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

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, 6 PATERSON STREET, MUNDIJONG ON MONDAY, 22<sup>ND</sup> SEPTEMBER 2008. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.04PM AND WELCOMED COUNCILLORS, STAFF AND MEMBERS OF THE GALLERY.

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**1. ATTENDANCE & APOLOGIES:**

IN ATTENDANCE:

**COUNCILLORS:** J E Price.....Presiding Member  
MJ Geurds  
M Harris  
WJ Kirkpatrick  
EE Brown  
C Randall  
S Twine  
K Murphy  
C Butfield

**OFFICERS:** Ms J Abbiss ..... Chief Executive Officer  
Mr A Hart .....Director Corporate Services  
Mrs S van Aswegen ..... Director Strategic Community Planning  
Mr B Gleeson ..... Director Development Services  
Mrs L Fletcher .....Minute Secretary

**APOLOGIES:** Cr D Needham (Leave of Absence)

**GALLERY:** 9

**2. PUBLIC QUESTION TIME:**

Public Question Time commenced at 7.05pm

SD028/09/08 - Denise and Freeman Armitage (Myara Brook, Keysbrook)

It is evident from the information supplied by Mr Daymond (Senior Planner) that the majority of letters sent by Serpentine Jarrahdale Shire advising of the application for the Myara Music Festival, were sent to Murray Shire residents. We note that there were only two supporting responses received, both from Serpentine Jarrahdale residents, as opposed to 8 objectors from Serpentine Jarrahdale Shire and 2 from the Murray Shire (a total of 10 objectors), in addition a 13 signature petition opposing the proposed event, 9 Serpentine Jarrahdale Shire residents and 4 from the Murray Shire, an overwhelming opposition to this proposed event.

Given these facts surely it is apparent that the majority of residents responding to your correspondence are very clearly opposed to the application. Opposing responses considerably outweighed the 2 supporting responses.

This evidence supported by the fact that Murray Shire have failed to support the event for the second time and the Keysbrook Hills Community Group have voted against supporting the event, surely indicates to the Shire that this event is not considered appropriate to the area by the residents directly affected by this proposed event.

It would appear that should the Serpentine Jarrahdale Shire approve this event it would be in contravention of the majority of its ratepayers wishes and those of neighbouring Murray Shire.

Q1. We note the Shire has allowed the noise to be increased by 3 decibels. Why?

This southern corner of the SJ Shire is the last vestige of rural precinct within the Shire.

Q2. Why impose a commercial activity upon us by an absentee, non rate paying proponent?

Given that the Police had been called to a non-approved event because of a band playing at the location of Myaravale late into the evening, as a result of noise and foul language emanating down the valley. This is not a desirable intrusion we should be subjected to.

I urge all councillors to consider the wishes of these residents who will be most affected.

A1. The Director Development Services advised that the agenda item contains an explanation of why Council officers are supporting the proposed noise levels. Noise monitoring has been undertaken by specialists which indicates the noise levels at the boundary. This is considered reasonable and not to have an adverse impact on adjoining properties.

A2. The Director Development Services advised that from a town planning perspective, the event is not deemed to be a commercial activity.

### 2.1 Response To Previous Public Questions Taken On Notice

Nil

Public Question Time concluded at 7.10 pm

### 3. **PUBLIC STATEMENT TIME:**

Public Statement Time commenced at 7.10pm

#### SD028/09/08 - Paul Stallwood (229 Boyd Road, Keysbrook)

I refer to the proposed Music Event scheduled for next month at 15 Gobby Road, Keysbrook.

SJ Officers mailed 54 letters to 47 properties all within a radius of 3 kms from the property:  
20 within SJ Shire  
27 within Murray Shire

Those figures alone show that this event impacts far more on Murray residents than SJ residents. Indeed, 58% of all letters went to Murray residents.

Councillors will recall that again (same as last year) Murray Shire voted at their last Ordinary Meeting not to sign a noise exemption certificate, clearly indicating (yet again) that they do not support such an event in this area. They showed sympathy and compassion for their ratepayers.

Let's look further at the figure supplied by SJ officers. Out of the 20 letters mailed to SJ residents, 55% responded and said 'no, we don't want this event'. That's 82% of SJ respondents.

100% of the Murray residents that responded also said 'no'.

On top of that a properly lawfully constituted community group – the Keysbrook Hills Community Group (Inc.), that was founded some years ago with the primary objective of preventing negative environmental and social impacts on their community from activities carried out in the Keysbrook Hills voted overwhelmingly that the SJ Shire should not approve the event as it was considered inconsistent with the normally tranquil nature of the locality. That group represents another 25 families that say 'no'.

What more evidence needs to be produced to some (certainly not all) SJ Councillors before they realise that they are not helping, but are in fact destroying this local rural community by their intransigent attitude and utter lack of understanding of the requirements of the majority of ratepayers and residents in this area.

Are you going to ignore 82% of SJ responses?

SD028/09/08 - Jan Buttfield (Gobby Road, Keysbrook)

With regard to mathematical issues that have been raised, it is considered that the negative campaign has been an orchestrated plan to do this. From the other side we have not been phoning residents requesting them to support the festival.

It was revealed at a recently attended meeting, that the Serpentine P&C did not attend the 2007 Festival as was previously stated. This was caused because of the detrimental issues that were put forward and the fact that they were not even certain that the event would go ahead due to delays from the opposition and the hindrances caused.

SD028/09/08 - Barry Urquhart (Lot 15 South Western Highway, Keysbrook)

In addressing the issue I am aware of, endorse and applaud the decision of the councillors of the Shire of Murray not to support the Development Application for the conduct of a public amusement event at Lot 15 Gobby Road, Keysbrook.

It is evident that they have responded to and respected the wishes of the local Keysbrook residents and ratepayers, who oppose the conduct of this unwanted activity in the tranquil, rural environment of the locality.

I, and an overwhelming majority of Keysbrook residents who reside in, pay rates to and are represented by Serpentine Jarrahdale Shire, hope for and expect the same from the councillors of the Serpentine Jarrahdale Shire.

From written advice provided by Michael Daymond, Senior Planner of the Serpentine Jarrahdale Shire it is apparent that a significant majority of local landowners in Keysbrook are opposed to the development application. Ten objections, one letter of concern and two letters of support is evidence enough for councillors to reject this application.

Moreover, I am advised that one letter of support is from a person who is not a full time resident of Keysbrook, but rather has a primary residence in the inner suburbs of metropolitan Perth.

That person, along with most supporters and attendees of the event, as well as the applicant, are residents of suburban Perth.

There is no need to impute subjective conclusions or analyses from those statistics. The figures speak for themselves. That is, an overwhelming majority of Keysbrook landowners, residents and ratepayers oppose the event and expect of councillors to reject the application.

In supporting the development application for October 2008, council officers have referred to the financial advantages for local businesses.

Interviews conducted with local businesses subsequent to the event 2007 established that among local business owners there was little or no evidence of financial advantage. References to sponsorship and involvement of the Serpentine Primary School Parents and Citizens Association were found to be, at best, spurious, if not incorrect.

I thank Councillor John Price who as Chair of the Sustainable Development Committee which met last Tuesday, the 16 September, revealed, if my memory is correct, that a donation of \$1500 was made to a group with activities in East Timor.

In the written advice dated 1 June 2008 from Michael Daymond, Senior Planner of the Serpentine Jarrahdale Shire, reference was made to the document headed "Myaravale Application 2008", and I quote:

"As per 2007, the 2008 Myaravale music festival intends to:

1. donate all proceeds and alcohol sales to a charity working in East Timor'

Advice given to me and other local residents of Keysbrook was that the entry fee to the event conducted was between \$80 and \$100 per person.

Given the donation of \$1500 that implies a maximum total paying audience of 19 people. To me, that is unbelievable.

Conversely, with the audience estimates in 2007 of between 200 and 300 people, and with registrations at \$100.00 the total ticket sales receipts would approximately be \$30 000.

The donation of \$1500.00 represents 5% of ticket sales, excluding revenue from alcohol sales.

To me, that is disappointing and disturbing.

Each of the major, registered and accredited charities which operate in Australia are appropriately pilloried if net receipts to charity recipients do not represent at least 90% of the funds received.

Clearly the public amusement event which was conducted in Keysbrook during October last year bore considerable costs, for little return in terms of community, society, environment or lifestyle advantage and benefit.

A community which is fractured and long standing relationships which remain split, for the return of \$1500 to a reportedly unregistered "charity" and a similar payment to the local volunteer fire brigade is an inequitable return.

I also thank Councillor Price for the advice regarding the reported planting of some 200 trees on Lot 15 Gobby Road during last September.

It is my recall that the applicant undertook to plant native flora on site on the Sunday of the event and to have qualified and experienced academics in environmental science and environmental health address attendees.

Let me refer back to the literature received from Michael Daymond, which stated, in part:

"Enhance environmental understanding and education of patrons."

That appears to be inconceivable if the trees were planted in September and the concert was conducted in October.

We would reasonably conclude that this was another undertaking which was not fulfilled.

I can appreciate why those councillors who supported the event last year would be disappointed and understandably annoyed.

This is an applicant who reportedly stated that the conditions applied by the Minister for the Environment last year to protect neighbouring residents were too onerous and who this year

has requested an increase to the noise levels from 95db(A) to 98dB(A). Preliminary advice from external, professional sound consultants concludes that this represents an effective doubling in the sound pressure level.

The stated intent to increase the times for playing from 12.00 noon on the Saturday to 1.00am on the Sunday and recommencement at 10.00am on the Sunday to 5.00pm is totally unacceptable. Last year residents were required to stay inside their homes for relief from the incessant noise.

We believe that the Development Application should be rejected outright and at the very least that all the conditions which were applied last year, including noise levels, should be retained.

Councillors, this is not an issue of what can be done. We acknowledge the deficiency of the current by-laws in that commercial public amusement activity can be undertaken on rural zoned property, and will be happy to have the matter referred to the Administrative Tribunal after Council's rejection of the Development Application.

No, it is not an issue of what can be done, but rather what should be done, in respect for the wishes of the overwhelming majority of residents, landowners and ratepayers of Keysbrook.

I urge you to reject the Development Application outright.

SD028/09/08 - Mark Hambley (137 Gobby Road, Keysbrook)

Attended last years event and saw many smiling people. Festival attendees had a great time despite the bad weather. Is now looking forward to attending the next festival. Noted that there were no complaints within months of last years event.

SD028/09/08 - Kathryn Buttfeld (resides and lives in Perth, commutes from Gobby Road)

Spends most weekends working in the Shire.

Last year she attended the festival and volunteered by setting up and stayed to assist in the pack up.

Did not see festival goers enter via Gobby Road, they drove down Kingsbury Drive instead.

The festival had a great community atmosphere and she met up with alot of members of Serpentine Jarrahdale and the Keysbrook community, school friends and also met a lot of new people.

Enjoyed the variety of music from jazz to blues and roots. There was no difficulty holding a conversation over the music and there was a wide range of ages in attendance ranging in age from 20's to 70's.

Contrary to much discussion regarding community split, she remains friends with everyone that she was friends with prior to the festival.

Did not agree with the bullying tactics on the lead up to the 2007 festival and is sure that there were people who were not interested in getting involved, however were pressured into having an opinion.

The 2007 festival was an enjoyable event in magnificent rural surroundings and was a very environmentally friendly event which also included the rubbish being sorted into what could be recycled. This was also an event which involved many community groups.

SD028/09/08 - Shane Rowley (332 Gobby Road, Keysbrook)

Resides next door to the proposed event venue and attended the 2007 event for a short time.

Did not see any problems with the 2007 event and should keep the event quiet and local (only for 'need to know' residents). It has been pushed to the extreme so that everyone is aware of it.

He has spoken to people through his employment who were shocked that the festival went ahead and asked why they were not advised of the event.

Advice that the Keysbrook Hills Action Group had been established for many years is incorrect as to his knowledge it was only established last year and 90% of the members do not reside in Keysbrook. It was established to restrict Alcoa's mining in the hills.

People used this property (his parents property) as access to the festival via the rear boundary. This was left practically unnoticeable as it is also a firebreak.

It has been mentioned that all businesses who would benefit from this were to be approached. His business has not been approached.

No-one has said that residents have to stay home for the duration of the festival and admitted he is hard pressed to hear the music. There is more noise generated from the hoons.

On another matter, Gobby Road is not sign posted and very hard to locate. The sign requires replacement.

The Presiding Member advised that the Gobby Road sign is being stolen as quickly as it is being replaced.

SD028/09/08 - Matt Porter (Proponent)

This will be a small family friendly festival, not a huge rock and roll concert. This is to ensure that the impact on the local environment is minimal.

Residents have not been lobbied as they were last year. A petition was also circulated last year in favour of the proposal.

It has been insinuated that he collected the profit from last years event which in fact is not the case, he actually lost money with the late approval process, there was limited time to sell tickets. There was also a low attendance last year due to the weather.

Funds raised at this event were significant and went towards a School. \$1 500 each was also donated to the SES for catering and the fire brigade.

It is noted that not every local business could be approached regarding the event.

He has been willing and has been compromising with regard to the operation of the festival, including the noise levels.

Can appreciate concerns of the objectors and agreed that they have a right to be heard. It is acknowledged that they are concerned about bringing people into this area. This can be viewed differently as letting people see what a beautiful place this is and increase appreciation of the region.

He is keen to settle here some day and protect and promote the beauty of this area.

The event is a voluntary event and is not commercial which aims at promoting the community feel.

There is no basis for the festival to be refused and councillors are urged to vote in favour.

SD028/08/09 - Janet Ercegovich-Jurkov (229 Boyd Road, Keysbrook)

Resides at the rear of the venue and is opposed to the event.

Noise from the hills is different to noise from the flats. The noise does not end up where it begins. Acknowledged that we have noise in rural areas including chainsaws, animals, machinery etc but at night it is silent.

Objects to this type of event beginning as it will set a precedent for more of the same in the future.

This should remain an area that families can live in.

Public Question Time concluded at 7.42 pm

**4. PETITIONS & DEPUTATIONS:**

Nil

**5. ACTING SHIRE PRESIDENT'S REPORT:**

Nil

**6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:**

Cr Buttfield – With regard to item SD028/09/08 regarding the Myaravale Music Festival, I disclose that my brother in law is the Captain of the Keysbrook Fire Brigade. The Keysbrook Fire Brigade will be paid for providing traffic management for the event. I disclose that my sister and brother in law's property is on the northern side of Gobby Road, directly opposite the lot on which the event is to be held. My mother's property is also on Gobby Road and my mother has submitted a letter of support regarding the event. As a consequence there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.

The Chief Executive Officer advised that she has an interest in common in item SD028/09/08 in that she was in the radius of advertising of the event and did not put in a submission. She is also the Chairperson of the Keysbrook Hills Community Group and did not take part in any discussion or voting, in fact left the building when this matter was discussed. This interest did not affect, in any way the manner in which this report has been dealt with.

