructure. Officers argue that the proposed development forms part of a greater settlement hierarchy, as reflected in the Rural Strategy 2013 Review. Therefore, contribution towards public open space is considered consistent with orderly and properly planning principles. Based on recent Australian Bureau of Statistics census, the average household in the Oakford area is 3.3 persons. With the proposal to create 23 lots, there's an expected 76 persons. This is an extra 76 residents in the Byford district, which will require access to community facilities for participation in community sporting and social events.

The WAPC's Development Control Policy 2.3 – Public Open Space in Residential Areas (DC2.3) states, that a cash payment in lieu of providing land for public open space can only be required if, *"the local government has an adopted strategy to provide open space by land acquisition in the locality of the subdivision."* The recently Council adopted Community Infrastructure and Public Open Space Strategy (CIPOSS), identifies that the Byford district has a deficiency of active public open space. As the Shire has a strategy and Structure Plans determining the location of district level open space, the Shire should assign the funds to contribute to the land acquisition for the said site(s).



Overall, the scheme amendment received no objection, nor did the inclusion of any other provisions proposed to be included.

Statutory Environment

Legislation

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*

State Government Policies

- Draft South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million
- State Planning Policy 1 – State Planning Framework Policy
- State Planning Policy 2.1 – Peel-Harvey Coastal Plain Catchment
- State Planning Policy 2.5 – Rural Planning
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas
- Liveable Neighbourhoods

Local Planning Framework

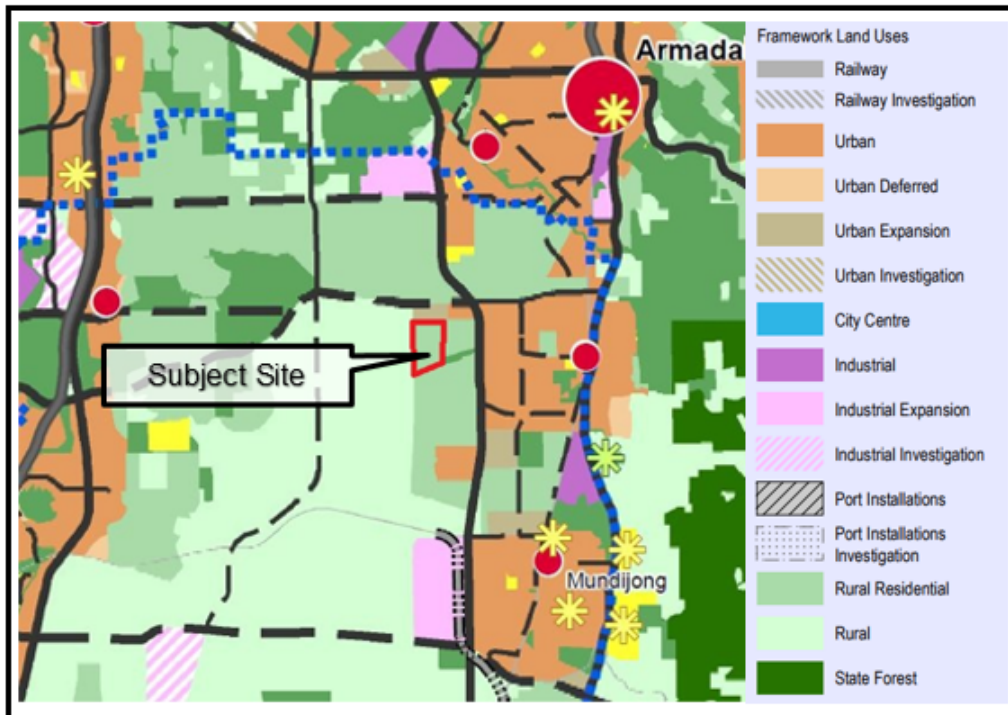
- Shire of Serpentine Jarrahdale Town Planning Scheme No.2
- Rural Strategy 2013 Review

Planning Assessment

Orderly and Proper Planning

Strategic Framework

Various strategic documents are relevant to the subject lot. A full assessment against the strategic framework is contained in the technical assessment report, refer to attachment OCM137.3/10/17. In summary, the proposal demonstrates compliance with *Directions 2031 and Beyond (Directions 2031)* that primarily focuses on urban infill, as opposed to rural lifestyle developments. *Draft Perth and Peel @ 3.5 Million* and *Draft South Metropolitan Peel Sub-Regional Planning Framework* classifies the subject site as being appropriate for 'Rural Residential' development. Rural residential development consists of subdivision of rural land from 1ha to 4ha lots, which is developed primarily for residential land uses.

**South Metropolitan Peel Sub Region – Map Extract**

Under the Shire's endorsed Rural Strategy 2013 Review, the subject site is classified as 'Rural Living B', therefore the scheme amendment proposal is consistent to the strategic framework. Following from the Western Australian Planning Commissions (WAPC) reconsideration of the Rural Strategy 2013 Review, at its Statutory Planning Committee (SPC) meeting held on 22 August 2017, it should be noted, the modifications requested by the WAPC does not impact on the subject property. The proposal complies with the strategic policy position of both Council and the WAPC.

Policy Framework

A number of State Planning Policies are deemed applicable to the subject proposal. The subject site falls within the Peel-Harvey Coastal Plain Catchment (PHC). State Planning Policy 2.1 contains objectives and provisions applicable to development proposals located within the PHC. The policy's overall intent is to ensure minimal environmental damage to the Peel-Harvey Estuary system occurs. In summary, although the soil conditions are not ideal, given the minimum lot sizes are 2.0ha there are no significant limitations of the land that cannot be mitigated during the design and construction process of subdivision and development.

State Planning Policy No.2.5 – Rural Planning (SPP2.5) provides the framework for planning and decision making for rural and rural living land within the State. SPP2.5 provides specific policy measures for the assessment of rural living proposals. In summary, as stated in the attachment of OCM070/06/17, the subject proposal satisfies the provisions contained in SPP2.5 for the assessment of rural living proposals for the following reasons:

- The subject lot is identified as being suitable under the adopted Rural Strategy 2013 Review;
- The site is in close proximity to the Byford Urban Cell, forming part of the settlement hierarchy for the urban district; and
- Satisfies the provisions contained within SPP2.5 for rural living proposals.



State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7) identifies the framework for undertaking a risk assessment from bushfire events. Based on Officers' assessment of the Scheme Amendment, it is considered the submitted Bushfire Management Plan is satisfactory, with further investigations required at subsequent planning stages. A full assessment of the Bushfire Management Plan was provided in the Attachment OCM070.2/06/17.

Other Considerations

Public Open Space Contribution

In preparation of CIPOSS, Officers identified a deficiency of public open space, suitable for competition grade sporting fields (including equine competitions). This provides the rationale for the Commission to impose an open space condition under clause 3.1.6 of DC2.3. This is further reflected in the State Governments Liveable Neighbourhoods (LN), which is an operational policy that guides structure planning and subdivisions of both greenfield and brownfield sites. LN also replaces the current WAPC development control policies and prevails where they conflict with the provisions of LN. Of specific reference, Requirement 39 (R 39) of Element 4 – Public Parkland of LN implies that a Public Open Space (POS) contribution is required for subdivisions greater than five lots.

Although rural residential style developments provide open space on private properties, public open space provisions are still essential in ensuring appropriate community facilities and activities are available for residents. Public Open Space provides a level of amenity as well as a communal focal point for recreation and leisure. The Shire has a strategy in place (CIPOSS) which has planned the location of appropriate POS.

The accumulation of rural residential development in the Oakford precinct has caused the need for a condition to be imposed on such development types.

Development Standards

Following the recent rainfall events for the year, it is evident that the subject site is prone to seasonal flooding. Proposed lots will require fill to establish appropriate separation distance from the flood level for residential development. The Shire has experienced throughout various locations within the Shire, landowners filling their land to address onsite flooding. This has the potential to amplify the issue of on-site flood impact on residential development. An assessment of the sites soil conditions and hydrology is detailed within the technical assessment contained within Attachment OCM137.3/10/17.

As a means of ensuring exemptions for development in accordance with the residential land use, as exempt under the Deemed Provisions of the Regulations, it is recommended that a provision be imposed on the proposed lots for the importation of fill to be restricted to a limit of 1,500sqm. This is deemed sufficient to cater for the necessary residential development requirements, common on Special Rural zoned lots.



Options and Implications

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

- Option 1: Council may resolve to support the amendment to the local planning scheme with modifications to address issues raised in the submissions.

Council support that the scheme amendment should be modified to refine item 10 of the land use conditions proposed to be inserted in Appendix 4 of Town Planning Scheme No.2 to ensure that a cash contribution is the preferred outcome of the provisions. This will provide Council the ability to apply the funds collected as part of the cash-in-lieu contribution of 10% of the land to be applied towards the maintenance and upgrade of existing public equine facilities, where applicable, subject to the approval of the Minister.

- Option 2: Council may resolve to support the amendment to the local planning scheme without modifications.

By supporting the amendment as advertised, clarity on how and on what, the contribution towards public open space is to be applied, will be left out of the scheme provisions. This may cause implications due to interpretation during subsequent planning stages.

- Option 3: Council may resolve not to support the amendment to the local planning scheme.

