

TABLE OF CONTENTS

1.	Attendances and apologies (including leave of absence):.....	2
2.	Response to previous public questions taken on notice:	2
3.	Public question time:	5
4.	Public statement time:	7
5.	Petitions and deputations:	10
6.	President’s report:.....	11
7.	Declaration of Councillors and officers interest:.....	12
8.	Receipt of minutes or reports and consideration for recommendations:	12
9.	Motions of which notice has been given:	13
OCM047/09/14	Proposed Development Application for a Sawmill Operation – Pt Lot 801 Jarrahdale Road, Jarrahdale (P01146/03).....	13
OCM048/09/14	Adoption of a new Parking and Parking Facilities Local Law (SJ1066).....	20
OCM049/09/14	Application To Keep More Than Two Dogs (SJ899-02)	23
OCM050/09/14	Overnight Recreational Vehicle Parking Bays for Jarrahdale (SJ514-04)	27
OCM051/09/14	Proposed Local Structure Plan – Cardup Business Park – Lot 41 Cardup Siding Road, Lots 1, 6 and 7 South Western Highway, Lots 10 and 60 Robertson Road and Lot 21 Norman Road, Cardup	30
OCM052/09/14	Retrospective Development Application for an Outbuilding – Lot 496 (#62) Craddon Road, Oakford (P01854/03).....	47
OCM053/09/14	Final Report for Briggs Park Recreation Precinct Master Plan (SJ514-04)	54
OCM054/09/14	Concept Plans for Byford BMX Track (SJ514-04)	56
OCM055/09/14	Community Sport and Recreation Facilities Fund Submission (SJ514-04)	59
OCM056/09/14	Roads Asset Management Plan (SJ490)	62
OCM057/09/14	Restricted Access Vehicle Operations within the Shire of Serpentine Jarrahdale (SJ1218).....	65
OCM058/09/14	Bore Water Taking Agreement – LWP Property Group Pty Ltd, Yonder Pty Ltd and Shire of Serpentine Jarrahdale (S123469)	69
10.	Information reports:	75
OCM059/09/14	Chief Executive Officer Information Report (SJ1508).....	75
OCM060/09/14	Corporate and Community Information Report (SJ514-04)	76
OCM061/09/14	Planning Information Report (SJ514-04).....	77
OCM062/09/14	Monthly Financial Report – August 2014 (SJ514-04).....	78
OCM063/09/14	Confirmation of Payment of Creditors (SJ514-04)	80
OCM064/09/14	Engineering Services Information Report (SJ514).....	82
OCM065/09/14	Thomas Road Upgrade – Project Update (SJ1285).....	83
11.	Urgent business:	88
12.	Councillor questions of which notice has been given:	88
13.	Closure:	88

Minutes of the Ordinary Council Meeting held in the Council Chambers, 6 Paterson Street, Mundijong on Monday 22 September 2014. The Shire President declared the meeting open at 7.00pm and welcomed Councillors, staff and members of the gallery.

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

In Attendance:

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

Officers: Mr R Gorbunow Chief Executive Officer
Mr A Hart Director Corporate and Community
Mr B Gleeson..... Director Planning
Mr G Allan Director Engineering
Ms K Peddie Executive Assistant to the CEO

Absent: J Kirkpatrick

Apologies: Nil

Observers: Nil

Members of the Public – 51
Members of the Press – 1

Leave of Absence: Nil

2. Response to previous public questions taken on notice:

Mr Harry McLean, 234 Soldiers Road, Cardup, WA, 6122

Question 1

Byford on the scarp has four known bores. What is their purpose?

Response:

The Shire is only aware of one abstraction bore which is not on Byford on the Scarp but is located on LWP landholding at Cardup Siding Road.

Question 2

What is the loss per day from the lake in evaporation?

Response:

The loss in evaporation in the lake is around 7% per annum of total inflows to the lake.

Question 3

When did the developer get permission to put the bore water piper under the Bush Forever Land, WesRail Land and Main Roads Land?

Note: The Department of Water gave permission to transfer water to the lake only on March 2005 from the Cardup bore.

Response:

This matter would have been dealt with as part of the approval process which the Shire was not party to. As such, this is not a question the Shire can answer.

Questions of behalf of the Cardup Business Park:

Question 1

Have demolition orders been used to the owners of homes on the Cardup Business Park?

Response:

No

Question 2

Why have Wormalls been allowed to bring a dump truck back on site?

Response:

The Shire has not granted approval for this and the matter will be investigated.

Question 3

Why hasn't the owners of the homes on the Cardup Business Park had demolition orders issued?

Response:

There are no planning reasons why the houses in this area need to be demolished. Over time, it is likely that dwelling houses will be demolished by the landowners as they develop their land for industrial purposes, however some landowners may keep the dwellings and convert them into other uses such as an office.

Mr Grant Richardson, 230 Soldiers Road, Cardup, WA, 6122

With regards to the Metropolitan Region Scheme Amendment 1215/41 – Cardup Industrial Precinct, Report on Submissions:

Question 1

Developers are encouraged to liaise with the Water Corporation as the implementation of Water Corporation planning of the provision of infrastructure is dependent on the timing of developments and may require funding of major works by the developer. The Water Corporation also advises that the developer is expected to provide all water and sewerage reticulation and contribution for water and sewerage headworks may also be required. Will this occur before any other development is carried out in the Cardup Business Park?

Response:

Developers will be required to prefund and provide all the necessary services such as water, electricity and sewerage to the Cardup industrial area. This infrastructure will be provided in stages as the individual landowners develop their land.

There may be circumstances where Council and the Health Department of WA approves development on an individual property without sewerage, if an adequate onsite effluent disposal system can be provided. The issue of sewerage and water supply will be carefully investigated during the assessment of the Local Structure Plan.

Question 2

Access to the South Western Highway will primarily be obtained via Cardup Siding Road. As Cardup Siding Road has only been constructed to a rural standard, an upgrade of Cardup Siding Road, including the intersection of Cardup Siding Road and South Western Highway, will be required. Main Roads WA advises that it may be some time before upgrading of the South Western Highway to a four lane dual carriageway occurs. Therefore a significant upgrade at the intersection of the South Western Highway and Cardup Siding Road may be required earlier due to the traffic impacts from the amendment. All costs associated with the upgrade are to be funded by the developer. Will this upgrade occur before development of the Cardup Business Park?

Response:

No, the normal requirement is that road upgrades occur as they are needed. The industrial area will be built in stages and over a number of years. The timing for road and intersection upgrades will be determined by the timing and staging of development.

Question 3

At Ordinary Council Meeting 11 August the question - has Wormall been ordered to remove the training building from Lot 41 was asked. The response was that the CEO advised that orders for the removal are about to be issued and that the notice will be served shortly. Has Wormall been ordered to remove the training building from Lot 41?

Response:

No, however, the Shire has commenced legal action against the unauthorised land use.

Mr Antonio Ierino, 21 Butter Gum Close, Serpentine, WA, 6125

Questions 1

In relation to the dog attack why was the matter not investigated correctly? If it was, the second and third attack wouldn't have happened.

Response:

This matter was thoroughly investigated by Council's Rangers at the time.

Question 2

In relation to the first attack, two dogs were involved and removed, the facts are incorrect as the wrong dog was removed and another dog was purchased, and on the third attack the new dog was removed, why is the original dog still there?

Response:

The Council did not require the landowner to remove the original dog as this is not considered necessary. If any further dog attacks occur in the area, this will be investigated by Council Rangers with the aim to identify the offending dog(s).

Ms Lee Bond, PO Box 44, Armadale, WA, 6112

Question 1

Why aren't the questions and statements being recorded in the minutes for all ratepayers to see before the following Ordinary Council Meeting?

Response:

All questions and statements from Ordinary Council Meetings are recorded in accordance with the Shire's Standing Orders and Council Policies.

Question 2

Why hasn't the question asked by a ratepayer regarding all the details of the unsuitable mulch removed by Total Eden and the testing of that mulch in connection with the Byford Beautification Project for the amount of \$8236.31 been answered?

Response:

The Shire has no record of this question.

Question 3

Where did the unsuitable mulch from this particular Byford Beautification Project come from, what was it tested for, what were the results of that testing, who gave permission for the mulch to be used, who gave the order to remove the mulch, where was the mulch disposed of, provide an explanation of why it cost \$8236.31, has this Shire been offered any product from Custom Compost or C-Wise, has this Shire accepted any product from Custom Compost or C-Wise?

Response:

It is not clear to which area this question refers and more clarity is required before an answer can be provided.

3. Public question time:

Public Question and Statement time commenced at 7.01pm

Ms Jan Star AM, President of the Jarrahdale Heritage Society

As always the Jarrahdale Heritage Society is willing to assist the officers and Councillors with any historical background relating to Jarrahdale. To that end we would like to give you a copy of The Mills of Jarrahdale. In order to ask my question I do have to give some history as we believe the assumptions used in the report which form the basis for the recommendation should be challenged and expanded.

The mill site under discussion, the 5th No1 Mill, ceased operating as a mill in 1968-9 when a new No1 mill was built further up the hill, apparently because of pollution of the Gooralong Brook. The spot mill operation which started around 2000 had a small portable mill which used the remaining shed structure from the 5th No 1 mill. Its aim was to produce high value timber and initially it used forest floor waste to produce some very nice timber. Later it used logs which had been allocated to Simcoa for charcoal, taking the timber component and returning the waste to Simcoa. While it did eventually receive log allocations from Forest Products Commission the concentration was still a high value product such as sheoak. All such timber was stored in the mill shed. In September 2013 the operator sold all the machinery and timber at an auction and it was all removed soon after.

So the activities proposed by the proponent are not the same, nor similar, as those of the previous operation. It seems clear from the machinery and large fuel tank already in place that the main operation is not a sawmill, but a wood chipping operation. The noise, dust, fire risk and pollution potential will not be the same as the previous small spot mill operation. Most of the other “benefits” given in the proponent’s application are also incorrect or questionable. There is no contract with Forest Products Commission as inferred for the supply of logs, it is certainly not green as it does not benefit the environment, it definitely will not attract visitors – rather it will repel them and because of the perverse effect of using forest floor waste it will be bad for the forest.

It is an industry not a sawmill that is being proposed and our contention is that it should not be considered under that provision of the TPS 2. A sawmill I remind you, is where logs or large pieces of timber are sawn – this is wood chipping to produce sawdust – a highly flammable product and quite different to timber. The Statutory environment for this quasi application is Amendment 140 of TPS 2, especially Clause 4.5, which is not mentioned in the report. I would argue that this does not even allow Council to have discretion in this use as it does not fit the definition of light industry used in the above clause.

Question 1

What action does the Council intend to take to protect the town and the environment from the threats already posed by this operation, namely a large fuel tank near the brook, and a very noisy piece of machinery?

Response:

The Shire President advised the question will be taken on notice and a formal response will be provided in writing.

Mr Harry McLean, 234 Soldiers Road, Cardup, WA, 6122

Questions relating to Cardup Business Park

Question 1

Have Permapole, Permacrete and Kings met all the requirements for all water treatment’s prior to discharge?

Question 2

The residence on Kings Property has people in it. Why are they allowed to be there? What is the buffer distance for a residence on a working industrial site?

Questions in relation to Byford on the Scarp

Question 1

Who was in charge of the Planning Department in July 2005? Who was in charge of the Engineering Department in July 2005?

Question 2

Why are large volumes of water being discharged off the site of Byford on the Scarp into storm water drains?

Question 3

Are the pipes taking water from the bore at the corner of Soldiers Road and Cardup Siding Road to the Scarp legal? Note the bore is legal but the pipes to the scarp are not.

Response:

The Shire President advised the questions will be taken on notice and a formal response will be provided in writing.

Mr Grant Richardson, 230 Soldiers Road, Cardup

From the minutes of Ordinary Council Meeting 8 September 2014 my question 3 stated that at Ordinary Council Meeting 11 August 2014 the question has Wormal been ordered to remove the training building from Lot 41 was asked. The response was that the CEO advised that orders for the removal are about to be issued and that the notice will be served shortly. Has Wormal been ordered to remove the training building from Lot 41? The response was no, however the Shire has commenced legal action against the unauthorised land use.

The CEO advised at the Ordinary Council Meeting 11 August 2014 that orders for the removal of the training building on Lot 41 of the Cardup Business Park were about to be issued and that the notice would be served shortly. At the Ordinary Council Meeting on 8 September 2014 the response to my question, has Wormal been ordered to remove the training building, was no.

Question 1

Has Wormal been ordered to remove the training building?

Question 2

Why Not?

Question 3

Has Wormal been fined for non-compliance?

Response:

The Shire President advised the questions will be taken on notice and a formal response will be provided in writing.

Ms Lee Bond, PO Box 44, Armadale, WA, 6112**Question 1**

Why has Serpentine Jarrahdale Shire Council refused to give planning approval for Bio-Organics to operate?

Question 2

Explain in detail why the CEO replied to me in writing date 12 September 2014 accusing me of providing a statement with adverse reaction, offensive and causing a disturbance to the public? It is required of you to leave nothing out of your accusation.

Question 3

Question 3 which I asked at the Ordinary Council Meeting 8 September 2014 regarding the unsuitable mulch used for the Byford Beautification project costing the ratepayer \$8236.31 was answered with, it is not clear to which area this question refers and more clarity is required before an answer can be provided. Will you explain why you have no apparent knowledge of this matter, in particular the expenditure of \$8236.31 of the ratepayer's money and why you are refusing to answer the question put forward?

Response:

The Shire President advised the questions will be taken on notice and a formal response will be provided in writing.

Ms Jan Star, 230 Jarrahdale Road, Jarrahdale, WA, 6124**Question 1**

My question related to OCM050/9/14, as the site shown in the agenda it is completely unsuitable, requiring the removal, or subsequent death from dieback or compaction, of some large jarrahs, as big as any in the Park, and as there is a suitable site not far from this, behind the Staff St houses, is a change of the recommendation proposed?

Response:

The Shire President advised the questions will be taken on notice and a formal response will be provided in writing.

Ms Lorraine Hutchins, 34 Kentucky Drive, Darling Downs, WA, 6122**Question 1**

In relation to Thomas Road from Wungong South Road to the Railway Line will the Road Development Plan result in the removal of tree line?

Response:

The Shire President advised the questions will be taken on notice and a formal response will be provided in writing.

4. Public statement time:**Mr Harry MacLean, 234 Soldiers Road, Cardup, WA, 6122**

Mr MacLean provided a statement in relation to the bores on Byford on the Scarp. The Shire President advised Mr MacLean that he would like to personally meet on site to discuss these issues.

Mr Robert Hollingsworth, 5 Kingsbury Drive, Jarrahdale, WA, 6124

With the Mill situation that is confronting Jarrahdale residents at the moment, lets be realistic. It has been banded around, that Jarrahdale was a timber mill town and should always be a timber mill town.

After being deserted by the timber industry, Jarrahdale has moved on, with many new residents attracted to Jarrahdale because of its fresh clean environment, tranquillity and beauty of the surrounding natural bushland. These attributes are also an incentive for others to visit our town. It is suffice to say this does not fit well with a noisy, dusty timber processing plant. A plant we do not need and we do not want in our town.

Bunnings closed their electric/turntable Jarrahdale mill in 1997 ending 125 years of timber milling in Jarrahdale. No timber milling took place for two years until a small timber mill started on Lot 801, west side of Millars Road. After 14 years, this site ceased to be a timber mill site with a public auction of all machinery and timber on September 21 2013, 12 months yesterday. The proponents application was made 28 weeks late on April 8 of this year.

I was somewhat surprised by the article on page 1 of the current issue of the examiner, in which Mr Rodney Croft, Business Development Manager at C&C Enterprises said he commenced operations after the Shire CEO gave verbal approval. Mr Croft then said he had already spent about \$3 million on the information gleaned from a verbal conversation. Lets be realistic.

The Presiding Member invoked clause 15.9 of the Shire's Standing Orders Local Law 2002 – Right of the Person Presiding to Adjourn without Explanation to Regain Order. The meeting was adjourned and the Presiding Member and all Councillors left the room at 7.25pm. Mr Hart, Mr Gleeson, Mr Allan, Ms Peddie and Mr Gorbunow remained in the chambers.

Councillors re-entered the room and recommenced the Ordinary Council Meeting at 7.40pm.

Mr Ron Iannello, 324 Jarrahdale Road, Jarrahdale, WA, 6124

Jarrahdale Mill Proposal - National Trust as Owners

Over the past few weeks I have spoken to many Jarrahdale residents and have summarised the main concerns that have been expressed. The applicant has commenced saw dust processing on site on 2 September 2014 without Council approval. The mill operation is too close to the town site and the noise of the machinery is negatively impacting on the peace and quiet of nearby residents.

The EPA buffer requirement from residential properties for milling purposes is between 500/1000 meters yet the nearest house is only 100 meters from the site. The operators have not addressed noise, dust, traffic, health, fire management or environmental concerns, thus, ignoring the health and wellbeing of our community. The diminishing rainfall in Jarrahdale no longer provides the Gooralong Brook with adequate flow to support a Milling operation especially during the summer and autumn months. The likely outcome will be that the creek will cease to flow during warmer months as was the case in recent years when the former mill was drawing water from this resource. The Gooralong Brook is the major feature of the Heritage Park and the impact on properties downstream, Turtle Pond and the eco system will be devastating. The applicant has not received a water authority license to draw water from the Brook.

Wikipedia states that sawdust collected in piles add harmful leachates into local water systems creating an environmental hazard. The milling operation is approximately 50 metres from the Brook. This site was abandoned for milling purposes by Bunnings/Millars Timber some 50 years ago because the site was no longer suitable and was used for storing cut timber. The land was gifted to the National Trust in the year 2000. The DER report records show that the site was reported on the 31 May 2007 as a known or suspected contaminated site. This is most likely the reason why the mill site was originally abandoned. No site investigation has been carried out by Department of Environment Regulation. The operators C&C Enterprises were not a registered entity at the time of applying for their milling application.

The operators have been manufacturing saw dust only (no timber milling to date). Not quite what was stated in their application and certainly not a similar operation to the former operation as stated in their application. Saw dust is described in Wikipedia as a

known Human Carcinogen. It causes cancer. Yet no dust extractors have been seen on site and on at least one occasion strong easterlies were discharging dust particles far and wide. The operation of the mill is in conflict with the master plan intent of the Heritage Park to develop the park for tourism.

The noise from the Mill is not only detrimental to the lifestyle of nearby residences but is also in conflict with the planned construction of an Amphitheatre at Heritage Park and other tourism ventures as outlined in the master plan. The adjoining Shire land holdings of approximately 20 hectares (rate payer assets) which are zoned special use will have Financial Implications for the Shire as will nearby residential areas as the value of these holdings will be negatively impacted by a noisy operational mill.

The mill site is surrounded by bush and state forest yet there is a complete disregard for a Shire approved fire management plan. Wikipedia describes sawdust as flammable and states airborne sawdust can ignite from sparks or even heat accumulation and result in explosions. Over the weekend it was reported to Shire that a suspected fuel tank and stand had been installed on site. If this proves to be the case then the combination of fuel and sawdust would present a major fire risk not just to Jarrahdale but to all municipalities along the Darling escarpment and can only be viewed as a reckless and negligent act.

The mill operation is in conflict with the amenity of the area. It erodes the peace, tranquillity and ambiance of Jarrahdale and violates the health, safety and wellbeing of nearby residents. In conclusion The National Trust owners of the site notified the Shire of their withdrawal of support for the Mill Application on the 11 September 2014. If the National Trust in their wisdom are no longer willing to support this proposal then there is absolutely no basis for the Council to do so.

I have faith in our elected Councillors to make the right decision.

Ms Jan Star on behalf of Jarrahdale Forest Protectors Inc

I would like to correct some impressions given by this the application or proposals for this alleged sawmill. We were formed to try to stop the proposed logging of the Mundlimup block of regrowth Jarrah adjacent to the town. We had the support of the townspeople and even the Shire in an indirect way as they promoted a Discovery Forest agreement with Department of Parks and Wildlife which included this area.

I won't go into our arguments but I have appended a statement by our leading scientists in response to the then proposed Forest Management Plan which supports the stand taken by the Jarrahdale Forest Protectors. We also argued the case with Department of Parks and Wildlife and Forest Products Commission on local grounds of history, recreation needs and tourism.

We were successful as most of the Mundlimup block has been removed from future logging plans. A small portion of sparse forest on the eastern edge is still proposed but it has very small log yield and may never eventuate. This is a cause for celebration. However this item on the agenda raises the use of forest floor waste after logging arguing it is somehow beneficial environmental and for safety.

We would like to stress that this is not the case. Normally there is a burn to help regenerate growth thus the fire hazard is removed. But there is also a perverse effect possible in the forestry industry. We have seen it in Simcoa's charcoal operation where there is logging that would otherwise not occur to feed the operation, and as has been mentioned, logs capable of producing good timber get used for a lesser purpose. If a commercial use is established for forest floor waste then history would show that there will be more logging so that 'waste' can be produced – this is perverse. Collection of such waste will also compound the damage to the forest floor from logging as more machinery

will be used. Such waste also is more beneficial to the ecology in situ than being removed.

Having put so much effort into protecting our forest heritage we don't want to jeopardise this and in fact would like to discuss with the Shire further measures to protect our forests.

Mr Scott O'Keefe, 4 McNeil Grove, Jarrahdale, WA, 6124

We have concerns over the Jarrahdale Mill using the premises for wood chipping. It is very loud and unpleasant for those wanting to use Turtle Creek and the walk trail. What will be their dust management policy and what ratio will their operation be of wood chipping to general mill operation, how often will this noise be infiltrating our environment. Will it be used as pulp mill operations as they have major health issues as well as smells. These are my concerns about the mill operation especially the noise, my partner and child went to Turtle Creek and they couldn't even hold a conversation it was so loud.

Public Question and Statement time concluded at 7.48pm

5. Petitions and deputations:

5.1 Mr Joe Algeri from Altus Planning presented a deputation regarding items OCM052/09/14 – Retrospective Development Application for an Outbuilding – Lot 496 (#62) Craddon Road, Oakford.

My deputation relates to agenda item OCM052/09/14 for the retrospective development application for an outbuilding at Lot 496 (No. 62) Craddon Road, Oakford. I'm speaking on behalf of the proponent. As Glenn's representative, I'm tonight speaking in support of the officer recommendation for the application to be conditionally approved.