**7. RECEIPT OF MINUTES OR REPORTS AND CONSIDERATION OF ADOPTION OF RECOMMENDATIONS FROM COMMITTEE MEETINGS HELD SINCE THE PREVIOUS COUNCIL MEETINGS:**

**7.1 Ordinary Council Meeting – 25 August 2008**

**COUNCIL DECISION**

Moved Cr Brown, seconded Cr Harris  
That the minutes of the Ordinary Council Meeting held on 25 August 2008 be confirmed.  
**CARRIED 9/0**

**7.2 Special Council Meeting – 8 September 2008**

**COUNCIL DECISION**

Moved Cr Brown, seconded Cr Randall  
That the minutes of the Special Council Meeting held on 8 September 2008 be confirmed.  
**CARRIED 9/0**

SD028/09/08 PROPOSED PUBLIC AMUSEMENT (MUSIC FESTIVAL) – LOT 15 GOBBY ROAD, KEYSBROOK (P02346/02)		
Proponent:	Myravale Pty Ltd	In Brief  The applicant seeks planning approval for a Public Amusement event (Music Festival) on Lot 15 Gobby Road, Keysbrook. The event will be held over three days on 17 to 19 October 2008. It is recommended that the application be conditionally approved.
Owner:	As Above	
Officer:	Senior Planner	
Senior Officer:	Director Development Services	
Date of Report	27 August 2008	
Previously	SD099/04/07 & SD021/08/07	
Disclosure of Interest	<p>Chief Executive Officer discloses an interest in common as she was within the radius of consultation for this event but did not put in a submission.</p> <p>Chief Executive Officer discloses an interest of impartiality as a member of the Keysbrook Hills Community Group (KHCG). The KHCG have submitted a letter of objection to this proposal. The Chief Executive Officer did not take part in these discussions or vote on the matter at the KHCG meeting. This has not affected the manner in which she has dealt with this application.</p>	
<b>Delegation</b>	<b>Council</b>	

Date of Receipt: 30 May 2008  
 Advertised: Yes  
 Submissions: Yes  
 Lot Area: 40.22 ha  
 L.A Zoning: Rural  
 MRS Zoning: Rural  
 Rural Strategy Overlay: Landscape Protection

### **Background**

The applicant is seeking approval to run a Music Festival from 17 to 19 October 2008 on the subject property.

In October 2007, the applicant organised and ran a similar Music Festival from the same property. As per last year, the stated aim of this event is to raise funds for an overseas charity as well as promoting the environment, Western Australian music, sustainable farming practices and Serpentine Jarrahdale.

***A copy of the location and site plans is with attachments marked SD028.1/09/08.***

### **Sustainability Statement**

***Effect on Environment:*** The three day festival involves a range of activities occurring in the natural environment which has the potential for impacts to occur. To help mitigate and avoid these impacts, the applicant has prepared an Environmental Management Plan (EMP) for the event which details the steps that will be taken to avoid any immediate impacts as well as outlining the longer term strategies that will be employed to improve the health of the surrounding environment. These strategies will continue after the event has been held.

***Resource Implications:*** Any waste and effluent that is created on site will be properly disposed of. On-site toilet facilities and rubbish collection receptacles will be provided for

patrons' use with the majority of rubbish being recycled. Separate bins will be provided for glass and aluminium (to be recycled) and general rubbish and a compost bin will be constructed for organic wastes. The recyclable materials will be washed and separated on site and taken to the City of Armadale tip on Hopkinson Road along with the general rubbish collected during the festival. The 'Green Team' volunteers will ensure that patrons abide by the rubbish policies and dispose of rubbish in an appropriate way.

The event will not place any increased demand on any existing services on site. Water consumed by patrons will be bottled with any additional water required being carted in. All electrical systems will be operated by generators on site.

**Economic Benefits:** It is considered that this event may encourage tourism within the Shire. Although the event is by invitation only, people from all over Perth will be attending the event providing an opportunity for Serpentine Jarrahdale to be showcased to those who may be visiting for the first time.

**Social – Quality of Life:** The proposal has the potential to have a short-term impact on surrounding landowners by way of noise and increased traffic. The applicant has endeavoured to take all precautions necessary to help minimise the potential impacts on the locality. Firstly, the Music Festival is split into three distinct days. Friday is proposed to consist of a short film competition, Saturday will be a full day of bands and a series of environmental stalls and Sunday will consist of jazz and country music and a farmers market. There will not be any music on Friday. A Traffic Management Plan has been prepared and submitted to Council which ensures that suitable management is in place for vehicle ingress and egress from the site, provides a safe environment for patrons and minimises disruption, delays and congestion to all road users.

**Social and Environmental Responsibility:** The event organisers have placed a high emphasis on the safety of the community and patrons through the preparation of a comprehensive Emergency and Risk Management Plan. This includes the employment of qualified security staff to oversee the event and the provision of First Aid and Medical facilities administered by the Royal Lifesaving Society Australia.

An EMP has also been prepared to help mitigate any impacts on the natural environment and details how the land will be rehabilitated soon after the event to ensure that impacts on the environment are minimal. Further, a revegetation workshop was undertaken in mid August, as a precursor to the festival, where approximately 350 new seedlings were planted throughout the property.

**Statutory Environment:** Town Planning Scheme No.2  
Environmental Protection (Noise) Regulations 1997

**Policy/Work Procedure Implications:** LPP8 – Landscape Protection

**Financial Implications:** There will be direct financial implications to Council related to this application with regard to Environmental Health Officers monitoring and undertaking follow up inspections after the event. Last year approximately 18 hours of officer time was spent at the event. At \$95 per hour, this equates to a cost to Council of approximately \$1,700.

**Strategic Implications:** This proposal relates to the following Key Sustainability Result Areas:-  
**1. People and Community**  
*Objective 1: Good quality of life for all residents*  
**Strategies:**  
1. Provide recreational opportunities.

5. Value and enhance the heritage character, arts and culture of the Shire.

*Objective 2: Plan and develop towns and communities based on principles of sustainability*

Strategies:

1. Increase information and awareness of key activities around the Shire and principles of sustainability.
5. Protect built and natural heritage for economic and cultural benefits.

**2. Environment**

*Objective 1: Protect and repair natural resources and processes throughout the Shire*

Strategies:

1. Increase awareness of the value of environmental requirements towards sustainability.
3. Encourage protection and rehabilitation of natural resources.

**3. Economic**

*Objective 3: Effective management of Shire growth*

Strategy:

1. Enhance economic futures for Shire communities.

**4. Governance**

*Objective 1: An effective continuous improvement program*

Strategy:

1. Identify and implement best practice in all areas of operation.

Strategy

*Objective 3: Compliance to necessary legislation*

Strategies:

1. Ensure development and use of infrastructure and land complies with required standards.
2. Develop a risk management plan.
3. Comply with State and Federal policies and Legislation and the Local Government Act in the most cost-effective way.

**Community Consultation:**

The application was referred to fifty four (54) surrounding land owners for comment in accordance with clause 6.3 of the TPS 2. As a result of the advertising, ten (10) submissions of objection, one (1) submission of concern and two (2) submissions of support were received. A thirteen (13) signature petition of objection, representing seven (7) individual properties, was also lodged. However, it is noted that eleven (11) of the signatures were from residents who had submitted separate letters of objection previously.

As the submissions cover similar issues, these are summarised below:

**SUMMARY OF OBJECTIONS & CONCERNS**

**Previous Event held in 2007**

- The same opposition and objections still apply this year, but now with the irrefutable proof that such an event will discriminate against full time residents in preference to those individuals who infrequently attend their properties.
- Last year's event saw loutish behaviour and vehicle burnouts on Gobby Road and South Western Highway in the early hours of the morning.

- The local community is now disunited as a result of the previous application. There is a need for healings of the rifts which exist between families and individuals within the Keysbrook community which was caused by last year's event.
- The previous event conducted in October last year resulted in considerable social disruption to the community in the surrounding area.
- The advice provided by several attendees to the 2007 event was that the entertainers were unprofessional, amateurish and not truly representative of the many talented entertainers in Western Australia.

#### Officer Comment

- The Shire was not made aware of any complaints that last year's event resulted in an increase in reported anti social behaviour.
- Comments about disunity within the community is noted.
- The type of music played at last years event is a personal opinion and is not an issue for Council to consider.

#### **General Comments**

- There is no economic, social, lifestyle or communal advantages or benefits to the locality, neighbouring properties or the environment from the proposed event.
- The SJ Shire vehemently opposes Sand Mining and the proposed Airport on Hopelands Road, both commercial developments. Is the music festival not a commercial event?
- The residents affected by this proposal will feel obliged to remain at home on the weekend of this event in order to ensure the safety of their properties. While the patrons of the music are enjoying themselves, neighbours are forced to remain at home and endure the problems.
- The map does not show traffic flows, parking areas, sound directions, expected noise levels, environmental and fire protection measures and ablution facilities.
- A number of years ago, the proposed motor vehicle hill climb event on Boyd Road was refused by Council to be a regular event due to the negative impact on local residents and its inconsistency with the local environment and culture. Therefore, a precedent exists to refuse the Music Festival due to similar impacts on the locality.

#### Officer Comment

- There are a number of anticipated benefits that will be derived from this event including economic benefits to local businesses and producers through the farmers market and environmental stalls and to the volunteer fire brigade and SES.
- A three day Music Festival will not have the same long term impacts on the community as the proposed sand mining or a commercial airport. Therefore the comparison between these activities is not relevant.
- Surrounding residents have the choice whether or not to remain at home through the duration of the Music Festival.
- Traffic flows and noise levels are covered by separate Traffic Management and Noise Management Plans which have been assessed by Council staff.
- The Boyd Road Hill climb was not a matter that was considered by the Shire.

#### **Zoning & Location**

- The proposal is incompatible with zoning regulations and the rural character of the locality.
- There are a number of alternative locations, such as Tumbulgum Farm and Fairbridge, which are far more suitable for this purpose.

#### Officer Comment

- The proposed event is defined as 'Public Amusement' under the TPS 2 and is a discretionary use within the Rural zone. The scheme does not require any amendments in this regard as Council supports a range of land use activities in the Rural zone.
- One of the purposes of the event is to showcase the beauty of the Shire, something that could not be achieved to this extent at a different venue. Further, the proposed farmers market on Sunday will be held within the applicant's orchard on the property. A different venue may likely result in the cancellation of these workshops.

### **Attendance**

- The number of patrons is estimated at 700 but the event was advertised on the internet last year and therefore could be expected to attract many times that number.

### **Officer Comment**

- The application indicates that patron numbers will be 600.
- The event is strictly by invitation only with the invitees being friends of the applicant, family or the co-organisers of the event. An attendee list has been drafted and will be scrutinised by the applicant to ensure that only those who were invited attend. This will ensure that patron numbers are kept within the range as specified in the application.

### **Traffic & Access**

- Access roads for the event, being Gobby and Scarp Roads, are gravel, steep and winding and unsuitable for heavy traffic. The many hundreds of vehicles expected for the event will generate continuous clouds of dust making the road unsafe to use not only for the attendees but for the permanent residents of Gobby Road.

### **Officer Comment**

- A Traffic Management Plan has been prepared for the event and forwarded to the Shire for assessment. Traffic issues are discussed further on in this report.
- Camping on site is proposed in order to break up the flow of traffic from attendees and to ensure that all attendees do not enter the site at the same time.
- A car tax of \$20 per vehicle is being imposed by the applicant to encourage car pooling, therefore helping to reduce car numbers and disturbance to the road and neighbours.

### **Noise**

- The noise generated by amplified music is out of keeping with the rural nature of the area.
- The proposal to conclude music at 1am on Saturday night/Sunday morning is a very unfriendly arrangement and will be a big disruption to those that have to rise early. Conclusion of most public events is 10:00pm and that should be a minimum requirement.
- The sanctity of Sunday mornings should be respected with specific exclusion of music or performances before 12 noon.
- Some three music events/parties have been conducted on Lot 15 Gobby Road since October 2007.
- We residents have been subjected to non regulated, electronically amplified music. Moreover, on one occasion the WA Police were called because of foul language which was being broadcast on the amplified sound system.
- The applicant should be made to adhere to the monitoring of sound level limits by external, qualified and professional sound monitors.

### **Officer Comment**

- It is acknowledged that some surrounding landowners will be impacted by the noise emitted from the event. However, the music is proposed for the Saturday and Sunday only.
- A Noise Management Plan has been prepared for the event and assessed by Council's Environmental Health Officers. This plan will be discussed further on in this report.
- Any previous private event held on the property is not a matter that needs to be considered by Council.
- The Noise Report prepared after last years event indicated that the applicant complied at all times with the noise levels imposed on the application.

### **Fire Risk**

- The combination of strong overnight easterly winds and 700 campers and workers, campfires and smokers is the trigger for an out of control bushfire in terrain that is inaccessible to fire fighters.

### Officer Comment

- A Risk Management Plan has been prepared for the event and forwarded to Council's Community Emergency Services Manager for comment. This plan will be discussed later in the report.

### **Environmental Impacts**

- No measures are proposed to protect the environment such as fencing off sensitive areas and banning vehicle access to steep areas to reduce erosion.
- This site is in a degraded state and is host to a number of reportable weeds.

### Officer Comment

- The applicant advises that being a previous president of the Murdoch University Environmental Science Association, he places very high importance on the environmental values of the property and surrounding environment. As such, an EMP has been prepared and assessed by Council staff. The plan details various management strategies, with respect to flora, fauna, weeds, water resources and disease control, to minimise any adverse impacts on the area.
- It is considered that the proposal is unlikely to detrimentally impact on the existing environment in any way.

## **SUMMARY OF SUPPORT**

### **Previous Event held in 2007**

- There have been no problems with any of the applicant's activities in the past. Our family are likely to attend the festival as well as helping out as members of the Keysbrook Fire Brigade.
- As an attendee of the Music Festival in 2007, I can only highly recommend that the 2008 festival be allowed to proceed without all the hindrances and delays in approval that occurred last year.
- The event was so well organized with a great attention to detail, that it should be used as a model for activities of a similar kind.
- The standard of music provided in 2007 was high with considerable variety and gave an opportunity for young Western Australian talent to be heard.
- Local community groups were also given the opportunity to fundraise.
- My property is in relatively close proximity to the event and the music was barely audible from there. I don't believe that any reasonable person could object to the minimal inconvenience that may occur.

- To my knowledge there were no complaints after last year's event and feel that the main objectors prior to the event took an absolutely extreme point of view in opposition to the event.
- As a Senior Citizen and property owner in the district for many years, I emphasize that I have no objection to the Music Festival being conducted in 2008 and commend the young organizers for their initiative.