If Council resolve not to support the amendment, the Western Australian Planning Commission will review the amendment, report to Council, submissions and Council's resolution and determine the amendment on its merits.

Option 1 is recommended.

Conclusion

Council is requested to consider the submissions received on the subject scheme amendment proposal. All submissions expressed support or provided comment to the Scheme Amendment in general. One submission however, opposed the inclusion of a 10% public open space contribution under item 10 of the land use conditions proposed to be inserted in Appendix 4 of Town Planning Scheme No.2 being included.

Officers have addressed the submission above and within the schedule of submissions attached to this report. It is considered orderly and proper planning for a contribution towards public open space be imposed for a subdivision creating 23 lots.

Officers recommend that Council support the proposed scheme amendment with modifications.

Attachments

- [OCM137.1/10/17](#) – Scheme Amendment No.201– Advertised Report and Appendices (IN17/14122)
- [OCM137.2/10/17](#) – Schedule of Submissions (E17/7298)
- [OCM137.3/10/17](#) – Technical Assessment Report (OC17/10549)
- [OCM137.4/10/17](#) – Schedule of Modifications (OC17/18690)



Alignment with our Strategic Community Plan

Outcome 3.1	A commercially diverse and prosperous economy
Strategy 3.1.1	Actively support new and existing local business within the district.
Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.

Financial Implications

There are no direct financial implications regarding this matter.

Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Approved	Almost Certain (5)	Insignificant (1)	Low (1-4)	Reputation - 1 Insignificant - Unsubstantiated, localised low impact on key stakeholder trust, low profile or no media item	Accept Officer Recommendation
Not approved	Unlikely (2)	Moderate (3)	Moderate (5-9)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept Officer Recommendation

Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)



A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of six has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements: Simple Majority

OCM137/10/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Ellis

That Council:

- 1. Notes the schedule of submissions and endorses the Officer's comments as contained in attachment OCM137.2/10/17.**
- 2. Pursuant to *Section 75 of the Planning and Development Act 2005 (as amended)* and regulation *50(3) of the Planning and Development (Local Planning Schemes) Regulations 2015* resolves to support Scheme Amendment No. 201 to Town Planning Scheme No.2 (Rezoning from 'Rural' to 'Special Rural') with modifications by:**
 - a. Rezoning Lot 207, 363 Kargotich Road, Oakford from 'Rural' to 'Special Rural'.**
 - b. Amending the Scheme Map by delineating Lot 207, 363 Kargotich Road, Oakford within the 'Special Rural' zone and identifying it as SR27.**
 - c. Inserting in APPENDIX 4 – SPECIAL RURAL ZONE the following:**



DESCRIPTION OF LAND	LAND USE
7. Lot 207, 363 Kargotich Road, Oakford	<ol style="list-style-type: none">1. No dwelling shall be approved by the Council unless it is connected to an alternative domestic waste water treatment system as approved by the Department of Health and has a phosphorous retention capacity appropriate for the site which conforms to relevant Department of Environment Regulation and Department of Water provisions.2. Prior to the clearance of the subdivision, the subdivider shall prepare a Building Envelope and Effluent Disposal Envelope Plan to the satisfaction of Council, with the location of the envelopes being determined based on geotechnical investigations undertaken by the subdivider. The effluent disposal envelopes are to be separate from the building envelopes and are to be 300m² in size. All buildings and effluent disposal systems to be located within the respective building envelopes and effluent disposal envelopes defined on the approved Building Envelope and Effluent Disposal Envelope Plan unless otherwise approved in writing by the Shire.3. The Council shall not support any application for subdivision of the land into Special Rural lot sizes unless the subdivision is consistent with a Structure Plan approved by the Western Australian Planning Commission for the subject lot.4. A Structure Plan for the subdivision of land into 'Special Rural' lot sizes shall have regard to the objectives set out in this Scheme for the zone or zones affected by it and the requirements of Part 4 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.5. The preparation of a Structure Plan shall include a future road connection to the Lot directly abutting the northern boundary, currently Lot 4 Kargotich Road, Oakford.6. The subdivider is to place a covenant on the title of each lot abutting Kargotich Road preventing direct vehicular access to and from Kargotich Road.7. The subdivider is to place a notification on the title of each lot advising potential purchasers of the minimum pad height requirements for future dwellings and effluent disposal systems to ensure that an adequate separation distance to groundwater is maintained. The minimum pad heights are to be determined through geotechnical investigations, in accordance with AS/NZS 1547 On-Site Domestic Wastewater Management, and identified in the approved Structure Plan.8. The subdivider shall prepare and implement a Bushfire Management Plan to the specification and satisfaction of the Shire.9. A public access way being created between proposed lots 5 & 6 of the concept plan contained within Scheme Amendment No.200.10. The subdivision of Lot 207 Kargotich Road, Oakford shall be subject to the provision of a contribution towards 10% of the value of the site for Public Open Space.



-
- 3. Subject to the modification contained within Attachment OCM137.4/10/17, which is as follows:**
- a. Amends provisions 10 of SR27 contained within the table to be included in Appendix 4 of the Scheme to read as follows:**
- i) *“The subdivision of Lot 207 Kargotich Road, Oakford shall be subject to the provision of a contribution (cash or otherwise) towards 10% of the value of the site for District Public Open Space.”***
 - ii) *“A Section 70 A notification being placed on the titles advising prospective purchasers that the lots are in a flood prone area and subject to inundation.”***
 - iii) *“Lots are permitted to fill the site to a maximum area of 1,500sqm, providing the area to be filled is associated with an approved structure and/or an approved effluent disposal system.”***
- 4. Notes the Subdivision Guide Plan provided to accompany Amendment No.199, and further notes that is not required to support Amendment No.199 or approved through this resolution.**
- 5. Forwards a copy of Amendment No. 201 to Town Planning No.2, as advertised, and any other relevant documentation to the Western Australian Planning Commission in accordance with Part 5 Division 3 Regulation 53(3)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

CARRIED UNANIMOUSLY 8/0



OCM138/10/17 – Lot 3264 Bernborough Way, Darling Downs – Request to Purchase Part of Reserve (SJ463-14)	
Author:	Haydn Ruse – Planning Officer
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	11 September 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Proponent: BJ Marsh Pty Ltd
Owner: State of Western Australia
Date of Receipt: 20 June 2017
Lot Area: 56,196m² (8,034m² subject to purchase request)
Town Planning Scheme No 2 Zoning: 'Public Open Space'
Metropolitan Region Scheme Zoning: 'Rural'

Introduction

This report is presented to Council to consider the request from an adjoining land owner to purchase part of Reserve 35701, being Lot 3264 Bernborough Way, Darling Downs. The request was previously rejected by the Shire and is presented to Council for final determination. The Shire currently has management orders over the Reserve and would need to surrender the management order for the Reserve in order for the purchase of land to proceed.

Officers do not support the request and recommend Council reject the request.



Site Plan

Relevant Previous Decisions of Council

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

Background



The Shire of Serpentine Jarrahdale (the Shire) has a management order over the subject Reserve for the purpose of Public Recreation. The Reserve forms part of a comprehensive bridle trail network that services the entire Darling Downs locality leading to a central recreation area with specialised equipment for the exercising of horses. The Reserve is joint managed between the Shire and the Darling Downs Residents Association.

The application states that the purchaser has concerns relating to users of the bridle trail trespassing over private property to gain access to Rowley Road. The Reserve does not extend through to Rowley Road and the purchasers driveway connects the bridle trail to Rowley road. Access to the purchasers property is gated; however, the gate is not locked. Should the purchase request be supported the application states an access easement arrangement would be put in place to ensure affected land owners retain access to the bridle trail. The purchaser would place a new gate where the lot meets the Reserve and apply a lock to prevent trespass though to Rowley Road.

Community / Stakeholder Consultation

The request was advertised to affected land owners and relevant community groups for a period of 21 days, seeking preliminary feedback. A total of eight submissions were received all of which object to the sale of part of the Reserve. A summary of the submissions have been included in attachment OCM138.2/10/17.

Statutory Environment

Legislation

- Land Administration Act 1997
 - S87 – This section allows the Minister for Lands to sell Crown land and amalgamate it with an adjoining property where the land is considered to be unsuitable for retention due to: geographical location, potential use, size, shape or any other reason based on good land use planning principles.
- Local Government Act 1995
 - S3.58 – This section outlines the Local Governments responsibility and process in disposing of land or an interest in land. Should Council resolve to dispose of its interest in the land the process under S3.58 will be initiated.

Comment

The Darling Downs are has a long history of strategic planning to establish, facilitate and encourage equine activities in support of the Shire's equine industry. The Shire currently has a management order over Reserve 35701 which allows the Shire to ensure the Reserve is accessible to all abutting land owners. The request to purchase part of the Reserve would remove the Shire's ability to guarantee access and is considered to be contrary to the strategic objective for the area under the Shire's Rural Strategy Review 2013.

Rural Strategy Review 2013

Darling Downs is identified within the Rural Strategy Review 2013 as 'Residential and Stable'. The 'Residential and Stable' policy area was created in 2003 through a review of the 1994 Rural Strategy. The intent of the policy area is to provide a specialised zone for the Byford Trotting Complex and Darling Downs Equestrian Reserve. Due to the success of the Shire's equine industry the policy area has since been expanded to include the entirety of Darling Downs and the Rural Strategy 2013 seeks to establish another precinct south of Mundijong.