When Glenn first approached me, my first advice was that he needed to reassess his personal and business requirements when it came to the use and development of his property where he lives in Oakford. In essence, anything outside the requirements of a home business cannot be approved on land which is Special Rural under the TPS 2.

Glenn wisely took my advice and made a decision that his collection of antique motorcycles would not be stored securely off-site but rather, any storage associated with his business should be kept at another premises. Accordingly, I should be here simply to talk about the merits of the development itself and why I believe discretion should be exercised for it to be approved consistent with the Shire's historical LPP 17 and the more recent draft LPP 36. Having carefully pursued these policies and also having driven extensively around the locality, I can state categorically that the overall size, the height and the position of this proposed shed is not out of the ordinary and wholly within expectations within this and similar type rural zones.

Council policies are to be used as a guide; this is an orderly and proper planning consideration, they are not, however, to be used as a law to be enforced. This would then explain the many large sheds and other outbuildings I have seen not only in Oakford, but indeed across the Shire, some of which, to be honest, I can understand how they were ever approved.

In this instance let me remind you that the shed will not be visible from the road and furthermore existing vegetation will help protect it from the principal adjoining neighbour.

Four concerns were raised during the advertising –

- Concern the shed will be used for business activities;
My response: there is a condition prohibiting this plus Council can also prosecute if it did happen.
- Shed will affect the sale of land;

My response: this cannot be proven and has never been considered a planning argument.

- Size of shed too large; and

My response: consistent with many in the locality

- Pad for the shed is existing.

My response: the fact that the application, in part, is retrospective does not make it objectionable.

If the application was this straightforward I would not be speaking to you because it would have been approved long ago. The complications arise when we have a neighbour who is dissatisfied with what appears to be a business running from an adjoining property and then furthermore, the construction of the shed commenced, in this case the pad, without planning approval. These are legitimate concerns. This is why we have prosecution proceedings under the Act and why we have the opportunities for retrospective planning approval for those applicants willing to attempt to rectify the situation.

The common issue that I have come across, working for both applicants and respondents, is that the planning assessment of a retrospective application should not be more severe or different simply because a decision-maker is agitated by the actions or conduct of particular applicants. You are addressing the merits of the shed, not of Mr Taylor or any other applicant.

The reality is that the exercise of discretion needs to be balanced and considered; I respectfully submit to Council that you should not withhold planning approval simply because you believe a particular applicant does not deserve it.

Where your officers recommend that an application is capable of approval having appropriate regard to the applicable planning framework, then the best thing you can do on behalf of the community is to make sure that there are a robust set of conditions and thereafter ensure where they are breaches of conditions that they are appropriately enforced and when necessary, prosecution proceedings are commenced.

So in conclusion please do not avoid making a decision or defer to the Tribunal when dealing with retrospective planning applications. If you don't approve it tonight then the Tribunal will have no choice but to program to a final hearing, this is time-consuming and costly not only for the applicant but also for the respondent. You have to hire a consultant to make a case for you; it's not as simple as letting the Tribunal decide.

For all these reasons I respectfully recommend that you endorse your officer recommendation for approval.

5.2 Councillor Urban presented a petition on behalf of Ms Jan Star and Mr Ron Ianello, co-convenors Jarrahdale Forest Protectors containing 101 names in relation to C&C Enterprises timber milling operations.

COUNCIL DECISION:

Moved Cr Urban, seconded Cr Piipponen

In accordance with the Shire's Standing Orders Local Law 2002 Section 3.6 that the petition be received

Carried 8/0

6. President's report:

Nil

7. Declaration of Councillors and officers interest:

Nil

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

8.1 Ordinary Council Meeting –8 September 2014

COUNCIL DECISION

Moved Cr Piipponen, seconded Cr Hawkins

That the minutes of the Ordinary Council Meeting held on 8 September 2014 be confirmed (E14/4353).

CARRIED 8/0

9. Motions of which notice has been given:

OCM047/09/14	Proposed Development Application for a Sawmill Operation – Pt Lot 801 Jarrahdale Road, Jarrahdale (P01146/03)
Author:	Robert Casella – Statutory Planner
Senior Officer:	Brad Gleeson – Director Planning
Date of Report:	4 September 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent:	National Trust of Australia (WA) on Behalf of C&C Enterprises
Owner:	National Trust of Australia (WA)
Date of Receipt:	8 April 2014
Lot Area:	9.57ha
Town Planning Scheme No 2 Zoning:	Special Use
Metropolitan Region Scheme Zoning:	Rural

Introduction

To consider an application for a sawmill operation for the purpose of processing timber into woodchips and sawdust. It is recommended the application be refused due to the lack of information provided to allow an adequate assessment of the application and possible adverse impacts on the amenity of the area.

Background:

Historically, Jarrahdale has been operating as a timber milling town since the early 1870's. In the 1890's, it was noted that five or six mills were in full operation according to the Shire's Municipal Inventory. Until the Great Depression, around 1929, both Mills No.1 and No.2 (the subject mill) had closed down for approximately 6 years, and re-opening in 1935 and continuing operation up until 1997.

The subject lot was utilised for the stockpiling of logs by various timber companies dating back to 1901, prior to any planning legislation existing. Following the cessation of the mill by Bunnings/Wesfarmers operation in 1997, approximately two years later a sawmill operation was reinstated of which had only terminated in November 2013.

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this issue

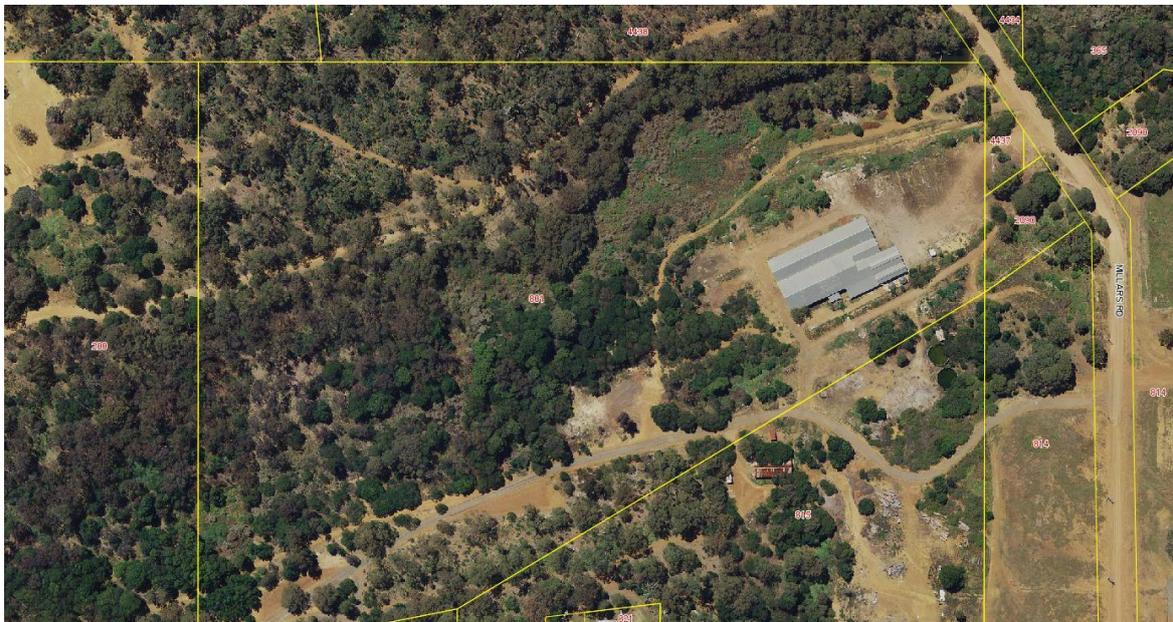
Community / Stakeholder Consultation:

The development application was referred to landowners in writing who are located within a 400m radius of the subject lot in accordance with Clause 6.3 of the Town Planning Scheme No. 2 (TPS 2) and the Environmental Protection Authority's Guidelines on Separation Distances between Industrial and Sensitive Land Uses (June 2005). A total of 26 submission were received as a result of the advertising period with a total of 19 opposed to the development, three submission expressing no opposition and 4 submission received from Servicing Authorities.

The primary concerns raised in the objections are as follows:

Concerns Raised	Submissions Concerns are Raised In
Against Promoting Removal of Forest Floor Waste	7
Lack of Information	11
Fire Management Plan	10
Environmental Management Plan	10
Water Management / Contamination (Gooralong Brook)	12
Noise Issues	15
Traffic Management / Safety	14
Dust Issues	8
General Amenity	5
Odour	4
Vegetation Management Plan	3
Waste Management	6
Chemicals	3
No Tourism Enhancement.	5

Comment:



Aerial Photo

The extent of information provided by the application for the proposed development is as follows:

The proposed development would utilise the site as it is currently established as the activities involve those identical to that previously operating in 2013 with the only difference in the trafficable movements to and from the site. An agreement to lease the site has been negotiated, subject to Council approval, for a period of 10 years with a 10 year option (20 years in total).

The proponent proposes to undertake an additional business operation to process the residual waste from logs that have been felled and sold to various sawmills in WA by the Forest Products Commission (FPC). This will involve the use of a Bandit 2680 Track Beast Recycler, which is to be stored inside the existing sheds onsite along with the sawmill. Residual waste timber from the FPC supplied to the site, will be machined into a microchip, down to a saw dust product, which is then sold to businesses like poultry farms within the Shire.

Additionally, the applicant has stated all other normal considerations regarding noise, dust, and odour will be the same or less than the site has experienced in the past from the mill operation and should be acceptable on these grounds.

Future improvements that may be needed at the site include:

1. Improvements / upgrade of roads;
2. Hardstand inside the existing sheds;
3. Secure fencing;
4. Pump and piping infrastructure utilised for fire and dust suppression.

The benefits, as described by the proponent, will bring to the town:

- The creation of long term employment;
- Increase of local businesses trade with increased workforce;
- Residual waste product will be provided to local businesses like chicken farms within Council;
- Removal of residue that is normally left in the forest that creates an extra fire risk if a major fire occurs;
- Turn the residue product that is normally left unused and wasted into a product that can be used to create alternative fuel for green energy production from heat and steam, reducing the reliance on coal produced electricity;
- Use a site that is now empty for a green project that benefits the environment and all stakeholders. This will attract many visitors to Jarrahdale.

Assessment

TPS 2

Under the provisions of TPS.2 the subject property is zoned 'Special Use'. The application is for a sawmill and in assessing and determining an application, consideration is given to which use class a proposal falls within.

Sawmill – means any land or buildings where logs or large pieces of timber are sawn.

Clause 3.2.5 of TPS2 states:

If the use of land for a particular purpose is not specifically mentioned in the zoning table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:

- a) Determine that the use is not consistent with the objectives and purpose of the particular zone and is therefore not permitted; or*
- b) Determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of Clause 6.3 in considering an application for planning consent.*

The definition of sawmill refers to a place where timber is 'sawn'. It is understood from the information submitted with the application that the proposed development primarily involves processing large pieces of timber to create sawdust. Whilst it may be argued that this does not involve 'sawing' in the pure sense of the word, it is considered that the proposed use is in accordance with the provisions of Clause 3.2.5 of TPS2 as it 'reasonably' falls within the definition of sawmill.

Appendix 2 – Special Use Zones

The subject property is located within the Special Use zone no.3 which states that the use class 'Sawmill' may be permitted at the discretion of Council following the advertisement of the application in accordance with Clause 6.3 of the Scheme. The provisions of Appendix 2 also allow consideration of other types of development and it does not prohibit consideration of any

use class. It is therefore open to Council to consider a proposal having regard to any impacts, how those impacts may be managed and ensuring consistency with all relevant provisions of the Shire's Town Planning Scheme.

The current application, which first enquired about operating the proposed development on 26 March 2014, argues that the use would fall under the legislation surrounding 'existing use' rights.

Part IV – Non Conforming Uses

The following provisions relating to non-conforming uses are considered to be relevant in determining the suitability of the development application, particular attention to Clause 4.4 and 4.6 below:

4.1 NON-CONFORMING USE RIGHTS

No provision of the Scheme shall prevent the continued use of any land or building for the purpose for which it was being lawfully used at the time of coming into force of the Scheme, or the carrying out of any development thereon for which, immediately prior to that time, a permit or permits, lawfully required to authorize the development to be carried out, were duly obtained and are current.

4.2 EXTENSION OF NON-CONFORMING USE

A person shall not alter or extend a non-conforming use or erect, alter or extend a building used in conjunction with a non-conforming use without first having applied for and obtained the planning consent of the Council under the Scheme and unless in conformity with any other provisions and requirements contained in the Scheme.

4.3 CHANGE OF NON-CONFORMING USE

Notwithstanding anything contained in the Zoning Table the Council may grant its planning consent to the change of use of any land from a non-conforming use to another use if the proposed use is, in the opinion of the Council, less detrimental to the amenity of the locality than the non-conforming use and is, in the opinion of the Council, closer to the intended uses of the zone or reserve.

4.4 DISCONTINUANCE OF NON-CONFORMING USE

4.4.1 When a non-conforming use of any land or building has been discontinued for a period of six months or more such land or building shall not thereafter be used otherwise than in conformity with the provisions of the Scheme.

4.4.2 The Council may effect the discontinuance of a non-conforming use by the purchase of the affected property or by the payment of compensation to the owner or the occupier or to both the owner and the occupier of that property, and may enter into an agreement with the owner for that purpose.

4.6 REGISTER OF NON-CONFORMING USES

4.6.1 Any person carrying on a non-conforming use who wishes to establish his non-conforming use right shall within six calendar months of the gazettal date, or within such extended time as the Council may allow, give to the Council in writing full information of the nature and extent of the non-conforming use.

4.6.2 The Council shall establish and maintain a Register of such non-conforming uses. If a particular non-conforming use is not entered in the register within six months of the gazettal date the Council may at a later time enter that use in the Register upon application being made to it and upon the applicant demonstrating to the satisfaction of the Council that:

- (a) *The use was a lawful conforming use under the Shire of Serpentine - Jarrahdale Town Planning Scheme No. 1 immediately prior to the revocation of that Scheme; and*
- (b) *There is a reasonable explanation for the failure to record the non-conforming use in the Register within six months of the gazettal date.*

4.6.3 *For the purpose of the registration of a non-conforming use in the Register the Council shall determine the nature of the use and the appropriate use class as a factual decision based upon the Council's objective assessment of the evidence before it at the time of making the determination.*

Clause 4.4 and 4.6 are of particular importance as they define the permitted circumstance in which a non-conforming use may be continued, specifically not having a gap from operating greater than six months. Records identify that the land use had ceased operation for a period of 28 months (the timeframe in which the original land owners had sold the property and the most recent operator occupying the site).

The other relevant provision identifies that the operator of the non-conforming use is to notify the Council in writing, the details relating to the non-conforming use within six (6) months of the gazettal date of the Scheme. The Shire had undertaken an archive search, investigating the circumstances surrounding the historical operation of the sawmill, with no record of the land use complying with TPS 2 Provisions relevant to non-conforming uses. It is therefore identified that the land use is no longer permitted to operate a new development application is required to be submitted, with suitable supporting documentation and required management plans.

Amenity

The *Environmental Protection Authority guidance document on the Separation Distances between Industrial and Sensitive Land Uses* states that a sawmill, timber (tree) milling operation has a recommended buffer distances of 500-1000 metres depending on its size.

It is assumed this is a smaller type operation and therefore the 500 metre buffer distance is applicable. Even with the smaller buffer distance there is over 50 sensitive receptors that may be effected by noise and dust impacts.

The buffer distances however are only a guide and only determine the level of management required. To allow adequate assessment of the application, adequate noise and dust management plans should be submitted demonstrating how the proponent can adequately address and manage these impacts.

Gooralong Brook

The Gooralong Brook watercourse traverses the northern site boundary. The site is relatively flat with a gentle slope towards the Brook and in a western direction. The proponent proposes to use the pump and piping that is already in the Brook in the same way. There is no statement of the amount of water proposed to be taken or whether there is a license to take water. The potential for license for water extraction should be provided as part of the application.

There is a potential for sawdust and organic particulate movement off site into the riparian zone of the Gooralong Brook. Fine organic material can have impact both positive and negative on freshwater ecosystems in dry land watercourses. Fresh organic material can contain higher levels of nutrients than natural leaf drop of woody debris will deliver. Fine ground green material of this sort might result in higher level of oxygen demand on breakdown with consequent effect on freshwater biota. Containment of surface water such that organic materials from the processes cannot enter the Gooralong Brook should be required. This should be provided in the form of a Local Water Management Plan that defines

flow paths and shows the containment and detention infrastructure suitable to achieve control of the material in question.

Further information had been requested from the applicant, relating to:

1. Noise and Dust Management Plans (demonstrating how the impacts are going to be adequately addressed and managed); and
2. Traffic Management Plan.

All of which have yet to have been submitted or addressed to undertake a suitable assessment of the application.

Options

Option No.1

That Council refuses the development application based on insufficient information being submitted as part of the development application.

Option No.2

That Council approve the development application subject to suitable management plans (dust, noise and water) being submitted and approved.

Option No.1 is recommended given the level of information required to bring the land use in conformity with Shire's statutory planning framework.

Conclusion

The proposal, although is a historical land use on the subject lot, does not conform to the Shire's TPS 2 requirements for non-conforming use rights. Additionally, the lack of information provided to the Shire as part of the application is not considered sufficient to undertake a suitable impact assessment, given the sensitivity surrounding the operations and proximity to residential lots within a 500m radius, the Gooralong Brook watercourse, as well as the community objections and concerns received by stakeholders in the local community.

The National Trust advised Council on 11 September that it withdrew its support for the development application. Legal advice was received that stated that Council is still required to determine the development application under TPS 2.

Attachments:

- [OCM047.1/09/14](#) – Development Application (IN14/7079)
- [OCM047.2/09/14](#) – Leasable Area (IN14/7612)
- [OCM047.3/09/14](#) – Schedule of Submissions (E14/2437)

Alignment with our Strategic Community Plan:

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

Statutory Environment:

Planning and Development Act 2005

TPS 2

Environmental Protection Authority guidance document on the Separation Distances between Industrial and Sensitive Land Uses

Financial Implications:

There are no financial implications relevant to this item.

Voting Requirements: Simple Majority

OCM047/09/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Urban, seconded Cr Moore

That Council refuse the development application for a sawmill operation on Lot 801 Jarrahdale Road, Jarrahdale for the following reasons:

- 1. The proposal fails to demonstrate compliance with clause 4.6.1 of Part 4 of the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2, which states that:
*‘Any person carrying on a non-conforming use who wishes to establish his non-conforming use right shall within six calendar months of the gazettal date, or within such extended time as the Council may allow, give to the Council in writing full information of the nature and extent of the non—conforming use.’***
- 2. Insufficient information being submitted with the application relation to noise, dust and traffic management to undertake a suitable planning and impact assessment of the proposal.**
- 3. The proposal would have a detrimental impact on the amenity of the area.**

CARRIED 8/0

The Presiding Member made the following declaration in regards to OCM048/09/14 Adoption of a new Parking and Parking Facilities Local Law

Citation:

Under the powers conferred by the *Local Government Act 1995* and under all other powers, the Council of the Shire of Serpentine Jarrahdale is resolving to make the following Local Law: The Shire of Serpentine Jarrahdale Parking and Parking Facilities Local Law (2014).

Background of the Local Law:

The Shire of Serpentine Jarrahdale adopted the Parking Facilities Local Law in 1997. This was in response to the Shire evolving and concerns relating to parking were identified.

In 2014 the Shire population and facilities have increased at a significant rate and a review of the current Parking Facilities Local Law was found to be inadequate and therefore a replacement needs to be adopted. The new Local Law needs to reflect current changes within the Shire and the safety, convenience and wellbeing of the Community, and to conform with related statues such as the Road traffic Code 2000, therefore, in accordance with provisions of the Local Government Act 1995 (as amended) the Shire of Serpentine Jarrahdale is resolving to adopt this Parking and Parking Facilities Local Law (2014).

Intent of the Local Law:

The intent of this Local Law is to provide, guidance, a current and relevant statutory environment, and to provide a current and relevant enforcement process in respect to the management and control of parking and parking facilities within the Shire of Serpentine Jarrahdale for the safety, wellbeing, convenience and amenity for the residents, visitors and the general Community.

Community Consultation:

On adoption the Shire of Serpentine Jarrahdale Parking and Parking Facilities Local Law (2014), there will be a community consultation and advertising and advertising period of 42 days as required by the Local Law adoption and review process.

The Proposed Local Law will be advertised in accordance with the relevant statutory requirements, and will placed on the Shires website for viewing, with hard copies available for viewing at the Shire Offices, and at the Mundijong Library.

Any submissions must be in writing, and can be lodged by email, by hand or by normal mail, and are required to be received by the council no later than 42 days from the date of advertising.

OCM048/09/14	Adoption of a new Parking and Parking Facilities Local Law (SJ1066)
Author:	Markus Gaschk – Coordinator Compliance
Senior Officer:	Brad Gleeson – Director Planning
Date of Report:	27 August 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction

This report is presented to Council to consider a new Parking and Parking Facilities Local Law for adoption.

Background:

The current Parking and Parking Facilities Local Law was gazetted on 23 June 1997 and has not been modified or upgraded since that date. It is proposed that the current Parking and Parking Facilities Local Law be repealed and Council adopts the proposed Parking and Parking Facilities Local Law.

Relevant Previous Decisions of Council:

There is no previous decision by Council in relation to this matter.

Community / Stakeholder Consultation:

Once Council makes a decision to adopt a new Local Law it is necessary for the proposed Local Law to be advertised for public comment by way of statewide public notice as per the Local Government Act 1995.

Comment:Proposal

With the increasing number of residents, visitors, and residential and commercial properties in the Shire, there has been an increasing number of complaints in relation to parking issues, particularly in the Byford town centre and around school sites. The current Parking and Parking Facilities Local Law 1997 is out of date and therefore restricts Shire Officers attending to parking related issues and providing a high level of service to residents and ratepayers.