#### Officer Comment

- The above comments are noted.
- There were no complaints received from any surrounding landowner immediately following last years event. A letter was received from one landowner signed by owners of five (5) surrounding properties almost 4 months after the event was held. The noise levels emanating from the site last year complied with the levels stipulated by Council.

#### **Officer Comment**

Last year many of the comments received objecting to the event related to safety concerns, fire management and noise management. All reports after the event from officers monitoring the festival indicated how professionally, smoothly and incident free the event ran.

With respect to noise levels, comment and concern was made regarding this by surrounding landowners. As part of the noise monitoring process, Officers from the Department of Environment and Conservation (DEC) offered to install monitoring equipment on surrounding properties (owned by objectors to the event) to ensure that all stipulated noise levels were complied with. This offer for noise monitoring from within neighbouring properties was rejected by the landowners. Therefore, as no monitoring was undertaken from adjoining properties due to the objection to do so by these owners, there is no evidence to support the comments this year that the noise produced was disruptive or did not comply with the levels assigned by Council and the Minister for Environment.

#### **Comment:**

#### **Proposed Event**

The applicant has advised that the proposed event is essentially the same as the event approved by the Council last year, subject to a couple of amendments relating to playing times and proposed noise levels. Details of the event provided by the applicant are as follows:

#### Days & Times

*The proposed event is split over three days from Friday the 17<sup>th</sup> of October to Sunday 19<sup>th</sup> October 2008.*

- *Friday will consist of a short film competition. There will not be any music on Friday.*
- *Saturday will be a full day of bands from 12:00noon to 1:00am Sunday and a series of environmental stalls.*
- *Sunday will consist of jazz and country music from 10:00am to 5:00pm and a farmers market whereby local farmers can sell their produce to the festival patrons.*

#### Crowd Dynamics

*Anticipated audience is up to 600 patrons over the duration of the festival. The site has a series of levels that will help disperse the crowd to ensure no overcrowding and orange barriers will serve to channel the flow of the crowd as required.*

#### Operational Issues

*Last year we notified the police, fire and ambulance in the lead up to the event and provided them all with a map. We will do so again this year and look forward to working with them. The Keysbrook Fire Brigade will station a fire unit close to the main site.*

### Toilets

*We will hire portaloos and provide at a rate in excess of Council requirements.*

### Water

*Potable tap water will be available around the venue for free at all times. This will be available for fire fighting and drinking purposes. Bottled water will also be sold at a nominal cost.*

### Electrical & Lighting

*An electrical contractor will certify that all temporary electrical installations comply with the Health Regulation Act 1992.*

### Crowd Control & Security

*A licensed crowd control agency will be hired with their own distinct uniform and accompanying gear.*

### Medical & First Aid

*The applicant has engaged the Royal Life Saving Society Australia to provide First Aid services for the duration of the event on the Friday and Saturday.*

### Vehicles & Transport

*Adequate parking on site has been arranged. Private vehicles will provide the transport to and from the venue. There will be no public transport available. Camping overnight will ensure the movement of vehicles is confined to daylight hours.*

### Cleanup & Rubbish Removal

*A cleanup and rubbish plan has been prepared. Recycling will be strongly encouraged on site and rubbish will be disposed of in accordance with Council requirements. A number of Sulo and other bins will be positioned on site for patron use.*

### Camping

*An area provided for short term camping is provided on site, located south of the festival site. No caravans are permitted and there will be a total fire ban in camping areas. Adequate sanitary facilities will be provided near all camping areas.*

### Structures & Marquees

*There will be marquees to house food and drink stalls and also to provide shelter from the elements.*

### Food Stalls

*There will be food stalls on site of a basic 'sausage sizzle' type nature.*

## **Zoning**

The subject land is zoned Rural under Council's TPS 2. It is considered that the proposed use falls under the use class of 'Public Amusement' under the scheme which is defined as "land and buildings used for the amusement or entertainment of the public, with or without charge". This use is an SA use in the Rural zone.

## **Environmental Health**

### Noise

Last year, the Music Festival was approved as a non-complying event under regulation 18 of the Environmental Protection (Noise) Regulations 1997 (the Regulations) by the Minister for Environment, as agreement could not be reached between the Serpentine Jarrahdale Shire and the Shire of Murray regarding the noise conditions imposed on the approval.

### Previous Approval

The Serpentine Jarrahdale Shire supported the approval of this event in 2007 as a non-complying event, under Regulation 18 of the Regulations. Due to the proximity of the property to the Shire of Murray boundary and the likelihood that the noise emissions received in that district from the event would fail to comply with the standard prescribed under the Regulations, the proposed conditions of approval had to be agreed to by the Shire of Murray. As the Shire of Murray did not agree with the conditions, the conditions of approval were determined by the Minister under Regulation 18(13) of the Regulations.

### Proposed Event

The proposed music festival is again likely to result in the emission of noise in contravention of the standard prescribed under Regulation 7 of the Regulations and the event may lose much of its character and usefulness if it were required to comply with that standard. As such, the applicant has requested that the event be approved under Regulation 18 as a non-complying event.

As part of the application to Council, the applicant states that:

*“Myravale Pty Ltd is of the view that the restrictions placed upon the 2007 event were excessively onerous, due to unwarranted complaints that proved to be ill founded. Accordingly, Myravale Pty Ltd believes that the requested amendments are not excessive but rather comprise standard conditions for similar type events”.*

A noise management plan (NMP) has been submitted with the application and includes noise modelling from the 2007 event, the results of the noise monitoring from the 2007 event and noise modelling for the 2008 event, in support of the requested amendments.

The most significant of these amendments are the requests for an increase in sound level limit from 95dB(A) to 98dB(A) and a later finishing time of 1:00am (Sunday) from 11:30pm (Saturday). The applicant has also requested a Jazz and Country music entertainment component to the event on Sunday from 10:00am to 5:00pm.

The submitted NMP details the requested amended sound level limits and finishing times as follows:

- Saturday 12:00pm-12:00am, max 96dB(A), with two (2) 50 min periods max 98dB(A);
- Sunday 12:00am-1:00am, max 95dB(A); and
- Sunday 10:00am-5:00pm, max 95dB(A).

### Previous Event Noise Results (2007)

The noise monitoring from the 2007 event demonstrated that noise control was effective with only one reading exceeding the sound level limit of 95dB(A). The approval conditions actually allowed for 30 readings to exceed the sound level limit. In addition to the noise management in 2007, the applicant has advised that key event staff will synchronise all time keeping devices and the event will be scheduled to finish 10-15 minutes prior to the approved completion time, to avoid overrunning the approval. The NMP also notes that sound level limits varying between 96db(A) and 100dB(A) have been approved for other outdoor concerts in Western Australia.

The noise modelling from the 2007 event predicted a sound level of 65dB(A) at the western boundary of the property, with a predicted level of 50-55dB(A) at the nearest residence to that boundary. The maximum actual sound level recorded by the DEC noise loggers at the boundary during the event was 56dB(A), with the sound level at the mixing desk being 92dB(A). From these results, it is considered that the modelling for the 2007 event overestimated sound levels to the west by approximately 6dB(A).

The predicted sound level at the southern boundary of the property for the 2007 event was 60dB(A) with the predicted level at the nearest residence to that boundary being 50-55db(A). The maximum actual sound level recorded was 49dB(A) with the sound level at the mixing desk being 89dB(A). It is considered that the noise modelling was overestimating sound levels to the south by approximately 5dB(A).

No complaints with relation to noise were received during or directly following the 2007 event. One objection to future similar events, signed by owners of five (5) surrounding properties, was received on 21 January 2008, citing noise intrusion from the 2007 event as one of the reasons for the objection.

#### Proposed Event Noise Details (2008)

The applicant has provided noise modelling for the 2008 event using a sound level of 100dB(A), however a maximum sound level of only 98dB(A) has been requested. The modelling, showing the stage facing north as per the 2007 event, predicts the sound levels will be 70dB(A) at the western boundary and 65dB(A) at the southern boundary. These predicted levels are 5dB(A) above the predicted sound levels for the 2007 event.

It is not considered unreasonable for sound levels to be increased by 3dB(A) to 98dB(A) for the 2008 event. Given the previous noise modelling overestimated the sound levels received at the property boundaries by 5dB(A) and the current modelling is for sound levels 2dB(A) higher than the requested 98dB(A), sound levels at the western and southern boundaries are likely to be similar to the predicted sound levels for the 2007 event.

#### Conclusion

The applicant has demonstrated that the noise management for the 2007 event was very good with the actual noise received at the property boundaries being lower than predicted. With consideration for the demonstrated noise control, the noise modelling overestimating actual sound levels and the higher sound level limits approved for other events in Western Australia, it is not considered unreasonable to approve an increased sound level limit of 98dB(A) for the 2008 event.

The approved completion time for the 2007 event was 11:30pm Saturday and was not considered to be an unreasonable finishing time. In keeping with the previous approval, the proposed finishing time of 1:00am Sunday for the 2008 event is not supported as the earlier finishing time is a key noise management strategy.

As discussed previously, the proposed event needs to be approved under regulation 18 of the Regulations as a non-complying event. As such, the noise conditions for a non-complying event will be included as part of the officer recommendation.

#### Public Building

The proposed music festival is considered to be a public building under the Health (Public Buildings) Regulations 1992 and as such should comply with the requirements of those Regulations. The applicant has requested a reduction in the total number of patrons to the event and in turn a reduction in the number of toilet facilities required.

#### Food Safety

The applicant has advised that the Mundijong State Emergency Service (SES) have been engaged to cater for the event, keeping proceeds in the community. All stalls where food is to be sold, either directly or indirectly, is to comply with the requirements of the Health (Food Hygiene) Regulations 1993 and the Food Standards Australia New Zealand (FSANZ) Food Safety Standards.

#### Environmental

To address the environmental issues of the area, the applicant has prepared an EMP for the event. The plan outlines the existing flora and fauna found on the property, bush land condition and water quality. Also included are the threatening processes associated with the Myaravale Music Festival, which may impact upon biodiversity, bush land health or water quality. Finally, the plan outlines management strategies and recommendations that will help to ameliorate the effects of the festival on the surrounding natural environment.

Concerns have also arisen relating to the nature of the access track into the site, being very steep in parts, as well as the potential erosion issues resulting from this. These concerns are mirrored by the DEC who has granted access to the site through the State Forest subject to a number of conditions. In order to address these concerns, the DEC requires the following:

- The western portion of the track that descends steeply to the eastern edge of Lot 15 and is prefaced with a 'Danger! Steep Descent' sign, is not used as access to the festival. Festival patrons will instead divert onto the adjoining private property immediately north of the track just prior to the steep descent, and complete the final section to Lot 15 via the adjoining landowner's firebreak.
- The remaining majority of the forest track that is approved for use by festival patrons accessing the festival must be graded by a local landowner prior to the event.

The adjoining landowners have put their full support behind the festival and support the use of their land for access purposes.

The EMP addresses many of the original concerns of Council Officers and surrounding landowners. A condition will be included to ensure compliance with the EMP and the recommendations from the DEC.

### **Access, Traffic & Emergency Management**

Traffic issues with respect to the event are a significant concern from adjoining residents. The applicant has prepared a Traffic Management Plan (TMP) for Council approval and this has been submitted and assessed by Council staff. This plan is the same as per last year's event. The executive summary of the TMP is as follows:

- Vehicles will enter from Kingsbury Drive and Scarp Road and then arrive via an easement through State Forest and an access track through a neighbour's property. Vehicles leaving the site will exit via the neighbour's property, the easement through State Forest and then along Scarp Road and Kingsbury Drive to ensure that disruptions are minimised.
- Two-way traffic will be minimal to negligible, given patrons are extremely unlikely to be leaving the site before Sunday morning, it is not envisaged that anyone will be arriving on Sunday.
- A vehicle levy of \$20 per car implemented to encourage car pooling, thus minimising the impact of patron's vehicles on local roads.
- A series of risk management measures outlined in this plan, coupled with traffic controllers, should ensure a smooth and minimal impact on local roads.

The comprehensive TMP has been assessed by Council staff and is deemed to be of a very high standard. The applicant has taken all approaches necessary to ensure that ingress and egress to the site by patrons is safe and that impacts on surrounding properties are reduced. In addition, the applicant has stated that a later finishing time on Saturday and additional music event on Sunday will encourage patrons to camp overnight at the event, rather than drive at night. The applicant also states that the provision of entertainment on Sunday will stagger the exit of patrons from the event, minimising the disturbance to local roads.

To further help with ease of access on site by festival patrons, a Lighting Report has been prepared which details that pathway lighting will be provided for safety purposes and to allow access to the campsites during the hours of dusk till dawn. Further, the upper camping ground will be illuminated by lighting towers between dusk and 1am. The concert area will also be lit during performances. The provision of these lighting systems between the hours of dusk till dawn will ensure that patrons can move around the campsite safely.

In terms of Emergency Management, the Risk Management Plan provided by the applicant clearly details how any potential risk that may eventuate as a result of the festival can be handled. The Keysbrook Fire Brigade will be providing a fire vehicle on site with emergency access tracks identified on site in case any other emergency vehicles are required to access the site. The Risk Management Plan has been assessed and is to the satisfaction of Council's Community Emergency Services Department. It is understood the applicant has public liability insurance in place for the event.

### **Shire of Murray Approval**

Due to the event being defined as a non-complying event under the Regulations, the Shire of Murray is required to agree to the recommended conditions of approval relating to noise. The application was referred to the Shire of Murray as part of the advertising process with the Shire of Murray at its meeting 28 August 2008 passing the following resolution:

*That Council:*

- 1. Notes the concerns of residents and advises that because of the location of the property (within the Shire of Serpentine Jarrahdale), the Shire of Murray is unable to deal with amenity issues; and*
- 2. Does not sign the Regulation 18 exemption under the Environmental Protection (Noise) Regulations 1997.*

Under regulation 18 of the Regulations, the Shire of Murray are not required to sign the approval, however they must agree to the conditions of the approval for the non-complying event. The position of the Shire of Murray regarding this event is clear in the above resolution, however to follow the process of the Regulations, the conditions of approval cannot be disagreed with by the Shire of Murray until they have been determined by Council. Therefore, if Council resolve to grant conditional approval for the proposed music festival, the Council's recommended noise approval conditions will be forwarded to the Shire of Murray for their decision. If the Shire of Murray does not agree with the recommended conditions then, as per last year, the conditions will need to be determined by the Minister under Regulation 18(13) of the Regulations

### **Alternative Dates**

The applicant has proposed to hold the event on the weekend of the 17 to the 19 of October 2008. However, if this planning application is approved, due to the requirements to obtain noise approvals from the Shire of Murray or the Minister for Environment, it is very likely that time may run out to hold the event in October 2008. Therefore, the applicant has provided alternative dates to hold the festival if the proposed October dates are not achievable. The applicant has advised that the following alternative dates in November 2008 and May 2009 would be suitable and has included these dates would be suitable:

- 7 to 9 November 2008; and
- 8 to 10 May 2009.