The objectives of the 'Residential and Stable' policy area are:



- To recognise the importance of the equine industry to the Shire;
- To recognise the adverse impacts of some activities ordinarily carried out within Rural Living areas on the equine industry and to ensure that these are adequately planned for;
- To maintain and protect the rural living and equine dominated character of the policy area; and
- Protect Local Natural Areas and encourage revegetation.

The sale of part of the Reserve is considered to be inconsistent with the objectives of the Rural Strategy Review 2013 for the 'Residential and Stable' policy area. The Reserve provides an area for equine activities to occur on public land. The sale of part of the Reserve would diminish the area available for equine activities and is not considered to be in the best interest of supporting the equine industry. Furthermore, the sale of part of the Reserve is not considered to be in line with maintaining and protecting the equine character of the area.

Options and Implications

Option 1: Council may resolve to agree to the sale of part of Reserve 35701.

Should Council agree to the sale of part of Reserve 35701 the Shire will surrender management orders over the subject part of the Reserve in accordance with S3.58 of the *Local Government Act 199*.

Option 2: Council may resolve to reject the request to purchase part of Reserve 35701.

Should Council resolve to reject the request to purchase part of Reserve 35701 the Reserve will remain in the Shire's management.

Option 2 is recommended.

Conclusion

The Darling Downs area has been established to integrate residential and equestrian uses, supported by the Shire's Strategic planning for the area since 2003. Reserve 35701 contributes towards achieving the objectives for the area and promoting equestrian development and land uses. The request to purchase part of the Reserve is considered to be inconsistent with the strategic vision for the area and is not supported by Officers. It is recommended that Council reject the request.

Attachments

- [OCM138.1/10/17](#) – Request to Purchase Reserve (IN17/12482)
- [OCM138.2/10/17](#) – Summary of Submissions (E17/9432)



Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.1	Provide well planned and maintained public open space and community infrastructure
Outcome 4.2	A strategically focused Council
Strategy 4.2.2	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions

Council's Strategic Community Plan seeks to provide public spaces that are well planned and maintained. Should part of Reserve 35701 be sold the Shire would lose public open space available to the local community and would not be able to ensure the land is maintained for those affected land owners using an access easement to access the bridle trails.

Outcome 4.2 promotes a strategically focused Council. Officers consider the sale of part of the Reserve to be inconsistent with the Rural Strategy Review 2013. The objectives of the strategy relating to equine development have been in place for 14 years. The sale of part of Reserve 35701 is considered to be counterproductive to the plans Council have put in place to protect and encourage equine use in the Darling Downs area.

Financial Implications

Council would not gain financially from the sale of the lane, as the subject land is not owned by Council any proceeds from the sale of the land would go to the State. Furthermore, the maintenance of the Reserve is already provided for in the budget. Should Council resolve to reject the request to purchase part of the Reserve there would be no financial loss.

Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Option 1: Potential impact to services	Possible (3)	Minor (2)	Moderate (5-9)	Service Interruption - 2 Minor - Temporary interruption to an activity – backlog cleared with existing resources	Accept Risk
Option 2: Financial cost of continued maintenance of the Reserve	Almost Certain (5)	Insignificant (1)	Moderate (5-9)	Financial Impact - 1 Insignificant - Less than \$50,000	Accept Risk



Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 6 has been determined for this item for either option. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

The financial risk of rejecting the sale of part of the reserve is negligible as this cost is already part of the Shires annual maintenance budget. Should the land be sold, amalgamated and an access easement be put into place there is a possibility of access to the bridle trail through the easement being interrupted. The application states that a gate would be placed at the new lot boundary which would be privately managed by the purchaser. This places an additional obstacle for landowners using the easement for access to the bridle trail.

Voting Requirements: Simple Majority

OCM138/10/17 COUNCIL DECISION / Officer Recommendation

Moved Cr Ellis, seconded Cr Hawkins

That Council advises BJ Marsh Pty Ltd that Council does not wish to relinquish Reserve 35701, Lot 3264 Bernborough Way, Darling Downs as this land parcel contributes to the overall equestrian use for the Darling Downs subdivision.

CARRIED UNANIMOUSLY 8/0



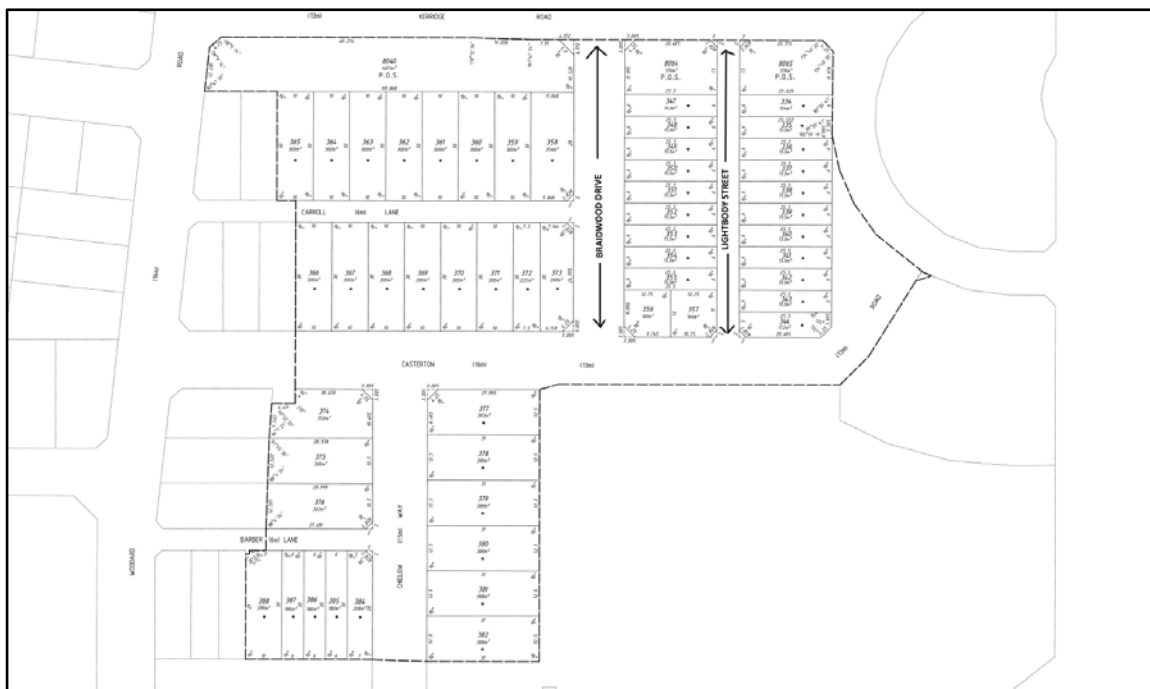
OCM139/10/17 - Road Naming Proposal – Lot 9051 Abernethy Road, Byford (SJ500-03)	
Author:	Haydn Ruse - Planning Officer
Senior Officer/s:	Andre Schonfeldt - Director Planning
Date of Report:	20 September 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Proponent: McMullen Nolan Group Pty Ltd (MNG)
Land Owner: LWP
Date of Receipt: 5 July 2017
Town Planning Scheme No. 2 Zoning: 'Urban Development'
Metropolitan Region Scheme Zoning: 'Urban'

Introduction

The purpose of this report is for Council to consider a road name proposal for two new roads in The Glades Estate in Byford. Section 26A of the *Land Administration Act 1997* requires the relevant local government to approve names for roads created as part of an approved subdivision. Those names approved by the Local Government must then be forwarded to the Minister for Planning, Lands and Heritage for final approval. The Geographic Names Committee has delegated authority from the Minister for Planning, Lands and Heritage to grant final approval for road names.

The proposal is presented to Council as Shire Officers do not have delegation to approve road names.



Road Layout Plan

Relevant Previous Decisions of Council

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



Background

The proposed road naming is related to a subdivision approval granted by the Western Australian Planning Commission (WAPC) on 11 July 2017. The subdivision layout will result in the creation of 39 new residential lots. Roads created as part of a subdivision require an approved road name for addressing purposes prior to titles being issued by Landgate.

Shire Officers have assessed the application in accordance with the Shire's LPP38 and the Geographic Names Committee (GNC) Policies and Standards for Geographical Naming in Western Australia. Braidwood and Lightbody are the proposed new road names, while Devereaux and Steffann are the proposed reserve names. Section 6.5 of LPP38 requires alternative names to be submitted with road name proposals. This allows the flexibility should proposed names not meet the requirements of the Shire or GNC.

Community / Stakeholder Consultation

Under GNC policy new road names created through the subdivision process do not require community consultation

Statutory Environment

- *Planning and Development Act 2005*

Section 168 dedicates all land shown as a new road on a diagram or plan of survey for a subdivision as a road, when said plan is deposited.

- *Land Administration Act 1997*

Section 26A(1) requires new road names to be proposed for those roads created as part of a subdivision.

Section 26A(2) allows the Local Government to require a person subdividing land to propose road names or alter already proposed road names. Should Council resolve not to support the proposed road names Council may request the applicant to alter the proposed names under this section.