Improvements and advantages of adopting the Western Australian Local Government Association 2014 Model Parking and Parking Facilities Local Law are as follows:

- The proposed Local Law makes the entire Shire a parking region, where the current Local Law does not. Shire Officers can only enforce parking matters where the area has been defined as a parking region.
- All definitions in relation to vehicle classes and types are in line with the Road Traffic Code 2000.
- Defines the type of parking area such as No Parking and No Stopping Zones, which were not defined in the current Local Law.
- Defines parking signs and symbols specified under Australian Standards 1742.11-1989. This ensures that all parking signs and symbols are in line with Australian Standards and therefore the rest of Australia.
- The proposed Local Law defines classes of vehicles into buses, commercial vehicles, motor cycles, bicycles, taxis and all other vehicles.
- Defines ACROD parking bays, permits and stickers.
- Allows Shire Officers to enforce unauthorised parking on private land.
- Allows the Shire to use yellow edge lines on a carriageway to enforce No Stopping areas.
- Allows Shire Officers to enforce parking breeches at or near a Bus Stop.
- An increase in modified penalties for more serious offences, such as parking on a footpath, parking in a school zone, and stopping in a disabled bay.

Conclusion

Adopting the WALGA 2014 model Parking and Parking Facilities Local Law and repealing the current Local Law will allow Shire Officers to properly enforce parking related issues, and provide a higher level of Customer Service to residents and ratepayers.

Attachments:

- [OCM048.1/09/14](#) - Shire of Serpentine Jarrahdale Parking and Parking Facilities Local Law 1997 – (E02/4514)
- [OCM048.2/09/14](#) - Proposed Shire of Serpentine Jarrahdale Parking and Parking Facilities Local Law 2014 – (E14/3941)

Alignment with our Strategic Community Plan:

Objective 1.2	Progressive Organisation
Key Action 1.2.5	Provide safe and supportive work environments.
Objective 6.2	Active and Connected people
Key Action 6.2.5	Create a reassuring and safe place to live

Statutory Environment:*Local Government Act 1995**Section 3.12 Procedure for making local laws*

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to —*
 - a) *Give Statewide public notice stating that —*
 - i) *the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and*
 - ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and*
 - b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister;*
 - c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*

Financial Implications:

Within Budget

Voting Requirements: Absolute Majority**OCM048/09/14 COUNCIL DECISION / Officer Recommendation:****Moved Cr Urban, seconded Cr Erren****That Council:**

- 1. Make a Local Law – Parking and Parking Facilities Local Law (2014)**
- 2. Give Statewide public notice in accordance with section 3.12 of the Local Government Act.**

CARRIED ABSOLUTE MAJORITY 8/0

OCM049/09/14 Application To Keep More Than Two Dogs (SJ899-02)	
Author:	Sarah Hutchins - Ranger
Senior Officer/s:	Brad Gleeson – Director Planning
Date of Report:	20 August 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction

Council has received three separate applications to keep more than two dogs at a number of properties in the Shire under the Shires Local Law Relating to the Keeping of Dogs. It is recommended that the application be approved.

Relevant Previous Decisions of Council:

There are no previous Council decisions relating this this application.

Community / Stakeholder Consultation:

Not required.

Comment:

There are currently no delegations for officers to approve applications under Section 26 of the Dog Act 1976 or the local law.

Section 26(3) of the Dog Act 1976 states:

“Where by local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption –

- (a) may be made subject to conditions, including a condition that it applies only to the dogs specified there in;*
- (b) shall not operate to authorise the keeping of more than six dogs on those premises; and*
- (c) may be revoked or varied at any time.”*

Application 1:

Application to keep three dogs at 54 Marginata Parade, Jarrahdale. The details of the dogs are as follows:

	Breed	Name	Age	Sex	Registration Details	Sterilised Yes/No
1	Terrier X	Buddy	10+	M	1248-15	Yes
2	Border Collie	Tess	6	F	1247-15	Yes
3	Aust Cattle Dog	Alfie	11wks	M	0203-14	No

All dogs are currently registered with the Shire. The reason for the application is the applicants have inherited their sons dog. Rangers have inspected the property and have ascertained the following:

- The fencing is in good order, and is suitable to contain the 3 dogs.
- The size of the property (4044m²) is suitable to house the dogs.
- The property is clean and well maintained, and there was no sign of faeces at the property.
- The dogs have suitable shelter at the property, with a kennel on the back veranda and have doggy door access into the dwelling area.
- There have been no dog related complaints recorded against the property or dog owners.



Aerial – 54 Marginata Parade

Application 2:

Application to keep three dogs at 14 Waterside Pass, Byford. The details of the dogs are as follows:

	Breed	Name	Age	Sex	Registration Details	Sterilised Yes/No
1	Red Heller	Chipper	5	M	1344-15	Yes
2	Golden Retriever	Lucy	1	F	0914-15	No
3	Golden Retriever	Larry	9 wks	M	0234-14	No

All dogs are currently registered with the Shire. The reason for the application is the applicant has moved to a larger property and wanted a Golden Retriever pup. Rangers have inspected the property and have ascertained the following:

- The fencing is in good order, and is suitable to contain the 3 dogs.
- The size of the property (3448m²) is suitable to house the dogs.
- The property is clean and well maintained, and there was no sign of faeces at the property.
- The dogs have suitable shelter at the property, with kennels on the back veranda and a secure small yard to house them when the owner is not at home.
- There have been no dog related complaints recorded against the property or dog owners.



Aerial – 14 Waterside Pass

Application 3:

Application to keep three dogs at 38 Alice Road, Cardup. The details of the dogs are as follows:

	Breed	Name	Age	Sex	Registration Details	Sterilised Yes/No
1	Labradoodle	Dasha	12	F	0656-16	Yes
2	Cavalier King Charles	Millie	4.5	F	0660-16	Yes
3	Cavalier King Charles	Lucy	5mths	F	0204-14	No

All dogs are currently registered with the Shire. The reason for the application is the applicant has an elderly dog and wanted a companion for her younger cavalier. Rangers have inspected the property and have ascertained the following:

- The fencing is in good order, and is suitable to contain the 3 dogs.
- The size of the property (2000m²) is suitable to house the dogs.
- The property is clean and well maintained, and there was no sign of faeces at the property.
- The dogs have suitable shelter at the property, and being small dogs are mainly kept indoors..
- There have been no dog related complaints recorded against the property or dog owners.



Aerial – 38 Alice Road

Attachments:

Nil

Statutory Environment:

- Dog Act 1976 Section 26
- Shire of Serpentine Jarrahdale Local Law Relating To The Keeping Of Dogs

4. Application to keep more than Two Dogs

- Any application for an approval to keep more than two registered dogs and six dogs or less shall be submitted in writing.*
- The applicant shall submit plans showing the specifications and location of fencing and yards in relation to the boundaries and dwellings and proximity to the adjoining properties and other information as the Council may require.*

5. Conditions.

Where the Council grants approval to keep more than two registered dogs on a premises or property, the following conditions and provisions apply, the applicant shall comply with the following conditions and any other conditions and or provisions as determined by the Local Government:-

- (a) The approval shall be to the applicant and is not be transferred to or assigned to any other person, company or organisation.
- (b) That the applicant comply with provisions of the Dog Act 1976, Dog Regulations 1976 (as amended) and Local Law.
- (c) The person to whom approval is given by the Local Government shall not carry on that approval at any premises other than the land in respect of which the Local Government approval is granted.

6. Refusal of an Application.

Subject to the provisions of the Dog Act 1976 as amended and Local Government Local Law, Local Government may refuse an application. If an application has been refused by the Local Government, the applicant may lodge a written objection to the Chief Executive Officer of the Local Government within 28 days of notification of the decision in accordance with Section 26 (5) of the Dog Act 1976 as amended.

Part 4 – Permitted Numbers and Restrictions in Certain Areas

7. Permitted Numbers in Certain Areas.

The permitted number of dogs in certain areas without approval of Council:-

- (a) Areas zoned urban development, residential, commercial, industrial, showroom, warehouse, special residential, special rural, rural living A & B, farmlet, special use zone & conservation zone- up to a maximum of two registered dogs permitted.
- (b) Areas zoned rural and in receipt of Urban Farmland Concession and of one kilometre from a townsite or an urban area - up to a maximum of four registered dogs permitted.

Financial Implications:

Nil

Voting Requirements: Simple Majority.

OCM049/09/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Urban, seconded Cr Hawkins

That Council:

1. Approve the application under the Shires Local Law Relating to the Keeping of Dogs to house three dogs at 54 Marginata Parade, Jarrahdale.
2. Approve the application under the Shires Local Law Relating to the Keeping of Dogs to house three dogs at 14 Waterside Pass, Byford.
3. Approve the application under the Shires Local Law Relating to the Keeping of Dogs to house three dogs at 38 Alice Road, Cardup.

CARRIED 8/0

OCM050/09/14	Overnight Recreational Vehicle Parking Bays for Jarrahdale (SJ514-04)
Author:	Tony Turner – Manager Health and Building
Senior Officer/s:	Brad Gleeson – Director Planning
Date of Report:	28 August 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction

To consider a proposal and preliminary costings for the construction of six overnight recreational vehicle bays (RV bays) in Jarrahdale. If the proposal is supported funding can be considered by Council at the 2014 mid year budget review.

Background:

Jarrahdale is located between South Western Highway and Albany Highway, with proximity to forests and offers a range of tourism opportunities. One of these opportunities is to provide some short stay facilities for recreational vehicles such as caravans and campervans. Over several years a number of locations have been considered but accessibility, proximity to services and concerns about vandalism have inhibited proposals.

Relevant Previous Decisions of Council:

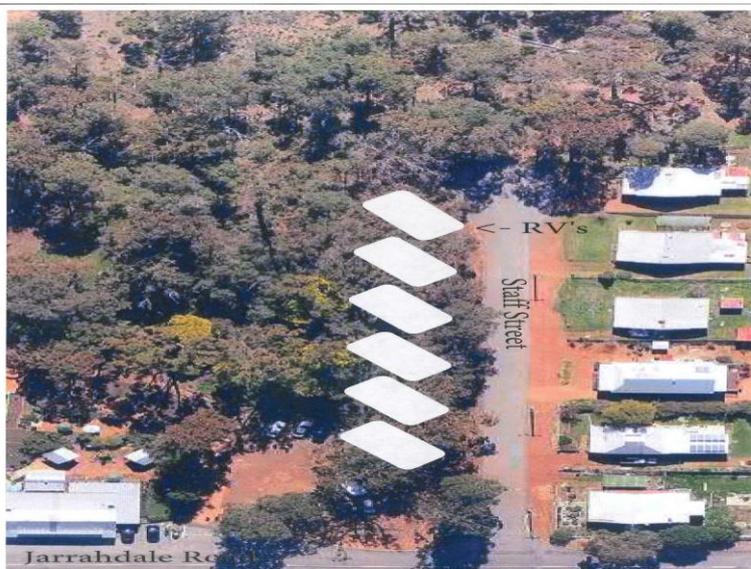
There is no previous Council decision relating to this issue.

Community / Stakeholder Consultation:

Not required

Comment:

Tourism - It is expected that in the short term there will be increased interest from RV users resulting in an increase in local tourism. In the longer term the potential for increased tourists to Jarrahdale and the Shire, and provide additional financial diversity for the local economy.



Site Map

Relevant camping ground guidelines refer to large bays as being constructed to 10 metres x 10 metres and medium bays to 9 metres x 9 metres. For costing purposes, 9 x 9 metres bays are used that will be angled to the north west and not parallel to the road.

It is proposed that construction will require only limited site works to contour the bays and provide site drainage. It is estimated that with the installation of a dump site or below ground tank the design and construction costs will be approximately \$55,000.

Ongoing Costs - Because no facilities or toilets are provided and users are generally expected to be self-contained site maintenance costs may be less than \$5,000 per annum. This is to maintain the bays and to pump out the dump tank 2-3 times per year. While no fees are proposed, registration and monitoring of the users has been considered.

While other sites have been considered, the Staff Street location provides an idyllic forest location within walking distance to other features and facilities in the Jarrahdale town site. Its proximity to the General Store and residents will also limit the potential for vandalism.

Conclusion

The provision of 6 overnight RV bays will introduce Jarrahdale as an RV destination and has the potential to provide more economic diversity and future opportunities. With the lack of accommodation within the Shire and Jarrahdale area, establishing a RV site will provide an opportunity to promote tourism, encourage visitor stops and provide economic benefits to the local community. Therefore with the costs and potential benefits of the proposal considered it is recommended that Council give in principle support for the proposal and consider a budget reallocation at the 2014 mid-year budget review.

Attachments:

Nil

Alignment with our Strategic Community Plan:

Indicate how this proposal aligns or is in conflict with the specific objectives outlined in the Strategic Community Plan, ie:

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

Statutory Environment:

The Caravan and Camping Ground Regulations 1997 make provision under Regulation 11 for 24 hour road side rest areas for caravans and other vehicles. Because RV users take advantage of this provision most regional Councils and State agencies responsible for land or reserves suitable for this type of use, offer rest areas for RV uses.

Financial Implications:

It is estimated that the initial cost will be \$55,000 and up to \$5,000 per year for ongoing maintenance and servicing of the Dump Tank.

Voting Requirements: Simple Majority

Officer Recommendation:

That Council:

1. **Support a proposal for the construction of six 24 hour Recreational Vehicle bays at Staff Street, Jarrahdale.**
2. **Consider an allocation of \$55,000 in the 2014-15 mid-year budget review for the construction of six 24 hour Recreational Vehicle (RV) bays subject to;**
 - a) **The proposal being referred to adjacent residents and the Jarrahdale Community Association, and**
 - b) **The community supporting the proposal.**

OCM050/09/14 COUNCIL DECISION / Amended Recommendation:

Moved Cr Urban, seconded Cr Moore

That Council:

- 1. Support a proposal for the construction of six 24 hour Recreational Vehicle bays to the east of the dwellings on Staff Street, Jarrahdale.**
- 2. Consider an allocation of \$55,000 in the 2014-15 mid-year budget review for the construction of six 24 hour Recreational Vehicle (RV) bays subject to;**
 - a) The proposal being referred to adjacent residents and the Jarrahdale Community Association, and**
 - b) The community supporting the proposal.**

CARRIED 8/0

Council Note: To clarify the proposed location being to the east of the dwellings on Staff Street.

OCM051/09/14	Proposed Local Structure Plan – Cardup Business Park – Lot 41 Cardup Siding Road, Lots 1, 6 and 7 South Western Highway, Lots 10 and 60 Robertson Road and Lot 21 Norman Road, Cardup (SJ1655)
Author:	Louise Hughes – Manager Statutory Planning
Senior Officer/s:	Brad Gleeson – Director Planning
Date of Report:	3 September 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent:	RPS Australia East Pty Ltd
Owner:	Cardup Landowner Group
Date of Receipt:	June 2014
Lot Area:	194.71 hectares
Town Planning Scheme No 2 Zoning:	Urban Development, Special Use (Manufacture/Distribution Timber), Rural.
Metropolitan Region Scheme Zoning:	Industry, Rural, Bushforever, Primary Regional Roads.

Introduction

To consider a proposed Local Structure Plan (LSP) for the Cardup Business Park within Development Area 5 (DA 5) of Town Planning Scheme No. 2 (TPS 2). The LSP proposes an Industry – General zone throughout the development area, includes reserves for drainage and public open space and a conservation and Bush Forever zone.

The LSP provides a planning framework to guide the industrial development of the subject land. The proposed land uses are generally consistent with the planning context provided under the applicable State and local planning framework, including the Metropolitan Region Scheme (MRS) and the Shire's TPS 2.

Through an assessment of the LSP, a number of key issues have been identified including the need to clearly identify buffer areas and alternative zones, including part of the area being a light industrial zone. A number of modifications have been identified that are required to be addressed prior to the LSP being advertised for comment. It is recommended the proposed LSP and accompanying documents be determined as satisfactory for advertising following modification.

Background:

At its meeting of 22 February 2010, Council considered an amendment to the MRS to rezone the land within the Cardup Business Park from Rural to Industrial. At that same meeting, the draft Local Planning Policy 44 (LPP 44) – Cardup Business Park Planning Framework was presented to Council for consent to advertise. The intent of draft LPP 44 was to establish the planning framework and sequencing for future development of the Cardup Business Park, including recognition of the need for a MRS amendment, amendment of TPS 2 and preparation of a LSP ahead of subdivision and development.

On 27 June 2011, LPP 44 was adopted by Council. The MRS amendment for the Cardup Business Park was approved by the Western Australian Planning Commission (WAPC) and came into effect on 18 October 2012.

Amendment No. 183 to TPS 2 was prepared to rezone the land within the Cardup Business Park from Rural and Special Use (Manufacturing/Distribution Timber) to Urban Development under TPS 2 which would enable the establishment of a 'development area' with a set of statutory provisions as a framework for more detailed planning. The Urban Development zone was considered the most appropriate zone to ensure consistency between the MRS and TPS

2 through the preparation of a LSP for the Cardup Business Park. Amendment No. 183 was gazetted on 4 June 2014 with a new development area (Development Area 5) being inserted into Appendix 15 of TPS2.

Relevant Previous Decisions of Council:

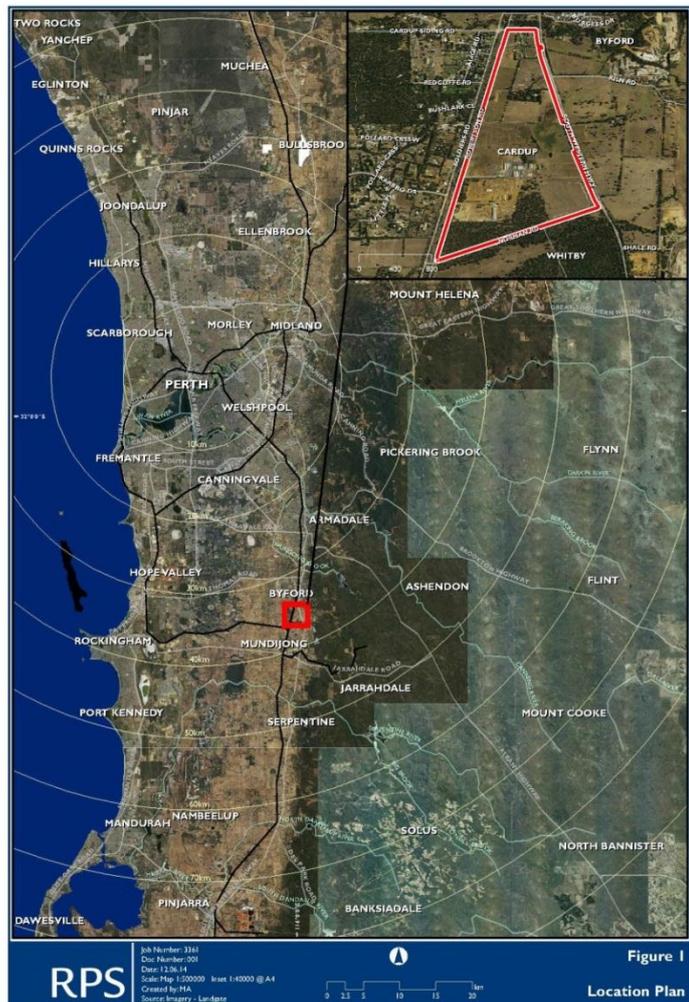
- OCM145/03/14 – Final adoption of Amendment No. 183 to TPS 2

Community / Stakeholder Consultation:

Upon receiving the LSP, the Shire referred the documentation to Department of Planning (DoP), Department of Environment Regulation (DER), Main Roads Western Australia (MRWA) and the Department of Water (DoW) for comment. The preliminary comments received from these government authorities are considered in this report. Community consultation will occur and the proposed LSP will be advertised for a period of 42 days by way of:

- letters to all landholders within a 500 metre radius of the LSP boundary;
- referral to relevant government agencies and local community groups;
- advertisements in the local newspaper;
- publication on the Shire’s website; and
- copies made available at the Shire Administration Building and Library.

Comment:



Location Plan



Aerial Plan



Local Structure Plan

The proposed Cardup Business Park LSP has been prepared in response to the Development Area 5 provisions of TPS 2 and under the guidance of LPP44. An independent review of the proposed Cardup Business Park LSP has been undertaken by the Shire's planning consultants.

Consultant Report:

Executive Summary:

The following report has been prepared to consider a Local Structure Plan (LSP) for the Cardup Business Park at Lot 41 Cardup Siding Road, Lots 1, 6 and 7 South Western Highway, Lots 10 and 60 Robertson Road and Lot 21 Norman Road, Cardup (the subject site). The purpose of the report is to determine whether the proposed LSP is satisfactory for the purposes of advertising. The report assesses the proposal against the State and local planning framework and makes recommendations in terms of progressing the LSP. It is recommended that the Shire withholds advertising of the proposed LSP until modifications are undertaken.

Comment:

Proposal

The subject site is comprised of eight (8) landowners, with a total site area of approximately 194 hectares. The subject site is generally bound by Cardup Siding Road to the north, South Western Highway to the east, Norman Road to the south and Robertson Road (partially unconstructed) to the west.

The LSP provides for industrial development consistent with the Industry General zone under Town Planning Scheme No. 2 (TPS 2). The LSP also includes an internal road network providing connections to the local and regional road network surrounding the subject site. This includes one (1) vehicle entrance from Cardup Siding Road, two (2) vehicle entrances from South Western Highway, two (2) vehicle entrances from Norman Road and two (2) vehicle entrances from Robertson Road.

A linear drainage network is provided through the centre of the site to follow the existing drain that flows in a westerly direction. A conservation buffer has been proposed along portion of the western boundary to protect the ecological values of the land within the railway reserve to the west of the subject. This area is recognised as an Environmentally Sensitive Area containing a Conservation Category Wetland and Bush Forever Site 350. Bush Forever Site 361 in the south west of the site has also been identified as part of the LSP. The LSP also provides for areas of drainage in the form of public open space throughout the site.

Key Issues

There are a number of critical elements requiring consideration with respect to the proposed LSP. These include:

1. Consideration of the applicable State and Local planning framework.
2. Consideration of potential environmental impacts.
3. Consideration of potential off-site impacts.
4. Consideration of LSP design and land uses.
5. Consideration of preliminary comments from government authorities.