It is also acknowledged given the current election uncertainty that the relevant noise approvals may not be obtained in time to meet the above dates in November. Therefore, if this planning application is approved provision should be made to allow some flexibility to amend the dates, beyond November, if approvals cannot be obtained. The applicant advises that if the event cannot be run in November, May 2009 would be the next realistic date.

In light of this, condition 1 of the officer recommendation details that the approval will be granted for one event only, being held either on the 7 to 9 November 2008 or the 8 to 10 May 2009.

### **Conclusion**

As per the event last year, the proposed Myaravale Music Festival provides an opportunity for a unique event to be held in the hills of Keysbrook. The event has a number of aims, these being to raise funds for charity as well as promoting local business, the environment, Western Australian music, sustainable farming practices and the district of Serpentine Jarrahdale. The applicant's family has owned the subject property in Keysbrook for the past ten years and the applicant, being a keen environmentalist, is eager to showcase the area to people outside of the Shire.

As with any event of this nature, issues of traffic and access, fire and risk management, environmental protection and impacts on surrounding landowners always needs to be taken into consideration. In response to these concerns, a number of management plans have been prepared to Council's satisfaction to ensure that any potential impacts on the locality are mitigated and to ensure that the event runs smoothly without detrimentally impacting on the area. The applicant has been willing to work with Council staff along every step of the way to ensure that any concerns are addressed promptly and professionally. Although impacts on surrounding landowners are likely to occur, mainly as a result of noise, the event is only for one weekend out of the entire year. Further, Council staff will be visiting the site and noise monitoring undertaken for the duration of the event on Saturday and Sunday, to ensure compliance with the conditions of approval. As per last year, the noise monitoring results will be forwarded to the DEC for assessment. The set up of the event, being a short film competition on Friday and amplified music on Saturday and Sunday, interspersed with stalls and a farmers market, is considered to reduce the intensity and duration of impacts to the locality. Taking all these issues into consideration, it is recommended that the application be conditionally approved.

It is therefore recommended that the application be conditionally approved.

**Voting Requirements:** Simple Majority

### **Committee/Officer Recommended Resolution:**

- A. The application for Approval to Commence Development for a 'Public Amusement' event (Myaravale Music Festival) on Lot 15 Gobby Road, Keysbrook be approved subject to the following conditions:

#### **PLANNING**

1. Approval for the event is valid for one single date only being from 9:00am Friday 7 November 2008 to 5:00pm Monday 10 November 2008 or 9:00am Friday 8 May to 5:00pm Monday 11 May 2009.
2. A maximum number of 600 people are permitted to attend the entire event at any one time.
3. No lasers, fireworks, pyrotechnics or any related or similar activity shall be permitted at the event.
4. No signs for the event are permitted to be displayed on any road reserves except entry and exit signs.
5. Development to be in accordance with the development and management plans attached to and forming part of this approval.
6. Any outdoor display lighting or security lighting used in conjunction with the event shall be located or shielded so that no additional light is cast on land adjoining the premises or so as to provide a distraction to traffic on roads surrounding or nearby to the premises.

7. The applicant is to provide proof of adequate public liability insurance prior to the event.
8. The land is to be returned to the state it was prior to the event by the operator/landowner by 5:00pm on the second Monday following the event to the satisfaction of the Shire.
9. All structures and facilities erected for the purpose of the event must be removed at the applicant's expense by 5:00pm on the Monday of the event.

#### ENVIRONMENTAL HEALTH

10. Approval for a non-complying event under the Environmental Protection (Noise) Regulations 1997 being granted and all conditions specified on the approval being complied with.
11. A Certificate of Approval under the Health (Public Building) Regulations 1992 is to be obtained by 5:00pm on the Thursday immediately prior to the event.
12. Adequate toilet facilities are to be provided and in any case shall be a minimum of 5 female and 5 male WCs. At least one disabled toilet facility is to be provided.
13. All stages and other significant temporary structures such as marquees are to be certified by a suitably qualified engineer and the construction and installation of the structures are to be certified by the installer.
14. All electrical appliances, cables and ancillary electrical equipment to be used is to be certified as compliant by an electrical contractor on Form 5 – Certificate of Electrical Compliance in accordance with regulation 10 of the Health (Public Building) Regulations 1992.
15. All food offered for sale is to be prepared in a food preparation area approved under the Health (Food Hygiene) Regulations 1993.
16. Adequate rubbish receptacles to be provided and a suitable disposal system to be in place to ensure litter and waste materials do not cause a litter and/or health problem. Regular collection of litter is to occur to ensure that no litter escapes the site.
17. The proponent paying the application fee of \$500 for approval of a non-complying event under part (6)(b) of Regulation 18 of the Environment Protection (Noise) Regulations 1997.
18. The premises must be cleaned and all rubbish disposed of at the expense of the applicant to the satisfaction of the Principal Environmental Health Officer by 5pm on the Monday of the event.
19. Camping on the property shall be in accordance with the Caravan Parks and Camping Grounds Regulations 1997 and is to be confined to the 'camping' area only as shown on the approved site plan.

#### ENGINEERING

20. Entry and Exit to the event is to be in accordance with the approved Traffic Management.

#### Advice Notes

1. The applicant shall comply with the advice provided by the Department of Environment and Conservation regarding access, traffic management and die back management.
2. The applicant liaise with the Shire's Community Emergency Services Manager with regard to any additional preparation or measures that are needed to be taken to prevent any fire related hazards as a result of the event.
3. No fires are permitted anywhere in the grounds.

- B. Council approve the following proposed conditions under Regulation 18 (12) of the Environmental Protection (Noise) Regulations 1997, for the Myravale Music Festival:
1. The starting time for entertainment at the Event on the Saturday shall not be earlier than 11:30am and the completion time for entertainment at the Event on the Saturday shall not be later than 11:30pm.
  2. The starting time for entertainment at the Event on the Sunday shall not be earlier than 10:00am and the completion time for entertainment at the Event on the Sunday shall not be later than 5:00pm.
  3. Any sound system tests for the Event shall only occur between 10:30am and 11:30am on the Saturday and must be kept to the minimum reasonably necessary.
  4. Subject to condition 6, the sound level at the mixing desk position resulting from entertainment and sound system tests associated with the Event, shall not exceed an  $L_{Aeq, 1min}$  level of 98 dB(A) on the Saturday and 95dB(A) on the Sunday, where  $L_{Aeq, 1min}$  is an average value taken over one minute, whose level contains the same energy as the fluctuating sound during that period.
  5. The mixing desk shall be located no more than 20 metres from the front of the stage.
  6. The sound levels specified in condition 4 may be exceeded for any one minute period, but on no more than 30 occasions between 10:30am and 11:30pm on the Saturday and on no more than 30 occasions between 10:00am and 5:00pm on the Sunday and never by more than 5 dB(A).
  7. The stage and loudspeakers shall face north-east.
  8. Sound levels shall be continuously monitored at the mixing desk from 10:20am until 11:40pm on the Saturday and from 9:50am until 5:10pm on the Sunday.
  9. Sound level monitoring equipment shall record  $L_{Aeq, 1min}$  and  $L_{Ceq, 1min}$  levels.
  10. Sound levels shall be recorded and reported to the nearest 0.1dB.
  11. Monitoring of sound levels shall be carried out by a suitably qualified person (“approved noise monitor”) who has been approved by the Chief Executive Officer of the Shire of Serpentine Jarrahdale.
  12. Monitoring of sound levels shall be carried out using monitoring equipment that complies with regulation 22 of the *Environmental Protection (Noise) Regulations 1997*.
  13. A report of the sound level monitoring required by condition 8 to 12 shall be prepared by the approved noise monitor and shall be provided by 5:00pm on the second Monday following the event to the following persons:
    - i) The Director, Environmental Regulation Branch, Department of Environment and Conservation;
    - ii) The Chief Executive Officer of the Shire of Serpentine Jarrahdale; and
    - iii) The Chief Executive Officer of the Shire of Murray.
  14. Myravale Pty Ltd shall nominate a person, or persons, (“nominated person(s)”) who shall be in control of the sound levels produced by the Event at all times.
  15. The names of the nominated person(s) shall be submitted to the Chief Executive Officer of the Shire of Serpentine-Jarrahdale by 5:00pm on the Thursday immediately prior to the event.
  16. A nominated person shall be in attendance at the Event at all times.
  17. A direction given to a nominated person to reduce sound levels during the Event (including low frequency sound levels), which has been issued by any of the following –
    - i) The approved noise monitor;
    - ii) An Inspector appointed under Section 88 of the Act employed by the Shire of Serpentine-Jarrahdale; or
    - iii) An Inspector appointed under Section 88 of the Act employed by the Department of Environment and Conservation;shall be complied with forthwith.

18. Myravale Pty Ltd shall ensure that the approved noise monitor, the nominated person(s) and all other personnel involved with the operation of the sound system during the Event are instructed as to the conditions of this Approval.
19. Myravale Pty Ltd shall be responsible for any failure by the nominated person(s) to control sound levels so as to comply with the conditions of this Approval.
20. An Inspector appointed under Section 88 of the Act shall be allowed access to Lot 15 Gobby Road, Keysbrook at any time on the Saturday and Sunday of the event and shall be given such assistance as he or she reasonably requires to measure noise or to determine compliance with this Approval.

#### Advice Notes

1. The purpose of condition 6 is to provide a reasonable time to respond to and rectify any inadvertent breach of the sound level limit specified by condition 4. Regardless of condition 6, all reasonable and practicable measures are to be taken to comply with the sound level limit in condition 4.

C. Surrounding landowners be advised of Council's decision.

#### **New Motion:**

Moved Cr Twine, seconded Cr Randall

- A. The application for Approval to Commence Development for a 'Public Amusement' event (Myravale Music Festival) on Lot 15 Gobby Road, Keysbrook be approved subject to the following conditions:

#### PLANNING

1. Approval for the event is valid for one single date only being from 9:00am Friday 7 November 2008 to 5:00pm Monday 10 November 2008 or 9:00am Friday 8 May to 5:00pm Monday 11 May 2009.
2. A maximum number of 600 people are permitted to attend the entire event at any one time.
3. No lasers, fireworks, pyrotechnics or any related or similar activity shall be permitted at the event.
4. No signs for the event are permitted to be displayed on any road reserves except entry and exit signs.
5. Development to be in accordance with the development and management plans attached to and forming part of this approval.
6. Any outdoor display lighting or security lighting used in conjunction with the event shall be located or shielded so that no additional light is cast on land adjoining the premises or so as to provide a distraction to traffic on roads surrounding or nearby to the premises.
7. The applicant is to provide proof of adequate public liability insurance prior to the event.
8. The land is to be returned to the state it was prior to the event by the operator/landowner by 5:00pm on the second Monday following the event to the satisfaction of the Shire.
9. All structures and facilities erected for the purpose of the event must be removed at the applicant's expense by 5:00pm on the Monday of the event.

#### ENVIRONMENTAL HEALTH

10. Approval for a non-complying event under the Environmental Protection (Noise) Regulations 1997 being granted and all conditions specified on the approval being complied with.
11. A Certificate of Approval under the Health (Public Building) Regulations 1992 is to be obtained by 5:00pm on the Thursday immediately prior to the event.

12. Adequate toilet facilities are to be provided and in any case shall be a minimum of 5 female and 5 male WCs. At least one disabled toilet facility is to be provided.
13. All stages and other significant temporary structures such as marquees are to be certified by a suitably qualified engineer and the construction and installation of the structures are to be certified by the installer.
14. All electrical appliances, cables and ancillary electrical equipment to be used is to be certified as compliant by an electrical contractor on Form 5 – Certificate of Electrical Compliance in accordance with regulation 10 of the Health (Public Building) Regulations 1992.
15. All food offered for sale is to be prepared in a food preparation area approved under the Health (Food Hygiene) Regulations 1993.
16. Adequate rubbish receptacles to be provided and a suitable disposal system to be in place to ensure litter and waste materials do not cause a litter and/or health problem. Regular collection of litter is to occur to ensure that no litter escapes the site.
17. The proponent paying the application fee of \$500 for approval of a non-complying event under part (6)(b) of Regulation 18 of the Environment Protection (Noise) Regulations 1997.
18. The premises must be cleaned and all rubbish disposed of at the expense of the applicant to the satisfaction of the Principal Environmental Health Officer by 5pm on the Monday of the event.
19. Camping on the property shall be in accordance with the Caravan Parks and Camping Grounds Regulations 1997 and is to be confined to the 'camping' area only as shown on the approved site plan.

#### ENGINEERING

20. Entry and Exit to the event is to be in accordance with the approved Traffic Management.

#### Advice Notes

1. The applicant shall comply with the advice provided by the Department of Environment and Conservation regarding access, traffic management and die back management.
  2. The applicant liaise with the Shire's Community Emergency Services Manager with regard to any additional preparation or measures that are needed to be taken to prevent any fire related hazards as a result of the event.
  3. The applicant shall liaise with the Shire's Manager Emergency Services prior to the event with regard to the lighting of fires on the property including any additional preparation or measures or permit requirements that may need to be taken to prevent any fire related hazards as a result of the event.
- B. Council approve the following proposed conditions under Regulation 18 (12) of the Environmental Protection (Noise) Regulations 1997, for the Myravale Music Festival:
1. The starting time for entertainment at the Event on the Saturday shall not be earlier than 11:30am and the completion time for entertainment at the Event on the Saturday shall not be later than 11:30pm.
  2. The starting time for entertainment at the Event on the Sunday shall not be earlier than 10:00am and the completion time for entertainment at the Event on the Sunday shall not be later than 5:00pm.
  3. Any sound system tests for the Event shall only occur between 10:30am and 11:30am on the Saturday and must be kept to the minimum reasonably necessary.