Section 26A(3) requires the Local Government to forward road names approved under subsection (1) to the Minister, in this case the GNC as they have delegated authority to approve names.

Section 26(4) confers the Minister the power to -

- (a) approve proposed road names
- (b) direct the local government to reconsider proposed road names, having regard to such matters as the Minister may mention in the direction; or
- (c) refuse to approve the proposed names.

- Geographic Names Committee – Policy and Standards for Geographical Naming in Western Australia
- Local Planning Policy No.38 – Road Naming



Comment

The proposal has been assessed against the GNC Policy and the Shire's LPP38.

Section 6.6 of LPP38 provides guidance on preparation of road names consistent with the requirements of the GNC. The guidelines are listed below as:

- *'Consideration of current and future street names'*

The proposed name 'Lightbody' is already in use in Mardella and will not be supported by the GNC. Officers will recommend the proposed name 'Lightbody' not be supported by Council. Braidwood, Deveraux and Steffann are not currently in use within the Shire or in any surrounding Local Government area and will therefore not cause any conflict with existing street names.

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

Street numbers are applied at the end of the subdivision process. As new road names, there are no existing street numbers, so the proposal will not affect current street numbering.

The Road Layout Plan shown in attachment OCM139.1/10/17 takes future road extensions into account. Future increase in residential density can be catered for by using alphanumeric numbering i.e. 31A and 31B.

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

The applicant has provided a brief history of each name proposed to support the proposal and comply with the above requirement, as found in attachment OCM139.2/10/17.

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

The proposed names are not considered to be offensive, likely to give offence, incongruous or commercial in nature. The proposed names are also not considered to be similar to or likely to be mistaken for any name that may be offensive or likely to give offence, incongruous or commercial in nature.

- *'Names shall be easy to read, spell and pronounce in order to assist emergency services, service providers and the travelling public'*

The proposed names are considered to be easy to read, spell and pronounce.

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

The proposed names do not feature more than one word. An unduly long name is one that is confusing to read or difficult to pronounce due to the length of the name. The proposed road names are not confusing to read and therefore are not considered to be unduly long.

- *'Proposals for road names shall include an appropriate road type suffix'*

Proposed suffixes are 'Drive' and 'Street', which are defined under GNC policy as:

Drive – a wide thoroughfare allowing steady flow of traffic without many cross-streets.

Street – a public roadway in a town, city or urban area, especially a paved thoroughfare with footpaths and buildings along one or both sides.



The proposed Braidwood Drive is a wider roadway than surrounding roads and only features one cross street, this suffix is considered to be consistent with GNC policy and is supported. The proposed Lightbody Street is a laneway which will not provide any footpaths and is not considered to be consistent with the suffix definition. Officers will recommend the proposed suffix 'Street' be replaced with the suffix 'Lane' which is defined under GNC policy as:

Lane – a narrow way between walls, buildings or a narrow country or city roadway.

- *'Practical application of road names to maps and plans shall be considered such as the long street names should not be allocated to short roads'*

The layout plan shows that the length of proposed names do not exceed the length of the roads.

The proposed names are considered to be consistent with the requirements of the GNC policy, as such, Officers support the proposal.

Officers have noted a significant delay in timeframes for developers in achieving subdivision of land as a result of the requirement for road names to be presented to Council, even where a naming theme has been approved for an area in accordance with LPP38. As part of this report Officers recommend Council endorse a delegation to the CEO to determine road names where a theme has been approved by Council and the proposed names comply with LPP38 and GNC policy. A draft delegation has been included as an attachment (OCM139.3/10/17).

Options and Implications

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

- Option 1: Council may resolve to approve the proposed road names and forward the approval to the Geographic Naming Committee.

Should Council approve the application, the approval will be forwarded to the Geographic Naming Committee for final approval.

- Option 2: Council may resolve to refuse the proposed road names.

Should Council resolve to refuse the proposed names alternative names will need to be provided.

Option 1 is recommended.

Conclusion

Council's approval is sought for the naming of 2 new roads in Byford. The proposed names are not consistent with some requirements of LPP38 and the GNC policy. Officers support the proposal and recommend that Council approve the new road names subject to modifications.

Attachments

- [OCM139.1/10/17](#) – Road Layout Plan (E17/9295)
- [OCM139.2/10/17](#) – Road Name Background (E17/9297)
- [OCM139.3/10/17](#) – Delegation P038D Naming of Roads (E17/9881) (Amended Delegation Instrument tabled at Council).



Alignment with our Strategic Community Plan

Outcome 3.1	A commercially diverse and prosperous economy
Strategy 3.1.1	Actively support new and existing local business within the district.
Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.

Financial Implications

There are no financial implications associated with this proposal.

Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Should Council reject the proposal the applicant will need to submit new names or Council will need to propose alternatives, which may not be accepted by the GNC. This will cause a delay in the creation of new lots which have subdivision approval.	Almost Certain (5)	Minor (2)	Moderate (5-9)	Service Interruption - 2 Minor - Temporary interruption to an activity – backlog cleared with existing resources	Accept Risk

Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)



A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 6 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements: Absolute Majority

OCM139/10/17 COUNCIL DECISION / Officer Recommendation

Moved Cr Piipponen, seconded Cr Gossage

That Council:

- 1. Endorses the amended delegation OCM139.3/10/17 P038D Naming of Roads.**
- 2. Approves the following preferred road names in accordance with section 26A(3) of the *Land Administration Act 1997*:**
 - a) Braidwood Drive.**
- 3. Approves the following alternative road names in accordance with section 26A(3) of the *Land Administration Act 1997*:**
 - a) Deveraux Lane; and**
 - b) Steffann Lane.**
- 4. Forwards the proposal to the Geographical Names Committee for final approval.**

CARRIED BY ABSOLUTE MAJORITY 8/0

COUNCIL NOTE

Recommendation 1 of the Officer recommendation was changed by Officer recommendation by deleting the word 'attached' and inserting the word 'amended'. Attachment OCM139.3/10/17 was amended by adding 'Clause 26A(3) Land Administration Act 1997'.



OCM140/10/17 – Lot 1 (#562) Hall Road, Serpentine – Proposed Outbuilding (PA17/640)	
Author:	Altus Planning (consultant)
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	30 August 2017
Disclosure of Officers Interest:	<p>The proponent of this application is an employee of the Shire. However the employee was not involved in the preparation of this report. Consultant were appointed to undertake the assessment and to prepare this report for Council.</p> <p>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>.</p>

Proponent:	Scott Cooper and Kristen Cooper
Owner:	Scott Cooper and Kristen Cooper
Date of Receipt:	31 July 2017
Lot Area:	30,131.92m ²
Town Planning Scheme No 2 Zoning:	Special Rural
Metropolitan Region Scheme Zoning:	Rural

Introduction

A planning application dated 24 July 2017 was received by the Shire on 31 July 2017 proposing an outbuilding at Lot 1, 562 Hall Road, Serpentine.

The subject land is zoned 'Special Rural' in accordance with the Shire's Town Planning Scheme No. 2 (TPS2).

In accordance with Council Policy G703, the Shire is required to engage a consultant to assess the application and for the application to be determined by Council.

Relevant Previous Decisions of Council

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

Background

The subject lot is located on Hall Road, being west of the South Western Highway and approximately 4 kilometres south of Karnup Road. The immediate locality consists of similar sized 'Special Rural' allotments on the western side of Hall Road, whilst adjacent the site on the eastern side of Hall Road and Hardey Road are larger 'Rural' lots.

Existing Development

The subject lot has an existing single dwelling, with two existing carports and one existing outbuilding.



Proposed Development

The proposed development consists of a steel shed or outbuilding with a skillion roof constructed to the immediate east of the existing carport which is located in between the dwelling and Hall Road. The proposed outbuilding is to be approximately 40m² and is for the storage of various sporting equipment.



Location Plan

Community / Stakeholder Consultation

Not applicable.

Statutory Environment

Legislation

- *Planning and Development (Local Planning Schemes) Regulations 2015*

State Government Policies

- State Planning Policy 3.1 – Residential Design Codes
- State Planning Policy 3.7 - Planning in Bushfire Prone Areas

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2
- Rural Strategy Review 2013

Council Policies

- Council Policy G703 - Code of Conduct for Councillors and Employees



Planning Assessment

Altus Planning have completed a comprehensive assessment of the proposal in accordance with section 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the assessment can be viewed as part of the attachment OCM140.2/10/17.

The outbuilding exceeds the deemed-to-comply requirements of the Residential Design Codes (R-Codes) by way of its wall height. The outbuilding proposes a wall height of 3.0m in lieu of 2.4m.

Land Use:

The subject land is zoned 'Special Rural' pursuant to the Shire's TPS2. The purpose and intent of the 'Special Rural' zone is to *"depict places within the rural area wherein closer subdivision will be permitted to provide for such uses as hobby farm, horse training and breeding, rural residential retreats and intensive horticulture, and also to make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of the selected areas."*

An outbuilding falls within the 'Residential – Single House' land use, which is a permitted use within the 'Special Rural' zone.