1.1 Consideration of State Planning Framework

1.1.1 Structure Plan Preparation Guidelines

In August 2012, the Western Australian Planning Commission (WAPC) produced the Structure Plan Preparation Guidelines (the Guidelines) which broadly aim to standardise the scope, format and content of structure plans and detail the information required to be provided for

each type of structure plan. The Guidelines identify two key parts to a structure plan which include:

- *Part One is the statutory (legal) component of the structure plan which contains the statutory structure plan map and outlines the requirements and relevant local planning scheme provisions (including variations) which apply.*
- *Part Two is the non-statutory (explanatory) component of the structure plan that contains an explanation of the structure plan, including design methodology, relevance and compliance with all applicable State and local planning frameworks. Part Two also contains all supporting plans and maps.*

The Guidelines indicate that detailed information including proposed lot layout, lot levels, road reserve widths or carriageway design, street trees, on-street parking and public open space design should not be included in Part One of a structure plan. This information can be provided conceptually in Part Two, however the detailed design of these elements is determined at subdivision stage. The proposed LSP has been assessed against the Guidelines and a number of modifications will be required to Part 1 in relation to land use designation and variations to TPS 2 provisions.

1.1.2 Metropolitan Region Scheme

The land occupied by the proposed LSP is zoned “Industrial” and “Rural” under the Metropolitan Region Scheme (MRS) and is located adjacent to a Primary Regional Road Reserve (South Western Highway). A Bush Forever area is designated on the southern portion of the land as an ‘overlay’ on the MRS.

1.1.3 Directions 2031

Directions 2031 is a high level spatial framework and strategic plan that establishes a vision for future growth of the metropolitan Perth and Peel region. It provides a framework to guide the detailed planning and delivery of housing, infrastructure and services necessary to accommodate a range of growth scenarios. Its key objectives for ensuring the sustainable urban development throughout metropolitan Perth are:

- *Living in, or visiting our city should be a safe, comfortable and enjoyable experience.*
- *Our success as a global city will depend on building on our current prosperity.*
- *All people should be able to easily meet their education, employment, recreation, service and consumer needs within a reasonable distance of their home.*
- *We should grow within the constraints placed on us by the environment we live in.*
- *We have a responsibility to manage urban growth and make the most efficient use of available land and infrastructure.*

The document recognises the importance of industrial centres and promotes the identification of suitably located and serviced land, as identified in the WAPC’s Economic and Employment Lands Strategy in order to meet the industrial and employment needs of a growing community.

The document has the following specific references to key industrial sites:

- *Industrial centres need to be protected and their growth fostered due to their economic value and importance to the Perth metropolitan area and the state.*
- *The state and regional significance of some existing industrial zones in the Perth metropolitan central sub-region needs to be acknowledged in the wider planning framework, and their relocation proactively opposed.*

The document also provides recognition of the importance of access to and the protection of industrial sites. In this regard, the document explicitly states that:

Directions 2031 will ensure that suitable land is identified to support the economic activity of the city and state, particularly for infrastructure provision and industrial development.

In August 2010, the WAPC released the draft Outer Metropolitan and Central Sub Regional Strategies which form an integral part of Directions 2031. These documents provide information with respect to projected population and urban growth, as well as the careful consideration of employment generating industrial areas. The subject site is identified as “2009 draft industrial land strategy area” in the Outer Metropolitan Sub Regional Strategy. It is demonstrated therefore that the subject site has been identified as a future industrial area within the State’s strategic planning framework since prior to 2009. This designation was ultimately reflected in the WAPC’s decision to endorse MRS Amendment 1215/41.

1.1.4 Economic and Employment Lands Strategy: non-heavy industrial

The 2009 draft Industrial Land Strategy has been superseded by the Economic and Employment Lands Strategy April 2012 (EELS) as the key initiative for the identification and de-constraining of land suitable for industrial activity for the long term, allowing for an industrial land bank for the future.

The Cardup Business Park is recognised within Part 10 of EELS as a potential industrial area – medium term. EELS recognises that currently the economic self-sufficiency target of 55 percent set by Directions 2031 for the south-east sub-region are currently at 42 percent meaning that a significant number of additional jobs must be created in this sub-region to support the growing resident population. In response to strategic employment and economic issues, EELS recommends the development of regional economic development strategies to address:

- *Diversifying local employment opportunities.*
- *Investment in industrial and employment land.*
- *Facilitating economic development opportunities such as attracting business investment.*

The proposed LSP, will facilitate the development of the Cardup Business Park as an industrial and mixed business employment node within the Shire.

1.1.5 State Planning Policy No. 1: State Planning Framework

The State Government’s broad planning framework, State Planning Policy No. 1 (SPP1) is in part a consequence of the State Planning Strategy (WAPC 1997) in bringing together in a statutory planning framework, existing State and regional policies and articulating general principles for land use planning and development. It sets the key principles relating to the environment, community, economy, infrastructure and regional development which should guide the way in which future planning decisions are made having regard to each of those five elements. Under Part A (General Principles for Land Use Planning and Development) of that Policy, it states:

The primary aim of planning is to provide for the sustainable use and development of land.

The State Planning Strategy identifies five key principles which further define this primary aim and describe the considerations which influence good decision-making in land use planning and development. Planning should take account of, and give effect to, these principles and related policies to ensure integrated decision making throughout government. The four relevant principles include:

Environment:

To protect and enhance the key natural and cultural assets of the State and deliver to all West Australians a high quality of life which is based on environmentally sustainable principles.

Community:

To respond to social changes and facilitate the creation of vibrant, safe and self-reliant communities.

Economy:

To actively assist in the creation of regional wealth, support the development of new industries and encourage economic activity in accordance with sustainable development principles.

Infrastructure:

To facilitate strategic development by making provision for efficient and equitable transport and public utilities.

The key principles of SPP1 are covered in detail within this report as part of the LSP assessment.

1.1.6 State Planning Policy No. 4.1: State Industrial Buffer Policy

The WAPC's State Planning Policy No. 4.1 (SPP4.1) applies to all types of industry infrastructure where on-site and off-site buffer areas are required, including general, light and service industries. The key stated objectives of SPP4.1 include:

- (2) *To protect industry, infrastructure and special uses from the encroachment of incompatible land uses.*
- (3) *To provide for the safety and amenity of land uses surrounding industry, infrastructure and special uses.*
- (4) *To recognise the interests of existing landowners within buffer areas who may be affected by residual emissions and risks, as well as the interests, needs and economic benefits of existing industry and infrastructure which may be affected by encroaching incompatible land uses.*

The principles underlying the above objectives are provided in Clause 2 and include:

- (1) *Industries, infrastructure and special uses requiring off-site buffer areas are an important component of economic growth in Western Australia and are essential for the maintenance of our quality of life. These facilities and associated buffer areas must be planned for.*
- (2) *Off-site buffer areas shall be defined for new industry, infrastructure and special uses where necessary to comply with accepted environmental criteria. Off-site buffer areas shall also be defined for established industry and infrastructure to comply with accepted environmental criteria where there are existing land use conflicts or where there is the potential for land use conflicts to occur.*
- (3) *Once an off-site buffer area is defined, the boundary should not be varied unless justified in a scientifically based study (e.g. the impacts of industry/infrastructure should be maintained within the buffer and it should not be encroached upon by sensitive uses).*

It is noted that Draft State Planning Policy 4.1 State Industrial Buffer (Amended) was released for comment in July 2009. The draft amended policy includes the following objectives:

- *avoid conflict between industry and/or essential infrastructure and sensitive land uses;*
- *protect industry and/or essential infrastructure from encroachment by those land uses that would be sensitive to impacts and adversely impact the efficient operations;*
- *provide for the development of industry and/or the provision of essential infrastructure in a way that maximises amenity, minimises environmental and health impacts and takes account of risk to nearby sensitive land uses; and*

- *promote compatible uses in areas affected by off-site impacts of industry and/or essential infrastructure.*

As the proposed Cardup Business Park LSP seeks to establish a new industrial estate within the Cardup locality, due regard must be given to the existing surrounding land uses within the locality. While it is recognised that the subject site is now zoned “Industrial” under the MRS, local considerations must also feed into the planning for the site to balance the positive outcomes generated by new industry with the existing residential and rural amenity of the locality.

The SPP 4.1 is also to be considered in conjunction with the Environmental Protection Authority’s (EPA’s) Environmental Protection Guidance Statement No. 3: Separation Distances Between Industrial and Sensitive Land Uses (Guidance Statement No. 3.).

1.1.7 EPA Guidance Statement No. 3

The EPA’s Guidance Statement No. 3 provides for separation distances between industry (including general, light and service industry) and sensitive land uses, which are listed as follows:

Residential developments, hospitals, motels, hostels, caravan parks, school, nursing homes, child care facilities, shopping centres, playgrounds, and some public buildings. Some commercial, institutional and industrial land uses which required high levels of amenity or are sensitive to particular emissions may also be considered ‘sensitive land uses’. Examples include some retail outlets, offices and training centres, and some types of storage and manufacturing facilities.

A variety of land uses that may require consideration of buffers to manage off-site impacts on the environment are included within Guidance Statement No. 3. Each land use is described with a generic separation distance based on the consideration of typical emissions that may affect the amenity of nearby sensitive land uses including gaseous and particulate emissions, noise, dust and odour. As the nature of future industries and associated emissions are unknown, the ability to determine buffer distances at this stage of the planning process for specific industries is limited. However, regard must be given to the ultimate composition of land uses that may eventuate in each industrial zone.

1.2 Consideration of Local Planning Framework

1.2.1 Rural Strategy Review 2013

The Cardup Business Park is identified as an ‘Urban or Industrial cell’ on the Rural Strategy 2013 Review (Strategy Review) map. Clause 3.2 of the Strategy Review refers to exclusion areas as “*areas where future planning is currently underway*”. At its 15 July 2014 Special Council Meeting, Council considered the Strategy Review for the purposes of noting submissions received during the public advertising period and considering proposed modifications in light of the submissions received. At that meeting Council resolved to adopt the modifications, make changes to the Strategy Review in accordance with those modifications and forward a copy to the WAPC.

1.2.2 TPS 2

The subject site is located within Development Area 5 (DA5) under TPS 2. Clause 5.18.1.1 of TPS 2 states that for Development Areas:

The local government requires a Structure Plan for a Development Area, or for any particular part or parts of a Development Area, before recommending subdivision or approving development of land within the Development Area.

Appendix 15 of TPS 2 outlines the specific provisions for DA5 with respect to the information to accompany a LSP. These provisions form the basis for assessment of the proposed LSP.

1.2.3 Local Planning Policy 44 – Cardup Business Park Planning Framework

Table 1 of the Shire's Local Planning Policy 44 – Cardup Business Park (LPP44) outlines the various information and tasks required to accompany an application for a LSP within the Cardup Business Park. These requirements will be considered as part of the assessment of the proposed LSP and generally reflect the specific provisions outlined within DA5 of TPS 2.

1.2.4 Local Planning Policy 8 – Landscape Protection Policy

The Shire's Local Planning Policy 8 – Landscape Protection Policy (LPP8) covers the southern portion of the subject site, including Lots 60 Robertson Road and Lot 21 Norman Road. LPP8 aims to protect areas of high landscape value and maintain the integrity of significant landscape areas and features as viewed from South Western Highway. The key objectives of this policy include:

- *To maintain the integrity of landscapes within the Landscape Protection Area;*
- *To protect and enhance the landscape, scenic and townscape values through control over design, building materials and siting of development and land uses rather than prohibition of development and land use as such;*
- *To maintain the integrity of landscapes in the line of sight view corridor along identified scenic routes in the Shire, including but not limited to South Western Highway, Nettleton Road, Jarrahdale Road, Admiral Road, Kingsbury Drive and both the North-South and East-West Railway lines and natural water courses;*

The Integrated Landscape Management Strategy (ILMS) included as part of the LSP documentation recognises the importance of the existing view corridors to the subject site from South Western Highway. The ILMS recommends the following management actions for landscaping and vegetation retention as part of subdivision and development:

- *Retail scattered paddock trees where possible.*
- *Design buildings to complement landscape character, in accordance with LPP8 Landscape Protection.*
- *Increase vegetative screening using local native flora species, in accordance with LPP4 Revegetation.*

These proposed measures are considered acceptable to preserve the landscape values within the LPP8 area as viewed from South Western Highway.

2.0 Consideration of potential environmental impacts

2.1 Bush Forever

The subject site and surrounding land contains a number of Bush Forever (BF) Sites including:

- BF Site 361, in the south-west portion of the subject land;
- BF Site 350, within the railway reserve directly west of the subject land; and
- BF Site 354, on the southern side of Norman Road to the south of the subject land falling within adjoining landholdings.

The Environmental Assessment and Management Strategy (EAMS) provided as part of the LSP documentation notes that a 3 ha portion of BF Site 361 has been previously cleared under clearing permit 4516/1. The management measures as outlined below relate to the remaining portion of BF Site 361 as delineated within the proposed LSP map. The EAMS also outlines that a 0.34 ha area of BF Site 361 in the north-east corner will be excluded from the

“Bush Forever” area within the LSP to achieve the hard edge interface. This is on the basis that this part of the site is in ‘Degraded’ condition with limited flora and vegetation values. It is noted however that the “Bush Forever” area within the LSP has included approximately 0.38 ha of other vegetation outside the mapped BF Site that will be retained. This proposal is considered generally acceptable as it will facilitate the construction of linear road network and hard edge surrounding the BF Site. However, further investigation into this issue can occur during the public consultation process in consultation with the Department of Planning (DoP).

The EAMS defers management responsibility of BF Site 361 to the land owner, “*with the possibility that the land will be vested with the Shire of Serpentine-Jarrahdale or DPaW for management in the future*”. It is understood however that until such a time that the BF Site 361 is excised from Lots 60 and 21, the management responsibility will be retained by the landowner. Opportunities for ceding of the land as a ‘Parks and Recreation’ reserve under the MRS would be then possible at the time of subdivision. In the interim, ILMS recommends that the interface to BF Site 361 is to be comprise of conservation fencing, the provision of a hard edge in the form of a road and landscaping of the road reserve with local native flora species. The interface to BF Site 350 will be addressed in part through the management of the Conservation Category Wetland buffer and will also include conservation fencing and an access track providing of a hard edge along the northern portion of the western boundary.

2.2 Wetlands

A number of Multiple Use Wetlands (MUWs) are located within the subject land. The Spring Flora and Vegetation Survey conducted by Cardno in 2009 (included within the LSP documentation) found all MUWs to be in a completely degraded condition with one containing some remnant vegetation. A Resource Enhancement Wetland (REW) was found to the north of the subject site, aligned with Cardup Brook. No buffer has been provided between the subject site and the REW to the north of Cardup Siding Road. The existing road interface is considered to create a sufficient buffer to this neighbouring wetland. Two Conservation Category Wetlands (CCW) are located to the west of the subject site within the adjoining railway reserve. Another CCW is located to the north-east of the subject land, on the eastern side of the South Western Highway.

As outlined in the ILMS, a conservation buffer has been proposed along the western edge of the LSP adjacent to the CCW and is described as follows:

“A 50 m buffer has been provided between the boundary of the mapped Conservation Category Wetland and the development area. Within the site, 25 m of the required 50 m buffer is accommodated within the LSP, along the western boundary of the site, while the remainder of the buffer is provided for within the rail reserve adjacent to the western boundary of the site.”

There is no remnant vegetation within the Conservation Category Wetland buffer and the area is in a ‘Completely Degraded’ condition. To enhance the condition of the vegetation in the area and protect these areas from current and potential future impacts from adjacent land uses, revegetation will be undertaken within the buffer. The revegetation will consist of local native flora species and those wetland and dryland species considered suitable for revegetation.”

The ILMS indicates that the CCW is located within the railway reserve to the west of the subject site. The Robertson Road reserve located between the railway reserve and the western boundary of the subject site contains part of the buffer area to this CCW as well as the western portion of BF Site 350. The Robertson Road reserve has been shown on the LSP map as an ‘Unconstructed/Unimproved Road’ and it is expected that the Shire will retain this portion of road as a buffer area to support the ecological values of the surrounding land. As part of the detailed assessment of the LSP, further investigations may be required in order to determine how this unconstructed portion of Robertson Road adjacent to the ‘Conservation’ area will be retained by the Shire as a buffer area.

2.3 Threatened Ecological Communities and Environmentally Sensitive Areas

The ILMS identifies that two Threatened Ecological Communities (TECs) have been located on or around the subject site, including one within BF Site 361 in the south-west of the subject site and one within BF Site 350 to the west of the subject site. Both areas will be protected as part of the proposed LSP. In addition, Environmentally Sensitive Areas (ESAs) have been identified throughout the subject site which are likely to be associated with the TECs identified within BF Sites 361 and 350 or areas of vegetation adjacent to the site. The majority of the area within the subject site identified as an ESA is composed of cleared paddocks and it is considered that the proposed buffers associated with BF Sites and conservation areas will function to protect the native vegetation values of these sensitive areas.

2.4 Protection of Fauna

The Fauna Assessment undertaken in August 2013, and included as part of the LSP documentation, indicates that the *“retention of the majority of the remnant vegetation with(in) the BF site 361 will allow individuals/populations of all species in question, if present, to persist despite the development in the balance of the site”*.

It is also recognised that the vegetation within BF Site 361 is identified as potential Carnaby's Black Cockatoo feeding habitat which is listed as endangered under the federal *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The Fauna Assessment has identified that the significant tree habitats for the Carnaby's Black Cockatoo also occur outside BF Site 361 within the LSP area and recommends minimising the impact on black cockatoo habitat where clearing is proposed. The ILMS provides for fauna management to be incorporated as part of any future construction and development of the site. The Shire will however have consideration to recommendations of referral authorities in relation to the protection and management of black cockatoo habitat throughout the subject site as part of the LSP assessment process.

2.5 Acid Sulfate Soils

The majority of the subject site has been identified as having no known risk of Acid Sulfate Soils (ASS) occurring as a result of excavation for civil works. A portion of the land within the central area of the eastern boundary has been identified as having a low to moderate risk of ASS occurrence as a result of civil construction works and will therefore require investigation as a result of future subdivision and development.

3.0 Consideration of potential off-site impacts

3.1 Noise

An Environmental Noise Assessment (ENA) has been prepared and included within the LSP documentation. The ENA has provided recommendations based on noise modelling and states that industries or premises with lower noise emissions such as warehouses, showrooms or storage facilities should be situated in the north and northwest of the site and be restricted to day time operating hours. Industry emitting higher noise and operating during the evening hours should be situated in the central and southern portions of the site. In the eastern and western portions of the site, it is recommended that noisy equipment is shielded by administration buildings.

The ENA also recommends that each new industry should be required to undertake a noise impact assessment to demonstrate compliance with the *Environmental Protection (Noise) Regulations 1997* and recommends that the following should be considered:

- *The location and direction of the most critical residence.*
- *Items of noisy operation and equipment.*
- *Located noisy equipment as far as practicable from the critical residence.*

- *Construct the main administration building between the noise sources and critical residence.*
- *Enclose noisy plant and equipment inside buildings.*
- *Orient buildings so that openings are away from critical residences.*
- *Items such as shipping contained can act as barriers so if such items are permanently stored on site, these should be located to provide screening between operations/equipment and critical residences.*

This approach is consistent with the recommendations of the EPA in its consideration of MRS Amendment 1215/41 when it was advised that, for proposed industrial land uses, the generic separation distances of Guidance Statement No. 3 should be maintained unless adequate site-specific studies have been carried out that demonstrate that a lesser distance will not cause unacceptable impacts.

3.2 Other Emissions

In some instances, the nearest sensitive land use to the proposed LSP has been calculated to be as close as 100m. It is acknowledged that industrial land uses have the potential to generate a range of emissions including noise, dust, gas, odour, fumes and light, as well as environmental risk levels which may not be compatible with other surrounding land uses. The LSP documentation provides limited detail with respect to buffer distances to sensitive land uses. It is recommended that, prior to public consultation, the LSP should be updated to provide for consideration of how the proposal addresses the provisions of the WAPC's SPP 4.1 and provide recommendations for managing impacts on surrounding sensitive land uses. This may also include analysis of the EPA Guidance Statement No. 3 with regard to the ultimate composition of land uses that may eventuate within the LSP.

3.3 Traffic

The Traffic Impact Assessment (TIA) included as part of the LSP documentation includes a 'Checklist for a Transport Statement'. The checklist incorrectly refers to the sections within the report in which each item is discussed. In particular, the checklist states that impacts on surrounding roads, intersections, neighbouring areas and traffic safety are discussed within Sections 5.3 and 5.4 of the TIA. These sections do not exist within the TIA and no mention of these impacts is included in any other section. The TIA will be updated to rectify inaccuracies within the checklist and appropriately consider impacts on surrounding roads, intersections and neighbouring areas.

3.4 Groundwater Impacts

The proposed LSP is located to the east of the existing Cardup town-site which comprises of lots ranging between 2,000m² and 2 ha in area. The properties within the Cardup town-site are not connected to the reticulated water network and rely on a combination of rainwater and bore water for their domestic water supply.

The Local Water Management Strategy (LWMS), dated June 2014 and included as part of the LSP documentation, indicates that the maximum groundwater levels throughout the site range from 43.0 m AHD and 67.5 m AHD and fall to the north, west and south from a central location on the eastern boundary of the LSP area. This demonstrates that the general direction of groundwater flow from the subject site radiates outward toward the Cardup town-site to the west.

Consideration must be given to the potential impacts on the groundwater from the proposed Cardup Business Park as onsite effluent disposal will be needed, in the interim, until reticulated sewer is extended to service the site. All wastewater, including effluent, industrial wash down water and storm water will also need to be treated and disposed of on-site.

The LWMS suggests that a water quality monitoring program is proposed as part of the Urban Water Management Plan (UWMP) which will ultimately be required as part of future subdivision of the subject site in accordance with the LSP. It recommends an upstream-downstream comparison of groundwater across the site to confirm that the water treatment infrastructure is performing as intended. It also recommends water quality monitoring on a quarterly basis (typically January, April, July, October) and “*conducted for two years post construction of the development*”. Clarification for this time period is required as it does not clearly outline the starting point for the two year monitoring period. Development throughout the Cardup Business Park will occur gradually according to demand. Site conditions will therefore be constantly changing due to ongoing civil works associated with both site specific and subdivisional construction requirements. For these reasons it is recommended that regular water quality monitoring should be undertaken until such a time that reticulated water is extended to service the Cardup town-site via Soldiers Road.

The LWMS was also referred to the Department of Water (DoW) for comment. Following assessment, the DoW provided the proponent with technical comments and clarifications on various matters. An updated LWMS addressing comments from DoW’s correspondence and matters identified within this report is to be provided to the Shire prior to the initiation of the public consultation process for the LSP.

4.0 Consideration of LSP design and land uses

4.1 Consideration of Industrial Land Uses

Draft SPP 4.1 requires that structure plans need to identify buffer areas around proposed industrial areas, including any uses that have the potential for unacceptable off-site amenity and health impact or risk. It also recommends that planning for industrial areas should consider establishing more intensive core areas in industrial zones and provide for complementary buffers surrounding the core area.