4. Subject to condition 6, the sound level at the mixing desk position resulting from entertainment and sound system tests associated with the Event, shall not exceed an  $L_{Aeq, 1min}$  level of 98 dB(A) on the Saturday and 95dB(A) on the Sunday, where  $L_{Aeq, 1min}$  is an average value taken over one minute, whose level contains the same energy as the fluctuating sound during that period.
5. The mixing desk shall be located no more than 20 metres from the front of the stage.
6. The sound levels specified in condition 4 may be exceeded for any one minute period, but on no more than 30 occasions between 10:30am and 11:30pm on the Saturday and on no more than 30 occasions between 10:00am and 5:00pm on the Sunday and never by more than 5 dB(A).
7. The stage and loudspeakers shall face north-east.
8. Sound levels shall be continuously monitored at the mixing desk from 10:20am until 11:40pm on the Saturday and from 9:50am until 5:10pm on the Sunday.
9. Sound level monitoring equipment shall record  $L_{Aeq, 1min}$  and  $L_{Ceq, 1min}$  levels.
10. Sound levels shall be recorded and reported to the nearest 0.1dB.
11. Monitoring of sound levels shall be carried out by a suitably qualified person (“approved noise monitor”) who has been approved by the Chief Executive Officer of the Shire of Serpentine Jarrahdale.
12. Monitoring of sound levels shall be carried out using monitoring equipment that complies with regulation 22 of the *Environmental Protection (Noise) Regulations 1997*.
13. A report of the sound level monitoring required by condition 8 to 12 shall be prepared by the approved noise monitor and shall be provided by 5:00pm on the second Monday following the event to the following persons:
  - i) The Director, Environmental Regulation Branch, Department of Environment and Conservation;
  - ii) The Chief Executive Officer of the Shire of Serpentine Jarrahdale; and
  - iii) The Chief Executive Officer of the Shire of Murray.
14. Myravale Pty Ltd shall nominate a person, or persons, (“nominated person(s)”) who shall be in control of the sound levels produced by the Event at all times.
15. The names of the nominated person(s) shall be submitted to the Chief Executive Officer of the Shire of Serpentine-Jarrahdale by 5:00pm on the Thursday immediately prior to the event.
16. A nominated person shall be in attendance at the Event at all times.
17. A direction given to a nominated person to reduce sound levels during the Event (including low frequency sound levels), which has been issued by any of the following –
  - i) The approved noise monitor;
  - ii) An Inspector appointed under Section 88 of the Act employed by the Shire of Serpentine-Jarrahdale; or
  - iii) An Inspector appointed under Section 88 of the Act employed by the Department of Environment and Conservation;shall be complied with forthwith.
18. Myravale Pty Ltd shall ensure that the approved noise monitor, the nominated person(s) and all other personnel involved with the operation of the sound system during the Event are instructed as to the conditions of this Approval.
19. Myravale Pty Ltd shall be responsible for any failure by the nominated person(s) to control sound levels so as to comply with the conditions of this Approval.
20. An Inspector appointed under Section 88 of the Act shall be allowed access to Lot 15 Gobby Road, Keysbrook at any time on the Saturday and Sunday of the event and shall be given such assistance as he or she reasonably requires to measure noise or to determine compliance with this Approval.

1. The purpose of condition 6 is to provide a reasonable time to respond to and rectify any inadvertent breach of the sound level limit specified by condition 4. Regardless of condition 6, all reasonable and practicable measures are to be taken to comply with the sound level limit in condition 4.

C. Surrounding landowners be advised of Council's decision.  
LOST 4/5

**During debate, Cr Harris foreshadowed that she would move the Committee/Officer Recommended Resolution with a reduction in noise levels to 95 dBA and no fires if the motion under debate was defeated.**

**SD028/09/08 COUNCIL DECISION:**

**Moved Cr Harris, seconded Cr Brown (proforma)**

**A. The application for Approval to Commence Development for a 'Public Amusement' event (Myaravale Music Festival) on Lot 15 Gobby Road, Keysbrook be approved subject to the following conditions:**

**PLANNING**

1. Approval for the event is valid for one single date only being from 9:00am Friday 7 November 2008 to 5:00pm Monday 10 November 2008 or 9:00am Friday 8 May to 5:00pm Monday 11 May 2009.
2. A maximum number of 600 people are permitted to attend the entire event at any one time.
3. No lasers, fireworks, pyrotechnics or any related or similar activity shall be permitted at the event.
4. No signs for the event are permitted to be displayed on any road reserves except entry and exit signs.
5. Development to be in accordance with the development and management plans attached to and forming part of this approval.
6. Any outdoor display lighting or security lighting used in conjunction with the event shall be located or shielded so that no additional light is cast on land adjoining the premises or so as to provide a distraction to traffic on roads surrounding or nearby to the premises.
7. The applicant is to provide proof of adequate public liability insurance prior to the event.
8. The land is to be returned to the state it was prior to the event by the operator/landowner by 5:00pm on the second Monday following the event to the satisfaction of the Shire.
9. All structures and facilities erected for the purpose of the event must be removed at the applicant's expense by 5:00pm on the Monday of the event.

**ENVIRONMENTAL HEALTH**

10. Approval for a non-complying event under the Environmental Protection (Noise) Regulations 1997 being granted and all conditions specified on the approval being complied with.
11. A Certificate of Approval under the Health (Public Building) Regulations 1992 is to be obtained by 5:00pm on the Thursday immediately prior to the event.
12. Adequate toilet facilities are to be provided and in any case shall be a minimum of 5 female and 5 male WCs. At least one disabled toilet facility is to be provided.
13. All stages and other significant temporary structures such as marquees are to be certified by a suitably qualified engineer and the construction and installation of the structures are to be certified by the installer.

14. All electrical appliances, cables and ancillary electrical equipment to be used is to be certified as compliant by an electrical contractor on Form 5 – Certificate of Electrical Compliance in accordance with regulation 10 of the Health (Public Building) Regulations 1992.
15. All food offered for sale is to be prepared in a food preparation area approved under the Health (Food Hygiene) Regulations 1993.
16. Adequate rubbish receptacles to be provided and a suitable disposal system to be in place to ensure litter and waste materials do not cause a litter and/or health problem. Regular collection of litter is to occur to ensure that no litter escapes the site.
17. The proponent paying the application fee of \$500 for approval of a non-complying event under part (6)(b) of Regulation 18 of the Environmental Protection (Noise) Regulations 1997.
18. The premises must be cleaned and all rubbish disposed of at the expense of the applicant to the satisfaction of the Principal Environmental Health Officer by 5pm on the Monday of the event.
19. Camping on the property shall be in accordance with the Caravan Parks and Camping Grounds Regulations 1997 and is to be confined to the 'camping' area only as shown on the approved site plan.

#### **ENGINEERING**

20. Entry and Exit to the event is to be in accordance with the approved Traffic Management.

#### **Advice Notes**

1. The applicant shall comply with the advice provided by the Department of Environment and Conservation regarding access, traffic management and die back management.
2. The applicant liaise with the Shire's Community Emergency Services Manager with regard to any additional preparation or measures that are needed to be taken to prevent any fire related hazards as a result of the event.
3. No fires are permitted anywhere in the grounds.

- B. Council approve the following proposed conditions under Regulation 18 (12) of the Environmental Protection (Noise) Regulations 1997, for the Myravale Music Festival:**

1. The starting time for entertainment at the Event on the Saturday shall not be earlier than 11:30am and the completion time for entertainment at the Event on the Saturday shall not be later than 11:30pm.
2. The starting time for entertainment at the Event on the Sunday shall not be earlier than 10:00am and the completion time for entertainment at the Event on the Sunday shall not be later than 5:00pm.
3. Any sound system tests for the Event shall only occur between 10:30am and 11:30am on the Saturday and must be kept to the minimum reasonably necessary.
4. Subject to condition 6, the sound level at the mixing desk position resulting from entertainment and sound system tests associated with the Event, shall not exceed an  $L_{Aeq, 1min}$  level of 95 dB(A) on the Saturday and 95dB(A) on the Sunday, where  $L_{Aeq, 1min}$  is an average value taken over one minute, whose level contains the same energy as the fluctuating sound during that period.
5. The mixing desk shall be located no more than 20 metres from the front of the stage.
6. The sound levels specified in condition 4 may be exceeded for any one minute period, but on no more than 30 occasions between 10:30am and

- 11:30pm on the Saturday and on no more than 30 occasions between 10:00am and 5:00pm on the Sunday and never by more than 5 dB(A).
7. The stage and loudspeakers shall face north-east.
8. Sound levels shall be continuously monitored at the mixing desk from 10:20am until 11:40pm on the Saturday and from 9:50am until 5:10pm on the Sunday.
9. Sound level monitoring equipment shall record  $L_{Aeq, 1min}$  and  $L_{Ceq, 1min}$  levels.
10. Sound levels shall be recorded and reported to the nearest 0.1dB.
11. Monitoring of sound levels shall be carried out by a suitably qualified person (“approved noise monitor”) who has been approved by the Chief Executive Officer of the Shire of Serpentine Jarrahdale.
12. Monitoring of sound levels shall be carried out using monitoring equipment that complies with regulation 22 of the *Environmental Protection (Noise) Regulations 1997*.
13. A report of the sound level monitoring required by condition 8 to 12 shall be prepared by the approved noise monitor and shall be provided by 5:00pm on the second Monday following the event to the following persons:
  - i) The Director, Environmental Regulation Branch, Department of Environment and Conservation;
  - ii) The Chief Executive Officer of the Shire of Serpentine Jarrahdale; and
  - iii) The Chief Executive Officer of the Shire of Murray.
14. Myravale Pty Ltd shall nominate a person, or persons, (“nominated person(s)”) who shall be in control of the sound levels produced by the Event at all times.
15. The names of the nominated person(s) shall be submitted to the Chief Executive Officer of the Shire of Serpentine-Jarrahdale by 5:00pm on the Thursday immediately prior to the event.
16. A nominated person shall be in attendance at the Event at all times.
17. A direction given to a nominated person to reduce sound levels during the Event (including low frequency sound levels), which has been issued by any of the following –
  - i) The approved noise monitor;
  - ii) An Inspector appointed under Section 88 of the Act employed by the Shire of Serpentine-Jarrahdale; or
  - iii) An Inspector appointed under Section 88 of the Act employed by the Department of Environment and Conservation;shall be complied with forthwith.
18. Myravale Pty Ltd shall ensure that the approved noise monitor, the nominated person(s) and all other personnel involved with the operation of the sound system during the Event are instructed as to the conditions of this Approval.
19. Myravale Pty Ltd shall be responsible for any failure by the nominated person(s) to control sound levels so as to comply with the conditions of this Approval.
20. An Inspector appointed under Section 88 of the Act shall be allowed access to Lot 15 Gobby Road, Keysbrook at any time on the Saturday and Sunday of the event and shall be given such assistance as he or she reasonably requires to measure noise or to determine compliance with this Approval.

#### Advice Notes

1. The purpose of condition 6 is to provide a reasonable time to respond to and rectify any inadvertent breach of the sound level limit specified by condition 4. Regardless of condition 6, all reasonable and practicable

**measures are to be taken to comply with the sound level limit in condition 4.**

**C. Surrounding landowners be advised of Council's decision.**

**CARRIED 6/3**

**Councillors Kirkpatrick and Murphy voted against the motion**

During debate Cr Murphy foreshadowed that he would move that the proposal be refused if the motion under debate was defeated.

SD025/09/08 DRAFT LOCAL PLANNING POLICY - MANAGEMENT PLANS (A1048)		
Proponent:	Shire of Serpentine Jarrahdale	In Brief  To adopt the Draft Local Planning Policy – Management Plans for advertising in accordance with Town Planning Scheme No. 2.  To achieve improved sustainable development outcomes in urban and rural areas as part of the planning approvals process.
Officer:	Manager Environmental Services	
Senior Officer:	Director Strategic Community Planning	
Date of Report	5 August 2008	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

### **Background**

The Draft Local Planning Policy - Management Plans has been developed to ensure that Management Plans are both comprehensive and provide adequate detail. Guidelines have also been developed to complement the Policy. These Guidelines have been prepared so as to require a high and consistent standard of management plans from proponents.

The draft Policy emphasises the importance of requiring management plans up front upon application or early in the planning approval process. Conditions of development currently require a large number of specific detailed technical management plans to be submitted, however this has been found to be counter productive in that these documents typically have a very narrow specialist audience and limits their usefulness for ongoing integrated management, maintenance and monitoring. Management plans can be extremely useful mechanisms for achieving triple bottom line (social, economic and environmental) goals and objectives and become much more useful documents where the audience targeted is the general public, developers and on ground operations.

Therefore, to have the greatest amount of use to the Serpentine Jarrahdale Shire (Shire), only one comprehensive integrated management plan with a list of actions should be submitted with each planning or development proposal. This best practice approach should result in the elimination of often conflicting and contradictory technical information contained in plans submitted to the Shire.

The purpose of this report is to introduce the draft policy and request its adoption for advertising purposes.

***A copy of the Draft Local Planning Policy - Management Plans is with the attachments marked SD025.1/09/08 (E08/4481).***

### **Sustainability Statement**

**Effect on Environment:** The proposal enhances the environment (built and natural) and minimises environmental damage through best practice in management plan preparation and production.

Biodiversity:

- protection of indigenous flora and fauna
- site disturbance- cut and fill management to minimise impacts

Energy Use/Greenhouse Gas Emissions:

- encourage and provide opportunity for energy efficiency

Water Quality: stormwater management, waterways management

- water management in construction
- water sensitive urban design in stormwater management
- minimise use of fertilisers and other contaminants
- maximum infiltration of water on site

Air Quality: The proposal could result in reduction of emissions to the environment including solid, liquid, gas, noise and electromagnetic radiation.

**Resource Implications:** The proposal can minimise resource use, eg. energy, land, water, soil, (compared to traditional development approaches) through the implementation of best management practice actions.

Energy Use: Potentially any management plan may include renewable energy technologies, passive solar design eg facing the building to the north etc.

Water Use: Water sensitive urban design could include management plan action implementation to include stormwater tanks, swales, increased infiltration, and reduced areas of lawn.

Land: Management plan actions could minimise use of vegetated land to protect biodiversity.

Non renewable Resources: A management plan may include ways of minimising non renewable resource use.

Waste: Management actions may minimise waste in the process which would go to landfill, recycling and reuse of waste.

**Use of Local, renewable or recycled Resources:** Management plan actions could be included to use locally (within the shire of Serpentine Jarrahdale) or regionally (Peel and South East Metropolitan) available or produced resources.

A management plan could include actions to reduce transport costs, pollution and support local business.

Renewable Resources: Management plan actions could include ways of maximising renewable materials over non renewable resources.

Recycled: Management plan actions could require the use of recycled materials in a proposal.

**Economic Viability:** A management plan action could include economical viability in a way that incorporates its external costs. External Costs include: pollution from transport or car dependence, removal of biodiversity (flora and/or fauna), land and waterway pollution, reduction in quality of life of residents eg, increased noise, pollution, increased resource use eg energy and water consumption. It also includes costs (monetary and non monetary), that the community or Council will incur as a result of a proposal.

Ongoing costs and minimising costs would be included in any management plan actions including funding required in the future, thus reducing future costs for Council.

**Economic Benefits:** Management plan actions could provide economic benefits to the community including employment creation, tourism generation and providing local resources where they were otherwise not available.

**Social – Quality of Life** This proposal for management plans to include meeting triple bottom line goals and objectives will improve the quality of life for the community - unrestricted solar access, public open space, good design for crime prevention, retention of existing vegetation, access to services eg; local shops, public transport, noise, quality roads, lighting for safety, water sensitive urban design, pedestrian footpaths, trails, cycle ways, etc.