Rural Strategy and Rural Strategy Review 2013

The subject land is designated as 'Rural Living B' under the Shire's Rural Strategy and Rural Strategy Review 2013. The objectives for the rural living policy area include: -

- *Provide for additional choice in style and location of residential land not available within the Shire's urban nodes.*
- *Maximise the provision, use and efficiency of infrastructure available in and around the Shire's urban nodes.*
- *Restrict rural land uses that are generally compatible with maintaining residential amenity.*
- *Provide opportunities for development that maintains rural character and promotes appropriate land management.*
- *Provide for a diversity of lot sizes ranging from 0.4 and 4 hectares.*
- *Provide opportunity for low-key tourism, such as Bed & Breakfast accommodation.*
- *Protect Local Natural Areas and encourage revegetation.*

It is considered that the proposal is consistent with the objectives of the rural living policy area by way of the land use and development that does not detract or depart from the rural character of the area.

Bushfire Management

In accordance with the Department of Fire and Emergency ('DFES') mapping, the subject land is located within a bushfire prone area. Pursuant to clause 6.5 of the State Planning Policy 3.7 – Planning in Bushfire Prone Areas ('SPP3.7') any development application within a bushfire prone area must be accompanied by a Bushfire Attack Level ('BAL') assessment and a BAL contour map.

Notwithstanding the above, part 10A of the *Planning and Development (Local Planning Schemes) Regulations 2015* ('Regulations') outlines Bushfire Risk Management. Pursuant to clause 78A of the Regulations, the following definition is given to 'habitable building':

*"habitable building means a permanent or temporary structure on land that —
a) is fully or partially enclosed; and*



- b) has at least one wall of solid material and a roof of solid material; and*
- c) is used for a purpose that involves the use of the interior of the structure by people for living, working, studying or being entertained;”*

In addition to the above, clause 78B of the Regulations outlines the following:

- (1) This Part does not apply to development unless the development is –*
 - a) the construction of use, or construction and use, of a single house or ancillary on a lot with a total area of 1100m² or more; or*
 - b) the construction or use, or construction and use, of –*
 - i) a habitable building other than a single house or ancillary dwelling; or*
 - ii) a specified building.*
- (2) The requirements in this Part are in addition to any provisions relating to the development in a bushfire prone area that apply in a special control area.*

As the proposed outbuilding does not fall under the definition of ‘habitable building’ and having consideration to clause 78B, a BAL assessment or contour map is not required to accompany the application for the purposes of planning approval.

Outbuilding

The proposed outbuilding seeks variations to the clause 5.4.3 of the R-Code deemed-to-comply requirements by way of its wall height and the resultant aggregate floor area of all outbuildings on site. The deemed-to-comply requirements set out outbuildings with wall heights that do not exceed 2.4m. The proposed outbuilding has a wall height of 3.0m. The deemed-to-comply requirements also specify a 60m² limit on collective floor area of all outbuildings, the total floor area now proposed would be 240m².

The design principle P3 of clause 5.4.3 of the R-Codes states that outbuildings are acceptable where they “do not detract from the streetscape or the visual amenity of residents or neighbouring properties.” The outbuilding is proposed to the north-east of the existing dwelling on the northern side of the driveway. Notwithstanding this, it is considered that the proposed outbuilding (together with those already existing on site) will not detract from the amenity of the area and furthermore will not be visually prominent within the streetscape given the amount of natural vegetation screening the property from Hall Road and the setbacks from all boundaries.

The proposal is setback approximately 50m from the street boundary, 70m from the northern boundary and 97m from the southern boundary. These setbacks achieve those outlined under Table 1 of the R-Codes for an R2 coded property and furthermore are considered appropriate as to not detrimentally impact upon the amenity of the neighbouring residents. The R2 density code applies as specified by clause 5.4.2 (a) of TPS2 as no Residential Density Code area is depicted on the Scheme Map for the Special Rural zone.

Although the wall height is 0.6m above the deemed-to-comply requirements, the variation sought is considered minor given the overall size of the rural property and that the proposal is considerably less than the maximum ridge height of 4.2m under the deemed-to-comply provisions.

In addition, large or a conglomeration of a number of outbuildings is not an unusual characteristic of development in the Special Rural zone bearing in mind that the same provisions of the R-Codes are also used to assess similar outbuilding applications on smaller residential lots in urban areas. In this regard the collective area of the outbuildings proposed of 240m² is considered reasonable and is supported.



Options and Implications

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

Approval of the application would be consistent with the planning policy framework and the objectives of the zone. The approval of the application will not result in a negative impact on the amenity of character of the area or adjacent landowners.

An outbuilding is a common development incidental to the primary residential use of the land within the 'Special Rural' zone.

Option 2: Council may resolve to refuse the application.

Refusal of the application could result in a SAT appeal which may not be able to be successfully argued.

Option 1 is recommended.

Conclusion

The application seeks approval for an outbuilding. The outbuilding is R-Code compliant with the exception of the wall height. The outbuilding is considered to be compliant with the design principles of the R-Codes. Accordingly Altus Planning recommend the application be approved subject to appropriate conditions.

Attachments

- [OCM140.1/10/17](#) – Development Application (IN17/15572)
- [OCM140.2/10/17](#) – Residential Design Codes Assessment (E17/9749)

Financial Implications

Should Council resolve not to approve the application, the applicant may appeal the decision to the State Administrative Tribunal (SAT) within 28 days of the decision. As such, the Shire may be required to appoint a planning consultant or legal counsel to represent the Shire and Council throughout the SAT proceedings.

Voting Requirements: Simple Majority

OCM140/10/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr See, seconded Cr Piipponen

That Council grants Development Approval pursuant to Clause 68(2) of the *Planning and Development (Local Planning Scheme) Regulations 2015* for the proposed outbuilding subject to the following conditions:

1. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent.

Plans and Specifications	P1-P3 received at the Shire's Offices on 31 July 2017.
--------------------------	--

2. 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.



3. All existing native trees and / or revegetated areas on the lot shall be retained and shall be protected from damage prior to and during construction unless part of this or a separate approval.

CARRIED UNANIMOUSLY 8/0



8.2 Engineering reports

OCM141/10/17 - Nettleton Road, Karrakup – Proposed Road Closure (SJ141)	
Author:	Carl Done – Subdivision Coordinator
Senior Officer/s:	Alan Rajah – Manager Subdivisions, Doug Elkins – Director Engineering
Date of Report:	21 September 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Proponent: Harley Dykstra
Date of Receipt: 28 September 2016
Lot Area: 11,878.497m²
Town Planning Scheme No 2 Zoning: 'Rural'
Metropolitan Region Scheme Zoning: 'Rural'

Introduction

Council is requested to consider closing a portion of the Nettleton Road Reserve. The section of road reserve services two lots, Lot 6, 1151 Nettleton Road and Lot 0, 1149 Nettleton Road, Karrakup, as shown at attachment OCM141.2/10/17 – Request for Road Closure and Amalgamation Application - Road Closure Plan. The landowners of those lots intend to apply for an amalgamation if Council supports the road closure. An amalgamation would create two private driveways to ensure vehicle access to the lots are maintained. The purported reason for seeking the road closure, is to manage antisocial behaviour on the otherwise isolated section of road.

The road closure is in relation to a section of Nettleton Road that does not form part of the main thoroughfare and will not impact on traffic using Nettleton Road.

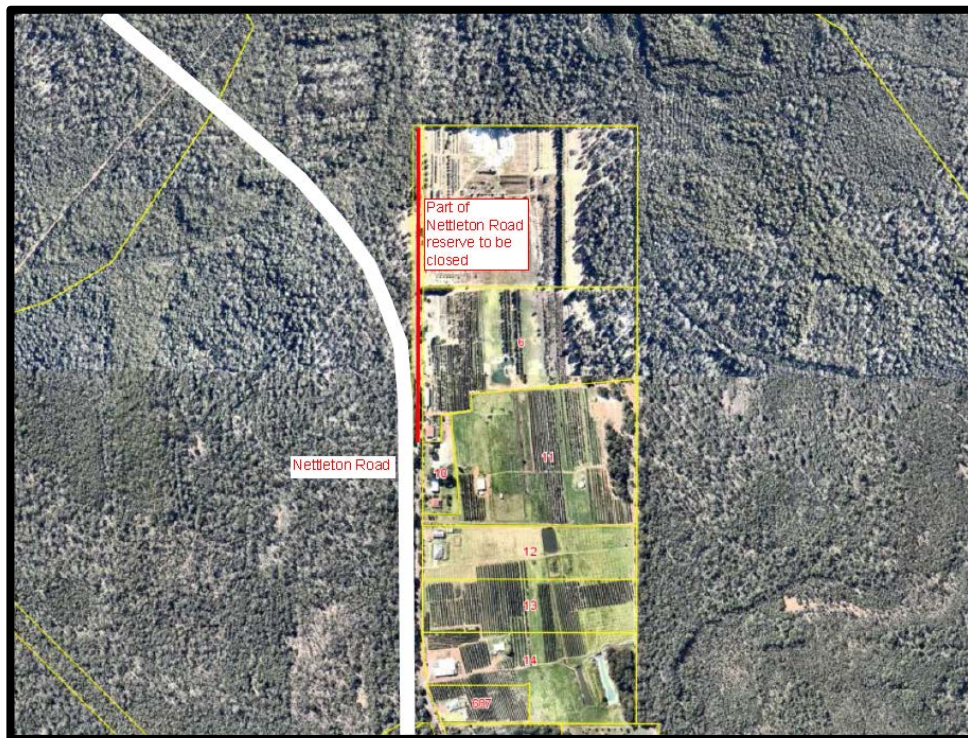
It is recommended that Council support the closure of the road.