In considering the proposed LSP text and map, the following matters are considered of key importance:

- No consideration has been given as to how the recommendations of the Environmental Noise Assessment will be implemented.
- No consideration has been given as to how the proposal addresses the provisions of the WAPC’s SPP 4.1 or recommendations provided for managing off-site impacts on surrounding sensitive land uses.

Prior to public consultation, the LSP text and map is to be updated to reflect these matters to the satisfaction of the Shire. The proponent will be required to implement a transitional zoning from the north to the south to address proximity to the urban land to the north and the Cardup town-site to the west. It is recommended that a Light Industry zone be incorporated into the LSP to the north which would transition to the General Industry zone. This is considered an acceptable planning outcome in addressing off-site impacts associated with industrial development, whilst also maintaining the intent of the proposed LSP as a business park to facilitate a wide variety of land uses.

In addition, the applicant may investigate the following aspects as part of a revised LSP.

- Incorporation of Local Area Plan (LAP) requirements within the LSP to identify specific development provisions to mitigate off-site impacts to sensitive areas.
- Demonstrated analysis of how it has been determined that off-site impacts (including but not limited to noise, dust, gas, odour, fumes and light) associated with the future industrial land uses have been identified, considered and planned for, including how the proposal addresses the criteria of SPP4.1.

4.2 Consideration of Public Open Space, Drainage and Conservation Area

In addition to the “Industry-General” zone, the proposed LSP allocates “Public Open Space”, “Drainage”, “Conservation”, and “Bush Forever” land uses. Section 5 of Part 1 (Relationship to Local Planning Scheme) of the LSP states:

The provisions, standards and requirements specified under Part 1 of this LSP shall have the same force and effect as if it were a provision, standard or requirement of TPS 2. Part 2 of this LSP is for explanatory purposes and to provide a descriptive analysis of the LSP.

In the event of there being any inconsistencies or conflict between the provisions, standards or requirements of TPS 2, and the provisions, standards or requirements of this LSP, then the provisions, standards or requirements of TPS 2 will prevail to the extent of any inconsistency.

Section 6 of Part 1 (Zones and Reserves) of the LSP states:

The LSP delineates and depicts the zones and reserves applicable to the LSP area according to the legend thereon.

The zones and reserves designated under this LSP apply to the land within it as if the zones and reserves were incorporated into TPS 2.

All provisions, standards and requirements applicable to the zones and reserves in TPS 2 shall apply, unless specific provision is made to the contrary in this LSP.

In considering the composition of the proposed LSP, the following comments are made:

- The LSP map provides for a “Conservation” land use. Section 6 of Part 1 of the proposed LSP indicates that all provisions, standards and requirements applicable to the zones and reserves in TPS 2 shall apply, unless specific provision is made to the contrary in this LSP. No specific provision is made for “Conservation” in Part 1 of the LSP. Section 5.1 of Part 2 of the LSP outlines specific provisions for the proposed “Conservation” zone. As these provisions differ from the provisions of the “Conservation” zone within TPS 2, they should be included in Part 1 of the LSP in accordance with the WAPC’s Structure Plan Guidelines August 2012.
- The LSP map provides for “Public Open Space” and “Drainage” land uses. No “Public Open Space” has been included on the LSP map and all the green areas are identified as “Drainage”. The LSP map needs to be updated to either remove the “Public Open Space” provision from the legend, or identify where in the LSP that “Public Open Space” is proposed. The drainage should be updated to “Drainage Purposes” in accordance with TPS 2, unless a new definition is to be provided within Part 1 of the LSP.
- The LSP map provides for a “Bush Forever” land use. In accordance with the WAPC’s Structure Plan Guidelines August 2012, as the “Bush Forever” land use is not provided for within TPS 2, a specific definition should be provided within Part 1 of the LSP.

4.3 Consideration of Road Network

The LSP map shows a portion of Norman Road directly south of BF Site 361 as an ‘Unconstructed/Unimproved Road’. It is noted that this part of Norman Road is constructed. The LSP map should be updated to reflect the current status of this road. The proposed intersection modification and upgrading under the interim and ultimate scenarios as outlined in the TIA have been reviewed by Shire officers and is considered acceptable.

The proposed LPS was also referred to Main Roads Western Australia (MRWA) for preliminary comment. Following assessment, MRWA provided the Shire with comments which can be summarised as follows:

1. MRWA will only permit one point of access to the subject site from South Western Highway. Two points of access are currently proposed.
2. Access to Tonkin Highway as the future primary freight road is to be via Thomas Road or Mundijong Road.
3. The upgrade of South Western Highway to a four lane dual carriageway is not within the MRWA four-year construction program and therefore an upgrade to the intersection of Cardup Siding Road and South Western Highway may be required in the interim period.
4. Heavy vehicles used within the LSP are to meet the Main Roads Heavy Vehicles Operations Restricted Access Vehicle Classifications.
5. Any signalised intersections or upgrades to South Western Highway as part of LSP are to be approved by MRWA in consultation with the Shire.
6. An updated SIDRA analysis is to be provided to MRWA for review.
7. No direct access to South Western Highway from new lots will be permitted.

It is therefore considered that further discussions with MRWA and the developer are required to determine the required revisions to the LSP documentation, including the TIA. This can occur during the public consultation process.

4.4 Servicing

An Engineering Servicing Report (ESR) has been included as part of the LSP documentation. In considering the existing and future sewer reticulation infrastructure and capacity within the locality, and based on advice from the Water Corporation, the ESR recommends onsite effluent disposal as a permanent measure for treating sewerage from the subject site. This is on the basis that the subject site is likely to be scheduled ahead of future development to the west and sewer extensions will therefore have to be constructed entirely by the developer to service the site. The ESR recommends:

“The use of an Anaerobic Treatment Unit will be subject to compliance with an approved maintenance regime and the whole system will need to be owned and maintained by the property owner. The final design of the Anaerobic Treatment Unit will be dependent on approval from the Shire of Serpentine-Jarrahdale and the Department of Health in accordance with the “Government Sewerage Policy”.

Further to this, it is recommended the internal sewer reticulation into the Anaerobic Treatment Units be placed on standard alignment of 3.5m within the road reserve and sized as a DN225 PVC pipe. This would ensure that these lines can be reused when the ultimate wastewater system in the Water Corporation’s infrastructure has to be utilised after 5 years as advised by the Shire of Serpentine-Jarrahdale.”

Reticulated water connections are proposed in the form of an interim and long-term strategy. Based on advice from the Water Corporation, the ESR recommends extending water mains from Pinebrook Road to the north and the existing Byford Tank to the north-east as a temporary service. Long term, the ESR recommends a reticulated water service from either the existing Byford gravity tank on Soldiers Road or the proposed future Byford Scheme gravity main on Nettleton Road.

It is expected that the Water Corporation will provide additional feedback in relation to the service capacity and future connection potential for reticulated water and sewer as part of the public consultation process. It is considered that sewerage can be provided in the area in the short term, as sewer mains are being extended to Mundijong for the Whitby residential estate.

With respect to other services, the ESR indicates that power supply to the site is subject to availability and requires that a full feasibility study is presented to the utility prior to any future connection. Telecommunications services are expected to be available to the subject site via the existing network in the vicinity. Gas is not proposed to be connected to the subject site as part of any future subdivision or development.

4.5 Bushfire Management

The LSP documentation includes a Fire Management Plan (FMP) which has been assessed by Shire officers and has been found to be acceptable.

Options and Implications

There are three options available to Council with respect to the proposed LSP, as outlined below:

1. Pursuant to Clause 5.18.3.2 (a) of TPS 2, determine that the proposed LSP is satisfactory for advertising.
2. Pursuant to Clause 5.18.3.2 (b) of TPS 2, determine that the proposed LSP is not to be advertised until modifications are undertaken.
3. Pursuant to Clause 5.18.3.2 (c) of TPS 2, determine that the proposed LSP is not satisfactory for advertising and give reasons for this to the proponent.

Option 2 is recommended.

Conclusion

The LSP provides a planning framework to guide the development of the subject land for the Cardup Business Park. The proposed land uses and subdivision layout are consistent with the planning context provided under the applicable State and local planning frameworks. The advertising of a LSP is the most important part of the process to ensure the Shire has the most relevant information from a range of stakeholders not involved in the preliminary assessment. Information obtained through advertising will provide the Shire with the information required to make an informed and appropriate decision. It is recommended that the LSP be deemed satisfactory for advertising subject to modification.

Attachments:

- [OCM051.1/09/14](#) – Schedule of Modifications (IN14/17242)
- [OCM051.2/09/14](#) – Cardup Business Park LSP (E14/4380)

Alignment with our Strategic Community Plan:

Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.1	Maintain the area's distinct rural character, create village environments and provide facilities that serve the community's needs and encourage social interaction
Objective 4.1	Sustainable Industries
Key Action 4.1.1	Target and engage sustainable, environmentally and socially responsible industries and businesses.

Statutory Environment:

MRS
TPS 2
SPP 4.1
EPA Guidance Statement 3
Local Planning Policy's (various)

Clause 5.18.3.4(a) of TPS 2 states:

“Where the proponent is aggrieved by a determination of the local government under clause 5.18.3.2 (b), the proponent may request the local government by notice in writing to forward the Proposed Structure Plan to the Commission”

Financial Implications:

Industrial development in the Shire will result in indirect financial cost implications for Council.

Voting Requirements: Simple Majority

OCM051/09/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Erren, seconded Cr Rossiter

That Council:

1. Pursuant to Clause 5.18.3.2 (b) of Town Planning Scheme No 2 determine that the proposed Local Structure Plan for the Cardup Business Park is not to be advertised until modifications included in the Schedule of Modifications dated September 2014, as per attachment *OCM051.1/09/14*, are undertaken to the satisfaction of the Director Planning.
2. Subject to 1 above, the Local Structure Plan be advertised for public inspection pursuant to clause 5.18.3.5 of Town Planning Scheme No. 2

CARRIED 8/0

OCM052/09/14	Retrospective Development Application for an Outbuilding – Lot 496 (#62) Craddon Road, Oakford (P01854/03)
Author:	Rob Casella – Statutory Planner
Senior Officer/s:	Brad Gleeson – Director Planning
Date of Report:	13 June 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Algeri Planning and Appeals
 Owner: Glenn Taylor
 Date of Receipt: 29 May 2014
 Lot Area: 3.23ha
 Town Planning Scheme No 2 Zoning: Special Rural
 Metropolitan Region Scheme Zoning: Rural

Introduction

Council has previously considered a retrospective application for an outbuilding on Lot 496 (#62) Craddon Road, Oakford (subject property) as the combined total floor area for outbuildings on the property exceeds the permitted allowable area for the Special Rural (SR) Zone.

Council on 28 July 2014, considered the officer recommendation to approve the application and the motion was lost. A further motion to refuse the application was not made. As a result the application was deemed not to have been determined and the applicant has sought a review through the State Administrative Tribunal (SAT). The outcome of the directions hearing includes an order for the matter to be reconsidered by Council at its meeting on or before 6 October 2014 with further Mediation scheduled for 14 October 2014.

Background:

The subject property currently has an existing outbuilding with a total floor area of 162m² located off centre to the south, setback 16m from the side (west) boundary. The property is heavily vegetated and considered to be suitably screened from adjoining properties and local road network. All the structures located on the property area located towards the south (front) and west (side) boundaries.

The owner of the site, submitted a development application for an outbuilding that exceeded the policy provision for total floor area by 62m² (362m²), to support a warehousing business operating from the property without approval. The application was assessed in accordance with the Shire of Serpentine Jarrahdale's Town Planning Scheme No.2 (TPS 2) with the use class 'Warehouse', a use not permitted in the Special Rural zone.

A complaint was lodged identifying construction had commenced prior to a planning approval being granted, resulting in a section 218 Direction (commencing development without approval) and a section 214 Notice (cease all development and work) ensuing that only the formwork for the pad was implemented.

Given the likely outcome of the proposed application being refused, the proponent withdrew the application for refinement and resubmission, which is now the subject of this report.

Relevant Previous Decisions of Council:

OCM012/07/14 – Council resolved to not grant retrospective approval for an outbuilding.

Details:

The proposed retrospective gable roofed outbuilding features the following:

Features		Proposal			
Measures:		Length	Width	Area	Height
		20m	10m	200m ²	Wall: 5m Apex: 5.88m
Setback	Shed: south	1m			
	Side boundary: west	16m			
	Side boundary: east/west/south/north	135m (approx)			
	Rear boundary: north	80m (approx)			
Materials		Colorbond Steel			
Colours		Green Gumtree			

The retrospective outbuilding is proposed to be located central on the property along the western boundary.

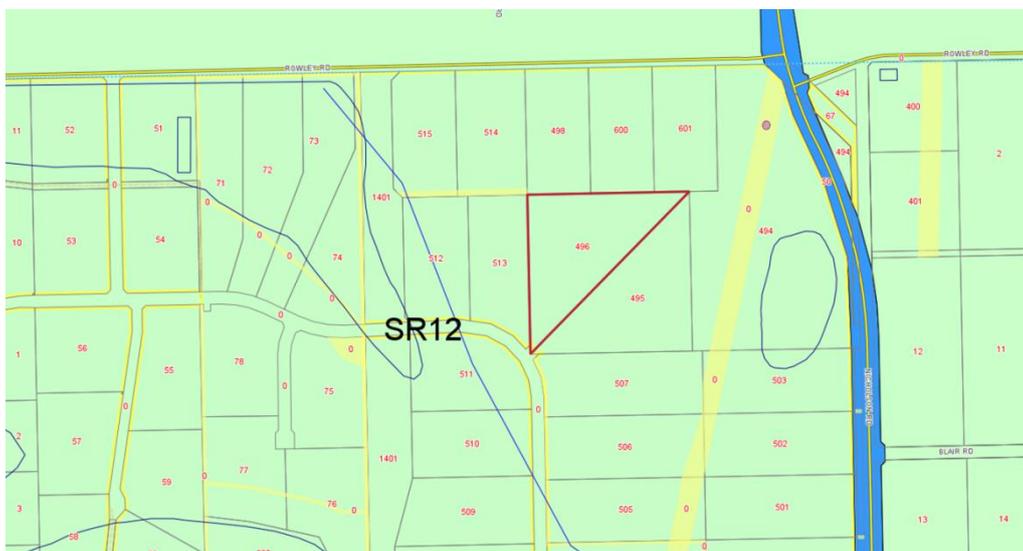
The applicant provided justification for the additional size of the outbuilding to accommodate his personal collection of 40 motorcycles. The reason the applicant is moving the collection to the property is to free up space in an industrial building he owns for the proposed business. No business activities undertaken from the subject site.

Community / Stakeholder Consultation:

Surrounding adjoining property owners were notified in writing in accordance with Clause 6.3 of the Scheme. Five submissions were received objecting to the proposed development; however one submitter later withdrew their objection. Concerns raised by submitters can be summarised as follows:-

- Concern the shed will be used for business activities;
- Shed will affect the sale of land;
- Size of shed too large; and
- Pad for the shed is existing.

Comment:



Location and Zoning Plan



Arial view of approximate location of the proposed outbuilding



Outbuilding Pad

Planning Assessment

TPS 2 – Part V – Development Requirements

The subject property is zoned Special Rural under the Scheme. The objectives of the Special Rural zone, as stated in the Scheme, are as follows:

5.9 Special Rural Zone

“The purpose and intent of the Special Rural Zone is to depict places within the rural area wherein closer subdivision will be permitted to provide for such uses as hobby farm, horse training and breeding, rural residential retreats and intensive horticulture, and also to make provisions for retention of rural landscape and amenity in a manner consistent with the orderly and proper planning of the selected areas.

The applicant has advised that the proposed outbuilding will be used for domestic storage purposes only.

Local Planning Policy No.36 (LLP36) – Non Urban Outbuildings (draft)

An assessment has been undertaken in accordance with the Shire’s LLP36, adopted by the Council for the purpose of guiding development relating to outbuildings in non-urban zones.

The objectives of LPP36 are to:

- *Ensure that the siting, design and scale of outbuildings are site responsive and respect the character of an area;*
- *Ensure outbuildings contribute towards the efficient use of water resources within the Shire; and*
- *Facilitate development that supports the intended function of an outbuilding.*

The proposed outbuilding is considered to satisfy the objectives of LPP36 and has been measured against the policy provisions to provide a suitable assessment of the proposal within the broader context of the site.

The existing outbuilding on the property occupies a floor area of 162m². The following table is an extract of LPP36 relevant to this application:

Zoning/Area	Floor Area		Setback (Minimum Distance)		Maximum Height* (Measured from Natural Ground Level)	
	Acceptable Development	Performance Based	Side	Rear	Wall	Roof Ridge**
Rural Living B/Special Rural Zone (2ha-4ha)	≤ 200m ²	≤ 300m ²	10m	20m	4.5m	5m
Existing	162m ²	Combined = 362m ²	16m	80m	5m	5.88m
Proposal	200m ²					

Table 2: Floor Area/Setback/Height – Outbuilding Assessment and Approval Requirements

In determining an application proposing a variation to any of the performance based criteria in Table 1 of LPP36, consideration is to be given to Tables 2 and 3 of LPP36.

Table 2 of LPP36: Land Use, Design & Siting Requirements

Requirements	Acceptable Development	Performance Based	Officer Comment
Overall Siting	<ul style="list-style-type: none"> • Located wholly within any nominated building envelope (where applicable). 	<ul style="list-style-type: none"> • Setbacks that are no less than 50% of the minimum setback as defined in Table 1 	<ul style="list-style-type: none"> • <i>Complies;</i> • <i>Complies: Falls within Acceptable Development provisions for siting behind the</i>

	<ul style="list-style-type: none"> • Sited behind the front setback of the primary dwelling. • In close proximity to existing residential dwellings/structures. • Clustered with existing outbuildings (if more than 1 exist on a lot). • Located in accordance with the setback requirements of Table 1 of this Policy. 	of this Policy or four (4) metres, whichever is the greater.	<p><i>primary dwelling.</i></p> <ul style="list-style-type: none"> • <i>Complies: Is clustered with existing structures and in close proximity to the existing dwelling and ancillary dwelling.</i>
Vegetation	<ul style="list-style-type: none"> • No clearing of natural vegetation has been proposed. 	<ul style="list-style-type: none"> • Applicant has demonstrated that outbuilding is sited to minimise vegetation clearing. 	<ul style="list-style-type: none"> • <i>Complies: Applicant has demonstrated that the area chosen is to ensure minimal clearing of vegetation.</i>
Landscaping/screening	<ul style="list-style-type: none"> • Landscaping and screening is encouraged where appropriate except in locations of extreme fire risk. 	<ul style="list-style-type: none"> • Landscaping and screen planting is to be used to ameliorate the visual impact of outbuildings if visible from a road, adjoining property, public realm or scarp location 	<ul style="list-style-type: none"> • <i>The outbuilding complies with the Acceptable Development provision as it is considered to be sufficiently screened from adjoining properties.</i>

Table 3 of LPP36: Colours & Materials – Outbuilding Assessment and Approval Requirements

Requirements	Preferred	Performance Based	Officer Requirements
Materials	<ul style="list-style-type: none"> • Colourbond • Straw bale • Timber • Rammed Earth 	<ul style="list-style-type: none"> • Zinalume 	<ul style="list-style-type: none"> • Structure is proposed to be constructed in Colourbond steel.
Colours	<ul style="list-style-type: none"> • Earthy Tones 	<ul style="list-style-type: none"> • A colour which is of a similar tone to the tone of the main dwelling and other outbuildings on the site. 	<ul style="list-style-type: none"> • <i>Ironstone</i>, the proposed colour of choice, is compliant with the performance based criteria and matches the existing outbuildings and ancillary dwelling in colour.

Response to Submissioners

Concern the shed will be used for business activities

The applicant has advised that the proposed outbuilding will be used for domestic storage purposes, not for commercial activities. The Shire acknowledges the site has been used in the past for unapproved commercial activity.

Shed will affect the sale of land:

The effect of a development on the ability to sell land or its effect on land values is not a valid planning consideration. The Shire is satisfied that the proposed outbuilding is consistent with

LPP36 and is unlikely to detrimentally affect the amenity of adjoining land owners and occupiers.

Size of shed too large

The proposed outbuilding proposes a 62m² variation to LPP36 performance based criteria regarding the maximum total area of outbuildings across a site. The Shires assessment of the proposal and consultation with adjoining and nearby landowners indicates that the size of the shed is a common concern. However; on balance with the objectives of LPP36 and the proposed site of the outbuilding, the additional 62m² is not considered to have a significant impact on the amenity of the area.

Pad for the shed is existing

The Shire acknowledges that the pad for the proposed outbuilding is existing on-site. The applicant has been required to pay a penalty administrative fee to consider the proposed outbuilding as its construction had commenced without prior planning or building approval from the Shire.

Options

1. That Council grants planning approval for the outbuilding subject to conditions; or
2. That Council refuses the application for the outbuilding and provides reasons for its decision.

Option 1 is recommended.

Conclusion

The property is considered to be in an orderly condition and appropriately managed. The siting of the additional outbuilding is clustered with the existing built structures on the property and located in a position that is considered to pose minimal visual impact on the adjoining neighbours and amenity and character of the locality of the SR zone. The purpose of the outbuilding, as identified by the applicant, is solely for 'personal storage'. It is therefore considered that whilst the proposed outbuilding exceeds the performance criteria of the policy, the development will not have a significant detrimental impact on the amenity of the adjoining properties and is therefore recommended for approval.

Attachments:

- [OCM052.1/09/14](#) – Development Application (E14/4230)

Alignment with our Strategic Community Plan:

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

Statutory Environment:

- Planning and Development Act 2005
- TPS 2
- LLP 36

Financial Implications:

If the application is refused it is likely there will be ongoing costs associated with the SAT process.

Voting Requirements: Simple Majority

Officer Recommendation:

That Council grant planning approval for a retrospective outbuilding on Lot 496 (#62) Craddon Road, Oakford subject to the following conditions:

1. The outbuilding must only be used for Domestic Storage, in accordance with the applicants email correspondence received on the 5 June 2014.
2. All existing native trees on the subject lot and adjacent road verge shall be retained and shall be protected from damage prior to and during construction unless subject to an exemption provided within Town Planning Scheme No. 2 or the specific written approval of the Shire has been obtained for tree removal.
3. All storm water to be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is prohibited.
4. Written approval of the Shire is required to be obtained prior to alternative colours and materials than those identified on the Schedule of Materials and Finishes.