**Social and Environmental Responsibility:** The proposal is designed to be socially and environmentally responsible through building up the community and enabling full participation in the management plans' implementation. Management Plans can create opportunities for the community to participate and can foster partnerships with the community.

**Social Diversity:** Management Plans can include actions that do not disadvantage any social groups and can provide for diversity in our community including youth, seniors, indigenous, ethnic minorities and people with disabilities. A management plan can cater for all sectors of society eg diverse housing stock, disabled access to all facilities.

**Statutory Environment:** Planning and Development Act 2005  
Town Planning Scheme No 2

**Policy/Work Procedure Implications:**

There are work procedure implications directly related to this proposal in terms of preparation of management plans using this policy and its guidelines as a checklist to ensure all requirements of a management plan are included.

**Financial Implications:** Advertising costs for this policy.

**Strategic Implications:** This policy relates to the following Key Sustainability Result Areas:-

**1. People and Community**

*Objective 1: Good quality of life for all residents*

**Strategies:**

1. Provide recreational opportunities.
2. Develop good services for health and well being.
3. Retain seniors and youth within the community.
4. Respect diversity within the community.
5. Value and enhance the heritage character, arts and culture of the Shire.
6. Ensure a safe and secure community.

*Objective 2: Plan and develop towns and communities based on principles of sustainability*

**Strategies:**

1. Increase information and awareness of key activities around the Shire and principles of sustainability.
2. Develop compatible mixed uses and local employment opportunities in neighbourhoods.
3. Design and develop clustered neighbourhoods in order to minimise car dependency.

4. Foster a strong sense of community, place and belonging.
5. Protect built and natural heritage for economic and cultural benefits.

*Objective 3: High level of social commitment*

Strategies:

1. Encourage social commitment and self determination by the SJ community.
2. Build key community partnerships.

## **2. Environment**

*Objective 1: Protect and repair natural resources and processes throughout the Shire*

Strategies:

1. Increase awareness of the value of environmental requirements towards sustainability.
2. Develop partnerships with community, academia and other management agencies to implement projects in line with Shire objectives.
3. Encourage protection and rehabilitation of natural resources.
4. Reduce water consumption.
5. Reduce green house gas emissions.
6. Value, protect and develop biodiversity.

*Objective 2: Strive for sustainable use and management of natural resources*

Strategies:

1. Implement known best practice sustainable natural resource management.
2. Respond to Greenhouse and Climate change.
3. Reduce waste and improve recycling processes

## **3. Economic**

*Objective 1: A vibrant local community*

Strategies:

1. Attract and facilitate appropriate industries, commercial activities and employment.
2. Identify value-adding opportunities for primary production.
3. Develop tourism potential.
4. Promote info-technology and telecommuting opportunities.

*Objective 2: Well developed and maintained infrastructure to support economic growth*

Strategies:

1. Improved freight, private and public transport networks.
2. Consider specific sites appropriate for industry /commercial development.

*Objective 3: Effective management of Shire growth*

Strategies:

1. Enhance economic futures for Shire communities.
2. Represent the interests of the Shire in State and Regional planning processes.
3. Integrate and balance town and rural planning to maximise economic potential.

## **4. Governance**

*Objective 1: An effective continuous improvement program*

Strategies:

1. Identify and implement best practice in all areas of operation.
2. Promote best practice through demonstration and innovation.
3. Regularly update information services and IT capacity to support programs and projects.
4. Balance resource allocation to support sustainable outcomes.
5. Harness community resources to build social capital within the Shire.

*Objective 2: Formation of Active Partnerships to progress key programs and projects*

Strategies

1. Improve coordination between Shire, community and other partners.
2. Improve customer relations service.
3. Develop specific partnerships to effectively use and leverage additional resources.

*Objective 3: Compliance to necessary legislation*

Strategies:

1. Ensure development and use of infrastructure and land complies with required standards.
2. Develop a risk management plan.
3. Comply with State and Federal policies and Legislation and the Local Government Act in the most cost-effective way.

**Community Consultation:**

The draft Local Planning Policy – Management Plans will be advertised for 21 days to invite submissions. Staff consultation will be ongoing with development of further guidelines.

**Comment:**

The Draft Local Planning Policy - Management Plans outcomes are:

- Clear expectations through provision of a structured approach to guide and monitor development;
- The elimination of unnecessary requirements for technical information which has no on ground benefits and a limited technical audience;
- Greater practical application for establishment, maintenance, monitoring and adaptive management;
- Tested and reviewed set of actions or recommendations based on existing successful model management plans; and
- Higher consistent standard of integrated documentation and information management.

It is recommended that Council adopt the Draft Local Planning Policy - Management Plans for advertising purposes.

**Voting Requirements:**

Simple Majority

**SD025/09/08 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

Moved Cr Randall, seconded Cr Harris

That

1. Council adopts the draft Local Planning Policy – Management Plans for public comment for a period of 21 days in accordance with Clause 9.3 (a) of Town Planning Scheme No. 2.

**2. The matter be referred back to Council following completion of the advertising period.  
CARRIED 9/0**

SD027/09/08 PROPOSED SCHEME AMENDMENT 161 – LOT 128 AND LOT 3 SOUTH WESTERN HIGHWAY AND LOT 1 PINEBROOK ROAD, BYFORD (P00714)		
Proponent:	Serpentine Jarrahdale Shire	In Brief  To initiate an amendment to Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 to rezone land from Rural to Urban Development to provide consistency with Metropolitan Region Scheme.
Owner:	Colli Nominees; R & M Bryce; Byford Industrial Holdings	
Officer:	Co-ordinator Planning Services	
Senior Officer:	Director Development Services	
Date of Report	1 September 2008	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

Date of Receipt: 23 June 2008  
 Lot Area: Lot 3: 5.9573 ha.; Lot 128: 3.7614 ha.; Lot 1: 3.7647 ha.  
 L.A Zoning: Rural  
 MRS Zoning: Urban  
 Byford Structure Plan: Lot 128 – Mixed Business & Area of Landscape Sensitivity overlay over part of the lot;  
 Lot 3 - Mixed Business;  
 Lot 1 - Mixed Business, Foreshore Reserve & Neighbourhood Park

**Background**

The purpose of this report is for Council to initiate an amendment to Town Planning Scheme No. 2 (TPS 2) to rezone the subject land from “Rural” to “Urban Development” to provide consistency with Metropolitan Region Scheme (MRS).

The majority of the land is vacant with the exception of Lot 1 which contains an existing dwelling. There is an area of remnant vegetation on Lot 128 and on Lot 1 remnant vegetation follows the alignment of the Cardup Brook through the centre of the property.

***A locality plan and aerial photograph of the subject site is with the attachments marked SD027.1/09/08.***

**Statutory Environment:** Planning and Development Act 2005  
 MRS  
 Town Planning Regulations 1967  
 Clause 5.17 of Town Planning Scheme No. 2  
 Clause 5.18 of Town Planning Scheme No. 2  
 Byford Structure Plan (BSP)

**Policy/Work Procedure Implications:**

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

**Financial Implications:**

Under Regulation 4 (2) of the Planning and Development (Local Government Planning Fees) Regulations 2000 the Shire can not charge a fee for or in relation to services provided pursuant to a request for a local planning scheme amendment where the sole purpose of the amendment requested is to render a local planning scheme consistent with the MRS or a region planning scheme.

The cost of signs and newspaper advertisements will be required to be paid by the applicant as these are direct costs and do not constitute a fee for service.

**Strategic Implications:**

This proposal relates to the following Key Sustainability Result Areas:-

**1. People and Community**

*Objective 2: Plan and develop towns and communities based on principles of sustainability*

Strategies:

2. Develop compatible mixed uses and local employment opportunities in neighbourhoods.

**3. Economic**

*Objective 1: A vibrant local community*

Strategies:

1. Attract and facilitate appropriate industries, commercial activities and employment.

*Objective 2: Well developed and maintained infrastructure to support economic growth*

Strategies:

2. Consider specific sites appropriate for industry /commercial development.

*Objective 3: Effective management of Shire growth*

Strategies:

3. Integrate and balance town and rural planning to maximise economic potential.

**4. Governance**

*Objective 3: Compliance to necessary legislation*

Strategies:

1. Ensure development and use of infrastructure and land complies with required standards.

**Community Consultation**

If the scheme amendment is initiated, advertising will be carried out in accordance with the requirements of the Planning and Development Act 2005 (as amended) and the Town Planning Regulations 1967 (as amended).

**Comment**

The Shire has an obligation under Section 125 (3) of the Planning and Development Act 2005 to bring its Local Planning Scheme into conformity with the MRS within 90 days of gazettal of a change to the MRS. Amendment 69 to TPS 2 rezoned almost all of the land in the BSP Area to "Urban Development" (gazetted on 16 June 2000). It is not known why the subject land was not included in that Scheme Amendment.

Lot 128 and Lot 3 are designated 'Mixed Business' under the BSP. Lot 1 is designated 'Mixed Business', 'Foreshore Reserve' and 'Neighbourhood Park' under the BSP. In addition, the following overlays exist over the properties under the BSP:

- Lots 3 and 1 - “*land subject to further study – planning to be finalised subject to resolution of alignment of Orton Road*”.
- Lot 128 - “*Area of Landscape Sensitivity*” (central part of the lot).

***A copy of the BSP is with the attachments marked SD027.2/09/08.***

Under TPS 2, development of land within the Urban Development Zone is not permitted until a Structure Plan has been prepared for the land. Under the General Notes on the BSP there is a requirement for Local Structure Plans to be prepared, adopted and approved for the whole Development Area identified in the BSP. Therefore, development of Lot 1, Lot 3 and Lot 128 cannot occur until both a Local Structure Plan has been prepared and the future alignment of Orton Road has been resolved.

Given the above, the Council can be assured that rezoning the subject land to Urban Development will not provide the applicant with an automatic right to commence development.

The amendment will assist in implementation of the BSP as, in accordance with Clause 5.18.6.2 (a) of TPS 2, when an area is zoned Urban Development the zonings proposed in an adopted structure plan will apply to the subject land.

Conclusion

There are adequate provisions within both TPS 2 and the adopted BSP to prevent development occurring on the land prior to the adoption of a Local Structure Plan and resolution of the future alignment of Orton Road. Under the Planning and Development Act 2005 the Council is required to bring TPS 2 into conformity with the MRS. The proposed amendment will achieve this requirement.

**Voting Requirements:** Simple Majority

**Officer Recommended Resolution**

That

- A. Council, pursuant to Section 72 of the Planning And Development Act 2005 (the Act), amends the Shire Of Serpentine Jarrahdale Town Planning Scheme No. 2 by:
  - 1. Rezoning Lots 3 and 128 South Western Highway and Lot 1 Pinebrook Road Byford from “Rural” to ‘Urban Development’; and
  - 2. Amending the Scheme Map accordingly.
- B. The amendment be referred to the Environmental Protection Authority as required by Section 81 of the Act.
- C. Subject to the advice of the Environmental Protection Authority under section 48A of the Environmental Protection Act that the amendment is not subject to formal environmental assessment, advertise the amendment in accordance with the requirements of the Town Planning Regulations 1967 (as amended) for a period of 42 days.

**SD027/09/08 COUNCIL DECISION/Committee Recommended Resolution**

**Moved Cr Murphy, seconded Cr Buttfield**

**That**

- A. Council, pursuant to Section 72 of the Planning And Development Act 2005 (the Act), amends the Shire Of Serpentine Jarrahdale Town Planning Scheme No. 2 by:**

1. Rezoning Lots 3 and 128 South Western Highway and Lot 1 Pinebrook Road Byford from “Rural’ to ‘Urban Development’; and
2. Amending the Scheme Map accordingly.

- B.** The amendment be referred to the Environmental Protection Authority as required by Section 81 of the Act.
- C.** Subject to the advice of the Environmental Protection Authority under section 48A of the Environmental Protection Act that the amendment is not subject to formal environmental assessment, advertise the amendment in accordance with the requirements of the Town Planning Regulations 1967 (as amended) for a period of 42 days.
- D.** The future use of the land in the Byford Structure Plan is Mixed Business with a road reservation for the extension of Orton Road and a public open space reservation on both banks of the Cardup Brook.

**CARRIED 9/0**

**Committee Note:** The Officer Recommended Resolution was changed by adding condition D.

CGAM022/09/08		PROCLAMATION OF CONTROL OF ACCESS TONKIN HIGHWAY SLK SECTION 39.48 to 44.03 (A0471-03)
Proponent:	Main Roads Western Australia	In Brief  Main Roads Western Australia is seeking a resolution to the proclamation of the control of access of the Tonkin Highway from SLK 39.48 to 44.03.
Owner:	Not Applicable	
Officer:	Design Team Leader	
Senior Officer:	Acting Director Engineering	
Date of Report	25 August 2008	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

### **Background**

By letter dated 19 May 2006, Main Roads Western Australia advised the Serpentine Jarrahdale Shire (SJS) they wished to make a recommendation to the Hon Minister for Planning and Infrastructure that the Tonkin Highway south of Mills Road be proclaimed as a highway in accordance with Section 13 of the Main Roads Act. Where they exist, footpaths and other infrastructure associated with the Tonkin Highway would be included in the proclamation and would therefore be the management responsibility of Main Roads Western Australia (MRWA).

Prior to making the recommendation to the Hon Minister for Planning and Infrastructure, the Commissioner of Main Roads Western Australia seeks formal endorsement of the proposal by the Council as detailed in the Main Roads Western Australia letter dated 19 May 2006 and as shown on Drawing No. 9522-191-01. This was undertaken by Council at the June 2006 Ordinary Council Meeting.

### **OCM044/06/06 COUNCIL DECISION/Officer Recommended Resolution:**

*Moved Cr Star seconded Cr Richards*

- (1) *Council endorses Main Roads Western Australia’s request to proclaim the Tonkin Highway south of Mills Road as highway in accordance with Drawing No. 9522-191-01 and Section 13 of the Main Roads Act.*

- (2) *Council delegates to the Chief Executive Officer the authority to sign and date Drawing No. 9522-191-01 as evidence of the Council's endorsement of Main Roads Western Australia's proposal to proclaim the Tonkin Highway as highway.*  
**CARRIED 9/0 ABSOLUTE MAJORITY**

Main Roads of Western Australia are now seeking formal endorsement of the Control of Access to the Tonkin Highway. Attached is the letter detailing the requirements and MRWA drawings; 0660-049, 0660-050, 0660-051. Council is required to sign and date one copy of the attached series of plans with council's date of Resolution to the Proclamation of the Control of Access and return the signed plans.