Relevant Previous Decisions of Council

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

Background

The road closure application, attachment OCM141.1/10/17 – Request for Road Closure and Amalgamation Application, has been lodged to allow the adjoining landowners to pursue the purchase and amalgamation of the land. The subject section of road currently services two properties and is surrounded by State forest. The road does not service any access ways or trails, and beyond the subject two properties, ends at the State forest. A plan showing the subject section of road, along with the subject two properties, is below.



The road reserve forms part of Nettleton Road but is an off-shoot from the main thoroughfare. The road reserve measures 590.97m in length and 20.1m in width and is sealed for the first 410m. If the road is closed, the adjacent owners will need to make arrangements to purchase the land from the State Government and meet all related survey and amalgamation costs.

The motivation of the landowners for seeking the road closure and amalgamation is to address antisocial behaviour and crime, facilitated by the isolated section of road.

Community / Stakeholder Consultation

Advertising has been undertaken in accordance with Clause 58(3) of the *Land Administration Act 1997* (LAA). A notice was circulated in the *Serpentine Examiner* and a period of 35 days given for comment. Relevant State utilities and service providers were contacted and a period of 14 days provided for comment. The public notice period has now expired and no comments were received.

Statutory Environment

The request to close a road reserve is made under the LAA Part 5 Division 1 section 58. The Shire has been approached by private landowners with a request to take over a portion of public road reserve.

Council is requested to consider if it wishes to effect this change in the land ownership. If it does, the legal process is to request the Minister for Lands to close the road. If the Minister for Lands supports the closure request then the land becomes unallocated land. At which point in time it may then be amalgamated into the neighbouring private land reserves. For reference the relevant section of the Act is reproduced below:

- (1) *When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*
- (2) *When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*
- (3) *A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion*



for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.

- (4) *On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) — (a) by order grant the request; or (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or (c) refuse the request. (5) If the Minister grants a request under subsection (4) — (a) the road concerned is closed on and from the day on which the relevant order is registered; and (b) any rights suspended under section 55(3)(a) cease to be so suspended. (6) When a road is closed under this section, the land comprising the former road — (a) becomes unallocated Crown land; or (b) if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.*

The LAA does not require a decision of council. The Act requires a request from the local authority to the Minister for Lands in order to process a permanent closure of a road reserve. Noting that there are at least two more closure reports in progress to expedite decision making in future it is suggested that the Chief Executive Officer (CEO) is given delegation by the Council to make permanent road closure requests to the Minister for Lands on behalf of the Shire of Serpentine Jarrahdale. To ensure the Community voice is heard it is proposed that where an objection is raised through the public advertising, the proposed permanent road closure should continue to be determined by Council.

Comment

The road closure request relates to a part of the Nettleton Road reserve adjacent to lots 6 and lot 0 Nettleton Road, Karrakup. The closure will allow the adjoining landowners to amalgamate the land into their respective lots and maintain vehicle access. As a private access way the Shire will no longer have an obligation to fund the repair and maintenance. The landowners will need to purchase the land from the State and meet all associated costs.

The closure of the road will allow the landowners to prevent public access to the section of road, which only services the two properties. The application notes, the landowners have been observing increasing instances of antisocial behaviour occurring along the subject section of road reserve and within the surrounding State forest.

The private access arrangement would also benefit address identification for lot 0, at the end of the road reserve. The subject road reserve is part of the Nettleton Road reserve but branches off from the main road. By closing the road and creating battleaxe legs, the rear landowner will be able to place a street number closer to the main part of Nettleton Road, making it easier to identify the entrance to the property for visitors and emergency services.

In view of there being no objection, the road serving no purpose beyond the subject properties, and the antisocial behaviour issues, it is recommended that Council resolve to request the Minister for Lands to close the road and amalgamate the land in accordance with the proposal.

Options and Implications

Option 1 - Council may resolve to request the Minister for Lands to close the road.

Option 2 - Should Council resolve not to request the Minister for Lands to close the road, the road will remain in public ownership and costs associated with the maintenance of the road will remain with the Shire.

It is recommended that Council support the closure of the road.



Conclusion

The proposal seeks the closure of part of the Nettleton Road reserve adjacent to lots 6 and lot 0 Nettleton Road, Karrakup. The road closure will allow the adjoining landowners to pursue an amalgamation of the land into their respective lots to privatise the access. The road closure will not affect traffic using the main thoroughfare of Nettleton Road, will improve addressing for the adjoining lots and reduce the road maintenance costs for the Shire.

Attachments

- [OCM141.1/10/17](#) – Request for Road Closure and Amalgamation Application (IN17/10263)
- [OCM141.2/10/17](#) – Request for Road Closure and Amalgamation Application - Road Closure Plan (E17/3874)

Alignment with our Strategic Community Plan

Outcome 3.3	An innovative, connected transport network
Strategy 3.3.1	Maintain, enhance and rationalise the Shire's transport network in accordance with affordable sound Asset Management Plans

Financial Implications

The road closure would remove 593.92m of road reserve from requiring maintenance by the Shire. The maintenance cost of the road would become the responsibility of the landowners if the land is amalgamated into the adjoining lots.

All costs associated with the process would be met by the landowners.

Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Council do not approve	Unlikely (2)	Insignificant (1)	Low (1-4)	Reputation - 1 Insignificant - Unsubstantiated, localised low impact on key stakeholder trust, low profile or no media item	Accept Risk



Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of Low has been determined for this item.

Voting Requirements: Absolute Majority

OCM141/10/17

Officer Recommendation:

That Council:

1. Supports the closure of the highlighted portion of Nettleton Road, Karrakup as shown in the attached road closure plan.
2. Supports the future amalgamation of the portion of Nettleton Road identified for closure with Lot 6, 1151 Nettleton Road and Lot 0, 1149 Nettleton Road as indicated in the attached Road Closure plan.
3. Requests the Minister for Lands to close the portion of Nettleton Road Reserve and amalgamate the unallocated crown reserve created via the closure with adjacent private land holdings as identified in attachment OCM141.2/10/17, in accordance with Clause 58(1) of the *Land Administration Act 1997*.
4. Advises the applicant that all costs associated with the road closure process will be at their expense including the purchase of the land as determined by the Minister for Lands.
5. Transfers delegation to the Chief Executive Officer to support or otherwise future applications for road closure where there is no objection raised through the public advertising period.

OCM141/10/17 COUNCIL DECISION / Alternate Recommendation:

Moved Cr Rich, seconded Cr Piipponen

That Council:

1. Supports the closure of the highlighted portion of Nettleton Road, Karrakup as shown in the attached road closure plan.
2. Supports the future amalgamation of the portion of Nettleton Road identified for closure with Lot 6, 1151 Nettleton Road and Lot 0, 1149 Nettleton Road as indicated in the attached Road Closure plan.



3. Requests the Minister for Lands to close the portion of Nettleton Road Reserve and amalgamate the unallocated crown reserve created via the closure with adjacent private land holdings as identified in attachment OCM141.2/10/17, in accordance with Clause 58(1) of the *Land Administration Act 1997*.
4. Advises the applicant that all costs associated with the road closure process will be at their expense including the purchase of the land as determined by the Minister for Lands.
5. Requests the CEO to prepare a delegation to support or otherwise future applications for road closure where there is no objection raised through the public advertising period, and that this draft delegation be presented as part of Council's next delegation review period.

CARRIED BY ABSOLUTE MAJORITY 8/0

Reason for difference to Officer Recommendation

This alternate recommendation was tabled at the meeting. The alternate recommendation was moved, seconded and subsequently put. The Officers Recommendation was changed by adding these words to Recommendation 5.....'and that this draft delegation be presented as part of Council's next delegation review period'.

This additional wording means the delegation is to be in place before use by the Chief Executive Officer.



8.3 Corporate and Community reports

OCM142/10/17 – Alcoa Community Partnership Program (SJ2345)	
Author:	Peter Kocian – Acting Director Corporate and Community
Senior Officer/s:	Kenn Donohoe – Chief Executive Officer
Date of Report:	22 September 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

This report seeks Council's endorsement of the Community Funding Partnership with Alcoa Huntly (as presented in attachment OCM142.1/10/17, whereby Alcoa Huntly will provide \$100,000 in community funding over three years to identified community groups.

Relevant Previous Decisions of Council

- OCM078/06/17 – Approval of indicative Community Events Calendar and associated budget of \$265,000 to provide support to Community Events.
- OCM080/06/17 – Community Grants Program.
- OCM090/07/17 – Adoption of the 2017/18 Budget.
- OCM108/08/17 – Memorandum of Understanding – Community Group Sponsorship.

Background

In recent months, Council has endorsed a Community Events Calendar, Community Grants Policy and Memorandum of Understanding Template for community group sponsorship. All of these items provide a strong foundation to support community groups with the delivery of projects, activities and events.