Advice Notes:

1. A planning consent is not an approval to commence any works. A building permit must be obtained for all works. Your application for a building permit must satisfy the conditions specified in this decision notice.
2. An application for a Certificate of Unauthorised Works may be required to be obtained from the Shire.

OCM052/09/14 COUNCIL DECISION / Amended Recommendation:

Moved Cr Wilson, seconded Cr Piipponen

That Council grant planning approval for a retrospective outbuilding on Lot 496 (#62) Craddon Road, Oakford subject to the following conditions:

1. The outbuilding is not to be used for any commercial purposes.
2. All existing native trees on the subject lot and adjacent road verge shall be retained and shall be protected from damage prior to and during construction unless subject to an exemption provided within Town Planning Scheme No. 2 or the specific written approval of the Shire has been obtained for tree removal.
3. All storm water to be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is prohibited.
4. Written approval of the Shire is required to be obtained prior to alternative colours and materials than those identified on the Schedule of Materials and Finishes.

Advice Notes:

1. A planning consent is not an approval to commence any works. A building permit must be obtained for all works. Your application for a building permit must satisfy the conditions specified in this decision notice.
2. An application for a Certificate of Unauthorised Works may be required to be obtained from the Shire.

CARRIED 8/0

Council Note: Condition 1 was modified to state that the outbuilding is not be used for commercial purposes.

OCM053/09/14	Final Report for Briggs Park Recreation Precinct Master Plan (SJ514-04)
Author:	Carole McKee – Manager Community Services
Senior Officer/s:	Alan Hart - Director Corporate and Community
Date of Report:	22 August 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction

The purpose of this report is for Council to endorse the Final Report for Briggs Park Recreation Precinct Master Plan.

Background:

The Community Facilities and Services Plan to 2020 was endorsed by Council in January 2009 as a guide for facilities and services planning, and recommended further feasibility work be undertaken in order to enable more detailed planning for facilities in each area. In 2012, the Shire appointed CCS Strategic to undertake the Briggs Park Recreation Precinct Master Plan within a review of the Brickwood Reserve and Briggs Park Management Plan. This project was temporarily put on hold in February 2013 and recommenced in August 2013.

The Draft Master Plan was advertised for public comment between April and June 2014.

Relevant Previous Decisions of Council:

OCM149/03/14 – Council resolved to endorse the Draft Final Report for Briggs Park Master Plan for advertising for public comment.

Community / Stakeholder Consultation:

Consultation has taken place on a number of different levels with stakeholders. Commencing through the Community Facilities and Services Plan to 2020, and more recently through the Briggs Park Recreation Precinct Master Plan process as well as the Concept Design process for the Byford BMX Track. Ongoing consultation will take place throughout the Detailed Design processes for the implementation of each stage.

The Master Plan consultation occurred over three rounds with relevant stakeholders during 2012, 2013 and 2014. Stakeholders included Briggs Park user groups, Recreation Centre, Shire staff and Councillors, Catholic Education Office, Department of Education, Department of Sport and Recreation, relevant peak sporting bodies, Department of Planning, Department of Parks and Wildlife and other State Government Agencies.

Submissions were received during the comment period.

Comment:



Briggs Park

In order to allow for future staged development, the Department of Parks and Wildlife was consulted. They have noted in their response to submissions that further consultation with the relevant State Government departments will be required, for consideration to be given to the proposals within the Plan. The Plan proposes that this happen at each detailed design (implementation) stage of the Master Plan.

The process has been designed so that this Master Plan, once endorsed, will sit as a stand alone section within the Brickwood Reserve and Briggs Park Management Plan. The Management Plan is concurrently under review and will follow in due course to seek Council endorsement.

Conclusion

Council is requested to endorse the Briggs Park Recreation Precinct Master Plan as a guide for future planning.

Attachments:

- [OCM053.1/09/14](#) – Master Plan (IN14/17497)
- [OCM053.2/09/14](#) – Response to Public Submissions (IN14/16503)

Alignment with our Strategic Community Plan:

Objective 6.1	Engaged Community
Key Action 6.1.1	Provide a range of facilities and services that accommodate different lifestyles and cultures.

Statutory Environment:

Nil

Financial Implications:

Funding for staged implementation will be considered through Council's forward financial planning process.

Voting Requirements: Simple Majority

OCM053/09/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Wilson, seconded Cr Urban

That Council endorse the Briggs Park Recreation Precinct Master Plan as per attachment OCM053.1/09/14.

CARRIED 8/0

OCM054/09/14	Concept Plans for Byford BMX Track (SJ514-04)
Author:	Carole McKee – Manager Community Services
Senior Officer/s:	Alan Hart - Director Corporate and Community
Date of Report:	26 August 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction

The purpose of this report is for Council to approve in principle the Concept Design Plans for the Byford BMX Track which will be the subject of a Community Sport and Recreation Facilities Fund (CSRFF) Annual Grants applications to be submitted to the Department of Sport and Recreation (DSR) by 30 September 2014.

Background:

The upgrade of the Byford BMX Track – which the community built – has been a vision of the Byford BMX Club's for a number of years. The Shire's strategic planning processes have supported this. Recently through the Briggs Park Recreation Precinct Master Planning process the general location at the Briggs Park site was confirmed. A specialist consultant was engaged through a Shire Locality Funding Program grant to the Club and in partnership with the Shire and the Club has overseen the development of the Concept Designs and costings.

Relevant Previous Decisions of Council:

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

Community / Stakeholder Consultation:

Consultation has taken place on a number of different levels with stakeholders. Commencing through the Community Facilities and Services Plan to 2020, and more recently through the Briggs Park Recreation Precinct Master Plan process as well as the Concept Design process for the Byford BMX Track. Ongoing consultation will take place throughout the Detailed Design process.

Comment:



BMX Track Upgrade site (Briggs Park)

The Concept Plans provide for a BMX track that is capable of hosting National level competition. This will result in the Byford track being one of only a few BMX facilities in Western Australia which meets these standards. The ability of this proposed track to attract an increased membership, and provide improved facilities for youth and families in the region's rapidly expanding population, has already caught the interest of sports marketing event brokers through a regional tourism partnership.

It is proposed that funding sources for the track include the Shire, DSR and Community (Club fundraising, Sponsorship of Materials & Labour and additional grants).

In order to allow for this development, the Department of Parks and Wildlife was consulted and a clearing permit will be required to allow for the minimal removal of trees and any off set to accommodate demolition of the old track and the footprint of the new track. The Shire engaged an Arborist who has prepared a report to guide the appointed contractor in how they minimise any damage to existing trees during demolition and construction.

Conclusion

The strong working partnership between the Shire, BMX Club, BMXSportsWA, Department of Sport and Recreation and other external parties to develop this project to date is testament to all parties' commitment to developing a national standard BMX facility which will not only increase participation in sport but will also help to activate Briggs Park Recreation Precinct and related proposed youth facilities. Place activation/physical participation potential strategies include an increased Club program on the track, from "come and try" activities through to advanced level training and competition, as well as use by the Shire's Youth Services and Recreation Centre (both contracted to the YMCA) and local school's bike education and outdoor education programs.

Council is requested to approve in principle the Concept Plans which will be further developed through detailed planning when a Development Application is lodged. Council is also requested to authorise the progression of a clearing permit through the Department of Parks and Wildlife/Department of Environment Regulations for the removal and related offset of native trees to accommodate demolition of the old track and the footprint of the new track so that this process does not hold up the construction phase once funding is approved.

Attachments:

- [OCM054.1/09/14](#) – Concept Plan for Byford BMX Track 2014 (IN14/16506)
- [OCM054.2/09/14](#) – Costings for Construction of Byford BMX Track (IN14/16525)

Alignment with our Strategic Community Plan:

Objective 6.1	Engaged Community
Key Action 6.1.1	Provide a range of facilities and services that accommodate different lifestyles and cultures.

Statutory Environment:

Nil

Financial Implications:

Council has budgeted this year for the Byford BMX Track, through its Capital Works Budget, an amount of \$300,000 which, with and DSR one-third (\$287,783) and the balance from the Community contribution (\$275,566 - Club/Sponsorship/In-kind materials/labour/Additional grant funding) will cover the \$863,349 construction costs. Council has also budgeted this year through its Operating Budget to enable detailed designs to be prepared in advance of Council's 2015/16 financial planning process and prior to inviting submissions for construction once all external funding is confirmed. The detailed design component has not been included

in the funding application so that this process can be expedited during the 4-5 month CSRFF funding assessment process.

Voting Requirements: Simple Majority

OCM054/09/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Urban, seconded Cr Moore

That Council:

- 1. Approve the Concept Plans for the Byford BMX Track as per attachment OCM054.1/09/14.**
- 2. Authorise the progression of a clearing permit through the Department of Parks and Wildlife, Department of Environment Regulations for the removal and related offset of native trees to accommodate demolition of the old track and the footprint of the new track as per attachment OCM054.1/09/14.**

CARRIED 8/0

OCM055/09/14	Community Sport and Recreation Facilities Fund Submission (SJ514-04)
Author:	Carole McKee – Manager Community Services
Senior Officer/s:	Alan Hart - Director Corporate and Community
Date of Report:	26 August 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction

The purpose of this report is for Council to endorse, prioritise and demonstrate level of support for this year's Community Sport and Recreation Facilities Fund (CSRFF) Annual Grant applications to be submitted to the Department of Sport and Recreation (DSR) by 30 September 2014.

Background:

The DSR CSRFF aims to increase participation in sport and recreation with an emphasis on physical activity, through rational development of sustainable, high quality, well-designed and well-utilised facilities. There are a variety of grants available as part of the program to suit different scales of projects, these are:

- Small Grants, given out bi-annually, with the grant rounds opening in February and July, for projects costing between \$7,500 and \$150,000;
- Annual Grants for projects between \$150,001 and \$500,000 (which is an increase from \$300,000);
- Forward Planning Grants for projects worth \$500,001 or more.

The CSRFF program operates on a reimbursement system. Strict funding conditions apply and applicants need to ensure they are able to carry the full cost of the project for the period between project completion and CSRFF grant payment.

Officers have identified the CSRFF Annual Grants round which closes on 30 September 2014, as an opportunity to seek a funding contribution towards Byford BMX Track.

CSRFF guidelines require Councils to endorse and prioritise applications. Only one application has been received for submission in this funding round. In order for this project to comply with the guidelines for CSRFF two-thirds of the project must be funded from other sources.

Relevant Previous Decisions of Council:

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

Community / Stakeholder Consultation:

Consultation has taken place on a number of different levels with stakeholders. Commencing through the Community Facilities and Services Plan to 2020, and more recently through the Briggs Park Recreation Precinct Master Plan process as well as the Concept Design process for the Byford BMX Track. Ongoing consultation will take place throughout the Detailed Design process.

Comment:

The Shire has limited capacity to fund major infrastructure projects without grants. This was highlighted through the findings of the Community Facilities and Services Plan to 2020 which recognises the need to obtain other sources of funding to be able to meet the need of the community. The Shire is increasingly under pressure to provide quality facilities for the community to promote physical activity, social inclusion and a higher quality of life.

The project for consideration/endorsement in this CSRFF round is as follows:

Byford BMX Track

The upgrade of the Byford BMX Track – which the community built – has been a vision of the Byford BMX Club's for a number of years. The Shire's strategic planning processes have supported this. Recently through the Briggs Park Recreation Precinct Master Planning process the general location at the Briggs Park site was confirmed. A specialist consultant was engaged through a Shire Locality Funding Program grant to the Club, who in partnership with the Shire and the Club has overseen the development of the Concept Designs and costings.

It is proposed that funding sources include the Shire, DSR and Community (Club fundraising, Sponsorship of Materials & Labour and additional grants). The type of CSRFF grant that will be applied for is a Forward Planning Grant as the project cost is greater than \$500,000.

Conclusion

It is a DSR requirement for Council to prioritise CSRFF applications using the CSRFF methodology. This application is considered to be classified as being of high importance and the first priority which also reflects the fact that Council chose to only seek CSRFF funding for one major project this year as detailed in the Shire's Forward Capital and Financial Plans. The strong working partnership between the Shire, BMX Club and BMXSportsWA to manage the development of this project in liaison with DSR is also testament to all parties commitment to this project.

Attachments:

- [OCM055.1/09/14](#) – Concept Plan (IN14/16506)

Alignment with our Strategic Community Plan:

Objective 6.1	Engaged Community
Key Action 6.1.1	Provide a range of facilities that can accommodate different lifestyles and cultures

Statutory Environment:

Nil

Financial Implications:

Council has budgeted this year for the Byford BMX Track through its Capital Works Budget an amount of \$300,000 which, with a DSR one-third (\$287,783) and the balance from the Community contribution (\$275,566 - Club/Sponsorship/In-kind materials/labour/Additional grant funding) will cover the \$863,349 construction costs. Council has also budgeted this year through its Operating Budget to enable detailed designs to be prepared in advance of Council's 2015/16 financial planning process and prior to inviting submissions for construction once all external funding is confirmed. The detailed design component has not been included in the funding application so this process can be expedited during the 4-5 month CSRFF funding assessment process.

Voting Requirements: Simple Majority

OCM055/09/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Urban, seconded Cr Erren

That Council:

- 1. Acknowledge that only one submission for Community Sport and Recreation Facilities Fund (CSRFF) for the Annual Grants September 2014 round was received.**

2. Endorse the submission of the grant application and prioritise it as follows:

Priority	Project	Estimated Project Cost	CSRFF Amount	Level of Support
1 st	Byford BMX Track	\$863,349	\$287,783	High (well planned and needed by municipality)

CARRIED 8/0

OCM056/09/14	Roads Asset Management Plan (SJ490)
Author:	Jegan Puvan – Assets Officer
Senior Officer:	Gordon Allan – Director Engineering
Date:	27 August 2014
Disclosure of Officers Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

This report provides Council with an update of the status of the Shire's Road Asset Management Plan including the financial aspects associated with maintaining the Shire's road network.

Background:

In 2012/2013, as part of the Integrated Planning Framework, a requirement of the Department of Local Government stated that the Shire produce an Asset Management Plan in the 2012/2013 financial year. Core Business Consultants were engaged to look at all six major asset categories. This exercise produced a Summary Asset Management Plan. This summary Asset Management Plan identified issues with completeness of data and outlined a way forward for the Shire to progressively improve its asset management information and practices.

Comment:

A fundamental problem identified in the Summary Asset Management Plan was the completeness and accuracy of condition data and also the completeness of the asset information. In response to this, asset management consultants Talis were engaged to carry out an exercise where they both verified the asset data for completeness, incorporating and adding data as required, and then undertook condition ratings for all the assets.

At this point in time the Shire is well progressed and in front of schedule having condition data in the following areas: roads, footpaths and bridges.

Talis were then further engaged to utilise the condition information that had been obtained on the network to conduct asset modelling on the Shire's Road asset.

This modelling utilised the dTIMS (Deighton Total Infrastructure Management System) system which has the capability to produce optimised solutions by prescribing works that produce the most network benefit for various budget scenarios.

Talis ran three scenarios; one with an unrestricted budget, one prescribing a level of service that maintained the current level of service the network is at, and one where works would be limited by the anticipated expenditure applied by the Shire as nominated in the long term financial plan. In doing this by comparing the second and third scenarios, the funding gap between an optimised solution that keeps the network at its current condition and the planned level of expenditure, has been identified.

Although there are limitations to this modelling on a site by site basis across the population of a full network, the approach applied is reliable. The approach has the benefit that it models deterioration in a realistic way where deterioration accelerates over time.

The Talis Gap Report and resulting program generated high levels of reseal work. This is consistent with a network that is generally performing in a structurally sound way but requires the benefits associated with retaining water proofing. Reseals provide good value by intercepting deterioration, in so doing extending the life of the underlying pavement for a comparatively low cost compared to pavement rejuvenation or renewal works.

The Talis Gap Report is the first item provided for Council to review as part of this report.

Further to this the Shire, as part of its progressive approach to strengthen its asset management information, has undertaken review and production of an Asset Management Plan in the largest asset category which is roads. A plan in current draft form is the second attachment for Council review in this item.

Similar exercises are to be carried out for the other asset classes in the near future.

The Road Asset Management Plan is being produced as per the guidelines of International Infrastructure Management Manual and using NAMS PLUS (New Zealand Asset Management Support) asset management templates. This format more focuses on extent of the asset and its value and is heavily related to the age of the asset information. The approach has the advantage of being done in a standardised way, looking at asset age information providing quick and easy comparison with other local authorities. The approach used in generating the report takes into consideration the anticipated growth of the network.

One aspect that has impacted on the accuracy of this report is the large portion of roads where pavement age is not known. As the NAMS approach relies heavily on age, it is important that this information be known otherwise this information defaults to a construction date of 1901. One way to deal with this problem would be to look at the sections and either chase up historical age information from another source or make estimates based on condition assessments. This process was not able to be undertaken in advance of the preparation of this report but such an investigation is planned shortly. This report is written on the basis that gap funding is not likely to be forthcoming in the immediate environment and accordingly, concentrates an emphasis on what measures can be taken to minimise problems in a heavily financially constrained environment.

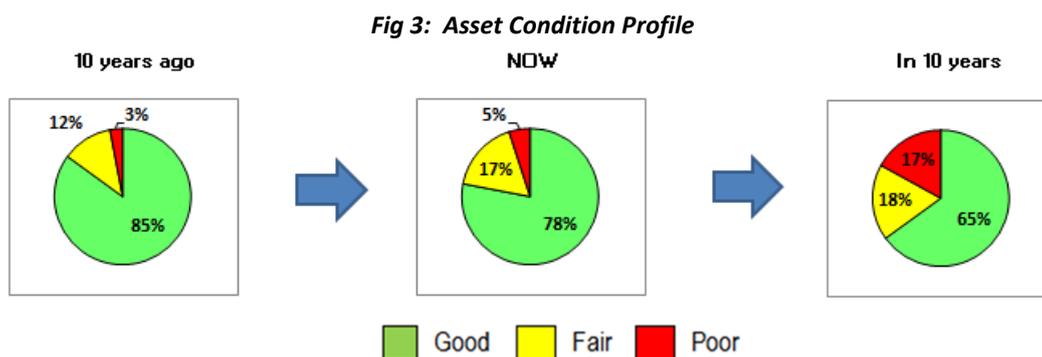
The two reports provided both consider issues such as service levels and risks. The service level used for determining the gap has been based on keeping the network at its current standard.

It should be noted that the scope of both reports was limited to the road pavement only. Associated verge, drainage and shoulder condition are not included. Good maintenance practice has verge, drainage and shoulder improvement works carried out in preparation to on-pavement works such as sealing. Anecdotally there is also a gap cost in this area as well but at this time we are not able to accurately quantify this. It should also be noted that population pressures have changed the quantity and dynamic of traffic on our roads, with roads that previously primarily used to service farms, now used by high speed commuter traffic and delivery of material to expanding development in the area.

Both reports indicate there is currently a spending shortfall over a ten year period of \$22.4m that is required to keep the network at its current condition.

The primary concerns that have been raised through both these reports are that the current investment will not be able to maintain the current level of service. The modelling process that has been applied to the work by Talis identifies optimised solutions. The danger of not investing and intervening in a timely manner is that the network will run down and even greater investment will be required to bring back that condition.

The chart below indicates the level of deterioration of the Shire's road network if sufficient levels of investment are not available to implement the maintenance regime required.



Relevant Previous Decisions of Council:

- SCM011/06/13 – The Summary Asset Management Plan

Community/Stakeholder Consultation:

No community consultation was required.

Attachments:

- [OCM056.1/09/14](#) – dTIMS Pavement Performance Modelling and 10 Year Forward Works Program (IN14/16863)
- [OCM056.2/09/14](#) – Roads Asset Management Plan (IN14/16864)

Alignment with our Strategic Community Plan:

Objective 2.1	Responsible Management.
Key Action 2.1.1	Undertake best practice financial and asset management.
Key Action 2.1.2	Manage assets and prioritise major capital projects to ensure long term financial sustainability.

Financial Implications:

The attached report identifies more funds to be allocated for Road renewal works. This is to maintain the level of service provided to users and avoid costly future major rehabilitation works.

Voting Requirements: Simple Majority

OCM056/09/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Rossiter, seconded Cr Piipponen

That Council:

1. Adopt the revised Current Roads Asset Management Plan as per attachment [OCM056.2/09/14](#) which identifies that there is currently a funding shortfall in managing the road assets and associated risk of reduced service level.
2. Consider the shortfall in funding as part of the future financial budgetary consideration.

CARRIED 8/0

OCM057/09/14	Restricted Access Vehicle Operations within the Shire of Serpentine Jarrahdale (SJ1218)
Author:	Gordon Allan – Director Engineering
Senior Officer/s:	Richard Gorbunow - Chief Executive Officer
Date of Report:	27 August 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

This report was deferred from the OCM of 25th August 2014 to allow clarification to be sought in regard to the legality of the information contained within the report.

The purpose of this report is to provide Council with information on the roads already approved for Restricted Access Vehicle operations within the Shire.

Background:

At the OCM of 28 July 2014, a request was submitted as follows:

“That the Shire carry out a desktop report of roads already approved for Restricted Access Vehicles operations within the Shire of Serpentine Jarrahdale to be reported back to Council within four weeks.”

Relevant Previous Decisions of Council:

Ordinary Council Meeting 28 July 2014

Community / Stakeholder Consultation:

Main Roads WA

Comment:

Main Roads WA (MRWA) is the Authority for determining the classification of roads related to vehicle size and load limits. MRWA has over the years determined the most suitable roads for this purpose, in terms of load carrying capacity as well as geometric capacity to take these oversized vehicles. These are referred to as Restricted Access Vehicle (RAV) permitted roads.

A vehicle is classed as a Restricted Access Vehicle (RAV) if that vehicle alone or together with any load, exceeds one or more of the following limits:

- mass limit prescribed in Part 3 of the Road Traffic (Vehicle Standards) Regulations 2002; or
- one of the following dimension limits:
 - a width of 2.5 meters;
 - a height of 4.3 meters;
 - a length of 12.5 meters in the case of a motor vehicle that is not part of a combination; or
 - a length of 19 meters in the case of a combination;
 - any other dimension specified in the:
 - Road Traffic (Vehicle Standards) Regulations 2002; or
 - Road Traffic (Vehicle Standards) Rule 2002.