***A copy of the Main Roads Western Australia letter and Drawings 0660-049, 0660-050, and 0660-051 are with attachments marked CGAM022.1/09/08 (IN08/10283).***

### **Sustainability Statement**

***Effect on Environment:*** The construction of the Tonkin Highway south of Mills Road was finalized in 2005. The highway currently provides a vital transportation and freight linkage in the region. During the planning and design phases of the Tonkin Highway extension, the environmental impacts of the project were considered and appropriate measures implemented during the construction process.

Proclamation of the Tonkin Highway south of Mills Road for Control of Access will have no effect on the environment apart from the fact that the highway will provide a vital transportation linkage to the region. Accordingly, there may be increased traffic noise and vehicle emissions over time.

***Resource Implications:*** There are no resource implications associated with this proposal.

***Use of Local, renewable or recycled Resources:*** The Tonkin Highway has been constructed. During maintenance of the Tonkin Highway local resources may be utilized.

***Economic Viability:*** The Serpentine Jarrahdale Shire is not responsible for the maintenance of the road or footpaths associated with Tonkin Highway.

***Economic Benefits:*** The Tonkin Highway provides a vital transportation linkage to the region and accordingly contributes greatly to the economic prosperity of the area.

***Social – Quality of Life:*** This proposal will have very little impact on the quality of life of Shire residents.

***Social and Environmental Responsibility:*** During the planning and design of the Tonkin Highway, both the social and environmental impacts of the proposal were carefully considered. Any future social or environmental issues that arise as a result of the Tonkin Highway will be the responsibility of the Department of Planning and Infrastructure and/or Main Roads Western Australia.

***Social Diversity:*** This proposal will have very little impact on Social Diversity.

### **Statutory Environment: Section 13 of the Main Roads Act**

#### ***13. Proclamation of highways and main roads***

- (1) *On the recommendation of the Commissioner the Governor may by proclamation declare that any section or part of a road shall be:-*
- (a) *a highway; or*
  - (b) *a main road,*

- or shall cease so to be and may by the same or a subsequent proclamation declare that the footpaths of any such road shall, or shall not, be excluded from the road.*
- (2) *In considering whether to make any recommendation to the Governor that a road should be declared to be a highway, the Commissioner shall take into account:-*
- (a) the moneys available or likely to be available for highways;*
  - (b) whether the road is or will be the direct connection between the capital of this and any other State;*
  - (c) whether the road is or will be the principal route between the capital and the major producing regions of the State;*
  - (d) whether the road is or will be the principal route between 2 or more of the major producing regions or major centres of population of the State; and*
  - (e) whether the road is or will be the principal route for high volume traffic movements within large urban areas.*
- (3) *In considering whether to make any recommendation to the Governor that a road should be declared to be a main road, the Commissioner shall take into account*
- (a) the moneys available or likely to be available for main roads;*
  - (b) whether the road is or will be the main route connecting any large producing area, or any area capable of becoming in the near future a large producing area, with its market or closest port or railway station;*
  - (c) whether the road is or will be the main route of intercommunication between 2 or more large producing areas, or areas capable of becoming in the near future large producing areas, or between large centres of population; and*
  - (d) whether the road is or will be a major route for high volume traffic movements within large urban areas.*
- (4) *All highways and main roads shall, for the purposes of the Road Traffic Act 1974 be deemed to be Government roads.*
- (5) *A declaration under this section may be revoked or varied by the Governor on the recommendation of the Commissioner.*

**Policy/Work Procedure Implications:**

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

**Financial Implications:**

There are no financial implications to Council related to this application. The management and maintenance of the Tonkin Highway is under the care and control of Main Roads Western Australia.

**Strategic Implications:**

This proposal relates to the following Key Sustainability Result Areas:-

**3. Economic**

*Objective 1: A vibrant local community*

Strategies:

1. Attract and facilitate appropriate industries, commercial activities and employment.
2. Identify value-adding opportunities for primary production.
3. Develop tourism potential.

*Objective 2: Well developed and maintained infrastructure to support economic growth*

Strategies:

1. Improved freight, private and public transport networks.

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.

**4. Governance**

*Objective 2: Formation of Active Partnerships to progress key programs and projects*

Strategies

1. Improve coordination between Shire, community and other partners.
2. Improve customer relations service.
3. Develop specific partnerships to effectively use and leverage additional resources.

*Objective 3: Compliance to necessary legislation*

Strategies:

1. Ensure development and use of infrastructure and land complies with required standards.

**Community Consultation:**

Required: No

**Comment:**

The Tonkin Highway performs a vital road function to the region by providing the conduit for the movement of vehicles and freight to and from Perth. MRWA are seeking to declare Control of Access to the Tonkin Highway in the Shire of Serpentine Jarrahdale and require the Shire's endorsement.

The Serpentine Jarrahdale Shire will not be responsible for the maintenance of the road, footpaths, or other infrastructure associated with Tonkin Highway. Accordingly, it is recommended that the Shire endorse the MRWA proposal to declare Control of Access of the Tonkin Highway and delegate to the Chief Executive Officer the authority to sign the documents to facilitate the proclamation process.

**Voting Requirements:**

**ABSOLUTE MAJORITY**

**CGAM022/09/08 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Harris, seconded Cr Brown**

1. Council endorses Main Roads Western Australia's request to proclaim control of access of Tonkin Highway in the Shire of Serpentine Jarrahdale in accordance with Drawing No. 0660-049, 0660-050, and 0660-051.
2. Council delegates to the Chief Executive Officer the authority to sign and date Drawing No. 0660-049, 0660-050, and 0660-051 as evidence of the Council's endorsement of Main Roads Western Australia's proposal to proclaim control of access of Tonkin Highway in the Shire of Serpentine Jarrahdale.

**CARRIED 9/0**

CGAM023/09/08 INFORMATION REPORT		
Proponent:	Director Corporate Services	In Brief  To receive the information report to 31 August 2008.
Owner:	Not Applicable	
Author:	Various	
Senior Officer:	Director Corporate Services	
Date of Report	6 August 2008	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

CGAM023.1/09/08 ROADWISE MINUTES FOR AUGUST 2008 (A0073)

***A copy of the Roadwise Minutes for August 2008 is with attachments CGAM023.1/09/08 (E08/4563).***

CGAM023.2/09/08 INTEREST ON INVESTMENTS (A0073)

***A copy of the Interest on Investments for August 2008 is with attachments marked CGAM023.2/09/08 (E08/4561).***

CGAM023.3/09/08 DELEGATED AUTHORITY (A0039-02)

Date Used	Delegated Authority Reference No.	Details	Amount	Officers Signature
01/08/2008	CG-10	Waiver of Fees for Jarrahdale Community Association (Use of Bruno Gianatti Hall)	48.00	AH
07/08/2008	AF-8	Payroll	145,280.06	AH & BG
11/08/2008	CG-10	Waiver of Planning and Building Fee for Playgroup on Reserve 32179	227.00	AH
1 08/08/2008	AF-8	Payment of EFT 15302 - 15371	722,362.14	CM & AH
08/08/2008	AF-8	Payment of Cheques 38486 - 38494	8,824.67	CM & AH
08/08/2008	AF-8	Payment of Cheques 38495 – 38507	57,927.61	CM & AH
15/08/2008	AF-8	Payment of EFT 15394 - 15471	496,826.11	CM & AH
15/08/2008	AF-8	Payment of Cheques 38508 - 38535	65,498.71	CM & AH
20/08/2008	AF-8	Payment of EFT 15472	50.00	CM & AH
21/08/2008	AF-8	Payroll	149,807.19	CM & AH
21/08/2008	AF-8	Payment of EFT 15473 - 15495	29,430.41	CM & AH
21/08/2008	AF-8	Payment of Cheques 38536 - 38543	29,761.13	CM & AH
29/08/2008	AF-8	Payment of EFT 15496 – 15568	256,752.54	CM & AH
29/08/2008	AF-8	Payment of Cheques 38544 – 38562	12,218.86	CM & AH

**Officer Recommended Resolution:**

The Information Report to 31 August 2008 be received.

**Committee Recommended Resolution:**

1. The Information Report to 31 August 2008 be received.
2. Further to the Roadwise Meeting Minutes of 27 August 2008, Council write a letter of objection to the Public Transport Authority advising that the bus stops proposed to be

located on Watkins Road and Jarrahdale Road are not appropriate as they pose a safety hazard.

Committee Notes:

1. The third Information Item titled ‘Delegated Authority’ was incorrectly labelled as item CGAM015.2/08/08 in the agenda. A correction has been made in the minutes for this item to be renumbered to CGAM023.3/09/08.
2. The Officer Recommended Resolution was changed by adding a part 2 stating that Council write a letter of objection to the Public Transport Authority advising that the bus stops proposed to be located on Watkins Road and Jarrahdale Road are not appropriate as they pose a safety hazard.

**CGAM023/09/08 COUNCIL DECISION:**

**Moved Cr Kirkpatrick, seconded Cr Harris**

1. **The Information Report to 31 August 2008 be received.**
2. **Further to the Roadwise Meeting Minutes of 27 August 2008, Council write a letter of objection to the Public Transport Authority advising that the bus stops located on South Western Highway between Watkins Road and Jarrahdale Road are not appropriate as they pose a safety hazard.**

**CARRIED 9/0**

**Council Note: The Committee Recommended Resolution was changed by adding the words ‘South Western Highway between’ to part 2.**

**Committee Notes:**

1. **The third Information Item titled ‘Delegated Authority’ was incorrectly labelled as item CGAM015.2/08/08 in the agenda. A correction has been made in the minutes for this item to be renumbered to CGAM023.3/09/08.**
2. **The Officer Recommended Resolution was changed by adding a part 2 stating that Council write a letter of objection to the Public Transport Authority advising that the bus stops proposed to be located on Watkins Road and Jarrahdale Road are not appropriate as they pose a safety hazard.**

**8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN**

Nil

**9. CHIEF EXECUTIVE OFFICER’S REPORT**

OCM007/09/08		INFORMATION REPORT
Proponent	Joanne Abbiss - Chief Executive Officer	In Brief  Information Report.
Officer	Lisa Fletcher – Personal Assistant to the Chief Executive Officer	
Signatures - Author:		
Senior Officer:	Joanne Abbiss - Chief Executive Officer	
Date of Report	18 September 2008	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

**OCM007.1/09/08 COMMON SEAL REGISTER REPORT – AUGUST 2008**

The Common Seal Register Report for the month of August 2008 as per Council Policy CSP30 Use of Shire of Serpentine Jarrahdale Common Seal is with the **attachments marked OCM007.1/09/08.**

OCM007.2/09/08 POLICY FORUM – 2 SEPTEMBER 2008

The following items were discussed at the 2 September 2008 Policy Forum:

<b>Topic / Subject</b>
Council Actions Report
Report on progress of Council and Committee resolutions Report on Councillor correspondence
Hot Topics
Update on Lightbody Road Update on Rowley Road
Discussion on Crime Prevention and Community Safety
Briefing
Update on September Special Council meeting <ul style="list-style-type: none"><li>• Byford Shopping Centre proposal</li><li>• Serpentine Urban Development Zone Amendment</li><li>• Byford Town Centre Local Structure Plan</li></ul>
Strategic Planning
Community Facilities and Services Plan Session on Shire wide employment strategy with Councillors
Policy Development
Draft Revegetation Policy Jarrahdale Sports Oval Guidelines for Recreational Camping
Feedback
Sustainable Asset Management
Development Concepts
Lease of Reserve 17490 – Briggs Park, Byford
Issues Clearing House
Clarification of Progress of Councillor Issues

OCM007.3/09/08 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION  
STATE COUNCIL AGENDA & APPENDICES – 1 OCTOBER 2008  
(A1164)

***In the electronic attachments marked OCM007.3/09/08 (IN08/11416) is the agenda and OCM007.3a/09/08 is the appendices of the State Council to be held on 1 October 2008.***

OCM007.4/09/08 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION  
SOUTH EAST METROPOLITAN ZONE AGENDA – 24 SEPTEMBER  
2008 (A1164)

***In the attachments marked OCM007.4/09/08 is the agenda of the South East Metropolitan Zone Meeting to be held on 24 September 2008.***

OCM007.5/09/08 KEYSBROOK MINERAL SANDS PROJECT - FINAL REPORT ON  
NEIGHBOURHOOD WORKSHOPS (A0338/01)

***In the attachments marked OCM007.5/09/08 is the correspondence dated 20 August 2008 from Olympia Resources Limited.***

**OCM007/09/08 COUNCIL DECISION/Officer Recommended Resolution:**

Moved Cr Murphy, seconded Cr Twine  
The Information Report to 18 September 2008 is received.  
CARRIED 9/0

**10. URGENT BUSINESS:**

Nil

**11. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:**

Nil

**12. CLOSURE:**

There being no further business, the meeting closed at 8.51pm.

I certify that these minutes were confirmed at the  
Ordinary Council meeting held on 27 October 2008.

.....  
Presiding Member

.....  
Date

**13. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:**

SD024/09/08 HEALTH INFORMATION REPORT		
Officer:	Manager Health & Ranger Services	In Brief  Information report
Senior Officer:	Director Development Services	
Date of Report	3 September 2008	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	<b>Committee – in accordance with resolution CGAM064/02/08</b>	

**SD024/09/08 Committee Decision/Officer Recommended Resolution**

**That Council accepts the Health Information Report.**

SD026/09/08 PROPOSED STABLES – LOT 15 KOWIN COURT, CARDUP (P01026/02)		
Proponent:	Errol and Kerryn Willing	In Brief  Application for the construction of an oversize outbuilding. Approval subject to conditions is recommended.
Owner:	As Above	
Officer:	Planning Assistant	
Senior Officer:	Director Development Services	
Date of Report	1 September 2008	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	<b>Committee – in accordance with resolution CGAM064/02/08</b>	

**SD026/09/08 Committee Decision/Officer Recommended Resolution:**

**That the Application for Approval to Commence Development for Stables (oversize) on Lot 15 Kowin Court, Cardup be approved subject to the following conditions:**

- 1. The stables are to be located a minimum of 4 metres from the future subdivision overlay boundaries affecting Lot 15 to the satisfaction of the Director Development Services.**
- 2. The stables are not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant Legislation for other types of effluent disposal systems.**
- 3. All stormwater to be disposed of within the property. Direct disposal of stormwater onto the road, neighbouring properties, watercourses and drainage lines is prohibited.**
- 4. Existing vegetation on the subject lot and abutting verge is to be retained and protected from damage prior to and during construction of any buildings or carrying out of any other works on site unless approval is granted in writing for the removal of vegetation or the vegetation falls within that classified as exempt under clause 7.13.4 of Town Planning Scheme No. 2.**

5. Horses are to be kept and the land managed in accordance with the management plan attached to and forming part of this approval.
6. The stables are to be constructed of new materials.
7. A maximum of three (3) horses are to be permitted to be kept on the property.
8. Horses are to be stabled a minimum of twelve (12) hours out of each twenty four (24) hour period.
9. Manure from paddocks is to be collected weekly and either taken off site or composted in a fly proof container with an impermeable base and covered to prevent rainwater access.
10. The paddocks are to be irrigated as required to maintain a pasture coverage of at least 95 percent year round.
11. Stock are to be kept out of any paddock that is partially or completely inundated with water.
12. All existing drainage lines and areas are to be fenced off from stock.
13. All fencing shall be of post and rail or post and wire unless otherwise approved by the Shire.
14. Flooring of the shelter and yards are to consist of an impermeable base to prevent nutrients leaching into the soil.
15. Disposal of hard and liquid wastes is to be in accordance with Shire of Serpentine Jarrahdale Health Local Laws 1999 – Part 6, Division 2 – ‘Keeping of Large Animals’.
16. Any trees that exhibit signs of ringbarking or root compaction are to be fenced off from stock.
17. All re-vegetation works are to be fenced to prevent access by stock.
18. Only materials identified in the schedule of colours, materials and finishes submitted on 24 July 2008 are to be used in the construction of the stables unless the prior written approval of the Director Development Services is obtained.