Community / Stakeholder Consultation

Shire Officers have been working closely with the Communications and Community Relations Manager of Alcoa Huntly, Ms Beth Butler, to negotiate the Community Funding Partnership.

Statutory Environment

In accordance with delegation instrument EX022D, the Chief Executive Officer is delegated authority to execute documents under s9.49A (4) of the *Local Government Act 1995*.

Comment

Following the development of the Shire's Community Grants framework, Shire Officers contacted Alcoa Huntly to discuss community sponsorship opportunities. These discussions have proved fruitful, with Alcoa Huntly agreeing to provide \$100,000 in community funding over three years.

Alcoa Huntly did have a number of stipulations regarding the eligibility of community groups for funding, namely:

- Funding can only be applied to localities that are in close proximity to mining operations, namely Jarrahdale;
- Funding must be applied against projects or events that meet one of Alcoa's four Areas of



Excellence – Sustainable Environment, Community Health and Safety, Community Capacity and Resilience and Tomorrows Workforce and Leaders;

- That existing partnerships with community groups be included in the Partnership Agreement.

Alcoa Huntly currently support the Lions Club of Serpentine Jarrahdale for the Jarrahdale Log Chop and Country Fair (\$2,500 per annum), Jarrahdale Primary School Parent's and Citizen's Association, as well as previous support for the Jarrahdale Heritage Society and other groups.

Officers have also nominated the Jarrahdale Community Association, which is in the process of reforming and the Cemeteries Management Committee for inclusion in the Partnership Agreement. Should Council endorse the Partnership Agreement, a three-way Memorandum of Understanding (MOU) will be formalised with the respective community groups. The term of the MOU's will be 3 years to coincide with the term of the Partnership Agreement, and will prescribe funded projects, activities and events.

Alcoa Huntly have also agreed to support the proposed Perth Symphony Orchestra event on the condition that this event is held in Jarrahdale. Shire Officers will propose that this event is held at Jarrahdale Oval, and an event plan is being finalised. Alcoa Huntly have agreed to provide \$22,000 in funding over three years towards this event.

Under the Partnership Agreement, an amount of \$5,000 will remain unallocated in years 2 and 3. All known community groups in the southern localities of the Shire will be invited to submit an application for funding, which will be jointly assessed by Alcoa and Shire Staff using the Alcoa assessment matrix.

The Partnership Agreement is a great example of the derived benefit in building relationships with large corporates that operate within the district. Shire Officers will endeavour to use this model to investigate other funding partnership opportunities.

Attachments

- OCM142.1/10/17 – CONFIDENTIAL - Community Partnership Program Agreement (E17/9945)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.2	Provide a healthy community environment

Financial Implications

The Partnership Agreement does include a schedule that outlines the Shire's financial commitment to identified community groups. Council has already approved the budget for these contributions, including an additional \$50,000 at the August Ordinary Meeting (OCM108/08/17) to support MOU funding partnerships.



Risk Implications

Risk has been assessed based on the Officer's Recommendation.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not accept the Officer's Recommendation	Unlikely (2)	Moderate (3)	Moderate (5-9)	Reputation - 2 Minor - Substantiated, localised impact on key stakeholder trust or low media item	Accept Officer Recommendation

Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 6 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements: Simple Majority

OCM142/10/17 COUNCIL DECISION / Officer Recommendation

Moved Cr See, seconded Cr Gossage

That Council:

- Endorses the initial Community Partnership Agreement between Alcoa Huntly and the Shire of Serpentine Jarrahdale as presented in CONFIDENTIAL attachment OCM142.1/10/17;
- Authorises the Chief Executive Officer to work with the following community groups that are captured by the aforementioned Community Partnership Agreement to negotiate Memorandums of Understanding:
 - Jarrahdale Heritage Society.
 - Jarrahdale Community Association.

CARRIED UNANIMOUSLY 8/0



OCM143/10/17 – Contract for Provision of Youth Development Services (SJ1282-02)	
Author:	Sarah Farrance – Acting Manager Community Engagement
Senior Officer/s:	Peter Kocian – Acting Director Corporate and Community
Date of Report:	22 September 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

This report is presented to Council to consider:

- Key Performance Indicators relating to the provision of Youth Development Services by the YMCA WA; and
- Variations to the existing contract.

Relevant Previous Decisions of Council

OCM086/11/13 – Awarding a Tender Management of Shire of Serpentine Jarrahdale Recreation Centre including Youth Services.

OCM081/06/17 - Contract for Provision of Youth Services – 2017/18 Budget.

Background

The Shire entered into a contract with the YMCA of Perth Youth and Community Services Inc. on the 1 April 2014 for the provision of youth services. The initial contract term is four years and nine months expiring on 31 December 2018. There is an option for the Shire at its discretion to extend the contract for a further 3 years, commencing on 1 January 2019 and expiring on 31 December 2021.

In June 2017, Council approved the management fee for the 2017/18 financial year as well as additional funds to increase the level of service and better activate two Shire facilities (OCM081/06/17).

Community / Stakeholder Consultation

Policy Concept Forum

Meeting Date	8 May 2017
Councillors in Attendance	Cr Atwell, Cr Ellis, Cr Erren, Cr Gossage, Cr Hawkins, Cr Rich, Cr See

Consultation has occurred with a number of external/internal stakeholders.

Statutory Environment

Variation to Management Contract.



Comment

Key Performance Indicators and Reporting

Clause 9.17 of the Contract addresses Benchmarking and Key Performance Indicators (KPIs) for the provision of Youth Services and Clause 9.10 sets out the requirements for Monthly Meetings and Reports.

Officers and the YMCA of Perth Youth and Community Services Inc are working together to ensure that the conditions in these clauses are met. Attachment OCM143.1/10/17 is presented to Council as the template for the required monthly reporting against the KPIs and other requirements of the contract.

The completed report will be provided to Council quarterly through the Audit, Risk and Governance Committee.

Marketing Plan

Clause 9.11 (2) of the Contract refers to an annual marketing strategy. Attachment OCM143.2/10/17 has been provided by the YMCA of Perth Youth and Community Services Inc to demonstrate a timetable of events and marketing of these for the remainder of the 2017 calendar year. Officers are continuing to work with the YMCA of Perth Youth and Community Services Inc to ensure that a comprehensive marketing strategy will be provided for the start of the 2018 calendar year.

Variations to Existing Contract

In conducting a review of the contract document, four elements of the contract are identified for amendment.

Clause 7.2 (3) – Review of Budgets

The current wording in this clause dictates for the YMCA to submit their proposed operating budget for the year ahead by 28 February of each year of the contract (save the last). The practical management of this has posed a number of issues and as such, it is recommended that this timeframe be amended to be 31 March.

Clause 9.4 (1) – Fees and Charges for Youth Services

The current wording of this clause dictates for the YMCA to submit their proposed fees and charges for the following financial year by 31 January. It is recommended that this date is amended to 1 March.

Clause 9.11 – Annual Reports and Forward Plans

The current requirement is for the YMCA WA to provide a comprehensive forward plan by 31 January of each year of the contract term. This consists of a business plan, sponsorship and advertising plan and an annual marketing strategy. It is recommended that the submission date for this be altered to 31 May as this will allow for the YMCA WA operating budget to be adopted thus informing the plans.

Clause 9.17 (4) – Benchmarking and KPIs

As per the dates above, the YMCA WA are required to submit proposed KPIs for the year ahead by 28 February of each year of the contract. It is proposed that this date be amended to align with the revised submission of an operating budget.

Attachment OCM143.3/08/17 is presented to Council to show the proposed amendments to the contract as well as the other annual contractual obligations.



Future Provision of Youth Services

Officers intend to present an item in the new year to consider Council's options for the provision of Youth Services post December 2018.

The three likely options are:

- Extension of current contract as per Clause 5.2.
- Consider a tender process for the supply of the Youth Services Contract.
- Resume the provision of Youth Services in house.

Conclusion

It is recommended that Council endorse the Key Performance Indicators for the Serpentine Jarrahdale Community Recreation Centre, receive the timetable and advertising plan for the remainder of the 2017 calendar year and support the proposed contract variations, which will ensure that reporting to the Shire is both timely and accurate.

Attachments

- [OCM143.1/10/17](#) – Template for monthly report including KPI's (E17/9452)
- [OCM143.2/10/17](#) – Promotion and marketing until December 2017 (E17/9453)
- [OCM143.3/10/17](#) – Proposed Annual Contractual Obligations (E17/9454)
- [OCM143.4/10/17](#) – Proposed Variations to Contract (E17/9455)

Alignment with our Strategic Community Plan

Outcome 1.1	A healthy, active, connected and inclusive community
Strategy 1.1.2	Provide a healthy community environment.