The regulation of heavy vehicles is based on the Road Traffic (Vehicle Standards) Rules 2002 and the Road Traffic (Vehicle Standards) Regulations 2002 (VSRs).

In general, as-of-right vehicles are defined as any vehicle that is not a Restricted Access Vehicle (RAV), commonly known as "as of right". For example, rigid trucks and semi-trailers. These vehicles generally do not require any permits or exemptions from regulatory requirements.

General access vehicles may operate state-wide provided they are:

- not a road train or b-double;
- within regulation axle mass limits;
- 19 meters or less in combination length (or a maximum 12.5 meters for rigid vehicles);
- total combination mass less than 42.5 tonnes; and
- width less than 2.5 meters (excluding mirrors and lights).

Various types of (RAV's) up to long vehicle type road trains are authorised to operate on a certain number of roads in the Shire of Serpentine Jarrahdale, and B doubles, Semi-Trailer combinations towing pig trailers and overlength truck trailer combinations are also approved to operate on an expanded network of roads within the Shire.

MRWA has placed particular emphasis on the movement of inter-district freight and established local industrial areas. Where there are occasional uses arising outside of these "standard" uses, then special permits are issued for these ad-hoc uses on application.

In order to be able to run on the appropriate Shire roads, all vehicles must abide by regulation mass limits and regulation dimension limits, unless approved by Main Roads to operate at higher mass or dimension limits. Vehicles outside these limits must be operated under a valid permit or notice, or in some instances of extra mass, be part of a concessional loading scheme.

Permits are required to operate certain types of Restricted Access Vehicles (RAVs) in WA and are an instrument issued by the Commissioner of Main Roads Western Australia to grant access to these vehicles to certain parts of the road network under specific operating conditions.

All RAVs require a permit, unless they are authorized under a class of notice issued by either the Commissioner of Main Roads or the Director General, Transport.

A Notice is a different type of administrative mechanism or instrument whereby the Commissioner of Main Roads Western Australia can grant Restricted Access Vehicles (RAVs) access, provided for by legislation.

Furthermore a vehicle combination with a gross mass not exceeding 50 tonnes and 20 metres in length may operate on any road within the State, except on a prohibited road listed in RAV Network 1 Road Tables. There are no restricted roads in the Shire of Serpentine Jarrahdale road network.

Various RAV combinations with a gross mass in excess of 50 tonnes must only operate on the following:

- a) on a road listed in RAV Network 2 Road Tables; or
- b) on any other road within the jurisdiction of Serpentine Jarrahdale, except on a prohibited road listed in RAV Network 1, for the purpose of delivering the construction products to a site on a road that is not listed in RAV Network 2 Road Tables. There are no restricted roads in the Shire of Serpentine Jarrahdale.

Operation is only permitted during daylight hours (as defined by the Perth Observatory) when using roads not listed in RAV Network 2.

Operation on a road listed in RAV Network 2 is approved 24 hours a day for vehicles at a maximum length of 27.50 metres.

In all, there are ten road Networks in WA with No 1 being the type of road permitted to carry the less heavy RAV's and Network No 10 permitted to carry the heaviest. Only Networks 1 to 4 exist within the Shire of Serpentine Jarrahdale.

Should new industrial area be proposed within the Shire boundaries, then the RAV classification would be one of the main DA matters to be determined with MRWA prior to any DA approvals being made. It is recommended that the current RAV ratings within the Shire of Serpentine Jarrahdale are all acceptable for the current uses.

In the past 12 months the Shire has issued Oversize Vehicle Permits as follows:

- Dawson Contracting operating on Thomas Road, King Road and Jackson Road, Oldbury
- Falcon Group operating on Scarp Road (north of Keysbrook)
- Qube Logistics operating at Lot 321 Kentish Road (via Dirk Road), Keysbrook

It has been identified that these approvals have been issued in error.

Conclusion:

The desktop report carried out has identified the following:

- that MRWA have sole authorisation to issue RAV permits which determine the type of vehicles permitted to run on Shire roads
- that the Shire must liaise with MRWA in relation to the Tonkin Highway Extension Project to ensure that the design accommodates on and off ramps to the roads on which Council wishes RAV's to run
- that a Policy be prepared regarding RAV's within the Shire
- that the Shire advise operators of RAV's with current Shire approvals that these approvals are not valid and that they must obtain approval from Main Roads WA

Alignment with our Strategic Community Plan:

Objective 2.4	Business Efficiency
Key Action 2.4.2	Critically examine service delivery to ensure efficiency and effectiveness
Objective 3.2	Appropriate Connecting Infrastructure
Key Action 3.2.2	Ensure that planning for the bridge and road network incorporates community safety and emergency management

Statutory Environment:

- *Local Government Act 1995*
- *Road Traffic Act 1974*

Financial Implications:

None

Attachments:

- [OCM057.1/09/14](#) – RAV Category Chart (E14/3815)
- [OCM057.2/09/14](#) – RAV Networks 1-4 (E14/3816)

Voting Requirements: Simple Majority

OCM057/09/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Rossiter, seconded Cr Erren

That:

- 1. Council acknowledges that Main Roads WA have sole authorisation to issue Restricted Access Vehicle permits which determine the type of vehicles permitted to run on Shire roads.**
- 2. Council authorises the Shire to liaise with Main Roads WA in relation to the Tonkin Highway Extension Project to ensure that the design accommodates on and off ramps to the roads on which Council wishes Restricted Access Vehicles to run.**
- 3. A Policy be prepared regarding Restricted Access Vehicles within the Shire and a report will be presented to Council in 8 December 2014.**
- 4. The Shire advises operators of Restricted Access Vehicles with current Shire approvals that these approvals are not valid and that they must obtain approval from Main Roads WA.**

CARRIED 8/0

Council Note: Recommendation 3 was amended to ensure that a Policy be structured for Council consideration.

OCM058/09/14 Bore Water Taking Agreement – LWP Property Group Pty Ltd, Yonder Pty Ltd and Shire of Serpentine Jarrahdale (S123469)	
Author:	Craig Wansbrough – Project Manager Water Sensitive Urban Design
Senior Officer/s:	Gordon Allan – Director Engineering
Date of Report:	10 September 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

Introduction

This report was previously deferred by Council at the Ordinary Council Meeting held on Monday 25 August 2014. Council requested that additional information be sought to ensure ongoing security to supply water for Byford on the Scarp, the Lake and irrigation for Public Open Space (POS) and identify ownership. This report provides additional information for Council and an update on the status of water security for Byford by the Scarp development. Negotiations are currently underway between Yonder Pty Ltd (Cedar Woods), LWP Property Group Pty Ltd (LWP) and the Shire of Serpentine Jarrahdale (Shire) to ensure there is access to an ongoing water supply. A groundwater licence allows for the abstraction of groundwater from a bore on land owned and managed by LWP to maintain the design water level within the lake and indirectly provide water for irrigation of POS and civil construction works for remaining stages of Byford by the Scarp. The bore will also provide a water source for the future development of The Glades on the northern side of Cardup Brook.

Background:

LWP was the initial developer for the Byford by the Scarp development. Stage-1 of Byford by the Scarp included the lake and associated POS. JDA Consultant Hydrologists arranged test drilling to identify a suitable water source for meeting the irrigation requirements within the Byford by the Scarp and the Byford by the Brook developments. The only test drilling location that identified suitable groundwater was to the west of Soldiers Road on the northern side of Cardup Brook on a landholding owned by LWP. This landholding is within the future proposed Byford by the Brook development. An abstraction bore was established in this location and was used by LWP to maintain the Byford by the Scarp Lake water level (See Attachment 9).

On 16 March 2007 Bradwells Pty Ltd (Aspen) notified the Shire that it had acquired Caversham Property (LWP) and was now the owner and Project Manager of “Byford by the Scarp”. The responsibility for landscape and lake maintenance was passed on to Aspen as part of the sale. Unfortunately as part of this land transaction, the abstraction bore used to maintain water levels in the lake remained in the ownership and control of LWP. LWP would also rely on this abstraction bore for their irrigation requirements in the future Byford by the Brook development on the northern side of Cardup Brook. An agreement was established between Aspen and LWP in relation to groundwater allocation and use of the abstraction bore. Aspen continued to maintain the lake and public open space for the required minimum 5-Year maintenance period.

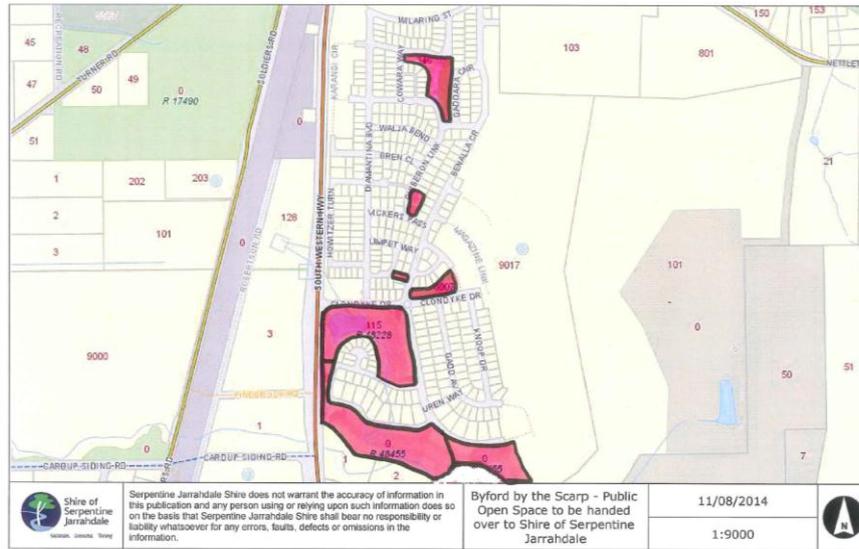
Relevant Previous Decisions of Council:

- SD053/04/05 – Byford By the Scarp – Landscape Irrigation Plan (S123469)

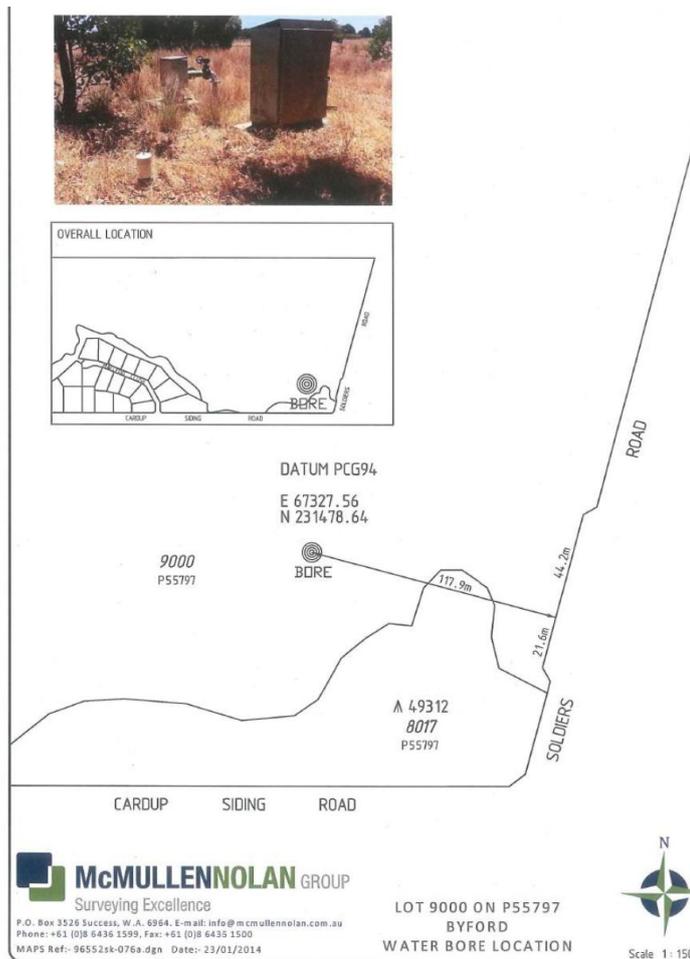
Community / Stakeholder Consultation:

Department of Water has advised there is adequate water allocation available for the Byford on the Scarp development.

Comment:



Public Open Space



Location Plan

Handover Inspection of Byford by the Scarp Lake and POS

Aspen and the Shire undertook a handover inspection of the lake and all associated POS in 2012. The aim of the inspection was to identify any defects that needed to be addressed prior to handover to the Shire. A defects list was prepared and all works were implemented by Aspen in anticipation of handover. The Shire identified one further matter that needed to be

addressed prior to handover which was the matter of water supply for the lake and irrigation of all associated POS. The Shire was concerned it didn't have direct access to LWP's abstraction bore. There was no agreement in place between LWP and the Shire. The Shire was placed in a position where it would be accepting a lake and associated infrastructure from Aspen without an abstraction bore to maintain water levels and irrigate the POS. This was seen as an unacceptable risk to the Shire as it could potentially leave the Shire unable to maintain water levels in the lake throughout summer. Furthermore the Shire would be unable to irrigate the POS within the estate. Consequently the Shire refused to accept handover of the lake and all associated POS within the Byford by the Scarp development until the matter was resolved by Aspen.

Preparation of a Subordinate Agreement

To address the matter Aspen approached the Shire with the possibility of preparing a subordinate agreement between the Shire and Aspen. This subordinate agreement would make reference to the existing bore water taking agreement that was in place between Aspen and LWP. Aspen and the Shire approached McLeods Barristers & Solicitors (McLeods) to prepare the subordinate agreement. All relevant background information was given to McLeods. After reviewing the background information McLeods advised the Shire that a subordinate agreement would not provide the Shire with water security or guaranteed access to the abstraction bore owned by LWP (See Attachment 1). What would be required is a legal agreement directly with LWP and an easement over the abstraction bore.

At this point in time LWP wasn't willing to enter into a legal agreement with the Shire or consider an easement over the land where the abstraction bore was located. Aspen was keen to resolve the matter prior to selling its remaining landholdings in the Byford on the Scarp Estate to Yonder Pty Ltd (Cedar Woods) in 2013. The Shire issued correspondence to Aspen on 11 April 2013 confirming its position regarding the matter of handover for the Byford by the Scarp Lake and POS (See Attachment 2). Aspen issued correspondence to the Shire on 29 April 2013 stating that Aspen was no longer responsible for the lake and POS and it was now the Shire's responsibility (See Attachment 3). The Shire was aware that Cedar Woods was in the process of purchasing the remaining landholding of Byford on the Scarp from Aspen. The Shire issued correspondence to Aspen requesting they advise Cedar Woods of the issues surrounding the abstraction bore, water supply and irrigation of POS (See Attachment 4). This information would form an important part of the due diligence enquiries for Cedar Woods.

Acquisition of Byford by the Scarp by Cedar Woods

With Aspen no longer holding an interest in the Byford on the Scarp development the maintenance for the lake and POS ceased. Cedar Woods was concerned about the appearance of the estate and provided a minimum level of maintenance to the lake and surrounding POS. There was no legal or statutory requirement for Cedar Woods to undertake this maintenance as it was located outside of the landholdings they had acquired from Aspen. Cedar Woods was keen for the matter of water supply to be resolved in a timely manner so the Shire would formally accept handover of the lake and POS and undertake maintenance.

Bore Water Taking Agreement

The purpose of the Bore Water Taking Agreement is to provide Cedar Woods and the Shire with access to a water supply for the Byford by the Scarp Lake, POS and civil works associated with the incomplete stages of the development. Without a water supply it will not be possible to maintain suitable water levels within the Lake and irrigate the surrounding POS. The Bore Water Taking Agreement will also enable the Shire to accept handover of existing POS. Without an agreement between LWP and Cedar Woods the Shire will be required to pursue alternative options for water security and supply for the Byford by the Scarp development or consider removing the constructed lake infrastructure.

Cedar Woods met with the Shire and McLeods in December 2013 to discuss the water supply issues. It was agreed that Cedar Woods would approach LWP and discuss the possibility of a

tripartite Bore Water Taking Agreement and a caveat on title rather than an easement over LWP's landholding on which the abstraction bore was located. A draft tripartite Bore Water Taking Agreement was prepared by Cedar Woods and forwarded to the Shire for review. An amended agreement was then forwarded to LWP from Cedar Woods for review and consideration (See Attachment 5). LWP identified various matters for consideration by Aspen and the Shire (See Attachment 6).

The Shire was supportive of an easement over the bore and the landholding to allow access, rather than a caveat on title. The Shire advised Cedar Woods of its position so it could further progress the matters itemised in the correspondence from LWP. Cedar Woods is currently working with LWP and the Shire to finalise the tripartite Bore Water Taking Agreement.

Water Supply and Security

Advice was sought from McLeod's Barristers and Solicitors to confirm whether a tripartite agreement and an easement in favour of the Shire over the bore infrastructure as well as appropriate access would provide ongoing and an adequate level of security for the Shire (See Attachment 8). McLeod's Barristers and Solicitors also advised that a caveat could also be placed on the title of the lot in relation to the abstraction bore and associated infrastructure. However such a caveat would need to be renewed each time there's a change in land ownership. In contrast, an easement and associated deed is permanently on the title of the subject lot and does not require renewal.

LWP's bore and associated infrastructure is located on land that is earmarked to be POS as part of The Glades development. This POS would be ceded to the Crown and vested with the Shire of Serpentine Jarrahdale as part of the subdivision and land development process. In this instance, there will no longer be a requirement for an easement over the infrastructure and the easement could be extinguished. However the timing of LWP's subdivision works and ceding of the land as POS is beyond the control of the Shire. In the Bore Water Taking Agreement there may be opportunity to include provisions relating to the timing of when the land on which the bore is located is to cede and rigorous default provisions.

Handover of Public Open Space

Once the Bore Water Taking Agreement is executed the Shire will in effect take over maintenance responsibility for the following POS reserves within the Byford by the Scarp development:

1. Lot 115 (Plan 44779) Clondyke Drive, Byford
2. Lot 116 (Plan 44780) Coulterhand Circle, Byford
3. Lot 225 (Plan 49206) Vickers Pass, Byford
4. Lot 227 (Plan 49206) Benalla Crescent, Byford
5. Lot 346 (Plan 65979) Cowara Way, Byford
6. Lot 425 (Plan 56646) Burgess Drive, Byford
7. Lot 9016 (Plan 71005) Corner of Quiberon Link and Jandu Street, Byford

A map of the above listed POS reserves is attached (See Attachment 7).

Options and Implications

In the event that all three parties to the Bore Water Taking Agreement cannot agree on the clauses within the agreement then Council will need to pursue other options for water security and supply. Council may need to pursue alternative options including:

1. Undertake test drilling in a location similar to the existing abstraction bore. If a suitable water supply is found an abstraction bore could be installed and connected to the existing pipe infrastructure within Soldiers Road and Pinebrook Road. The lake would continue to function as intended. The cost of constructing a bore can range from \$80,000 to \$250,000.

2. Investigate stormwater harvesting and underground storage as an alternative to the constructed lake. The lake could be removed and replaced with an underground stormwater storage arrangement (e.g. Stormtech subsurface stormwater management). The harvested stormwater could be used for irrigating the turfed areas throughout the development. Underground stormwater storage in a sealed system is a widely used technology. Landscaping can be placed above the storage system (e.g. Shallow rooted groundcovers and turf). Such an arrangement would require considerable capital investment and the preparation of a business case for the proposed works.
3. Remove the constructed lake from the POS and replace it with a suitable landscape (e.g. a living stream or wetland similar to what is east of the lake combined with stormwater detention). In this instance there would be no suitable irrigation supply for POS within the Byford by the Scarp development. Landscaping would depend on rainfall for all water requirements and turfed areas would become brown parks in summer time. Any watering of turf and plantings would have to be undertaken by trucked water supply if a higher level of service was required. The cost of deconstructing the lake would also be a relevant consideration. Using trucked water to irrigate landscaped areas is expensive and may cost up to \$80,000pa.

Options 2 and 3 above would likely be considered unfavourably by the residents of Byford by the Scarp due to the perceived loss of amenity.

Conclusion

Entering into a Bore Water Taking Agreement with Cedar Woods and LWP is the most preferable option for the Shire to maintain a guaranteed water supply for the Byford by the Scarp Lake and irrigation of POS. Furthermore, the Shire can seek to place a caveat on title for the lot on which the abstraction bore and associated infrastructure is located. If agreement cannot be reached between all three parties then Council will need to pursue alternative arrangements. It is therefore recommended that Council works with Cedar Woods and LWP to ensure a Bore Water Taking Agreement is finalised and executed by all three parties.

Attachments:

- **Confidential – OCM058.1/09/14** – Email correspondence from McLeods Barristers & Solicitors regarding the subordinate agreement (IN14/15519)
- **Confidential – OCM058.2/09/14** – Correspondence from Shire of Serpentine Jarrahdale to Aspen confirming its position regarding handover (OC13/5142)
- **Confidential – OCM058.3/09/14** – Correspondence from Aspen to Shire of Serpentine Jarrahdale regarding lake and public open space maintenance (IN13/7116)
- **Confidential – OCM058.4/09/14** – Correspondence from Shire of Serpentine Jarrahdale to Aspen requesting they advise Cedar Woods of unresolved issues (OC13/10718)
- **Confidential – OCM058.5/09/14** – Bore Water Taking Agreement – Byford by the Scarp (IN14/15543)
- **Confidential – OCM058.6/09/14** – Email correspondence between LWP, Cedar Woods and Shire of Serpentine Jarrahdale regarding Bore Water Taking Agreement (OC14/13192)
- **Confidential – OCM058.7/09/14** – Correspondence from McLeods Barristers and Solicitors regarding the Bore Water Taking Agreement and easement (IN14/17548).

Alignment with our Strategic Community Plan:

Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.1	Maintain the area's distinct rural character, create village environments

Objective 3.2	Appropriate Connecting Infrastructure
Key Action 3.2.3	Enhance streetscapes and public places with vegetation that is natural to the area, sustainable (water wise) and cost effective

Objective 6.1	Engaged Community
Key Action 6.1.1	Provide a range of facilities and services that accommodate different lifestyles and cultures

Statutory Environment:

Water & Irrigation Act 1914

Financial Implications:

There are minimal financial implications for preparing the Bore Water Taking Agreement. Costs of preparing the agreement will be borne by Cedar Woods.