SD029/09/08 PROPOSED POWER VOLTAGE REGULATOR FACILITY – RESERVE 46851, LOT 4374 ROMAN ROAD, MUNDIJONG (RS0190/01)		
Proponent:	Western Power	In Brief  Application has been received for a Power Voltage Regulator Facility. It is recommended that the application be approved subject to conditions.
Owner:	Reserve vested in the Shire	
Officer:	Coordinator Planning Services	
Senior Officer:	Director Development Services	
Date of Report	1 September 2008	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution CGAM064/02/08	

**SD029/09/08 Committee Decision/Officer Recommended Resolution:**

**That Council:**

- A. Advise the Western Australian Planning Commission that Council supports the application for approval to commence development of a Power Voltage Regulator on Reserve 46851, Lot 4374 Roman Road, Mundijong subject to the following conditions:

1. The carrying out of the development, including construction, access and drainage shall not result in the clearing and/or disturbance of any existing native vegetation within Bush Forever areas 350 and 362.
2. No building materials, rubbish or any other deleterious matter shall be deposited within Bush Forever areas 350 and 362.
3. A Landscape and Vegetation Management plan shall be submitted for Shire approval within 28 days of the issue of approval to commence development and shall address:
  - a) the planting of screening vegetation between the boundaries of the voltage regulator site, the railway line and the residential property to the north;
  - b) a species list and the number of each plant species to be planted;
4. The landscaping required by Condition 3. above shall be established by 30 September 2009 and thereafter maintained to the satisfaction of the Director Development Services.
5. Fencing shall be in earthy or bushland tones only and the use of cream, white, off-white or zincalume colours is not permitted.
6. The Voltage Regulator Site being excised from Reserve 46851 and placed under the Management of Western Power.
7. Western Power is responsible for all costs associated with the excision of the site from Reserve 46851 and creation of the new reserve.

**Advice Note:**

1. Western Power be advised that development on Reserve 46851 may commence upon the issue of approval to commence development by the Western Australian Planning Commission.
2. The removal of any remnant vegetation from the Reserve 46851 or any road reservation require a clearing permit from the Department of Environment and Conservation.
3. The applicant and submitter be advised of the Council's decision.

SD030/09/08 PROPOSED ADDITIONS AND ALTERATIONS TO BYFORD PRIMARY SCHOOL – RESERVE 16279 CLIFTON STREET CORNER MARY STREET, BYFORD (RS0138/05)		
Proponent:	Matthews Architecture	In Brief  Application for planning approval for additions and alterations to Byford Primary School. It is recommended that the application be approved with conditions.
Owner:	Department of Education	
Senior Officer:	Director Development Services	
Date of Report	2 September 2008	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	<b>Committee – in accordance with resolution CGAM064/02/08</b>	

**SD030/09/08 Committee Decision/Officer Recommended Resolution:**

That the application for approval to commence development of additions and alterations to Byford Primary School on Reserve 16279, Clifton Street corner Mary Street, Byford be approved subject to the following conditions:

1. The materials and finish used for the extensions are required to match the existing Administration building as closely as possible to the satisfaction of the Shire.

***Building***

2. The building is not to be occupied until a Certificate of Classification has been issued by the Shire. A person who uses or occupies, or permits the use or occupation, of a building without a Certificate of Classification in contravention of Building Regulation 20(4) or 22 is guilty of an offence.
3. The applicant shall submit, at the time of application for a building licence, documentation in compliance with the Building Regulations 1989 and the Building Code of Australia, including in particular detailed plans and specifications for site works, including finished ground and floor levels, storm water and roof runoff disposal, existing easements, parking areas including pavement type, lighting, loading bays, and refuse bulk bin areas, if applicable, to the satisfaction of Council.

***Parking***

4. 1 car parking bay to be provided and marked for the exclusive use of vehicles displaying ACROD issued disabled parking permits. Such bay shall be located conveniently to the principal building entrance and with a minimum width of 3.2 metres and minimum length of 6metres.
5. The proponent shall submit plans for both the on and off-site parking facilities showing storm water drainage.
6. The crossovers shall be designed and constructed to the specification and satisfaction of Council's Director Engineering.
7. Any required "No parking signage" and vehicular guide signs to the parking facility to be installed at the applicant's cost to the specification and satisfaction of Council's Director Engineering.

***External Lighting***

8. Lighting to be provided to all carparking areas and the exterior entrances to all buildings in accordance with Australian Standard AS 1158.3.1 (Cat. P).
9. All external lighting to be hooded and oriented so that the light source is not directly visible to the travelling public or adjacent residences.

***Drainage***

10. A stormwater drainage management plan and detailed technical drawings and specifications for the car park area are to be submitted for approval by the Council's Director Engineering prior to the issue of a Building Licence. Such plans are to address the requirements of condition 11. below.
11. Stormwater from roofed and paved areas being disposed of to the specification and satisfaction of Council's Director Engineering. Stormwater to be detained on-site and connected to the existing drainage system at pre-development hydraulic flow rates and water quality regimes. Should on-site disposal of stormwater be considered, a geotechnical report is to be submitted detailing

site conditions, particularly in respect to soil and groundwater and stormwater disposal by soakage (clearance, quantity, soil permeability and location and size of soak wells). If on-site disposal of stormwater is proposed then where possible, water sensitive urban design methods are encouraged including the grading of hardstand areas to allow stormwater to be disposed of within garden beds and rainwater tanks.

***External plant and pipes***

12. The location of external fans, air conditioners and the like shall be to the satisfaction of the Director Development Services and installed to prevent loss of amenity to the area by its appearance, noise, emission or otherwise.
13. All sewerage wastes and water pipes to be concealed within the building.

***Landscaping***

14. A landscape and vegetation management plan for the site and adjoining verges must be submitted (in duplicate) to Council's Planning Services and approved prior to the issue of a building licence. For the purpose of this condition a detailed landscaped plan shall be drawn to a scale of 1:100 and shall show the following:
  - a) A 2 metre wide landscaping area between the car parking area and the Mary Street boundary;
  - b) A minimum of 3 replacement trees being planted in the Mary Street setback area of the lot to replace the ones removed for the additions.
  - c) Shade tree planting within the proposed car parking area at the rate of 1 tree per 6 parking bays.
  - d) The location, name and mature heights of proposed trees and shrubs;
  - e) Any lawns, paved areas, decks, water features, shade structures and the like to be established; and
  - f) Those areas to be reticulated or irrigated or demonstrated to be designed using water sensitive principles.
15. Plants used to landscape the site shall comprise species indigenous to the area. (eg. Redgums (*Corymbia calophylla*) Flooded gum (*Euc. rudis*) Blackbut (*E.patens*).
16. Any trees that may be affected by the proposed new parking area and future embayment parking should have a canopy treatment applied by an arboricultural consultant to reduce the impact that will occur through root damage and promote the survival of those trees in the long term.
17. Landscaping and timed reticulation is to be established in accordance with the approved plans prior to occupation of the development and thereafter maintained to the satisfaction of the Shire.
18. No wall, fence or landscaping greater than 0.75 metres in height measured from the natural ground level at the boundary, shall be constructed within 3 metres of a vehicular access way unless such wall or fence is constructed with a 3 metre truncation or is visually permeable.

***Disabled Access and Facilities***

19. The development being designed and constructed to allow access and facilities for people with disabilities in accordance with the Building Code of Australia 2008 Part D3 and AS 1428.1.

***Signs***

20. A separate application for planning approval including a plan or description of all signs for the proposed development (including signs painted on the building)

shall be submitted and approved by the Council prior to the erection of any signage on the site.

**Advice Notes:**

1. The applicant is requested to contact Council's Engineering Services regarding disposal of stormwater.
2. In regard to conditions 10 and 11 the applicant is advised that stormwater outflow is to achieve pre-development hydraulic flow regimes up to the 1 in 100 year storm event. The system is to be designed by a suitably qualified hydraulic consulting engineer.

SD031/09/08 PLANNING INFORMATION REPORT		
Proponent	Director Development Services	<b>In Brief</b>  Information Report.
Officer	Development Services Support Officer	
Senior Officer:	Director Development Services	
Date of Report	2 September 2008	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee – in accordance with resolution CGAM064/02/08</b>	

**SD031/09/08 Committee Decision/Officer Recommended Resolution**

**That Council accepts the Planning Information Report.**

CGAM016/09/08 MONTHLY FINANCIAL REPORT – JULY 2008 (A0924/07)		
Proponent:	Local Government Act 1995	<b>In Brief</b>  To receive the Monthly Financial Report as at 31 July 2008
Owner:	Not Applicable	
Officer:	Manager Finance Services	
Senior Officer:	Director Corporate Services	
Date of Report	4 September 2008	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act 1995	
Delegation	<b>Committee in accordance with resolution CGAM064/02/08</b>	

**CGAM016/09/08 Committee Decision/Officer Recommended Resolution:**

**Council receives the Monthly Financial Report, as at 31 July 2008, in accordance with Section 6.4 of the Local Government Act 1995.**

CGAM017/09/08 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)		
Proponent:	Director Corporate Services	In Brief  To confirm the creditor payments made during August 2008.
Owner:	Not Applicable	
Author:	Finance Officer	
Senior Officer:	Director Corporate Services	
Date of Report	4 August 2008	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	<b>Committee in accordance with resolution CGAM064/02/08</b>	

**CGAM017/09/08 Committee Decision/Officer Recommended Resolution:**

That Council notes the payments authorised under delegated authority and detailed in the list of invoices for the month of August 2008, presented per the summaries set out above include Creditors yet to be paid and in accordance with the Local Government (Financial Management) Regulations 1996.

CGAM018/09/08 SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917)		
Proponent:	Director Corporate Services	In Brief  To receive the sundry debtor balances as at 31 August 2008.
Owner:	Not Applicable	
Author:	Finance Officer (Debtors)	
Senior Officer:	Director Corporate Services	
Date of Report	4 August 2008	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	<b>Committee in accordance with resolution CGAM064/02/08</b>	

**CGAM018/09/08 Committee Decision/Officer Recommended Resolution:**

That Council receive and note the report on Sundry Debtor Outstanding Accounts as at 31 August 2008.

<b>CGAM019/09/08 RATE DEBTORS REPORT (A0917)</b>		
Proponent:	Director Corporate Services	In Brief  To receive the rates report as at 31 August 2008.
Owner:	Not Applicable	
Author:	Rates Officer	
Senior Officer:	Director Corporate Services	
Date of Report	4 August 2008	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	<b>Committee in accordance with resolution CGAM064/02/08</b>	

**CGAM019/09/08 Committee Decision/Officer Recommended Resolution:**

**That Council receive and note the report on the Rate Debtors accounts as at 31 August 2008.**

<b>CGAM020/09/08 OVERSIZE VEHICLE APPLICATION – PALCON GROUP – LOT 6 GOSSAGE ROAD, OLDBURY (A0512-03)</b>		
Proponent:	Palcon Group	In Brief  A re-application has been made by the Palcon Group for Council consent to use long vehicle (Pocket road trains or B Doubles) to cart timber product to Lot 6 Gossage Road, Oldbury.
Owner:	Not Applicable	
Officer:	Engineering Support Officer	
Senior Officer:	Acting Director Engineering	
Date of Report	4 September 2008	
Previously	CGAM031/11/07	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	<b>Committee in accordance with resolution CGAM064/02/08</b>	

**CGAM020/09/08 Committee Decision/Officer Recommended Resolution**

**That:**

- 1. Approval be conditionally granted to the use of oversize vehicles (up to 27.5 metres in length) by the Palcon Group for a period of twelve (12) months for access to the following property:  
Inglewood Products, Lot 6 Gossage Road, Oldbury**
  - (i) Thomas Road (South West Highway to Kargotich Road)**
  - (ii) Kargotich Road (Thomas Road to Gossage Road)**
  - (iii) Gossage Road (Kargotich Road to Lot 6 Gossage Road).**
- 2. Consent being subject to the following conditions:**
  - (i) Vehicle speeds on Kargotich Road not to exceed 80km/h;**
  - (ii) Vehicle speeds on Gossage Road not to exceed 60km/h;**
  - (iii) Vehicles are to operate during daylight hours (6.00 am to 6.00pm) only between Monday and Saturday;**

3. **Vehicles are not to operate during school bus travel times;**
4. **Any application for further extensions to the permit(s) being referred to Council.**
5. **Copies of permits, including truck and trailer registration numbers, as issued by Main Roads Western Australia are to be submitted to Council prior to the commencement of operations.**

CGAM021/09/08		SPECIAL MAINTENANCE ALLOCATION FOR THOMAS ROAD – MAIN ROADS WA (R0200-02)	
Proponent:	Main Roads Western Australia	In Brief  Main Roads Western Australia (MRWA) is seeking council approval to accept a special maintenance allocation for the section of Thomas Road, east of Tonkin Highway, to South Western Highway. If approved, the subject section of Thomas Road would receive \$6200(GST exclusive) maintenance funding. Applications for additional funding will be submitted to ensure the Shire recovers maintenance costs on this road.	
Owner:	Not Applicable		
Officer:	Design Team Leader		
Senior Officer:	Acting Director Engineering		
Date of Report	26 August 2008		
Previously	CGAM109/04/07		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government		
Delegation	<b>Committee in accordance with resolution CGAM064/02/08</b>		

**CGAM021/09/08 Committee Decision/Officer Recommended Resolution:**

That:

1. **Council advise MRWA it will accept the special annual maintenance allocation of \$6200 (GST exclusive) for the current financial year on the understanding the MRWA will give serious consideration to Councils case for reclassification.**
2. **Council Officers present a case to the MRWA for the reclassification in the near future of Thomas Road to a “State Road” between the Tonkin and South Western Highways.**