Financial Implications

Nil

Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council not accept the Officers Recommendation	Unlikely (2)	Moderate (3)	Moderate (5-9)	Financial Impact - 1 Insignificant - Less than \$50,000	Accept Officer Recommendation



Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 6 (medium) has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements: Simple Majority

OCM143/10/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr See, seconded Cr Hawkins

That, with respect to the Management Contract between the Shire of Serpentine Jarrahdale and the YMCA of Perth Youth and Community Services for Provision of Youth Development Services:

- 1. Approves the Key Performance Indicators for the 2017/18 financial year as contained in attachment OCM143.1/10/17.**
- 2. Receives the timetable of events and associated promotion and marketing of these until the end of the 2017 financial year as contained in attachment OCM143.2/10/17.**
- 3. Authorises the following minor variations to the Management Contract as contained in attachment OCM143.4/10/17, amending the submission dates for:**
 - a. Proposed Fees and Charges from 31 January to 1 March.**
 - b. Proposed Operating Budget from 28 February to 1 April.**
 - c. Proposed Forward Plans from 31 January to 1 May.**
 - d. Proposed KPIs from 28 February to 1 May.**

CARRIED UNANIMOUSLY 8/0



OCM144/10/17 - Confirmation of Payment of Creditors (SJ801)	
Author:	Vicki Woods – Finance Officer
Senior Officer/s:	Peter Kocian – Acting Director Corporate and Community
Date of Report:	2 October 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Introduction

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

Relevant Previous Decisions of Council

There is no previous Council decision relating to this issue.

Community / Stakeholder Consultation

No community consultation was required.

Statutory Environment

Section 5.42 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.

Comment

In accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, 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:

- Payees name;
- The amount of the payment;
- The date of the payment; and
- Sufficient information to identify the transaction.

It is recommended that Council records the payments under delegated authority.

A detailed list of invoices for the period 1 September 2017 to 30 September 2017 is provided per attachment OCM144.1/10/17. Transactions made by purchasing cards are detailed in the Purchasing Card Report 7 August 2017 to 5 September 2017 as per attachment OCM144.2/10/17.

Attachments

- [OCM144.1/10/17](#) - Creditors List of Accounts 1 September 2017 to 30 September 2017 (E17/9814)
- [OCM144.2/10/17](#) – Purchasing Card Report 7 August 2017 to 5 September 2017 (E17/9812)



Alignment with our Strategic Community Plan

Outcome 4.1	A resilient, efficient and effective organisation
Strategy 4.1.1	Provide efficient, effective, innovative, professional management of Shire operations to deliver the best outcome for the community within allocated resources

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.

The total amount of payments for September 2017 was \$6,081,557.07. This is significantly more than the average monthly payment due to a number of significant contractual payments relating to the Abernethy Road project.

Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council does not accept the payments.	Unlikely (2)	Moderate (3)	Moderate (5-9)	Compliance - 3 Moderate - Non-compliance with significant regulatory requirements imposed	Accept Officer Recommendation

Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 6 has been determined for this item.



Voting Requirements: Simple Majority

OCM144/10/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Ellis

That Council records the accounts as paid under delegated authority for September 2017, totalling \$6,081,557.07 as attached, covering:

- 1. EFT Vouchers EFT48369 to EFT48691 including Purchasing Card Payments totalling \$5,934,311.90.**
- 2. Municipal Cheque Vouchers CHQ45873 to CHQ45879 totalling \$5,615.45.**
- 3. Municipal Direct Debits DD45327.1 to DD45393.32 totalling \$141,629.72.**

CARRIED UNANIMOUSLY 8/0



8.4 Audit, Risk and Governance Committee reports

Nil



8.5 Confidential reports

COUNCIL DECISION

Moved Cr Gossage, seconded Cr Hawkins

That the meeting be closed to members of the public at 7.32pm, whilst item OCM145/10/17 is discussed pursuant to section 5.23(2)(e) of the *Local Government Act 1995*.

CARRIED UNANIMOUSLY 8/0

Shire Officers remained in the Chambers during the discussions of OCM145/10/17.

Local Government Act 1995

5.23 Meetings generally open to the public

- (1) Subject to subsection (2), the following are to be open to members of the public —
 - (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
 - (a) a matter affecting an employee or employees; and
 - (b) the personal affairs of any person; and
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret; or
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person,where the trade secret or information is held by, or is about, a person other than the local government; and
 - (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;and
 - (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
 - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.



OCM145/10/17 – Confidential Item – Land Asset Management Plan SJ2081)	
Author:	Evian Elzinga – Strategic Community Planner
Senior Officer/s:	Andre Schonfeldt – Director planning
Date of Report:	29 August 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Voting Requirements: Simple Majority

COUNCIL DECISION

Moved Cr Gossage, seconded Cr Ellis

That Council suspend Standing Orders clause 9.5, 9.6, 10.7 and 10.13 at 7.39pm to discuss item OCM145/10/17.

CARRIED UNANIMOUSLY 8/0

COUNCIL DECISION

Moved Cr Hawkins, seconded Cr See

That Council return to Standing Orders at 7.59pm.

CARRIED UNANIMOUSLY 8/0

OCM145/10/17 Officer Recommendation:

That Council:

1. Adopts the Land Use Management Plan as per CONFIDENTIAL attachment OCM145.1/10/17 for the purposes of guiding key strategic land goals for the Shire of Serpentine Jarrahdale.
2. Accepts that the report fulfils the relevant Key Performance Indicator(s) set for the Chief Executive Officer.
3. Endorses the proposed function and recommendations contained in the Land Asset Management Plan CONFIDENTIAL attachment OCM145.1/10/17 to form the basis for the Development Strategies to enable integration into structure plans, concept plans and further detailing through master plans.
4. Requests business plans be prepared to attain the following land parcels, where not already, in freehold ownership, and develop land prospectus to seek immediate tourism and economic development opportunities:
 - a. Jarrahdale Heritage Park (including Shire and National Trust Owned Land).
 - b. Strategic South Western Highway Cluster (including Shire and National Trust Owned Land).
5. Requests land transaction business cases be prepared to explore the following:
 - a. Oakford Fire Station to be retained on the current site,
 - b. A Visitor Services Centre site to be acquired to function as a visitor and/or tourism site.



Councillor Gossage foreshadowed he would move an alternate recommendation if the motion under debate is lost.

OCM145/10/17 Alternate Recommendation:

Moved Cr Rich, seconded Cr Atwell

That Council:

- 1. Adopts the Land Use Management Plan as per CONFIDENTIAL attachment OCM145.1/10/17 for the purposes of guiding key strategic land goals for the Shire of Serpentine Jarrahdale.**
- 2. Accepts that the report fulfils the relevant Key Performance Indicator(s) set for the Chief Executive Officer.**
- 3. Endorses the proposed function and recommendations contained in the Land Asset Management Plan CONFIDENTIAL attachment OCM145.1/10/17 to form the basis for the Development Strategies to enable integration into structure plans, concept plans and further detailing through master plans.**
- 4. Requests business plans be prepared to attain the following land parcels, where not already, in freehold ownership, and develop land prospectus to seek immediate tourism and economic development opportunities:**
 - a. Jarrahdale Heritage Park (including Shire and National Trust Owned Land).**
 - b. Strategic South Western Highway Cluster (including Shire and National Trust Owned Land).**
- 5. Requests land transaction business cases be prepared to explore the following:**
 - a. an appropriate location for the Oakford Fire Station, inclusive of the existing site.**
 - b. A Visitor Services Centre site to be acquired to function as a visitor and/or tourism site.**

Motion lost 2/6

Council Note: The Officers Recommendation was amended by changing recommendation 5a.



OCM145/10/17 COUNCIL DECISION / Foreshadowed Motion:

Moved Cr Gossage, seconded Cr Ellis

That Council:

1. Adopts the Land Use Management Plan as per CONFIDENTIAL attachment OCM145.1/10/17 for the purposes of guiding key strategic land goals for the Shire of Serpentine Jarrahdale.
2. Accepts that the report fulfils the relevant Key Performance Indicator(s) set for the Chief Executive Officer.
3. Endorses the proposed function and recommendations contained in the Land Asset Management Plan CONFIDENTIAL attachment OCM145.1/10/17 to form the basis for the Development Strategies to enable integration into structure plans, concept plans and further detailing through master plans.
4. Requests business plans be prepared to attain the following land parcels, where not already, in freehold ownership, and develop land prospectus to seek immediate tourism and economic development opportunities:
 - a. Jarrahdale Heritage Park (including Shire and National Trust Owned Land).
 - b. Strategic South Western Highway Cluster (including Shire and National Trust Owned Land).
5. Requests land transaction business cases be prepared to explore the following:
 - a. an appropriate location for the Oakford Fire Station, with the priority being the existing site.
 - b. A Visitor Services Centre site to be acquired to function as a visitor and/or tourism site.

CARRIED 6/2

Reason for difference to Officer Recommendation

Recommendation 5a. was amended by adding the words.....'with the priority being the existing site'.

This additional wording was added to provide direction to Staff that the existing Oakford Fire Station site is Council's preferred site.

COUNCIL DECISION

Moved Cr Ellis, seconded Cr Hawkins

That the meeting be reopened to the public at 8.11pm.

CARRIED UNANIMOUSLY 8/0

The Shire President informed the public of the motion that was carried 6/2, being the foreshadowed motion, moved by Councillor Gossage.



9. Motions of which notice has been given:

Nil

10. Chief Executive Officer reports:

Nil

11. Urgent business:

Nil

12. Councillor questions of which notice has been given:

Nil

13. Closure

There being no further business the Presiding Member declared the meeting closed at 8.14pm.

I certify that these minutes were confirmed at the
Ordinary Council Meeting held on 26 November 2017.

.....
Presiding Member

.....
Date