Voting Requirements: Simple Majority**OCM058/09/14 COUNCIL DECISION / Officer Recommendation:****Moved Cr Erren, seconded Cr Hawkins****That Council:**

- 1. Authorises the Shire's Chief Executive Officer and President to enter into an appropriate legal agreement (Bore Water Taking Agreement) with Yonder Pty Ltd "Cedar Woods" and LWP Property Group Pty Ltd for taking of bore water to supply the Byford by the Scarp Lake and provide irrigation for public open space.**
- 2. Authorises the Shire's Chief Executive Officer and President to execute an Easement Only Deposited Plan and Deed with LWP Property Group Pty Ltd to allow appropriate access to the abstraction bore currently used to supply water to the Byford by the Scarp Lake.**
- 3. Seeks to place a caveat on title on the property at #204 Soldiers Road, Byford (Lot 9000 Cardup Siding Road, Byford) for the abstraction bore and associated infrastructure upon execution of the Bore Water Taking Agreement.**
- 4. Accepts formal handover of the Byford by the Scarp Lake and public open space identified in Attachment 7, upon execution of the Bore Water Taking Agreement.**

CARRIED 7/1

10. Information reports:

OCM059/09/14	Chief Executive Officer Information Report (SJ1508)
Author:	Kirsty Peddie – Executive Assistant
Senior Officer:	Richard Gorbunow – Chief Executive Officer
Date of Report:	13 August 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

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

Attachments:

- [OCM059.1/09/14](#) - Common Seal Register Report – August 2014 (E02/5614)
- [OCM059.2/09/14](#) – Minutes Western Australia Local Government Association Annual General Meeting (IN14/15986)
- [OCM059.3/09/14](#) – Minutes Western Australia Local Government Association Peel Zone Meeting (E14/4358)

Voting Requirements: Simple Majority

OCM059/09/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Wilson

That Council accept the Chief Executive Officer Information Report for August 2014.

CARRIED 8/0

OCM060/09/14	Corporate and Community Information Report (SJ514-04)
Author:	Gillian Carr – Personal Assistant to Director Corporate and Community
Senior Officer:	Alan Hart - Director Corporate and Community
Date of Report:	26 August 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

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

Attachments:

- [OCM060.1/09/14](#) - Delegated Authority Financial Services for 1 July 2014 to 20 July 2014 (E14/3388)
- [OCM060.2/09/14](#) - Delegated Authority Financial Services for 21 July 2014 to 20 August 2014 (E14/4064)

Voting Requirements Simple Majority

OCM060/09/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Moore

That Council accepts the Corporate and Community Services Information Reports from 1 July 2014 to 20 August 2014.

CARRIED 8/0

OCM061/09/14	Planning Information Report (SJ514-04)
Author:	Mary-Ann Toner - Personal Assistant to the Director Planning
Senior Officer:	Brad Gleeson - Director Planning
Date of Report:	24 August 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction

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

Attachments

- [OCM061.1/09/14](#) - Planning, Building, Health, Rangers and Development Compliance – Delegated Authority Information Report (E14/4069)
- [OCM061.2/09/14](#) - Scheme Amendment, Local Planning Policies and Local Structure Plans (E12/3985)
- [OCM061.3/09/14](#) - Ranger/Compliance 3 month summary of achievements (E14/4344)

Voting Requirements Simple Majority

OCM061/09/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Piipponen

That Council accept the Planning Information Report for August 2014.

CARRIED 8/0

OCM062/09/14 Monthly Financial Report – August 2014 (SJ514-04)	
Author:	Kelli Hayward – Contract Financial Accountant
Senior Officer/s:	Alan Hart – Director Corporate and Community Services
Date of Report:	26 August 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

Introduction

The monthly financial report includes rating, investment, reserve, debtor, and general financial information and is required to be presented to Council under the Local Government Act 1995.

Background:

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

Relevant Previous Decisions of Council:

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

Community / Stakeholder Consultation:

No community consultation was undertaken / required.

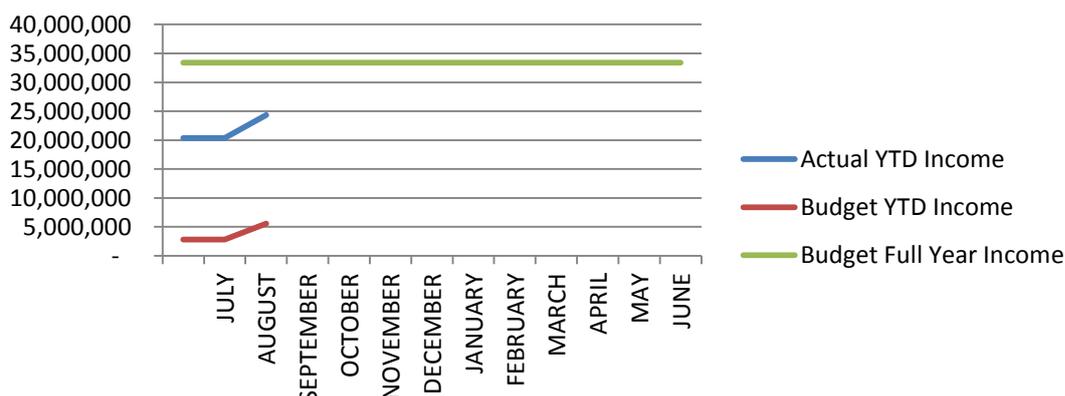
Comment:

The period of review is August 2014. The municipal surplus for this period is \$21,191,189 compared to a budget position of (\$472,811). This is considered a satisfactory result for the Shire.

Income for the August 2014 period, year-to-date is \$24,342,977. The budget estimated \$5,562,966, would be received for the same period. The variance to budget is \$18,780,011. Details of all significant variances are provided in the notes to the Statement of Financial Activity by Directorate.

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

Total Income

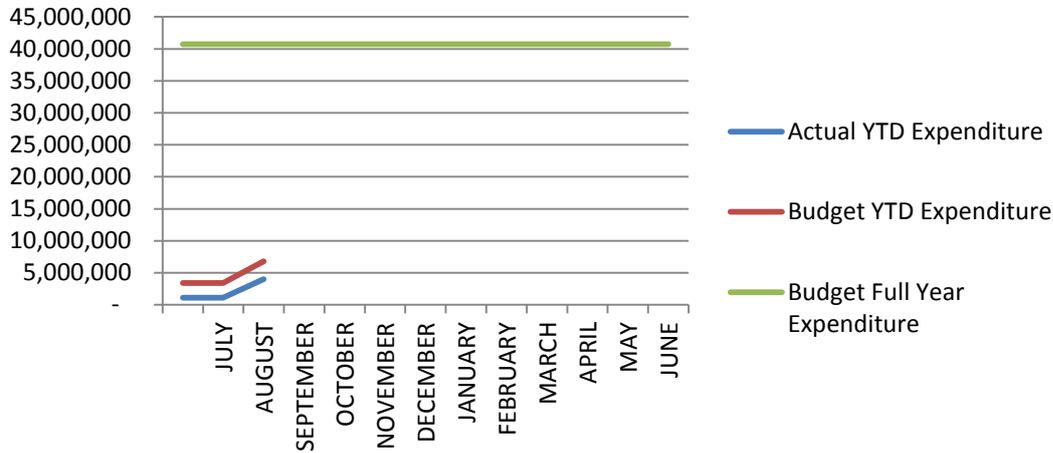


Expenditure for the August 2014 period, year-to-date is \$3,633,116. The budget estimated \$4,372,649 would be spent for the same period. The variance to budget is \$739,533. Details

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

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

Total Expenditure



Attachments:

- [OCM062.1/09/14](#) - Monthly Financial Report August 2014 (E14/4037)

Alignment with our Strategic Community Plan:

Financial Sustainability

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

Statutory Environment:

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

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

Financial Implications:

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

Voting Requirements: Simple Majority

OCM062/09/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Piiipponen, seconded Cr Rossiter

That Council receives the Monthly Financial Report for August 2014, in accordance with Section 6.4 of the Local Government Act 1995.

CARRIED 8/0

OCM063/09/14 Confirmation of Payment of Creditors (SJ514-04)	
Author:	Vicki Woods - Finance Officer
Senior Officer/s:	Alan Hart - Director Corporate and Community
Date of Report:	21 August 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

Introduction

The *Local Government (Financial Management) Regulations 1996* requires the local government to prepare a list of accounts paid by the Chief Executive Officer each month.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this issue.

Community / Stakeholder Consultation

No community consultation was required.

Comment

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

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

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

It is recommended that Council receives the payments authorised under delegated authority and detailed in the list of invoices for period of 21 July 2014 to 20 August 2014, as per the attachment.

Attachments:

[OCM063.1/09/14](#) - Creditors List of Account 21 July 2014 to 20 August 2014 (E14/4066)

Alignment with our Strategic Community Plan:

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

Financial Sustainability

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

Statutory Environment

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

Financial Implications

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

Voting Requirements Simple Majority

OCM063/09/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Urban, seconded Cr Erren

That Council receives the payments authorised under delegated authority and detailed in the list of invoices for period of 21 July 2014 to 20 August 2014, as per attachment OCM063.1/09/14 - Creditor List of Accounts 21 July 2014 to 20 August 2014 including Creditors that have been paid and in accordance with the *Local Government (Financial Management) Regulations 1996*.

CARRIED 8/0

OCM064/09/14 Engineering Services Information Report (SJ514)	
Author:	Jill Jennings – Personal Assistant to Director Engineering
Senior Officer/s:	Gordon Allan – Director Engineering
Date of Report:	27 August 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

Introduction

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

Attachments:

- [OCM064.1/09/14](#) – Landcare SJ Inc. – Record of Management Committee Meeting, 18 July 2014 (IN14/15526)
- [OCM064.2/09/14](#) – Landcare SJ Inc. – Project Report Management Committee Meeting, 18 July 2014 (IN14/15527)
- [OCM064.3/09/14](#) – Landcare SJ Inc. – Statement of Assets and Liabilities as at 16 May 2014 (IN14/15528)
- [OCM064.4/09/14](#) – Bushfire Advisory Committee Meeting, 19 June 2014 (E14/3649)
- [OCM064.5/09/14](#) – Bushfire Advisory Committee – Terms of Reference (E14/3637)
- [OCM064.6/09/14](#) – Bushfire Advisory Committee Meeting, 21 August 2014 (E14/3962)
- [OCM064.7/09/14](#) – Rivers Regional Council – OCM Minutes, 21 August 2014 (IN14/16815)
- [OCM064.8/09/14](#) – Perth South District Operational Advisory Committee Meeting - Minutes and Action List, 30 July 2014 (E14/3959)
- [OCM064.9/09/14](#) – Engineering Delegation of Authority Report, August 2014 (E14/4100)

Voting Requirements: Simple Majority

OCM064/09/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Rossiter

That Council accept the Engineering Services Information Report for September 2014.

CARRIED 8/0

OCM065/09/14 Thomas Road Upgrade – Project Update (SJ1285)	
Author:	Peter Varelis – Project Coordinator, Development Contributions
Senior Officer/s:	Gordon Allan – Director Engineering
Date of Report:	27 August 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

Introduction:

The purpose of this report is to provide Council background as to the status of Thomas Road and an update on the design for the upgrade and duplication of Thomas Road between the future Tonkin Highway reservation and South Western Highway.

Background:

Thomas Road is identified as an ‘Other Regional Road’ under the Metropolitan Region Scheme (MRS), providing a road connection between South Western Highway through to the (current) southern end of Tonkin Highway and the Kwinana Freeway. The draft State Planning Policy (SPP) – Perth Metropolitan Freight Network identifies Thomas Road as a ‘primary freight route’, with the portion of Thomas Road between Tonkin Highway and South Western Highway designated as being under the jurisdiction of the Shire of Serpentine Jarrahdale.

The Byford Structure Plan (BSP) has identified Thomas Road as an important component of the road network for the Byford Area, for both the short-term and long-term. The report that accompanied the BSP, upon its adoption in August 2005 stated the following:

“8.2.3.1 Thomas Road

Thomas Road will serve as the collector road on the northern limit of the Study Area as well as a feeder route to Tonkin Highway. Currently Thomas Road, while providing an east west linkage between Tonkin Highway and South Western Highway, does not provide an arrival point into Byford. The Structure Plan therefore proposes the deviation of Thomas Road to the south east close to the intersection with the unconstructed Malarkey Road to ultimately connect with the Town Centre. “

A number of technical investigations have been progressed since 2005 that have provided further guidance on the future of Thomas Road. These investigations include:

- The Byford Townsite Drainage and Water Management Plan (Department of Water, 2008);
- Regional Traffic Modelling (Main Roads WA / Shire of Serpentine Jarrahdale, 2010);
- Progression of various Local Structure Plans fronting Thomas Road; and
- Progression of the detailed design of Thomas Road (GHD 2013/2014).

This report provides Council with the opportunity to consider the key findings from the abovementioned technical investigations and request for a formal design review of the 85% design from Main Roads WA.

Relevant Previous Decisions of Council:

OCM072/02/12 – Request for Quotation – Thomas Road (South Western Highway to future Tonkin Highway)

Community / Stakeholder Consultation:Community:

To date no formal consultation has occurred with the broader community. There will be an opportunity to undertake formal community and broader stakeholder consultation on the detailed design of Thomas Road closer to when it is scheduled for construction.

Stakeholder:

Formal dialogue has occurred at various phases of the design process with state agencies such as the Department of Planning (DoP) and Main Roads WA (MRWA). MRWA have provided detailed input into the standard and design of various intersections and the overall composition of the design. This has resulted in significant changes to the overall scope of the project. Some significant and noteworthy inputs and changes to scope include but are not limited to:

- Intersection treatments, in particular Kardan Boulevard, Briggs Road, and Malarkey Road.
- Advice as to the appropriate design and treatment at the rail crossing.
- Road safety design with regards to minimising the number of distribution power poles requiring relocation.

Comment:

There are a number of matters that Council needs to consider when progressing the design of Thomas Road. In particular the following are relevant:

- Future extension of Tonkin Highway;
- The form and function of Thomas Road;
- Roles and responsibilities with regard to Thomas Road;
- The Metropolitan Regional Road Grant received for the design of Thomas Road; and
- Current status of and major factors related to the design of Thomas Road.

Future Extension of Tonkin Highway

Tonkin Highway currently terminates at Thomas Road. A reservation has been established under the MRS for an extension of Tonkin Highway through to the locality of Mundijong and it is understood that the majority of the land has been acquired. Based on the information available to the Shire, there is no fixed timeframe for the extension of Tonkin Highway further south and the expenditure is not committed as part of the projected capital works program for the State Government over the next five (5) years.

A range of factors will influence the ultimate timing of the Tonkin Highway extension, and include the following:

- The availability of funds at State and/or Federal Government levels;
- The performance of the recently opened Kwinana Freeway extensions and Forrest Highway, linking the Perth Metropolitan Area with Bunbury;
- The rate of lot release and in turn demand for infrastructure in the Byford and Mundijong-Whitby Areas; and
- Future planning for industrial development, port construction and road infrastructure in the Kwinana Area.

It is considered reasonable at this time to assume that when Tonkin Highway is extended further to the south of Thomas Road, then demand for Thomas Road (east of Tonkin Highway) to perform the function of a 'primary freight route' will reduce. Thomas Road west of Tonkin Highway is already designated as a 'high-wide load route' and this is anticipated to continue into the future.

Future Form and Function

Although demands for freight movements on Thomas Road are anticipated to reduce in the future once Tonkin Highway has been extended, Thomas Road is anticipated to still provide a linkage between South Western Highway and Tonkin Highway for local, commuter, and commercial traffic. It is anticipated that residential and commercial development within the BSP area will form a significant part of the traffic generation on Thomas Road.

The BSP was based on a draft version (Edition 3) of Liveable Neighbourhoods. In 2008, the Liveable Neighbourhoods document became operational policy of the Western Australian Planning Commission to guide future urban development in the Perth Metropolitan Area. Element 2 of Liveable Neighbourhoods provides guidance on 'movement networks' and seeks to establish a classification system and hierarchy for different types of roads, with associated land use integration. Once the Tonkin Highway has been extended the Shire's 2031 Regional Traffic Model developed with MRWA anticipates approximately 12,500 vehicle movements per day on Thomas Road. In light of these volumes, the two most relevant road typologies outlined in Liveable Neighbourhoods for Thomas Road are the 'Integrator B' typical cross section and the 'Neighbourhood Connector' typical cross section. The equivalent MRWA functional road hierarchy is 'District Distributor B' and 'Local Distributor' respectively.

Recognising the projected traffic volumes for Thomas Road, the functional requirements for the road network including providing for regional drainage flows and an emergency evacuation route, coupled with expected adjacent land uses and uncertainty on timing regarding the Tonkin Highway extension, an indicative cross-section for Thomas Road has been prepared. The cross-section is generally consistent with the 'Integrator A' type road from Liveable Neighbourhoods, with a total reservation width of approx. 50 metres. The cross-section is indicative only and has been prepared as the basis for the detailed design of Thomas Road.

Roles and Responsibilities

Thomas Road between Tonkin Highway and South Western Highway is currently the responsibility of the Shire, in contrast to the section of Thomas Road to the west of Tonkin Highway that has become the responsibility of MRWA. There are a number of different matters that need to be considered when examining future roles and responsibilities, including:

- the financial implications associated with maintenance;
- the financial implications associated with road upgrading; and
- the ultimate responsibility (and in turn control/level of influence) on road planning matters.

Should Thomas Road ultimately remain as a primary freight route once Tonkin Highway has been extended, there would potentially be a strong argument for the Shire to seek to transfer the responsibilities associated with Thomas Road across to MRWA. As Thomas Road is not anticipated to ultimately perform the function of a primary freight route, the matter requires further consideration at a later date.

Metropolitan Regional Road Grant

A Metropolitan Regional Road Grant has been approved for the design of the duplication of Thomas Road in Byford from the proposed Tonkin Highway reservation to South Western Highway. The proposed new two lane dual carriageway, with no residential access, will provide a more efficient and safer road network, in particular for the significant volumes of freight traffic that currently utilise Thomas Road. The Shire has engaged the services of GHD Pty Ltd to prepare the detailed civil design for the duplication of Thomas Road from the proposed Tonkin Highway reservation to South Western Highway.

Current Status of the Design

The Thomas Road detailed design has been broken up into two distinct and significant stages. These stages are as follows:

- Stage 1: From the existing Tonkin Highway reservation (Hopkinson Road) up to but excluding the rail reserve; and
- Stage 2: From the rail reservation up to South Western Highway.

The detailed design of Thomas Road between the existing Tonkin Highway and up to but excluding the rail reservation has now progressed to an 85% detailed design phase. Through out the design, a number of significant constraints were considered. The major constraints and design factors are discussed and outlined below for the benefit of Council.

High Voltage Power Poles

There are a number of high voltage distribution power poles located to the south of the existing carriageway on Thomas Road. Through detailed design there has been an attempt to locate as many of the power poles in the central median as possible, although in some instances relocation or under-grounding of the power poles has been unavoidable. Out of a total 37 power poles 2 power poles are required to be relocated, with 11 power poles requiring under-grounding.

Rail Crossing to South Western Highway

The current 85% design of Thomas Road ties into the existing 2 lane crossing at the railway and continues through to South Western Highway in this fashion. The Shire, on the advice of MRWA, has commenced the design of a potential flyover across the railway reserve. This design is currently at a 15% design phase level and has not been progressed any further due to the financial and land impacts associated with the flyover. Some preliminary modelling undertaken on the vehicle stacking at this potential 'bottle neck' indicates that the projected traffic volumes and queuing at this point would be at an acceptable level. In this regard, further and more detailed design of the flyover has been put on hold. There are a number of matters which Council should be aware of when considering in the long term, the potential for a flyover across the railway. These include but are not limited to:

- Financial implications regarding the cost and feasibility of the flyover;
- Land implications regarding the footprint of the flyover;
- Impact not having a flyover may have on the eventual passenger rail service to Byford and Whitby; and
- Overall cost benefit of the proposed flyover.

At this stage of the design process and in the context of the limited impact on projected queuing at this point it is considered appropriate to maintain a standardised tie in to the existing railway crossing through to South Western Highway. More detailed discussions and further feasibility analysis needs to be undertaken in the future to have a full and proper understanding of the impacts a flyover at this location may or may not have.

Conclusion

Now that Stage 1 of the Thomas Road design has reached an 85% design phase it is prudent that MRWA provide their in principle support and approval of the design and acknowledge the various constraints on the design, including the need to accommodate high voltage power poles and potential future flyover across the railway.

Attachments:

- [OCM065.1/09/14](#) – Indicative Cross Section for Thomas Road (E09/7519)
- [OCM065.2/09/14](#) - Attachment 2 – Draft Design of Thomas Road (IN14/15473)

Alignment with our Strategic Community Plan:

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

Objective 3.2	Appropriate Connecting Infrastructure
Key Action 6.2.2	Plan and develop public transport networks link the community with the built and natural environment.

Objective 4.1	Sustainable Industries
Key Action 4.1.3	Develop transport, communication technology and utilities infrastructure.

Statutory Environment:

- Planning and Development Act 2005;
- SPP – Perth Metropolitan Freight Network (draft);
- Metropolitan Region Scheme; and
- BSP.

Financial Implications:

The future funding arrangements for the upgrading and maintenance of Thomas Road has the potential to have significant financial implications for the Shire and other stakeholders.

Currently the cost estimate for the duplication and upgrade of Thomas Road is based on a 85% design and is approximately \$21 million dollars; a significant component of this estimation is the undergrounding and relocation of high voltage power lines. The Shire is currently in the process of having quantity surveyors undertake a more detailed cost estimate of the 85% design to further validate this cost estimate. Although some savings are expected to be made through the quantity surveying estimation of the 85% design, the cost of undertaking the duplication is still anticipated to be tens of millions of dollars. It is for this reason that the Shire, through the Byford Development Contribution Scheme, has financially committed only to the detailed design of Thomas Road. The Shire's ability to co-contribute to an infrastructure investment of this magnitude is limited.

Voting Requirements: Simple Majority

OCM065/09/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Erren, seconded Cr Wilson

That Council receives the report Thomas Road Upgrade – Project Update.

CARRIED 8/0

11. Urgent business:

Nil

12. Councillor questions of which notice has been given:

Nil

13. Closure:

There being no further business the Presiding Member declared the meeting closed at 8.32pm.

I certify that these minutes were confirmed at the
Ordinary Council Meeting held on 13 October 2014

.....
Presiding Member

.....
Date